

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 20, 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, Committeemembers Graham, 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 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. **PROCLAMATION IN HONOR OF THE MILITARY ORDER OF THE PURPLE HEART**

WHEREAS, The Purple Heart is the oldest military decoration still in present use and was initially created by George Washington in 1782, as the "Badge of Military Merit"; and

WHEREAS, The Purple Heart was the first American Service Award made available to the common soldier, and is awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, The mission of The Military Order of the Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among the combat-wounded veteran members and their families; to promote patriotism; to support related legislative initiatives; and, most importantly, to make sure we never forget the sacrifices made by those so decorated; and

WHEREAS, There have been many former Montgomery Township residents who made the ultimate sacrifice in giving their lives in the cause of freedom, and

WHEREAS, There are combat-wounded veterans who currently reside within the Township, and as Purple Heart awardees contribute to their community in countless ways.

NOW, THEREFORE BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby proclaims Montgomery Township as a **Purple Heart Township** and encourages its citizens to show their appreciation for the sacrifices made by all Purple Heart recipients in defending our freedoms, to acknowledge their courage, and to show them the honor and support they deserve.

- 4-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

5. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Delio Coutinho**

BE IT RESOLVED that Delio Coutinho is hereby appointed Probationary Police Officer for Montgomery Township effective July 17, 2017.

- 5-1. Deputy Mayor Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

- 5-2. Lieutenant Gill gave a brief background of Officer Coutinho. He stated that Officer Coutinho will be attending the Police Academy in Union, New Jersey starting on July 24, 2017.

6. **SWEARING IN OF PROBATIONARY POLICE OFFICER - Delio Coutinho**

Attorney Hadinger administered the Oath of Office to Probationary Police Officer Delio Coutinho

7. **EAGLE SCOUT PRESENTATION - Srikar Surapaneni**

Srikar Surapaneni explained his project to beautify and make the area in the middle of Montgomery Veterans and 9/11 Memorial more presentable. The plan is to build a rock wall approximately 2 feet high and 8 feet long around the entrance to the area and to plant flowers in front of the area in order to make it more welcoming. He gave a list of the materials needed for this project: rocks for rock wall (same color and style as other rock walls already in the area); smaller rocks for footing; shovel for digging trench; and plaster/concrete for foundation to keep the rocks together. He stated that the approximate cost for all of the equipment and materials would be \$500.00. He explained that he and his Boy Scout Troop intended to raise the funds through fundraising.

- 7-1. Committeewoman Madrid moved to approve the Eagle Scout project of Srikar Surapaneni. The motion was seconded by Deputy Mayor Smith and carried unanimously.

8. **SANITARY SEWER SYSTEM PRESENTATION**

Township Administrator Donato Nieman stated he thought it was important, since there were a number of significant improvements and the Township is undergoing a consolidation, that the Township Committee have an opportunity to see the system and understand the age of the plants.

Jason Kiernan, Township Director of Wastewater Operations, stated that there were six (6) wastewater treatment plants in Montgomery: Pike Brook - the main plant; Oxbridge - which is in the process of becoming a pump station; Riverside - which is in the process of becoming a pump station; Cherry Valley; Skillman Village; and Stage II. Each plant requires its own permit. There are very strict discharge limits. There is a staff of 10, including the Director of Wastewater Operations. The two most recently upgraded are Pike Brook and Skillman Village in 2010. Cherry Valley is about 25 years old. Stage II has been upgraded every 15 years or so and is due for improvement. Oxbridge and Riverside are in the process of being consolidated into pump stations to pump to Pike Brook. He explained that the Pike Brook plant is now a state of the art plant and fully automated. He stated that the Oxbridge and Riverside plants are going to be demolished and turned into pump stations and the bid opening for that project is on July 26. The work would hopefully start by the end of August and completion would probably be sometime in the winter. He anticipated that Staats Farm Road would be the only road closing for this project.

He stated that there would be a capital improvement sometime in the near future for Stage II. He spoke about flood protection for this plant because this area has been flooded numerous times. He explained that it was last upgraded in 1999 and some of the equipment is starting to break down and show age. Deputy Mayor Smith asked about the number of homes that pump into the Stage II plant. Administrator Nieman responded that all of Rocky Hill, the Blue Spring Road area, Woodsedge, Yorkshire Woods, the Madison Marquette project, and all of the commercial properties along Route 206 in the Rocky Hill area pump into that plant.

9. **PUBLIC COMMENT**

9-1. Sarah Kocinski, Kildee Road, spoke about the home next to hers on Kildee Road that is being used as a short term rental through Airbnb. She explained what the neighbors deal with almost every weekend. The worst problems are the noise, the trash and the parking. She stated that this past Sunday was the worst. Usually by Sunday afternoon everyone clears out. There was a very large party that descended on the neighborhood on Sunday evening. The neighbors found it very frightening. They are concerned, not only for the disturbance in the neighborhood, but now it is becoming a safety issue. She praised the Police who are called frequently, and respond every time.

Emad Youseff, Kildee Road, spoke about the short term rental home on Kildee Road. He stated that the entire weekend they had parties happening. The noise is unrelenting. The partying is going on all over the property including the front and back yards. He wanted to have some family and friends over for a barbeque and couldn't because of the partying and noise going on at this house.

Deputy Mayor Smith inquired if the Police would be able to enforce a noise violation. Administrator Nieman stated that noise violations were difficult because the Health Department would have to get involved and there were steps that needed to be taken.

Committeeman Conforti asked what was the number of people needed for an Outdoor Assembly permit. Attorney Hadinger stated that an Outdoor Assembly permit would be required for an assembly of 200 or more people.

Committeeman Conforti asked what recourse the neighbors had with regard to this situation. Attorney Hadinger explained that they could sign a nuisance complaint. She stated that this ordinance would be a shorter process for the neighbors as a resolution.

Administrator Nieman stated that he had spoken to the owner of the property, who now lives in another state, to make him aware of the situation.

Committeeman Conforti asked how soon after the adoption of the ordinance would it take effect. Attorney Hadinger responded that it would take effect after the newspaper publication notice of adoption. Township Clerk Donna Kukla stated that she would get it to the Courier News for publication on August 4.

Mayor Trzaska explained what the ordinance was all about. He stated that the owner and property manager of this particular property would be notified that the ordinance was in effect.

Fred Capolongo, Fieldstone Road, asked that when this ordinance is officially in place, will the renter of the dwelling be turned away. Deputy Mayor Smith responded that once the ordinance is in effect, the Police will have the authority to do just that.

10. **ORDINANCE #17-1555 - Prohibiting Short-Term Rentals of Residential Properties - Introduction**

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

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH A NEW SECTION 8-7 PROHIBITING SHORT-TERM RENTALS OF RESIDENTIAL PROPERTIES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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 August 3, 2017 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 Deputy Mayor Smith and carried on the following:

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

10-2. Jerry Walker, Kildee Road, asked if the ordinance had to be memorialized after the public hearing and adoption. Attorney Hadinger explained that it was not like Planning Board resolutions. Once the ordinance is adopted and published, it is in effect.

11. **PUBLIC COMMENT (Cont.)**

Vivienne Blake, Dutchtown-Zion Road, asked about what was going on with the Convatec property and would taxes be affected by the purchase. Mayor Trzaska explained that the Township is in the process with Somerset County to purchase the property to possibly be used as the site of the new Montgomery Township Municipal Building. The closing has not occurred as yet, but the hope is that it will take place in August. He stated that some of the purchase price would hopefully be recouped when the Township goes through the Open Space preservation process for approximately 1/3 of the land. Committeeman Conforti explained that the timing was good because the Township has some debt coming off the books. This debt will replace that debt.

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 #17-7-162 - REFUND OVERPAID 2016 AND 2017 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2016 and 2017 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
7019	17	Demetrios & Angela Kydonieus c/o Jennifer L. Fleischer, Esq.	\$3,650.38	2017
28001	5.60	Ocwen Loan Services, LLC	\$7,702.13	2016
37003	1.081	Core Logic	\$1,998.67	2017

B. **RESOLUTION #17-7-163 - APPROVAL OF USE OF TENT AND BANNER SIGNS - Montgomery FunFest**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the use of the Township tent for the Montgomery FunFest as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township. The event will be held on September 10, 2017.

BE IT FURTHER RESOLVED That the Montgomery Township Committee hereby authorizes the Zoning Officer to administratively approve banner signs advertising the sponsors of the event for a period of time not longer than two weeks before the event and two weeks after the event (for a maximum of four weeks total). The banners shall be located along the airport fencing, and shall be of a reasonable size.

C. **RESOLUTION #17-7-164 - APPROVAL OF CONSTRUCTION SEQUENCE AGREEMENT - Belle Mead Planned Unit Development - Sub Development Area I**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Country Club Meadows, LLC, with respect to Block 4001, Lots 33 & 33.01; Block 5023, Lots 2 & 3; Block 6001, Lot 1, subject to review and approval by the Township Attorney as to form and content.

D. **RESOLUTION #17-7-165 - RELEASE OF PERFORMANCE GUARANTEE - Hillside at Montgomery, Section I**

WHEREAS, Gail Smith, Township Engineer, has certified on July 5, 2017 that all public improvements in a project known as Hillside at Montgomery, Section I have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the performance guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee in the amount of \$1,356,249.42 (LOC #LC-102938 in the amount of \$1,220,624.48 and \$135,642.94 cash) be released to Sharbell Building Company, LLC and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$2,860,731.00
15% Maintenance Guarantee	\$ 429,109.65

(CONSENT AGENDA Item D Cont.)

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the following six conditions:

1. Sharbell Building, Company, LLC shall post a 2 year maintenance guarantee in the amount of 15% of the original performance guarantee amount of \$2,860,731.00:

15% Maintenance Guarantee \$429,109.65
2. Sharbell Building, Company, LLC shall post a guarantee in the amount of \$10,140.00 for the construction of the recreation pathway to be located on Block 28001, Lot 66.
3. Sharbell Building, Company, LLC shall provide a copy of the NJDEP physical connection permit for the backflow preventer at the pump station and deliver the same to the Township, and the Township shall verify that all required monitoring of the backflow preventer has been completed and reports properly submitted to NJDEP.
4. Sharbell Building, Company, LLC shall deliver an original resolution authorizing the conveyance of the pump station lot to the Township Attorney.
5. Sharbell Building, Company, LLC shall record an easement across Block 28003, Lot 162 for the access to the pump station. The easement instrument and metes and bounds description shall be in a form acceptable to the Township Attorney and the Township Engineer.
6. Sharbell Building, Company, LLC shall post adequate escrow funds.

Upon satisfactory completion of these conditions, it is recommended that the Township accept the following:

1. Sanitary Sewage Improvements - Sanitary sewerage improvements and sanitary sewer easements located as follows:
 - a. Along Hartwick Drive from the McGovern Lane intersection at approximately Station 2+50, to the end of the Cul-de-Sac;
 - b. Along the entire length on the road McGovern Lane;
 - c. Along Mystic Drive from approximately Station 1+0 to the intersection of McGovern Lane at station 7+39.69;
 - d. Along Mystic Drive from approximately Station 7+40 to the intersection with of Hartwick Drive at Station 10+85.90; and
 - e. Through the Hillside Section II tract, Block 28003, Lot 217 from Hartwick Drive approximately Station 2+50 west to the Tapestry Phase 1B-1 Tract, Block 28003, Lot 207.
2. Pump Station - The pump station improvements, the pump station lot (Block 28003, Lot 210), and the pump station access easement across Block 28003, Lot 162.
3. 50 foot wide easement - 50 foot wide easement entitled "private roadway access, egress, utility and sanitary easement" located along all roads.

Easements are as shown on the final subdivision plat entitled "Final Subdivision Plat - Section I of Hillside, prepared by Sharbell Plainsboro, Inc., consisting of sheets CE-3 and CE-4, dated April 26, 2012 and last revised December 18, 2012.

The following improvements will not be accepted by the Township and will be owned and maintained by the homeowners association:

1. Detention Basins -The bioretention/ detention/ retention basins (Bioretention Basin B and Retention Basin C2) located within Hillside Section I will not be accepted by the Township. The basins are owned and maintained by the homeowners association.
2. Roadway Improvements - Hartwick Drive, McGovern Lane, and Mystic Drive will not be accepted by the Township. The roads are owned and maintained by the homeowners association.
3. Recreational Facilities - The recreational facilities located on Block 28003, Lot 162 will not be accepted by the Township. The recreational facilities are owned and maintained by the homeowners association.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #17-7-166 - RELEASE OF PERFORMANCE GUARANTEE - Hillside at Montgomery, Section II**

WHEREAS, Gail Smith, Township Engineer, has certified on July 5, 2017 that all public improvements in a project known as Hillside at Montgomery, Section II have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the performance guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee in the amount of \$693,431.92 (LOC #LC-103012 in the amount of \$624,088.73 and \$69,343.19 cash) be released to Sharbell Building Company, LLC and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$1,267,873.80
15% Maintenance Guarantee	\$ 190,181.07

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the following two conditions:

1. Sharbell Building, Company, LLC shall post a 2 year maintenance guarantee in the amount of 15% of the original performance guarantee amount of \$1,267,873.80:

15% Maintenance Guarantee \$190,181.07

2. Sharbell Building, Company, LLC shall post adequate escrow funds.

Upon satisfactory completion of these conditions, it is recommended that the Township accept the following:

1. Sanitary Sewage Improvements - Sanitary sewerage improvements and sanitary sewer easements located as follows:
 - a. Along Hartwick Drive approximately Station 11+25, to approximately Station 16+50;
 - b. Along the entire length on the road McGovern Lane;
 - c. Along Comstock Lane from approximately Station 0+75 to the intersection with McGovern Lane at Station 6+84.06; and
 - d. Along Newport Street from approximately Station 2+20 to the intersection with Hartwick Drive at Station 4+44.67.
2. 50 foot wide easement - 50 foot wide easement entitled "private roadway access, egress, utility and sanitary easement" located along all roads.

Easements are as shown on the final subdivision plat entitled "Final Subdivision Plat - Section II, of Hillside, prepared by Sharbell Plainsboro, Inc., consisting of sheet CE-5, dated April 26, 2012 and last revised December 18, 2012.

The following improvements will not be accepted by the Township and will be owned and maintained by the homeowners association:

1. Roadway Improvements - Hartwick Drive, Comstock Lane, and Newport Street will not be accepted by the Township. The roads are owned and maintained by the homeowners association.
2. Recreational Facilities - The recreational facilities located on Block 28003, Lot 162 will not be accepted by the Township. The recreational facilities are owned and maintained by the homeowners association.

F. **RESOLUTION #17-7-167 - AUTHORIZING A SITE WORK TEMPORARY ACCESS AGREEMENT BETWEEN THE TOWNSHIP OF MONTGOMERY AND THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION Crusier Brook Bridge Replacement Project**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Site Work Temporary Access Agreement between the Township of Montgomery and the State of New Jersey Department of Transportation with respect to temporary access to portions of the Municipal Building property during the Crusier Brook Bridge replacement project.

G. **RESOLUTION #17-7-168 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Youth Service Grant**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount.

(CONSENT AGENDA Item G Cont.)

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 2017, in the amounts listed below, which item is now available as a revenue form the County of Somerset;

2017 Youth Service Grant	\$5,000.00
2017 Youth Service Competitive Grant	\$6,000.00

BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services

H. **RESOLUTION #17-7-169 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED AT 1203 MCKINLEY COURT MONTGOMERY, NEW JERSEY**

WHEREAS, Applicant 2017-1 ("Tenant") will be renting 1203 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 Tenant has 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, CGP&H, LLC., has reviewed the Tenant's application and qualified the Tenant for the requested assistance; and

WHEREAS, The amount of the requested loan for a security deposit will be paid directly to the landlord, M&G McKinley Investments, LLC, by the Township; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to the Tenant 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 20th day of July, 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 Tenant and provide Tenant 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.

I. **RESOLUTION #17-7-170 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANTS OF AN AFFORDABLE HOUSING UNIT LOCATED AT 1000 MCKINLEY COURT MONTGOMERY, NEW JERSEY**

WHEREAS, Applicants 2017-3 ("Tenants") will be renting 1000 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 thirty, 00/100 dollars (\$930.00); and

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

(CONSENT AGENDA Item I Cont.)

NOW THEREFORE BE IT RESOLVED On this 20TH day of July, 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.

J. **RESOLUTION #17-7-171 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED AT 1143 ROUTE 601, 2E SKILLMAN, NEW JERSEY**

WHEREAS, Applicant 2017-04 ("Tenant") will be renting 1143 Route 601, 2E, 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 Tenant has 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, CGP&H, LLC., has reviewed the Tenant's application and qualified the Tenant for the requested assistance; and

WHEREAS, The amount of the requested loan for a security deposit will be paid directly to the landlord, Blawenburg Associates, LLC, by the Township; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to the Tenant in the amount of one thousand twenty-nine, 54/100 DOLLARS (\$1,029.54); and

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

NOW THEREFORE BE IT RESOLVED On this 20th day of July, 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 Tenant and provide Tenant 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.

12-1. Committeewoman Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

13. **RESOLUTION #17-7-172 - SHARED SERVICES AGREEMENT BETWEEN THE MUNICIPALITY OF PRINCETON AND THE TOWNSHIP OF MONTGOMERY FOR RECONSTRUCTION OF CHERRY VALLEY ROAD (200 FEET WEST OF CHERRY HILL ROAD TO MERCER COUNTY BRIDGE AT JEFFERSON'S CURVE)**

WHEREAS, PRINCETON and MONTGOMERY share a common boundary along Cherry Valley Road; and

WHEREAS, PRINCETON and MONTGOMERY entered into a shared services agreement in September 2012 and an amended shared service agreement in October 2014 to complete the planning, land acquisition, retaining wall design, roadway final design and environmental permitting for improvements to 2,250 linear feet of Cherry Valley Road from approximately two hundred feet west of Cherry Valley Road to the Mercer County Jefferson's Curve Bridge; and

WHEREAS, The PRINCETON and MONTGOMERY Engineering Departments have completed the design and permitting phase of the subject roadway improvement project; and

WHEREAS, The PRINCETON and MONTGOMERY Engineering Departments request that a new shared services agreement be authorized for construction of the planned improvements and construction inspection services.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Municipality of Princeton for reconstruction of Cherry Valley Road (200 feet west of Cherry Hill Road to Mercer County Bridge at Jefferson's Curve).

(Item #13 Cont.)

BE IT FURTHER RESOLVED That pursuant to N.J.S.A. 40A:65-4(b), this Shared Services Agreement and a copy of the Resolution authorizing same shall be filed, for informational purposes, with the New Jersey Division of Local Government Services, New Jersey Department of Community Affairs, 101 South Broad Street, Trenton, New Jersey 08625-0813.

- 13-1. Deputy Mayor 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, Graham, Smith, Trzaska
Nays - None

14. **RESOLUTION #17-7-173 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR CHEMICALS FOR WASTEWATER TREATMENT** (Main Pool & Chemical Co., Inc.; Coyne Chemical Co., Inc.; and Evoqua Water Technologies)

WHEREAS, Resolution #16-7-195 adopted on July 21, 2016 awarded a contract for chemicals for Wastewater Treatment for 12 months with one year extension options to Main Pool & Chemical Co., Inc.; Coyne Chemical Co., Inc.; and Evoqua Water Technologies; and

WHEREAS, N.J.S.A. 40A:11-15 provides that the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, The contract for Main Pool & Chemical Co., Inc. will not exceed \$90,000.00; for Coyne Chemical Co., Inc. will not exceed \$90,000.00; and for Evoqua Water Technologies will not exceed \$25,000.00 for the extended year effective July 21, 2017 through July 20, 2018; and

WHEREAS, There exists accounts 07-201-55-542-232, 07-201-55-542-292A, 07-201-55-542-292B, 07-201-55-543-232, 07-201-55-543-292B, 07-201-55-545-232, 07-201-55-546-232, 07-201-55-546-292A, 07-201-55-547-232, and 07-201-55-548-232 which will fund this service; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby approves the second one year extensions pursuant to the above-described terms.

- 14-1. Deputy Mayor 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, Graham, Smith, Trzaska
Nays - None

15. **RESOLUTION #17-7-174 - CHANGE ORDER #1 (FINAL) - Princeton Avenue, Blue Spring Road, Salisbury Road Improvements (Increase)**

WHEREAS, Resolution #17-3-82 adopted on March 16, 2017, authorized the award of a contract for the Princeton Avenue, Blue Spring Road, Salisbury Road Improvements project to Top Line Construction Corp. in the amount of \$514,778.15; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to reflect quantity adjustments and costs for the project, particularly including the use of additional police traffic directors during Princeton Avenue closures, additional milling and hot mix asphalt for Princeton Avenue as field dimensions differed from plans, additional concrete sidewalk repairs on Blue Spring Road, and supplemental items to modify existing storm sewer to field conditions, associated with widening Princeton Avenue to the west of Kingsway Commons; and

WHEREAS, Change Order #1 would allow for bid item quantity adjustments as outlined on said Change Order; and

WHEREAS, The work comprising Change Order #1 will result in a net increase in the original contract amount by \$45,188.33 or 8.78%; and

WHEREAS, There exists account 04-215-55-901-1494B which will fund this change order; 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.

(Item #15 Cont.)

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

1. Change Order #1 is hereby approved as the final change order for this project.
2. This Resolution, when counter-signed by Top Line Construction Corp., shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$45,188.33 for a total contract amount of \$559,966.48.

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

16. **RESOLUTION #17-7-175 - AWARDING CONTRACT FOR LENAPE SWIM CLUB, RUNYON BARN AND FOLUSIAK PROPERTY DEMOLITION PROJECT - IBN Construction Corp.**

WHEREAS, Pursuant a Notice to Bidders duly advertised under the Local Public Contracts Law ("LPCL"), N.J.S.A. 40A:11-1 et seq., on July 7, 2017, six (6) bids were received for the Lenape Swim Club, Runyon Barn and Folusiak Property Demolition Project, as follows:

BIDDER	AMOUNT
Statewide Demolition and Recycling LLC	\$101,475.00
IBN Construction Corp.	\$156,098.00
Caravella Demolition	\$239,753.70
International Waste Services	\$274,999.99
CMS Construction	\$368,511.00
Central Jersey Wrecking & Recycling, Inc.	\$448,580.00

WHEREAS, The apparent low bid was submitted by Statewide Demolition and Recycling LLC, but there are defects in its bid proposal documents as follows:

1. The Bid Proposal Form is not signed and does not bear the name of bidder; and
2. Several documents submitted as part of this package do not bear the name of "Statewide Demolition and Recycling LLC" but rather, the name of "Statewide Demolition and Rigging LLC," which includes the Subcontractors List, Non-Collusion Affidavit (also unsigned), Bid Bond and Consent of Surety; and

WHEREAS, Consistent with applicable provisions of the LPCL and governing case law, these defects are material because their waiver would, among other things, deprive the Township of its assurance that the contract would be entered into, performed and guaranteed according to the specifications; and

WHEREAS, The Township Attorney's office recommends that the bid submitted by Statewide Demolition and Recycling LLC be rejected as unresponsive based on the foregoing; and

WHEREAS, The second low bid was submitted by IBN Construction Corporation and its documents are in compliance with the Township's bidding requirements for same and therefore, IBN Construction Corporation is the lowest responsible, responsive bidder with a bid amount of \$156,098.00; and

WHEREAS, The Chief Financial Officer has certified that adequate funds are available for this contract in account 04-215-00-000.

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

1. The "Whereas" clauses in the foregoing preamble are hereby incorporated herein as if fully restated.
2. The bid submitted by Statewide Demolition and Recycling LLC is hereby rejected as unresponsive.
3. A contract for the Lenape Swim Club, Runyon Barn and Folusiak Property Demolition Project is hereby awarded to IBN Construction Corporation as the lowest responsible, responsive bidder for a not to exceed amount of \$156,098.00.
4. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with IBN Construction Corporation as set forth herein.
5. A copy of this Resolution and the executed Agreement shall be made available in the office of the Township Clerk.

16-1. 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 - Conforti, Madrid, Graham, Smith, Trzaska
Nays - None

17. **RESOLUTION #17-7-176 - AWARD OF BID - Mechanical Repair Services for Wastewater Treatment Plants**

WHEREAS, The following bids for a Mechanical Repair Service Contract were received and publicly opened on July 14, 2017:

<u>BIDDER</u>	<u>AMOUNT</u>				DISCOUNT FOR PARTS
	ON-SITE RATE		SHOP RATE		
	Year 1	Year 2	Year 1	Year 2	
KRS SERVICES, INC.					
Regular (7:00 a.m. to 3:30 p.m.)	\$ 75.50	\$ 76.00	\$ 22.00	\$ 22.00	8%
Overtime (After 3:30 p.m.)	\$113.25	\$114.00	\$ 25.00	\$ 25.00	
Weekends and Holidays	\$113.25	\$114.00	\$ 25.00	\$ 25.00	
MUNICIPAL MAINTENANCE CO.					
Regular (7:00 a.m. to 3:30 p.m.)	\$ 78.00	\$ 80.00	\$ 32.50	\$ 32.50	10%
Overtime (After 3:30 p.m.)	\$117.00	\$123.00	\$ 35.00	\$ 35.00	
Weekends and Holidays	\$117.00	\$123.050	\$ 35.00	\$ 35.00	
RAPID PUMP & METER SERVICE CO. INC.					
Regular (7:00 a.m. to 3:30 p.m.)	\$115.00	\$115.00	\$55.00	\$55.00	20%
Overtime (After 3:30 p.m.)	\$172.50	\$172.50	\$60.00	\$60.00	
Weekends and Holidays	\$172.50	\$172.50	\$60.00	\$60.00	

WHEREAS, The award is to be based on the lowest price of the total regular hours; and

WHEREAS, It is the recommendation of the Purchasing Agent and the Superintendent of Public Works that KRS Services, Inc. be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, There exists accounts 07-201-55-542-232, 07-201-55-543-232, 07-201-55-545-232, 07-201-55-546-232, 07-201-55-547-232, and 07-201-55-548-232 which will fund this service at a not to exceed cost of \$150,000.00; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and filed in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE Montgomery Township Committee that the contract for Mechanical Repair Services is hereby awarded to:

KRS Services, Inc.
 1806 Route 206
 Southampton, NJ 08088

BE IT FURTHER RESOLVED That the two-year contract period is July 16, 2017 to July 15, 2019.

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

17-1. Deputy Mayor 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, Graham, Smith, Trzaska
 Nays - None

18. **ORDINANCE #17-1551 - EMS Vehicle Lease - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY,
 NEW JERSEY AUTHORIZING THE TOWNSHIP TO ENTER INTO A LEASE
 AGREEMENT FOR A TOWNSHIP MOTOR VEHICLE WITH MONTGOMERY
 EMERGENCY MEDICAL SERVICES, INC.

B. Mayor Trzaska opened the hearing to the public. There being no comment, Committeeman Conforti 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 20th day of July, 2017 and that notice thereof be published in an official newspaper as required by law.

18-1. Committeeman Conforti moved the adoption of the foregoing resolution with the amendment of fixing the typographical error in the actual ordinance. The motion was seconded by Committeewoman Graham and carried on the following:

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

19. ORDINANCE #17-1552 - Deer Management - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AMENDING SUBSECTION 9-9.f.9 AND ADDING SUBSECTION 9-9.f.11 TO THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) PERTAINING TO RULES AND REGULATIONS FOR DEER MANAGEMENT ON TOWNSHIP-OWNED PROPERTIES

B-1. Mayor Trzaska opened the hearing to the public.

B-2. Committeewoman Graham explained that she is 99% in favor of the ordinance and stated that she was not in favor of the incidental fox hunting portion.

B-3. Committeeman Conforti 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 20th day of July, 2017 and that notice thereof be published in an official newspaper as required by law.

19-1. 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
Nays - Graham

20. ORDINANCE #17-1553 - Acquisition of Property (Block 6001, Lot 24) - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY, SPECIFICALLY BLOCK 6001, LOT 24 AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWNSHIP OF MONTGOMERY OPEN SPACE TRUST FUND.

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 August 3, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

20-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

21. ORDINANCE #17-1554 - Traffic Regulations on Private Property-Montgomery Ridge - Introduction

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

AN ORDINANCE AMENDING SCHEDULE XXI, TRAFFIC REGULATIONS ON PRIVATE PROPERTY, OF CHAPTER VII, TRAFFIC, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD THE PRIVATE PROPERTY OF THE MONTGOMERY RIDGE DEVELOPMENT.

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 August 3, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

21-1. Deputy Mayor 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, Graham, Smith, Trzaska
Nays - None

22. APPROVAL OF MINUTES

The Regular Session minutes of June 15, 2017 and the Special Session minutes of July 5, 2017 were approved as printed.

23. 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.

23-1. 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, Graham, Smith, Trzaska
Nays - None

24. SCHAFFER TRACT LEASE AGREEMENT

Attorney Hadinger stated that the County would like to purchase a piece of property off Route 518 and add it to Van Horne Park. It is approximately 11 acres. The property would provide pedestrian access from Route 518 to the park but not vehicular access. The County reached out to the Township and to Rocky Hill Borough to inquire whether they would support this. The Recreation and Open Space Committees both support this addition to the Park. Rocky Hill has posed some questions to the County, in particular with respect to access and what the purpose of this was. It was the general consensus of the Governing Body that it was interested. Attorney Hadinger stated she would report to County Counsel that the Township was very much interested in this project.

25. DISTRIBUTION LIQUOR LICENSE

Administrator Nieman reminded the Governing Body that they had discussed this topic at their June meeting but they did not come up with a minimum bid price. There was some discussion. It was the general consensus to set the minimum bid at \$350,000.00.

26. COMMITTEE AND SUB-COMMITTEE REPORTS

26-1. ZONING BOARD OF ADJUSTMENT

Committeeman Conforti reported that the Zoning Board of Adjustment voted 6 to 1 in favor of the cell tower proposal at Nassau Racquet and Tennis Club, which included all of the modifications that took several months to work through. He stated that there had been a lawsuit against the Zoning Board of Adjustment with regard to their rejecting the cell tower on Green Avenue.

26-2. LANDMARKS COMMISSION

Committeewoman Madrid stated that at an upcoming Township Committee meeting the Landmarks Commission and the Open Space Committee are planning to meet to discuss the barns. The topic will be the idea of possibly taking a barn out of storage to replace the Runyon Barn, which is slated for demolition.

26-2. OPEN SPACE COMMITTEE

Committeewoman Graham reported that the Open Space Committee discussed the Boy Scout's proposal for possibly using part of the Cherry Brook Preserve for some Boy Scout camps. They also discussed a request from a biking group that would like to take the grassy area of the Lenape Pool site to make a pump track. This is a track where the bikes would be ridden on a flat track with curves, turns and possibly some moguls for practicing biking on trails.

26-3. BOARD OF HEALTH

Committeewoman Graham reported that the Board of Health had a discussion of the Quiet Zone issue. Some of the Board of Health members felt that it was a public safety issue and they should have been consulted. Administrator Nieman stated that this really did not fall within the Board of Health's jurisdiction.

27. **PROPERTY ON ROUTE 518**

Mayor Trzaska stated that the Township had heard from the County's Open Space Committee with positive feedback on the potential partnering for the 34 acres on Route 518 that the Township is acquiring. He stated he would also try to get the County to partner with the Township on the other two pieces of property on Route 518.

28. **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:
 - Potential acquisition of Block 10001, Lot 7 {Tarzia} with public funds for open space, conservation, municipal purposes;
 - Advice of counsel with respect to sale of Municipally owned property (Block 34001, Lot 57.01);
 - Advice of counsel with respect to Mid-American Salt, LLC v. Morris County Cooperative Pricing Council and pending litigation relative thereto.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of property shall only be authorized by the Township Committee in a public session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

28-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

29. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:30 p.m. on a motion by Committeeman Conforti. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk