

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
January 15, 2015

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 Madrid, Deputy Mayor Trzaska, Committeemembers Graham and Sugden  
Committeeman Smith 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 Madrid 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 Madrid led the Salute to the Flag.

4. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of December, 2014:

- 67 motor vehicle accidents;
- 20 arrests;
- 8 thefts;
- 16 criminal mischief;
- 1 domestic violence.

Administrator Nieman explained that traffic is being impacted by the closure of Route 518 in Franklin Township. It will be completely closed until January 30. The detour is Laurel Avenue but there has been more traffic on Route 206, Canal Road, River Road, and the Griggstown Causeway. The bridge will be open only during rush hours from February 2 through March 6, and then from March 9 until the fall, one lane will be open with flagmen.

5. **PUBLIC COMMENT**

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

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 #15-1-28 - AWARD OF BID - Laboratory Testing Services**

WHEREAS, The following bids for the Laboratory Testing Services were received and publicly opened on Tuesday, December 30, 2014:

<u>BIDDER</u>	<u>AMOUNT</u>
QC Laboratories	\$ 32,317.00
NJ Analytical Labs	\$ 42,089.00
ALS Environmental	\$ 38,478.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Attorney that QC Laboratories be awarded the bid; they being the lowest responsible bidder; and

WHEREAS, The term for this contract will be for two years beginning February 1, 2015 and ending January 31, 2017; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase as follows: in Account Number 07-201-55-542-2-072 for \$5,340.00; Account Number 07-201-55-543-2-072 for \$5,950.00; Account Number 07-201-55-545-2-072 for \$5,232.00; Account Number 07-201-55-546-2-072 for \$5,390.00; Account Number 07-201-55-547-2-072 for \$4,815.00; and Account Number 07-201-55-548-2-072 for \$5,590.00.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Laboratory Testing Services is hereby awarded to QC Laboratories, 1205 Industrial Blvd, Southampton, PA 18966 in the amount of \$32,317.00.

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

(CONSENT AGENDA Cont.)

B. **RESOLUTION #15-1-29 - 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 424 MCKINLEY COURT MONTGOMERY, NEW JERSEY**

WHEREAS, Applicant 2015-1 ("Tenant") will be renting 424 McKinley Court, Montgomery Township ("Property"), 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 Tenant has requested a loan through Montgomery Township's Affordability Assistance Program to pay for a security deposit for the Property; and

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

WHEREAS, The amount of the requested loan for a security deposit will be paid directly to the landlord, M&G McKinley Investments, LLC, by the Township; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to the Tenant in the amount of eight hundred and ninety-two dollars (\$892.00); and

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

NOW, THEREFORE, BE IT RESOLVED On this 15th day of January, 2015, by the Township Committee of the Township 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 pay a security deposit for the Property.
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.

C. **RESOLUTION #15-1-30 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE PURCHASER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 621 MCKINLEY COURT**

WHEREAS, Applicant 2015-2 ("Owner") is under contract to purchase 621 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 621 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 \$29,665.40; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a Loan to the Owner in the amount of \$29,665.40; and

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

NOW, THEREFORE, BE IT RESOLVED On this 15th day of January, 2015, 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 621 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.

(CONSENT AGENDA Cont.)

D. **RESOLUTION #15-1-31 - AMENDMENT TO CONSTRUCTION SEQUENCE AGREEMENT -**  
Country Classics at Montgomery (formerly known as Belvedere 2-lot Subdivision)

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an amendment to the Construction Sequence Agreement for Country Classics At Montgomery dated October 17, 2013 to include as part of the development property known as Block 6001, Lots 32.01 & 32.02 (formerly known as Belvedere 2-lot Subdivision), subject to the Township Engineer and Attorney's approval of the form of said amendment.

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

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

7. **RESOLUTION #15-1-32 - PROFESSIONAL SERVICES RESOLUTION - Tax Map Official -**  
Saladin Associates, PA

WHEREAS, There exists a need to acquire professional Tax Map Official services for 2015 without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law":

WHEREAS, The Montgomery Township Purchasing Agent has determined and certified in writing that the value of the services over the course of the contracts is anticipated to exceed \$17,500.00;

WHEREAS, The New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of professional services contracts without competitive bidding;

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the aforesaid service in accordance with the amount set forth in the 2015 Temporary Budget, with performance of said service after March 31, 2015 being subject to the Township's amendment of the 2015 Temporary Budget, and/or adoption of the final 2015 Budget;

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

- (1) The Mayor and Clerk are hereby authorized and directed to execute proper agreements with Saladin Associates, PA as Tax Map Official.
- (2) This contract is awarded for a period of one year, for the amount set forth in The contract, and without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) The contractor has completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township.
- (4) A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavit, and the executed Agreements shall be placed on file in the office of the Township Clerk.
- (5) A notice of this action shall be published once in the official newspaper as required by law.
- (5) Performance of services under the terms of this contracts, and payment for the services, after March 31, 2015 is subject to the amendment of the 2015 Temporary Budget and/or adoption of the final 2015 Budget, and certification of availability of funds by the Chief Financial Officer

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

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

8. **RESOLUTION #15-1-33 - RESOLUTION AWARDING AN EXTRAORDINARY UNSPECIFIABLE SERVICE AGREEMENT TO CGP&H, LLC**

WHEREAS, The Township of Montgomery ("Township") requires the specialized services of an experienced and reputable firm to provide administrative services in connection with the implementation of its affordable housing program; and

WHEREAS, CGP&H, LLC of Cranbury, NJ ("CGP&H"), is familiar with the Township's requirements and has offered to provide said services; and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the required services required will exceed \$17,500.00; and

WHEREAS, The Township has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, CGP&H has completed and filed with the Township the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8, Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 and Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 pursuant to Section 2-22.2 of the Code of the Township of Montgomery (1984) (collectively, the "Pay-to-Play Forms"); and

WHEREAS, The agreement shall be for an amount not to exceed \$84,210 during 2015 and 2016; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available to pay for said services; and

WHEREAS, The Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the Township to award this agreement as an extraordinary unspecifiable service agreement, without competitive bidding.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with CGP&H consistent with this Resolution. The terms of said agreement are subject to the approval of the Township Attorney.
2. The agreement is subject to the approval of the Council on Affordable Housing.
3. The agreement is awarded without competitive bidding as an "Extraordinary Unspecifiable Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii), for the reasons set forth in the Township Administrator's Certification of Extraordinary Unspecifiable Service, which reasons are incorporated herein as if fully restated.
4. CGP&H shall be paid a fee not to exceed \$43,605.00 to provide these services in 2015 and \$43,605 to provide said services in 2016. The total contract amount over the entire two-year term shall not exceed \$84,210.00. The agreement may be extended beyond the initial two-year term for up to two additional one (1) year terms, in accordance with and as permitted by law.
5. A copy of this Resolution, the Certification of Contract Value, the Township Administrator's Certification of Extraordinary Unspecifiable Service, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk.
6. A notice of this action shall be published in the official newspaper as required by law.
7. A copy of this Resolution and the agreement shall be submitted to the Council on Affordable Housing for approval.

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

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

9. **RESOLUTION #15-1-34 - RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO PREPARE AND FILE A DECLARATORY JUDGMENT ACTION FOR THIRD ROUND MT. LAUREL COMPLIANCE AND IMMUNITY, AND FURTHER AUTHORIZING OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE TOWNSHIP OF MONTGOMERY'S HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND MT. LAUREL COMPLIANCE**

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WHEREAS, On September 26, 2013, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97, 215 N.J. 578 (2013), which invalidated COAH's 2008 Third Round Rules on the basis that the "growth share" methodology used in the 2008 Third Round Rules was beyond the purview of the rulemaking authority delegated to COAH because it was not consistent with the Fair Housing Act (the "FHA"), N.J.S.A. 52:27D-302 et seq. Id. at 586, 620; and

WHEREAS, The Supreme Court "endorsed the remedy imposed by the Appellate Division," id. at 620, which was that COAH was required to adopt new Third Round Rules consistent with methodologies used in the First and Second Round Rules within five (5) months, In re N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462, 511 (App. Div. 2010), the impact of the Supreme Court's decision being that COAH was required to adopt new Third Round Rules (the "2013 Third Round Rules") by February 26, 2014 as the Supreme Court's decision was issued September 26, 2013; and

WHEREAS, COAH failed to adopt the 2013 Third Round Rules by February 26, 2014 and, after Fair Share Housing Center ("FSHC") filed a motion in the Appellate Division to enforce litigants rights and COAH filed a motion in the Supreme Court appealing from the Appellate Division decision of the FSHC motion and for an extension of the February 26, 2014 deadline, the Supreme Court issued an Order on March 14, 2014 (the "March 14, 2014 Order") that required COAH to adopt the 2013 Third Round Rules on or before October 22, 2014 and transmit the 2013 Third Round Rules to the Office of Administrative Law (the "OAL") to permit publication of the adoption notice in the November 17, 2014 edition of the New Jersey Register; and

WHEREAS, The March 14, 2014 Order further provided that in the event COAH did not adopt the 2013 Third Round Rules by November 17, 2014, the Supreme Court would entertain applications for relief in the form of a motion in aid of litigant's rights, including, but not limited to, a request to lift the protection provided to municipalities through the Fair Housing Act of 1985 ("FHA"), specifically, N.J.S.A. 52:27D-313, and, if such request was granted, actions could be commenced on a case-by-case basis before the Law Division or in the form of "builder's remedy" challenges; and

WHEREAS, On April 30, 2014, COAH completed the preparation of and formally approved the 2013 Third Round Rules, and thereafter promptly forwarded them to the OAL so that the 2013 Third Round Rules were published in the June 2, 2014 edition of the New Jersey Register; and

WHEREAS, COAH met on October 20, 2014 for the purpose of adopting the 2013 Third Round Rules, but a motion to adopt the 2013 Third Round Rules failed on a 3-3 tie vote of COAH members, the 2013 Third Round Rules have not been forwarded to the OAL, and no notice of adoption was published in the November 17, 2014 edition of the New Jersey Register; and

WHEREAS, On October 31, 2014, FSHC filed a motion in aid of litigants rights with the Supreme Court seeking to excise from the FHA the provisions that allow municipalities to petition COAH for substantive certification specifically set forth in N.J.S.A. 52:27D-313, which would have the effect of stripping the protections provided to municipalities in the FHA from builder's remedies lawsuits through N.J.S.A. 52:27D-316 (which requires anyone who institutes exclusionary zoning litigation to first exhaust COAH's review and mediation process established in the FHA) and N.J.S.A. 52:27D-317, which provides that a municipality which has obtained substantive certification from COAH shall have a presumption of validity attaching to its housing plan element and ordinances implementing the housing plan element and, in order to rebut the presumption of validity, the plaintiff in any lawsuit must demonstrate by "clear and convincing evidence that the housing element and ordinances implementing the housing element do not provide a realistic opportunity for the provision of the municipality's fair share of low and moderate income housing . . ." ; and

WHEREAS, FSHC's motion further seeks an order from the Supreme Court allowing Mt. Laurel builder's remedy lawsuits to proceed against municipalities in the Law Division of the Superior Court as they did prior to the enactment of the FHA in 1985;

WHEREAS, The Supreme Court entertained oral argument on FSHC's motion on January 6, 2015;

WHEREAS, Throughout and notwithstanding this period of uncertainty over new Third Round Rules, the Township has continued efforts to provide for low and moderate income housing opportunities in the Township;

WHEREAS, The Township has fulfilled its First and Second Round Mt. Laurel obligations, and has many credits for the Third Round;

WHEREAS, The Township desires to update its Housing Plan Element of the Township Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance;

WHEREAS, Clarke, Caton & Hintz, the Township's planning consulting firm, is authorized by the Township of Montgomery to update the Housing Plan Element of the Township Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance;

(Item #9 Cont.)

WHEREAS, In the event that the Supreme Court grants FSHC's motion and allows Mt. Laurel builder's remedy lawsuits to proceed against municipalities in the Law Division of the Superior Court, the Township Committee wishes to be in a position to file a Declaratory Judgment action in the Law Division seeking a judgment of compliance with its Third Round affordable housing obligation and, to that end, desires to retain and authorize the Township Attorney to prepare and file a Declaratory Judgment action in the Law Division on behalf of the Township seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court as well as during the period of Court review of the Township's plan and all implementing ordinances.

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

1. The Township Attorney is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Township seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court as well as during the period of Court review of the Township's plan and all implementing ordinances.
2. The Township Attorney, Administrator, Planner, Planning Director and Engineer are all authorized to take such as actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Montgomery Township Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance.
3. This Resolution shall take effect immediately.

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

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

10. **APPROVAL OF MINUTES - December 18, 2014**

The minutes of December 18, 2014 were approved as printed.

11. **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.

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

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

12. **RECREATION COMMITTEE**

Committeeman Sugden reported on the December 13 Recreation Committee meeting. He reported that he and Deputy Mayor Trzaska spoke with Recreation Director Zimmerman and Administrator Nieman to get an understanding of the Township's recreation priorities and plan. The Recreation Master Plan has not been updated since 2003 or 2004, so there is a need to hire a third-party to start the process. There was a suggestion to speak with the new Township Planner to do this. They are also talking about preparing a survey to find out what the priorities are in town for recreation. He spoke about the tennis court issues in town. Not only are the current courts in bad shape but the lease is coming due. There is going to be a need for some Capital monies to be put towards this project.

He stated that there was a question that came up about whose decision it was or how it happened that the flyers are not going into backpacks in the schools. Administrator Nieman explained that it was a Board of Education decision because they went all "green" and there were going to be no backpack mailers anymore. Committeeman Sugden stated that he would speak to the Board of Education to reconsider this decision as he is the Liaison to the Board of Education.

(Item #12 Cont.)

Committeeman Sugden stated that the Recreation Department wanted to start up a Facebook and Twitter account for information to get out to the residents. He suggested that the Recreation Director work with the Community Information Officer to get this set up.

13. **MUNICIPAL ALLIANCE**

Committeewoman Graham reported that Judith Fujimura was appointed as Chairperson for the Municipal Alliance. She stated that they were also interested in some kind of on-line presence to expand their outreach to families. She explained that, because of new regulations issued by the Governor's Council on Alcohol and Drug Abuse, the Municipal Alliance's mission is now limited to alcohol abuse. There is also a Youth Services Commission, but the Municipal Alliance is having to figure out how to work out funding for the two sections of the Commission.

14. **OPEN SPACE**

Committeewoman Graham reported that the Open Space Committee is preparing a presentation on its priorities and they are also considering how to make open space more user friendly for the public.

15. **BOARD OF HEALTH**

Committeewoman Graham reported that Board of Health had its Reorganization meeting. She stated that Devangi Patel, the Township's Health Educator, is doing a really good job.

16. **POP WARNER MIDGET NATIONAL CHEER CHAMPIONS**

Deputy Mayor Trzaska spoke about the Pop Warner Midget National Cheer Champions. This is a group of girls who have won two National Championships over the past few years. He explained that this same group of girls just won their third National Championship in four years and he thought it would be a nice gesture to honor them with a proclamation, especially because this is their last year as Pop Warner. He stated that the group was having a big celebration on January 31 at the Elks, and he was wondering if the Proclamation could be presented at that time instead of the cheerleaders coming to a Township Committee meeting. Attorney Hadinger suggested that, since there is no Township Committee meeting before the January 31 celebration, the Township Committee ask the Clerk's office to pull together a resolution comparable to the last one done but this time adding that it is the third time that they have won the National Championship.

- 16-1. **Motion #15-1-2** - Deputy Mayor Trzaska moved to authorize the Clerk's office to put together a resolution honoring the Pop Warner Midget Cheering Squad for their third National Championship victory and for representatives from the Township Committee to present it on January 31 at their event. The motion was seconded by Mayor Madrid and carried unanimously.

17. **PLANNING BOARD**

Mayor Madrid reported on the recent Planning Board meeting and stated that there was an application from Bloomberg regarding their parking lot restriping. She stated that it was approved.

18. **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:
  - Advice of Labor Counsel regarding AFSCME Collective Bargaining negotiations.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreements shall be authorized except by action of the Township Committee.

- 18-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

19. Meeting reconvened in Open Session and **ADJOURNMENT** was at 7:30 p.m. on a motion by Committeewoman Graham. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

Date of Approval:

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Margaret Crawford, Deputy Township Clerk