

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
SPECIAL SESSION
July 5, 2017

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 8:00 a.m. on the above date. Those present were:

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

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, 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. **RESOLUTION #17-7-161 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING THE MONTGOMERY TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO MAKE A DETERMINATION AS TO WHETHER THE REAL PROPERTY LOCATED AT 980, 966 & 958 VAN HORNE ROAD (ROUTE 206) (BLOCK 34001, LOTS 60, 61 & 62) SHOULD BE DECLARED AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

WHEREAS, The Township Committee of the Township of Montgomery is concerned about the deleterious conditions of real property located at 980, 966 and 958 Van Horne Road (Route 206) (Block 34001, Lots 60, 61 & 62 on the Montgomery Township Tax Assessment Maps rev. ed. 2016) (hereinafter and collectively, the "Property"); and

WHEREAS, The Township Committee is concerned that the remaining improvements on the Property are dilapidated and in disrepair, and that the Property's condition, in concert with other factors, makes it detrimental to the welfare of the community; and

WHEREAS, The Property has been unused for a lengthy period of time and is in a continuing state of deterioration; and

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

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

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

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

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

- 4-1. 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, Smith, Trzaska
Nays - None
Absent - Madrid, Graham

5. **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.

5-1. 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, Smith, Trzaska
Nays - None
Absent - Madrid, Graham

6. **PUBLIC COMMENT**

Mayor Trzaska opened the public comment portion of the meeting. There being no public comment, Mayor Trzaska closed this portion of the meeting.

7. **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 subject to be discussed in this session is as follows:
 - Advice of counsel and matters falling within the attorney-client privilege regarding pending affordable housing litigation and Princeton North Realty Associates, LLC 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.

7-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Smith and carried unanimously.

8. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:20 a.m. on a motion by Committeeman Conforti. The motion was seconded by Deputy Mayor Smith and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk