

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 20, 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 Madrid, Deputy Mayor Graham, Committeemembers Trzaska, Jaffer and Quraishi

Also present were:

TOWNSHIP ATTORNEY - Lisa Maddox, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

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

4. **EAGLE SCOUT PROJECT PRESENTATION**

Declan Wahlers' project will consist of building and installing 8 Eastern Bluebird birdhouses in Montgomery Veterans Park and Arboretum. These birdhouses will be made out of cedar wood with brass nails and brass screws with a hinged top for easy clean out. The entrance hole will be 1½ inch in diameter. The birdhouses will be installed on 8 foot posts made from 2 x 4 pressured-treated wood to withstand the weather. They will be installed around the park and arboretum, away from pathways. He plans on walking with members of the Shade Tree Committee in mid-October to mark the exact placement of the birdhouses.

- 4-1. Deputy Mayor Graham moved the approval of this Eagle Scout project. The motion was seconded by Committeeman Trzaska and carried unanimously.

5. **RESOLUTION ACKNOWLEDGING 25 YEARS OF THE MONTGOMERY RODEO**

WHEREAS, Twenty five years ago the Montgomery Rodeo was founded by a group of people from local small businesses, professional associations, and volunteer organizations who were also horse enthusiasts; and

WHEREAS, This group thought that a rodeo in Montgomery Township would be a great way to expose residents and children to a culture that they may not otherwise experience, as well as to support volunteer service organizations in the community; and

WHEREAS, As a result of this endeavor, Montgomery Township has benefitted from a multitude of worthwhile projects including fundraising goals to highlight not only the Township volunteer service organizations, but also the children in our community; and

WHEREAS, Over the 25 years, these rodeo organizers have donated close to \$1,000,000 to charitable organizations including: Crawford House, Eden Autism Services, HomeFront, Montgomery EMS, Montgomery Township PBA, Montgomery Township Volunteer Fire Companies #1 and #2, Montgomery Woman's Club, Rock Brook School, Rocky Hill First Aid and Rescue Squad, Rocky Hill Fire Department, Special Friends Rodeo, and Drift Scholarship Fund; and

WHEREAS, From the onset, the goal of the Montgomery Rodeo was to support the volunteer service organizations in our community, which continually exhibit a commitment and dedication to improving our community and the quality of life of its residents.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby acknowledges the many organizers and volunteers who gave so much of their time and energy to make this event a vital part of this community and extends sincere gratitude and best wishes to all past and present members.

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

- 5-2. Noel Drift, Montgomery Rodeo founder, thanked the Governing Body for this acknowledgement. She stated that this has been a true family event since its inception. In fact, the oldest Drift grandson got engaged at the 2017 Rodeo.

- 5-3. Mayor Madrid asked what was next. Mrs. Drift stated that they haven't made a decision as yet. She would like to continue with some type of rodeo. Frank Drift explained that they would like to do something for Special Needs people.

6. **PUBLIC COMMENT**

- 6-1. Stephanie Andolino thanked the Governing Body for the ordinance that is on the agenda for introduction at this meeting for the prohibition on marijuana in the Township.

- 6-2. Brett Borowski, York Drive, spoke about the design for the Municipal Building and library. He asked when the public would be able to see the revised plans. Mayor Madrid explained that the Township does not have the revised renderings yet. They are anticipated soon. Administrator Nieman stated that the additional square footage, additional computer stations and a reconfiguration of table sizes were added. There were also changes proposed for the parking lots, but he had not seen the plans for that as yet.

(Item #6-2 Cont.)

Mr. Borowski spoke about the prohibition on marijuana. He discussed the 18th Amendment and the Volstead Act and how the government has been dealing with the drug industry. Personally he is opposed to the recreational consumption but he feels that it a choice for each individual to make. He is concerned about it being like alcohol prohibition which brought more violence, organized crime and the attendant problems by banning the production and sale. This is a complicated issue and he doesn't envy any elected official or anyone trying to work out what the best answer is. Mr. Borowski asked if it was mandatory for the public hearing and adoption to be held at the same meeting. Attorney Maddox stated that there could be multiple public hearings. Mayor Madrid stated that she had wrestled with this topic, as she was sure all of the Governing Body had. There are numerous items that had to be thought of, such as the recreational issue and the medicinal issue; the production, consumption, and all of the components of it. She stated that this introduced ordinance would be forwarded to the Planning Board, the Board of Health and the Municipal Alliance for their input. Deputy Mayor Graham stated that the Federal government has already passed contrary legislation. Administrator Nieman stated that under the proposed legislation, no one under the age of 21 can consume marijuana and there will be specific locations in which it can be consumed. He stated that Franklin Township and Bridgewater Township are zoned for consumption. There are six licenses available and the State has received 106 applications for medicinal marijuana dispensaries, which is entirely different from recreational.

