

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
January 18, 2018

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

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

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

4. **CEREMONIAL SWEARING IN - Committeewoman Sadaf F. Jaffer**

Assemblyman Andrew Zwicker administered the Oath of Office to Committeewoman Sadaf F. Jaffer.

5. **REQUEST FOR RELIEF FROM ROAD OPENING MORATORIUM ON MOUNTAIN VIEW ROAD - Golden/Back Farms**

Administrator Nieman explained that the Township was approached by the owners of Golden/Back Farms because they would like to connect the entire farm to PSE&G gas. However, there is a road moratorium on that road because it was paved within the past five years. They have a special request for relief from this moratorium because they have a greenhouse that needs to be connected to the gas line. Staff has stated that it does not have the ability to waive the moratorium, but the Governing Body does. As set forth in the Township Engineer's memo of January 12, 2018, staff asks that if the Governing Body does grant the relief the following conditions be met:

- A complete application for a road opening permit be submitted along with the application fee, insurance form, and details for one gas line connection to service the well house and greenhouse; and
- The Engineering Department must be notified 48 hours in advance of work so that they can be there for inspection of the work; and
- Since Mountain View Road is classified as a rural collector in the Township Master Plan, the roadway must be patched using dense graded aggregate for the full depth of the excavation to seven (7) inches below finished grade, five (5) inches of hot mix asphalt base mix I-2, two (2) inches of hot mix asphalt surface mix I-5, and tack coat applied to all joints. Also, final restoration must include using infrared heat treatment to bond the patch to the surrounding road pavement; and
- Road opening should be wide enough to accommodate compaction from a 6.5 ton, 2-axle vibratory drum roller; and
- Materials, equipment, and construction methods, including weather limitations, must conform to the most recent New Jersey Department of Transportation Specifications for Road and Bridge Constructions, as amended; and
- A bond posted in the amount of \$2,500.00 to be released one year after inspection of surface course installation provided the patch holds up, is even with the surrounding pavement, and remains in good condition.

5-1. **Motion #18-1-1** - Committeewoman Graham moved the approval of the Golden/Back Farms request for relief from road opening moratorium on Mountain View Road, conditioned upon meeting the conditions as set forth in the Township Engineer's memo of January 12, 2018. The motion was seconded by Committeeman Trzaska and carried on the following:

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

6. **PUBLIC COMMENT**

6-1. Brett Borowski, York Drive, stated that he saw there was an ordinance regarding Kid Connection fees on the agenda for introduction. He explained that he understood that the program was not self-funded for many years and that it is the goal of the Township that it become so. He enthusiastically supports the goal of self-funding of this program.

7. **APPOINTMENTS BY TOWNSHIP COMMITTEE**

OFFICE	TERM	
Consulting Engineer	1 yr.	Melick-Tully and Associates, PC
Tax Map Official	1 yr.	Saladin Associates, PC

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

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

8. **MAYORAL APPOINTMENTS WITH CONSENT OF TOWNSHIP COMMITTEE**

OFFICE	TERM	RETIRING OFFICER	NEW APPOINTMENT
Economic Development Commission Regular Member	3 yrs.	Szwarcz	Rajyalakshmi Nimmagadda

8-1. Deputy Mayor Madrid moved the adoption of the foregoing appointment. The motion was seconded by Committeewoman Graham and carried on the following

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

9. **MAYORAL APPOINTMENTS**

OFFICE	TERM	RETIRING OFFICER	NEW APPOINTMENT
Veterans Memorial Committee, Advisor	1 yr.		Mike Maloney
Landmarks Commission, Alternate 1	1 yr.		Jean-Francoise De Laperouse

10. **RESOLUTION #18-1-30 - 2017 RETROACTIVE BUDGET TRANSFER**

WHEREAS, There is a need for a retroactive transfer of funds to areas where there are insufficient funds to meet the demands of the Township, and

WHEREAS, There are sufficient funds to be retroactively transferred to those accounts as stated to meet the needs of the Township,

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Chief Finance Officer to make the following transfers:

FROM	TO	AMOUNT
P.E.R.S DCRP (O/E)		\$1,197.91
	P.E.R.S (O&E)	\$1,197.91

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

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

11. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #18-1-31 - REFUND OVERPAID 2017 AND 2018 TAXES**

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

Block	Lot	Name	Amount	Year
4067	5	Xuan Yu & Jian Xiao	\$8,543.59	2018
5004	41	Nagaraj J. & Savitha N. Shagrithaya	\$3,000.00	2018
7007	15	Majestic Title, LLC	\$2,290.58	2017
7021	2	Gerald F. & Phyllis R. Regnaud	\$7,819.45	2018
7027	8	Shaminder & Heidi Singh	\$6,630.27	2018
17001	6.42	Golden Title Agency, LLC	\$4,194.30	2017
21012	35	Foundation Title, LLC	\$2,636.81	2017
28001	5.101	Liang Xiaoli	\$ 37.55	2017
28001	5.23	Tejash Gandhi & Vrunda Patel	\$1,513.73	2017
28001	5.31	Srikanth & Oduru Birdudvolu	\$ 40.56	2017
37003	1.101	Mortgage Connect	\$ 338.95	2017

B. **RESOLUTION #18-1-32 - AUTHORIZING THE ISSUANCE OF 2018 TOWING LICENSES**

WHEREAS, The Township has received a completed towing application for light duty licenses from TJS Automotive Services, Inc. d/b/a Dave's Heavy Towing to provide towing services in 2018; and

WHEREAS, The Township has received a completed towing application for heavy duty licenses from TJS Automotive Services, Inc. d/b/a Dave's Heavy Towing to provide towing services in 2018; and

WHEREAS, The Police Department has reviewed said application and conducted appropriate investigations pursuant to section 4A-2.2 of the Code of the Township of Montgomery (1984); and

WHEREAS, The Police Director has reviewed the results of said investigations, approved said application, and recommended the issuance of a light duty towing and a heavy duty towing license to TJS Automotive Services, Inc. d/b/a Dave's Heavy Towing.

(CONSENT AGENDA Cont.)

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

1. The Township Clerk is hereby authorized to issue a light duty license to TJS Automotive Services, Inc. d/b/a Dave's Heavy Towing for 2018.
2. The Township Clerk is hereby authorized to issue a heavy duty license to TJS Automotive Services, Inc. d/b/a Dave's Heavy Towing for 2018.
3. All towing licenses are subject to the provisions set forth in Chapter IVA of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2018.
4. This resolution shall take effect immediately.

C. **RESOLUTION #18-1-33 - RELEASE OF PERFORMANCE GUARANTEE - 3M Stormwater Management System - Constructural Dynamics, Inc.**

WHEREAS, Gail Smith, Township Engineer, has certified on January 16, 2018 that Constructural Dynamics, Inc. (Gibraltar Rock) has posted a bond for the improvements it is proposing to install on the property and is recommending release of the performance bond that 3M still has in place with the Township since 2004.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Letter of Credit #S99002021 (which replaced S877998) in the amount of \$1,037,400.00 be released to Jeffrey Jacobs, 3M Center, Building 0220-03-E-11, St. Paul, MN 55144-1000.

BE IT FURTHER RESOLVED That a maintenance guarantee is not required because the newly posted Constructural Dynamics, Inc. bond effectively replaces the 3M bond.

There are no roads or detention basins to be accepted by the Township.

3M's inspection escrow (PB-26-01) can also be released since Constructural Dynamics, Inc. (Gibraltar Rock) has posted inspection escrow funds.

D. **RESOLUTION #18-1-34 - RELEASE OF MAINTENANCE GUARANTEE - Princeton North Shopping Center - Sidewalk Along Benjamin Boulevard**

WHEREAS, Gail Smith, Township Engineer, has certified on January 3, 2018 that all public improvements in a project known as Princeton North Shopping Center - Sidewalk along Benjamin Boulevard have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond in the amount of \$4,407.96 (cash) be released to Princeton North Realty Associates, 18 Franklin Street, Tenafly, NJ 07670.

BE IT FURTHER RESOLVED That the release of the Maintenance Bonds shall be conditioned upon the posting of adequate escrow funds.

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

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

12. **RESOLUTION #18-1-35 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR FLEET MAINTENANCE SERVICES - FIRST VEHICLE SERVICES**

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

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

WHEREAS, Resolution #16-2-48 adopted on February 4, 2016 authorized a 12 month extension of the contract; and

WHEREAS, Resolution #17-1-39 adopted on January 19, 2017 authorized a 12 month extension of the contract; and

WHEREAS, N.J.S.A. 40A:11-15 provides that the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, The contract will not exceed \$694,348.51 for the extended year effective March 1, 2018 through February 28, 2019 at the recent Consumer Price Index rate of 2.0% and a 0.25% increase as a cost adjustment for changes in contractual fleet size from 366 contract units to the 390 contract units today, for a total increase of 2.25%; and

WHEREAS, There exists accounts 01-201-26-315-256 and 07-201-55-544-256 which will fund this service; and

(Item #12 Cont.)

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby approves the fourth of four (4) one year extensions pursuant to the above-described terms.

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

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

13. **RESOLUTION #18-1-36 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY PROVIDING FOR AN ISSUE OF GENERAL IMPROVEMENT BONDS AND AN ISSUE OF SEWER UTILITY BONDS, AUTHORIZING THE SALE OF \$8,640,000 PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT BONDS, SERIES 2018A AND \$8,899,000 PRINCIPAL AMOUNT OF SEWER UTILITY BONDS, SERIES 2018B, AUTHORIZING ADVERTISEMENT OF A NOTICE OF SALE; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SELL AND AWARD THE BONDS; DETERMINING THE FORMS AND OTHER DETAILS OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATING THERETO.**

WHEREAS, the Township of Montgomery, in the County of Somerset, New Jersey (the "Township" or the "Issuer") has adopted the bond ordinances listed on the attached Appendix A-1 and Appendix A-2 (collectively, the "Bond Ordinances") authorizing the issuance of obligations of the Township for the purpose of financing the general improvements and the Sewer Utility described in the Bond Ordinances; and

WHEREAS, the Township Committee has determined to finance permanently a portion of the costs of the general improvement projects and the sewer utility projects undertaken pursuant to the Bond Ordinances by the issuance of \$8,640,000 principal amount of general improvement bonds and \$8,899,000 principal amount of sewer utility bonds, unless adjusted pursuant to Section 10 hereof, of the Township, and

WHEREAS, the Township Committee has determined to proceed with the public sale of said bonds for the purposes authorized in the Bond Ordinances.

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

Section 1. General Improvement Bonds, Series 2018A, Authorization of Sale. The principal amount of general improvement bonds authorized to be issued pursuant to the Bond Ordinances described in Appendix A-1 hereto shall be issued as "General Improvement Bonds, Series 2018A", in the aggregate principal amount of \$8,640,000 unless adjusted pursuant to Section 10 hereof (the "Series A Bonds"), and are authorized to be sold in accordance with the terms of this Resolution.

The average period of usefulness for the general improvements financed by the Series A Bonds is 12.18 years.

Section 2. Sewer Utility Bonds, Series 2018B, Authorization of Sale. The principal amount of sewer utility bonds authorized to be issued pursuant to the Bond Ordinances described in Appendix A-2 hereto shall be issued as "Sewer Utility Bonds, Series 2018B", in the aggregate principal amount of \$8,899,000 unless adjusted pursuant to Section 10 hereof (the "Series B Bonds"), and are authorized to be sold in accordance with the terms of this Resolution.

The average period of usefulness for the sewer utility improvements financed by the Series B Bonds is 36.89 years.

Section 3. Public Sale of Bonds. The Series A Bonds and the Series B Bonds (collectively, the "Bonds") shall be issued and sold on a combined basis at a public sale upon electronic bids, in accordance with Section 8 hereof and the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented.

GENERAL IMPROVEMENT BONDS, SERIES 2018A

<u>(February 1) Year</u>	<u>Principal Amount</u>
2019	\$620,000
2020	635,000
2021	655,000
2022	670,000
2023	685,000
2024	705,000
2025	725,000
2026	745,000
2027	765,000
2028	790,000
2029	810,000
2030	835,000

(Item #13 Cont.)

SEWER UTILITY BONDS, SERIES 2018B

<u>(February 1) Year</u>	<u>Principal Amount</u>
2019	\$340,000
2020	350,000
2021	355,000
2022	365,000
2023	375,000
2024	385,000
2025	390,000
2026	400,000
2027	415,000
2028	425,000
2029	440,000
2030	455,000
2031	470,000
2032	485,000
2033	\$500,000
2034	515,000
2035	530,000
2036	545,000
2037	570,000
2038	589,000

The Bonds shall contain such other terms and conditions as are specified in the Notice of Sale, approved in Section 5 hereof (the "Notice of Sale"), and in the form of the Bonds, approved in Section 13 hereof.

Section 4. Redemption.

(A) The Bonds of each series maturing prior to February 1, 2029 are not subject to redemption prior to their stated maturity. The Bonds maturing on or after February 1, 2029 are subject to redemption, at the option of the Township, prior to their stated maturity and upon notice as hereinafter provided, at any time on or after February 1, 2028, in whole or part from such maturities as the Township shall determine and by lot within a single maturity, at the redemption price of 100% of the principal amount to be redeemed together with unpaid interest accrued to the redemption date.

(B) In the event the winning bidder elects to aggregate consecutive principal maturities of any series of Bonds into one or more term bonds of such series, then each such term bond shall be subject to mandatory sinking fund redemption prior to maturity, in part, on the dates and in the amounts specified in the Notice of Sale for such aggregated consecutive principal maturities (other than the final such maturity), at a redemption price equal to 100% of the principal amount to be redeemed, plus accrued interest thereon to the date fixed for redemption.

(C) Any Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of \$1,000 or any integral multiple thereof. If less than all of the Bonds of a particular series and maturity are to be redeemed, Bonds of that series and maturity shall be selected by the Chief Financial Officer (or, if appointed pursuant to Section 15 hereof, the Paying Agent) by lot.

When any Bonds are to be redeemed, the Chief Financial Officer (or, if appointed by Section 15 hereof, the Paying Agent) shall give notice of the redemption of the Bonds by mailing the notice of redemption by first class mail in a sealed envelope postage prepaid, to the registered owners of any Bonds or portions thereof which are to be redeemed, at their respective addresses as they last appear on the registration books of the Township. Such mailing shall not be a condition precedent to such redemption, and failure to so mail or to receive any such notice to any of such registered owners shall not affect the validity of the proceedings for the redemption of the Bonds. Notice of redemption having been given as aforesaid, the Bonds, or portions thereof so to be redeemed, shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such Bonds, or portions thereof, shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the Township shall default in the payment of the redemption price and accrued interest), such Bonds shall no longer be considered as outstanding.

During any period in which The Depository Trust Company (or any successor thereto) shall act as securities depository for the Bonds of any series, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Bonds of such series. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

Section 5. Approval of Notice of Sale. The Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as **Appendix B** and made a part hereof.

Section 6. Approval of Summary Notice of Sale. The Summary Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as **Appendix C** made a part hereof.

(Item #13 Cont.)

Section 7. Publication of Notice of Sale and Summary Notice of Sale. The Notice of Sale substantially in the form attached to this Resolution shall be published at least once in the Courier News, a newspaper circulating in the Township, and the Summary Notice of Sale substantially in the form attached to this Resolution shall be published at least once in The Bond Buyer, and/or such other nationally recognized local government bond marketing publication or electronic information service carrying municipal bond notices and devoted primarily to the subject of state and municipal bonds. The advertisement of said Notice of Sale and Summary Notice of Sale in each such medium shall be published not less than seven (7) days prior to the sale date for the Bonds. The Township Clerk, the Chief Financial Officer and such other appropriate officials are hereby authorized and directed to publish the Notice of Sale and Summary Notice of Sale as aforesaid.

Section 8. Designation of Chief Financial Officer to Award Bonds. Electronic proposals for the purchase of the Bonds shall be received by the Chief Financial Officer on such date as shall be determined by the Chief Financial Officer and set forth in the Notice of Sale and the Summary Notice of Sale, or such later date as may be established by the Chief Financial Officer in accordance with Section 9 hereof. Electronic proposals will be received via the PFMauktion website ("PFMauktion"), a nationally recognized electronic securities bidding service approved by the Director of the Division of Local Government Services (the "Director") in the Department of Community Affairs, in an open auction in accordance with the terms and conditions set forth in the Notice of Sale authorized herein. Such proposals shall be received and announced in accordance with the Notice of Sale authorized herein. The Township Committee hereby designates the Chief Financial Officer to sell and award the Bonds in accordance with this Resolution and the Notice of Sale. The Chief Financial Officer is hereby directed to report, in writing, to the Township at its first meeting after the sale of the Bonds as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

Section 9. Postponement of Sale. The Chief Financial Officer is hereby delegated the authority (if the Chief Financial Officer deems it to be in the best interests of the Township) (i) to postpone from time to time the sale of the Bonds from the date specified in the Notice of Sale (or, in the case of a rescheduled sale, from such rescheduled date), in each case upon not less than 24 hours' notice (to the extent practicable), and (ii) to reschedule such sale upon not less than 48 hours' notice. Notice of any such postponement and rescheduling shall be given in the manner specified in the Notice of Sale. In the event of any such postponement and rescheduling, the Chief Financial Officer may (and shall, if required by the Local Bond Law) cause a revised Notice of Sale and a revised Summary Notice of Sale to be prepared and published.

Section 10. Adjustment to Maturity Schedule. The Township may and expects to, after the receipt and opening of bids, adjust the maturity schedule of each series of the Bonds to adjust the amount of bonds to the amount needed by the Township, provided however, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of bonds as specified herein and as adjusted will not exceed the amount authorized by the respective Ordinances. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount as calculated from the bid and the Initial Public Offering Prices required to be delivered to the Township as stated herein. The Township shall notify the successful bidder of the final maturity schedule and the resulting adjusted purchase price no later than 5:00 p.m., New Jersey time, on the day of the sale and award of the Bonds. The interest rate or rates specified by the successful bidder for each maturity will not be altered.

Section 11. Authorization for Official Statement. The distribution by the Township, and its financial advisor, of the Preliminary Official Statement relating to the Bonds (a draft of which is attached hereto as Exhibit A and shall be filed with the records of the Township) is hereby approved in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof. The Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement "final" within the meaning of Rule 15c2-12 of the Rules of the Securities and Exchange Commission and to execute and deliver a certificate to that effect. The Chief Financial Officer is hereby authorized to approve the contents and terms of the final Official Statement in respect of the Bonds in substantially the form of the Preliminary Official Statement. The Chief Financial Officer is hereby authorized to sign such Official Statement on behalf of the Township, in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof.

Section 12. Term Bond Option. As provided in the Notice of Sale, bidders may aggregate consecutive principal maturities of the Bonds for which such bidder bid the same interest rate into one or more term bonds. The Chief Financial Officer is hereby delegated the authority (if the Chief Financial Officer deems it to be in the best interests of the Township) to include such option in any revised Notice of Sale prepared pursuant to Section 9 hereof. In the event the winning bidder elects such option, the provisions of Section 5 (B) hereof shall be applicable thereto, and the Paying Agent appointed under Section 15 hereof shall, from time to time and, without further direction by the Township, give all notices of mandatory sinking fund redemption as may be required under Section 5 hereof in connection therewith.

(Item #13 Cont.)

Section 13. Approval of Form of Bonds. The form of the Bonds, substantially as set forth in **Appendix D** attached hereto and made a part hereof, is hereby approved. The Bonds shall be executed in the name of the Township by the manual or facsimile signature of the Mayor and the Chief Financial Officer and the seal of the Township, or a facsimile impression thereof, shall be affixed to the Bonds and attested by the manual signature of the Township Clerk.

Section 14. Appointment of Securities Depository. The Depository Trust Company ("DTC"), shall act as securities depository for the Bonds. The ownership of one fully registered bond for each maturity of Bonds, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "Beneficial Owner") will not receive certificated Bonds and will not be the registered owner thereof. Ownership interests in the Bonds may be purchased by or through DTC Participants. Each DTC Participant will receive a credit balance in the records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC Participants and such DTC Participants making payment to Beneficial Owners. Neither the Township nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The appropriate officers of the Township are hereby authorized to execute a Letter of Representation to DTC and such other documents as may be necessary or desirable in connection with DTC's services as securities depository.

DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Township and discharging its responsibilities with respect thereto under applicable law. Under such circumstances, the Township shall designate a successor securities depository or deliver certificates to the beneficial owners of the Bonds.

Section 15. Appointment of Paying Agent and Bond Registrar. The Chief Financial Officer is hereby delegated the authority to appoint any bank, trust company or national banking association having the power to accept and administer trusts to serve as Paying Agent and Bond Registrar for the Bonds. The Paying Agent and Bond Registrar shall signify its acceptance of the duties imposed upon it by this Resolution by a written certificate delivered to the Township prior to the delivery of the Bonds.

Section 16. Tax Covenant. The Township hereby covenants with the holders from time to time of the Bonds that it will make no investment or other use of the proceeds of such Bonds or take any further action (or refrain from taking such action) which would cause such Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on such Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of such Bonds.

Section 17. Pledge of Township. The full faith and credit of the Township is hereby pledged for the payment of the principal, redemption premium, if any, and interest on the Bonds. The Bonds shall be direct obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the principal of and interest on the Bonds without limitation as to rate or amount.

Section 18. Continuing Disclosure. The form of the Continuing Disclosure Certificate for the Bonds in substantially the form attached hereto as **Appendix E** (the "Continuing Disclosure Certificate"), is hereby approved, and the execution of the Continuing Disclosure Certificate by the Chief Financial Officer of the Township is hereby authorized. The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificates executed by the Township and dated the date of issuance and delivery of the Bonds, as originally executed and as they may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the Township to comply with the Continuing Disclosure Certificates shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Township to comply with its obligations under this Section.

Section 19. Further Action. The proper officers of the Township are hereby authorized and directed to take all such action as may be necessary to affect the issuance and delivery of the Bonds.

Section 20. Effective Date. This Resolution shall take effect immediately.

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

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

14. Deputy Mayor Madrid steps down from the dais.

15. ORDINANCE #18-1564 - Kid Connection-Fees - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY INCREASING FEES FOR KID CONNECTION PROGRAMS AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

B. Committeewoman Jaffer suggested that information be made available to families to inform them of financial assistance and other programs of help.

Kid Connection Director Andrea McKenna stated that it is not necessarily advertised that there are such programs, but she does let people know if they inquire. She works with a group called Childcare Solutions, which is a federally funded organization that helps families.

Brett Borowski, York Drive, suggested that there be a notice on the website letting people know that there could be financial assistance available, if the person qualifies.

Karen Dentler, Fawn Drive, stated that everything she gets from the school district regarding money always says that financial assistance may be available.

Committeeman Trzaska suggested that it be looked into, mostly because Kid Connection would be using a third party organization for assistance.

C. 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 February 1, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

16. Deputy Mayor Madrid returns to the dais.

17. ORDINANCE #18-1565 - 2018 Salary & Wages - Introduction

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

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2018.

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 February 1, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

18. ORDINANCE #18-1566 - LDO-Proposed Amendment to "Planned Mixed Use Development" Ordinance Provisions for Area A-1 - Introduction

A. Mayor Conforti 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 k. PERTAINING TO THE BULK STANDARDS FOR THE MULTI-FAMILY AFFORDABLE HOUSING BUILDING THAT IS PART THE DEVELOPMENT OF AN OPTIONAL PLANNED MIXED USE DEVELOPMENT WITHIN DESIGNATED PORTIONS OF THE "ARH", "HC" & "REO-3" DISTRICTS

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 February 1, 2018 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 Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

19. ORDINANCE #18-1563 - Providing for 3.5% CAP - Public Hearing

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2018 BUDGET AND
TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14

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

B-2. Brett Borowski, York Drive, asked for an explanation of the ordinance.

Administrator Nieman explained that there are two (2) CAPs in the budget. One is on appropriations and the other is on property taxes. This ordinance does not affect the property tax CAP, it has to do with the appropriation CAP. It is akin to the market basket that the federal government uses to identify what used to be the Consumer Price Index.

B-3. Committeeman Trzaska moved to close the public hearing. The motion was seconded by Deputy Mayor 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 18th day of January, 2018 and that notice thereof be published in an official newspaper as required by law.

19-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Madrid and carried on the following:

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

20. APPROVAL OF MINUTES

The Regular Session minutes of December 7, 2017 and the Reorganization Session minutes of January 8, 2018 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. Deputy Mayor Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

22. GRAND OPENING OF BUSINESS

Deputy Mayor Madrid stated that there is a Grand Opening scheduled for noon on January 27 for the new Jujitsu business in town.

23. HEALTH DEPARTMENT RABIES VACCINATION CLINIC

Mayor Conforti stated that on Saturday, January 20 from 9:00 a.m. to Noon, there will be the annual Rabies Vaccination Clinic arranged by the Township's Health Department. This will take place at the Montgomery Volunteer Fire Company #2 on Route 518, Blawenburg.

24. COMMITTEE AND SUB-COMMITTEE REPORTS

24-1. OPEN SPACE COMMITTEE

Committeewoman Graham stated that the Open Space Committee is working with the Landmarks Commission regarding the barn at the corner of Harlingen Road and Route 206. There was discussion about using a different barn and siting it there, or possibly putting it at a different site. They are working together to identify what barns the Township has and where they might want to put them. Deputy Mayor Madrid stated that it was the goal of the Landmarks Commission to be more involved when an open space property is involved.

(Item #24 Cont.)

24-2. VETERANS MEMORIAL COMMITTEE

Committeewoman Graham stated that the Veterans Memorial Committee is reorganizing for the new year. They are going to be advertising and holding some events to try to recruit new members.

24-3. RECREATION COMMITTEE

Committeeman Trzaska stated that the Recreation Committee discussed the pathways initiative. They received all of the priorities and plans from the Open Space Committee and prioritized their items. He stated that most of the priorities of both Committees aligned. They also discussed a few other initiatives and some of the improvements to the parks that were planned. They will also be speaking with the Somerset County YMCA in the near future.

24-4. TRANSPORTATION ADVISORY COMMITTEE

Committeeman Trzaska stated that the Transportation Advisory Committee discussed all of the ongoing and future projects. The one project that they had an information session on was the large reconstruction of the Mill Pond neighborhood. He reported on the Cherry Valley Road project. He stated that they have already finished all of the Department of Environmental Protection permits and are ready for the bid. They did submit for discretionary aid from the NJDEP and are waiting for an answer. This project involves two different towns and two different counties on a well commuted road.

24-5. LIBRARY ADVISORY COMMITTEE

Committeeman Trzaska stated that he will be meeting with some of the Library team to discuss the future plans for the year.

25. SOMERSET COUNTY PLANNING DEPARTMENT

Mayor Conforti stated that Montgomery Township is receiving an award from the Somerset County Planning Department for the overlay project. This was a three year exercise that will help re-develop all of the area between the Routes 206 and 518 corner; west side up to Village Shopper.

26. FIRE COMPANY #2 AND EMERGENCY MEDICAL SERVICES INSTALLATION DINNERS

Mayor Conforti stated that he had attended both the Fire Company #2 and EMS Installation dinners and he was in awe of the amount of time these volunteers dedicate to the community. He thanked them for the times when their dinners are interrupted, when they are woken up in the middle of sleeping and other times, to answer the call for help.

He spoke about honoring John Connacher who has been an active member of the Emergency Medical Services for 25 years. He asked if the Township Committee could honor him at an upcoming meeting.

ADJOURNMENT was at 7:55 p.m. on a motion by Committeewoman Graham. The motion was seconded by Deputy Mayor Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk