

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 19, 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, Committeemembers Madrid and Conforti
Deputy Mayor Smith and Committeewoman Graham were absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

2. Mayor 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. **POLICE REPORT**

Police Captain Wain reported on the following activities of the Police Department for the month of September, 2017:

-- 54 motor vehicle accidents;
-- 33 arrests;
-- 6 thefts;
-- 3 burglaries;
-- 5 criminal mischief;
-- 3 domestic violence.

Captain Wain explained the new E-Ticketing system that write the summonses out. The officer puts in the vehicle registration and it populates into the system automatically. This is a time saver as the officer no longer has to hand write multiple summonses, the officer now just puts in the statute numbers of the infractions and separate summonses will print out. It is also better for the people who input the data into the system, as they don't have to try to read the officer's handwriting.

5. **PUBLIC COMMENT**

- 5-1. Dr. Harel Rosen, Montgomery Veterans Memorial Committee member, spoke about the upcoming Veterans' Day celebration which will occur on November 11. He made himself available for any question the Governing Body might have. He stated that in 2017 and 2018, Veterans' Day is special in Montgomery Township as it falls on a weekend when the public will be available to attend not only the ceremony but what they are organizing as an expanded daylong event to include military re-enactments from the Civil War period and World War II. At present two of the larger re-enacting groups in the area, the 6th New York Artillery and the 9th Infantry Division Historical Society are attending. The Artillery group will be bringing their authentic 1857 Civil War era cannon to do firing demonstrations, if a waiver is granted by the Township for the presence of such items on park grounds. The Civil War re-enactors have period rifles and plan on only doing physical demonstrations and not firing this year. Many of the members of the 9th Infantry Division are from Pennsylvania, so they will be bringing "dummy" weapons. The one New Jersey member of the 9th Infantry Division will be bringing an M-1 rifle. The rest of the weapons will be non-fireable dummies. There will also be a special guest, Bob Costello, a nationally recognized Abraham Lincoln re-enactor, and his entourage.

Mayor Trzaska requested that this event be advertised on the Township's website as well as having an E-Bulletin sent out.

- 5-2. Frank Drift, Sunset Road, spoke about the lot sizes on certain lots on Dutchtown-Zion Road that was the subject of a conversation at an earlier Township Committee meeting. Attorney Hadinger explained that she suggested that the way to change an ordinance is to have the Master Plan Committee take a look at it to see if the referenced lot size should amended. This involves "grandfathered" lots. She suggested that the Township Planner take a look at this issue.

- 5-3. Mr. Drift stated that he thought the Governing Body should appoint a committee, which he would like to be a part of, to look over all the equipment that the Township buys. He stated that the Township was wasting money on certain kinds of equipment. He also felt that some of the equipment the Superintendent of Public Works wants to buy should be rented for the amount of times that the Township would need them or share with other municipalities. He questioned the amount being paid to contractors for snow plowing. He suggested that the work that the Township's Parks Department does could actually be contracted out for a much lower price, thereby saving the Township quite a bit of money.

6. **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 #17-10-233 - REFUND OVERPAID 2017 TAXES**

BE IT RESOLVED That a refund in the amount of \$7,419.22 be given to Julius & Eva Sesztak, 55 Bedens Brook Road, Skillman, NJ 08558 for the overpayment of 2017 taxes on Block 31001, Lot 3.01.

B. **RESOLUTION #17-10-234 - CANCEL 2017 TAXES**

BE IT RESOLVED That the 2017 tax balance in the amount of \$5,771.25 on Block 30001, Lot 9.01 be cancelled. The property is owned by the Township of Montgomery and therefore tax exempt.

C. **RESOLUTION #17-10-235 - CANCELLATION OF CAPITAL ORDINANCES**

WHEREAS, Certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

<u>ORD NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>FUNDED</u>	<u>UNFUNDED</u>
12-1416	Acquisition of Equipment	\$ 9,444.28	
13-1442	Acquisition of Field Tablet	\$ 3,750.00	
13-1443	Acquisition of Generator & Vehicle	\$110,238.59	
14-1472	GIS Mapping GPS	\$ 7,500.00	
15-1493	Acquisition of Field Tablet	\$ 3,750.00	

D. **RESOLUTION #17-10-236 - 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 2017, 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:

2017 Body Armor Replacement Fund Program \$3,231.73

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

E. **RESOLUTION #17-10-237 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Youth Service Competitive Grant - Montgomery Transitions 101**

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

2017 Youth Service Competitive Grant \$2,500.00

(CONSENT AGENDA Item E Cont.)

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

- 6-1. Committeeman Conforti moved the adoption of the **CONSENT AGENDA** . The motion was seconded by Committeewoman Madrid and carried on the following:

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

7. **RESOLUTION #17-10-239 - RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE TO MTC RESTAURANT IV, LLC TO BE ISSUED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY**

WHEREAS, By Resolution #17-8-187 adopted on August 3, 2017, the Township Committee of the Township of Montgomery in the County of Somerset, State of New Jersey ("Township"), authorized the sale of a Plenary Retail Distribution License pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*; and

WHEREAS, MTC Restaurant IV, LLC satisfied all conditions for pre-qualification as set forth in Resolution #17-8-187 and submitted a bid in the amount of \$426,500.00; and

WHEREAS, By Resolution #17-10-239 adopted on October 19, 2017, the Township accepted the bid of MTC Restaurant IV, LLC upon the conditions set forth in said Resolution #17-8-187; and

WHEREAS, MTC Restaurant IV, LLC satisfied the conditions set forth in Resolution #17-8-187; and

WHEREAS, MTC Restaurant IV, LLC application is complete; and

WHEREAS, MTC Restaurant IV, LLC is qualified to be licensed according to the standards established pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*, the regulations promulgated thereunder, Township ordinances and other applicable law; and

WHEREAS, MTC Restaurant IV, LLC has disclosed to the Township and the Township has reviewed the source of funds used in the purchase of the license and the licensed business and additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it hereby authorizes the issuance of a Plenary Retail Distribution License to MTC Restaurant IV, LLC; and

BE IT FURTHER RESOLVED that a copy of this resolution, certified by the Township Clerk to be a true copy, shall be forwarded to MTC Restaurant IV, LLC.

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

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

8. **ORDINANCE #17-1560 - Township-Sponsored Re-enactments in Parks - Introduction**

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

AN ORDINANCE AMENDING SECTION 9-1 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) PERTAINING TO PROHIBITED CONDUCT IN TOWNSHIP PARKS.

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 November 2nd at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

- 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, Trzaska
Nays - None
Absent - Graham, Smith

9. **ORDINANCE #17-1561** - Capital-Paving Projects and Acquisition of Certain Property -
Introduction

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE PAVING PROJECTS AND ACQUISITION OF CERTAIN PROPERTY BY THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$440,000 THEREFOR FROM THE "CAPITAL FUND BALANCE" OF SAID TOWNSHIP.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing November 2nd at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

10. **APPROVAL OF MINUTES**

The Regular Session minutes of October 5, 2017 were approved as printed.

11. **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.

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

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

12. **NOVEMBER SCHEDULE**

There was discussion about keeping the meetings for November as the 2nd and 16th, with the possibility of cancelling the 16th and scheduling a special meeting at the end of November, if necessary.

13. **COMMITTEE AND SUB-COMMITTEE REPORTS**

13-1. **ENVIRONMENTAL COMMISSION**

Committeeman Conforti reported that some representatives from the Montgomery-Rocky Hill Rotary Club attended the Environmental Commission meeting to discuss moving the Run for Rotary from April 29 to April 22, which is Earth Day. They suggested the possibility of combining both events at Skillman Park. He also mentioned that the Environmental Commission asked for an additional \$10,000.00 to be added to their budget for the update to the Natural Resources Inventory.

13-2. **EMERGENCY SERVICES COMMITTEE**

Committeeman Conforti stated that the Emergency Services Committee was working on updating their manual for the year, which should be completed in the next couple of weeks.

14. **WOODSEGE PARK**

Mayor Trzaska reported that there would be a ribbon-cutting ceremony on October 27 at the new Woodsedge Park. He stated that the tennis courts were resurfaced, the basketball court was resurfaced, one of the basketball courts was converted into a badminton court, two new play structures were added and the bathroom facilities were rehabbed.

15. **SEWER DRY LINES**

Administrator Nieman stated that there had been a request from a resident to identify all the dry lines in town for sewers. This would be a laborious project as there are dry lines all over town. The Engineering Department is manually going through all of the old approvals to identify the locations and will create a map.

16. **MONTGOMERY ROAD SIDEWALK PROJECT**

Administrator Nieman reported that the Montgomery Road Sidewalk project is almost complete. They are now working on the culvert.

17. **GREEN AVENUE PROJECT**

Administrator Nieman stated that the work on the Green Avenue project is underway.

18. **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:
 - Advice of counsel with respect to pending affordable housing litigation;
 - Terms and conditions of contract negotiations with Board of Education for Tennis Courts.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. No agreement shall be authorized except by action of the Township Committee in open session.

18-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

19. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:05 p.m. on a motion by Committeewoman Madrid. The motion was seconded by Committeeman Conforti and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk