

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
March 16, 2017

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 Trzaska, Deputy Mayor Smith, Committeemembers Graham, Madrid and Conforti

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

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

4. **PROCLAMATION - Arbor Day 2017**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, This year marks the 145th Anniversary of Arbor Day; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Montgomery Township has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways;

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby proclaims April 7, 2017 as ARBOR DAY in the Township of Montgomery, and urges all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

BE IT FURTHER RESOLVED That the Governing Body urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

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

5. **RESOLUTION SUPPORTING THE 2017 UDRIVE. UTEXT. UPAY DISTRACTED DRIVING CRACKDOWN - April 1-21, 2017**

WHEREAS, Distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, Distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, Distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, In 2014 alone distracted driving-related crashes resulted in 3,179 deaths and 431,000 injuries on our nation's roads; and

WHEREAS, In New Jersey distracted driving was listed as a contributing circumstance in more than 800,000 crashes between 2010-2014; and

WHEREAS, The State of New Jersey will participate in the nationwide *Distracted Driving 2017 Crackdown* from April 1 - 21, 2017 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS, The national slogan for the campaign is UDrive. UText. UPay; and

WHEREAS, A reduction in distracted driving in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township Committee declares its support for the *Distracted Driving 2017 Crackdown* both locally and nationally from April 1 - 21, 2017 and pledges to increase awareness of the dangers of distracted driving.

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

6. COMMUNITY DEVELOPMENT BLOCK GRANT - Crawford House

Administrator Nieman explained that the Community Development Block Grant program requires that any private non-profit or other entity that makes an application for a Community Development Block Grant must get the support of the municipality in which it resides. Crawford House has been an applicant for a number of years and is rehabilitating their facility.

- 6-1. Motion #17-3-01 - Committeewoman Graham moved the approval of this application. The motion was seconded by Deputy Mayor Smith and carried unanimously.

7. PUBLIC COMMENT

- 7-1. Brett Borowski, York Drive, inquired as to when the Rocky Hill bridge might be reopening. Administrator Nieman stated that the last update he received from the New Jersey Department of Transportation put the time of reopening at the end of March, but this will depend on weather conditions.

8. COMCAST CABLE FRANCHISE RENEWAL PUBLIC HEARING

- a. Administrator Nieman gave a brief history of the cable franchise. Approximately 15 years ago, Montgomery was negotiating with the cable company at that time, RCN Cable, to renew the franchise. At that time, there was a major complaint of lack of two way internet service and the matter of the whole Township not being able to be fully cabled. In the midst of those negotiations, RCN sold its Montgomery system to Patriot Media. Patriot Media and the Township reached an agreement to extend the contract for a 15 year period. There were certain stipulations in the contract. Subsequently Patmedia operated the system for several years and then sold it to Comcast. This is why Comcast is now seeking to reauthorize. There are very limited areas in which the Township can negotiate. Basically it is length of contract. He stated that Chief Financial Officer Michael Pitts, Township MIS Coordinator Bill Pauwels and he had met with Comcast to discuss the options.
- b. Robert Clifton, Sr., Director of Government and Regulatory Affairs at Cablevision, made a presentation about Comcast and the reauthorizing process. Comcast is nearing the end of a three year federally mandated process, which began in June, 2013 when they filed a 626 letter. That is basically a letter indicating their desire to renew the franchise in Montgomery. The current Certificate of Approval will expire on May 27, 2017. The Certificate of Approval is a document that a cable company needs to operate a cable system here in the State. It is granted by the Board of Public Utilities after the cable company and the municipal Governing Body have come to an agreement and it is reviewed to make sure the cable company has filed all requirements. Upon the close of the public hearing, the Township would have 30 days to grant a renewal or a denial. The timeframe on this is very flexible. The only reason that this timeframe would be enforced by the State would be if either Comcast was unresponsive to the Township or the Township was unresponsive to Comcast. The consent ordinance that Comcast is seeking is simply the use of the Township's right of ways. It is not a contract that will obligate the Township to do anything other than to allow Comcast to continue to run their plant along the municipal rights of way. It is non-exclusive, meaning that that any other cable provider can come before the Governing Body and seek the same rights to operate a cable system in the Township. A few years back, this law was changed to add another option which is called a "State-wide Franchise". This means that a cable operator could bypass municipal negotiations and go to the State of New Jersey and ask for an opportunity to operate a system in the Township without municipal consent. The difference is that that consent would only grant the cable operator a seven year franchise. Comcast seeks between a 10 and 25 year franchise, depending on the negotiations. The Governing Body has four areas in which they must review the application. Have they substantially complied with the terms of the existing franchise? Has the quality of service been reasonable in light of community needs? Does the cable operator have the technical, legal and financial ability to provide the services? Is the renewal proposal reasonable to meet the future cable related needs of the community? Comcast believes they have met all of those areas. There are two areas in which the Governing Body may not consider when deciding whether to renew or to deny. This is all by Federal and State statute. The first is rates and the second is programming. Rates are governed by the State and Federal governments and are outside the municipal purview. Programming is protected under the First Amendment, such as newspaper content is. He asked if there were any questions from the Governing Body.

Mayor Trzaska asked if the recommendation was still 15 years. Administrator Nieman stated that he would recommend 15 years at a minimum, but it is certainly up to the Governing Body to ultimately decide. Mr. Clifton explained that Comcast had always been pushing for a longer term, but there has been a little bit of a shift. Comcast has no problem dealing with a shorter term if it makes the municipality more comfortable. They will forward to the Administrator a grant amount for technical upgrades based on the amount of years of the contract.

- c. Mayor Trzaska opened the hearing to the public. There was no public comment.
- d. Attorney Hadinger explained that the next step would be to have the Administrator proceed with negotiations. If the Governing Body intends to award a franchise, the negotiations would result in a draft ordinance. The draft ordinance has to be reviewed by the Office of Cable Television.

- 8-1. Committeewoman Madrid moved to proceed with the process of awarding the cable franchise to Comcast. The motion was seconded by Committeewoman Graham and carried on the following:

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

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 #17-3-74 - REFUND OVERPAID 2015, 2016 AND 2017 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2015, 2016 and 2017 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
8001	42	Core Logic Tax Service	\$4,984.21	2017
18019	34	Wells Fargo Real Estate Tax Service	\$4,068.05	2016
18024	2.01	Core Logic Tax Service	\$5,711.08	2016
18024	2.01	Core Logic Tax Service	\$5,583.21	2017
22028	5	Montgomery Hills Title Services, LLC	\$2,806.95	2016
26002	33	Fortune Title Agency	\$2,631.71	2017
28001	5.73	Wells Fargo Real Estate Tax Service	\$3,002.85	2015
31007	56	Lobna F. El Bakry	\$ 699.52	2016
34021	34	Ebury Fund 1NJ, LLC	\$ 427.10	2017
37002	4.22	Golden Title Agency, LLC	\$1,549.65	2015

B. **RESOLUTION #17-3-75 - REDEMPTION OF TAX SALE CERTIFICATE #2015-06**

BE IT RESOLVED That a refund in the amount of \$52,926.33 be given US Bank for BV001 Trust , 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2513 for the redemption of Tax Sale Certificate #2015-06 on Block 7001, Lot 12.

C. **RESOLUTION #17-3-76 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR CHERRY VALLEY ROAD IMPROVEMENTS (APPROXIMATELY 300 FEET WEST OF CHERRY HILL ROAD TO THE MERCER COUNTY BRIDGE WEST OF GEORGE DRIVE)**

WHEREAS, The Township of Montgomery wishes to apply for Local Aid Infrastructure Funding from the New Jersey Department of Transportation for improvements to Cherry Valley Road.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application identified of **LAIF-2017-Cherry Valley Road Improvements-00076** to the New Jersey Department of Transportation on behalf of the Township of Montgomery.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Montgomery and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

D. **RESOLUTION #17-3-77 - RELEASE OF ESCROW FEE - Rose Marie Spaeth - Street Opening Permit #16-R-40**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to Rose Marie Spaeth because all work has been satisfactorily completed with respect to the following street opening permit at Block 31009, Lot 89 (8 Ironwood Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$324.00 be released to Rose Marie Spaeth, 8 Ironwood Road, Skillman, NJ 08558.

E. **RESOLUTION #17-3-78 - RELEASE OF ESCROW FEE - Anita Maroon - Street Opening Permit #16-R-41**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to Anita Maroon because all work has been satisfactorily completed with respect to the following street opening permit at Block 31009, Lot 83 (15 Ironwood Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$499.50 be released to Anita Maroon, 15 Ironwood Road, Skillman, NJ 08558.

F. **RESOLUTION #17-3-79 - RELEASE OF ESCROW FEE - Jessie Quartuccio - Street Opening Permit #16-R-42**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to Jessie Quartuccio because all work has been satisfactorily completed with respect to the following street opening permit at Block 31009, Lot 67 (35 Otter Creek Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$324.00 be released to Jessie Quartuccio, 35 Otter Creek Road, Skillman, NJ 08558.

(CONSENT AGENDA Cont.)

G. **RESOLUTION #17-3-80 - RELEASE OF PERFORMANCE GUARANTEE - Village Shopper III Bank Site (Lessee Responsibilities)**

WHEREAS, Gail Smith, Township Engineer, has certified on March 3, 2017 that all public improvements in a project known as Village Shopper III Bank Site (Lessee Responsibilities) 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 \$92,160.00 (Bond #105963714 in the amount of \$82,944.00 and \$9,216.00 cash) be released to Wells Fargo Bank, NA and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$92,160.00
15% Maintenance Guarantee	\$13,824.09

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 to be accepted with this project.

H. **TOWNSHIP COMMITTEE APPOINTMENT - Central Jersey Health Insurance Fund**

BE IT RESOLVED That Tamarah Novak is hereby appointed Central Jersey Health Insurance Fund Alternate, replacing Susan Smith, 3 year unexpired term expiring December 31, 2019.

I. **TOWNSHIP COMMITTEE APPOINTMENT - Building Inspector**

Building Inspector - Ken Clayton 1 yr. Exp. 3/10/18

9-1. Deputy Mayor Smith 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, Smith, Trzaska
Nays - None

10. **RESOLUTION #17-3-81 - RESOLUTION OF SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES - Engineering Services - Menlo Engineering**

WHEREAS, By Resolution No. 15-12-295 adopted on December 3, 2015, the Township Committee awarded an agreement for professional services to the firm of Menlo Engineering Associates, Inc. ("Menlo") for the provision of site engineering, permit administration and surveying services in connection with the Princeton Avenue Overlay Project, including the Blue Spring Road and Salisbury Road sidewalk repair ("Project"), for the sum of \$98,250.00 ("Agreement for Professional Services" or "Agreement"); and

WHEREAS, By Resolution No. 16-5-124 adopted on May 19, 2016, the Township Committee approved an amended Agreement For Professional Services to Menlo for change in scope of services for this Project, as detailed in Menlo's First Proposal, bringing the contract total, as amended, to \$103,750.00 ("First Amendment"); and

WHEREAS, The Township Engineering Department has requested that the Township Committee authorize Menlo to complete additional engineering services in connection with this Project, and in particular, to extend the scope of Menlo's services to include revisions to feasibility studies for construction related items, project document amendments required by the New Jersey Department of Transportation Division of Local Aid and Economic Development for the contract document submission phase of the State Aid Funding process, design revisions, additional coordination with the Township Purchasing Agent, and furnishing additional sets of plans and specifications for bidding, all of which were not included in the Agreement or the First Amendment; and

WHEREAS, Menlo submitted a written proposal dated February 17, 2017 to complete these additional services for the sum of \$9,600.00 ("Proposal"), which the Proposal shall be incorporated herein by reference; and

WHEREAS, The work set forth in the Proposal extends beyond the original scope of services with Menlo and therefore, the parties seek to memorialize the Proposal's scope of work and estimated cost by amending the existing Agreement and First Amendment; and

WHEREAS, The existing agreement with Menlo was awarded without competitive bidding as a professional services agreement pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and as a such, the Township Committee may amend same by resolution adopted under N.J.A.C. 5:30-11.6(e); and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for this purpose.

(Item #10 Cont.)

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

1. The existing Agreement for Professional Services entered into between the Township and Menlo is hereby amended, to extend the scope of Menlo's services to include revisions to feasibility studies for construction related items, project document amendments required by the New Jersey Department of Transportation Division of Local Aid and Economic Development for the contract document submission phase of the State Aid Funding process, design revisions, additional coordination with the Township Purchasing Agent, and furnishing additional sets of plans and specifications for bidding, which were not included in the original scope of services or First Amendment for this Project, as detailed in Menlo's February 17, 2017 Proposal, incorporated herein by reference, resulting in an increase in the contract amount by \$9,600.00, bringing the contract total, as amended, to \$113,350.00.
2. The Mayor and Clerk are hereby authorized and directed to execute a Second Amendment to Professional Services Agreement which shall be executed by the parties to confirm the additional scope of services and anticipated cost; the form of a Second Amendment to Agreement for Professional Services shall be subject to the approval of the Township Attorney.
3. A copy of this Resolution and Second Amendment to Agreement for Professional Services shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

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

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

11. **RESOLUTION #17-3-82 - AWARD OF BID #B03-2017 - PRINCETON AVENUE, BLUE SPRING ROAD, SALISBURY ROAD IMPROVEMENTS (STATE AID PROJECT)**

WHEREAS, The following bids for the Princeton Avenue, Blue Spring Road, Salisbury Road Improvements project were received and publicly opened on Friday, March 10, 2017 at 11:00 AM:

<u>Bidders</u>	<u>Bid Amount</u>
Top Line Construction Corp.	\$514,778.15
JTG Construction, Inc.	\$590,200.00
Glen G. Hale, Inc.	\$593,207.53
Stilo Excavating, Inc.	\$606,387.08
DeSantis Construction, Inc.	\$614,429.75
Your Way Construction, Inc.	\$615,858.42
S. Brothers, Inc.	\$630,558.24
Black Rock Enterprises, LLC	\$691,407.23
Reivax Contracting	\$692,441.00

WHEREAS, Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876, is 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 account numbers 04-215-55-901-1472B which will fund this project.

NOW, THEREFORE, BE IT RESOLVED That the Township of Montgomery hereby recommends to the New Jersey Department of Transportation that the contract for Princeton Avenue, Blue Spring Road, Salisbury Road Improvements in the Township of Montgomery, County of Somerset, be awarded to Top Line Construction Corp., whose bid amounted to \$514,778.15, subject to the approval of the Department.

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

- 11-1. Brett Borowski, York Drive, asked if the little road that turns into Mount Lucas Road was included in this contract. Mayor Trzaska explained that the area that Mr. Borowski was speaking about was technically part of Mount Lucas Road, and therefore was not part of the contract.
- 11-2. Deputy Mayor 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, Graham, Smith, Trzaska
Nays - None

12. **TOWNSHIP BUDGET PRESENTATION**

Chief Financial Officer Michael Pitts gave a brief presentation of the 2017 Township budget. He stated the following:

- Montgomery's municipal tax levy has minimally changed over the past 6 years (2011 through 2016) and Montgomery continues to be fully compliant with the Levy Cap Law.
- Montgomery's spending and headcount have been reduced. The Township is finding ways to do more with less.
- Montgomery has significantly reduced use of surplus in annual budgets.
- Montgomery has received a "perfect score" from Governor Christie's Best Practices in Local Government program in 2013 and a "near perfect" score in 2016.
- Montgomery maintained Moody's Investors credit rating of Aa1 in 2016.
- The projected spending increases for 2017 were mandated cost increases including pensions; health insurance; and statutory and contractual salary increases.
- Efficiencies and cost reductions have been found to help mitigate increases.
- None-grant spending remains less than 2005 levels.
- State aid to the Township remains flat.
- Municipal tax rate up \$0.017 (from \$0.370 to \$0.387).
- The Township is continuing to work on closing the structural budget gap through long-term budget planning.
- The Township continues to revamp the municipal government organizational structure to optimize head count, responsibilities and efficiencies.
- The Township is continuing to improve roads and infrastructure.
- The Township is aggressively analyzing new opportunities for consolidation/sharing services.

13. **2017 MUNICIPAL BUDGET**

A. **RESOLUTION #17-3-83 - REGARDING PUBLIC HEARING OF THE 2017 LOCAL MUNICIPAL BUDGET OF THE TOWNSHIP OF MONTGOMERY, STATEMENTS OF REVENUES AND APPROPRIATIONS**

WHEREAS, For at least one week, the complete Municipal Budget as advertised, has been posted in a public place, in the Municipal Building; and

WHEREAS, The 2017 Budget has been made available to each and every person requesting the same for at least one week.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee (not less than a majority of the full membership concurring) of the Township of Montgomery in Somerset County, that the Township Committee hereby determines that the 2017 Municipal Budget, Statements of Revenues and Appropriations shall be read by title, and that the conditions of N.J.S.A. 40A:4-8, Sections 1A and 1B, have been satisfied.

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

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

B. **2017 MUNICIPAL BUDGET - Public Hearing**

B-1. Committeewoman Graham moved to open the hearing to the public. The motion was seconded by Deputy Mayor Smith and carried unanimously.

B-2. Bill Randolph, Boulder Brook Court, stated that he appreciated all the hard work that went into the budget and he can appreciate the fact that it's too many dollars less than last year. It looks like the average tax increase to the residents is about \$0.17 which is close to a 5% increase. He asked why the residents are getting saddled with another 5% increase.

Mayor Trzaska stated that the real challenge over the past number of years has been the decrease in revenue. He explained that the surplus that had been used to keep the budgets in line for many years, is being depleted and that together with the rising costs of healthcare is what is making the recent budgets increase.

Committeeman Conforti explained that the revenue growth from development in the 90's and the early part of the 2000's did also mask other issues.

B-3. Committeeman Conforti moved to close the public hearing. The motion was seconded by Committeewoman Graham and carried unanimously.

(Item #13 Cont.)

C. **RESOLUTION #17-3-84 - ADOPTION OF THE 2017 MUNICIPAL BUDGET**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of \$27,145,986.13 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(1)	GENERAL REVENUES	
	Surplus Anticipated	\$ 4,325,000.00
	Miscellaneous Revenue Anticipated	7,352,388.14
	Receipts from Delinquent Taxes	625,900.00
(2)	AMOUNT TO BE RAISED BY TAXATION FOR	
	MUNICIPAL PURPOSES	<u>14,842,697.99</u>
	TOTAL REVENUES	\$27,145,986.13
(3)	GENERAL APPROPRIATIONS	
	Within "CAPS"	
	Operations Including Contingent	\$19,131,038.40
	Deferred Charges and Statutory	
	Expenditures - Municipal	2,357,800.00
	Excluded from "CAPS"	
	Operations - Total Operations	
	Excluded from "CAPS"	1,537,247.73
	Capital Improvements	269,900.00
	Municipal Debt Service	2,622,000.00
	Total Deferred Charges	205,000.00
	Reserve for Uncollected Taxes	<u>1,025,000.00</u>
	TOTAL APPROPRIATIONS	\$27,145,986.13

C-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, Smith, Trzaska
 Nays - None

14. **ORDINANCE #17-1539 - LDO-Amendment to the Planned Shopping Complex Optional Development Alternative - Public Hearing**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTION 16-6.5 h. FOR THE DEVELOPMENT OF AN OPTIONAL PLANNED SHOPPING COMPLEX WITHIN DESIGNATED PORTIONS OF THE "HC", "REO-3" & "R-2" DISTRICTS.

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

"On March 6, 2017 the Planning Board reviewed the above ordinance and found the ordinance consistent with the 2003 Land Use Plan Element and 2003 Traffic Circulation Plan Element of the Master Plan. The Planning Board recommended the ordinance be adopted by the Township Committee."

C. Township Planning Director Lori Savron gave a brief background of the ordinance. In 2003 the Master Plan Committee and the Traffic Advisory Committee examined this study area that is south of Orchard Road and north of Princeton Avenue. That resulted in recommendations of several loop roads to help the traffic issues along Route 206. Then afterwards, land owners in this project area came forth with different scenarios that were not within the zoning. They examined this area and created the amendment to the Land Use Element in 2003 that would essentially marry the Traffic Circulation updates and the loop roads with the zoning regulations. Out of that there was a recommendation to implement these Planned Shopping Complex. After that period of time, the zoning regulations were put in place. In 2007 the Planning Board approved the site plan for the project called "Montgomery Promenade". She spoke about the outer and inner loop roads and the current revised site plan. The ordinance for public hearing essentially sets the framework and the general ground rules for what the developer can do with the land.

Committeeman Conforti explained that this process wasn't started from scratch nor was it a new plan. This is taking a plan that took two years to approve back in 2007-2008 and modified it.

(Item #14 Cont.)

- D-1. Mayor Trzaska opened the hearing to the public.
- D-2. J. Kerny-Kuser, Route 518, stated that when this originally came about there were a number of meetings that happened. He stated back then the residents on Route 518 felt protected and that it was a very open and transparent process. This time around he felt that the residents were not protected and that they had no idea that it was happening. He was totally against this change because he felt it would have a very large impact on him and his neighbors.
- D-3. Jeff Sands, Bristol Court, agreed with Mr. Kerny-Kuser and expressed his concern about this project. He mentioned the 2003 Traffic Impact Study and said that it was out of date. Mayor Trzaska assured Mr. Sands that there would be another Traffic Impact Study done.
- D-4. Deputy Mayor Smith stated that he got the feeling that some people thought the Township just rolled over and said "go ahead, go build it". That is not the case at all. A lot of people put a great deal of time into making sure that this project is done the way the Township wants it to be done to benefit all.
- D-4. Robin Odabash Brown, owner of Princeton North Shopping Center, expressed her concerns about the traffic issues in regard with this project. She stated her objections to this ordinance unless the traffic issues on Route 206 are addressed.
- D-5. Committeewoman Graham asked Attorney Hadinger what the Planning Board is empowered to do if this ordinance is adopted. Attorney Hadinger responded that the Planning Board would receive the application and determine whether or not it meets the standards set forth in the ordinance, following review by professionals, following public hearings and testimony. If the applicant sought to deviate from certain aspects of the ordinance, the Planning Board would also consider those variances.
- D-6. Jeremiah E. Overt, Route 518, stated that according to the site plan, the residential area has been squashed against the backside of properties. He expressed his concerns about the buffer zone, the increase in school enrollment and taxes due to the elimination of the senior housing from the site.

Planning Director Savron explained that the required buffer between the property lines remains the same.

Deputy Mayor Smith suggested the residents request more tree plantings between the homes.
- D-7. Nick Dankanyin, Route 518, stated that he liked the new plan better and voiced his concern of the buffer around his house. He spoke about some agreements made between the developer and the property owners.
- D-8. Bill Randolph, Boulder Brook Drive, voiced his concerns about the traffic this project will generate. He suggested the Township somehow fix the issues of the intersection of Routes 518 and 206 before anything is built.
- D-9. Committeeman Conforti moved to close the public hearing. The motion was seconded by Deputy Mayor Smith and carried unanimously.
- E. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of March, 2017 and that notice thereof be published in an official newspaper as required by law.

14-1. Deputy Mayor 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, Graham, Smith, Trzaska
Nays - None

15. **ORDINANCE #17-1540 - LDO-Amending Subsection 16-2.1 Regarding Definition of a Farm - Public Hearing**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI,
"LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF
MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY
AND SPECIFICALLY SUBSECTION 16-2.1 REGARDING DEFINITION
OF A FARM.

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

"On March 6, 2017 the Planning Board reviewed the above ordinance and found the ordinance consistent with the 2010 Comprehensive Farmland Preservation Plan Element and the 1989 and subsequent modifications of the Land Use Plan Element of the Master Plan. The Planning Board recommended the ordinance be adopted by the Township Committee."

(Item #15 Cont.)

- C-1. Mayor Trzaska opened the hearing to the public.
- C-2. Bill Randolph, Boulder Brook Court, asked why the change in the definition of a farm. He stated that, in his opinion, the ordinance as proposed was arbitrary and unenforceable by the Township.

Mayor Trzaska explained that there was an application to either the State or the County by the owners of a farm in town to have some livestock, mainly pigs, on the property. At the time, the Township's ordinance did not allow pigs. Then it became known to the Township Committee that there were a few existing farmers who already had pigs on their property and the fact that the law is governed by the Right to Farm laws of the State of New Jersey and Somerset County Agricultural Boards.

- C-3. Brett Borowski, York Drive, stated his agreement with this ordinance.
- C-4. Committeeman Conforti moved to close the public hearing. The motion was seconded by Committeewoman Graham and carried unanimously.
- D. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of March, 2017 and that notice thereof be published in an official newspaper as required by law.

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

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

16. **ORDINANCE #17-1541 - Establishing 2017 Sewer Capacity Charges and 2017 Sewer Service Rates - Public Hearing**

- A. Mayor Trzaska read the title of the ordinance as follows:

AN ORDINANCE AMENDING CHAPTER XII SEWER AND WATER OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH 2017 SEWER CAPACITY CHARGES AND 2017 SEWER SERVICE RATES.

- B. Mayor Trzaska opened the hearing to the public. There being no comment, Committeeman Conforti moved to close the public hearing. 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 16th day of March, 2017 and that notice thereof be published in an official newspaper as required by law.

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, Graham, Smith, Trzaska
Nays - None

17. **ORDINANCE #17-1542 - BOND-Providing For Various Capital Improvements - Introduction**

- A. Mayor Trzaska read the title of the ordinance as follows:

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$4,674,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$4,440,300 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

- 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 April 6, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Deputy Mayor 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, Graham, Smith, Trzaska
Nays - None

18. ORDINANCE #17-1543 - BOND-Providing for Various Sewer Utility Improvements - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$996,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$996,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

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 April 6, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

19. ORDINANCE #17-1544 - Capital-Acquisition of Certain Equipment - Introduction

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE ACQUISITION OF CERTAIN EQUIPMENT BY THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$34,200.00 THEREFOR FROM THE "CAPITAL IMPROVEMENT FUND" AND \$50,000 FROM THE "CAPITAL FUND BALANCE" OF SAID TOWNSHIP.

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 April 6, 2017 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 Committeewoman Madrid and carried on the following:

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

20. APPROVAL OF MINUTES

The Regular Session minutes of March 2, 2017 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. 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, Smith, Trzaska
Nays - None

19. INTERVENOR STATUS FOR THE TRANSCO PROPOSED COMPRESSOR HEARINGS IN FRANKLIN TOWNSHIP

Attorney Hadinger stated that Township was preparing to file for Intervenor status for the Transco proposed compressor hearings in Franklin Township. She is keeping an eye on the development of this issue. Filing of this status would take place once the application for this compressor station is filed.

20. COMMITTEE AND SUB-COMMITTEE REPORTS

20-1. ENVIRONMENTAL COMMISSION

Committeeman Conforti reported that the Environmental Commission members are working on the Earth Day event to be held on April 23.

20-2. SITE PLAN COMMITTEE

Committeeman Conforti reported that the Site Plan Committee were reviewing an application for an addition to an office building on Route 518.

20-3. MUNICIPAL ALLIANCE

Committeewoman Madrid reported that the Municipal Alliance is working on many different activities in the schools.

20-4. BOARD OF HEALTH

Committeewoman Graham reported on the Board of Health meeting where there was a long term policy discussion. There would be further discussion at future meetings. One of the discussions included "vaping" as there is a new shop in Montgomery. The Health Officer stated that the State imposes a tax on this, but it was her understanding that the municipality is able to impose an administrative fee or some kind of license fee on this type of business. Another consideration is the Social Host issue. This is where people host parties and there is underage drinking going on.

20-5. SNOW PLOWING

Deputy Mayor Smith thanked Administrator Nieman and the Department of Public Works on the great job done during the recent weather event. Administrator Nieman reiterated the great job the plowers did.

20-6. QUIET ZONE

Administrator Nieman stated that the next step in the Quiet Zone process is to request a Diagnostic Team meeting with the New Jersey Department of Transportation. The Township has made that request, so the project is moving forward.

20-7. SHARED SERVICES

Administrator Nieman stated that there are ongoing discussions with Manville Borough for providing a shared service for financial work.

20-8. TRANSPORTATION ADVISORY COMMITTEE

Mayor Trzaska reported on the Transportation Advisory Committee. All of the road work seems to be right on schedule.

20-9. BOARD OF EDUCATION

Mayor Trzaska reported that he had met with the Board of Education. They are not in a position to extend the partnership for the tennis courts. The 40 year lease is over.

ADJOURNMENT was at 9:45 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