

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
May 4, 2017

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 Trzaska, Deputy Mayor Smith, Committeewoman Madrid
Committeemembers Graham and Conforti were absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

ASSISTANT CHIEF FINANCIAL OFFICER - Dale Melville

TOWNSHIP CLERK - Donna Kukla

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

4. **WILDLIFE MANAGEMENT COMMITTEE REPORT**

Ryan Logan, Wildlife Management Committee Chair, stated that the hunting program had another successful year in which they culled 164 deer. He reported that the hunters spent 6,895 hours hunting. He thanked the Governing Body on behalf of the hunters, for allowing them the opportunity to make this program a success. He expressed gratitude and thanks for the hard work and leadership of Township Clerk Donna Kukla and her staff. The program and the Wildlife Management Committee would not exist without their hard work and dedication. He presented the following proposed changes to the Montgomery hunting program resolution:

1. Decrease number of hunters from 6 to 5 on the Dead Tree Run property;
2. Allow the following new incidental hunting:
 - a. Incidental hunting of turkey during the one week fall turkey season, which coincides with deer season;
 - b. Incidental fox hunting during deer season.
3. Clarification of incidental hunting of coyotes during the deer season with archery equipment:
 - a. The current resolution only addresses coyote hunting with a firearm and only during the firearm seasons in the property explanations;
 - b. On the last page of the current resolution it states that incidental coyote hunting is allowed, not explaining where or when.
4. Eliminate language referring to designated and township supplied tree stands:
 - a. The Township tree stands were stolen ten years ago;
 - b. The need for designated tree stands is not needed anymore, because many of the properties are archery only now.
5. Require all hunters to wear a harness while in a tree stand on Township property:
 - a. Harnesses increase safety and help to decrease Township liability.
6. Change the resolution to state the deer hunting seasons that are allowed without showing the individual dates:
 - a. The actual hunting season dates are not adopted by the New Jersey Division of Fish and Game until after Township approves the hunting resolution every year;
 - b. The dates that are projected may or may not be accurate.
 - c. The proposed 2017-2018 hunting season dates:

Fall bow (deer)	September 9 - October 27, 2017
Permit bow (deer)	October 28 - December 24 and December 26-31, 2017
Permit muzzleloader (deer)	November 27 - December 1, 4-9, 11-12, 16-24, 26-31, 2017
Permit shotgun (deer)	November 29 - December 1, 4-9, 13-15, 2017 and January 6 - February 10, 2018
Six Day Firearms (deer)	December 4 - 9, 2017
Winter Bow (deer)	January 1 - February 17, 2018
Fall turkey	October 29 - November 5, 2017
Fox season	September 9, 2017 - February 17, 2018

He thanked the members of the Montgomery Township Committee for having the foresight to start the program and help it flourish over the years. This year he asked the Township Committee to make the aforementioned improvements that he felt would improve the already excellent program. He stated that Montgomery Township was the first to have such a program, and it is what other towns base their programs on.

Mayor Trzaska asked how the junior program worked out. Mr. Logan explained that the age range has such a small window (15 to 18 years old) and hunters didn't have anyone with children in that range. He hoped they would this year as there were a few people with children aged 14 during the last hunting season who will be 15 years old this time around.

(Item #4 Cont.)

Mayor Trzaska asked about other Open Space properties that could be included in the program. Mr. Logan stated that he and Open Space Coordinator Lauren Wasilauski were working together on this but the properties that they would like to add to the program would not be acquired by the Township until after the program begins.

Deputy Mayor Smith asked if the 164 kill number was higher or lower than in previous years. Mr. Logan responded that it was hard to tell, but it seemed to be in line with other years. He explained that with all of the development, the deer seemed to be congregating in the residential yards, and not in the open space areas.

- 4-1. **Motion #17-5-1** - Deputy Mayor Smith moved to direct Attorney Hadinger to work with Mr. Logan and Township Clerk Donna Kukla to make the suggested changes to the resolution for the upcoming hunting season. The motion was seconded by Committeewoman Madrid and carried unanimously.

5. **ANNUAL LOCAL HEALTH REPORT**

Stephanie Carey, Township Health Officer, presented the Montgomery Township Local Health Report for 2016. She explained the key accomplishments for 2016:

1. Chronic Disease Self-Management and Diabetes Self-Management expanded, to include faith-based outreach and programming;
2. New and expanded, evidence-based substance abuse prevention and mental health initiatives (Montgomery-Rocky Hill Municipal Alliance);
3. Increase in Public Health Nursing capacity to address Wellness programs and a 25% greater communicable disease investigation workload;
4. Launched Initial Application for national Public Health Accreditation with document preparation through Summer, 2017;
5. Launch of Boards of Health Quality Improvement team to help achieve national accreditation;
6. Advocacy and capacity building to meet tough new lead poisoning prevention standards.

She explained the Montgomery Township Health Department's Strategic Priorities:

1. Healthy Eating and Active Living: Improve community health by advocating for sustainable, healthy lifestyle choices to help people maintain a healthy weight.
2. Engage the community to prevent and reduce impact of Infectious and Chronic Disease.
3. Mental Health: Improve access to mental health and substance abuse prevention and treatment resources (including tobacco) while reducing stigma.
4. Administrative Priorities:
 - a. Our daily job: Protect the health of people and the environment through regulatory enforcement.
 - b. Build and maintain our human capital and organizational structure.
 - c. Develop sustainable revenue streams to support critical services.
 - d. Demonstrate our commitment to transparency, accountability, and improved outcomes by completing documentation upload for Public Health Accreditation by July 1, 2017.

Mayor Trzaska spoke about the recent "In the Blink of an Eye" event at the Montgomery High School. He stated that he had heard a lot of positive feedback about the event.

Administrator Nieman stated that the International City Managers Association ran a program called "Community Heroes". He explained that this was a national search for those people who made a significant impact in their community. He felt that Health Officer Stephanie Carey was worthy of a nomination. He submitted an application naming her and although she didn't win, she was one of the national finalists.

6. **PUBLIC COMMENT**

- 6-1. Brett Borowski, York Drive, expressed his appreciation of the milling and paving of Cherry Valley Road. Mayor Trzaska explained that there is one more section of Cherry Valley Road that needs work and that area will undergo reconstruction. The Township is waiting on approval from the Delaware Raritan Canal Commission before work can commence. He explained that once the approval is received, the Township will put the work out to bid and then award the contract. Work should be starting in the next month or two.

Mr. Borowski inquired about the status of the Princeton Avenue road work. Administrator Nieman stated that work should have begun May 1, but with the rainy weather that date had to be postponed. They are doing sidewalk work along Blue Spring Road and it is the hope that the sidewalk work will be completed in about a month's time, but that also depends on the weather.

Mr. Borowski commented that someone needs to take a look at the small concrete triangle at the intersection of Mount Lucas Road and Princeton Avenue. There needs to be striping or signs to let people know how to navigate it. Administrator Nieman stated that he would look into the issue.

Mayor Trzaska commended the Township Engineer and the Public Works department on the work that went into the milling and paving work on the 11 or so miles of roads in the Township.

7. **RESOLUTION #17-5-107 - RESOLUTION SUPPORTING A-4532 EXEMPTING PERSONAL INFORMATION FROM OPEN PUBLIC RECORDS ACT (OPRA)**

WHEREAS, The Township of Montgomery has concerns with how government can do a better job to protect the public's rights to privacy and to protect taxpayer dollars; and

WHEREAS, The Township of Montgomery finds that a substantial number of OPRA requests are for commercial and solicitation purposes, which is not the intent of OPRA; and

WHEREAS, While the OPRA law states that governments have a responsibility to safeguard citizen's private information, the law is unclear as to when personal information should be dispersed, resulting in courts having to rely on subjective balancing tests to determine which personal information can or cannot be disclosed; and

WHEREAS, The disclosure of a person's name, address, telephone number, and e-mail address could potentially adversely affect the privacy of citizens with unwarranted solicitation and the possibility of harm to that person or to their property; and

WHEREAS, The original intent of OPRA was not for unwarranted solicitation and invasion of privacy; and

WHEREAS, The release of personal information could also adversely affect a citizen's willingness to provide their personal information to a government agency knowing that their personal information may not be protected from disclosure to anyone who files an OPRA request; and

WHEREAS, Citizens should not have to worry that if they follow State and local laws that require names, addresses, e-mails and phone numbers, such as applying for a permit or license, that their personal information will be dispersed to anyone who wishes to see it under the OPRA law; and

WHEREAS, Governments should do whatever is in their power to protect their citizens against harm, solicitation, nuisances, and theft; and

WHEREAS, Assembly Bill A-4532, would exempt from disclosure any portion of a personal government record which discloses any personal identifying information, including the name, address, telephone number, and e-mail address of any person; and

WHEREAS, This bill also bars attorney's fees from being awarded in denial of access proceedings when the decision to deny was reasonable and made in good faith after due diligence; and

WHEREAS, The Township Committee of the Township of Montgomery desires to protect the public's personal information and also protect taxpayers from unnecessary increases to their taxes due to OPRA lawsuits where the custodian of records did their due diligence and acted in good faith; and

WHEREAS, Assembly Bill A-4532 was passed by the Assembly (73-0-0) and received in the Senate on May 1, 2017.

NOW THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Montgomery hereby supports Assembly Bill A-4532, and calls upon the Senate to pass this legislation.

BE IT FURTHER RESOLVED That the Montgomery Township Committee urges Governor Christie to sign Assembly Bill A-4532 in order to protect the privacy rights of our residents and protect tax payer dollars.

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to the Somerset County Municipal Clerks, Senate President Stephen Sweeney, and the Governor of the State of New Jersey.

7-1. Deputy Mayor Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

8. **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 #17-5-108 - REFUND OVERPAID 2017 SEWER CHARGES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2017 sewer charges:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
35003	1.02 CONDO	Jae Wha Dakin	\$315.25
37003	1.120	Adam S. Henschel	\$956.50

B. **RESOLUTION #17-5-109 - REDEMPTION OF TAX SALE CERTIFICATE**

BE IT RESOLVED That a refund in the amount of \$117,412.04 be given U.S. Bank for BV001 Trust, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2513 for the redemption of Tax Sale Certificate #2015-08 on Block 7016, Lot 4.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #17-5-110 - APPROVAL OF AN AGREEMENT FOR RESERVATION OF REMAINING SEWER CAPACITY - Driftbuilt, LLC. (Block 7013, Lot 22.02)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement for reservation of remaining sewer capacity with Driftbuilt, LLC related to remaining capacity in the Riverside Farms Sewage Treatment Plant for Block 7013, Lot 22.02.

D. **RESOLUTION #17-5-111 - RELEASE OF ESCROW FEE - William Pitcher - Street Opening Permit #15-R-35**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to William Pitcher because all work has been satisfactorily completed with respect to the following street opening permit at Block 11001, Lot 21.02 (428 Hollow Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$100.00 be released to William Pitcher, 428 Hollow Road, Skillman, NJ 08558.

8-1. Deputy Mayor Smith moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

9. **RESOLUTION #17-5-112 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET, STATE OF NEW JERSEY AUTHORIZING MEMBER PARTICIPATION IN THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM**

WHEREAS, N.J.S.A. 52:36-6.2 authorizes contracting units to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, The nationally-recognized Houston-Galveston Area Council Cooperative Purchasing Program hereinafter referred to as H-GAC Cooperative Purchasing Program, has offered voluntary participation in the national cooperative purchasing agreement for the purchase of goods and services; and

WHEREAS, It is the desire of the Township of Montgomery to join the H-GAC Cooperative Purchasing Program to purchase goods and services, to make the procurement process more efficient and to provide cost savings to the Township.

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

1. That the governing body of the Township of Montgomery hereby authorizes the Mayor and the Municipal Clerk to enter into a member participation agreement and to participate in the H-GAC Cooperative Purchasing Program.
2. The Township shall be responsible to ensure that the goods and/or services procured through the H-GAC Cooperative Purchasing Program shall comply with all applicable laws of the State of New Jersey, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

9-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Smith and carried on the following:

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

10. **RESOLUTION #17-5-113 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET, STATE OF NEW JERSEY AUTHORIZING MEMBER PARTICIPATION IN THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA)**

WHEREAS, N.J.S.A. 52:36-6.2 authorizes contracting units to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, The nationally-recognized National Cooperative Purchasing Alliance hereinafter referred to as NCPA, has offered voluntary participation in the national cooperative purchasing agreement for the purchase of goods and services; and

WHEREAS, It is the desire of the Township of Montgomery to join the NCPA to purchase goods and services, to make the procurement process more efficient and to provide cost savings to the Township.

(Item #10 Cont.)

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

1. That the governing body of the Township of Montgomery hereby authorizes the Mayor and the Municipal Clerk to enter into a member participation agreement and to participate in the National Cooperative Purchasing Alliance.
2. The Township shall be responsible to ensure that the goods and/or services procured through the National Cooperative Purchasing Alliance shall comply with all applicable laws of the State of New Jersey, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

10-1. Deputy Mayor Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

11. **RESOLUTION #17-5-114 - AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANTS OF AN AFFORDABLE HOUSING UNIT LOCATED 1200 MCKINLEY COURT MONTGOMERY, NEW JERSEY**

WHEREAS, Applicants 2017-1 ("Tenants") will be renting 1200 McKinley Court, Montgomery Township ("Property"), a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, The Tenants have requested a loan through Montgomery Township's Affordability Assistance Program to pay for a security deposit for the Property; and

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

WHEREAS, The Township shall pay the amount of the requested loan for a security deposit directly to the landlord, Princeton McKinley, LLC; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to the Tenants in the amount of nine hundred and eight, 48/100 dollars (\$908.48); and

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

NOW THEREFORE BE IT RESOLVED On this 4th day of May, 2017, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township's Affordability Assistance Program, to enter into an Agreement with Tenants and Landlord, and provide Tenants with a loan to be used to pay a security deposit for the Property.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the loan amount.

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

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

12. **ORDINANCE #17-1546 - Mid-Block Crosswalks - Mill Pond Road, Harlingen Road and Blue Spring Road - Public Hearing**

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

AN ORDINANCE AMENDING SCHEDULE XXII OF CHAPTER VII, "MID-BLOCK CROSSWALKS," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH MID-BLOCK CROSSWALKS ON MILL POND ROAD AT MILL POND PARK AND MONTGOMERY PARK, ON HARLINGEN ROAD AT MONTGOMERY PARK, AND ON BLUE SPRING ROAD

B. Mayor Trzaska opened the hearing to the public. There being no comment, Deputy Mayor Smith moved to close the public hearing. The motion was seconded by Committeewoman Madrid and carried unanimously.

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4th day of May, 2017 and that notice thereof be published in an official newspaper as required by law.

(Item #12 Cont.)

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

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

13. **APPROVAL OF MINUTES**

The Regular Session minutes of April 20, 2017 were approved as printed.

14. **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.

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

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

15. **UPDATE ON AVAILABLE LIQUOR LICENSES**

Township Clerk Donna Kukla stated that she continues to get questions regarding when the Township would be auctioning another liquor license. Mayor Trzaska stated the Township has one license for a restaurant and one for retail available for sale and he would be agreeable to getting them out to bid in 2017. He suggested staggering the bidding and stated that Township Committee should discuss how much they would like to start the bidding at, depending on what the comparable license sales were. They discussed the length of time that it would take to go through the process. Township Clerk Donna Kukla stated that she would have to confirm the official population number according to the census for the retail license. It was suggested that the Township move forward on the selling of the available licenses.

16. **COMMITTEE AND SUB-COMMITTEE REPORTS**

16-1. **LANDMARKS COMMISSION**

Committeewoman Madrid reported that at the Landmarks Commission meeting approval was given regarding a request from the owners of the Goldenback Farm to demolish an old cottage of no historical significance to build a new tractor shed.

17. **DOG PARK AT SKILLMAN PARK**

Mayor Trzaska reported that the Dog Park that is being built at Skillman Park is moving along very quickly. The County expects it to be completed by the end of May. He stated that this would be a great addition in that section of town, not only for the residents but for S.A.V.E. as well.

18. **ROUTE 518 BRIDGE IN ROCKY HILL**

Mayor Trzaska announced that the bridge on Route 518 in Rocky Hill reopened at 5:00 p.m. today. He stated that work would be beginning soon on the bridge on Route 206 just south of the Municipal Building.

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 subject to be discussed in this session is as follows:
 - Personnel - Police Sergeant Interviews;
 - Potential acquisition of Block 30001, Lot 9.01 with public funds for open space, conservation, municipal purposes;
 - Potential affordable housing litigation and advice of counsel relative thereto.
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. Acquisition of property shall only be authorized by the Township Committee in a public session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

19-1. Deputy Mayor Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

20. The meeting reconvened in Open Session and ADJOURNMENT was at 9:35 p.m. on a motion by Deputy Mayor Smith. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk