

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
July 5, 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 - Kevin Van Hise, 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. **EAGLE SCOUT PROCLAMATION - Alden Mallory, Collin Szczepanski and Sireesh Vinnakota**

WHEREAS, The prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Alden Mallory, Collin Szczepanski and Sireesh Vinnakota; and

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

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

NOW, THEREFORE, BE IT RESOLVED That with great pride, the Montgomery Township Committee congratulates Alden Mallory, Collin Szczepanski and Sireesh Vinnakota on this remarkable achievement and extends its sincere wishes for continued success.

- 4-1. Deputy Mayor Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Jaffer and carried unanimously.
- 4-2. Alden Mallory explained that his Eagle Scout project involved planning and constructing a series of anti-fungal bat houses to help combat white nose syndrome in the Princeton area, and to give home and shelter to approximately 100 bats. These bat houses are located behind Stuart Country Day School.
- 4-3. Collin Szczepanski's Eagle Scout project involved building a dugout cover for one of the softball fields in Montgomery Veterans Park. It provides cover for the softball players who use the field.
- 4-4. Sireesh Vinnakota's Eagle Scout project involved organizing a group to fold 1,000 paper cranes, which symbolized peace in Japan. He donated these cranes to the Montgomery High School history department to humanize the effects of World War II. He explained that he got the idea for this project when he visited Hiroshima and met a survivor of the atom bomb.

5. **PUBLIC COMMENT**

- 5-1. Brett Borowski, York Drive, inquired about the status of the Cherry Valley Road reconstruction. He also asked about the construction on the bridge on Route 206 by the Municipal Building and the timeline for that work. Committeeman Trzaska responded to Mr. Borowski's questions.
- 5-2. Ken Kneiser, Oak Ridge Drive, commended the Governing Body on their support and recognition of the Boy Scouts.
- 5-3. Maria Kauzmann, Fairview Road and Debbie Meola, Burnt Hill Road, voiced their objection to the Township lowering the age of youth hunting from 15 years to 12 years of age.
- 5-4. Barbara Preston, Montgomery News, expressed concern about walking on the pathway during hunting season. She also inquired about signage on the properties. The Township Clerk responded that signs are posted at the entrance to all the properties.

6. STREET TREE PLANTING RECOMMENDATIONS - Shade Tree Committee

6-1. Larry Koplik, Chairman of the Shade Tree Committee, addressed the issues that were raised by some of the residents and updated the Committee on the following:

- The Township is developing a new Master Plan with the Shade Tree Committee.
- They have hired a forester to help develop the new plan.
- The Shade Tree Committee would like to complete its current program and look at preventative measures to prevent the issue of raised sidewalks.
- There will be more regular reports from the Shade Tree Committee.

6-2. Larry Koplik spoke about a root barrier concept and the idea of planting trees on resident's properties instead of the area between the sidewalk and the street.

6-3. The following residents spoke about sidewalk repair and tree planting:

Claire Todd, Richmond Drive; Keith Sagers, Bristol Court; Dawn Cohen, Millers Grove Road; Balaji Yegneswaran, Berkley Avenue; Sarah Roberts, Harlingen Road.

7. REVIEW OF ANNUAL AUDIT REPORT & CORRECTIVE ACTION PLAN

Chief Financial Officer Michael Pitts reviewed the annual audit report and stated it was another healthy year with no recommendations.

Administrator Nieman commended CFO Pitts and the Finance Department on the second year in a row of a clean audit.

8. RESOLUTION #18-7-149 - REVIEW OF ANNUAL AUDIT REPORT OF 2017

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

(Item #8 Cont.)

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Township of Montgomery, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

BE IT FURTHER RESOLVED That the Montgomery Township Committee has reviewed and approves the Corrective Action Plan as filed.

8-1. 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

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 #18-7-150 - REFUND OVERPAID 2018 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2018 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
11002	30	Core Logic	\$4,080.73
21001	1.03	Allen & Michelle Lopez	\$8,357.34

B. **RESOLUTION #18-7-151 - APPROVAL OF USE OF TENT AND BANNER SIGNS - Montgomery FunFest**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the use of the Township tent for the Montgomery FunFest as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township. The event will be held on September 9, 2018.

BE IT FURTHER RESOLVED That the Montgomery Township Committee hereby authorizes the Zoning Officer to administratively approve banner signs advertising the sponsors of the event for a period of time not longer than two weeks before the event and two weeks after the event (for a maximum of four weeks total). The banners shall be located along the airport fencing, and shall be of a reasonable size.

C. **RESOLUTION #18-7-152 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Montgomery FunFest**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Montgomery Business Association has requested approval of the Township Committee to conduct a Montgomery FunFest event at Princeton Airport on September 9, 2018.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
  - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
4. The organizers will obtain the required health certificates from the Township Health Department.
5. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

D. **RESOLUTION #18-7-153 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Bridge Velo, LLC**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Bridge Velo, LLC/Jim Lydovici has requested approval of the Township Committee to conduct a Jersey Devil Bicycle Race event at Johnson & Johnson on August 5, 2018.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
  - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #18-7-154 - TEMPORARY ROAD CLOSING - Block Party - Aspen Court**

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of Aspen Court to accommodate a neighborhood block party scheduled for September 16, 2018 from approximately 4:00 p.m. - 6:00 p.m. (raindate - Sunday September 23, 2018). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

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

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

F. **RESOLUTION #18-7-155 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2018-2019 Municipal Alliance**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2018, in the amounts listed below, which item is now available as a revenue form the County of Somerset Department of Human Services;

2018-2019 Municipal Alliance	\$19,700.16
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BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services

G. **RESOLUTION #18-7-156 - APPROVING AN AMENDMENT TO DECLARATION OF EASEMENTS - Fiveighteen Associates, LLC (Block 28004, Lot 44.03)**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, in Somerset County, New Jersey, that an Amendment to Declaration of Easements pertaining to Block 28004 (formerly known as Block 28005, and before that designated as Block 28001), Lot 44.03 on Vreeland Drive and owned by FIVEIGHTEEN ASSOCIATES, LLC permitting, in accordance with PB Case #02-18, the reconfiguration of a detention basin and addition of up to 29 parking spaces to serve office facilities on said property is hereby approved, and, further, that the Mayor and Clerk are authorized to sign the same.

H. **RESOLUTION #18-7-157 - APPROVAL OF CONSTRUCTION SEQUENCE AGREEMENT - Fiveighteen Associates, LLC (Block 28004, Lot 44.03)**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Fiveighteen Associates, LLC, with respect to Block 28004 (formerly known as Block 28005, and before that designated as Block 28001), Lot 44.03, Lot 13, subject to review and approval by the Township Attorney as to form and content.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #18-7-158 - EXTENSION OF TIME FOR THE COMPLETION OF THE PUBLIC IMPROVEMENTS - Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on June 26, 2018 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

Development	New Completion Date
JER/Herring - Office Building Lot	June 9, 2019
JER/Herring - Sidewalk along Route 206	June 9, 2019
JER/Herring Residential Parcel & Landscaping	October 1, 2019
Montgomery Ridge - Phase I Townhomes Site Improvements	February 7, 2019
Montgomery Ridge - Phase I Apartments Site Improvement	February 7, 2019
Montgomery Ridge - Phase 2 Townhouse Site Work	December 23, 2018
Montgomery Ridge - Phase 3 Townhouse Site Work & 17 Additional Parking Spaces	December 23, 2018
24 Sunnyside Lane - Block 31001, Lot 11.06 - Bond for Soil Removal	April 16, 2019
24 Sunnyside Lane - Block 31001, Lot 11.06 - Driveway Apron	July 11, 2019
24 Sunnyside Lane - Block 31001, Lot 11.06 - Landscaping	July 11, 2019
Princeton Airport - Hanger #4, Phase 1	August 4, 2019
Major Subdivision - DeRochi	May 2, 2019
Blawenburg Village - Yardville National Bank	June 20, 2019
Handler Estates	April 10, 2019
Bloomberg Business Park - Attended 101 Parking Area	May 10, 2019
Cummings	April 16, 2019
Tapestry at Montgomery - Temporary Trailer Restoration Bond	December 31, 2018
Tapestry at Montgomery - Phase 1B-1 Site w/o Force Main & Pump Station	June 30, 2019
Tapestry at Montgomery - Phase 1B-2 Site w/o Force Main & Pump Station	June 13, 2019
Tapestry at Montgomery - Phase 1B-3 Site w/o Force Main & Pump Station	May 20, 2019
Waldorf School of Princeton - Phases 1 & 2 - Build & Pathway	May 13, 2019
Nassau Racquet & Tennis Club - Parking Lot Expansion	August 10, 2019

J. **RESOLUTION #18-7-159 - RELEASE OF ESCROW FEES - Mountaintop Properties, LLC (Block 17008, Lot 3 and Block 15022, Lot 6) - Street Opening Permits #16-R-58, #16-R-59 and #17-R-36**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of cash escrow fees to Mountaintop Properties, LLC because all work has been satisfactorily completed with respect to street opening permits at Block 17008, Lot 3 (105 Harlingen Road) and Block 15022, Lot 6 (130 Sunset Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that cash escrow fees in the amount of \$405.00, \$500.00 and \$364.50 be released to Mountaintop Properties, LLC, 75 Dead Tree Run Road, Belle Mead, NJ 08502.

K. **RESOLUTION #18-7-160 - AUTHORIZING EXECUTION OF A MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2018-2019**

WHEREAS, The County of Somerset has prepared a contract which would provide \$19,700.16 to Montgomery Township for the provision of municipal alliance activities for prevention of alcoholism and drug abuse, and the Township would provide a 75% match of \$14,775.12 in in-kind services and a 25% cash match of \$4,925.04 will be raised by the Municipal Alliance or provided by the municipality, and a copy of the proposed agreement is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that it hereby authorizes the Mayor and Clerk to sign the original of this agreement.

L. **RESOLUTION #18-7-161 - APPROVING ADOPT-A-ROAD AGREEMENT WITH THE COUNTY OF SOMERSET**

WHEREAS, In order to rid county roads of litter and improve the environment, Somerset County has established an anti-litter program known as "Adopt-A-Road", in which volunteer groups adopt a section of the county roadway, or a portion thereof in their community, in order to pick up litter; and

WHEREAS, Montgomery Township (applicant) desires to participate in the County's Adopt-A-Road program and the County agrees to provide certain materials and information for the applicant.

NOW, THEREFORE, BE IT RESOLVED That the Mayor is authorized to execute an Adopt-A-Road agreement with Somerset County.

(CONSENT AGENDA Cont.)

M. **RESOLUTION #18-7-162 - RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT FOR SHARING SOMERSET COUNTY DEPARTMENT OF PUBLIC WORKS EQUIPMENT AND PERSONNEL BETWEEN SOMERSET COUNTY MUNICIPALITIES AND THE COUNTY OF SOMERSET**

WHEREAS, The County of Somerset ("County") and the twenty-one (21) municipalities located with the County desire to enter into a Shared Services Agreement for sharing Department of Public Works Equipment and Personnel pursuant to N.J.S.A. 40A:65-1, et seq.

NOW, THEREFORE, BE IT RESOLVED, That the Township of Montgomery wishes to participate and the Township Committee authorizes the Mayor and Clerk to execute a Shared Services Agreement with the County of Somerset for sharing Public Works equipment and personnel between the Municipal participants in the Somerset Shared Services Neighborhood Group.

N. **RESOLUTION #18-7-163 - AMENDING RESOLUTION #17-7-172 - SHARED SERVICES AGREEMENT BETWEEN THE MUNICIPALITY OF PRINCETON AND THE TOWNSHIP OF MONTGOMERY FOR RECONSTRUCTION OF CHERRY VALLEY ROAD (200 FEET WEST OF CHERRY HILL ROAD TO MERCER COUNTY BRIDGE AT JEFFERSON'S CURVE)**

WHEREAS, PRINCETON and MONTGOMERY share a common boundary along Cherry Valley Road; and

WHEREAS, PRINCETON and MONTGOMERY entered into a shared services agreement in September 2012 and an amended shared service agreement in October 2014 to complete the planning, land acquisition, retaining wall design, roadway final design and environmental permitting for improvements to 2,250 linear feet of Cherry Valley Road from approximately two hundred feet west of Cherry Valley Road to the Mercer County Jefferson's Curve Bridge; and

WHEREAS, The PRINCETON and MONTGOMERY Engineering Departments have completed the design and permitting phase of the subject roadway improvement project; and

WHEREAS, The PRINCETON and MONTGOMERY Engineering Departments request that a new shared services agreement be authorized for construction of the planned improvements and construction inspection services.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Municipality of Princeton for reconstruction of Cherry Valley Road (200 feet west of Cherry Hill Road to Mercer County Bridge at Jefferson's Curve.

BE IT FURTHER RESOLVED That pursuant to N.J.S.A. 40A:65-4(b), this Shared Services Agreement and a copy of the Resolution authorizing same shall be filed, for informational purposes, with the New Jersey Division of Local Government Services, New Jersey Department of Community Affairs, 101 South Broad Street, Trenton, New Jersey 08625-0813.

BE IT FURTHER RESOLVED That this Resolution shall supercede Resolution #17-7-172 adopted on July 20, 2017.

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

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

10. **RESOLUTION #18-7-164 - AWARD OF BID - Chemicals for Wastewater Treatment**

WHEREAS, The following bids for Chemicals for Wastewater Treatment were received and publicly opened on June 28, 2018:

**BIDDERS**

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

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

- Coyne Chemical Co., Inc. CES PACI 2000, Hydrated Lime, Citric Acid, Sodium Hydroxide
- Evoqua Water Technologies Bioxide AQ
- Miracle Chemical Company Sodium Bisulfite, Sodium Hypochlorite (Bulk)

WHEREAS, There exists the following accounts 07-201-55-542-232, 07-201-55-543-232, 07-201-55-543-292A, 07-201-55-545-232, 07-201-55-547-232, 07-201-55-548-232, which will fund these goods; and

(Item #10 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 By the Montgomery Township Committee that the contract for the Chemicals for Wastewater Treatment for 12 months from date of award with the option to extend for an additional 12 months is hereby awarded to:

Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 19021 in the amount of \$346,940.50 for CES PACI 2000, Hydrated Lime, Citric Acid, and Sodium Hydroxide

Evoqua Water Technologies, 2650 Tallevast Road, Sarasota, FL 34243 in the amount of \$71,000.00 for Bioxide AQ.

Miracle Chemical Company, 1151B Highway 33, Farmingdale, NJ 07727 in the amount of \$32,850.00 for Sodium Bisulfite and Sodium Hypochlorite (Bulk).

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

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

10-1. 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

11. **RESOLUTION #18-7-165 - RESOLUTION ENDORSING HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, On November 25, 2008, the Planning Board of the Township of Montgomery ("Board") adopted a Housing Element and Fair Share Plan ("HEFSP") pursuant to N.J.S.A. 40:55D-28 and the Revised Third Round Rules of the Council on Affordable Housing, N.J.A.C. 5:96 & 5:97; and

WHEREAS, On December 30, 2008, pursuant to COAH's Revised Third Round Rules, the Township submitted a petition for third round substantive certification of its HEFSP with the Council on Affordable Housing ("COAH"); and

WHEREAS, Before COAH acted upon the Township's 2008 petition, in In re Adoption of N.J.A.C. 5:96 & 5:97, 215 N.J. 578 (2013), the New Jersey Supreme Court affirmed the invalidation of COAH's Revised Third Round Rules and required COAH to adopt new third round rules; and

WHEREAS, COAH failed to adopt new third round rules, and by decision and Order entered on March 10, 2015 in In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Court authorized the trial courts to resume their role as the forum for evaluation of municipal compliance with fair share obligations, permitted municipalities to file a declaratory judgment action ("DJ Action") with the court seeking a declaration that its HEFSP presents a realistic opportunity for the production of affordable housing, and required the preparation of new HEFSP in accordance with COAH's prior Round Rules, N.J.A.C. 5:91 and N.J.A.C. 5:93; and

WHEREAS, In accordance with Mount Laurel IV, on July 7, 2015, the Township filed a DJ action with the Superior Court captioned In the Matter of the Application of the Township of Montgomery in Somerset County, Docket No. SOM-L-924-15, and during the pendency of the proceedings, was able to reach a settlement with Fair Share Housing Center ("FSHC") regarding satisfaction of the Township's third round fair share obligation; and

WHEREAS, By Order entered February 20, 2018, the Court found that the December 8, 2017 settlement agreement between the Township and FSHC is fair and reasonable and protects the interests of low and moderate income households and is therefore approved; and

WHEREAS, As required by the Settlement Agreement and the Court's February 20, 2018 Order, the Board prepared, and on July 2, 2018 adopted, an amended HEFSP in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.*, COAH's Second Round Rules at N.J.A.C. 5:93 *et seq.*, and the Settlement Agreement; and

WHEREAS, COAH's prior round rules at N.J.A.C. 5:91-2.2(a) requires that the municipal governing body endorse the HEFSP adopted by the Board.

WHEREAS, The Township now adopts this resolution to meet the procedural requirements for submission of the HEFSP to the Court pursuant to Mount Laurel IV.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the 2018 Amended Third Round Housing Element & Fair Share Plan, adopted by the Montgomery Township Planning Board on July 2, 2018, is hereby endorsed.

11-1. 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

12. ORDINANCE #18-1580 - Franklin Drive Land Donation - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY  
AUTHORIZING THE ACQUISITION BY GIFT OF PROPERTY  
IDENTIFIED AS BLOCK 7026 LOT 1 LOCATED ON  
FRANKLIN DRIVE IN THE TOWNSHIP OF MONTGOMERY

B. Mayor Conforti opened the hearing to the public. There being no comment, Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 5<sup>th</sup> day of July, 2018 and that notice thereof be published in an official newspaper as required by law.

12-1. 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

13. ORDINANCE #18-1581 - Deer Management - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN  
SOMERSET COUNTY, NEW JERSEY AMENDING SUBSECTION 9-9  
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)  
PERTAINING TO RULES AND REGULATIONS FOR DEER  
MANAGEMENT ON TOWNSHIP-OWNED PROPERTIES

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

B-2. The following people voiced their concerns to lowering the age of youth hunters:

Nancy Terringer, East Ridge Road; Brett Borowski, York Drive; Chris Molfetas, Bridgepoint Road; Balaji Yegneswaran, Berkley Avenue; Maria Couchman, Fairview Road.

B-3. Deputy Mayor Madrid remarked that youth hunting would encourage younger people to learn the sport under strict supervision. Committeewoman Graham commented that the State allows youth hunting to begin at 10 years of age.

B-4. Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Deputy Mayor Madrid and carried unanimously.

13-1. Committeewoman Graham moved to deny the adoption of the ordinance. The motion was seconded by Committeewoman Jaffer and carried on the following:

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

14. ORDINANCE #18-1582 - Redevelopment Plan Kepner-Tregoe - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN  
SOMERSET COUNTY ADOPTING, PURSUANT TO N.J.S.A.  
40A:12A-7, A REDEVELOPMENT PLAN FOR THE PROPERTY  
DESCRIBED AS BLOCK 28004, LOT 7 AND BLOCK 28005,  
LOT 66 (TAX ASSESSMENT MAPS REV. 2017) GENERALLY  
LOCATED NORTHWEST OF THE INTERSECTION OF STATE  
ROUTE 206 AND COUNTY ROUTE 518, KNOWN AS THE  
KEPNER-TREGOE STUDY AREA

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

B-2. Brett Borowski, York Drive, asked what this would do for the Township. Committeeman Traszka explained this is to help qualify the building in order to get tax credit for COAH housing.

B-3. Committeeman Trzaska moved that the public hearing be closed. 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 5<sup>th</sup> day of July, 2018 and that notice thereof be published in an official newspaper as required by law.

14-1. 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



15. ORDINANCE #18-1583 - Driftbuilt, LLC & Picone Acquisition - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF LOT 7.01, BLOCK 10001 "DRIFTBUILT, LLC - PICONE PROPERTY," IN THE TOWNSHIP OF MONTGOMERY.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 19, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

15-1. 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

16. ORDINANCE #18-1584 - LDO-Site Specific Inclusionary Zones for COAH Qualified Affordable Housing (Site Specific Inclusionary Zone 2) - 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 SUBSECTIONS 16-3.3 REGARDING THE ZONING MAP, AND 16.4.14 ENTITLED "SITE SPECIFIC INCLUSIONARY ZONES FOR COAH QUALIFIED AFFORDABLE HOUSING" TO ESTABLISH A NEW SITE SPECIFIC INCLUSIONARY ZONE 2.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 19, 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, Madrid, Conforti  
Nays - None

16. ORDINANCE #18-1585 - LDO-Site Specific Inclusionary Zones for COAH Qualified Affordable Housing (Site Specific Inclusionary Zone 3) - 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 SUBSECTIONS 16-3.3 REGARDING THE ZONING MAP, AND 16.4.14 ENTITLED "SITE SPECIFIC INCLUSIONARY ZONES FOR COAH QUALIFIED AFFORDABLE HOUSING" TO ESTABLISH A NEW SITE SPECIFIC INCLUSIONARY ZONE 3.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 19, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

16-1. 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

17. ORDINANCE #18-1586 - LDO-Site Specific Inclusionary Zones for COAH Qualified Affordable Housing (Site Specific Inclusionary Zone 4) - 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 SUBSECTIONS 16-3.3 REGARDING THE ZONING MAP, AND 16.4.14 ENTITLED "SITE SPECIFIC INCLUSIONARY ZONES FOR COAH QUALIFIED AFFORDABLE HOUSING" TO ESTABLISH A NEW SITE SPECIFIC INCLUSIONARY ZONE 4.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 19, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. 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

18. ORDINANCE #18-1587 - Repealing and Replacing Chapter XV "Affordable Housing" To Address the Requirement of the Fair Housing Act and the Uniform Housing Affordability Controls - Introduction

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER XV "AFFORDABLE HOUSING" OF THE TOWNSHIP OF MONTGOMERY TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing July 19, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

18-1. 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

19. APPROVAL OF MINUTES

The Regular Session minutes of June 21, 2018 were approved as printed.

20. 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.

20-1. 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

21. SUMMER MEETING SCHEDULE

It was the consensus of the Township Committee that the August meeting remain as scheduled.

22. NOT IN OUT TOWN MEETING

Committeewoman Jaffer stated that there was a "Not In Our Town" meeting scheduled for Monday, July 9 at 7:30 p.m. at the Blawenburg Reformed Church.

23. PRINCETON NORTH SHOPPING CENTER

Administrator Nieman stated that the Township was contacted by Robin Odabash, owner of Princeton North Shopping Center. She is working with the New Jersey Department of Transportation to install a directional sign for Princeton North Shopping Center and would like to include Van Horne Park on the sign. She would be paying for it.

24. TOWNSHIP FIREWORKS

Administrator Nieman thanked everyone involved in the fireworks event. It was very successful.

25. 2018 SECOND HALF TAXES

Chief Financial Officer Pitts explained that the second half taxes would be delayed this year. Somerset County has yet to come up with the tax rate, as they are waiting on the school aid payments.

26. COMMITTEE AND SUB-COMMITTEE REPORTS

26-1. PLANNING BOARD

Committeeman Trzaska reported that the Planning Board was discussing all of the COAH issues. The Planning Board approved the Kepner-Tregoe Redevelopment Plan on Monday, July 2.

26-2. TRANSPORTATION ADVISORY COMMITTEE

Committeeman Trzaska stated that the Transportation Advisory Committee met to discuss various road projects.

ADJOURNMENT was at 8:53 p.m. on a motion by Deputy Mayor Madrid. The motion was seconded by Committeeman Trzaska and carried unanimously.

Date of Approval:

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