7. **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 #18-9-210 - REDEMPTION OF TAX SALE CERTIFICATE #2016-07**

BE IT RESOLVED That a refund in the amount of \$131,334.14 be given to U.S. Bank Cust BV002 Trst & Crdtrs, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102-2513 for the redemption of Tax Sale Certificate #2016-07 on Block 7027, Lot 2.

B. **RESOLUTION #18-9-211 - 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>
27001	8	Andrew R. & Jie J. Hayes	\$4,532.21
31009	39	James & Carolyn Waterwash	\$ 761.88
34019	41	Junqing Guo & Shuwen Zhang	\$3,639.08

C. **RESOLUTION #18-9-212 - REFUND OVERPAID 2018 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$139.65 be given to Weathervane Abstract & Settlement Services, 110 Main Street, P.O. Box 454, Flemington, NJ 08822 for the overpayment of 2018 sewer charges on Block 37003, Lot 6.66.

D. **RESOLUTION #18-9-213 - APPROVAL OF USE OF TENT - Montgomery Triple Challenge 2018**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the use of the Township tent for the Montgomery Triple Challenge 2018 road race 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 30, 2018.

E. **RESOLUTION #18-9-214 - APPROVAL OF INSTALLATION OF FIRE HYDRANTS - Sharbell Route 518**

BE IT RESOLVED By the Montgomery Township Committee that authorization be given to New Jersey American Water Company to install fire hydrants at the following locations in the Sharbell Route 518 Project:

Public Hydrants:

Hydrant #1 - To be installed at corner of Route 518 and Research Road;

Hydrant #2 - Existing hydrant to be moved approximately 600 feet from Hydrant #1, to be located on Intermediate Loop Road;

Hydrant #3 - To be installed on Intermediate Loop Road, approximately 375 feet from Hydrant #2;

Hydrant #4 - To be installed on Intermediate Loop Road, 600 feet from Hydrant #3;

Hydrant #5 - To be installed on Road B, 600 feet from Hydrant #4;

Hydrant #6 - To be installed at corner of Road A and Route 518.

(CONSENT AGENDA Item E Cont.)

Private Hydrants:

Hydrant #1 - To be installed on Hartwick Drive, 600 feet from public Hydrant #2;

Hydrant #2 - To be installed on Hartwick Drive, 600 feet from Hydrant #1;

Hydrant #3 - To be installed on Road C, approximately 180 feet from corner of Hartwick Drive;

Hydrant #4 - To be installed on Road D, approximately 180 feet from corner of Hartwick Drive.

All locations are in accordance with the recommendation of the Montgomery Township Fire Marshal. All locations are shown on plans.

- 7-1. Deputy Mayor Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Trzaska and carried on the following:

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

8. **RESOLUTION #18-9-215 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BLUE SPRING ROAD IMPROVEMENTS PROJECT**

WHEREAS, The Township of Montgomery wishes to apply for Municipal Aid funding from the New Jersey Department of Transportation for improvements related to pavement rehabilitation, bicycle lanes, pedestrian facilities, and miscellaneous construction on Blue Spring 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 as **MA-2019-Blue Spring Road Improvements-00187** 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.

- 8-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham and carried on the following:

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

9. **RESOLUTION #18-9-216 - AUTHORIZING PURCHASE OF A SWENSEN #60050-004-09 COMBO EV 100-10' STAINLESS WITH STANDARD + HYDRAULIC SYSTEM THROUGH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State CO-OP per N.J.S.A. 40A:11-11; and

WHEREAS, The Township of Montgomery has determined the following cooperative pricing system identifier MRESC #65MCESCCPS - Class 8 Truck Bid #ESCNJ 17/18-30 has provided the Township with the most competitive price for this item; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 04-215-55-901-1521G.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the purchase of a Swensen #60060-004-09 Combo EV 100-10' Stainless with Standard + Hydraulic System at a not to exceed amount of \$45,719.80 be authorized through the utilization of the Middlesex Regional Educational Services Commission Cooperative to:

Trius, Inc.
5049 Industrial Road
Farmingdale, NJ 07727

- 9-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Jaffer and carried on the following:

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

10. ORDINANCE #18-1590 - Cairns Place (Portions) Vacation - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, TO ABANDON, VACATE, RELEASE AND EXTINGUISH THE PUBLIC RIGHTS IN TWO PORTIONS OF CAIRNS PLACE.

B-1. Mayor Madrid 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 Jaffer and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 20th day of September, 2018 and that notice thereof be published in an official newspaper as required by law.

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

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

11. ORDINANCE #18-1591 - Fire Prevention Bureau Fees - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, REGARDING FIRE PREVENTION AND THE UNIFORM FIRE CODE, AND AMENDING CHAPTERS XIII AND VIII OF THE "CODE OF THE TOWNSHIP OF MONTGOMERY (1984)."

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 20th day of September, 2018 and that notice thereof be published in an official newspaper as required by law.

11-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Jaffer and carried on the following:

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

12. ORDINANCE #18-1592 - Acquisition By Gift Of Property (Block 3007, Lot 11) - Introduction

A. Mayor Madrid 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 3007, LOT 11 LOCATED ON LUDLOW AVENUE 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 October 4, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. ORDINANCE #18-1593 - Prohibition on Marijuana - Introduction

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

AN ORDINANCE PROHIBITING THE GROWING, CULTIVATION, PRODUCTION, MANUFACTURING, DISTRIBUTION AND SALE OF RECREATIONAL MARIJUANA WITHIN 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 October 4, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

14-1. Mayor Madrid stated that the Governing Body had been discussing this kind of ordinance for some time in light of the legislature's indication that they will be passing an ordinance legalizing recreational marijuana in the near future.

(Item #14 Cont.)

- 14-2. Committeewoman Jaffer commented on some of the things she felt needed to be changed before the ordinance is submitted for public hearing. First she felt that this was a complicated issue and she wanted to sure that the Governing Body was being as clear as possible and not in any way misrepresenting or misinforming the public. She proposed that the first line that talks about marijuana being historically prohibited be removed because the history of prohibition is complicated. The other issue she had is the line "the Township finds the efforts of the State level seeking to legalize the use of recreational marijuana to directly be contrary to public efforts and resources marshalled to reduce and deter drug abuse in the State", and saying "it will have significant deleterious consequences to the quality of life, as well as the health, safety, and welfare of Township residents". She explained that in States that have legalized marijuana, there has actually been a decrease in teen marijuana use. She agrees that it presents safety concerns, but she thinks that the Governing Body doesn't need to put it in language that might be overly strong.
- 14-3. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Graham, Madrid
Nays - None
Abstain - Jaffer

15. **APPROVAL OF MINUTES**

The Regular Session minutes of September 6, 2018 were approved as printed.

16. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Chief Finance Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

- 16-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

17. **SHRED DAY**

Mayor Madrid announced that Shred Day would be Saturday, October 6 from 9:00 a.m. to 1:00 p.m. at Montgomery High School.

18. **TOWNSHIP COMMITTEE APPOINTMENT - Zoning Board of Adjustment**

BE IT RESOLVED That Kamran Quraishi be appointed Zoning Board of Adjustment Liaison, 1 year term expiring December 31, 2018.

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

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

19. **GIRL SCOUT TROOP 60193**

Deputy Mayor Graham stated that she had attended Girl Scout Troop 60194's meeting. The girls were rising 5th graders who received their Bronze award.

20. **NEW JERSEY DEPARTMENT OF TRANSPORTATION**

Administrator Nieman stated that the New Jersey Department of Transportation will be going to Stage 2 of the demolition of the existing bridge on Route 206. This will move the northbound lanes to east and they will re-stripe for that. This is supposed to occur on September 28.

21. **COMMITTEE AND SUB-COMMITTEE REPORTS**

21-1. **NOT IN OUR TOWN**

Committeewoman Jaffer stated that the next Not In Our Town meeting would be October 29 from 7:00 p.m. to 9:00 p.m. at Harlingen Reformed Church. The topic will be Disability Rights.

(Item #21 Cont.)

21-2. PLANNING BOARD

Committeeman Trzaska reported that the Planning Board passed a small application that netted the Township 22 additional acres of open space. This is the 29 acre property between Brandywine Road and Route 601. He stated that the Township Planner recommended that the Township look into an ordinance that actually outlines a little bit of this cluster type of option. The Township is going to get a pathway with this property that will connect pathways north and south.

21-3. ECONOMIC DEVELOPMENT COMMISSION

Deputy Mayor Graham reported on the Economic Development Commission meeting. The 2018 Montgomery FunFest was not well attended because of the weather. The Economic Development Commission is thinking about the way they run the Directory and trying to figure out if they can improve it or change the way they are doing things.

21-4. MONTGOMERY VETERANS COMMITTEE

Mayor Madrid stated that she had attended the 9-1-1 ceremony and Open House at the Veterans Memorial Park.

21-5. ENVIRONMENTAL COMMISSION

Open Space Coordinator Lauren Wasilauski stated that the Environmental Commission received the ANJEC Environmental Achievement Award. This was for the video series they worked on with Girl Scout Julia Garaffa.

22. RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session are as follows:
 - Potential acquisition of property for farmland, open space (Block 31010, Lots 10, 12, 13 & 17 {"Hosea"}).
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of property shall only be authorized by the Township Committee in a public session.

22-1. Committeewoman Jaffer moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Graham and carried unanimously.

23. The meeting reconvened in Open Session and ADJOURNMENT was at 8:17 p.m. on a motion by Committeewoman Jaffer. The motion was seconded by Committeeman Trzaska and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk