

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
December 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, Committeemembers Smith, Madrid and Conforti

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**

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

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 #16-12-261 - 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>
4066	5	Golden Title Agency, LLC	\$ 3,412.07
5001	22	Jennifer L. Irving	\$ 2,658.05
5004	42	Rui Qin & Haotong Wu	\$ 290.96
6005	8	Core Logic Tax Collection Services	\$ 3,228.33
16003	14	Frank Zhang	\$ 8,531.12
21012	23	D R Horton, Inc.	\$ 5,666.16
25001	27.01	S.A.V.E.	\$ 726.50
28001	5.03	K. Hovnanian @ Montgomery, LLC.	\$23,431.08

B. **RESOLUTION #16-12-262 - REDEMPTION OF TAX SALE CERTIFICATES**

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.

BE IT FURTHER RESOLVED That a refund in the amount of \$4,944.77 be given MTAG Cust Fig Cap Inv NJ13, 8323 Ramona Blvd W Suite 2, Jacksonville, FL 32221 for the redemption of Tax Sale Certificate #2016-25 on Block 37001 Lot 4.05.

BE IT FURTHER RESOLVED That a refund in the amount of \$5,464.74 be given MTAG Cust Fig Cap Inv NJ13, 8323 Ramona Blvd W Suite 2, Jacksonville, FL 32221 for the redemption of Tax Sale Certificate #2016-02 on Block 5008 Lot 2.

BE IT FURTHER RESOLVED That a refund in the amount of \$4,774.96 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2016-15 on Block 30002 Lot 33.

C. **RESOLUTION #16-12-263 - AUTHORIZING EXECUTION OF THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE GRANT FOR CYCLE JULY 2017-JUNE 2018 - MUNICIPAL ALLIANCE**

WHEREAS, The Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, The Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, The Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Somerset.

(CONSENT AGENDA Item C Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Montgomery/Rocky Hill Municipal Alliance grant for fiscal year 2017-2018 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 Municipal Alliance grant, including the administrative compliance and audit requirements.

**D. RESOLUTION #16-12-264 - APPROVAL TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TRANSPORTATION ALTERNATIVES PROGRAM FOR THE MONTGOMERY ROAD SIDEWALK PROJECT (TA-2016-MONTGOMERY ROAD SIDEWALK-00069)**

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the grant application for a sidewalk on Montgomery Road.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "TA-2016-Montgomery Road Sidewalk-00069" to the New Jersey Department of Transportation on behalf of Montgomery Township.

BE IT FURTHER RESOLVED That 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.

**E. RESOLUTION #16-12-265 - AUTHORIZING THE ISSUANCE OF 2017 TOWING LICENSES**

WHEREAS, The Township has received a completed towing application for light duty licenses from Stewart's Towing; and completed towing applications for heavy duty licenses from Mike's Towing & Recovery and Stewart's Towing to provide towing services in 2017; and

WHEREAS, The Police Department has reviewed said applications and conducted appropriate investigations pursuant to section 4A-2.2 of the Code of the Township of Montgomery (1984); and

WHEREAS, The Police Director has reviewed the results of said investigations, approved said applications, and recommended the issuance of a light duty towing license to Stewart's Towing; and heavy duty towing licenses to Mike's Towing & Recovery and Stewart's Towing.

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

1. The Township Clerk is hereby authorized to issue a light duty license to Stewart's Towing; and heavy duty licenses to Mike's Towing & Recovery and Stewart's Towing for 2017.
2. All towing licenses are subject to the provisions set forth in Chapter IVA of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2017.
3. This resolution shall take effect immediately.

**F. RESOLUTION #16-12-266 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Safe Corridors Grant (Halloween & Thanksgiving)**

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 State of New Jersey Department of Transportation;

2016 Safe Corridors Highway Safety Grant	\$1,080.00
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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

(CONSENT AGENDA Cont.)

**G. RESOLUTION #16-12-267 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) -  
Drive Sober or Get Pulled Over Grant - Year End**

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	\$6,000.00
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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

**H. RESOLUTION #16-12-268 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) -  
Bulletproof Vest 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 Bureau of Justice Assistance;

2016 Bulletproof Vest Partnership Grant	\$690.25
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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 #16-12-269 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) -  
Body Armor 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 New Jersey Division of Criminal Justice - Law and Public Safety;

2016 Body Armor Replacement Fund Program	\$2,905.96
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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

(CONSENT AGENDA Cont.)

J. **RESOLUTION #16-12-270 - SUPPORTING THE SOMERSET COUNTY PROSECUTOR'S SAFE PASSAGE BLOCK GRANT FOR 2017**

WHEREAS, The Township Committee of the Township of Montgomery authorizes and approves participation in the Somerset County Prosecutor's Safe Passage Block Grant for 2017; and

WHEREAS, In addition to any other grants such as Drive Sober, Click it or Ticket and Distracted Driving, each municipal agency within the County will be awarded at least eight (8) hours to be reimbursed at a maximum of \$60.00 per hour for the following enforcement period of supplemental DWI patrols for the 2017 grant year:

Super Bowl - February 7  
St. Patrick's Day - March 17  
Memorial Day - May 26 to May 29  
Fourth of July - June 30 to July 4

K. **RESOLUTION #16-12-271 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MANVILLE FOR BRINE SERVICES**

WHEREAS, The Borough of Manville wishes to enter into a formal shared services agreement with the Township of Montgomery to obtain full service brine services.

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

1. The Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Borough of Manville to provide salt brine to the Borough of Manville for \$0.20 per gallon.
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. In accordance with N.J.S.A. 40A:65-4, a copy of the agreement shall be filed for informational purposes with the Division of Local Government Services in the New Jersey Department of Community Affairs.

L. **RESOLUTION #16-12-272 - RELEASE OF MAINTENANCE GUARANTEE - Village Shopper III - Bank Site Landlord Responsibilities - Pugliese Properties, LLC**

WHEREAS, Gail Smith, Township Engineer, has certified on November 30, 2016 that all public improvements in a project known as Village Shopper III - Bank Site Landlord Responsibilities have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Maintenance Bond in the amount of \$29,152.20 (cash) be released to Pugliese Properties, LLC., 219 Nassau Street, Princeton, NJ 08542, conditioned upon the posting of adequate escrow funds.

M. **RESOLUTION #16-12-273 - TO AUTHORIZE AUCTION OF USED TOWNSHIP VEHICLES AND EQUIPMENT**

WHEREAS, The Township of Montgomery has determined that certain personal property as described below, is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that such personal property be sold at public auction to the highest bidder.

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

1. The below listed schedule of Township property is declared surplus and no longer needed for public purposes;
2. The Purchasing Agent is hereby authorized and directed to advertise public sale of said personal property to be sold on GovDeals.com, a State of New Jersey authorized web based auction. Said sale shall commence within ten (10) days of approval by the Township Committee.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction and in accordance with the procedure to be announced.

(CONSENT AGENDA Item M Cont.)

VEHICLES

2001 LT Pickup Ford 4x4	1FTNF21L91EC66436
2011 Ford Crown Victoria Patrol	2FABP7BV3BX103493
2013 Chevy Caprice Patrol	6G1MK5U22DL806586
1996 Jeep LT 4x4	1J4FJ28S3TL220092
1996 Ford Explorer LT 4x4	1FMDU35P9VUA17937
1999 Ford F250 LT 4x4	1FTNF21L2XEB55509
2005 Ford Explorer LT 4x4	1FMZU72KX5UB99606
1997 Ford Ranger LT pickup 4x4	1FTCR11U4VTA82976
1986 GMC gas step van	1GTHP32M7G3502951
2000 Diesel w/plow, sander	1HTGMAAR8YH294060
2003 Ford Crown Victoria	2FAFP71W63X135545

EQUIPMENT

1991 Toro Mower	30788-10172
1998 John Deere Z-Turn 54" Cutting Width	TCF620X011335
1992 Toro Mower 72" cut 4x2	30788-00979
1992 7.5 Meyers Snow plow	
1999 Radar Trailer	MPH5239953JLPC293
2009 Hot Tar Crack Seal Trailer	4S9PT14199M097015

5-1. 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, Smith, Trzaska, Graham  
 Nays - None

6. **RESOLUTION #16-12-274 - AUTHORIZING CHANGE ORDER NO.1 (DECREASE) MONTFORT DRIVE & CANADAY COURT TRAFFIC CALMING PROJECT - Top Line Construction**

WHEREAS, Resolution #16-9-224 adopted on September 1, 2016, authorized the award of a contract for the Montfort Drive and Canaday Court Traffic Calming Project to Top Line Construction in the amount of \$90,494.17; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to reflect quantity adjustments and costs for the project; and

WHEREAS, The work comprising Change Order #1 will result in a net decrease in the original contract amount by \$4,625/98 or -5.11%; and

WHEREAS, The Township Administrator has recommended approval of the Change Order; and

WHEREAS, A copy of the proposed Change Order is available in the Office of the Township Engineer.

6-1. Committeewoman Madrid 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, Smith, Trzaska, Graham  
 Nays - None

7. **RESOLUTION #16-12-275 - 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>
ELECTRICITY (O/E)		\$ 5,200.00
ENGINEERING (S&W)		\$ 6,100.00
CLERK (O/E)		\$ 1,000.00
GIS (O/E)		\$ 1,000.00
FIRE (O/E)		\$ 3,000.00
POLICE (O/E)		\$ 4,000.00
RECREATION (O/E)		\$ 5,000.00
LEGAL (O/E)		\$18,500.00
POLICE (S&W)		\$ 6,000.00
ADMINISTRATION (S&W)		\$ 1,500.00
	PUBLIC EMPLOYEES RET. SYSTEM	\$ 3,800.00
	POLICE & FIREMEN'S RET. SYSTEM	\$ 1,400.00
	ENGINEERING (O&E)	\$ ,100.00
	CLERK (S&W)	\$ 1,000.00
	GIS (S&W)	\$ 1,000.00
	FIRE (S&W)	\$ 7,000.00
	RECREATION (S&W)	\$23,000.00
	PUBLIC WORKS (S&W)	\$ 6,000.00
	ADMINISTRATION (O&E)	\$ 2,000.00

(Item #7 Cont.)

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

8. **RESOLUTION #16-12-276 - RESOLUTION AUTHORIZING ENTRY INTO A SUBLEASE WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE SOMERSET MUNICIPAL BANC PROGRAM TO PURCHASE POLICE VEHICLES AND RELATED EQUIPMENT**

WHEREAS, Under the Somerset Municipal Banc Program ("Program"), various municipalities, educational services commissions and school districts within the County of Somerset ("County") and the County (each a "Participant") may submit a request to the Somerset County Improvement Authority ("Authority") to borrow funds to finance the purchase, through a lease, of certain capital equipment and, if applicable, other personal property ("Equipment"); and

Under the Somerset Municipal Banc Program, the Authority entered into the lease, entitled "Sublease Purchase Agreement," dated September 28, 2016, ("Authority Lease") with TD Equipment Finance, Inc. ("Lessor"), to permit the Lessor to acquire and lease the Equipment to the Authority in exchange for payment over time; and

WHEREAS, Pursuant to the Authority Lease, the Authority has the right to sublease the Equipment to a Participant in exchange for payment, subject to annual appropriation of said Participant, in an amount sufficient to pay the corresponding payments from the Authority to the Lessor for the Equipment, plus all administrative expenses of the Program; and

WHEREAS, Pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

WHEREAS, In order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient; and

WHEREAS, The Township of Montgomery ("Township") has made a request under the Program for financing to purchase three police vehicles and related equipment ("Police Equipment"); and

WHEREAS, The Authority has prepared a sublease, entitled "Sublease Purchase Agreement" ("Participant Lease") to allow the Township to purchase the Police Equipment with payments to be made over a three-year period.

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

Section 1. That the Participant Lease, in the form presented at this meeting, is hereby approved, and the Township's Mayor, Administrator, Clerk, and Chief Financial Officer (each an "Authorized Participant Representative") are hereby authorized to execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on the Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the Police Equipment, and all related transactions contemplated by this resolution.

Section 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Police Equipment prior to the date that the Township incurs obligations under the Participant Lease. The Township reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township under the Participant Lease. The principal amount of the Township's obligation for the Police Equipment is \$125,133.74, with the total amount of the Township's obligation under the Participant Lease (principal plus \$3,283.00 interest) to be \$128,416.74.

Section 4. A copy of the Participant Lease is available for review at the office of the Township Clerk during normal business hours.

Section 5. This resolution shall become effective immediately.

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

9. **RESOLUTION #16-12-277 - TRANSCO - ACCEPTANCE OF FUNDS**

WHEREAS, Transcontinental Gas Pipe Line Company, LLC ("Transco") has nearly completed the installation of the Skillman Loop through Montgomery Township in its Leidy Southeast Expansion Project; and

WHEREAS, Installation of the Skillman Loop resulted in significant disruption and inconvenience to Township residents, as well as unanticipated costs to the Township, including but not limited to legal and environmental consulting and increased staff commitments; and

WHEREAS, Transco acknowledges said disruption, inconvenience and costs, and has offered the Township the sum of \$200,000.00 in recognition therefor.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, in Somerset County that the Township hereby accepts said funds from Transco.

- 9-1. 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, Trzaska, Graham  
Nays - None

10. **RESOLUTION #16-12-278 - MODIFICATION OF TERMS TO EXECUTED RESTORATION AGREEMENT - TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC (TRANSCO)**

WHEREAS, Pursuant to Township Resolution #15-5-130, the Township authorized execution of a Construction and Restoration Agreement with Transco because the Township and Transco recognized that construction of the Project will impact the Townships lands and roadways; and

WHEREAS, The United States Fish & Wildlife Service has required that Transco install bat roosts to remediate the loss of bat on Township property known as Block 15010, Lot 7, and Block 33001, Lots 26.01 and 26.02 in which the Township has an interest under the Green Acres program; and

WHEREAS, Lauren Wasilauski, the Township Open Space Coordinator, and Gail Smith, the Township Engineer have reviewed the work Transco must complete, and have provided their recommendations regarding the installation of the bat roosts, including the composition and location of said bat roost; and

WHEREAS, The Township Committee has reviewed a proposed modification agreement to the terms of the Restoration Agreement regarding the installation of the required bat roost, and are in agreement with those terms.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Mayor and Clerk are hereby authorized to execute the agreement between the Township and Transco to modify the Restoration Agreement to permit the installation of a bat roost on Block 15010, Lot 7, and Block 33001, Lots 26.01 and 26.02 in accordance with the terms of the modification agreement.

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

11. Committeewoman Madrid stepped down from the dais.

12. **ORDINANCE #16-1536 - Kid Connection Fees - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, INCREASING FEES FOR KID CONNECTION PROGRAMS AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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

- 12-1. 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  
Abstain - Madrid

13. Committeewoman Madrid returned to the dais.

14. ORDINANCE #16-1535 - 1860 House Lease-Purchase Agreement - Public Hearing

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-1. Attorney Hadinger offered two technical modifications to the ordinance, asked the Governing Body to move those before the Mayor opened the public hearing. The first was the citations on line 3 the title and on page 2 in the first line of Section 2.
- B-2. Deputy Mayor Trzaska moved to amend the language in the title and on page 2 to N.J.S.A. 40A:12-21(k). The motion was seconded by Committeeman Conforti and carried on the following:

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

- C-1. Mayor Graham opened the hearing to the public.
- C-2. Judy Peters, Dead Tree Run Road and President of the Van Harlingen Historical Society, expressed her support and the support of some of the members of the Historical Society for the lease/purchase agreement of the 1860 House to the 24 Club.
- C-3. Donald Matthews, Rutland Road and Landmarks Commission, expressed support for the lease agreement and asked about the Township retaining access to the barn and to the rest of the property. Mayor Graham suggested adding language to the agreement regarding that concern. Attorney Hadinger stated that the people who made recommendations on the agreement were consulted to make sure that any issues are addressed.
- C-4. Dan Greenhouse, Sycamore Lane, expressed his concerns about the lease-purchase agreement, especially regarding the noise element. He stated that the Township has worked really hard for open space preservation and he felt this property should be preserved as open space. Attorney Hadinger explained that a portion of this property is not included as Township open space. It is a portion of it that is exempt from any diversion requirement by Green Acres. Mayor Graham suggested that Mr. Greenhouse speak to someone from the 24 Club.
- C-5. Ginny Wickland, Sycamore Lane, spoke about the 24 Club expressed her support for this agreement.
- C-6. Anna Mancilla, Sycamore Lane, spoke about her concerns regarding the nature of the members of this club. She's sure that most of them are fine people, but it only takes one to cause issues. She expressed her disapproval to this agreement. She questioned why a private resident or a small business owner was not asked about acquiring the property. She asked why the Township was looking to bring a troubled group of individuals near a residential neighborhood. Mayor Graham stated that the current location of the 24 Club is near a residential neighborhood and has been for over 20 years, so moving to Montgomery Road is going to be no different. Attorney Hadinger stated that the statutes that govern the disposition of public property allow for the sale or lease of public property to certain non-profit entities for a nominal or market consideration or anywhere in between. If it is a commercial business or private entity, the property can only be sold for fair market value. The other thing that complicates the situation is the Township's current affordable housing plan, which calls for affordable housing on other parts of the property so it has been deemed by appraisers and others as a difficult property to sell to an individual resident.
- C-7. Bill Forbes, Griggstown Road, expressed his support for this agreement. He felt this was a great use and was very happy to hear that the 24 Club was going to restore this beautiful building.
- C-8. Committeewoman Madrid moved to close the hearing to the public. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.
- D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 1<sup>st</sup> day of December, 2016 and that notice thereof be published in an official newspaper as required by law.

14-1. 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, Trzaska, Graham  
Nays - None

15. APPROVAL OF MINUTES

The Regular Session minutes of November 3, 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. 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, Smith, Trzaska, Graham  
Nays - None

17. COMMITTEE AND SUB-COMMITTEE REPORTS

17-1. ZONING BOARD OF ADJUSTMENT

Committeeman Conforti reported on the Zoning Board of Adjustment meeting. The presentations on the cell tower were completed and the Board's professionals made their presentations. It is fully expected that comments will be accepted at the next meeting. He stated that there was discussion about the height of the tower, the view from the Staats Farm Road area, the tower being in a historic district, and other matters.

17-2. MASTER PLAN COMMITTEE

Committeeman Smith reported on the Master Plan meetings. One was with Madison Marquette regarding the changes they would like to make to their plans. The other was with a group from Tract C, which consists of Tiger's Tale, residential and Thuls. They resolved quite a few issues and paved way for them to move forward to put together a concept plan of what they would like to do with Tract C. He stated that there was still no word about Dunkin Donuts. Attorney Hadinger explained the developer had challenged the Zoning Board of Adjustment's condition regarding left or right turn out of the parking lot to the New Jersey Department of Transportation.

17-3. COAH

Committeewoman Madrid stated that there were recently arguments before the Supreme Court regarding COAH. She asked when the Township might hear about the outcome. Attorney Hadinger replied that she didn't feel that the waiting period would go beyond January or February, 2017.

17-4. ECONOMIC DEVELOPMENT COMMISSION

Mayor Graham reported on the Economic Development Commission meeting. There was going to one change to the Business Directory and that change was to make it a complete directory. This would mean that they will be listing all of the businesses in the Township, instead of just the businesses that paid to advertise.

18. SERGEANT EXAM UPDATE

Administrator Nieman reported that of the sixteen (16) eligible patrol officers, fifteen participated in the Sergeants exam process. The interviews will be taking place soon.

19. 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:
  - Personnel - Police Lieutenant Interview
  - Personnel - Police Captain Interview
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No appointments shall be authorized except by action of the Township Committee in a public session.

(Item #19 Cont.)

- 19-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.
20. Meeting reconvened in Open Session and ADJOURNMENT was at 9:06 p.m. on a motion by Committeeman Conforti. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk