

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 4, 2014

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: Deputy Mayor Sugden, Committeemembers Trzaska, Graham and Madrid
Mayor 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

TOWNSHIP PLANNING DIRECTOR - Lori Savron

TOWNSHIP PLANNER - Richard T. Coppola

2. Deputy Mayor Sugden 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. Deputy Mayor Sugden led the Salute to the Flag.

4. **PUBLIC COMMENT**

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

5. **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 #14-9-185 - REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS, The Township has received payment for the redemption of Tax Sale Certificate #2010-20.

NOW, THEREFORE, BE IT RESOLVED That a refund in the amount of \$178.93 be given to Ernestine Gamble, 61 Quentin Avenue, New Brunswick, NJ 08902 for the redemption of Tax Sale Certificate #2010-20 on Block 11003, Lot 8. These funds will be forwarded to the IRS according to a Notice of Levy received by the Township.

- B. **RESOLUTION #14-9-186 - REFUND UNUSED PORTION OF SPECIAL DUTY**

BE IT RESOLVED That a refund be given to the following business/company for monies owed by the Township of Montgomery for Private Duty Services:

American Ultrarunning Assoc.
RIVER-TO-SEA Administrative Office
3951 Wade Street
Piscataway, NJ 08854
\$42.50

- C. **RESOLUTION #14-9-187 - RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY AS SALVAGE FOR DISPOSAL**

WHEREAS, The Montgomery Township Health Officer, Stephanie Carey desires to declare certain property as salvage for disposal.

NOW, THEREFORE, BE IT RESOLVED THAT the Montgomery Township Committee does hereby dispose of a ten year old non-functional five cubic foot freezer used for animal carcass storage.

- D. **RESOLUTION #14-9-188 - APPROVAL OF OUTDOOR ASSEMBLY - Montgomery Township Volunteer Fire Co. #1**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Montgomery Township Volunteer Fire Co. #1 has requested approval of the Township Committee to conduct an Outdoor Assembly for the Montgomery Township Volunteer Fire Co. #1 75th Anniversary at 35 Belle Mead-Griggstown Road, Belle Mead, NJ 08502 on September 27, 2014.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
 - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.

(CONSENT AGENDA Item D Cont.)

4. The organizers will obtain the required health certificates from the Township Health Department, if applicable.
5. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments, if applicable.

E. RESOLUTION #14-9-189 - AUTHORIZING ACCEPTANCE OF Y2014 ANNUAL GRANT - Office of Youth Services

BE IT RESOLVED That the Montgomery Township Committee authorizes acceptance of a Y2014 Annual Grant in the amount of \$5,000.00 from the Office of Youth Services for the following programs:

1. Girls on the Run - \$3,000.00
2. Kids on the Move - \$ 150.00
3. Peer Leadership - \$1,850.00

F. RESOLUTION #14-9-190 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET FOR TRANSPORTATION SERVICES

WHEREAS, The Township of Montgomery in Somerset County has the need to provide transportation services to certain residents; and

WHEREAS, The County of Somerset, Division of Transportation, has the proper equipment and qualified drivers and can provide transportation services to the Township.

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

1. The transportation services contract between the County of Somerset and Township of Montgomery authorizing the County to provide transportation services on weekdays between the hours of 8:30 a.m. and 2:00 p.m. to Township residents, as determined by the Township, as well as transportation services for weekend trips is hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the Township. Said services shall be provided by the County at a rate of \$22.82 per hour worked for weekday services, \$34.24 per hour for weekend trips, together with an hourly fringe benefit cost of \$12.26 per hour and a \$47.27 per day operating cost for administrative costs incurred by the County.
2. The terms of the agreement shall be from January 1, 2014 through December 31, 2014.
3. The Clerk shall file a copy of this agreement for informational purposes with the Division of Local Government Services, Department of Community Affairs, in accordance with N.J.S.A. 40A:65-4.

G. RESOLUTION #14-9-191 - AUTHORIZING A PUBLIC HEALTH SHARED SERVICES AGREEMENT BETWEEN MERCER COUNTY AND MONTGOMERY TOWNSHIP ON BEHALF OF HOPEWELL BOROUGH AND PENNINGTON BOROUGH - Public Health Preparedness

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Public Health Shared Services Agreement between Mercer County and Montgomery Township on behalf of Hopewell Borough and Pennington Borough for public health preparedness and response to bioterrorism, outbreaks of infectious disease, and other public health threats and emergencies; and

BE IT FURTHER RESOLVED That this Agreement shall take effect on September 1, 2014 and shall remain in effect until August 31, 2017, unless terminated by either party in accordance with the terms of the agreement.

BE IT FURTHER RESOLVED That the Clerk shall file a copy of this agreement for informational purposes with the Division of Local Government Services, Department of Community Affairs, in accordance with N.J.S.A. 40A:65-4.

H. RESOLUTION #14-9-192 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) 2014 Somerset County Youth Services

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.

(CONSENT AGENDA Item H Cont.)

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 2014, in the amounts listed below, which items is now available as a revenue from the County of Somerset, State of New Jersey:

2014 Somerset County Youth Services \$5,000.00

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 the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

I. **RESOLUTION #14-9-193 - PURSUANT TO N.J.S.A. 40A:4-87** (Chapter 159, P.L. 1948)
2014 Drive Sober or Get Pulled Over-Labor Day

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 2014, in the amounts listed below, which item is now available as a revenue form the Division of Highway Traffic Safety:

2014 Drive Sober or Get Pulled Over - Labor Day \$5,000.00

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 the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

J. **RESOLUTION #14-9-194 - PURSUANT TO N.J.S.A. 40A:4-87** (Chapter 159, P.L. 1948)
2014 Click It or Ticket - Seat Belt Mobilization

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 2014, in the amounts listed below, which item is now available as a revenue form the Division of Highway Traffic Safety:

2014 Click It or Ticket - Seat Belt Mobilization \$4,000.00

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 the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

K. **RESOLUTION #14-9-195 - APPROVAL OF FIRST AMENDMENT TO CONSTRUCTION SEQUENCE AGREEMENT FOR ORCHARD RESIDENTIAL** (aka Montgomery Ridge)
BA-07-08, BA-02-11, PB-09-12

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an amendment to the construction sequence agreement with K. Hovnanian Homes for Orchard Residential (aka Montgomery Ridge) subject to Township Attorney approval as to form and content.

(CONSENT AGENDA Cont.)

L. RESOLUTION #14-9-196 - RELEASE OF MAINTENANCE BOND - Rock Ledge Court

WHEREAS, Gail Smith, Township Engineer, has certified on September 2, 2014 that all public improvements in a project known as Rock Ledge Court have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Maintenance Bond in the amount of \$51,295.22 (Bond #4011984) be released to KBA Land Developers, LLC, 856 Route 206, Hillsborough, NJ 08844.

M. RESOLUTION #14-9-197 - APPROVING A CONSERVATION EASEMENT FOR THE BELVEDERE HOMES (2-Lot Subdivision) Block 6001, Lot 32

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Conservation Easement with Belvedere Homes with regard to Block 6001, Lot 32.

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

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

6. RESOLUTION #14-9-198 - AUTHORIZING RENEWAL OF A COMPETITIVE CONTRACT FOR MECHANICAL REPAIR SERVICES FOR MONTGOMERY TOWNSHIP WASTEWATER TREATMENT FACILITIES - Rapid Pump and Meter Service Co.

WHEREAS, Resolution #12-6-132 adopted on June 7, 2012 awarded a two-year competitive contract with a one-year renewal to Rapid Pump and Meter Co. Inc. for mechanical repair services for the Montgomery Township wastewater treatment facilities.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township Committee hereby approves the one-year renewal of said contract to May 31, 2015 at \$75,000.00 for the remainder of 2014; and \$45,000.00 for January to May 31, 2015 for a total not to exceed cost of \$110,000.00.

6-1. Committeewoman 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, Sugden
Nays - None
Absent - Smith

7. RESOLUTION #14-9-199 - AWARD OF BID - Chemicals for Wastewater Treatment for 2014

WHEREAS, The following bids for Chemicals for Wastewater Treatment were received and publicly opened on August 5, 2014:

BIDDERS

Main Pool & Chemical Co., Inc.	Aluminum Sulfate, Sodium Bisulfite, Sodium Hydroxide, Sodium Hypochlorite
Univar Chemical	Custom Blend Alkali
Coyne Chemical Co., Inc.	Citric Acid

WHEREAS, It is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that Main Pool & Chemical Co., Inc., Univar Chemical and Coyne Chemical Co., Inc. be awarded the bid; they being the lowest responsible bidders on the various line item chemicals; and

WHEREAS, There exists the following accounts 07-201-55-542-2-032, 07-201-55-543-2-032; 07-201-55-543-2-092A; 07-201-55-545-2-032; 07-201-55-540-2-032; 07-201-55-547-2-032; and 07-201-55-548-2-032, which will fund these goods; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Chemicals for Wastewater Treatment for 12 months from date of award with the option to extend for an additional 12 months is hereby awarded to:

Main Pool & Chemical Co., Inc., 110 Commerce Rd., DuPont, PA in the amount of \$55,975.00 for Aluminum Sulfate, Sodium Bisulfite, Sodium Hydroxide, and Sodium Hypochlorite.

Univar Chemical, 5 Steel Road East, Morrisville, PA 19607 in the amount of \$14,580.00 for Custom Blend Alkali.

Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 19021 in the amount of \$19,828.00 for Citric Acid.

BE IT FURTHER RESOLVED That the bid for BioxideAQ must be rejected and rebid due to the vendor (Coyne Chemical) not meeting requirements of the specifications.

(Item #7 Cont.)

BE IT FURTHER RESOLVED That the Township Administrator and Purchasing Agent are authorized to sign said contracts.

7-1. Deputy Mayor Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

8. **RESOLUTION #14-9-200 - AUTHORIZING PURCHASE OF THREE (3) 2015 FORD F-250 PICKUP TRUCKS WITH PLOWS THROUGH THE NEW JERSEY STATE CONTRACT - Parks and Roads Departments**

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 #A85971 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 purchase in Account Numbers 04-216-55-901-1472E (1 vehicle - \$30,000.00) and 04-216-55-901-1472F (2 vehicles - \$63,000.00).

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase for three (3) 2015 Ford F-250 pickup trucks with plows at a not to exceed amount of \$93,000.00 be authorized through the utilization of New Jersey State Contract to:

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

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

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

9. **RESOLUTION #14-9-201 - AUTHORIZING PURCHASE OF ONE (1) 2015 FORD F-250 PICKUP TRUCK WITH PLOW THROUGH THE NEW JERSEY STATE CONTRACT - Sewer Department**

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 #A85971 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 purchase in Account Number 08-216-55-901-1473A.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase for one (1) 2015 Ford F-250 pickup truck with plow at a not to exceed amount of \$50,000.00 be authorized through the utilization of New Jersey State Contract to:

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

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

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

10. **RESOLUTION #14-9-202 - RESOLUTION ACCEPTING HIGHEST BID FOR LEASE OF TOWNSHIP-OWNED FARMLAND**

WHEREAS, Pursuant to Resolution No. 14-6-151, and in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-14, the Township Committee authorized the lease of Township-owned farmland situated in the Township of Montgomery, which has been designated as Green Acres unfunded parkland, said real property being identified on the Township's tax map as Block 14007/Lot 37 (Skillman Road between Otto Kaufman Community Center and Skillman Post Office) ("Property"), consisting of 24 tillable acres; and

WHEREAS, Said public auction was duly advertised in accordance with the requirements of the Local Lands and Buildings Law and held at 2:00 p.m. on August 28, 2014; and

WHEREAS, Two (2) bidders were present and qualified to bid on the Property; and

WHEREAS, The highest bid for the Property was submitted by John H. Drake for the price of \$25 per acre; and

(Item #10 Cont.)

WHEREAS, The Local Lands and Buildings Law requires that the Township Committee award a lease for the Property to the highest bidder or reject all bids should the highest bid be rejected.

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

1. In accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-14, the Township Committee hereby accepts the highest bid of \$25 per acre submitted by John H. Drake for lease of the Township-owned farmland identified on the Township's tax map as Block 14001/Lot 37 (Skillman Road between Otto Kaufman Community Center and Skillman Post Office) ("Property"), consisting of 24 tillable acres.
2. Based on the highest bid, and in accordance with the Bidding Materials for the Lease of Township-owned Farmland by Open Public Auction, the Property shall be leased for an initial term of approximately 4½ years commencing upon execution of the Lease and terminating on December 31, 2018 for the annual rental amount of \$600 per year, except that the rental amount for the first year shall only be \$300.
3. The Mayor and Township Clerk are hereby authorized and directed to enter into a Lease Agreement with John H. Drake for the above-referenced annual rental amount, in the form of the lease agreement attached to the Bidding Materials for the Lease of Township-Owned Farmland by Open Public Auction, and to undertake any and all acts and execute any and all documents as may be necessary to effectuate the terms hereof.

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

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

11. **ORDINANCE #14-1476 - LDO - Elimination of Appeals Process from Board of Adjustment to Township Committee (Continue to September 18)**

A. Deputy Mayor Sugden read the title of the ordinance as follows:

AN ORDINANCE AMENDING CHAPTER XVI LAND DEVELOPMENT OF THE TOWNSHIP OF MONTGOMERY (1984) TO ELIMINATE APPEALS FROM THE APPROVAL OF CERTAIN VARIANCES BY THE ZONING BOARD OF ADJUSTMENT TO THE TOWNSHIP COMMITTEE.

B. BE IT RESOLVED that the foregoing ordinance be carried to September 18, 2014.

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

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

12. **ORDINANCE #14-1477 - LDO - Belle Mead Planned Unit Development - Public Hearing**

A. Deputy Mayor Sugden 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 SECTION 16-3.1 REGARDING "ZONING DISTRICTS", SUBSECTION 16-3.3a. REGARDING "ZONING MAP", A NEW SUBSECTION 16-4.15, ENTITLED "BELLE MEAD PLANNED UNIT DEVELOPMENT", AND A NEW SUBSECTION 16-8.7, ENTITLED "REQUIRED SUBMISSION OF A GENERAL DEVELOPMENT PLAN FOR THE BELLE MEAD PLANNED UNIT DEVELOPMENT"

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

"At the August 18, 2014 Planning Board meeting, the Board found the above-referenced ordinance consistent with the Master Plan and recommended adoption as written."

C-1. Deputy Mayor Sugden opened the hearing to the public.

C-2. Bill Forbes, on behalf of Montgomery EMS, asked if there had been any discussion as to who would manage the Continuing Care facility portion of the project? Township Planner Richard Coppola explained that this is a conceptual plan and as it states in the ordinance it is recognized that there might be modifications to the design. The ordinance provisions that the Township Committee is considering at this time deals with scale of buildings, etc. It will have to go through a series of review processes. Mr. Forbes asked how long the process was expected to take. Planner Coppola explained that the process was going to commence with a general development plan to approve the concept plan but will not give any rights or actual development. Thereafter, the applicant can come in with a portion of the development plan.

(Item #12 Cont.)

C-3. Chetlur Jagannathan, Southfield Drive, stated that he was one of the most affected property owners at the northern line of the development. He explained that he and some of his neighbors had expressed some concerns at the Planning Board meeting and met with the Mayor to reiterate the concerns. The Mayor said that he would bring these to the developer to see what could be done. Deputy Mayor Sugden stated that there had been discussions between the Mayor and the developer regarding berms and drainage issues, but there was no specificity as yet. Planner Coppola explained that when the developer comes in with a subdivision plan for that section, then that is when the details will be fleshed out. Committeewoman Graham stated that the Governing Body was concerned about preserving as much open space as possible and having adequate buffers around the whole perimeter of the property.

C-4. Walter Beadling, Thornton Way, expressed his concerns about the impact on taxes because of the influx of students in the new housing and the impact on traffic on the Route 206 corridor. Planning Director Lori Savron explained that her projections were based on public school student data that came from the Board of Education. According to those projections the development could produce 162 public school children. This is an ongoing process, so there may be changes in these numbers.

Committeewoman Graham remarked that not all children are born at the same time. Ms. Savron stated that her calculations are based on numbers from 2008-2009, and again 2012-2013. The school does a projection based on age category and grade level.

Deputy Mayor Sugden stated that no one on the Township Committee has said that they thought that this enrollment would cause the taxes to go up. That is certainly not the case, because taxes have gone up while enrollment has gone down. He stated that, when fully built out, this would bring approximately \$5 million additional revenue into the Township. He stated that, with regard to traffic, the numbers are a quarter or less of what could have been if other development plans were approved. Planner Coppola stated that this was not a fallow piece of land with no rights attached to it.

C-5. Joan Perrone, Southfield Drive, asked about the apartments over a strip mall on the corner of Belle Mead-Griggstown Road and Route 206. She felt it didn't make sense, wasn't fitting and was too close to the residential area of Southfield Drive. Deputy Mayor Sugden reminded the Governing Body that this would be similar to the situation near Cherry Valley Country Club. Planner Coppola explained that the advantage of having apartments over commercial is that it assures that the overall property is going to be maintained appropriately. He stated that there is an on-going obligation that Montgomery Township and every other municipality in the State has to provide affordable housing. Ms. Perrone asked if there were plans for a sidewalk in her neighborhood and along Route 206 to this new commercial area. Mr. Coppola stated that this developer is not required to do so.

C-6. Alak Das, Southfield Drive, stated that even now during normal traffic it is a challenge to get out of the development. He asked if anyone gave any consideration to what the additional traffic would do to that development. Deputy Mayor Sugden stated that traffic was looked at, and it is considerably less than what the land was originally zoned for. Planner Coppola explained the process of the planning and building of anything for this property and that the affected public would be given an opportunity to be heard.

C-7. Nagaraju Poola, McCullagh Drive, stated his concern about safety and emergency services. He felt the Township should invest in more Police, Emergency Services and Fire Services to handle the extra people and buildings.

C-8. Kevin Wilks, owner of Princeton Design Guild, asked if there were any changes proposed to the existing "SB" zone on the west side of the railroad tracks. Planner Coppola stated that there were no changes proposed.

C-9. Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Committeewoman Madrid and carried unanimously.

D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4th day of September, 2014 and that notice thereof be published in an official newspaper as required by law.

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

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

13. **APPROVAL OF MINUTES - August 7, 2014**

The minutes of August 7, 2014 were approved as printed.

14. **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.

14-1. Committeewoman 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, Sugden
Nays - None
Absent - Smith

15. **9-11 MEMORIAL EVENT**

Committeeman Trzaska reported that there would be a 9-11 Memorial event at Montgomery Township Volunteer Fire Company #2 in Blawenburg on Saturday, September 13, 2014.

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
 - Advice of counsel with regarding anticipated litigation regarding personnel;
 - Potential acquisition of properties with public funds (Blocks 4002, 4003, 4004, 4005, 4006 and 4007, various lots - A. Dix Skillman).
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreement or settlement of litigation shall be approved except by action of the Township Committee in Open Session. Acquisition of lands shall only be authorized by the Township Committee in a public session.

16-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

17. Meeting reconvened in Open Session.

18. **Motion #14-9-1** - Committeeman Trzaska moved the release of the appraisals to the Estate of A. Dix Skillman. The motion was seconded by Committeewoman Graham and carried unanimously.

ADJOURNMENT was at 8:00 p.m. on a motion by Committeewoman Graham. The motion was seconded by Committeeman Trzaska and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk