

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 1, 2016

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 Graham, Deputy Mayor Trzaska, Committeemember Smith and Conforti
Committeewoman Madrid was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

DEPUTY TOWNSHIP CLERK - Margaret Crawford

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

4. **PUBLIC COMMENT**

- 4-1. Mark Caliguire, Somerset County Freeholder, spoke about the closure of the bridge on Route 518 in Rocky Hill and explained what the County Freeholders and the Legislators have done to convey the extreme emergency situation this causes for three municipalities. He explained that the County could not take the project over at this point because this was a State bridge on a County Road.

Williams Forbes, Montgomery EMS, explained what work had been done on the bridge before the stop order came from the Governor. He thanked everyone for the efforts they have made thus far. He asked if there was anything that the public could do, besides posting on the Facebook page, Bridgegate 2.0 and protesting.

Freeholder Caliguire suggested that the public continue to call and write letters to the Governor's office and to post on the Facebook page.

Ray Whitlock, former Rocky Hill Clerk, congratulated Somerset County on repairing the River bridge so that Route 518 would not have to be closed a second time, once the Canal bridge is repaired.

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

Chief Financial Officer Michael Pitts explained the audit report and the corrective action plan. He stated that there was only one recommendation for 2015 and it has been addressed.

6. **RESOLUTION #16-9-208 - REVIEW OF ANNUAL AUDIT REPORT OF 2015**

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 2015 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

(Item #6 Cont.)

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.

6-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried on the following:

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

7. **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 #16-9-209 - REFUND OVERPAID 2016 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2016 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
5018	123.1 CONDO	Atlantic Title & Settlement Service, LLC	\$2,296.76
6004	7	Julian S. Williams	\$3,784.11
28003	50	Gurpreet & Inder Raj Singh Ghai	\$3,862.00
31007	39	Bin Yu	\$9,770.20

B. **RESOLUTION #16-9-210 - REFUND OVERPAID 2016 SEWER CHARGES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2016 sewer charges:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
28003	171	Peter Tate	\$238.28
31001	163	Tripta & Manmohan Sihra	\$450.06

C. **RESOLUTION #16-9-211 - REDEMPTION OF TAX SALE CERTIFICATES**

BE IT RESOLVED That a refund in the amount of \$30,604.16 be given US Bank for BV001 Trust, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2513 for the redemption of Tax Sale Certificate #2014-02 on Block 5007, Lot 15.

BE IT FURTHER RESOLVED That a refund in the amount of \$53,047.01 be given MTAG Cust Alternate Funding II, LLC, P.O. Box 54967, New Orleans, LA 70154 for the redemption of Tax Sale Certificate #2015-10 on Block 11002, Lot 5.

BE IT FURTHER RESOLVED That a refund in the amount of \$5,717.46 be given MTAG Cust Fig Cap Inv NJ13, 8323 Ramona Blvd W Suite 2, Jacksonville, FL 32221 for the redemption of Tax Sale Certificate #2016-03 on Block 5008, Lot 73.

BE IT FURTHER RESOLVED That a refund in the amount of \$6,018.33 be given MTAG Cust Fig Cap Inv NJ13, 8323 Ramona Blvd W Suite 2, Jacksonville, FL 32221 for the redemption of Tax Sale Certificate #2016-05 on Block 5018, Lot 106.2 CONDO.

BE IT FURTHER RESOLVED That a refund in the amount of \$47,108.18 be given US Bank Cust BV002 & Creditors, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2513 for the redemption of Tax Sale Certificate #2016-19 on Block 34004, Lot 4.

BE IT FURTHER RESOLVED That a refund in the amount of \$5,989.83 be given MTAG Cust Fig Cap Inv NJ13, 8323 Ramona Blvd W Suite 2, Jacksonville, FL 32221 for the redemption of Tax Sale Certificate #2016-22 on Block 34019, Lot 73.

BE IT FURTHER RESOLVED That a refund in the amount of \$1,824.80 be given FWDSL & Associates LP, 17 W Cliff Street, Somerville, NJ 08876 for the redemption of Tax Sale Certificate #2016-27 on Block 37002, Lot 1.077.

BE IT FURTHER RESOLVED That a refund in the amount of \$1,385.94 be given to US Bank Cust for PC 4 & Creditors US Bank Global Corp Trust Services, TLSG 50 S 16th St, Suite 2050, Philadelphia, PA 19102 for redemption of Tax Sale Certificate #2016-34 on Block 37005, Lot 19.

(CONSENT AGENDA Cont.)

D. RESOLUTION #16-9-212 - TEMPORARY ROAD CLOSING - Block Party - Bayberry Lane

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of Bayberry Lane to accommodate a neighborhood block party scheduled for October 1, 2016 from approximately 1:00 p.m. - 8:00 p.m. (raindate - October 2, 2016). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

E. RESOLUTION #16-9-213 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - 2016 Drive Sober Get Pulled Over Labor Day Statewide Crackdown

BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the grant application for a 2016 Drive Sober Get Pulled Over.

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.

F. RESOLUTION #16-9-214 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Drive Sober or Get Pulled Over Grant

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 2016, in the amounts listed below, which item is now available as a revenue form the Division of Highway Traffic Safety;

2016 Drive Sober or Get Pulled Over - Labor Day	\$5,000.00
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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

G. RESOLUTION #16-9-215 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Youth Service Grant

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 2016, in the amounts listed below, which item is now available as a revenue form the County of Somerset;

2016 Youth Service Grant	\$5,000.00
2016 Youth Service Competitive Grant	\$2,500.00

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

(CONSENT AGENDA Cont.)

H. **RESOLUTION #16-9-216 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) -
Municipal Alliance (Rocky Hill Portion)**

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 2016, in the amounts listed below, which item is now available as a revenue form the County of Somerset Department of Human Services;

2016 Municipal Alliance	\$2,191.59
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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 #16-9-217 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA) - Riverside and Oxbridge Wastewater Treatment Plant Consolidation Project**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection related to the Riverside and Oxbridge Wastewater Treatment Plant Consolidation Project.

J. **RESOLUTION #16-9-218 - AMENDING RESOLUTION #16-1-41 AUTHORIZING EXECUTION OF THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE GRANT FOR CYCLE JULY 2016-JUNE 2017 MUNICIPAL ALLIANCE**

WHEREAS, On January 21, 2016 Resolution #16-1-41 was adopted authorizing the execution of the Governor's Council on Alcoholism and Drug Abuse Grant for Cycle July 2016-June, 2017; and

WHEREAS, Resolution #16-1-41 is amended as follows:

1. The Township Committee does hereby authorize submission of a strategic plan for the Montgomery-Rocky Hill Municipal Alliance grant for fiscal year 2016-2017 in the amount of:

DEDR	\$19,700.16
Cash Match	\$ 4,925.04
In-Kind	\$14,775.12

2. The Township Committee acknowledges the terms and conditions for administering the Montgomery-Rocky Hill Municipal Alliance grant, including the administrative compliance and audit requirements.

K. **RESOLUTION #16-9-219 - AUTHORIZING EXECUTION OF A MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2016-2017**

WHEREAS, The County of Somerset has prepared a contract which would provide \$19,700.16 to Montgomery Township for the provision of municipal alliance activities for prevention of alcoholism and drug abuse, and the Township would provide a 75% match of \$14,775.12 in in-kind services and a 25% cash match of \$4,925.04 will be raised by the Municipal Alliance or provided by the municipality, and a copy of the proposed agreement is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that it hereby authorizes the Mayor and Clerk to sign the original of this agreement.

(CONSENT AGENDA Cont.)

L. **RESOLUTION #16-9-220 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Charity Fundraiser - Trinity Counseling Service**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Trinity Counseling Service has requested approval of the Township Committee to conduct a charity fundraiser at 41 Airpark Road, Princeton, NJ 08540 on September 17, 2016.
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 have obtained the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
4. The organizers have obtained the required health certificates from the Township Health Department.

M. **RESOLUTION #16-9-221 - AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN HOPEWELL BOROUGH AND MONTGOMERY TOWNSHIP FOR PUBLIC HEALTH SERVICES**

WHEREAS, The Borough of Hopewell wishes to enter into a formal shared services agreement with the Township of Montgomery for public health services.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with the Borough of Hopewell for public health services for a 3 year period, beginning January 1, 2017 and ending December 31, 2019.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

N. **RESOLUTION #16-9-222 - AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN HOPEWELL BOROUGH AND MONTGOMERY TOWNSHIP FOR ANIMAL CONTROL SERVICES**

WHEREAS, The Borough of Hopewell wishes to enter into a formal shared services agreement with the Township of Montgomery for animal control services.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with the Borough of Hopewell for animal control services for a 3 year period, beginning January 1, 2017 and ending December 31, 2019.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

O. **RESOLUTION #16-9-223 - RELEASE OF PERFORMANCE GUARANTEE - Pike Run Development - Sanitary Sewer Manhole Castings**

WHEREAS, An agreement dated July 6, 2006 between Atlantic Realty Development Corporation and the Township of Montgomery, with respect to repair of sanitary sewer manholes in Pike Run Phases I, II, III, IV, V, VI, VII, VIII, XI, XA, XB, XC and Pike Run Off Site Sanitary Sewer, was established to ensure the maintenance and repair of deficient manholes. The term of the agreement is now expired and the developer has requested the release of the cash guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$133,738.00 cash be released to Pike Run, LLC, 40 Pike Run Road, Belle Mead, NJ 08502.

BE IT FURTHER RESOLVED That no maintenance guarantee is necessary.

(CONSENT AGENDA Cont.)

P. **MAYORAL APPOINTMENT WITH TOWNSHIP COMMITTEE CONSENT - Agricultural Advisory Committee**

BE IT RESOLVED That Clem Fiori be appointed Agricultural Advisory Committee Regular Member, replacing Doug Wengel, 3 year unexpired term expiring December 31, 2018

7-1. Committeeman Smith moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

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

8. **RESOLUTION #16-9-224 - AWARD OF BID - Montfort Drive and Canady Court Traffic-Calming Improvements**

WHEREAS, The following bids for Montfort Drive and Canady Court Traffic-Calming Improvements were received and publicly opened on August 16, 2016:

<u>BIDDER</u>	<u>AMOUNT</u>
Top Line Construction	\$ 90,494.17
Kalogridis Contracting	\$105,000.00

WHEREAS, It is the recommendation of the Purchasing Agent and Township Engineer that Top Line Construction be awarded the bid; it 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.

WHEREAS, There exists account #04-280-56-264-017RI which will fund this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Montfort Drive and Canady Court Traffic-Calming Improvements is hereby awarded to Top Line Construction, 22 Fifth Street, Somerville, NJ 08876.

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

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

9. **RESOLUTION #16-9-225 - AWARD OF BID - Snow Plowing Services**

WHEREAS, The following bids for Snow Plowing Services were received and publicly opened on July 13, 2016:

<u>BIDDER</u>	<u>AMOUNT</u>
Grosso Homes/Grosso 7 Lots	\$220.00/hour

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Attorney that Grosso Homes/Grosso 7 Lots be awarded the bid, it 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.

WHEREAS, There exists within the Streets and Roads Department sufficient uncommitted funding for this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a two year contract, effective November 1, 2016, for Snow Plowing Services is hereby awarded to Grosso Homes/Grosso 7 Lots, 856 Route 206, Hillsborough, NJ 08844 in the amount of \$220.00 per hour.

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

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

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

10. **RESOLUTION #16-9-226 - PROFESSIONAL SERVICES RESOLUTION** - Architectural Services -
B-4 Development

WHEREAS, There exists a need to acquire professional architectural services for the planning study for new Department of Public Works facility without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law"; and

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

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; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available in Account #04-215-55-901-1494G for the aforesaid service in accordance with the amount set forth in the 2016 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 B-4 Development for professional architectural services for the planning study for the new Department of Public Works facility.
- (2) This contract is awarded for a period of one year, effective September 11, 2016 at a not to exceed cost of \$30,000.00, 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) This professional 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.

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

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

12. **ORDINANCE #16-1527 - Deer Management - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY
IN SOMERSET COUNTY, NEW JERSEY CONCERNING
ELIGIBILITY FOR DEER HUNTING PERMITS AMENDING
SUBSECTION 9-9f.10(b) OF THE CODE OF THE TOWNSHIP
OF MONTGOMERY (1984).

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 1st day of September, 2016 and that notice thereof be published in an official newspaper as required by law.

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

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

13. **ORDINANCE #16-1528** - Acquisition of Property on Belle Mead-Blawenburg Road/County Route 601 and Broadway - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF CERTAIN LOTS IN BLOCKS 4002, 4003, 4004, 4005, 4006 AND 4007, ON BELLE MEAD BLAWENBURG ROAD/COUNTY ROUTE 601 AND BROADWAY ("DIX SKILLMAN/HILLMONT PROPERTY"), IN THE TOWNSHIP OF MONTGOMERY.

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 September 15, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

14. **ORDINANCE #16-1529** - Acquisition of Property-Cherry Hill Road Properties - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF LOTS 14, 15, 22 & 30, BLOCK 34001 "CHERRY HILL ROAD PROPERTIES," IN THE TOWNSHIP OF MONTGOMERY.

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 September 15, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

15. **APPROVAL OF MINUTES**

The Regular Session minutes of August 4, 2016 were approved as printed.

16. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Chief Finance Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

16-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried on the following:

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

17. **1860 HOUSE**

Mayor Graham reported that there is a group interested in arranging a lease/purchase agreement for the 1860 House. This will be discussed at an upcoming Township Committee meeting.

18. LIQUOR LICENSES

Committeeman Smith reported that two different individuals have inquired about the Township's liquor licenses. One is interested in both retail and restaurant and the other is only interested in retail. Given the fact that it takes several meetings to develop the process, he wanted to present it to the Township Committee to see if there was any interest in putting the retail license up for sale. He felt that the Township should hold on to the last restaurant license.

Attorney Hadinger explained the process to be able to put a license out for bid. She suggested that research be started and possibly survey what other towns have recently received.

19. COMMITTEE AND SUB-COMMITTEE REPORTS

19-1. ZONING BOARD OF ADJUSTMENT

Committeeman Conforti reported on the cell tower presentation at the Zoning Board of Adjustment meeting. He also stated that the attorney for the cell company had a very condescending attitude, which he felt was inappropriate.

19-1. FIRE PREVENTION BUREAU

Administrator Nieman stated that the Fire Prevention Bureau discussed fire hydrant placement in Country Club Meadows.

20. CABLE TELEVISION

Administrator Nieman explained that it is time for the renewal of municipal consent for Comcast Cable. There are deadlines that need to be met and he suggested the Township Committee might want to appointment a Cable TV subcommittee.

21. 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:
 - Acquisition of properties with public funds, negotiation of terms and conditions thereof, advice of counsel and other professional consultants to the Township Committee regarding the same.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of property shall only be authorized by the Township Committee in a public session.

21-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

22. The meeting reconvened in Open Session and ADJOURNMENT was at 9:00 p.m. on a motion by Committeeman Conforti. The motion was seconded by Committeeman Smith and carried unanimously.

Date of Approval:

Margaret Crawford, Deputy Township Clerk