

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 17, 2013

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 8:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Trzaska, Deputy Mayor Graham, Committeemembers Smith, Madrid and Sugden

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

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 AMERICANISM ESSAY CONTEST CHAMPION CARINA MANEK**

WHEREAS, A community possesses no greater treasure than its young citizens; and

WHEREAS, The art of wordsmithing and crafting a well written document is a special talent; and

WHEREAS, Montgomery student Carina Manek participated in the annual Benevolent and Protective Order of Elks Americanism Essay contest; and

WHEREAS, Carina's essay was not only a winner at the local level, but also in the State essay judging; and

WHEREAS, Her essay "What Does the National Anthem Mean to Me" was one of 11,000 entries; and

WHEREAS, Carina's essay won first place in Division One at the State level making her the 5th to 6th Grade State Level Champion.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates Carina Manek on her outstanding achievement and wishes her continued success in all her future endeavors on this 17th day of October, 2013.

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

- 4-2. Carina Manek read her essay "What Does the National Anthem Mean to Me" into the record:

"The guns of Fort McHenry overlooked the Chesapeake Bay. A field assault on this fort by the British troops in 1814 inspired a lawyer named Francis Scott Key to write the Star Spangled Banner. What were the thoughts in his mind? Did we win or lose? The flying flag answered his question. We celebrate victory. The National Anthem gives me a sense of pride of being in a land of democracy, opportunity and freedom. My Girl Scout troop volunteered at the Flag Day celebration ceremony and the met the veterans at the Princeton Elks Lodge. My heart skipped a beat to be amid such courageous people. As the National Anthem was sung, the thoughts in my mind were one of unity and friendship, which brings so many people of different backgrounds and nationalities together. The singing of my National Anthem at my last softball championship filled me with determination to do my very best. I love the words "the Land of the Free and the Home of the Brave". The final verse is a prayer of hope for the continued victory of free men. To me, the National Anthem is a reminder of the hard fight our Country had in gaining independence. It also gives me inner strength to continue to keep our freedom and do my very best to protect it from any harm. The National Anthem captures the spirit of our country and I always sing the National Anthem with pride. God Bless America."

5. **RESOLUTION HONORING 2013 OVERSEAS CHINESE YOUTH SINGING COMPETITION WINNER EMILY LI**

WHEREAS, A community possesses no greater treasure than its young citizens; and

WHEREAS, Emily Li was chosen to compete in the 2013 Overseas Chinese Youth Singing Competition held in July at the Beijing National Aquatics Center's "Water Cube" amphitheater which included thousands of contestants from around the world; and

WHEREAS, Emily was one of forty-two singers from the age of 13 to 24 selected after preliminary, semi-final, and final competitions from the New York Division to become one of two singers to win the Silver Award at that prestigious event; and

WHEREAS, The ability to perform before large audiences requires great poise and confidence; and

WHEREAS, Emily has been active in local stage performance and vocal competitions winning numerous awards since she started stage performance in 2010 at the age of 10.

(Item #5 Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates Emily Li on her outstanding achievement and wishes her continued success in all her future endeavors on this 17th day of October, 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. Emily Li explained that in New York there were about 40 people competing. The top two, of which she was one, went to Beijing. There were 42 singers in Beijing from 18 different countries. The first competition cut the number from 42 down to 30. The second cut 30 down to 10. Out of the top 10, 6 were selected. One received gold, two received silver, and three received bronze. She stated that she sang a Chinese song. The competition lasted approximately one month. She sang part of "Hallelujah" by David Cohen for the Township Committee.

6. **POLICE REPORT**

- 6-1. Police Director Palmer reported on the following activities of the Police Department for the month of September, 2013:
 - 47 motor vehicle accidents;
 - 15 arrests;
 - 4 burglaries;
 - 7 thefts;
 - 2 domestic violence;
 - 3 criminal mischief.
- 6-2. Administrator Nieman stated that Director Palmer approached him about the funds he requested in the 2013 budget for some radar units. The Police Department received a Safe Corridors Grant that could be used to purchase those radar units, saving the appropriation made in the 2013 budget. In preparing the 2014 budget, Director Palmer was going to ask for some weapons.

Director Palmer explained that the request for these radar units went back to 2012, when the Police Department started upgrading the existing units for smaller units. These radar units were much more advanced in technology than the units they were using at present. They have been fortunate to receive a Safe Corridors Grant, because of Police actions on State Highway 206. In 2012, they were able to complete the radar unit upgrade program, using these grant monies. They had also appropriated approximately \$6,000.00 for rifles and shot guns in 2006, recognizing the fact that the shot guns were at the end of their life expectancy and it was time to venture into something more modern and newer. In order to complete that transition in its entirety, the thought was to take the radar appropriation, apply it to the shot guns and make a complete conversion at one time. If approved by the Township Committee, it would allow the Police Department to purchase about 11 shot guns and add to their arsenal of patrol rifles from 6 to 8.

- 6-2a. **M-10-3** - Committeeman Smith moved to use the existing appropriation from the purchase of radar units to purchase shot guns and patrol rifles. The motion was seconded by Committeewoman Madrid and carried on the following:

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

- 6-3. Administrator Nieman updated the Township Committee on the promotional process for Lieutenant. The process requires the participation of a subcommittee of the Governing Body. One member is engaged in doing a personnel file review with the Police Director, the Deputy Police Director and the Township Administrator. Then a subcommittee of two Township Committee members will meet with the Police Director, Deputy Police Director and Township Administrator and review the answers to the written exams. Three Sergeants applied for the exam and it will be given on October 24. The exams and personnel files need to be graded and reviewed by November 8, and the interviews for the eligible candidates would take place on November 14.

It was decided that Deputy Mayor Graham would assist in the personnel file review, and Mayor Trzaska and Deputy Mayor Graham would be on the subcommittee to grade the exams.

7. **PUBLIC COMMENT**

Mayor Trzaska opened the public comment portion of the meeting. There being no public comment, Mayor Trzaska closed this portion of the meeting.

- 8. **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 #13-10-238 - 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>
7012	16	Foundation Title, LLC	2013	\$3,028.99
18020	26	A Absolute Escrow Settlement Company	2013	\$4,661.98
22029	4	Barry Ableman & Linda Rosenberg	2012	\$2,779.26
37002	5.111	Land Safe Services, LLC	2012	\$2,407.31
37002	5.185	Law Offices of Weicheng Wang	2013	\$2,423.07
37002	42	L. Shivashankaranarayan & S. Kuppaswami	2012	\$2,212.79
37004	1.60	Rajesh K. & Shuchita Sharma	2013	\$2,299.84
37004	1.64	CTL Title Insurance Agency, Inc.	2012	\$2,390.81
37004	6.34	Law Offices of Winnie G. Wang	2013	\$2,376.52

(CONSENT AGENDA Cont.)

B. **RESOLUTION #13-10-239 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2013 HIGHWAY SAFETY FUND PROJECT**

BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the grant application for the 2013 Highway Safety Fund project; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as HSF-2013-Montgomery Township-00005 to the New Jersey Department of Transportation on behalf of Montgomery Township; and

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.

C. **RESOLUTION #13-10-240 - AUTHORIZING SEWER CAPACITY AGREEMENT - JER Herring/Orchard, LLC - Phase I**

BE IT RESOLVED, Subject to the Township Engineer and Attorney's approval as to form, that an Agreement for Reservation of "Remaining Capacity" in the Skillman Village (formerly NPDC) Sewage Treatment Plant with JER Herring Orchard LLC for Orchard Residential, Phase I - Block 28001, Lot 5.01 is approved, and the Mayor and Clerk are authorized to sign the same.

D. **RESOLUTION #13-10-241 - AUTHORIZING A CONSERVATION EASEMENT AND CONSERVATION-PEDESTRIAN EASEMENT - Country Classics at Foxbrook**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Conservation Easement and Conservation-Pedestrian Easement with Country Classics at Montgomery, LLC with respect to Country Classics at Foxbrook.

E. **RESOLUTION #13-10-242 - 2nd REDUCTION OF PERFORMANCE GUARANTEE - S.A.V.E. Animal Shelter**

WHEREAS, Gail Smith, Township Engineer, has certified on October 15, 2013 that a performance guarantee for S.A.V.E. Animal Shelter may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a reduced performance guarantee as specified in the Township Engineer's estimate dated October 10, 2013.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a 2nd reduced performance guarantee amounting to \$120,559.71 reduced from \$205,356.12 (original guarantee amount) be posted as follows:

10% Cash	\$ 12,055.97
90% Cash, Letter of Credit, or Surety Bond	\$108,503.74

F. **RESOLUTION #13-10-243 - SUPPORTING THE USE OF A NO PASSING ZONE ON ROUTE 206 AS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, The New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 206 in Montgomery Township; and

WHEREAS, The NJDOT investigation revealed the current centerline pavement markings on Route 206 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along US Route 206.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, in the State of New Jersey, that it supports the use of a "No Passing Zone" on Route 206 in Montgomery Township as recommended by NJDOT.

BE IT FURTHER RESOLVED That a certified copy of this Resolution shall be forwarded to NJDOT as requested.

8-1. Committeeman Sugden moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

9. **RESOLUTION #13-10-244 - AMENDING RESOLUTION #12-7-172 - PROFESSIONAL SERVICES RESOLUTION - East Mountain Road Reconstruction Project - Menlo Engineering**

WHEREAS, On October 18, 2006, the Township entered into an Agreement for Professional Consulting Engineering Services with Menlo Engineering (Menlo) to compete engineering and design services for the East Mountain Road Reconstruction project; and

WHEREAS, The original contract for \$73,000.00 included survey, engineering, permitting and contract document preparation for the project; and

WHEREAS, On July 18, 2012 the agreement was amended to expand the scope of work to include additional geotechnical, permitting, printing work and additional work due to delays in acquiring necessary right-of-way for the project. The amendment was for \$19,000.00, bringing the total contract amount to \$92,000.00; and

WHEREAS, Menlo is requesting a second amendment to the agreement as follows:

- Menlo assisted the Township in reviewing right-of-way acquisition documents prepared by the County. Due to the County's acquisition of portions of the Carrier property for open space, the Township was able to acquire the right-of-way necessary for the project at no cost to the Township (other than coordination and review of documents).
- Menlo updated the plans to show the newly acquired right-of-way.
- Menlo assisted the Township in obtaining rights-of-entry for temporary access to two (2) adjacent properties. The temporary access is necessary to complete the project.
- The Township was awarded a FY2013 NJDOT local aid grant in the amount of \$200,000.00 for the East Mountain Road project. Consequently, the plans and specifications had to be revised to comply with NJDOT requirements for local aid. Menlo completed the revisions and NJDOT authorized the project to go out to bid.
- Menlo's costs have also increased due to increased labor costs since the project was awarded in 2006.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Numbers 04-216-55-901-1184E.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee approves the contract amendment for an additional \$15,000.00.

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

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

10. **RESOLUTION #13-10-245 - AWARD OF BID - East Mountain Road Improvement Project**

WHEREAS, The following bids for the East Mountain Road Improvement Project were received and publicly opened on September 26, 2013:

<u>BIDDERS</u>	<u>AMOUNT</u>
Black Rock Enterprises	\$ 748,696.34
TopLine Construction	\$ 809,189.52
Carbro Construction Corp.	\$ 982,262.65
Montana Construction Corp., Inc.	\$1,079,000.00

WHEREAS, The Local Public Contracts Law, N.J.S.A. 40A:1-14, requires that the award of a contract for this project be made to the lowest responsible and responsive bidder; and

WHEREAS, The Purchasing Agent has reviewed Black Rock Enterprises bid and finds Black Rock Enterprises' bid documents to be in order; and

WHEREAS, It is the recommendation of the Purchasing Agent and Superintendent of Public Works that Black Rock Enterprises be awarded the bid; it being the lowest responsible and responsive bidder; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Numbers 04-216-55-901--1416B.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby recommends to the New Jersey Department of Transportation that the contract for the East Mountain Road Improvement Project in the Township of Montgomery, County of Somerset be awarded to Black Rock Enterprises, LLC whose bid amounted to \$748,696.34, subject to the approval of the Department.

BE IT FURTHER RESOLVED That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction and that the Clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

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

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

11. **RESOLUTION #13-10-246 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED 1223 MCKINLEY COURT, PRINCETON, NEW JERSEY**

WHEREAS, Applicant 2013-3 ("Tenant") has entered into a lease for 1223 McKinley Court, Princeton (Montgomery Township), New Jersey, a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, Tenant has requested a loan through Montgomery Township's Affordability Assistance Program to pay for a portion of the security deposit for 1223 McKinley Court; And

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

WHEREAS, The amount of the requested loan for the partial security deposit is \$1,066.00 and will be paid directly to the landlord; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to Tenant in the amount of \$1,066.00 and

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

NOW THEREFORE BE IT RESOLVED On this 17th day of October, 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 Agreement with Tenant and provide Tenant with a loan to be used to as a partial security deposit for an affordable housing unit located at 1223 McKinley Court, Princeton, New Jersey.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the loan amount.

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

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

12. **RESOLUTION #13-10-247 - AUTHORIZING PURCHASE OF 2014 FORD EXPLORER 4WD BASE POLICE VEHICLE THROUGH THE NEW JERSEY STATE CONTRACT**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through New Jersey State Contract per N.J.S.A.40A:11-12; and

WHEREAS, The Township of Montgomery has determined the following State Contract identifier 1NJCP Contract #A83013 has provided the Township with the most competitive price for these items/services.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 04-216-55-901-1443A.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase for a 2014 Ford Explorer 4WD Base Police Vehicle at a not to exceed amount of \$24,708.00 be authorized through the utilization of New Jersey State Contract to:

Beyer Ford (Beyer Fleet)
170 Ridgedale Avenue
Morristown, NJ 07962

12-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried on the following:

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

13. **RESOLUTION #13-10-248 - AUTHORIZING PURCHASE OF A VECTOR DEBRIS BODY FOR THE SEWER DEPARTMENT THROUGH THE NEW JERSEY STATE CONTRACT**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through New Jersey State Contract per N.J.S.A.40A:11-12; and

WHEREAS, The Township of Montgomery has determined the following State Contract identifier 1NJCP Contract #A69719 has provided the Township with the most competitive price for these items/services.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 08-216-55-901-1444E.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase for a Vector Debris Body at a not to exceed amount of \$84,750.00 be authorized through the utilization of New Jersey State Contract to:

Jet Vac Inc.
Box 222
Northville, MI 48167

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

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

14. **RESOLUTION #13-10-249 - AUTHORIZING THE PURCHASE AND TRADE-IN OF ISCO SAMPLERS FOR SEWER DEPARTMENT**

WHEREAS, There is a need to purchase two (2) new Samplers for use at the Township's sewage plants; and

WHEREAS, Three quotes were received for two new (2) Isco Model 6712FR Samplers less the trade-in value of two (2) Isco Model 3700 Samplers.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 08-216-55-901-1444D.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the purchase of said Samplers at a cost of \$11,730.50 after trade-in from Dave Heiner Associates.

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

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

15. **APPROVAL OF MINUTES - October 3, 2013 and October 8, 2013**

The minutes of October 3, 2013 and October 8, 2013 were approved as printed.

16. **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.

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, Smith, Graham, Trzaska
Nays - None

17. **EMPLOYEE EFFICIENCY SUGGESTION - Landlord Registration Fee Ordinance**

Administrator Nieman stated that the Landlord Registration is something that the Clerk's office is required to do by New Jersey State Statute. He explained the employee efficiency suggestion of charging a landlord registration fee.

Attorney Hadinger explained that there is a statute in the State of New Jersey that requires landlords of one and two dwelling units to register the dwelling with the local municipality. If the landlord fails to do so, the landlord is subject to various consequences, including an inability to pursue eviction.

Committeeman Smith voiced his concerns about charging a fee for this. It is his opinion that charging would be like another tax.

After discussion, it was decided to not charge a fee for the landlord registration.

Committeeman Smith suggested that all of the fees charged by the Code/Construction Department be reviewed for possible changes.

18. **NOVEMBER SCHEDULE**

Mayor Trzaska stated that there were two meetings back-to-back in November. The dates are November 7 and November 14.

Attorney Hadinger explained that the reason for this is because of the League of Municipalities conference that occurs during the third week of November.

Administrator Nieman stated that he would leave the November 7 date as is because of the Police promotional process for officers. If that item changes, then the meeting could be cancelled.

19. **TRANSCO PIPELINE INTERVENTION**

Attorney Hadinger explained that there is a legal question as to whether or not to intervene in Transco's application for Certificate of Public Convenience and Necessities. She stated that there was a question as to whether the Township Committee would prefer to have this discussion in Closed Session because it involves legal advice and a legal action.

Deputy Mayor Graham stated that she was familiar with the issue and she stated she would like to discuss it in Open Session.

Mayor Trzaska stated that there was a memo from the Open Space Committee asking the Township Committee to consider applying as an intervenor in the FERC proceedings. The whole intervenor status seems to protect Montgomery's rights and allows the Township to take part in future discussions. This does not mean that the Township has to take a position or engage in an opposition.

Deputy Mayor Graham stated this gives the Township the right, later, to submit any materials and have them be considered in the proceedings. If the Township was not an intervenor and tried to submit, they would not necessarily be considered. Attorney Hadinger clarified that this would be true with the exception of comments up until the end of October. Intervenor or not, FERC is required to accept and consider any comments that were submitted until the end of October.

Administrator Nieman stated that the Environmental Commission reviewed the position taken by the Open Space Committee and supported the Open Space Committee and the intervening.

Committeeman Smith stated that this was not an inexpensive thing for the Township to do. Attorney Hadinger explained the process. The Township files a motion and then there is a monitoring. FERC sends out emails on a continuous basis about any paperwork that is filed. When paperwork is filed, the filer has to serve it on the applicant as well as every other intervenor. Another positive about being an intervenor is to hold Transco responsible for doing exactly what they say they are going to do. The intervenor status makes the Township a party to the proceedings.

Committeeman Smith asked Attorney Hadinger about the estimate of expenses. She explained that it was to file the paperwork, to file the application, to prepare the application and to serve it to all parties, and to monitor the reports. Committeeman Smith asked if one of the employees could monitor.

19-1. **M-10-4** - Committeeman Smith moved for the Township to engage in the intervenor status for the Transco Pipeline. The motion was seconded by Deputy Mayor Graham and carried unanimously.

20. **SCENIC BYWAY SIGN AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR MONTGOMERY ROAD**

Administrator Nieman explained that as part of the process by which the Township received the Scenic Byway status, there is a requirement that signage be placed to make motorists aware of the opportunity to view the scenic byway. It does require the posting of signs and signing an agreement.

Committeewoman Madrid stated that there was a recommendation from the Landmarks Commission for the Township to make sure that all of the historic sites in the district be included.

21. ENVIRONMENTAL COMMISSION

Administrator Nieman reported that the Environmental Commission determined how they wanted to proceed with the \$10,000.00 grant they received to identify the locations for the bike racks, how to best identify those individuals who commute on bikes who do not have the appropriate safety lighting, and to work on a plan to distribute the helmets to children who should wear them. It was suggested that a Girl Scout working on her Gold Award could distribute the helmets.

22. ECONOMIC DEVELOPMENT COMMISSION

Committeeman Smith reported the Economic Development Commission is approaching the October 31 deadline for the new directory.

23. BOARD OF HEALTH

Deputy Mayor Graham announced that Health Officer Stephanie Carey has been elected President of the State Health Officers.

24. RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session are as follows:
 - Potential acquisition of properties with public funds (Block 33001, Lot 22; Block 5002, Lots 1 and 3; and Block 10001, Lots 1, 1.01, 2, 3 and 4);
 - 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.

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 9:00 p.m. on a motion by Deputy Mayor Graham. The motion was seconded by Committeeman Smith and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk