

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
January 21, 2016

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Graham, Deputy Mayor Trzaska, Committeemembers Smith, Madrid and Conforti

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Graham stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Mayor Graham led the Salute to the Flag.

4. **PROCLAMATION HONORING TONY AND BEV GLOCKLER**

WHEREAS, A community possesses no greater treasure than the dedicated service of its citizens and volunteers; and

WHEREAS, Beverly and Tony Glockler have served the community as members of the Montgomery EMS; Bev since 1987 and Tony since 2001; and

WHEREAS, In her 28 year career with MEMS Bev personally responded to over 4500 calls, including assisting in 3 emergency childbirth calls; and

WHEREAS, In his 14 year career with MEMS Tony personally responded to over 2200 calls; and

WHEREAS, Bev wears numerous hats in the organization, having served as crew chief for 25 years, squad treasurer since 1989, fund drive coordinator since 1995, as well as clerical secretary, building caretaker, maintenance worker, facilities manager, and ombudsperson; and

WHEREAS, Tony also provided many contributions to the organization, having served as driver for 14 years, Past President, Vice President, ombudsperson, Trustee, Head Driver Trainer as well as representing Montgomery EMS on the Planning Board; and

WHEREAS, Bev and Tony are keenly aware of the need for preventive medical activities and willingly assist the Montgomery Health Department at the flu and pandemic immunization clinics, and perform monthly free blood pressure checks for the seniors in the community senior center.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the distinguished service and significant contributions made by Bev and Tony Glockler and congratulates them on this 21<sup>st</sup> day of January, 2016

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

- 4-2. Donald Matthews, former Mayor, stated that Tony Glockler also served as Chairman of the Zoning Board for many years.

5. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of November, 2015:

-- 73 motor vehicle accidents;  
-- 14 arrests;  
-- 4 thefts;  
-- 3 criminal mischief;  
-- 3 domestic violence.

Police Director Palmer reported on the following activities of the Police Department for the month of December, 2015:

-- 73 motor vehicle accidents;  
-- 24 arrests;  
-- 6 thefts;  
-- 1 burglary;  
-- 5 criminal mischief;  
-- 4 domestic violence.

Administrator Nieman stated that current forecasts call for accumulation of 8-12 inches of snow in the area. Winds are estimated to be up to 35 mph with gusts up to 50 mph. The Township is prepared. The Emergency Management Team met and discussed the steps that would be taken. There will be an E-bulletin going out and postings on the website with links to PSE&G and other companies. At this time, the storm is predicted to start late Friday with the greatest intensity being on Saturday into Sunday.

6. **PUBLIC COMMENT**

6-1. Eric Weitze, Viburnum Drive, reported that he met with Matt Reiner, a representative of New Jersey Department of Environmental Protection regarding Dutchtown-Zion Road. He explained that Hillsborough had built a berm in the area and there was a drain pipe behind the berm. He explained that the pipe is too small to handle water runoff from Long Hill Road into Dutchtown-Zion Road and is causing the flooding. He stated that he also met with the Environmental Commission and they were concerned.

Deputy Mayor Trzaska stated that there had been a meeting set up with Hillsborough to take place on Saturday, January 23 to get some idea of what their thoughts are on this issue. This meeting was postponed due to the upcoming storm and will take place on January 30.

Committeeman Conforti stated that the Environmental Commission is sending a letter to the New Jersey Department of Environmental Protection to ask them to reopen the issue.

6-2. Mike Pisauero, Policy Director for the Stony Brook-Millstone Watershed Association, spoke about the Transco permit modification. He urged the Township to oppose it. He explained that the Stony Brook-Millstone Watershed Association, Friends of Princeton Open Space, and New Jersey Conservation Foundation have challenged the permits the Department of Environmental Protection issued. Transco has asked the DEP to change their permit for an approximately 2,000 foot section, to go from horizontal directional drilling to cutting through two streams and two wetlands. Those wetlands are exceptional, valued classification wetlands, which means those are the best protected wetlands in the state. They provide critical habitat for the wood turtle, which is a protected species. He stated that, under New Jersey regulations, Transco has to show that there is no other less harmful alternative. He explained the procedures that Transco followed when originally submitting the permit applications to NJDEP, and how the applications were incomplete. He urged the Township Committee and all of the citizens of Montgomery Township to attend the New Jersey Department of Environmental Protection public hearing on these permits to be held on February 11 at the Montgomery Upper Middle School.

Bill Forbes, Griggstown Road, seemed to sense some surprise from the Governing Body that the pipeline mini loops had been connected. When the Open Space Committee met last week, they were totally unaware that they had been connected.

Deputy Mayor Trzaska explained that Transco did get the right to connect for the entire length except the 2,000 foot stretch.

Eric Weitze, Viburnum Drive, stated he was concerned about the pipeline also. He pointed out that there were wetlands on Dutchtown-Zion Road and he had concerns about the rocks which were washing into the Rock Brook.

6-3. Rikki Massand, River Road, spoke about emails he had been receiving about the Central Jersey Transportation Forum that is coming up on February 4 from 1:00 p.m. to 3:00 p.m. in Trenton. He encouraged the Governing Body to try to attend.

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

A. **RESOLUTION #16-1-35 - REFUND OVERPAID 2014 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2014 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
3006	19	James Francis & Carolyn Gilligan	\$2,096.51
37003	2.15	Title Source	\$2,618.28

B. **RESOLUTION #16-1-36 - RELEASE OF ESCROW FEE - Carolyn Camper - Street Opening Permit #14-R-73**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of the cash escrow fee to Carolyn Camper because all work has been satisfactorily completed with respect to a street opening permit at Block 20001, Lot 6.01 (77 Opossum Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$2,550.00 be released to Carolyn Camper, 77 Opossum Road, Skillman, NJ 08558.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #16-1-37 - AUTHORIZING THE ISSUANCE OF 2016 TOWING LICENSES -  
Light and Heavy Duty**

WHEREAS, The Township has received completed towing applications for light duty licenses from Kovi Towing, Stewart's Towing, Rich's Offroad Towing and Dave's Heavy Towing; and

WHEREAS, The Township has received completed towing applications for heavy duty licenses from Mike's Towing & Recovery, Stewart's Towing, Rich's Offroad Towing and Dave's Heaving Towing; 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, Rich's Offroad Towing and Dave's Heavy Towing; and heavy duty towing licenses to Mike's Towing & Recovery, Stewart's Towing, Rich's Offroad Towing and Dave's Heaving 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, Rich's Offroad Towing and Dave's Heavy Towing for 2016.
2. The Township Clerk is hereby authorized to issue heavy duty licenses to Mike's Towing & Recovery, Stewart's Towing, Rich's Offroad Towing and Dave's Heavy Towing for 2016.
3. 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, 2016.
4. This resolution shall take effect immediately.

D. **RESOLUTION #16-1-38 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MUNICIPALITY  
OF PRINCETON FOR ANIMAL CONTROL SERVICES**

WHEREAS, The Municipality of Princeton and Montgomery Township each provide animal control services to their respective municipalities; and

WHEREAS, Both Municipalities, from time to time, require supplemental assistance from an Animal Control Officer to provide animal nuisance, shelter transportation, and animal emergency response.

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 to utilize each other's Animal Control Officer for such purposes as the need arises.

E. **RESOLUTION #16-1-39 - RESOLUTION ACCEPTING THE UPGRADE AND EXPANSION OF THE PIKE  
BROOK WASTE WATER TREATMENT PLANT PROJECT WITH APS CONTRACTING, INC.**

WHEREAS, On or about January 12, 2010, the Township executed an agreement ("Agreement") for the Upgrade and Expansion of the Pike Brook Waste Water Treatment Plant Project ("Project") with APS Contracting, Inc. ("APS") for the Contract Amount of \$14,250,000.00, as amended by Change Order Nos. 1 through 4, for a final Contract Amount of \$14,447,050.12; and

WHEREAS, By Resolution #15-11-289 adopted on November 19, 2015, the Township Committee authorized the execution of an Amendment to Agreement with APS for purposes of resolving outstanding issues between the APS and the Township, and upon resolution of said issues, providing for the Township's issuance of a "Certificate of Final Acceptance" and formal acceptance of APS's work for the Project; and

WHEREAS, The Amendment to Agreement identified several terms and conditions prerequisite to the Township's acceptance of the Project, including the completion of punch list items and submission of required documentation; and

WHEREAS, The Township Engineer has confirmed that APS has satisfactorily completed the punch list items and submitted the requisite documentation, thereby satisfying its obligations necessary for final completion of the Project and final acceptance of same, in accordance with the Amendment to Agreement and Contract Documents for this Project; and

WHEREAS, The Township Engineer recommends that the Township Committee formally accept the Project and authorize the issuance of a Certificate of Final Acceptance.

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

1. The foregoing "Whereas" clauses are hereby incorporated herein as if fully restated.
2. The Township Engineer is hereby authorized and directed to issue to APS Contracting, Inc. a Certificate of Final Acceptance for purposes of formally accepting the Upgrade and Expansion of the Pike Brook Waste Water Treatment Plant Project and declaring said Project complete in accordance with the Project's Contract Documents.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #16-1-40 - PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE TOWNSHIP OF MONTGOMERY FOR THE YEAR 2015**

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 2015; and

WHEREAS, The unpaid portion of the Local District School Tax on December 31, 2015 may be deferred to the extent of not more than 50% of the school year July 1, 2015 to June 30, 2016 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 2015 may not exceed 50% of the school year July 1, 2015 to June 30, 2016 levy of \$74,754,154.00 resulting in a deferred amount not to exceed \$37,377,076.50. This amount represents an increase of \$635,520.50 over the maximum Deferred Local District School Taxes for the year 2014 of \$36,741,556.00.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that Local District School Taxes unpaid by December 31, 2015 be deferred to the amount not exceeding \$37,377,076.50, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$635,520.50; and

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.

G. **RESOLUTION #16-1-41 - AUTHORIZING EXECUTION OF THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE GRANT FOR CYCLE JULY 2016-JUNE 2017 - MUNICIPAL ALLIANCE**

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

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

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

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

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

1. The Township Committee does hereby authorize submission of a strategic plan for the Montgomery Municipal Alliance grant for fiscal year 2016-2017 in the amount of:

DEDR	\$16,778.04
Cash Match	\$ 4,194.51
In-Kind	\$12,583.53

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

H. **TOWNSHIP COMMITTEE APPOINTMENTS**

BE IT RESOLVED That Minkyo Chenette is hereby appointed Board of Education Representative to the Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission, replacing Sandra Donnay, 1 year term expiring December 31, 2016.

BE IT RESOLVED That Corie Gaylord is hereby appointed Montgomery High School Representative to the Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission, 1 year term expiring December 31, 2016.

BE IT RESOLVED That Gail Smith is hereby reappointed Township Engineer, 3 year term expiring December 31, 2018.

BE IT RESOLVED that Ron Tuosto is hereby appointed Zoning Board of Adjustment Alternate IV, replacing Minkyo Chenette, 2 year unexpired term expiring December 31, 2016.

- 7-1. Deputy Mayor Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Conforti and carried on the following:

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

8. MAYORAL AD HOC COMMITTEE APPOINTMENT- Wildlife Management Committee

BE IT RESOLVED That Evan Stampoulos is hereby appointed to the Wildlife Management Committee.

9. RESOLUTION #16-1-42 - PROFESSIONAL SERVICES RESOLUTION - Traffic Engineer - Joseph A. Fishinger, Jr. of Dewberry Engineers, Inc.

WHEREAS, There exists a need to acquire professional Traffic Engineer services for 2016 without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, The Montgomery Township Purchasing Agent has determined and certified in writing that the value of the services over the course of the contracts is anticipated to exceed \$17,500.00; and

WHEREAS, The New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of professional services contracts without competitive bidding; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the aforesaid service in accordance with the amount set forth in the 2016 Temporary Budget, with performance of said service after March 31, 2016 being subject to the Township's amendment of the 2016 Temporary Budget, and/or adoption of the final 2016 Budget.

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 proper agreements with Joseph A. Fishinger, Jr. of Dewberry Engineers, Inc. as Traffic Engineer.
- (2) This contract is awarded for a period of one year, for the amount set forth in The contract, and without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) The contractor has completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township.
- (4) A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavit, and the executed Agreements shall be placed on file in the office of the Township Clerk.
- (5) A notice of this action shall be published once in the official newspaper as required by law.
- (5) Performance of services under the terms of this contracts, and payment for the services, after March 31, 2016 is subject to the amendment of the 2016 Temporary Budget and/or adoption of the final 2016 Budget, and certification of availability of funds by the Chief Financial Officer

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, Smith, Trzaska, Graham  
Nays - None

10. ORDINANCE #16-1507 - LDO - Private Garages - Public Hearing

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 16-4.10b. REGARDING PERMITTED ACCESSORY USES IN THE "PPE" PUBLIC, PARKS AND EDUCATION DISTRICT.

B. The Clerk read the following report from Planning Board:

"At the January 11, 2016 Planning Board meeting, the Board found the above-referenced ordinance consistent with the Master Plan and recommended adoption as written."

C. Mayor Graham opened the hearing to the public. There being no comment, Committeeman Conforti moved that the public hearing be closed. The motion was seconded by Committeeman Smith and carried unanimously.

D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21<sup>st</sup> day of January, 2016 and that notice thereof be published in an official newspaper as required by law.

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

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

11. ORDINANCE #16-1508 - Sidewalk-Repairs and Maintenance - Public Hearing

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI  
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO  
ESTABLISH REQUIREMENTS FOR THE MAINTENANCE AND  
REPAIR OF SIDEWALKS.

B. Mayor Graham opened the hearing to the public. There being no comment, Deputy Mayor Trzaska moved that the public hearing be closed. The motion was seconded by Committeeman Conforti and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21<sup>st</sup> day of January, 2016 and that notice thereof be published in an official newspaper as required by law.

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, Smith, Trzaska, Graham  
Nays - None

12. ORDINANCE #16-1509 - Sidewalk-Snow Removal - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI  
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO  
ESTABLISH REQUIREMENTS FOR REMOVAL OF SNOW AND ICE FROM  
SIDEWALKS

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 4, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. ORDINANCE #16-1510 - Providing for 3.5% CAP - Introduction

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2016 BUDGET AND  
TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14

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 4, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

14. APPROVAL OF MINUTES

The Reorganization Meeting minutes of January 7, 2016 were approved as printed.

15. 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.

15-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried on the following:

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

16. **RENOVATIONS TO THE POLICE DEPARTMENT AND TOWNSHIP BUILDING**

Committeeman Smith reported that they started the process of looking for an architect to renovate the Police department and the rest of the Municipal Building. The Township selected six companies after putting out the Request for Qualification (RFQ). From there it was narrowed down to three firms that deserved to receive the Request for Proposal (RFP), which all three submitted. There is a Committee comprised of Police Captain Palmer, Officer Tom Wain, the Township Administrator, B-4 Development Consultants and himself, which interviewed these firms on January 19. Each firm gave a one hour presentation. At the end of the interviews the Committee did a straw poll and the votes were unanimous.

Mayor Graham asked if those three firms should make a short presentation to the Township Committee so that everyone is aware what is going on. Committeeman Smith stated that he didn't feel that another presentation was necessary. Committeeman Conforti asked if there was any summary information that the Governing Body could look at for their information. Committeeman Smith agreed and stated that the Governing Body should look at the proposals. Committeeman Smith asked for permission to start negotiating with the preferred firm. Attorney Hadinger explained that this was not a formal bid, that it would be a Professional Services agreement and would have to be formally approved by the Governing Body once a contract is negotiated. It was the general consensus to allow Committeeman Smith to begin negotiating. Mayor Graham stated that discussion would be ongoing with regard to this project.

Committeeman Conforti inquired if the plans would have to be reviewed by the Planning Board once the plans were in place. Attorney Hadinger explained that it would get reviewed as a capital improvement project.

Police Captain Palmer commented that in many Municipal Building projects and renovations, it is very uncommon to pay this amount of time and attention to law enforcement facilities. He stated that in Montgomery's situation there would be considerable cost savings as there is no need to build a communication center room. Administrator Nieman complimented the Municipal Building Expansion Committee for allowing the entire command staff of the Police Department to participate in the process.

Committeeman Smith explained to the Governing Body that this is a building that has to be renovated, not just for the "right now" but for the future.

Attorney Hadinger confirmed that the outcome of the discussion was that on February 4, 2016 the firm that the Municipal Building Renovation Committee has recommended will be attending the Township Committee meeting to give a brief presentation. In the meantime, Committeeman Smith is allowed to negotiate with this firm, as long as no action is taken on a formal basis. Any action would be at the time of the award of a contract with a formal resolution.

17. **ENVIRONMENTAL COMMISSION**

Committeeman Conforti reported on the Environmental Commission Reorganization meeting of January 19. Mary Reece was appointed Chair for the year 2016. He explained that Eric Weitze had attended the meeting and made a similar presentation to the one he made during the Public Comment earlier in this meeting.

18. **ZONING BOARD OF ADJUSTMENT**

Committeeman Conforti stated that Zoning Board of Adjustment held their Reorganization meeting on January 19. Steve DeRochi was appointed Chair for the year 2016.

19. **MUNICIPAL ALLIANCE**

Committeewoman Madrid reported that the Municipal Alliance held their Reorganization meeting on January 11.

20. **RECREATION COMMITTEE**

Committeeman Smith reported that the Recreation Committee held their first meeting on January 12. He stated that they are a very energized group with a long list of proposed projects.

21. **OPEN SPACE COMMITTEE**

Deputy Mayor Trzaska reported that the Open Space Committee held their first meeting on January 13. He stated that there were discussions about Transco, some additional projects, and prioritizing some other pieces of land in the Township.

22. **BOARD OF HEALTH**

Deputy Mayor Trzaska reported that the Board of Health held their Reorganization meeting on January 13.

23. **FIREWORKS COMMITTEE**

Deputy Mayor Trzaska stated that the Fireworks Committee is starting to work on their plans for the 2016 Fireworks. More information would be forthcoming.

24. **PLANNING BOARD**

Mayor Graham reported that the Planning Board held their Reorganization meeting on January 11. One item before the Board was a proposal to develop the Bryce Thompson property on Route 601. The Board ended up sending it back for more information. They wanted to have a traffic engineer look at the proposal, because there is potential for a problem with respect to having a driveway too close to the railroad tracks.

25. **ECONOMIC DEVELOPMENT COMMISSION**

Mayor Graham stated that the Economic Development Commission met on January 12. They are preparing this year's Shop Local Directory.

26. **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 is as follows:
  - Advice of counsel with regard to the acquisition of Sanitary Sewer Easement with public funds;
  - Advice of counsel with respect to Transco request for permit modification, and NJDEP hearing thereon;
  - Pending affordable housing litigation and advice of counsel relative thereto.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No 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.

26-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.

27. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:50 p.m. on a motion by Deputy Mayor Trzaska. The motion was seconded by Committeeman Conforti and carried unanimously.

Date of Approval:

\_\_\_\_\_  
Donna Kukla, Township Clerk