

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
November 3, 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, Committeemembers Smith, Madrid and Conforti
Deputy Mayor Trzaska 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. **PUBLIC COMMENT**

- 4-1. Michael Fedun, representing Mountain Top Properties, stated that the property was an 11.73 acre lot at 105 Harlingen Road. His client is requesting an exception to an ordinance which requires people to wait three (3) years before they can cut into the street. He quoted Township Code Section 11-1.2. The Governing Body is allowed to make exceptions to that by going to the Township Engineer and asking for an exception due to an emergency. They are asking for an exception on a hardship basis. His client is finishing up a spec house and was not aware that the paving was going to happen. If approved, they would pay \$500.00 into an escrow fund in case something goes wrong.

Administrator Nieman stated that the Township Engineer, the Superintendent of Public Works and he had conferred and they felt this was a fair way of settling the issue and recommended this solution.

Motion #16-11-01 - Committeeman Smith moved to approve the requested waiver under the conditions presented by Mr. Fedun. The motion was seconded by Committeeman Conforti and carried on the following:

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

- 4-2. Candy Willis, Knickerbocker Drive, spoke about tree trimming in her neighborhood. She asked that a notice be put on the Township's website letting people know when the Township would be trimming trees in a neighborhood.

She also expressed her delight with the lease purchase agreement by the 24 Club. She asked that they preserve the paneling in the library. Attorney Hadinger explained that when the ordinance is adopted, the paneling would be reattached in the library area.

- 4-3. Donald Matthews, Rutland Road, stated that the Landmarks Commission is on board to preserve the 1860 House.
- 4-4. Faye Lockman, Montgomery Woods Homeowners Association President, thanked Mayor Graham for attending the Franklin Township meeting regarding the proposed Transco compressor station. She asked if the Township Committee planned to appoint a subcommittee.
- 4-5. Molly Hoak, Montgomery Woods Homeowners Association Vice President, thanked the Governing Body for their fast action on the proposed Transco compressor station and discussed the panel held in South Brunswick regarding the proposed Transco compressor station.
- 4-6. Lloyd Travetti, Intern for Assemblyman Zwicker, extended an invitation for the Assemblyman's Fall open office.
- 4-7. Reed Chapman, Zion-Wertsville Road, stated his curiosity about Doctor Back and his plans on Mountain View Road.

Mayor Graham stated that the only issue before the Township right now is that the Governing Body is considering the definition of a commercial piggery, which was prompted because the Township learned that Dr. Back wants to keep some pigs on his property.

Attorney Hadinger responded that the Township has an Agricultural Advisory Committee that met early in the day with many of the neighbors in Blawenburg and representatives from other parts of the Township for who agriculture is their business and livelihood. It was a very lively discussion and the Agricultural Advisory Committee, whose membership is local farmers, decided that there will be additional meetings on this subject.

- 4-8. Eric Weitze, Viburnum Drive, stated that there were two letters to the editor in the Montgomery News about the Open Space acquisitions by the Township. He mentioned that he was still waiting for the Township to do something about Dutchtown-Zion Road and the Rock Brook.

He expressed his thoughts and concerns about the proposed Transco compressor station.

5. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #16-11-253 - REFUND OVERPAID 2016 TAXES**

BE IT RESOLVED That a refund in the amount of \$2,163.62 be given to Kahn, Joseph Michael & Irina Nayvelt, 107 Rip Van Dam Court, Belle Mead, NJ 08502 for the overpayment of 2016 taxes on Block 5018 Lot 107.1 CONDO.

B. **RESOLUTION #16-11-254 - REDEMPTION OF TAX SALE CERTIFICATE #2016-28**

BE IT RESOLVED That a refund in the amount of \$1,865.23 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2016-28 on Block 37002 Lot 1.096.

Tax Lien Redemption

Certificate Amount	\$ 352.23
Subsequent Charges	\$ 147.17
Interest Amount	\$ 3.79
Redemption Fee	\$ 7.04
Recording Fee	\$ 43.00
Search Fee	\$ 12.00
Premium	<u>\$1,300.00</u>
TOTAL	\$1,865.23

C. **RESOLUTION #16-11-255 - TO CANCEL CHECKS FROM THE TOWNSHIP'S INSPECTION ESCROW FUND CHECKING ACCOUNT**

WHEREAS, There exists outstanding unpaid checks on the books for the Township's Inspection Escrow Fund Checking Account; and

WHEREAS, The checks are all over one-year-old and should be cancelled.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee and the Chief Financial Officer that the following checks be cancelled from the Township's Inspection Escrow Fund Checking Account:

<u>CHECK #</u>	<u>AMOUNT</u>
001444	\$ 6,471.69
001487	\$ 153.40
001489	\$20,557.94

D. **RESOLUTION #16-11-256 - RELEASE OF ESCROW FEES - Douglas Schilke - Street Opening Permits #15-R-66 and #15-R-73**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fees to Douglas Schilke because all work has been satisfactorily completed with respect to the following street opening permits at Block 34001, Lot 65 (948 Route 206 South {Cherry Valley Connector Road}):

#15-R-66 = \$776.00
#15-R-73 = \$704.00

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fees in the amount of \$1,480.00 be released to Douglas Schilke, Schilke Construction Company, 301 Valley Road, Suite "A", Hillsborough, NJ 08844.

E. **RESOLUTION #16-11-257 - DONATION OF FOUR PARK BENCHES**

WHEREAS, The Township desires to declare four park benches as salvage and dispose of them as they are no longer needed.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery does hereby donate said benches to the Mary Jacobs Library.

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

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

6. **RESOLUTION #16-11-258 - AUTHORIZING POLICE PROMOTIONAL PROCESS FOR THE POSITION OF SERGEANT**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, in Somerset County that Acting Captain Thomas Wain, Director of the Montgomery Police Department is hereby authorized to implement a promotional process for the selection a new police sergeant, said process being described in a certain memo to "All Eligible Officers," from Acting Captain Thomas Wain/Director of Police, and its "Subject" reading "Sergeant Promotional Process." Acting Captain Wain is further authorized to set the dates for completion of the Promotional Process as he, in his discretion, deems appropriate.

6-1. 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, Smith, Graham
Nays - None
Absent - Trzaska

7. **RESOLUTION #16-11-259 - OPPOSING THE CONSTRUCTION AND INSTALLATION OF A COMPRESSOR STATION FOR THE CONNECTION TO THE TRANSCO PIPELINE BY WILLIAMS ON THE PROPOSED ROUTE 27 LOCATION OWNED BY TRAP ROCK**

WHEREAS, Williams is an Energy Infrastructure Company that operates the Transco Natural Gas Pipeline which transports natural gas from South Texas to New York City; and

WHEREAS, Williams is proposing the Northeast Supply Enhancement Project for construction and installation of a compressor station (Facility #206) for connection to the Transco Pipeline on a portion of the Trap Rock Quarry property located near the intersection of Route 27 and Promenade Boulevard in South Brunswick Township to supply the Brooklyn and Rockaway areas of New York at the request of their customer "National Grid"; and

WHEREAS, Despite the concerns and opposition to this compressor station, Williams continues to evaluate two sites out of four that were considered at the Trap Rock Quarry location on Route 27 in Franklin Township. Both of the sites considered for this compressor station would dramatically affect the quality of life of many of the residents in the area if it were to be constructed, while providing no benefits to this area; and

WHEREAS, The project would require approval from the Federal Energy Regulation Commission, New Jersey Department of Environmental Protection (Clean Water Act section 404), and US Fish and Wildlife Division, but no local land use permits; and

WHEREAS, The compressor would be subject to regular "blowdowns" releasing methane and methyl mercaptan into the surrounding atmosphere, as well as constant high temperature exhaust containing carbon monoxide and formaldehyde (oxides of nitrogen were stated to be controlled by injecting urea, but products were not specified); and

WHEREAS, The compressor station would be manned by two employees, during business hours only, otherwise depending on automated monitoring; and

WHEREAS, Williams compressor stations have had a number of fires and explosions in recent years, leading residents to expect such an event at the proposed compressor station, from which fire could spread through the forest to residences along and across Route 27; and

WHEREAS, Firefighting in this area is the responsibility of volunteer fire companies, and water pressure in the nearest water line is too weak to support firefighting; and

WHEREAS, The compressor station would be near active mining in the Trap Rock Quarry, which carries out explosive blasting to break loose rock, and Williams is not able to present evidence that the compressors would be stable to shocks created by the blasting; and

WHEREAS, There is proposed legislation for Safe and Accountable Federal Energy Review, which would require FERC to consider alternative energy locations and to review the necessity and impact of this project. The negative impacts and safety risks far outweigh the need to construct a compressor station at this location. This is a perfect example of the need for such legislation and Williams is urged to find an alternate location for this project.

NOW, THEREFORE, BE IT RESOLVED On this 3rd day of November, 2016 by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that:

1. The Township Committee of the Township of Montgomery opposes the construction and installation of a compressor station on all proposed locations in and around South Brunswick and Franklin Townships, as it would have severe detrimental impacts on the residential communities in those areas.
2. The Township Committee urges Williams to eliminate any further consideration for a compressor station and the Trap Rock locations and/or locations in South Brunswick and Franklin Townships and find an alternate location for the construction and installation of a compressor station.
3. The Township Committee urges the FERC to deny any application for these locations and requests our representatives to the United State Congress, United States Senate and New Jersey Legislature to oppose this compressor station application.
4. A copy of this resolution be forwarded to US Senator Cory Booker, US Senator Robert Menendez, Congressman Leonard Lance, Senator Christopher Bateman, Assemblyman Jack Ciattarelli, and Assemblyman Andrew Zwicker.

7-1. 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, Smith, Graham
Nays - None
Absent - Trzaska

8. **RESOLUTION #16-11-260 - TRANSFER OF FUNDS**

WHEREAS, There is a need to transfer funds to areas where there are insufficient funds to meet the demands of the Township, and

WHEREAS, There are sufficient funds to be transferred to those accounts as stated to meet the needs of the Township,

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Chief Finance Officer to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
HEALTH (O/E)		\$ 4,000.00
GIS (O/E)		500.00
COMMUNITY SCHOOL (S&W)		25,000.00
POLICE (O&E)		10,000.00
LEGAL (O&E)		10,000.00
DATA PROCESSING (O&E)		5,000.00
MASTER PLAN (O&E)		5,000.00
LEGAL (SEWER)		500.00
LIABILITY (O&E)		2,000.00
	HEALTH (S&W)	\$ 4,000.00
	GIS (S&W)	500.00
	ADULT SCHOOL (O&E)	20,000.00
	SENIOR CENTER (O&E)	5,000.00
	VEHICLE MAINTENANCE (O/E)	30,000.00
	INTEREST ON BONDS (SEWER)	500.00
	SHADE TREE (O&E)	2,000.00

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

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

9. **ORDINANCE #16-1534 - LDO-Flood Hazard Update - 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 AMENDING SUBSECTIONS 16-3.3 AND 16-6.4 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), REGARDING CRITICAL AREAS.

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

"On October 24, 2016, the Planning Board reviewed the above referenced Ordinance. The Board found the Ordinance consistent with the Master Plan and recommended adoption."

C-1. Attorney Hadinger explained that there was one clarification on the third line at the top of page 22 of the Ordinance. The word two should have been omitted and the word three added.

C-2. Mayor Graham moved the amendment to the ordinance. The motion was seconded by Committeeman Conforti and carried unanimously.

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

E. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 3rd day of November, 2016 and that notice thereof be published in an official newspaper as required by law.

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

10. ORDINANCE #16-1535 - 1860 House Lease-Purchase Agreement - Introduction

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

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, PURSUANT TO N.J.S.A. 40A:12-21(k), AUTHORIZING AN INSTALLMENT PURCHASE AGREEMENT FOR A PORTION OF THE PREMISES LOCATED ON MONTGOMERY ROAD, KNOWN AS THE 1860 HOUSE TRACT (P/O LOT 13, BLOCK 23001), TO THE 24 CLUB OF PRINCETON, INC., A NON-PROFIT CORPORATION ORGANIZED FOR PUBLIC PURPOSE REASONS

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 December 1, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

10-1. 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, Smith, Graham
Nays - None
Absent - Trzaska

11. APPROVAL OF MINUTES

The Regular Session minutes of October 20, 2016 were approved as printed.

12. 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.

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

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

13. COMMITTEE AND SUB-COMMITTEE REPORTS

13-1. OPEN SPACE COMMITTEE

Committeeman Conforti reported on a tree planting event at Skillman Park led by Open Space Committee Chairman Clem Fiori.

13-2. ZONING BOARD OF ADJUSTMENT

Committeeman Conforti reported that the Zoning Board of Adjustment could be ready for open discussion and debate of the cell tower at the meeting just after Thanksgiving and be ready to vote at that meeting or in early December.

13-3. LANDMARKS COMMISSION

Committeewoman Madrid reported that the Landmarks Commission heard a presentation from Goldenback Farm regarding the renovations of the older barn on the property. Also discussed at that meeting was the 1860 House.

14. 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 counsel with respect to Transco reimbursement negotiations;
 - Terms and conditions of proposed agreement with Somerset County with respect to Mary Jacobs Library.
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 in open session.

14-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

15. The meeting reconvened in Open Session and ADJOURNMENT was at 8:01 p.m. on a motion by Committeeman Smith. The motion was seconded by Committeeman Conforti and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk