

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 4, 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 Madrid and Conforti
Committeeman Smith was absent

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. **RESOLUTION HONORING DOUGLAS GROSSMAN**

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

WHEREAS, Douglas Grossman has rendered to the citizens and residents of Montgomery countless years of service in the following capacities:

Environmental Commission - 1998-2016
Subdivision Committee - 1997
Site Plan Committee - 1990-1994
Planning Board - 1993-2003
Design Guidelines Subcommittee - 1999
Sustainable Montgomery - 2009-2010
Sustainable Montgomery's "Green Team" - 2011-2016
Planning Board Liaison to the Sourland Planning Council - 1999-2004

WHEREAS, Each appointment was served in a distinguished and professional manner and affirms his dedication to public service and his willingness to devote countless hours to serve the residents of Montgomery Township.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the selfless contribution of time and talent made by Doug and extends its sincere gratitude and best wishes on behalf of the citizens of Montgomery Township on this 4th day of February, 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. Mary Reece, Environmental Commission, spoke about the hard work Doug Grossman performed while a member of the Environmental Commission.
- 4-3. Greg Kaganowicz, Environmental Commission, gave a brief history of Doug Grossman's membership on the Environmental Commission.
- 4-4. Ewa Zak, Griggstown Road, thanked Doug for his many years of service to the Township.
- 4-5. Mayor Graham stated that the Township Committee and the whole Township is grateful to all of its volunteers, and Doug is the example of an excellent volunteer.
- 4-6. Deputy Mayor Trzaska thanked Doug for his many years of service to the Township.
5. **PUBLIC COMMENT**
- 5-1. Eric Weitze, Viburnum Drive, thanked the Township for the great job they did in clearing the snow from the recent snow storm.

Mr. Weitze suggested that the Township put a notice in the newsletter that people should obtain some poles to delineate where the curbs are on the streets on their properties, so the plow drivers don't run over and damage equipment and curbs.

Mr. Weitze spoke about Dutchtown-Zion Road and his meeting with the Environmental Commission. He reiterated that the runoff from Long Hill Road onto the unpaved section of the road was polluting the stream and the road really needed to be fixed.

Deputy Mayor Trzaska reported that he had spoken to a couple of people from Hillsborough Township and he did not get a good feeling about their interest in this project. He stated that he would reach out to them again in the near future.

6. RENOVATION OF MUNICIPAL BUILDING - PRESENTATION

Thomas S. Perrino and Scott Malin of Spiezle Architectural Group, presented their proposed plans for the Municipal Building renovation.

Mr. Perrino gave a brief background of their company. He stated that they had planned and designed Administration and Police facilities throughout New Jersey and Pennsylvania. He said that they took their inspiration from the farmland in town and nature. He presented their initial concepts, going from where Mr. Rothe had started. This is in no way the final concept plan.

Deputy Mayor Trzaska asked if they could expand on their Police facilities concept and their experience with the fact that there are a lot of utilities inside the walls of the current Municipal Building.

Mr. Malin spoke about their work with the redesign, renovation and construction of Police facilities. They knew that it was very critical that facilities be designed properly for the safety aspect and how people come in and out of the facility. The utility portion of the project has already been looked at by their engineers and they want to address that in a way that makes the phasing of the project make sense and address all of the mechanical constraints. The more finalized plans and ideas would be forthcoming as the project moves ahead. He explained the proposed plans for the first floor Police facilities. They spoke of the other mechanical considerations such as: web-based HVAC controls; new additions - not on existing chiller, possibly boilers if expanded or gas-fired based on phasing/sequencing; variable refrigerant flow (VRF) systems with DOAS; CO2 sensors and modulation of outside air; incorporate dehumidification; holding cells, armory and locker rooms - separate systems; phasing may be driven by coverage and replacement.

Mayor Graham asked if Spiezle provided full services such as design/build contract and manage the project all the way through or are they just providing architectural and engineering services. Mr. Perrino explained that they provided architectural and interior design and furniture procurement. They also provide all the engineering. They will put the project out to bid with the Township. They have construction and administration services that are inherent with their contract.

7. ORDINANCE #16-1509 - Sidewalk-Snow Removal - 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 REMOVAL OF SNOW AND ICE FROM
SIDEWALKS

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

B-2. Anna Mancilla, Sycamore Lane, requested that that the Township Committee distinguish between single family residents and homeowner association establishments. She felt it was not financially fair for single family residents to be expected to clear their sidewalks.

Mayor Graham explained that there were safety issues that were considered when this ordinance was being looked at, such as children walking to the school bus stop and people walking on the sidewalks rather than the in the street. There were also legal reasons for the consideration of the ordinance. She stated that in her understanding it is the most lenient ordinance in the State because it allows up to 48 hours to clear the snow.

Attorney Hadinger explained that the State statute under which these ordinances are modeled indicates that the plowing or snow shoveling can be required within a period of twelve (12) hours after a snow fall. This Governing Body, in recognition of people's responsibilities and other burdens, has decided to make it 48 hours.

Administrator Nieman stated that he has worked for the Township for 17 years, and when he came here there was not a lot of demand for sidewalks. However, that is changing now. He explained that he gets many calls to repair existing sidewalks and to install sidewalks in some parts of town. He stated that Montgomery is one of the few communities in the State of New Jersey that has never addressed this issue.

B-3. Ken Knieser, Oak Ridge Drive, spoke about how the plows push the snow from the road onto the sidewalks and corners. He would like to see something done about that. Rather than making the first grievance subject to a fine, he suggested making it a written warning.

B-4. The following people spoke in opposition of the ordinance:

Robert Kress, Meadow Run Drive; Wendy Redelico, Hoagland Drive (via letter);
Charlotte Oskin, Pheasant Run Drive; Jan Narayan, Meadow Run Drive; Charles
DiDomenico, Meadow Run Drive.

B-5. The following people spoke in favor of the ordinance:

Jenny Hill, Kings Crossing; Eric Weitze, Viburnum Drive.

B-6. Deputy Mayor Trzaska moved that the public hearing be closed. The motion was seconded by Committeeman Conforti and carried unanimously.

(Item #7 Cont.)

- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4th day of February, 2016 and that notice thereof be published in an official newspaper as required by law.

7-1. Deputy Mayor Trzaska 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, Graham
Nays - None
Absent - Smith

8. **RESOLUTION #16-2-50 - 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:

| <u>FROM</u> | <u>TO</u> | <u>AMOUNT</u> |
|-----------------------------------|---|---------------|
| Township Committee (OE) | | \$10,000.00 |
| | Water (OE) | \$10,000.00 |
| Sewer - Legal (OE) | | \$50,000.00 |
| Sewer - All Plants - Plant C (OE) | | \$25,000.00 |
| Sewer - Stage II - Plant B (OE) | | \$25,000.00 |
| | Sewer - Skillman Village - Plant A (OE) | \$20,000.00 |
| | Sewer - Riverside - Plant D (OE) | \$ 5,000.00 |
| | Sewer - Pikebrook - Plant E (OE) | \$68,000.00 |
| | Sewer - Cherry Valley - Plant F (OE) | \$ 7,000.00 |

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, Graham
Nays - None
Absent - Smith

9. Deputy Mayor Trzaska left the dais.

10. **TRANSCO UPDATE**

Attorney Hadinger explained that the public hearing on the pipeline company's request to modify its wetlands and flood permits is scheduled for February 11 at 7:00 p.m. at the Montgomery Upper Middle School. The Township has engaged James Cosgrove of Kleinfelder Group, Inc. to review the situation and he will be making recommendations to the Township, such that the Township's interests are protected in the event that the New Jersey Department of Environmental Protection decides to grant the permit. The Township has concerns about the invasive species and proper soil compaction. This is so the Township can weigh in at the public hearing and make it clear to NJDEP that, if NJDEP decides to approve the modification, the approval needs to address these issues. She stated that there is a 15 day period after the hearing in which the Township can submit written comments to NJDEP for further consideration.

11. **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 #16-2-43 - 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 26, 2016 (Rain Date - April 2, 2016). 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 will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations and shall employ two (2) Private Duty Police Officer for the event.

(CONSENT AGENDA Cont.)

B. RESOLUTION #16-2-44 - EXTENSION OF TIME FOR THE COMPLETION OF PUBLIC IMPROVEMENTS - Various Projects

WHEREAS, Gail Smith, Township Engineer, has certified on February 1, 2016 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:

| <u>Development</u> | <u>New Completion Date</u> |
|--|----------------------------|
| Princeton Airport, Hangar #4, Phase 1 | August 4, 2016 |
| Montgomery Promenade, Temporary Parking | November 14, 2016 |
| Tapestry at Montgomery, Temporary Trailer Restoration Bond | December 31, 2016 |
| Hillside at Montgomery, Section I | November 26, 2016 |
| Mother of God Orthodox Church | November 14, 2016 |
| Public Service Electric & Gas, Substation Plan | September 4, 2016 |
| Montgomery Substation CV Connector Road | September 4, 2016 |
| Country Classics at Fox Brook | October 1, 2016 |
| Westwinds Farm, Phase 1 (East Country Estates) | October 10, 2016 |
| Westwinds Farm, Phase 2 | October 3, 2016 |
| Westwinds Farm, Phase 3 | October 3, 2016 |
| Westwinds Farm, Phase 4 | October 3, 2016 |
| Westwinds Farm, Phase 5 | October 3, 2016 |
| 3M Storm Water Management System | March 17, 2017 |
| Bedens Brook Valley Landscaping, Lot 11.06 | March 20, 2017 |

C. RESOLUTION #16-2-45 - AUTHORIZING AN AUCTION OF USED TOWNSHIP EQUIPMENT

WHEREAS, The Township of Montgomery has determined that certain personal property as described below, is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that such personal property be sold at public auction to the highest bidder.

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

1. The below listed schedule of Township property is declared surplus and no longer needed for public purposes;
2. The Purchasing Agent is hereby authorized and directed to advertise public sale of said personal property to be sold on GovDeals.com, a State of New Jersey authorized web based auction. Said sale shall commence within ten (10) days of approval by the Township Committee.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction and in accordance with the procedure to be announced.

EQUIPMENT

One (1) Pitney Bowes DM525 Digital Mailing System
One (1) Rolling Mail Cart

D. RESOLUTION #16-2-46 - AUTHORIZING THE ISSUANCE OF 2016 TOWING LICENSE - Light Duty

WHEREAS, The Township has received a completed towing application for light duty towing license from Kwik Response 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 investigation, approved said application, and recommended the issuance of a light duty towing license to Kwik Response 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 a light duty towing license to Kwik Response Towing for 2016.
2. This towing license is 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.

(CONSENT AGENDA Cont.)

E. TOWNSHIP COMMITTEE APPOINTMENT

Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission
Citizen-At-Large 1 yr. Tom Riggs

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

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

12. MAYORAL APPOINTMENT

Environmental Commission
Regular Member, replacing Douglas Grossman (exp. 12/31/18) 3 yrs. Michelle Jacob
Alternate II, replacing Michelle Jacob (exp. 12/31/16) 2 yrs. Vyola Willson
Advisor 1 yr. Jeff Salton

13. RESOLUTION #16-2-47 - AMENDING RESOLUTION ACCEPTING THE UPGRADE AND EXPANSION OF THE PIKE BROOK WASTEWATER TREATMENT PLANT PROJECT WITH APS CONTRACTING, INC.

WHEREAS, By Resolution No. 16-1-39 adopted on January 21, 2016, the Committee accepted the Upgrade and Expansion of the Pike Brook Waste Water Treatment Plant Project ("Project") with APS Contracting, Inc. ("APS") and authorized the Engineer to issue a Certificate of Final Acceptance; and

WHEREAS, There is still one issue outstanding in connection with the Project, and specifically, one of the "punch list items" requiring the labeling of electrical paneling has not been completed by APS in accordance with the Project's Contract Documents; and

WHEREAS, APS has been delayed in completing said work and therefore, it was premature to 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 "whereas" clauses are hereby incorporated herein as if fully restated.
2. Resolution No. 16-1-39 is hereby amended to rescind the Committee's acceptance of the Project and authorization to issue a Certificate of Final Acceptance.

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, Graham
Nays - None
Absent - Smith, Trzaska

14. RESOLUTION #16-2-48 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR FLEET MAINTENANCE SERVICES - FIRST VEHICLE SERVICES

WHEREAS, Resolution #14-2-58 adopted on February 20, 2014 awarded a fleet maintenance services contract for 12 months with 4 (four) one year extension options to First Vehicle Services; and

WHEREAS, Resolution #15-2-59 adopted on February 19, 2015 authorized a 12 month extension of the contract; and

WHEREAS, N.J.S.A. 40A:11-15 provides that a contract may include provisions for no more than one two-year or two one-year extensions subject to the following: 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 will not exceed \$629,693.18 for the extended year effective March 1, 2016 through February 29, 2017 at the recent Consumer Price Index rate of 2.5%; and

WHEREAS, There exists accounts 01-201-26-315-2-256 and 07-201-55-544-2-256 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 of four (4) one year extensions pursuant to the above-described terms.

14-1. 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
Nays - None
Absent - Smith, Trzaska

15. **RESOLUTION #16-2-49 - PROFESSIONAL SERVICES RESOLUTION** - Environmental Impact Assessment Services - Kleinfelder Group, Inc.

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer to provide Environmental Impact Assessment services for Montgomery Township related to the proposed installation of a gas pipeline in the southern portion of the Township; 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 Kleinfelder Group, Inc. to provide environmental impact assessment services.
2. Kleinfelder shall be paid a not to exceed fee of \$25,000.00 for its services.
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.

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
Nays - None
Absent - Smith, Trzaska

16. **ORDINANCE #16-1510** - Providing for 3.5% CAP - Public Hearing to be Continued to February 18, 2016

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 adjourned to February 18, 2016.

16-1. 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
Nays - None
Absent - Smith, Trzaska

17. **APPROVAL OF MINUTES**

The Regular Session minutes of January 21, 2016 were approved as printed.

18. **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.

18-1. 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
Nays - None
Absent - Smith, Trzaska

19. **NEWSLETTER POLICY ON COUNTY FREEHOLDER SUBMISSIONS**

Administrator Nieman stated that he had received a request from the County to allow the County Freeholders to submit articles to the newsletter that would be germane to Montgomery Township. The Township's policy requires Township Committee approval to publish such articles. It was the general consensus of the Governing Body to allow submissions from the Somerset County Freeholders.

20. **UPDATE ON RECENT STORM AND SNOW REMOVAL**

Administrator Nieman updated the Governing Body on the recent snow storm and the snow removal. He echoed some of the comments made earlier in the meeting about the great job the Public Works employees and the contractors did. They began plowing on Friday night at midnight and plowed for 50 continuous hours. The crews worked until 9:00 p.m. on Sunday with the commitment that they would get the roads passable, which meant one lane. It then required the Public Works employees to work 12 hour days the subsequent week to widen the roads to get them to two travel lanes. All of the smaller plow equipment was rendered ineffectual due to the amount of snow that fell in a short amount of time. The cost for this storm alone (labor, materials, private contractors and feeding the Township's workers) was over \$200,000.00.

21. **COMMITTEE AND SUBCOMMITTEE REPORTS**

21-1. **SOMERSET COUNTY GREEN LEADERSHIP INITIATIVE COMMITTEE** - Committeeman Conforti reported on the Somerset County Green Leadership Initiative Committee meeting he attended. There were representatives of all of the towns in Somerset County in attendance talking about the coordinating effort to create consistency in any ordinances being passed.

21-2. **LANDMARKS COMMISSION** - Committeewoman Madrid reported on the Landmarks Commission meeting. There was some interest in the PSE&G solar panel issue.

21-3. **PLANNING BOARD** - Mayor Graham reported on the Planning Board meeting. Country Club Meadows presented their application for Phase II.

21-4. **AFFORDABLE HOUSING SUBCOMMITTEE** - Mayor Graham reported on the Affordable Housing Subcommittee meeting she and Committeeman Conforti attended. They reviewed the Township's options and made sure that when the Township gets further guidance from COAH or from the Court, they will be ready to respond.

22. **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:
 - 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. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. It is possible that at the conclusion of the closed session, the Township Committee will reconvene in open session for the purpose of taking action.

22-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.

23. The meeting reconvened in Open Session.

24. **RESOLUTION #16-2-51 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING THE MONTGOMERY TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO MAKE A DETERMINATION AS TO WHETHER PROPERTY IDENTIFIED AS BLOCK 6001, LOTS 12 & 16 (MONTGOMERY TOWNSHIP TAX ASSESSMENT MAPS REV. ED. 2014) COMPRISING 31.263± ACRES AND LOCATED ON VAN HORNE ROAD, NEAR ITS INTERSECTION WITH BELLE MEAD-GRIGGSTOWN ROAD, SHOULD BE DECLARED AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

WHEREAS, the Township Committee of the Township of Montgomery is concerned about the conditions on property identified as Block 6001, Lots 12 & 16 on the Montgomery Township Tax Assessment Maps (rev. ed. 2013), comprising 31.263 ± acres, and located on Van Horne Road near its intersection with Belle Mead-Griggstown Road (hereinafter the "Property");

WHEREAS, the Property is owned by the Township of Montgomery and includes the existing municipal building, parking areas, salt dome, driveways, a road, dog park, vacant unrestricted land, and vacant Green Acres restricted land;

WHEREAS, the Property also connects to Belle Mead-Griggstown Road through Covert Drive;

WHEREAS, the Property appears to have conditions, site elements and buildings that exhibit overcrowding, obsolescence and faulty layouts and arrangements, including, in particular, the municipal building and the traffic circulation characteristics, such that the Property exhibits conditions that are detrimental to the community's safety, health and welfare;

WHEREAS, the Township Committee wishes to promote a more fully productive and coordinated use of the Property;

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (hereinafter the "Statute"), provides a mechanism to empower and assist municipalities in efforts to promote redevelopment;

WHEREAS, excepting the power of eminent domain, the Township Committee is interested in employing the powers and authority vested in municipal governing bodies by the Statute, and seeks a determination as to whether the Property, or a portion thereof, constitutes a "redevelopment area" or "area in need of redevelopment" under the Statute; and

WHEREAS, in accordance with the Statute, the Township Committee wishes to assign the conduct of the investigation into whether the Property, or a portion thereof, constitutes a "redevelopment area" or "area in need of redevelopment" to the Township Planning Board;

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

1. The preamble to this Resolution is incorporated and made a part hereof as if set forth at length herein.
2. The Montgomery Township Planning Board is directed to undertake a preliminary investigation to determine whether the Property, or a portion thereof, constitutes and shall be established as a "Non-Condensation Redevelopment Area" pursuant to the criteria set forth in the Statute.
3. Upon completion, the preliminary investigation shall be submitted to the Montgomery Township Committee for its review and action.
4. The Township Clerk is directed to provide certified, true copies of this resolution to the Planning Board, Planning Board Attorney, Township Engineer, Township Planner and COAH Planner.

24-1. 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
Nays - None
Absent - Smith, Trzaska

ADJOURNMENT was at 9:10 p.m. on a motion by Committeeman Conforti. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk