

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 16, 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: Mayor Smith, Deputy Mayor Sugden, Committeemembers Trzaska and Graham
Committeewoman Madrid was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

DEPUTY TOWNSHIP CLERK - Margaret Crawford

2. Mayor Smith 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 Smith led the Salute to the Flag.

4. **PUBLIC COMMENT**

- 4-1. Nancy Teringer, East Ridge Road, stated that she sometimes rode her bicycle in Skillman Park and explained that there are park benches in the park, but when it is windy there is a danger of falling branches. On those days she sits on the bench by the Village School to rest and maybe have a piece of fruit. Recently she was approached by the Assistant Principal and was told that she could not sit there. He told her that some of the parents were concerned and had complained about it. She wondered if there was anything the Township Committee could do.

Attorney Hadinger stepped down from the dais.

Mayor Smith told her that this was a Board of Education issue and the Township had no control because it was school property. He suggested that she go to a Board of Education meeting. She explained that she could not find when they met. Administrator Nieman stated that if Mrs. Teringer gave him her contact information, he would forward it to the Superintendent and ask that they contact her.

Attorney Hadinger returned to the dais.

- 4-2. Cindy Mangal, Branch Director at the Mary Jacobs Library, stated that it was an incredible pleasure to work with the residents of Montgomery Township. She gave a short presentation about recent and upcoming activities at the Library.

Keith McCoy, Assistant Director of the Somerset County Library System, thanked the Governing Body for their support of the Library System and spoke on the activities of the Library System.

- 4-3. George Schimpf, Red Oak Way, expressed his displeasure of the code fees for roof replacement. He asked that the Governing Body review the recent ordinance which raised Construction Code fees. Mayor Smith explained the process that was administered when looking at raising any of the fees. Administrator Nieman explained that the fees were compared to the fees of neighboring municipalities and that the ordinance had to be sent for Department of Community Affairs approval before the Township could adopt it. If the DCA felt that the fees are unfair, they would have sent the ordinance back for the Governing Body to amend. Mayor Smith stated that the Governing Body would review the fees again.

5. **2014 BEST PRACTICES DISCUSSION**

Administrator Nieman explained that the State of New Jersey, on an annual basis, sends out a "Best Practices" questionnaire with approximately 50 questions. Every year the questions change. The Township once again has scored high enough to not have any penalty on the revenue that is received. He asked for and received Township Committee approval to send the completed questionnaire to the State.

6. **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 #14-10-221 - REFUND OVERPAID 2014 TAXES**

BE IT RESOLVED That a refund in the amount of \$2,824.25 be given to Mary Jocelyn Burchfield, 6 Ironwood Road, Skillman, NJ 08558 for the overpayment of 2014 taxes on Block 31009 Lot 90.

- B. **RESOLUTION #14-10-222 - REFUND OVERPAID 2014 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$81.12 be given to Qing Feng, P.O. Box 13145, Durham, NC 27709 for the overpayment of 2014 sewer charges on Block 37001, Lot 4.13.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #14-10-223 - 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;

Montgomery Township Volunteer Fire Co. #1
P.O. Box 188
Belle Mead, NJ 08502
\$42.50

D. **RESOLUTION #14-10-224 - ACCEPTANCE OF DONATION - Jim Gonedes**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation of a desk and credenza from Jim Gonedes to Montgomery Township.

E. **RESOLUTION #14-10-225 - APPROVAL OF OUTDOOR ASSEMBLY - Local Music Festival at Princeton Airport**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Gilbert Francis requested approval of the Township Committee to conduct an Outdoor Assembly for a local music festival at Princeton Airport, Route 206, Princeton, NJ 08540 on October 25, 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.
 - (c) Approval of this event is pending clearance by the Health Department and Fire Prevention Department as stated below:
3. The organizers shall obtain the approved of the Police Department on the application and traffic control plan.
4. The organizers will obtain the required food handler certificate from the Township Health Department and an open flame permit and tent permit from the Fire Marshall.

F. **RESOLUTION #14-10-226 - APPROVAL OF OUTDOOR ASSEMBLY - Grand Opening Event**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. RE/Max Instyle Realty Corp. requested approval of the Township Committee to conduct an Outdoor Assembly for a Grand Opening event at Village Shoppes, 1378 Route 206, Suite 202, Skillman, NJ 08558 on October 24, 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.
 - (c) Approval of this event is pending clearance by the Health Department and Fire Prevention Department as stated below:
3. The Montgomery Township Police Department has reviewed and approved the application.
4. The organizers will obtain the required food handler certificate from the Township Health Department and an open flame permit from the Fire Marshall.

G. **RESOLUTION #14-10-227 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2014 Body Armor Replacement Fund Program**

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

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

(CONSENT AGENDA Item G 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 item is now available as revenue from the New Jersey Division of Criminal Justice - Law and Public Safety:

2014 Body Armor Replacement Fund Program	\$3,030.54
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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 the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

H. **RESOLUTION #14-10-228 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Chronic Disease Self-Management Program**

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

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

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2014, in the amounts listed below, which items is now available as a revenue from the New Jersey Department of Human Services Office of Aging;

Chronic Disease Self-Management Program	\$12,000.00
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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 the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

I. **RESOLUTION #14-10-229 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - 2014 Drive Sober or Get Pulled Over Year End Crackdown**

BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the grant application for a 2014 Drive Sober or Get Pulled Over Year End Crackdown Grant.

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.

J. **RESOLUTION #14-10-230 - ACCEPTING GRANT AWARD FROM THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES OFFICE OF AGING SERVICES**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a \$12,000.00 grant award from the New Jersey Department of Human Services Office of Aging Services for the implementation of the "Taking Control of Your Health" Chronic Disease Self-Management Program.

K. **RESOLUTION #14-10-231 - RELEASE OF PERFORMANCE GUARANTEE - Village Shopper III Bank Site (Landlord Responsibilities)**

WHEREAS, Gail Smith, Township Engineer, has certified on October 2, 2014 that all public improvements in a project known as Village Shopper III Bank Site (Landlord Responsibilities) have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$194,348.00 (LOC #68099339 in the amount of \$175,000.00 and \$19,348.00 cash) be released to Pugliese Properties, LLC. and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$194,348.00
15% Maintenance Guarantee	\$ 29,152.20

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

(CONSENT AGENDA Item K Cont.)

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

There are no roads or detention basins to be accepted with this project.

The Township will not accept the detention basin improvements. The basin is maintained by the developer.

L. **RESOLUTION #14-10-232 - DECLARING TWO ABANDONED/UNCLAIMED VEHICLES AS SALVAGE FOR SCRAP**

WHEREAS, Montgomery Township desires to declare two abandoned/unclaimed vehicles as salvage for scrap.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee does hereby dispose of a 2002 Green Mazda Protégé 4 door, VIN #JM1BJ225920517391 and a 2002 Tan Dodge Neon, 4 door, VIN #1B3ES56C32D633278.

M. **RESOLUTION #14-10-233 - DECLARING CERTAIN GENERAL TOWNSHIP EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns various general equipment that the Township Administrator has determined is no longer needed for public use; and

WHEREAS, The Township desires to dispose of said salvage personal property.

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

The Purchasing Agent and Township Administrator are hereby authorized and directed to dispose of said personal items.

Toshiba TV	Mitsubishi TV
Quasar TV	Sharp VCR
Toshiba VCR	Credenza
Dictaphone with storage bin	Scientific Atlanta cable box
Monroe 5140 calculator	IBM Lexmark typewriter
Two (2) Ergonomic computer keyboard trays	

N. **RESOLUTION #14-10-234 - AUTHORIZING RIGHT-OF-ENTRY AGREEMENT - Country Club Meadows**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Right-of-Entry Agreement with Country Club Meadows, LLC to conduct land surveying, wetland investigation, geotechnical investigation and environmental assessment work.

O. **RESOLUTION #14-10-235 - AMENDING PREVIOUS SHARED SERVICES AGREEMENT WITH THE MUNICIPALITY OF PRINCETON FOR IMPROVEMENTS ALONG A PORTION OF CHERRY VALLEY ROAD**

WHEREAS, Cherry Valley Road serves as a boundary between the Township of Montgomery, Somerset County and the Princeton, Mercer County, and is in need of improvement; and

WHEREAS, the Township of Montgomery and Princeton entered into a Shared Services Agreement in the amount of \$40,000.00 on the 10th day of September, 2012 in order to begin an engineering study to determine what additional traffic safety improvements are warranted along Cherry Valley Road a distance of approximately two thousand two hundred and fifty (2,250 LF) linear feet from Cherry Hill Road to the recently completed Jefferson Curve improvements; and

WHEREAS, costs estimates have been obtained for additional services needed to complete the design work and obtain the necessary permits to complete the improvements to this section of the roadway; and

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 authorizes and encourages local government units to join together to provide services in such a fashion so as to reduce expenses to taxpayers; and

WHEREAS, A certificate as to the availability of funds in Capital Account #04-216-55-901-1443B 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 Township of Montgomery as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into an amended Shared Services Agreement with Princeton to retain engineering, land surveying, environmental and land appraisal firms to prepare a geotechnical report, structural retaining wall design plans and land dedication documents for additional right-of-way, and provide permitting assistance for this section of Cherry Valley Road. The cost of the additional professional services is estimated to be sixty thousand dollars (\$60,000.00) of which Princeton will contribute fifty percent (50%) or not to exceed thirty thousand dollars (\$30,000.00). The Agreement authorized by this Resolution is on file in the office of the Clerk and may be inspected during regular office hours.

(CONSENT AGENDA Item O Cont.)

2. This Resolution shall take effect upon the adoption of a reciprocal Resolution by Princeton.
3. Pursuant to N.J.S.A. 40A:66-4 et seq., a copy of this Resolution and the Agreement hereby authorized shall be sent to the New Jersey Department of Community Affairs, Division of Local Government Services and to the Clerk of the Township of Montgomery, Somerset County, New Jersey upon its adoption.

6-1. Deputy Mayor Sugden moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Trzaska and carried on the following:

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

7. **RESOLUTION #14-10-236 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES AND EXCHANGE COMMISSION**

WHEREAS, The Township of Montgomery (the "Township") has entered into continuing disclosure certificate(s) and/or agreement(s) in connection with certain of its prior bond and/or note issuance(s) (the "Prior Issuances"), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the "MSRB") pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"); and

WHEREAS, The Township has made certain representations regarding its continuing disclosures in bond and note offering documents in connection with its Prior Issuances; and

WHEREAS, In response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations and/or misstatements concerning compliance in bond and note offering documents, the Division of Enforcement (the "Division") of the U.S. Securities and Exchange Commission (the "Commission") has set forth its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative"), attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self report to the Division possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

WHEREAS, Pursuant the Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board, Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the "LFB Recommendation");

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE TOWNSHIP, as follows:

Section 1. The Township, through its Chief Financial Officer or through the engagement of a third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the "Review"), and the Township hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Township's continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined), were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations.

Section 2. The Township, through its Chief Financial Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Chief Financial Officer after consultation with Township officials, it is determined that the Township may have made materially inaccurate statements in its bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances issued during the period beginning five years prior to the date of submission of the Questionnaire.

Section 3. The Chief Financial Officer of the Township is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, including the Review, contemplated by this resolution.

(Item #7 Cont.)

Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective in accordance with applicable law.

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

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

8. **RESOLUTION #14-10-237 - AWARD OF BID - Waste Water Treatment Plant Chemicals**

WHEREAS, The following bid for the Waste Water Treatment Plant Chemicals was received and publicly opened on Thursday, October 2, 2014:

<u>BIDDER</u>	<u>AMOUNT</u>
Coyne Chemical	Poly Aluminum Chloride \$4.327 per gal./\$43,270.00 total cost

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Attorney that Coyne Chemical be awarded the bid; they being the lowest responsible bidder; 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 Waste Water Treatment Plant Chemical is hereby awarded to Coyne Chemical, 3015 State Road, Croydon, PA 19021 in the amount of \$43,270.00 for one year with a one year renewal option.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign said Contracts.

8-1. 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 - Graham, Trzaska, Sugden, Smith
Nays - None
Absent - Madrid

9. **RESOLUTION #14-10-238 - NEW JERSEY DEPARTMENT OF TRANSPORTATION DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT RECOMMENDATION OF AWARD STATE AID PROJECT - Green Avenue Road Overlay Project**

BE IT RESOLVED That the Township of Montgomery hereby recommends to the New Jersey Department of Transportation that the contract for the Green Avenue Road Overlay Project in the Township of Montgomery County of Somerset be awarded to Top Line Construction whose bid amounted to \$495,182.40 subject to the approval of the Department.

BE IT FURTHER RESOLVED That the Mayor be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

BE IT FURTHER RESOLVED That the Township Clerk be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

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

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

10. **RESOLUTION #14-10-239 - AWARDED A CONTRACT FOR ROADWAY RECONSTRUCTION IMPROVEMENTS AT FAIRVIEW ROAD - PHASE II**

WHEREAS, Pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) the Township of Montgomery solicited bids for roadway reconstruction and drainage improvements at Fairview Road ("Fairview Road Improvements"); and

WHEREAS, On October 10, 2014, the following bids were received:

<u>Contractor</u>	<u>Bid</u>
DeSantis Construction, Inc.	\$ 824,860.74
Top Line Construction Corp.	\$ 770,063.96
Black Rock Enterprises	\$ 869,298.55
Montana Construction	\$1,111,041.00
Mount Construction	\$ 798.674.50

WHEREAS, Top Line Construction Corp., with a bid in the amount of \$770,063.96 is the lowest responsible bidder; and

(Item #10 Cont.)

WHEREAS, The Township desires to award the contract for Fairview Road Improvements - Phase II to Top Line Construction Corp.; and

WHEREAS, Some of the costs will be shared with Somerset County; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the award of the contract to the said contractor.

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

1. The contract for the Fairview Road Improvements - Phase II is hereby awarded to Top Line Construction Corp., subject to the approval of the New Jersey Department of Transportation.
2. The Mayor and Township Clerk are hereby authorized and directed to enter into a contract with said contractor consistent herewith.

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

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

11. **RESOLUTION #14-10-240 - AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE PURCHASE OF AN AFFORDABLE HOUSING UNIT LOCATED AT 826 MCKINLEY COURT**

WHEREAS, Applicant 2014-2 ("Owner") is under contract to purchase 826 McKinley Court, Princeton, NJ 08540, 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 826 McKinley Court; 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 \$25,298.20 and

WHEREAS, the Township is willing, pursuant to the Affordable Assistance Program, to extend a Loan to the Owner in the amount of \$25,298.20; and

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

NOW THEREFORE BE IT RESOLVED on this 16th day of October, 2014, 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 826 McKinley Court.
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. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Sugden and carried on the following:

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

12. **REVIEW OF ANNUAL AUDIT REPORT & CORRECTIVE ACTION PLAN**

Administrator Nieman explained that most of the findings in the 2013 Audit Report and Corrective Action Plan were relatively minor. The few deficiencies that needed to be addressed were taken care of.

Chief Financial Officer Sheppard stated there were two issues of concern by the Auditor. One is that the monthly bank reconciliations are not performed in a timely manner and as a result they were not recorded in the Township's accounting system in the month they occurred. The Finance Department was working on trying to get that resolved. The other concern is that the various escrow accounts include many old balances. He has been working with the Planning Department to get this fixed.

13. **RESOLUTION #14-10-241 - REVIEW OF ANNUAL AUDIT REPORT OF 2013**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Township of Montgomery, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

BE IT FURTHER RESOLVED That the Montgomery Township Committee has reviewed and approves the Corrective Action Plan as filed.

13-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Sugden and carried on the following:

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

14. **ORDINANCE #14-1479 - NO LEFT TURN - Montgomery Road at Route 206 and Dunn Way at Route 206 - Introduction**

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

AN ORDINANCE AMENDING SCHEDULE XIII OF CHAPTER VII, "NO LEFT TURN," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH LEFT TURN PROHIBITIONS AT MONTGOMERY ROAD AT ROUTE 206, AND AT DUNN WAY AT ROUTE 206.

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 November 6, 2014 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

15. ORDINANCE #14-1480 - Economic Development Commission Membership - Introduction

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

AN ORDINANCE AMENDING SUBSECTION 2-6.3 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) REGARDING MEMBERSHIP OF THE ECONOMIC DEVELOPMENT COMMISSION.

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 November 6, 2014 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

16. ORDINANCE #14-1481 - Capital - Installation of New Check Valve and Necessary Fittings in the NJAW Meter Pit Adjacent to 155 Burnt Hill Road - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$15,775.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE INSTALLATION OF A NEW CHECK VALVE AND NECESSARY FITTINGS IN THE NJAW METER PIT ADJACENT TO 155 BURNT HILL ROAD.

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 November 6, 2014 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

16-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Sugden and carried on the following:

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

17. APPROVAL OF MINUTES - October 2, 2014

The minutes of October 2, 2014 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. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Sugden and carried on the following:

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

19. TOWNSHIP'S QUARANTINE ORDINANCE

Administrator Nieman stated that Health Officer Stephanie Carey has been very aggressive, even before the Ebola incidents that occurred in the United States, in revisiting and reinforcing the Township's existing policy on quarantine for all illnesses but particularly as it relates to Ebola. She wanted to be proactive, so she is working with the Board of Health and the Township Attorney to strengthen the Township's quarantine ordinance. She also participated in some training for the Township's Police Department to make them aware. There will be a special Board of Health meeting on October 22, 2014 to consider a Board of Health ordinance which would incorporate a code from the State with respect to quarantine procedures.

20. **FLOOD CONTROL COMMISSION FEES**

Attorney Hadinger reminded the Governing Body that they had adopted an ordinance approximately a year ago, in concert with several other municipalities and Somerset County, to establish the Flood Control Commission for the Millstone and Raritan Rivers. Township Engineer Gail Smith reported that the ordinance calls for a \$250.00 annual contribution, and the Commission is looking to increase this to \$500.00. If the Governing Body wishes to do this, it would be necessary to change the ordinance. It was the consensus of the Governing Body to increase the contribution.

21. **MUNICIPAL ALLIANCE**

Committeewoman Graham stated that the Municipal Alliance is in the process of nominating a new chairperson. Judy Fujimura, a local psychologist, may be interested in the position.

22. **VAN HARLINGEN HISTORICAL SOCIETY**

Committeeman Trzaska reported on the Van Harlingen Historical Society event honoring the 350th Anniversary of the State of New Jersey. He stated that it was a tremendous success.

23. **PIKE RUN MASTERS HOMEOWNERS ASSOCIATION**

Committeeman Trzaska spoke about a recent Pike Run Masters Homeowners Association meeting where Detective Hofacker from the Township Police Department was in attendance. Detective Hofacker spoke about some of the crime issues that have occurred over the past few years.

24. **ENVIRONMENTAL COMMISSION**

Administrator Nieman stated that the Environmental Commission Chair and he had been asked by the Association of New Jersey Environmental Commissions to present, because of the excellent working relationship between the Environmental Commission, the Township Committee, and staff, why they are successful and why they have been able to accomplish the things they have accomplished.

25. **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:
 - Personnel - Police Interviews.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Any appointments shall only be authorized by the Township Committee in a public session.

25-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Sugden and carried unanimously.

26. Committeeman Trzaska left the meeting.

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

Date of Approval:

Margaret Crawford, Deputy Township Clerk