

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
July 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, and Committeewoman Madrid  
Committeemembers Smith and Conforti were absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

2. Mayor 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. **EAGLE SCOUT PROCLAMATION - Jason Orbe**

WHEREAS, The prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Jason Orbe; 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 Jason Orbe on this remarkable achievement and extends its sincere wishes for continued success.

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

- 4-2. Jason Orbe stated that his Eagle Scout project involved restoring the outside area of the old Millstone Blacksmith Forge in Millstone. He removed an old retaining wall and steps that were falling apart and replaced them with all new lumber. He also did a bit of landscaping.

5. **RESOLUTION HONORING EMS CADETS**

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

WHEREAS, When Montgomery EMS was officially formed on June 1, 1972, it consisted of approximately 50 volunteer members who provided emergency medical services 24 hours a day, 7 days a week, 365 days a year; and

WHEREAS, The following cadets have graduated to full members and are to be recognized for their contributions while as cadets to this great organization:

Jessica Lisowski	Brad Allen	Rishab Jain
Ivan Bobkov	Caitlin Budd	Sid Panjawi
Zeeshan Chughtai	Gillian Gallagher	Srikar Tallavajhala
Albert Yu	Isabel Alleyne	Sushil Bhandaru
Alec Warriier	Jodie David	Vignesh Krishnamoorthy
Alina Lou	Maya Prashanth	Prakhar Pandey
Alec Petraske	Noah Golestani	

WHEREAS, These Cadets joined the Montgomery EMS as early as age 16; have completed the same 210 hour EMT class and passed the State EMT test as all other EMT's; volunteered with Montgomery EMS at least 20 hours a month; have assisted in squad fundraising by running activities such as the pancake breakfast, spaghetti dinner and car wash; have assisted in Montgomery EMS events such as the Blood Drive as well as many community standby's; and in the past year these EMS Cadets have volunteered over 6000 hours to the community.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery Township Committee congratulates the 2016 graduates on all their past accomplishments and expresses deep gratitude for their continued commitment to the citizens of Montgomery Township on this 21<sup>st</sup> day of July, 2016.

- 5-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

- 5-2. John Connacher, EMS President, stated that he was extremely proud of these cadets and all of the cadets. He explained what these cadets go through to become full members.

- 5-3. Deputy Mayor Trzaska congratulated the graduating cadets and thanked them for their service to the community.

6. **POLICE REPORT**

Police Lieutenant Gill reported on the following activities of the Police Department for the month of June, 2016:

- 51 motor vehicle accidents;
- 12 arrests;
- 9 thefts;
- 1 burglary;
- 5 criminal mischief;
- 4 domestic violence.

Lieutenant Gill thanked the graduating EMS cadets on behalf of the entire Police Department. He explained that this is sometimes a thankless job, but he wanted them to know that they are providing a very necessary and rewarding service to the community. He wished them good luck. He stressed that it was important to get to the scene safely.

Lieutenant Gill explained that the State Police Commercial Vehicle Unit came to the Township. They were concerned with the Route 601 corridor, primarily the overweight vehicles coming out of Gibraltar Rock. They set up their temporary facility in the High School parking lot. The State Police found this initiative so productive that they reached out to the Township to see about coming back.

Lieutenant Gill spoke about the traffic on the Griggstown Causeway. The problem is that the Route 518 bridge in Rocky Hill is closed and because of issues in the State, the project has come to a halt. The Police Department has been watching the traffic going across the Griggstown Causeway. He stated that the traffic has decreased recently. He believed that people are finding alternate ways of getting around.

7. **RESOLUTION #16-7-181 - REQUEST THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO DEEM THE ROUTE 518 BRIDGE PROJECT AS ESSENTIAL AND ALLOW FOR SAID PROJECT TO BE RE-STARTED AND COMPLETED**

WHEREAS, On approximately July 7, 2016, Route 518 between Rocky Hill Borough and Franklin Township was closed to repair the bridge over the Canal; and

WHEREAS, Said closure was to take approximately 3-4 weeks before the work would be far enough along to re-open the road and significant demolition was done despite the upcoming Executive Order stopping said work; and

WHEREAS, On July 8, 2016, as a result of the Governor's Executive Order stopping all non-essential work because of the Transportation Trust Fund Authority funding issue, the project was put on indefinite hold, with the road remaining closed; and

WHEREAS, The Route 518 Bridge Project needs to be deemed ESSENTIAL and be completed to allow for the re-opening of Route 518 for the following reasons:

1. In 2013, University Hospital of Princeton was moved from Princeton to Plainsboro, which is on the other side of the river. UHP is the primary hospital for this area with RWJ New Brunswick as the secondary. Rocky Hill and Montgomery First Aid Squads must add between 9-25 minutes per call (depending on time of day) to reach University Hospital at Princeton and even more if it is a trauma requiring RWJ Hospital in New Brunswick. Back up plans for a 3 week closure were put in place but an indefinite closure puts the lives of Rocky Hill and Montgomery residents in danger.
2. Southern Franklin, primarily Griggstown/Kingston area, is also served by Rocky Hill Fire and First Aid mutual aid and in many cases as the first responders. Without the bridge they cannot respond. Backup has been arranged with Kendall Park and Kingston. Both of these organizations are capable but travel time is further and radio dispatch is more complicated because neither is in Somerset County. A prolonged bridge closure could put Franklin residents' lives in danger.
3. Route 518 is the only major crossing of the river other than Amwell Road capable of truck traffic.
4. Route 518 is the only major east west connector from Route 206 to Route 27 (and therefore to Route 1). Large trucks detoured on our Township roads is livable for 3-4 weeks but is dangerous if it is an indefinite detour.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that it hereby requests that the Commissioner of the New Jersey Department of Transportation deem the Route 518 Bridge Project ESSENTIAL and allow for its completion as quickly as possible so that Route 518 can be reopened.

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to Governor Chris Christie, the Commissioner of the Department of Transportation and the Executive Director of the New Jersey Transit Corporation.

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

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

8. **PUBLIC COMMENT**

- 8-1. Greg Kaganowicz, Griggstown Road, spoke about the safety of the residents of the Township because of the number of deer. He does not feel safe to go outside because of the ticks that are brought about by deer. He stated that he has had approximately 10 ticks on him since May even though he uses tick repellent. He stated that he believes the deer are getting smarter and avoiding the roads. The Township hunting program doesn't work as well as it did when it first started. He suggested using a professional deer culling program. He realized it was expensive, but he estimated that this would only cost a homeowner approximately \$100.00 to \$150.00 over a three (3) year period. He suggested putting this question out to the residents of the Township. He believed that the residents would be all for this.

Ken Knieser, Oak Ridge Drive, spoke about the deer and ticks. He stated that his wife was currently being treated for Lyme Disease. He stated that he has not been able to have a decent garden in years because the deer eat his plants.

- 8-2. Ewa Zak, Shade Tree Committee, spoke about the problem of Japanese Giant Knotweed. It is a horrendously aggressive alien plant that is invading Montgomery. The Shade Tree Committee has asked the Road Department to deal with one patch right across from Harlingen Church. She explained the way to treat this plant and how the plant spreads.

Mayor Graham suggested that a small article be placed in the Township newsletter letting residents know what the plant looks like, how to treat it and how to stop it from spreading.

Clem Fiori, Open Space Committee Chair, congratulated Ms. Zak and the Shade Tree Committee for their recognizing this plant and taking the initiative to get rid of it.

- 8-3. Jon Beyer, Bridge Velo, spoke about the bicycle event that is being held on August 7. The resolution is in the Consent Agenda portion of this meeting. He thanked the Police Department for their continued help and support of the event.

9. **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 #16-7-182 - REFUND OVERPAID 2015 TAXES**

BE IT RESOLVED That a refund in the amount of \$11.62 be given to Stewart, Randy & Lauren, 829 Cherry Hill Road, Princeton, NJ 08540 for the overpayment of 2015 taxes on Block 34001, Lot 25. Overpayment due to the County Board Tax Appeal #13-1500026 correction after audit.

B. **RESOLUTION #16-7-183 - REFUND OVERPAID 2016 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$420.00 be given to Wenying Cui, 36 Saddlewood Court, Belle Mead, NJ 08502 for the overpayment of 2016 sewer charges on Block 5008, Lot 71.

C. **RESOLUTION #16-7-184 - REDEMPTION OF TAX SALE CERTIFICATE**

BE IT RESOLVED That a refund in the amount of \$3,271.58 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2016-23 on Block 34023, Lot 2.

D. **RESOLUTION #16-7-185 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Montgomery FunFest**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Montgomery Business Association has requested approval of the Township Committee to conduct a Montgomery FunFest event at Princeton Airport on September 25, 2016.
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 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.
4. The organizers will obtain the required health certificates from the Township Health Department.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #16-7-186 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Bridge Velo, LLC**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Bridge Velo, LLC/Jim Lydovici has requested approval of the Township Committee to conduct a Jersey Devil Bicycle Race event at Johnson & Johnson on August 7, 2016.
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 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.

F. **RESOLUTION #16-7-187 - AUTHORIZING A REDUCED PERFORMANCE GUARANTEE - Estates at Montgomery Site Improvements - Phase 1**

WHEREAS, Gail Smith, Township Engineer, has certified on July 8, 2016 that a performance guarantee posted for Estates at Montgomery Site Improvements, Phase 1 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 July 8, 2016.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$421,672.68, reduced from \$832,175.40, be posted as follows:

10% cash	\$ 42,167.27
90% cash, Letter of Credit, or Surety Bond	\$379,505.41

G. **RESOLUTION #16-7-188 - AUTHORIZING A REDUCED PERFORMANCE GUARANTEE - Estates at Montgomery Site Improvements - Phase 2**

WHEREAS, Gail Smith, Township Engineer, has certified on July 8, 2016 that a performance guarantee posted for Estates at Montgomery Site Improvements, Phase 2 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 July 8, 2016.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$334,504.44, reduced from \$599,052.60, be posted as follows:

10% cash	\$ 33,450.44
90% cash, Letter of Credit, or Surety Bond	\$301,054.00

H. **RESOLUTION #16-7-189 - RELEASE OF PERFORMANCE GUARANTEE - Tapestry at Montgomery Force Main and Pump Station**

WHEREAS, Gail Smith, Township Engineer, has certified on July 15, 2016 that the Tapestry at Montgomery Force Main and Pump Station Improvements have been completed by the developer and therefor recommends that the Township Committee consider the release of the performance guarantee.

WHEREAS, It is recommended that the release include the following four (4) conditions:

1. Sharbell Building Company, LLC shall post a maintenance guarantee in the amount of 15% of the original engineer's performance guarantee estimate which was \$898,830.00. The amount to be posted equals \$134,824.50.
2. Sharbell Building Company, LLC shall post adequate escrow funds.
3. Sharbell Building Company, LLC shall provide a copy of the NJDEP physical connection permit for the backflow preventer at the pump station and deliver the same to the Township, and the Township shall verify that all required monitoring of the backflow preventer has been completed and reports properly submitted to NJDEP.
4. Sharbell Building Company, LLC shall deliver a filed original deed to the Township Clerk.

(CONSENT AGENDA Item H Cont.)

NOW, THEREFORE, BE IT RESOLVED That upon satisfactory completion of these conditions, it is recommended that the Township accept the following:

- pump station improvements on Block 28003 Lot 209;
- force main improvements from the pump station to the Skillman Village WWTP, as shown on the sketch on file in the office of the Township Clerk;
- the pump station lot, Block 28003 Lot 209.

I. **RESOLUTION #16-7-190 - REPLACEMENT OF PERFORMANCE BOND FOR DRIVEWAY APRON -  
Bedens Brook Valley - 24 Sunnyside Lane (Block 31001, Lot 11.06)**

---

WHEREAS, On February 19, 2009, Esther Fried established a cash performance guarantee in the amount of \$900.00 for the completion of the driveway apron at 24 Sunnyside Lane; and

WHEREAS, Keith Tietjen purchased the above referenced property in 2013 and posted a replacement cash performance bond in the same amount on July 11, 2016; and

WHEREAS, Gail Smith, Township Engineer, has certified on July 13, 2016 that the replacement bond is sufficient and recommends the release of the cash bond originally posted by Esther Fried.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee for the driveway apron in the amount of \$900.00 be released to Esther Fried.

J. **RESOLUTION #16-7-191 - REPLACEMENT OF PERFORMANCE BOND FOR LANDSCAPING -  
Bedens Brook Valley - 24 Sunnyside Lane (Block 31001, Lot 11.06)**

---

WHEREAS, On March 20, 2009, Esther Fried established a cash performance guarantee in the amount of \$4,400.00 for the completion of landscaping at 24 Sunnyside Lane; and

WHEREAS, Keith Tietjen purchased the above referenced property in 2013 and posted a replacement cash performance bond in the same amount on July 11, 2016; and

WHEREAS, Gail Smith, Township Engineer, has certified on July 13, 2016 that the replacement bond is sufficient and recommends the release of the cash bond originally posted by Esther Fried.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash performance guarantee for landscaping in the amount of \$4,400.00 be released to Esther Fried.

K. **RESOLUTION #16-7-192 - AWARDING NON-FAIR AND OPEN CONTRACT FOR THE CLEANING OF  
POLICE UNIFORMS**

---

WHEREAS, The Township Committee of the Township of Montgomery has a need to provide uniform cleaning for the Township Police Department; and

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

WHEREAS, The contract cost for the cleaning is expected to exceed \$17,500 but less than the bid threshold of \$40,000; and

WHEREAS, Three (3) quotes were requested and one (1) was received; and

WHEREAS, Belle Mead Dry Cleaners, LP, 2162 Route 206 South, Belle Mead, NJ 08502 has submitted a unit price quote and Business Entity Disclosure Certificate.

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery authorizes a contract with Belle Mead Dry Cleaners pursuant to the proposal in the amount not to exceed:

\$15,000.00 for June 1, 2016 to December 31, 2016  
\$10,500.00 for January 1, 2017 to May 31, 2017

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in account #01-201-25-240-215 and has filed a signed Certificate of Available funds in the office of the Township Clerk.

BE IT FURTHER RESOLVED that notice of this award will be published as required by law within ten days of the passage of this Resolution.

(CONSENT AGENDA Cont.)

L. **RESOLUTION #16-7-193 - RESOLUTION TO RENEW MEMBERSHIP IN THE CENTRAL JERSEY HEALTH INSURANCE FUND**

WHEREAS, A number of public entities in the State of New Jersey have joined together to form the CENTRAL JERSEY HEALTH INSURANCE FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, The FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, The statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such FUND; and

WHEREAS, The Township Committee of the Township of Montgomery, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership with the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Health Insurance and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED That the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective retroactive to January 31, 2016 only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

9-1. Deputy Mayor Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

10. **RESOLUTION #16-7-194 - PROFESSIONAL SERVICES RESOLUTION - Special Counsel - Parker McCay**

WHEREAS, There exists a need to acquire Special Counsel services for 2016 without a "fair and open process" as defined by P.L. 2004, c.19, the "Montgomery Township 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 provided a certification that sufficient funds are available for payment of this contract under Account #01-201-20-155-248.

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 Parker McCay as Special Counsel.
- (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.

(Item #10 Cont.)

- (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) Parker McCay shall be paid a not to exceed fee of \$20,000.00 for its services.
- (5) 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.
- (6) A notice of this action shall be published once in the official newspaper as required by law.

10-1. 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 - Madrid, Trzaska, Graham  
Nays - None  
Absent - Conforti, Smith

11. **RESOLUTION #16-7-195 - AWARD OF BID - Chemicals for Wastewater Treatment**

WHEREAS, The following bids for Chemicals for Wastewater Treatment were received and publicly opened on July 13, 2016:

**BIDDERS**

Evoqua Water Technologies  
Coyne Chemical Co., Inc.  
Main Pool & Chemical Co., Inc.  
Kuehne Company  
Miracle Chemical

WHEREAS, It is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that Main Pool & Chemical Co., Inc., Coyne Chemical Co., Inc., and Evoqua Water Technologies be awarded the bid; they being the lowest responsible bidders on the following various line item chemicals:

- Main Pool & Chemical Co., Inc. Aluminum Sulfate, Sodium Hydroxide, Sodium Bisulfite, Sodium Hypochlorite, Citric Acid, Hydrated Lime
- Coyne Chemical Co., Inc. CES PACI 2000, Calcium Hypochlorite tablets
- Evoqua Water Technologies Bioxide AQ

WHEREAS, There exists the following accounts 07-201-55-542-232, 07-201-55-543-232, 07-201-55-543-292A, 07-201-55-545-232, 07-201-55-547-232, 07-201-55-548-232, which will fund these goods; 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 By the Montgomery Township Committee that the contract for the Chemicals for Wastewater Treatment for 12 months from date of award with the option to extend for an additional 12 months is hereby awarded to:

Main Pool & Chemical Co., Inc., 110 Commerce Rd., DuPont, PA in the amount of \$85,036.20 for Aluminum Sulfate, Sodium Hydroxide, Sodium Bisulfite, Sodium Hypochlorite, Citric Acid, and Hydrated Lime

Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 19021 in the amount of \$76,065.55 for CES PACI 2000, and Calcium Hypochlorite tablets.

Evoqua Water Technologies, 2650 Tallevast Road, Sarasota, FL 34243 in the amount of \$14,400.00 for Bioxide AQ.

BE IT FURTHER RESOLVED That the Township Administrator and Purchasing Agent are authorized to sign said contracts.

BE IT FURTHER RESOLVED That the Township Committee rejects the bid for Custom Blended Alkalai as there was no bid submitted and authorizes the Purchasing Agent and Township Administrator to advertise for bids for the purchase of Custom Blended Alkalai.

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

12. RESOLUTION #16-7-196 - ABC LICENSE #1813-33-002-017 - AJA Montgomery, LLC

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-002-017 for AJA Montgomery, 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 #1813-33-002-017 is hereby granted for the year 2016-2017.

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

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

13. ORDINANCE #16-1524 - Accepting Conveyance of the Tapestry at Montgomery Pump Station from Sharbell at Montgomery - 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 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. 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 21<sup>st</sup> day of July, 2016 and that notice thereof be published in an official newspaper as required by law.

13-1. 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 - Madrid, Trzaska, Graham  
Nays - None  
Absent - Conforti, Smith

14. ORDINANCE #16-1525 - Donation of Belle Meade Park Lots - Public Hearing

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. Mayor Graham opened the hearing to the public. There being no comment, Committeewoman Madrid moved that the public hearing be closed. The motion was seconded by Deputy Mayor Trzaska 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 July, 2016 and that notice thereof be published in an official newspaper as required by law.

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

15. APPROVAL OF MINUTES

The Regular Session minutes of July 7, 2016 were approved as printed.



16. 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.

16-1. 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 - Madrid, Trzaska, Graham  
Nays - None  
Absent - Conforti, Smith

17. DEER MANAGEMENT PROGRAM - Tree Stands

Township Clerk Donna Kukla reported that at the first deer management safety class a question was asked about the use of a ground blind with a shotgun. She stated that this subject is not clear in the ordinance. She and Sergeant Perry wondered what the Governing Body's opinion was.

Administrator Nieman explained the difference between hunting from a ground blind and hunting from a tree stand. He stated that, for the purpose of safety, he would much rather have hunting from tree stands than hunting from a ground blind.

Attorney Hadinger stated that tree standing hunting had been the practice for as many years as the program has been in existence. She stated that there will be an amendment to the ordinance clarifying this in the near future.

18. COMMITTEE AND SUB-COMMITTEE REPORTS

18-1. ZONING BOARD OF ADJUSTMENT

Administrator Nieman stated that Committeeman Conforti asked him to report that he had attended the Zoning Board of Adjustment meeting and the bulk of the meeting was the second set of professional presentations by Verizon. Significant comments from the residents surrounding the site mostly focused on the 135 foot proposed height. He indicated that the process has a long way to go.

18-2. PLANNING BOARD

Mayor Graham reported that the Planning Board met and gave preliminary approval on Country Club Meadows on the Pike Run site.

19. 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:
  - Terms and conditions for settlement of the Kosinski litigation against the Planning Board including the acquisition of land with public funds and advice of counsel relative thereto;
  - Advice of counsel with respect to Transco request for permit modification, and NJDEP hearing thereon;
  - Potential acquisition of properties with public funds;
  - Potential litigation involving a zoning issue 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. Acquisition of property shall only be authorized by the Township Committee in a public session. It is possible that at the conclusion of the closed session, the Governing Body will reconvene in open session for the purpose of taking action.

19-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

20. The meeting reconvened in Open Session

21. ORDINANCE #16-1526 - Acquisition of Real Property (Block 11001, Lot 55) - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION REAL PROPERTY, SPECIFICALLY BLOCK 11001, LOT 55 AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWNSHIP OF MONTGOMERY OPEN SPACE TRUST FUND.

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

21-1. 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 - Madrid, Trzaska, Graham  
Nays - None  
Absent - Conforti, Smith

ADJOURNMENT was at 8:50 p.m. on a motion by Committeewoman Madrid. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

Date of Approval:

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