

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 7, 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 - Kevin Van Hise, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Michael Pitts

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. **TOWNSHIP COMMITTEE APPOINTMENT - Chief Financial Officer**

BE IT RESOLVED That Michael W. Pitts, Jr. is hereby appointed Chief Financial Officer, 4 year term expiring December 31, 2020.

- 4-1. 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

5. **EAGLE SCOUT PROCLAMATION - Matthew Heebner, Harrison Max and Alex Fernandez**

WHEREAS, The prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Matthew Heebner, Harrison Max and Alex Fernandez; and

WHEREAS, The standards established for this honor are high and very difficult to achieve; and

WHEREAS, Those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED That, with great pride, the Montgomery Township Committee congratulates Matthew Heebner, Harrison Max and Alex Fernandez on this remarkable achievement and extends its sincere wishes for continued success.

- 5-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried unanimously.

- 5-2. Matthew Heebner stated that his Eagle Scout project involved an outdoor classroom at the Montgomery Upper Middle School. The classroom is located by the Library and the tennis courts. He worked with a teacher at the school and with the Board of Education on this project.

- 5-3. Alex Fernandez stated that his Eagle Scout project involved constructing and installing three (3) 2 foot by 1 foot owl houses 15 feet high in trees at Farmview Fields, Woodfield Preservation and Witherspoon Woods. Owls left the area due to the Transco pipeline installation. He was hoping the owls would return to the area if he built the owl houses. A few months after the installation, he checked and found signs that the owls were using the houses.

6. **PUBLIC COMMENT**

- 6-1. Anthony Romagnole, Van Zandt Road, congratulated the Eagle Scouts on their achievement. He stated that putting Eagle Scout of a job application or in a resume is a benefit as it shows goal orientation and a great work ethic.

7. QUIET ZONE PRESENTATION - Gail Smith and Joseph Fishinger

7-1. Gail Smith, Township Engineer, stated that there was a Professional Services resolution on the agenda to approve the services of an engineer for the investigation and design of a quiet zone in the Township. She explained what a quiet zone was. The Federal Railroad Administration ("FRA") requires the sounding of a horn at all at-grade railroad crossings. Approximately 10 or 12 years ago, the FRA adopted a rule that allows for the establishment of quiet zones. What that means is that the train engineer cannot sound the horn at a quiet zone. If the train engineer sees something that might pose a danger, he can sound the horn. The requirement to create a quiet zone is that the crossing has to be above the average National Risk Threshold without the horn sounding. Montgomery has four (4) at-grade crossings. The Route 601 crossing already has a quiet zone run by Somerset County. The other crossings are Hollow Road, Springhill Road and Provinceline Road. She explained that the Provinceline Road crossing is on the Montgomery/Hopewell Municipal boundary. The steps the Township would need to take in order to establish a quiet zone are:

- Collect current traffic and crossing information;
- Put that information into quiet zone calculator on the FRA website;
- Look at different options for improvements to the crossing that will get the Township above the threshold so a quiet zone can be established;
- Once there is an option the Township feels is feasible, schedule a diagnostic team meeting with New Jersey Department of Transportation.

She explained that the NJDOT has jurisdiction over the crossings and they might want additional improvements from what the Township thought would be appropriate. There would also be a meeting with Somerset County because any new Quiet Zone would be an extension of the existing Route 601 Quiet Zone. There would also need to be a meeting with Hopewell Township because the Provinceline Road crossing is on the border of both municipalities. Once these meetings occur, the Township will develop the conceptual design and preliminary cost estimates and present that to the Governing Body to determine what direction would be appropriate. Once that decision is made, then the Township can proceed with final design and contract documents suitable for bidding. She stated that there was a proposal from RBA Group to do the work.

7-2. Joseph Fishinger, RBA Group and former Somerset County Traffic Engineer, gave a brief history of his career. The Quiet Zone process is basically evaluating each of the crossings and seeing where each is at this point. Based on his preliminary research none of the three crossings, as they are right now, would qualify for a Quiet Zone. Right now, with the horn, they are below the risk threshold and the important thing is it has to be below that threshold in order to make it a Quiet Zone, but once you turn the horns off they jump over the threshold. He explained that it doesn't necessarily mean that something has to be done at every single crossing. He stated that the law allows the Township to look at a Quiet Zone as multiple crossings in one zone. This allows you to average the scores. All of the information that the Township has is incorrect and needs to be updated. He explained that the Township might want to meet with Somerset County as the County has done this kind of thing, and can explain each step and what could be done to possibly make this a joint Quiet Zone with Somerset County for all four (4) crossings. Once this is completed, then final design can be done. This would be the final drawings to put whatever the improvements are down on paper. It then goes to the Township Engineer to go out to bid for construction. He explained what the basic options would be for the crossings. He stated that if the Professional Services Resolution was passed tonight, he will begin work. He will present his report to the Governing Body in approximately two (2) months. He stated that he would also have to look at the impact any of these improvements would have on the driveways in that area.

7-3. Committeewoman Madrid brought up the liability issue. Mr. Fishinger explained that once an improvement is done the liability changes. He stated that the Federal Railroad Administration is liable for all unimproved railroad crossing, so that if there is an accident and the person(s) file suit against the Township, the Township can file a dismissal because they have not changed the crossing.

7-4. Greg Renga, Van Pelt Court, stated that he didn't feel there was any better level of safety than the barriers. He explained that if they weren't up to standards, there would not be over 500 crossings using the system.

He asked if the Township could do the study in phases. Perhaps there wouldn't have to be so much paid up front unless it gets to a certain phase in the project to warrant the rest of the funds to execute the back half of the project.

7-5. Anthony Romagnole, Van Zandt Road, stated that the residents in the area of the railroad crossing would very much like to have a Quiet Zone and they would like to have safer crossings. The chance of the Township being sued is higher now than it would be with the barriers. He suggested using the Quick Curb system or similar.

Deputy Mayor Trzaska stated that the Governing Body needed to do this study to see which direction they should take. They have to check out all options.

8. **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 #16-7-163 - REFUND OVERPAID 2016 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
5018	1.06 CONDO	Joan Schuetz	\$ 730.33
16002	9.12	CitiMortgage, Inc.	\$7,354.09

B. **RESOLUTION #16-7-164 - REDEMPTION OF TAX SALE CERTIFICATE #2014-33**

BE IT RESOLVED That a refund in the amount of \$7,354.09 be given U.S. Bank for BV001 Trust, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2513 for the redemption of Tax Sale Certificate #2014-33 on Block 35003, Lot 1.02 CONDO.

Tax Lien Redemption

Certificate Amount	\$1,316.63
Subsequent Charges	\$2,617.40
Interest Amount	\$ 538.73
Redemption Fee	\$ 26.33
Recording Fee	\$ 43.00
Search Fee	\$ 12.00
Premium	\$2,800.00
TOTAL	\$7,354.09

C. **RESOLUTION #16-7-165 - REDEMPTION OF TAX SALE CERTIFICATE #2016-12**

BE IT RESOLVED That a refund in the amount of \$155,368.69 be given US Bank Cust BV002 & Creditors, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2513 for the Redemption of Tax Sale Certificate #2016-12 on Block 18002 Lot 34. Tax lien redeemed within 10 days.

Tax Lien Redemption

Certificate Amount	\$ 29,487.44
Interest Amount	\$ 0.00
Redemption Fee	\$ 1,769.25
Search Fee	\$ 12.00
Premium	\$124,100.00
TOTAL	\$155,368.69

D. **RESOLUTION #16-7-166 - TEMPORARY ROAD CLOSING - Block Party - Knickerbocker Drive**

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of a portion of Knickerbocker Drive (between the stream and the intersection of Knickerbocker Drive and Willow Run Road) to accommodate a neighborhood block party scheduled for September 10, 2016 from approximately 4:00 p.m. - 9:00 p.m. (raindate - Saturday September 17, 2016). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

E. **RESOLUTION #16-7-167 - CANCELLATION OF CAPITAL FUND RECEIVABLES AND RESERVES**

WHEREAS, The Montgomery Township Independent Auditors Suplee, Clooney & Company encourages an ongoing process of reviewing outstanding receivable and reserve balances for cancellation and

WHEREAS, Suplee, Clooney & Company have been contacted regarding the documentation related to Capital Fund - Grants Receivable, Capital Fund - Due From Developers, and Capital Fund - Preliminary Expenses, Capital Fund - Reserve for Grants Receivables and

WHEREAS, The projects for which the following Receivable and Reserves were established have been completed by the Township, and the balances in said Reserves should now be released to the Township;

NOW, THEREFORE, BE IT RESOLVED, That the Capital Fund - Grants Receivable, Capital Fund - Due From Developers, and Capital Fund - Preliminary Expenses, Capital Fund - Reserve for Grants Receivables be cancelled.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #16-7-168 - AUTHORIZING A REDUCED PERFORMANCE GUARANTEE - Stonebridge at Montgomery Health Care and Clubhouse Expansion**

WHEREAS, Gail Smith, Township Engineer, has certified on June 30, 2016 that a performance guarantee posted for Stonebridge at Montgomery Health Care and Clubhouse Expansion may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a performance guarantee as specified in the Township Engineer's estimate dated June 28, 2016.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$77,962.50, reduced from \$115,860.00, be posted as follows:

10% cash	\$ 7,796.25
90% cash, Letter of Credit, or Surety Bond	\$ 70,166.25

The reduced amount is sufficient to complete the remaining work and there is adequate engineering escrow posted for inspections.

G. **RESOLUTION #16-7-169 - RELEASE OF PERFORMANCE GUARANTEE - Mother of God Orthodox Church**

WHEREAS, Gail Smith, Township Engineer, has certified on July 5, 2016 that all public improvements in a project known as Mother of God Orthodox Church have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the performance guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$203,074.80 cash be released to Mother of God Orthodox Church and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$203,074.80
5% Maintenance Guarantee	\$ 10,153.74

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

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

There are no roads or detention basins associated this project and therefore no detention basins to be accepted.

H. **RESOLUTION #16-7-170 - AMENDING RESOLUTION #16-6-162 REGARDING THE DEER MANAGEMENT PROGRAM**

BE IT RESOLVED By the Montgomery Township Committee that Resolution #16-6-162, adopted June 16, 2016, be amended to reflect the correct fee of \$50.00 for the following Supplemental properties:

- Bennett Tract
- Platz Tract
- Montgomery Meadows
- Saxon Ridge
- Montgomery Woods

I. **RESOLUTION #16-7-171 - INSTALLATION OF FIRE HYDRANTS - Country Club Meadows, Site Plan Area G**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Company to install fire hydrants at the following locations in Country Club Meadows, Site Plan Area G:

Hydrant #1 - To be located at the corner of building near Covert Drive entrance;

Hydrant #2 - To be located in back of building near garbage location;

Hydrant #3 - To be located in back by loading area;

Hydrant #4 - To be located at the corner of building by entrance and egress to Route 206.

All locations are in accordance with the recommendation of the Montgomery Township Fire Marshal and Stated #45 Fire Chief. All locations are shown on plans.

NOTE: Hydrants will be private hydrants.

(CONSENT AGENDA Cont.)

J. **RESOLUTION #16-7-172 - INSTALLATION OF FIRE HYDRANTS - Country Club Meadows, Overall Preliminary Plat**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Company to install fire hydrants at the following locations in Country Club Meadows, Overall Preliminary Plat:

- Hydrant #1 - To be located at the corner of Route 206 and Road A;
- Hydrant #2 - To be located 600 feet from Hydrant #1;
- Hydrant #3 - To be located on Road A, 600 feet from Hydrant #2;
- Hydrant #4 - To be located on Road A, 600 feet from Hydrant #3;
- Hydrant #5 - To be located on Road A, 600 feet from Hydrant #4;
- Hydrant #6 - To be located on Road A, 600 feet from Hydrant #5;
- Hydrant #7 - To be located at the corner of Road A and Road E;
- Hydrant #8 - To be located at the corner of Road A and Road B;
- Hydrant #9 - To be located at the corner of Road B and Road D;
- Hydrant #10 - To be located on Road C, 600 feet from Hydrant #3;
- Hydrant #11 - To be located on Road C and the corner of Road F;
- Hydrant #12 - To be located at the corner of Road C and Road G;
- Hydrant #13 - To be located at the corner of Road C and Road H;
- Hydrant #14 - To be located at the corner of Road C and Road G;
- Hydrant #15 - To be located 600 feet from Hydrant #14.

All locations are in accordance with the recommendation of the Montgomery Township Fire Marshal and Stated #45 Fire Chief. All locations are shown on plans.

- 8-1. Committeeman Smith moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

9. **RESOLUTION #16-7-173 - PROFESSIONAL SERVICES AGREEMENT - Green Avenue Improvement Project - Engineering Consultants - RBA Group**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the Green Avenue Improvement Project; 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 RBA Group has submitted a proposal offering to provide the sought-after service to the Township; and

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

WHEREAS, RBA Group 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 RBA Group 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; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #04-215-55-901-1472.

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

(Item #9 Cont.)

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with RBA Group for the engineering design, permitting and preparation of contract documents (engineering fee plus survey work) for the Green Avenue Improvement Project. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. RBA Group shall be paid a not to exceed fee of \$51,400.00 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.

9-1. 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 - Conforti, Madrid, Smith, Trzaska, Graham
Nays - None

10. **RESOLUTION #16-7-174 - PROFESSIONAL SERVICES AGREEMENT** - Jamestown Road and Barrington Road Overlay Project and Cherry Valley Clubside Sidewalk Repair Project - Engineering Consultants - RBA Group

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the Jamestown Road and Barrington Road Overlay Project and Cherry Valley Clubside Sidewalk Repair Project; 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 RBA Group has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, RBA Group 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 RBA Group 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; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #04-215-55-901-1521.

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 RBA Group for the engineering design, permitting and preparation of contract documents (engineering fee plus survey work) for the Jamestown Road and Barrington Road Overlay Project and Cherry Valley Clubside Sidewalk Repair Project. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. RBA Group shall be paid a not to exceed fee of \$13,150.00 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.

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

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

11. **RESOLUTION #16-7-175 - PROFESSIONAL SERVICES AGREEMENT - Quiet Zone - Engineering Consultants - RBA Group**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the investigation and design of a Montgomery Township Quiet Zone; 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 RBA Group has submitted a proposal offering to provide the sought-after service to the Township; and

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

WHEREAS, RBA Group 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 RBA Group 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; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #04-215-55-901-1521.

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 RBA Group for the investigation and design (engineering fee plus survey work) for the Montgomery Township Quiet Zone. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. RBA Group shall be paid a not to exceed fee of \$26,900.00 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.

11-1. 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 - Conforti, Madrid, Smith, Trzaska, Graham
Nays - None

12. **RESOLUTION #16-7-176 - AWARD OF BID - Viburnum Drive, Sassafras Court and Spiked Rush Court Improvement Project**

WHEREAS, The following bids for the Bridgepoint Road Roadway Overlay Project were received and publicly opened on June 23, 2016:

<u>BIDDERS</u>	<u>AMOUNT</u>
Topline Construction	\$439,602.68
Desantis Construction	\$441,406.91
Kylie Conti Construction	\$456,822.07
Black Rock Enterprises	\$484,264.71
Stilo Excavation	\$515,705.24
Hale Built	\$520,156.22
Vision Construction	\$656,842.18

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Engineer that Top Line Construction be awarded the bid; they being the lowest responsible bidder; 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; and

WHEREAS, There exists an account number 04-215-55-901-1494B which will fund this project.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Viburnum Drive, Sassafras Court and Spiked Rush Court Improvement Project is hereby awarded to Top Line Construction, 22 Fifth Street, Somerville, NJ 08876 in the amount of \$439,602.68; and

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

12-1. 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

13. RESOLUTION #16-7-177 - RENEWAL OF ABC LICENSE #1813-33-009-002 - MTC Restaurant I, LLC

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-009-002 for MTC Restaurant I, LLC:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-009-002 is hereby granted for the year 2016-2017.

- 13-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

14. RESOLUTION #16-7-178 - RENEWAL OF ABC LICENSE #1813-33-011-002 - MTC Restaurant II, LLC

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-011-002 for MTC Restaurant II, LLC:

- a. The submitted application form is complete in all aspects.
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions.
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business.
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-011-002 is hereby granted for the year 2016-2017.

- 14-1. 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 - Conforti, Madrid, Smith, Trzaska, Graham
Nays - None

15. RESOLUTION #16-7-179 - RENEWAL OF ABC LICENSE #1813-33-012-002 - MTC Restaurant III, LLC

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-012-002 for MTC Restaurant III, LLC:

- a. The submitted application form is complete in all aspects.
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions.
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business.
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-012-002 is hereby granted for the year 2016-2017.

- 15-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

16. **RESOLUTION #16-7-180 - TO AFFIRM THE TOWNSHIP OF MONTGOMERY'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

WHEREAS, It is the policy of the Township of Montgomery to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations, including but not limited to, the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, as all may be amended from time to time; and

WHEREAS, The Township Committee of the Township of Montgomery has determined that certain procedures need to be established to accomplish this policy.

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

1. No official, employee, appointee or volunteer of the Township of Montgomery by whatever title known, or any entity that is in any way a part of the Township, shall engage, either directly or indirectly in any act (including the failure to act) that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer or entity is engaged in Township business, acting on behalf of the Township or using the Township's facilities or property.
2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to, any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.
3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
4. The Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.
5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.
6. The Township Committee shall establish written procedures that require all officials, employees, appointees and volunteers of the Township, as well as all other entities subject to this resolution, to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.
7. The Township Administrator, or his/her designee, shall establish a system to monitor compliance and shall report at least annually to the Township Committee the results of the monitoring.
8. At least annually, the Township Administrator, or his/her designee, shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the Township Committee expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.
9. This resolution shall take effect immediately.
10. A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

16-1. 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

17. **ORDINANCE #16-1523** - Acquisition of Interests in Five Properties on Montgomery Road for Sidewalk Improvements - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF INTERESTS IN FIVE PROPERTIES ON MONTGOMERY ROAD IN THE TOWNSHIP OF MONTGOMERY FOR SIDEWALK IMPROVEMENTS.

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 Committeewoman Madrid and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 7th day of July, 2016 and that notice thereof be published in an official newspaper as required by law.

17-1. 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

18. **ORDINANCE #16-1524** - Accepting Conveyance of the Tapestry at Montgomery Pump Station from Sharbell at Montgomery - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY NEW JERSEY ACCEPTING PROPERTY KNOWN AS BLOCK 28003, LOT 209 (TAPESTRY AT MONTGOMERY SEWAGE PUMP STATION FACILITIES AND EQUIPMENT) FOR GENERAL MUNICIPAL PURPOSES, INCLUDING SANITARY SEWERAGE.

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 July 21, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

18-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

19. **ORDINANCE #16-1525** - Donation of Belle Meade Park Lots - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING THE ACQUISITION BY GIFT OF PROPERTY IDENTIFIED AS BLOCK 4002, LOTS 14-17; BLOCK 4006, LOTS 4-6; AND BLOCK 4008, LOTS 14-15 LOCATED NEAR BROADWAY IN THE TOWNSHIP OF MONTGOMERY.

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 July 21, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

19-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

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

20. **APPROVAL OF MINUTES**

The Regular Session minutes of June 16, 2016 were approved as printed.

21. **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.

21-1. 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

22. **PROPERTY MAINTENANCE DISCUSSION**

Administrator Nieman gave a brief PowerPoint presentation regarding property maintenance which sited some examples of the types of properties in the Township that complaints are coming in about, and some of the issues having to be dealt with. He explained that Health Officer Stephanie Carey put some data together.

23. **COMMITTEE AND SUB-COMMITTEE REPORTS**

23-1. **ZONING BOARD OF ADJUSTMENT**

Committeeman Conforti reported on the Zoning Board of Adjustment meeting. There was no discussion on the cell tower. He stated that there was supposed to be a lengthy debate on this subject at the July 19 meeting, but he was unsure if this was going to occur because they have to run the crane test. There was some discussion about running the crane test in the winter because you don't really see anything in the summer.

23-2. **BOARD OF EDUCATION**

Committeeman Conforti reported that he had met with the liaison for the School Board and they are starting their strategic planning process in the next few weeks.

23-3. **RECREATION COMMITTEE**

Committeeman Smith reported that the Recreation Committee has the results of the survey. They appointed a sub-committee to consolidate the results, as it is a very lengthy report. After they get the document together, they will take it to the Master Plan Sub-Committee and start to develop a plan as to what to do with the facilities around the Township.

Mayor Graham suggested that before this goes to the Master Plan Sub-Committee, they should make a presentation to the Township Committee.

23-4. **TRANSPORTATION ADVISORY COMMITTEE**

Deputy Mayor Trzaska reported on the Transportation Advisory Committee meeting. He reported on the overlay project using the Morris County Cooperative for the smaller roads within the Township.

24. **TRANSCO**

Administrator Nieman reported that a Transco public hearing on the pipeline is scheduled for August 9, 2016 at 7:00 p.m. at the Montgomery Upper Middle School.

25. **ROUTE 518 BRIDGE IN ROCKY HILL**

Administrator Nieman stated that the bridge on Route 518 in Rocky Hill has been closed. The Police Department has been focusing on the Griggstown Causeway because the bridge traffic is going that way, and the one lane bridge is creating a traffic problem.

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 are as follows:
 - Negotiation of possible terms and conditions of agreement of sale for acquisition of property with public funds and advice of counsel relative thereto;
 - Advice of Counsel with respect to affordable housing matters and pending litigation.
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. Acquisition of property shall only be authorized by the Township Committee in a public session.

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

27. Meeting reconvened in Open Session and ADJOURNMENT was at 9:10 p.m. on a motion by Deputy Mayor Trzaska. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk