

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 6, 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, Committeemembers Trzaska and Jaffer
Committeeman Quraishi was absent

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

2. Mayor 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 - Saud Tahir**

Saud Tahir's project involves construction of four interpretive signs on the Delaware and Raritan State Canal trail. The first sign will be at the beginning of the trail with a map of the whole trail. The second sign will indicate the plants, including the Osage orange tree which is an important part of Montgomery's history. The third sign will include animals. The fourth sign will include some of the history of Montgomery Township. He will dedicate a portion of one of the signs to the Campbell Farm, because the trail goes through the farm. He explained that he was ordering the signs and poles from Fastsigns and will rent a one-man auger from Home Depot. He is receiving donations from his local mosque and the Open Space Committee for this project and hopes to complete his project sometime in February.

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

5. **PUBLIC COMMENT**

- 5-1. Mark Rufolo, Sunset Road, spoke about his dissatisfaction with the Construction Official. He stated that he spoke with the Township Administrator but did not agree with his response.

Mr. Rufolo explained that the Department of Community Affairs told him to go to the municipality with this matter. Administrator Nieman stated that there is an administrative code for the removal of a Construction Official when it is not for issues unrelated to code. This is the same process for all tenured officials. The Township can set the hours and salary but the Construction Official ultimately reports to the Department of Community Affairs Code Division. Mayor Madrid suggested that a meeting be set up between Mr. Rufolo, the Construction Official, Administrator Nieman and herself for a discussion of the issue.

- 5-2. Brett Borowski, York Drive, wished the Governing Body happy holidays and a happy new year. He thanked them for indulging him over the past year and a half with his questions and comments.

6. **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 #18-12-243 - CANCEL 2017 & 2018 TAXES**

BE IT RESOLVED That the 2017 & 2018 taxes on the following properties be cancelled as a result of being deeded to the Township of Montgomery on December 10, 2018:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR/QUARTER</u>	<u>AMOUNT</u>
3007	11	2018/3	\$808.59
3007	11	2018/4	\$808.58
7026	1	2017/2	\$225.64
7026	1	2017/3	\$233.70
7026	1	2017/4	\$233.70
7026	1	2018/1	\$229.68
7026	1	2018/2	\$229.67
7026	1	2018/3	\$237.73
7026	1	2018/4	\$237.72

(CONSENT AGENDA Cont.)

B. RESOLUTION #18-12-244 - 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>
17001	6.37	Swami & Banu Nathan	\$4,058.55
27002	8	Lereta Tax & Flood Services	\$1,668.33
28001	5.40	Flagstar Bank	\$3,259.44
28003	158	Rahasekhar Gogineni & Samantha Koganti	\$3,855.37
31001	143	David & Edyth Kamenir	\$4,572.29
31009	17	Arvub Bansal & Nishtha Devgan-Bansal	\$4,505.74
37002	5.53	Narahara & Naga Deepthi Dingari	\$2,553.10
37004	1.68	Dikshant Barhate	\$2,589.40

C. RESOLUTION #18-12-245 - REFUND OVERPAID 2018 SEWER CHARGES

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
5019	5.06 CONDO	Steve Y & Teresa L. Chan c/o ARFM Title & Abstract, LLC	\$335.02
7032	38	Gregory Coram	\$118.20

D. RESOLUTION #18-12-246 - REDEMPTION OF TAX SALE CERTIFICATES #2015-12, #2016-39, #18-0014 AND #18-0018

BE IT RESOLVED That a refund in the amount of \$13,750.40 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2015-12 on Block 17001, Lot 6.57.

BE IT FURTHER RESOLVED That a refund in the amount of \$21,061.48 be given to Ridgeback Ventures, LLC, P.O. Box 503, Mount Freedom, NJ 07970 for the redemption of Tax Sale Certificate #2016-39 on Block 1001, Lot 35.04 QFARM.

BE IT FURTHER RESOLVED That a refund in the amount of \$1,322.54 be given to Sunshine State Certificates VII, LLC, 7900 Miami Lakes Drive West, Miami Lakes, FL 33016 for the redemption of Tax Sale Certificate #18-0014 on Block 37002 Lot 1.142.

BE IT FURTHER RESOLVED That a refund in the amount of \$3,740.88 be given to Brian Law, 23 Westport, Irvine, CA 92620 for the redemption of Tax Sale Certificate #18-0018 on Block 37005, Lot 19.

E. RESOLUTION #18-12-247 - APPROVAL OF CONSTRUCTION SEQUENCE AGREEMENT - Montgomery Crossing, Phases I, IA, II and III (PB-01-18)

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Sharbell Plainsboro, Inc. (Montgomery Crossing, Phases I, IA, II and III) with respect to Block 28004, Lot 7 and Block 28005, Lot 66, subject to review and approval by the Township Engineer and Township Attorney as to form and content.

F. RESOLUTION #18-12-248 - APPROVAL OF AN AGREEMENT FOR RESERVATION OF REMAINING SEWER CAPACITY - Montgomery Crossing, Phases I, IA, II and III (PB-01-18)

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement with Sharbell Plainsboro, Inc. for reservation of remaining sewer capacity in the Skillman Village Sewage Treatment Plant for Block 28005, Lot 66 subject to review and approval by the Township Engineer and Township Attorney as to form and content.

G. RESOLUTION #18-12-249 - APPROVAL OF AFFORDABLE HOUSING PHASING AGREEMENT - Montgomery Crossing (PB-01-18)

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an affordable housing phasing agreement with Sharbell Plainsboro, Inc. (Montgomery Crossing) with respect to Block 28004, Lot 7 and Block 28005, Lot 66, subject to review and approval by the Township Engineer and Township Attorney as to form and content.

H. RESOLUTION #18-12-250 - ENDORSEMENT OF NJDEP TREATMENT WORKS APPROVAL APPLICATION Montgomery Crossing, Phase I, IA, II and III

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval application to the New Jersey Department of Environmental Protection related to Montgomery Crossing, Phase I, IA, II and III (Block 28004, Lot 7 and Block 28005, Lot 66) subject to review and approval by the Township Engineer and Township Attorney as to form and content.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #18-12-251 - EXTENSION OF TIME FOR THE COMPLETION OF THE PUBLIC IMPROVEMENTS - Johnson & Johnson Parking Lot Expansion**

WHEREAS, Gail Smith, Township Engineer, has certified on November 15, 2018 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the Johnson & Johnson Parking Lot Expansion project and therefore recommends time extensions to complete said improvements. The new completion date is June 30, 2019.

J. **RESOLUTION #18-12-252 - RESOLUTION TO RENEW MEMBERSHIP IN THE CENTRAL JERSEY HEALTH INSURANCE FUND**

WHEREAS, The governing bodies of various local units of government, as defined in N.J.A.C. 11:15-3.2, have collectively formed a Joint Health Insurance Fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, The LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW THEREFORE, It is agreed as follows:

1. The LOCAL UNIT accepts the FUND's Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.
2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT's resolution to join.
3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on January 1, 2019 and ending on December 31, 2021 at 12:00 AM provided, however, that the LOCAL UNIT may withdraw at any time upon 90 day written notice to the Fund.
4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.
5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND's limit of coverage.
6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.
7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT's retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of the FUND claimants all in accordance with N.J.A.C. 11:15-3 et. seq.
8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:
 - a) Employer contributions to group health insurance
 - b) Employee contributions to contributory group health insurance
 - c) Employer contributions to contingency account
 - d) Employee contributions to contingency account
 - e) Other trust accounts as required by the Commissioner of Insurance
9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.
10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

(CONSENT AGENDA Cont.)

6-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Jaffer and carried on the following:

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

7. **RESOLUTION #18-12-253 - AMENDING RESOLUTION #18-8-192 - 2018 SALARIES FOR NON-UNION EMPLOYEES**

WHEREAS, The Township Committee of the Township of Montgomery, Somerset County, New Jersey desires to set 2018 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Resolution #18-8-192, 2018 salaries for all Non-Union employees be amended to include the following personnel:

Recreation Program Coordinator	Jared Gutowski	\$60,000.00
Assistant Recreation Director	John Groeger	\$70,000.00

7-1. Committeewoman Jaffer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

8. **RESOLUTION #18-12-254 - CHANGE ORDER #1 (FINAL) - 2017 Road Improvements (DECREASE)**

WHEREAS, Resolution #18-3-64 adopted on March 1, 2018, authorized the award of a contract for the 2017 Road Improvements project to Stilo Excavation, Inc. in the amount of \$714,074.60; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to reflect quantity adjustments and costs for the project; and

WHEREAS, Change Order #1 would allow for bid item quantity adjustments as outlined on said Change Order; and

WHEREAS, The work comprising Change Order #1 will result in a net decrease in the original contract amount by \$41,396.39 or -5.80%; and

WHEREAS, The Township Administrator has recommended approval of the Change Order; and

WHEREAS, A copy of the proposed Change Order is available in the Office of the Township Engineer.

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

1. Change Order #1 is hereby approved as the final change order for this project.
2. This Resolution, when counter-signed by Stilo Excavation, Inc., shall serve as a contract amendment to the original contract for the purpose of decreasing the total contract price by \$ 41,396.39 for a total contract amount of \$672,678.21.

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

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

9. **RESOLUTION #18-12-255 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR LABORATORY TESTING SERVICES (Chemical and Microbiological) - Aqua Pro-Tech Laboratories**

WHEREAS, Resolution #17-11-244 adopted on November 2, 2017 awarded a laboratory testing services contract for one (1) year with 4 (four) one year extension options to Aqua Pro-Tech Laboratories; and

WHEREAS, N.J.S.A. 40A:11-15 provides that a contract may include provisions for no more than one two-year or two one-year extensions subject to the following: 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 \$36,320.00 for the extended year effective January 1, 2019 through December 31, 2019; and

WHEREAS, There exists Account Number 07-201-55-542-272; Account Number 07-201-55-543-272; Account Number 07-201-55-545-272; Account Number 07-201-55-546-272; Account Number 07-201-55-547-272; and Account Number 07-201-55-548-272.

(Item #9 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 second of four (4) one year extensions pursuant to the above-described terms.

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

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

10. **RESOLUTION #18-12-256 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR CHRONIC TOXICITY BIOASSAY TESTING SERVICES - American Aquatic Testing, Inc.**

WHEREAS, Resolution #17-11-245 adopted on November 2, 2017 awarded a chronic toxicity bioassay testing services contract for one (1) year with 4 (four) one year extension options to American Aquatic Testing, Inc.; and

WHEREAS, N.J.S.A. 40A:11-15 provides that a contract may include provisions for no more than one two-year or two one-year extensions subject to the following: 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 \$13,000.00 for the extended year effective January 1, 2019 through December 31, 2019; and

WHEREAS, There exists Account Number 07-201-55-542-272; Account Number 07-201-55-543-272; Account Number 07-201-55-545-272; Account Number 07-201-55-546-272; Account Number 07-201-55-547-272; and Account Number 07-201-55-548-272.

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 second of four (4) one year extensions pursuant to the above-described terms.

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

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

11. **RESOLUTION #18-12-257 - PROFESSIONAL SERVICES RESOLUTION - Environmental Impact Assessment Services - Kleinfelder Group, Inc.**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer to provide Environmental Impact Assessment services for Montgomery Township related to the proposed installation of a gas pipeline in the southern portion of the Township; and

WHEREAS, There exists a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law); and

WHEREAS, The firm of Kleinfelder has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of the acquisition over the course of the contract is anticipated to exceed \$11,000.00; and

WHEREAS, Kleinfelder has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Kleinfelder has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq. authorizes the award of a contract for "professional services' without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals.

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #01-201-201-55-248.

(Item #11 Cont.)

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Kleinfelder Group, Inc. to provide environmental impact assessment services.
2. Kleinfelder shall be paid a not to exceed fee of \$11,000.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

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

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

12. **RESOLUTION #18-12-258 - RESOLUTION AUTHORIZING ENTRY INTO A SUBLEASE WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE SOMERSET MUNICIPAL BANC PROGRAM TO PURCHASE POLICE VEHICLES AND RELATED EQUIPMENT**

WHEREAS, Under the Somerset Municipal Banc Program ("Program"), various municipalities, educational services commissions and school districts within the County of Somerset ("County") and the County (each a "Participant") may submit a request to the Somerset County Improvement Authority ("Authority") to borrow funds to finance the purchase, through a lease, of certain capital equipment and, if applicable, other personal property ("Equipment"); and

WHEREAS, Under the Somerset Municipal Banc Program, the Authority intends to enter into the lease, entitled "Sublease Purchase Agreement," with TD Equipment Finance, Inc. ("Lessor"), to permit the Lessor to acquire and lease the Equipment to the Authority in exchange for payment over time; and

WHEREAS, Pursuant to the Authority Lease, the Authority has the right to sublease the Equipment to a Participant in exchange for payment, subject to annual appropriation of said Participant, in an amount sufficient to pay the corresponding payments from the Authority to the Lessor for the Equipment, plus all administrative expenses of the Program; and

WHEREAS, Pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

WHEREAS, In order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient; and

WHEREAS, The Township of Montgomery ("Township") has made a request under the Program for financing to purchase three police vehicles and related equipment ("Police Equipment"); and

WHEREAS, The Authority has prepared a sublease, entitled "Sublease Purchase Agreement" ("Participant Lease") to allow the Township to purchase the Police Equipment with payments to be made over a three-year period.

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

Section 1. That the Participant Lease, in the form presented at this meeting, is hereby approved, and the Township's Mayor, Administrator, Clerk, and Chief Financial Officer (each an "Authorized Participant Representative") are hereby authorized to execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on the Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the Police Equipment, and all related transactions contemplated by this resolution.

(Item #12 Cont.)

Section 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Police Equipment prior to the date that the Township incurs obligations under the Participant Lease. The Township reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township under the Participant Lease. The principal amount of the Township's obligation for the Police Equipment is \$126,499.91 with the total amount of the Township's obligation under the Participant Lease (principal plus \$8,951.35 interest plus \$1,265.00 fee) to be \$136,716.26.

Section 4. A copy of the Participant Lease is available for review at the office of the Township Clerk during normal business hours.

Section 5. This resolution shall become effective immediately.

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

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

13. **RESOLUTION #18-12-259 - TRANSFER OF FUNDS**

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

WHEREAS, There are sufficient funds to be 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:

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
Code (S&W)	\$20,000.00	
Data Processing (O&E)	3,000.00	
Finance (O&E)	8,000.00	
Health (S&W)	20,000.00	
Recreation (S&W)	20,000.00	
Summer Camp (S&W)	10,000.00	
Tax Assessment (S&W)	10,000.00	
	<u>\$91,000.00</u>	
Administration (S&W)		\$22,000.00
Buildings & Grounds (S&W)		22,000.00
Clerk (O&E)		12,000.00
Finance (S&W)		8,000.00
Parks (S&W)		15,000.00
Planning (S&W)		4,000.00
Revenue Admin. (S&W)		3,000.00
Zoning (O&E)		<u>5,000.00</u>
		\$91,000.00

13-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Jaffer and carried on the following:

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

14. **ORDINANCE #18-1597 - Road Name Change-Research Road to Village Drive - Introduction**

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

AN ORDINANCE CHANGING THE NAME OF RESEARCH ROAD TO VILLAGE DRIVE.

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 December 20, 2018 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

14-1. Committeewoman Jaffer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

15. **ORDINANCE #18-1598** - Acquisition of Interests in Property (Block 17004, Lots 1, 2 and 3)
Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, AUTHORIZING THE ACQUISITION OF INTERESTS IN PROPERTY DESIGNATED AS BLOCK 17004, LOTS 1, 2 AND 3, MONTGOMERY TOWNSHIP MUNICIPAL TAX ASSESSMENT MAPS (REV. ED. 2017), ON VAN HORNE ROAD (ROUTE 206) AND RUTLAND ROAD, IN THE TOWNSHIP OF MONTGOMERY, AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWNSHIP OF MONTGOMERY OPEN SPACE TRUST FUND.

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 December 20, 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 Committeewoman Jaffer and carried on the following:

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

16. **APPROVAL OF MINUTES**

The Regular Session minutes of November 1, 2018 were approved as printed.

17. **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.

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

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

18. **RENEWAL OF FARMLAND LEASES ON TOWNSHIP PROPERTY**

Administrator Nieman stated that the Township has a number of properties that are in agricultural use and there have been some concerns expressed by some residents that they want certain properties removed.

Open Space Coordinator Lauren Wasilauski explained that at the end of 2012 the Township did an open auction style bid on fourteen (14) properties that the Township owns, that were traditionally farmed. The lease terms were 5 years, from January 2013 to December 2018 with an option to renew for an additional 5 years. There are four different farmers on fourteen properties. She polled the four farmers and three of them would like to continue. One farmer wants to exit the program. The staff and the Open Space Committee are recommending that those four properties that the one farmer does not want to renew be bid out again for others to farm.

The neighbor of the property across from the 1860 House has expressed concern about the farming use. His concerns are about pesticides and the impact to the soil. He will be attending the next Open Space Committee to explain his concerns. At their November meeting, the Open Space Committee recommended that the four properties be bid out. The Governing Body stated that they should renew and rebid the three properties and table the property across from the 1860 House.

19. **REQUEST FROM SHARBELL DEVELOPMENT COMPANY FOR RELIEF FROM SECTION 12-3.2 OF THE TOWNSHIP CODE FOR MONTGOMERY CROSSING, PHASE IA**

Administrator Nieman stated that there had been a request from Sharbell Development Company to get relief from Township Administrative Code, Section 12-3.2, which requires separate building sewer connections for each condominium unit. Sharbell is approved for the above referenced project includes the construction of the 40 unit affordable housing condominium building. If the Township should grant that waiver, the homeowner's association would be responsible for the wastewater system in the building's sewers. The Governing Body asked that Township Engineer Gail Smith or Assistant Township Engineer Mark Herrmann attend the next Township Committee meeting for clarification and more information.

20. **COMMITTEE AND SUB-COMMITTEE REPORTS**

20-1. **PLANNING BOARD**

Committeeman Trzaska reported on the recent Planning Board meeting regarding the final approval for Montgomery Promenade. He stated that the developers received approval for approximately 95% of their property and all the buildings except for one which was approved approximately one year ago.

20-2. **TRANSPORTATION ADVISORY COMMITTEE**

Committeeman Trzaska stated that the Transportation Advisory Committee will be discussing the Cherry Valley Road Reconstruction Project at their next meeting. This is the last piece of the project, from Route 206 to Route 601.

21. **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 properties for farmland, open space and municipal purposes (Block 32001, Lot 24 {"Thompson Cherry Valley"}; Block 3007, Lot 10 {"Dixon"}; Block 14001, Lot 7 {Forfa}; Block 4002, Lot 1 {Carrier}; and Block 3006, Lot 17 and Block 3007, Lot 14.01 {Thompson});
 - Police Interviews.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No appointment shall be authorized except by action of the Township Committee in open session. Acquisition of property shall only be authorized by the Township Committee in a public session.

21-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Jaffer and carried unanimously.

22. Meeting reconvened in Open Session and **ADJOURNMENT** was at 9:22 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeewoman Jaffer and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk