

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 5, 2015

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 Madrid, Deputy Mayor Trzaska, Committeemembers Smith and Sugden
Committeewoman Graham was absent (Item #20 via telephone)

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

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

4. **PUBLIC COMMENT**

- 4-1. Chris Dollard, Mountain View Road, spoke about the speed limit along Route 601. He asked if there were any plans to widen the road or install sidewalks. Administrator Nieman explained that Route 601 was a Somerset County road and the County has worked with the Township in trying to get funding. One of the problems with the plan was that they would have to do a cantilevered sidewalk on the bridge.

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

- A. **RESOLUTION #15-2-35 - ACCEPTANCE OF DONATION** - Television and Wii System for Senior Citizen Center

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation of a television and Wii system for Senior Citizen Center from Kelly McDermott.

- B. **RESOLUTION #15-2-36 - APPROVAL OF OUTDOOR ASSEMBLY** - Recreational Bicycle Ride

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Kermesse Sport requested approval of the Township Committee to conduct an 82 mile recreational bicycle ride on March 21, 2015. The event will start and end at the Princeton Elks Lodge.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
 - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Township Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The organizers shall obtain the approval of the Police Department on the application and traffic control plan.
4. The organizers will obtain the required food handler certificate from the Township Health Department.

- C. **RESOLUTION #15-2-37 - AUTHORIZING THE ISSUANCE OF 2015 TOWING LICENSES**

WHEREAS, The Township has received completed towing applications for light duty licenses from Kovi Towing, Stewart's Towing and Dave's Heavy Towing; and completed towing applications for heavy duty licenses from Mike's Towing & Recovery, Stewart's Towing and Dave's Heavy Towing to provide towing services in 2015; and

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

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

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

1. The Township Clerk is hereby authorized to issue light duty licenses to Kovi Towing, Stewart's Towing and Dave's Heavy Towing; and heavy duty licenses to Mike's Towing & Recovery, Stewart's Towing and Dave's Heavy Towing for 2015.
2. All towing licenses are subject to the provisions set forth in Chapter IVA of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2015.
3. This resolution shall take effect immediately.

(CONSENT AGENDA Cont.)

D. **RESOLUTION #15-2-38 - AUTHORIZING EXECUTION OF THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE GRANT FOR FISCAL YEAR 2015 - 2016 - Municipal Alliance**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee does hereby authorize the submission of the grant extension for the Montgomery Township Municipal Alliance grant for fiscal year 2014-2015 in the amount of:

| | |
|------------|-------------|
| DEDR | \$18,110.00 |
| Cash Match | \$ 4,527.50 |
| In-Kind | \$13,582.50 |

The Montgomery Township Committee acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

E. **RESOLUTION #15-2-39 - PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE TOWNSHIP OF MONTGOMERY FOR THE YEAR 2014**

WHEREAS, The Township Committee of the Township of Montgomery, County of Somerset, under the provisions of statutes, wishes to defer Local District School Taxes for the year 2014; and

WHEREAS, The unpaid portion of the Local District School Tax on December 31, 2014 may be deferred to the extent of not more than 50% of the school year July 1, 2014 to June 30, 2015 levy, providing no requisition has been made for such amount or any portion of such amount; and

WHEREAS, The Deferred Local District School Taxes for the year 2014 may not exceed 50% of the school year July 1, 2014 to June 30, 2015 levy of \$73,483,112.00 resulting in a deferred amount not to exceed \$36,741,556.00. This amount represents an increase of \$585,070.50 over the maximum Deferred Local District School Taxes for the year 2013 of \$36,156,485.50.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that Local District School Taxes unpaid at December 31, 2014 be deferred to the amount not exceeding \$36,741,556.00, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$585,070.50.

BE IT FURTHER RESOLVED, That two (2) certified copies of this resolution shall be forwarded to the Director of the Division of Local Government Services.

F. **RESOLUTION #15-2-40 - RELEASE OF MAINTENANCE GUARANTEE - Princeton Montessori School - Music Addition**

WHEREAS, Gail Smith, Township Engineer, has certified on January 21, 2015 that all public improvements in a project known as Princeton Montessori School - Music Addition have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond in the amount of \$14,059.62 (cash) be released to Princeton Montessori Society, Inc. 487 Cherry Valley Road, Princeton, NJ 08540.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

G. **RESOLUTION #15-2-41 - RELEASE OF MAINTENANCE GUARANTEE - Princeton Montessori School - New Addition**

WHEREAS, Gail Smith, Township Engineer, has certified on January 21, 2015 that all public improvements in a project known as Princeton Montessori School - New Addition have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond in the amount of \$8,359.20 (cash) be released to Princeton Montessori Society, Inc. 487 Cherry Valley Road, Princeton, NJ 08540.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #15-2-42 - RELEASE OF PERFORMANCE BOND - United Telephone Company of NJ d/b/a/ Embarq - Switching Station Cabinet at Sunset Road/Route 206**

WHEREAS, The performance guarantee for United Telephone Company of NJ d/b/a Embarq was released by Resolution #11-8-207, dated August 4, 2011, with a condition that a maintenance guarantee be posted; and

WHEREAS, The maintenance guarantee was never posted and the condition was not met and therefore the performance guarantee remained in place; and

WHEREAS, The two-year maintenance period is now over and the Township Engineer has determined all improvements to be acceptable and therefore recommends the release of the performance guarantee funds.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the performance guarantee in the amount of \$20,530.20 (Bond #674012468 in the amount of \$18,477.18 and \$2,053.02 cash) be released to United Telephone Company of NJ d/b/a/ Embarq, 5454 W. 110th St. Overland Park, KS 66211.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall be conditioned upon the posting of adequate escrow funds.

I. **RESOLUTION #15-2-43 - REDUCTION OF PERFORMANCE BOND - DeRochi**

WHEREAS, Gail Smith, Township Engineer, has certified on January 16, 2015 that a performance guarantee posted for Steve and Loretta DeRochi may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a reduced performance guarantee as specified in the Township Engineer's estimate dated January 14, 2015.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$84,353.28 reduced from \$128,872.80 be posted as follows:

| | |
|--|-------------|
| 10% cash | \$ 8,435.33 |
| 90% cash, Letter of Credit, or Surety Bond | \$75,917.95 |

J. **RESOLUTION #15-2-44 - EXTENSION OF TIME TO COMPLETE IMPROVEMENTS - Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on February 7, 2014 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

| Development | New Completion Date |
|---|---------------------|
| Princeton N. Shopping Center, SW Benj. Blvd. | May 20, 2016 |
| Tapestry at Montgomery, Phase 1B-1 Site w/o Force Main & Pump Station | June 30, 2016 |
| Tapestry at Montgomery, Phase 1B-2 Site w/o Force Main & Pump Station | June 13, 2016 |
| Tapestry at Montgomery, Phase 1B-3 Site w/o Force Main & Pump Station | May 20, 2016 |
| Waldorf School of Princeton, Phases 1 & 2 Build & Pathway | May 13, 2016 |
| 3M Stormwater Management System | March 17, 2016 |
| Bedens Brook Valley Landscaping, Lot 11.06 Cummings | March 20, 2016 |
| Pleasant View Road Improvements | April 16, 2016 |
| Princeton Airport, Hanger #4, Phase 1 | April 20, 2016 |
| Tapestry at Montgomery, Phase 1B-4 Site w/o Force Main & Pump Station | August 4, 2015 |
| Blawenburg Village, Yardville National Bank | August 31, 2015 |
| Montgomery Promenade, Temporary Parking | June 20, 2016 |
| Tapestry at Montgomery Temporary Trailer, Restoration Bond | November 14, 2015 |
| Handler Estates | December 31, 2015 |
| S.A.V.E. Animal Shelter | April 10, 2016 |
| Hillside at Montgomery, Section I | November 14, 2016 |
| Hillside at Montgomery, Section II | November 26, 2015 |
| Mother of God Orthodox Church | May 15, 2016 |
| | November 14, 2015 |

K. **RESOLUTION #15-2-45 - AUTHORIZING SECOND AMENDMENT TO CONSTRUCTION SEQUENCE AGREEMENT FOR EARLY STARTS - Orchard Residential (aka Montgomery Ridge)**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a second amendment to a Construction Sequence Agreement for early starts with Orchard Residential (aka Montgomery Ridge).

(CONSENT AGENDA Cont.)

L. RESOLUTION #15-2-46 - CHANGE ORDER #1 - Green Avenue Overlay Project (Decrease)

WHEREAS, Resolution #14-10-238 adopted on October 16, 2014, authorized the award of a contract for the Green Avenue Overlay Project to Top Line Construction in the amount of \$495,182.40; and

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

WHEREAS, The work comprising Change Order #1 will result in a net decrease in the original contract amount by \$483.87 or -0.10%; 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.

M. RESOLUTION #15-2-47 - RESOLUTION AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO JOIN THE PASSAIC COUNTY CO-OP

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, The County of Passaic, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, On February 5, 2015 the governing body of the Township of Montgomery, County of Somerset, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE BE IT RESOLVED That this Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Montgomery pursuant to the provisions of NJSA 40A:11-11(5), the Purchasing Agent is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law NJSA 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey. This resolution shall take effect immediately upon passage

N. TOWNSHIP COMMITTEE APPOINTMENTS - Board of Health

BE IT RESOLVED That Patricia Scully is hereby appointed Board of Health Alternate II member, 2 year unexpired term expiring December 31, 2015.

5-1. Deputy Mayor Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Sugden and carried on the following:

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

6. RESOLUTION #15-2-48 - AWARING NON-FAIR AND OPEN CONTRACT FOR CLEANING SERVICES AT MONTGOMERY KID CONNECTION

WHEREAS, The Township Committee of the Township of Montgomery has a need to retain regular cleaning services at Montgomery Kid Connection; and

WHEREAS, The Township Committee is permitted to acquire such services through a "non-fair and open" process (as defined by NJSA 19:44A-20.4) meaning the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Montgomery, and not by a "fair and open" process (as defined by NJSA 19:44A-20.7) such as awarding to the lowest bidder; and

WHEREAS, The purchase cost for the purchase is expected to exceed \$17,500 but less than the bid threshold of \$36,000; and

WHEREAS, Daycare Cleaning Services, Inc., 1909 Fairfax Avenue, Cherry Hill, NJ 08003 128 Marshalls Creek, PA 18335 has submitted a price quote and has completed and submitted a Business Entity Disclosure Certification; and

WHEREAS, It is the recommendation of the Township Administrator; 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 office of the Township Clerk.

(Item #6 Cont.)

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery authorizes a two year contract with Daycare Cleaning Services, Inc., in the amount not to exceed of \$14,400 paid for each year, or \$28,800 for the entire term of this agreement.

- 6-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried on the following:

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

7. **RESOLUTION #15-2-49 - AUTHORIZING PURCHASE OF ROCK SALT FROM ATLANTIC SALT CO.INC. FOR MONTGOMERY PUBLIC WORKS DEPARTMENT THROUGH NEW JERSEY SOMERSET COUNTY CONTRACT**

WHEREAS, The Township of Montgomery has determined the following SOCCP identifier #CC-0054-14 has provided the Township with the most competitive price for these items/services; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 01-201-26-290-2-021.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase of rock salt at a not to exceed amount of \$33,511.50 be authorized through the utilization of the New Jersey Somerset County Contract to:

Atlantic Salt Co. Inc
134 Middle St. Suite 210
Lowell, MA 01852

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

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

8. **RESOLUTION #15-2-50 - PROFESSIONAL SERVICES RESOLUTION - Wastewater Consulting Services - Kleinfelder Group, Inc.**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer to provide wastewater consulting services for Montgomery Township during the search for a replacement chief sewer plant operator; and

WHEREAS, There exists a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law); and

WHEREAS, The firm of Kleinfelder has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Kleinfelder has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Kleinfelder has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq authorizes the award of a contract for "professional services' without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with provide wastewater consulting services during the search for a chief sewer plant operator. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Kleinfelder shall be paid a not to exceed fee of \$6,000.00 per month for its services until a chief sewer plant operator is hired.

(Item #8 Cont.)

3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

8-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

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

9. **RESOLUTION #15-2-51 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, the 2015 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2015 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body;

NOW, THEREFORE, BE IT RESOLVED, by confirmation of two-thirds of the full governing body, that the Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Current Fund

| | |
|------------------------------|---------------|
| Mayor and Council | |
| Other Expenses | \$2,000.00 |
| Financial Administration | |
| Other Expenses | \$10,000.00 |
| Liability Insurance | |
| Other Expense | \$198,400.00 |
| Workers Compensation | |
| Other Expense | \$36,100.00 |
| Solid Waste Disposal | |
| Other Expense | \$25,000.00 |
| Adult School | |
| Salary and Wages | \$5,000.00 |
| Senior Center | |
| Salary and Wages | \$3,000.00 |
| NJEIT Principal | |
| Other Expenses | (\$37,000.00) |
| Sewer - Liability Insurance | |
| Other Expenses | \$118,000.00 |
| Sewer - Workers Compensation | |
| Other Expense | \$32,000.00 |

9-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

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

10. **RESOLUTION #15-2-52 - TRANSFER OF FUNDS**

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

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

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

| FROM | TO | AMOUNT |
|-----------------------------|-------------------------|-------------|
| Adult School (SW) | Senior Center (OE) | \$17,500.00 |
| | | \$17,500.00 |
| General Administration (OE) | State Pension DCRP (OE) | \$1,000.00 |
| | | \$1,000.00 |

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

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

11. **RESOLUTION #15-2-53 - RESOLUTION SUPPORTING TOWNSHIP COST-SHARE FOR ACQUISITION OF AGRICULTURAL EASEMENT ON THE FIRMENICH FARM (Block 33001 Lots 22 & 22.01)**

WHEREAS, Montgomery Friends of Open Space, Inc. ("MFOS") is a land conservation entity dedicated to regional land preservation qualified under Section 501 (c)(3) of the Internal Revenue Code of 1986 as an organization which is exempt from federal income tax and also qualified under the Garden State Preservation Trust Act, N.J.S.A. 13:8C-42 as a "non-profit" eligible for grants from the State of New Jersey; and

WHEREAS, MFOS has applied to the State Agriculture Development Committee ("SADC") for funding in connection with an agricultural easement on a portion of the property known as Block 33001 Lots 22 & 22.01 on the Township Tax Assessment Maps (rev. ed. 2013), also known as the "Firmenich Farm"; and

WHEREAS, The Firmenich Farm possesses significant, natural, scenic, forestry, agricultural and aesthetic attributes, open space, plant and wildlife habitat, watershed, and other environmentally sensitive features worthy of preservation and protection; and

WHEREAS, The property is approximately 39.63 acres, subject to a severable exception area of approximately 7.4 acres (containing the existing house and associated accessory structures), and a 2 acre non-severable exception area for a future residence (to be limited to 2,500 square feet); and

WHEREAS, The SADC established a Fair Market Value of \$16,500/acre; and

WHEREAS, D&R Greenway has negotiated for the acquisition of an agricultural easement on a portion of the property containing approximately 31 acres at a purchase price of \$500,000; and

WHEREAS, Montgomery Township supports this preservation and is prepared to fund a portion of the development rights to this farm, equal to 25% of the purchase price, or \$125,000, subject to the adoption of an ordinance enacting the same.

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset and State of New Jersey as follows:

1. The Township is prepared to fund 25% of the purchase price, equal to \$125,000, subject to the adoption of an ordinance enacting the same.
2. A copy of this resolution shall be sent to the SADC, Somerset County Agriculture Development Board and MFOS.

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

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

12. **ORDINANCE #15-1483 - Flood Control Commission - Introduction**

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

AN ORDINANCE AMENDING SECTION 32 OF CHAPTER II, "RARITAN AND MILLSTONE RIVERS FLOOD CONTROL COMMISSION," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO UPDATE THE CODE WITH CURRENT ANNUAL DUES FOR MEMBER MUNICIPALITIES.

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 February 19, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. **APPROVAL OF MINUTES - December 18, 2014 and January 15, 2015**

The minutes of December 18, 2014 and January 15, 2015 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. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried on the following:

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

15. **FAIRVIEW ROAD RECONSTRUCTION PROJECT - Phase 2 Road Closure**

Administrator Nieman reported that Fairview Road would be closed for reconstruction and the detour will take traffic to Hollow Road. He estimated that the project would take four (4) to six (6) months to complete.

16. **ROUTE 601 QUIET ZONE**

Administrator Nieman updated the Township Committee on the Route 601 Quiet Zone. He stated that he received notification that Somerset County has put all the entities on notice and it will be properly signed. It will take a while for the engineers on the CSX freight trains to realize that it is a Quiet Zone.

Committeeman Smith asked about the malfunctioning from time to time of the railroad gates. Police Captain Palmer stated that there had been some malfunctions due to the ice and extreme cold. He reported that CSX does respond rather rapidly to correct the situation. Frank Drift stated that the malfunctions do not only happen during cold weather. Mayor Madrid asked if the Township could keep track of all malfunctions and then present a report of these instances to CSX. Captain Palmer stated that his department would keep track of all instances of malfunction.

17. **RECREATION COMMITTEE**

Committeeman Sugden stated that an article appeared in the Princeton Packet, without any reporters being present, about the Recreation Committee updates. Apparently some things he said, but not to the reporter, offended some people. He wanted to clarify that he did not speak to any reporters, so his comments were taken completely out of context. His comments about bringing younger families into the mix was no slight to the people who are on the committee, those people do a great job for the community. The comment was made to show that it is really a matter of making sure that all the community is represented. Relative to the comments about reenergizing, it's not that they haven't done anything because they didn't want to do anything, the fact is that they had no money to do anything in the past.

18. **FIREWORKS COMMITTEE**

Deputy Mayor Trzaska reported that the Fireworks Committee is having their first meeting. They are moving forward with the 2015 event planning.

19. **ENVIRONMENTAL COMMISSION**

Administrator Nieman reported that the Environmental Commission met and they are going to forward a letter to the Governing Body asking for their support of legislation that is at the State level to mandate New Jersey Department of Transportation to use native plant species to prevent invasive species on their projects. The Environmental Commission is going to apply for grants for a new trail brochure and invasive species and plant removal.

20. Committeewoman Graham called in to participate via telephone.

21. RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session are as follows:
 - Advice of Counsel with respect to Somerset County Law Enforcement Mutual Aid Agreement;
 - Advice of Counsel with respect to potential litigation - Animal Control;
 - Potential Litigation - Montgomery Woods Homeowners Association/Sewer Issue.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreements shall be authorized except by action of the Township Committee. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

21-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

22. The meeting reconvened in Open Session and ADJOURNMENT was at 8:15 p.m. on a motion by Deputy Mayor Trzaska. The motion was seconded by Committeeman Sugden and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk