

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 6, 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 Madrid and Conforti
Committeeman Smith was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

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. **RESOLUTION HONORING CAPTAIN/POLICE DIRECTOR ROBERT PALMER**

WHEREAS, After 37 years of dedicated service to the citizens of Montgomery Township, Captain/Police Director Robert Palmer has retired from the Montgomery Township Department of Police Services; and

WHEREAS, Robert Palmer was hired as a Special Police Officer in 1979, graduated from the Middlesex County Police Academy in 1983, became a full-time Police Officer in 1984, Sergeant in 1988, Lieutenant in 1998, and Captain/Police Director in 2008; and

WHEREAS, During his tenure Captain Palmer was the recipient of numerous awards for Meritorious Service, Expert Firearms, and Community Policing; attended numerous trainings from the International Association of Chiefs of Police; and developed the Field Training Officer Program; and

WHEREAS, Robert Palmer achieved his Certified Public Manager Certification; attended the Executive Management Program at Northwestern University; participated in the Law Enforcement Executive Development Association (LEEDA); served as Montgomery Township Emergency Management Coordinator and Somerset County Municipal Coordinator; was appointed Liaison to the Federal Emergency Management Agency (FEMA), Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission, Local Emergency Planning Council, Emergency Services Coordinating Committee, Transportation Advisory Committee, Veterans Memorial Committee, and the Prosecutor's Task Force on Regionalized Policing; and

WHEREAS, Captain Palmer has earned the admiration and respect of friends, co-workers, professionals, and residents for his many contributions; and through his steadfast leadership the Montgomery Township Police Department has earned and maintained the confidence and support of the citizens of Montgomery Township.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee honors Robert Palmer for his many years of service and leadership and extends its best wishes for a well-deserved retirement to an extraordinary member of the Montgomery Township Police Department.

- 4-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.
- 4-2. Mayor Graham presented Captain Palmer with a copy of the resolution and a gift of a photograph by Clem Fiori.
- 4-3. Captain Palmer recognized some people who were in attendance: former Mayors Louise Wilson, Cecilia Birge, Donald Matthews, and Peter Treichler; and former Township Administrator Peter Rayner.

He explained the background as to how he ultimately became Captain/Police Director and what happened in 2008 was a leap of faith to restore the Police Department into an internal succession of leadership. He stated that two individuals were appointed Lieutenants at that same time, James Curry and Guy Fillebrown. He commended the Police Officers of Montgomery Township on their fine and hard work. He stated that he felt that the Police Department was the custodian of the constituent's financial resources. It behooves them to be good custodians and financial stewards of the funding and appropriations that the Governing Body allots to the Police Department. He spoke of the transitions that happened in the Department during his years as Captain/Police Director, such as the transitioning to County communications, the dissolution of the Township's full service communications center, the dissolution of the Municipal Court and joining with Hillsborough Township Court. He stated the Policing is a rough business in this day and age. He thanked the EMS members and the members of Fire Companies #1 and #2 for their professionalism and collaboration.

(Item #4 Cont.)

4-4. Mayor Graham read an email from former Mayor Ted Lubas:

"Captain Palmer: Thank you for many years of your exceptional service to Montgomery Township."

She stated that Captain Palmer's service has been extraordinary and it is not just his skills and leadership, but he is a person of the utmost integrity. He always puts the interest of the Township ahead of his own. In that regard, she believes he is a model for all public servants of the Town. She stated she was very grateful to have had the privilege to work with Captain Palmer.

4-5. Deputy Mayor Trzaska stated his thanks to Captain Palmer for his service. He stated that as a Township Committeemember, and more importantly as a Township resident, he was most proud of the quality and professionalism of the Police Department and all of the public safety services, including the EMS and Fire Companies. He explained that he spent a lot of time with Captain Palmer over the years, and he stated that he learned a great deal from Captain Palmer. He congratulated him on his retirement and wished him well on the next chapter of his life.

4-6. Committeewoman Madrid thanked Captain Palmer for his professionalism, integrity and leadership. She stated that it has been a privilege and honor to work with him. This Police Department and the community as a whole are better because he was here.

4-7. Committeeman Conforti thanked Captain Palmer and wished him well. He stated that beyond his professionalism and his leadership, he always found Captain Palmer a very calming influence.

4-8. Township Administrator Nieman stated that Captain Palmer always commented that "you can't do it without a team". The team needs a manager, and Captain Palmer managed a great team and made it possible for this Township and himself to get things done. He expressed his deep appreciation for all Captain Palmer has done for him and for this Township.

4-9. Captain Palmer stated that, as Administrator Nieman said, it is an enormous amount of team work and that team work goes beyond the territorial borders of Montgomery. He was really privileged to have the Somerset County Prosecutor's Chief of Detectives John Fodor; Somerset County Prosecutor's Office Administrator and former Bound Brook Police Chief Tom White; Hopewell Township Police Chief Lance Maloney, and Hopewell Township Lieutenant Chris Kascik in attendance.

4-10. PBA President and Detective Brian Hofacker presented Captain Palmer with a photograph. He thanked Captain Palmer for his professionalism in all aspects of his position.

4-11. Former Mayor Louise Wilson stated that Captain Palmer mentioned that the Township Committee took a leap of faith. She stated, for the record, that it was more like a step and it was not a difficult one because he and his team gave the Governing Body the confidence to do that. Over the years, Captain Palmer has raised the Department to the next level of professionalism. She wished Captain Palmer much happiness in his retirement.

4-12. Former Mayor Donald Matthews gave a brief history of his relationship with Captain Palmer. He spoke about Captain Palmer's professionalism, intellect and character. He hoped Captain Palmer would enjoy health and happiness in his retirement.

4-13. Former Mayor Peter Treichler stated that back in 1999-2000, the Police Department was having some issues and a new Chief was being sought. The Governing Body wanted to stay in-house and some of them saw Captain Palmer as the person to choose. Unfortunately, the majority of the Committee decided to go a different route, which was to the Police Director mechanism. That worked well but he was glad that after seven or eight years, Captain Palmer finally got the chance that he should have gotten back in 1999-2000.

4-14. Mayor Graham presented Captain Palmer with a joint resolution from the New Jersey Legislature, introduced by Assemblymen Zwicker and Ciattarelli and Senator Kip Bateman.

5. Mayor Graham suggested that a break be taken to celebrate Captain Palmer.

6. The meeting reconvened.

7. **APPOINTMENT OF ACTING CAPTAIN/POLICE DIRECTOR**

BE IT RESOLVED That Thomas L. Wain is hereby appointed Acting Captain/Police Director, retroactive to 4:00 p.m. on September 30, 2016.

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

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

8. **PROCLAMATION - PUT THE BRAKES ON FATALITIES DAY - October 10, 2016**

WHEREAS, Across the nation, traffic crashes caused 35,092 fatalities in 2015, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, In New Jersey, 562 individuals lost their lives in traffic crashes in 2015; and

WHEREAS, Alcohol-related crashes accounted for 28.0 percent of the State's traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

(Item #8 Cont.)

WHEREAS, 50 motorcyclists, 17 bicyclists and 173 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and

WHEREAS, Safer driving behaviors such as buckling up for every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle. Focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, Somerset County, New Jersey, hereby proclaims October 10, 2016 as 'Put the Brakes on Fatalities Day' and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

8-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.

9. **PUBLIC COMMENT**

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

10. **1860 HOUSE LEASE DISCUSSION**

Marty Mandell, representative of the 24 Club, gave a brief background of his organization and a presentation about their intent in taking over the 1860 House. He discussed the proposal the club members put together for the renovation of the site.

Mayor Graham stated that this was a historic house and asked how they would handle the renovations of the exterior. Mr. Mandell explained that they had consulted with two of the more prominent historical restoration contractors in the area and they would be helping with that.

Committeewoman Madrid stated that there were some structural issues, such as the basement being in pretty bad shape. Mr. Mandell explained that these issues were previously addressed, because the reports from the engineers he hired to go through the house show no imminent structural problems.

Committeeman Conforti voiced his concern about the 24 Club's possible addition of another building at some point. Mr. Mandell stated it would be an addition to the back of the existing structure. This addition would be for a meeting room and additional restrooms.

Deputy Mayor Trzaska inquired about the timeline for the Governing Body to make their decision regarding allowing the 24 Club to take over the 1860 House. Mr. Mandell stated that he would hope they would make a decision as soon as possible, as the 24 Club was just notified that they will soon be out of their current location.

Attorney Hadinger explained the process if the Governing Body were to decide that they wanted to pursue this. First there would have to be an ordinance authorizing a lease of the site.

Deputy Mayor Trzaska stated that before the October 20 Township Committee meeting, he would like some clarity on the previous discussions about possibly auctioning the property.

11. **2016 BEST PRACTICES DISCUSSION**

Chief Financial Officer Michael Pitts explained that the State of New Jersey, on an annual basis, sends out a "Best Practices" questionnaire which previously had approximately 50 questions, whereas this year it was only 30 questions. Every year the questions change and eight (8) new questions are added. This year there were three "no" answers, which are being addressed. The Township once again has scored high enough to not have any penalty on any revenue received by the Township. He asked for Township Committee approval to send the completed questionnaire to the State.

11-1. **Motion #16-10-1** - Committeeman Conforti moved to adopt the 2016 Best Practices Inventory report and gave authorization for Chief Financial Officer Pitts to send the report to the State. The motion was seconded by Committeewoman Madrid and carried unanimously.

12. **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 #16-10-235 - 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>
5008	5	Foundation Title, LLC.	\$3,489.51
6009	3	Empire Title & Abstract Agency, LLC	\$4,392.26
34021	34	TWR as CST for Ebury Fund 1NJ, LLC	\$ 225.35

(CONSENT AGENDA Cont.)

B. **RESOLUTION #16-10-236 - RELEASE OF ESCROW FEE - Brian Stillwell -
Street Opening Permit #16-R-09**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to Brian Stillwell because all work has been satisfactorily completed with respect to a street opening permit at Block 21008, Lot 5 (31 Charleston Drive).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$500.00 be released to Brian Stillwell, 6 Andrew Street, Howell, NJ 07731.

C. **RESOLUTION #16-10-237 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH THE BOROUGH OF ROCKY HILL FOR PUBLIC HEALTH SERVICES**

WHEREAS, The governing bodies of the Township of Montgomery and the Borough of Rocky Hill desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for public health services; and

WHEREAS, A shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Rocky Hill Borough, has been prepared and circulated for approval by the governing bodies of Montgomery and Rocky Hill.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County, New Jersey, that the Township Committee approves the Township's participation in the shared services agreement with the Borough of Rocky Hill for public health services; and further that the Mayor and Clerk are authorized and directed to execute the shared services agreement; and

BE IT FURTHER RESOLVED That a copy of the shared services agreement will be available, pursuant to N.J.S.A. 40A:65-5.b., at the offices of the Township Clerk for public inspection.

D. **RESOLUTION #16-10-238 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH THE BOROUGH OF ROCKY HILL FOR ANIMAL CONTROL SERVICES**

WHEREAS, The governing bodies of the Township of Montgomery and the Borough of Rocky Hill desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for animal control services; and

WHEREAS, A shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Rocky Hill Borough, has been prepared and circulated for approval by the governing bodies of Montgomery and Rocky Hill.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County, New Jersey, that the Township Committee approves the Township's participation in the shared services agreement with the Borough of Rocky Hill for animal control services; and further that the Mayor and Clerk are authorized and directed to execute the shared services agreement; and

BE IT FURTHER RESOLVED That a copy of the shared services agreement will be available, pursuant to N.J.S.A. 40A:65-5.b., at the offices of the Township Clerk for public inspection.

E. **RESOLUTION #16-10-239 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - David Tormey -
Car Show**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. David Tormey has requested approval of the Township Committee to conduct a car show event at Princeton Airport on October 15, 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 will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations and shall employ two (2) Private Duty Police Officers at the event.
4. The organizers will obtain the required fire permit from Township Fire Marshall, Roy Mondì.
5. The organizers will obtain the required health certificates from the Township Health Department.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #16-10-240 - APPROVAL OF INSTALLATION OF FIRE HYDRANTS -
Country Club Meadows (Pike Run Plaza Site Plan)**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Company to install fire hydrants in the following locations in Country Club Meadows (Pike Run Plaza Site Plan).

Hydrant #1 - To be located at the corner of Griggstown Road and the entrance to the strip mall.

Hydrant #2 - To be located across from the dumpster, in back of the strip mall.

Hydrant #3 - To be located at the corner of Delmarvia Drive and the entrance to the strip mall.

Hydrant #4 - To be located at the entrance of the strip mall, at the corner of Route 206.

Hydrant #5 - To be located at the corner of the CVS Drug Store, as shown on plan.

Hydrant #6 - To be located in the mall, between the two main buildings, as shown on the plan.

All locations are in accordance with the recommendations of Montgomery Fire Company #1.

NOTE: Hydrants will be private hydrants.

G. **RESOLUTION #16-10-241 - APPROVAL OF INSTALLATION OF FIRE HYDRANTS -
Orchard Road System Improvement Tie-In**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Company to install fire hydrants in the following location on Orchard Road System Improvement Tie-In.

Hydrant #1 - To be located on Orchard Road, 600 feet from Hydrant #437, at the corner of Lilac Court.

Hydrant #2 - To be located on Orchard Road, 600 feet from Hydrant #1.

All locations are in accordance with the recommendation of the Montgomery Township Fire Marshall.

All locations are shown on plans.

12-1. Deputy Mayor Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Conforti and carried on the following:

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

13. **MAYORAL APPOINTMENTS - Emergency Management Coordinator and Local Emergency Planning Council OEM Coordinator**

BE IT RESOLVED That Sean Devlin is hereby appointed Emergency Management Coordinator, replacing Captain Robert Palmer, 3 year unexpired term expiring December 31, 2017.

BE IT FURTHER RESOLVED That Sean Devlin be appointed OEM Coordinator of the Local Emergency Planning Council, replacing Captain Robert Palmer, 1 year unexpired term expiring December 31, 2016.

14. **RESOLUTION #16-10-242 - AUTHORIZING THE PURCHASE OF THREE (3) REPLACEMENT VEHICLES FOR THE MONTGOMERY TOWNSHIP POLICE DEPARTMENT THROUGH THE NEW JERSEY STATE CONTRACT WITH SOMERSET COUNTY IMPROVEMENT AUTHORITY FUNDING**

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

WHEREAS, The Township of Montgomery has determined the following State Contract identifier 1NJCP, Contract #88728 (T-2776), has provided the Township with the most competitive price for these items; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 01-201-25-240-246; and

WHEREAS, Said funds are available through the Somerset County Improvement Authority.

(Item #14 Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the purchase of three (3) 2017 Ford Interceptor Utility All Wheel Drive Base Police Vehicles at a not to exceed amount of \$87,884.40 be authorized through the utilization of the New Jersey State Contract to:

Chas. S. Winner, Inc.
Dba Winner Ford
250 Berlin Road
Cherry Hill, NJ 08034

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

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

15. **RESOLUTION #16-10-243 - AUTHORIZING THE EQUIPPING OF THREE (3) REPLACEMENT VEHICLES FOR THE MONTGOMERY TOWNSHIP POLICE DEPARTMENT THROUGH THE NEW JERSEY STATE CONTRACT WITH SOMERSET COUNTY IMPROVEMENT AUTHORITY FUNDING**

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

WHEREAS, The Township of Montgomery has determined the following State Contract identifier 1NJCP, Contracts #81165 (T-1786), have provided the Township with the most competitive price for these items; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 01-201-25-240-246; and

WHEREAS, Said funds are available through the Somerset County Improvement Authority.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the purchase of fixed equipment and installation costs for three (3) 2017 Ford Interceptor Utility All Wheel Drive Base Police Vehicles at a not to exceed amount of \$31,028.34 be authorized through the utilization of the New Jersey State Contract to:

Emergency Accessories & Installation, Inc.
250 Haddonfield-Berlin Road
Cherry Hill, NJ 08034

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

16. **RESOLUTION #16-10-244 - AUTHORIZING THE EQUIPPING OF THREE (3) REPLACEMENT VEHICLES FOR THE MONTGOMERY TOWNSHIP POLICE DEPARTMENT THROUGH THE NATIONAL JOINT POWERS ALLIANCE WITH SOMERSET COUNTY IMPROVEMENT AUTHORITY FUNDING**

WHEREAS, The Township of Montgomery intends to participate in the National Joint Powers Alliance (NJPA) contract to equip the replacement three vehicles for the Police Department of the Township of Montgomery; and

WHEREAS, Said equipment for the replacement vehicles is available through NJPA contract #090512-HVI with Havis, Inc. awarded for the period of July 27, 2016 through October 16, 2017; and

WHEREAS, Information regarding the contract may be found at the Township of Montgomery Purchasing Department during regular business hours, as well as on the National Joint Powers Alliance website at:

<http://www.njpacoop.org/national-cooperative-contract-solutions/contracts-fleet/public-safety-vehicles-fire-trucks-equipment/090512-hvi/>; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this project in account number 01-201-25-240-246.

WHEREAS, Said funds are available through the Somerset County Improvement Authority.

NOW, THEREFORE, BE IT RESOLVED That it is the intent of the Township Committee of the Township of Montgomery to award a contract to:

Island Tech Services
509 Main Street
Unit B
Toms River, NJ 08753

for the equipping of three (3) 2017 Ford Interceptor Utility All Wheel Drive Base Police Vehicles through the distributor Havis, Inc. at a not to exceed amount of \$4,346.00.

(Item #16 Cont.)

BE IT FURTHER RESOLVED That this contract shall take affect should no written comments be received on or before 10 days after the Publication of a "Notice of Intent to Award".

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

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

17. **RESOLUTION #16-10-245 - AUTHORIZING THE APPLICATION OF MONTGOMERY TOWNSHIP GRAPHICS ONTO THREE (3) REPLACEMENT VEHICLES FOR THE MONTGOMERY TOWNSHIP POLICE DEPARTMENT WITH SOMERSET COUNTY IMPROVEMENT AUTHORITY FUNDING**

WHEREAS, There exists a need to apply Montgomery Township graphics onto three (3) replacement vehicles for the Police Department of the Township of Montgomery; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 01-201-25-240-246; and

WHEREAS, Said funds are available through the Somerset County Improvement Authority.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Purchasing Agent is hereby authorized and directed to allow the application of the graphics of Montgomery Township on three (3) 2017 Ford Interceptor Utility All Wheel Drive Base Police Vehicles by Lew Pinella Sign Co., at a not to exceed amount of \$1,875.00.

- 17-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

18. **RESOLUTION #16-10-246 - RESOLUTION AUTHORIZING PAYMENT OF \$5,000.00 FOR JOINT VICINAGE 13 DEFENSE COSTS IN THE MATTER OF THE MT. LAUREL DECLARATORY JUDGMENT ACTIONS FILED IN HUNTERDON, SOMERSET AND WARREN COUNTIES**

WHEREAS, Pursuant to Resolution #16-4-108, the Township of Montgomery entered into a Municipal Shared Services Defense Agreement ("MSSDA") with other members of the Vicinage 13 municipal group (the "Vicinage 13 Municipal Group Members") for the purpose as set forth therein, which included retaining common experts in the Declaratory Judgment actions filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, The Vicinage 13 Municipal Group Members have been asked to execute a First Amendment to the MSSDA (the "First Amendment") providing for the contribution of an additional \$5,000.00 for the purposes of, among other things, (i) preparing for and representing the interests of the Vicinage 13 Municipal Group Members in fair share litigation, and (ii) collectively retaining expert witnesses; and

WHEREAS, The Township Committee of the Township of Montgomery believes that it is in the best interests of the residents of Montgomery Township to execute the First Amendment and to contribute an additional \$5,000.00 in order to most efficiently defend the interests of the Vicinage 13 Municipal Group Members, including Montgomery Township.

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

1. The Mayor and Township Clerk are hereby authorized to execute the First Amendment to the MSSDA, and to forward the executed copy of the First Amendment to John Belardo, Esq., together with a certified copy of this Resolution.
2. The payment of an additional \$5,000.00 from the Montgomery Township Affordable Housing Trust Fund for the purposes set forth in the First Amendment is hereby authorized. The \$5,000.00 payment shall be forwarded to Katrina Campbell, Esq. for deposit in the Attorney Trust Account of Lavery, Selvaggi, Abromitis and Cohen, P.C.

- 18-1. 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, Madrid, Trzaska, Graham
Nays - None
Absent - Smith

19. **ORDINANCE #16-1530 - Use of Somerset County Improvement Authority for the Purchase of Block 20001, Lot 10.05 - Adjournment of Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY GUARANTEED LEASE REVENUE BONDS (TOWNSHIP OF MONTGOMERY PROJECT) AND ANY NOTES ISSUED IN ANTICIPATION THEREOF BY THE SOMERSET COUNTY IMPROVEMENT AUTHORITY

B. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the public hearing on the foregoing ordinance be hereby adjourned this 6th day of October, 2016 and continued to October 20, 2016.

19-1. 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, Madrid, Trzaska, Graham
Nays - None
Absent - Smith

20. **ORDINANCE #16-1531 - LDO-Intensive Commercial Piggeries Definition - Introduction**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTION 16-2.1 REGARDING DEFINITION OF A FARM

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 October 20, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

20-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

21. **ORDINANCE #16-1532 - Acquisition by Gift of Interests in Block 19001, Lots 4 and 11 - Van Horne Road {State Route 206} and Opossum Road - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING, PURSUANT TO N.J.S.A. 40A:12-4, THE ACQUISITION BY GIFT OF INTERESTS IN BLOCK 19001, LOTS 4 AND 11 LOCATED ON VAN HORNE ROAD (STATE ROUTE 206) AND OPOSSUM ROAD, MONTGOMERY TOWNSHIP

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 October 20, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

21-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

22. ORDINANCE #16-1533 - Bonaventure Lease - Introduction

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

AN ORDINANCE AUTHORIZING, PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ., THE LEASING OF REAL PROPERTY BY THE TOWNSHIP OF MONTGOMERY FROM BONAVENTURE, LLC (33 Reading Boulevard, Building 4)

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 October 20, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

22-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

23. APPROVAL OF MINUTES

The Regular Session minutes of September 1, 2016 and September 15, 2016 were approved as printed.

24. 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.

24-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

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

25. NOVEMBER MEETING SCHEDULE

Administrator Nieman explained that because the New Jersey League of Municipalities convention occurs from November 14 through November 18, he suggested that the Governing Body meet November 3 and November 10 or just skip the second meeting of November altogether.

After some discussion, it was the general consensus of the Governing Body to move the November 17 to November 10, and to keep November 3 as is for now.

26. COMMITTEE AND SUB-COMMITTEE REPORTS

26-1. ENVIRONMENTAL COMMISSION

Committeeman Conforti reported on the Environmental Commission meeting. They discussed the date for the 2017 Earth Day, creating an ordinance regarding dangerous issues at some intersections, and feeding of deer.

26-2. ZONING BOARD OF ADJUSTMENT

Committeeman Conforti reported on the Zoning Board of Adjustment meeting. He stated that the cell tower testimony from the cell company's professionals continued. He stated that Baker car dealership brought in a proposal to build a dealership and lot across the street from where they are currently, adjacent to the front of the airport.

26-3. SITE PLAN/SUBDIVISION COMMITTEE

Mayor Graham reported on the Site Plan/Subdivision Committee meeting. She stated that Mr. Pugliese was in attendance about the Village Shopper development.

ADJOURNMENT was at 9:13 p.m. on a motion by Committeeman Conforti. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk