

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
March 21, 2019

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 Jaffer, Deputy Mayor Gural, Committeemembers Trzaska, Quraishi and Schuldiner

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

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

4. **RESOLUTION - Condemning Attacks on Houses of Worship**

WHEREAS, Violent crimes, threats of violence, and other incidents of hate-motivated targeting of religious, racial, and ethnic minorities have increased across the United States and other nations; and

WHEREAS, On October 27, 2018, 11 people were killed and seven wounded in an armed attack at Tree of Life - Or L'Simcha Congregation, in Pittsburgh, Pennsylvania; and

WHEREAS, On March 15, 2019, 50 people were killed and 50 wounded in an armed attack on the Al Noor Mosque and the Linwood Mosque in New Zealand; and

WHEREAS, It is in the public interest of the citizens of the world to condemn, in the strongest terms, any hate crimes or any other form of conduct that constitutes racism, religious or ethnic bias; and

WHEREAS, Terrorism in all its forms and manifestations constitutes one of the most serious threats to world peace and security; and

WHEREAS, The Montgomery Township Committee asks that all residents of this diverse community stand in solidarity with our brothers and sisters in Pittsburgh and New Zealand against these vicious acts of hate; and

WHEREAS, All Americans, including Jews, Muslims, and Christians and people of all faiths and no faith, have a stake in fighting every form of bigotry and hatred against people based on religion, race, or place of birth and origin.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee affirms its strong condemnation for all religious and ethnic bigotry as well as any incitement to hatred and violence and as a community we are committed to protecting the fundamental right of belief, wherever it is questioned or attacked.

- 4-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Committee Quraishi and carried unanimously.
- 4-2. Mayor Jaffer mentioned that there would be a Community Brunch held on Sunday, March 24 from 11:00 a.m. to 2:00 p.m. in the Court Room of the Municipal Building. In light of the recent tragedy in New Zealand, this brunch will offer an opportunity to connect with neighbors and to share concerns and hopes for Montgomery and the world. She will be hosting this event in partnership with One Montgomery and Montgomery MOSAIC.

5. **PROCLAMATION - ARBOR DAY - April 5, 2019**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, This year marks the 147th Anniversary of Arbor Day; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Montgomery Township has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways;

(Item #5 Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby proclaims April 5, 2019 as ARBOR DAY in the Township of Montgomery, and urges all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

BE IT FURTHER RESOLVED That the Governing Body urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

- 5-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.
- 5-2. Mayor Jaffer acknowledged the great work of the Shade Tree Committee.

6. **RESOLUTION RECOGNIZING NATIONAL PUBLIC HEALTH WEEK 2019**

WHEREAS, The week of April 1-7, 2019, is National Public Health Week, and the theme is "Creating the Healthiest Nation: For science. For action. For health."; and

WHEREAS, Since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the public's health; and

WHEREAS, Good health requires making healthy choices that improve our health, setting an example for our family and friends; as well as supporting efforts to improve the factors that affect everyone's health and limit the ability for many people to make healthy choices; and

WHEREAS, During National Public Health Week, we celebrate the power of prevention, advocate for healthy and fair policies, share strategies for successful partnerships and champion the role of a strong public health system; and

WHEREAS, It is only when we come together that we are strong enough to create the healthiest nation in one generation.

NOW, THEREFORE, BE IT RESOLVED This 21st Day of March, 2019, that the Township Committee of the Township of Montgomery joins with its Board of Health and its Health Department in celebrating National Public Health Week 2019, and its focus on building safe, healthy communities.

- 6-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried unanimously.
- 6-2. Health Officer Stephanie Carey read the following:

"For National Public Health Week we know that everyone deserves to live a long and healthy life in a safe environment. To make that possible we have to address the causes of poor health and disease within our communities. The places we live, learn, work, play and worship affects each of us and determines our health and life expectancy. So let's partner across public and private sectors to make sure the decisions we make are made with the public's health in mind and within our communities, let's start new conversations with our neighbors and become advocates for positive change. Working together we can build healthier communities and eventually the healthiest nation. During each day of Public Health Week, we focus on a particular health topic and then we can identify ways to make a difference. Topics range from health communities and violence prevention to climate change and global health."

Ms. Carey stated that Montgomery Township is doing its part to recognize National Public Health Week by hosting a Community Listening Session. This is a joint effort of the Health Department, One Montgomery, Montgomery MOSAIC and the Municipal Alliance. This will take place on Wednesday, April 3 from 7:00 to 9:00 p.m. in the Montgomery Township Municipal Building Courtroom. This session is called "Improving Access and Understanding of Healthcare in Montgomery: A Community Forum on Fairness and Health Equity".

7. **RESOLUTION RECOGNIZING WORLD DOWN SYNDROME DAY - March 21, 2019**

WHEREAS, Down Syndrome is a congenital disorder caused by having an extra 21st chromosome; and

WHEREAS, The date for World Down Syndrome Day being the 21st day of the 3rd month was selected to signify the uniqueness of the triplication (trisomy) of the 21st chromosome which causes Down Syndrome; and

WHEREAS, One in every 691 babies in the United States is born with Down Syndrome, making Down Syndrome the most common genetic condition; and

WHEREAS, Approximately 400,000 Americans have Down Syndrome and about 6,000 babies with Down Syndrome are born in the United States each year; and

WHEREAS, While research and early intervention have resulted in dramatic improvements in the life span and potential of those who are affected, more research is needed into diseases and illnesses that are more prevalent among people who have Down Syndrome; and

WHEREAS, While possessing a wide range of abilities, people with Down Syndrome are active participants in educational, occupational, social and recreational circles of our communities; and

(Item #7 Cont.)

WHEREAS, Individuals living with Down Syndrome should have equal opportunity to achieve their desired goals of self-fulfillment, be valued for their achievements, be included in their community and encouraged to reach their full potential; and

WHEREAS, Each year on March 21st, buildings and bridges - including the Empire State Building in New York City - are lit in blue and yellow.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery does hereby declare the 21st day of March, 2019 to be Down Syndrome Awareness Day in Montgomery Township.

- 7-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried unanimously.
- 7-2. Deputy Mayor Gural stated that she wanted to include this resolution for a young lady in town, Meghan Gostkowski, who has Down Syndrome and for all the people in town who have this disorder. She acknowledged all of the work that Chris and Jamie do to advocate for Meghan and for all children who have Down Syndrome.

8. **RESOLUTION HONORING MONTGOMERY WILDCATS POP WARNER CHEERLEADERS**

WHEREAS, On December 5, 2018, the Montgomery Wildcats Pop Warner Cheerleaders were crowned National Champions after placing first in the newly-created Performance Sideline Cheer Category at the Pop Warner National Cheer Championships at the 2018 Pop Warner National Cheer & Dance Championships in Walt Disney World in Orlando, Florida and placing 3rd runner-up in the nation for their Traditional Show Cheer on December 3; and

WHEREAS, The Pop Warner Cheerleaders outscored the nation's top youth cheerleading teams in their division who competed at ESPN Wide World of Sports with their 1.5 minute routine that incorporated tumbling, stunting, cheer and dance; and

WHEREAS, This 17 member squad has earned the title of

2018 NATIONAL CHAMPIONS

Alexis Beschner	Brooke Higgins	Claire O'Farrell	Sammy Steele
Carina Davis	Coco Lainez	Samantha Romano	Gabby Vernon
Sydney Feola	Lauren Matthews	Maddie Shea	Lilly Walsh
Paige Gallagher	Paige Morrison	Maddy Steele	Emma Wilson
Erin Glennon			

WHEREAS, The team was supported in its efforts by Head Coach Allison Richmond; Assistant Coaches Pricilla Morrison, Lauren Panasewicz and Melissa Vernon; Team Commissioner Cherise Gallagher; Student Demonstrators Jillian Ark, Caroline Beschner, Kaily Floersch and Lauren Grosso; League Commissioners Therese Glennon and Kimberly O'Farrell; and parents and friends of the Montgomery Wildcats Pop Warner Cheerleaders, all of whom celebrate this accomplishment with pride; and

WHEREAS, The Montgomery Township Committee wishes to honor the team by proclaiming this title throughout the Township.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates these champions on their outstanding accomplishment and extends to them best wishes for continued success in all future endeavors on this 21st day of March 2019.

- 8-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried unanimously.

9. **POLICE REPORT**

Police Captain Tom Wain reported on the following activities of the Police Department for the month of February, 2019:

- 52 motor vehicle accidents;
- 31 arrests;
- 2 thefts;
- 2 burglaries;
- 2 criminal mischief;
- 6 domestic violence.

Mayor Jaffer congratulated the Montgomery Township Police Department on the Safe Communities award.

10. **PUBLIC COMMENT**

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

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

A. **RESOLUTION #19-3-88 - REFUND OVERPAID 2018 TAXES**

BE IT RESOLVED That a refund in the amount of \$26.46 be given to Grazelela & Luis Fernando Ribeiro, 929 Route 518, Skillman, NJ 08558 for the overpayment of 2018 taxes on Block 34001 Lot 51.

B. **RESOLUTION #19-3-89 - REDEMPTION OF TAX SALE CERTIFICATE #18-0004**

BE IT RESOLVED That a refund in the amount of \$27,426.61 be given to Sunshine State Certificates VII, LLC, 7900 Miami Lakes Drive West, Miami Lakes, FL 33016 for the Redemption of Tax Sale Certificate #18-0004 on Block 5019, Lot 12.24 CONDO.

C. **RESOLUTION #19-3-90 - RELEASE OF ESCROW FEE - Ewa Bialobrzkeski (Block 15024, Lot 5) - Street Opening Permit #18-R-25**

WHEREAS, Gail Smith, Township Engineer, has recommended the release of a cash escrow fee to Ewa Bialobzkeski because all work has been satisfactorily completed with respect to a street opening permit at Block 15024, Lot 5 (30 Elm Drive).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$440.00 be released to Ewa Bialobrzkeski, 30 Elm Drive, Skillman, NJ 08558.

D. **RESOLUTION #19-3-91 - RELEASE OF PERFORMANCE GUARANTEE - Country Classics at Fox Brook (PB-04-13)**

WHEREAS, Gail Smith, Township Engineer, has certified on March 15, 2019 that all public improvements in a project known as Country Classics at Fox Brook have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the performance guarantee in the amount of \$2,313,657.00 (Bond #PAIFSU0629777 in the amount of \$2,082,291.30 and \$231,365.70 cash) be released to Country Classics at Montgomery, LLC and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$2,313,657.00
15% Maintenance Guarantee	\$ 347,048.55

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

Upon satisfactory completion of these conditions, it is recommended that the Township accept the following:

Roads, Rights-of-Way, and public improvements - as follows:

- a. Twin Brook Drive, located within a 50 foot wide right-of-way as shown and described on Reference A¹, containing approximately 1.7926 acres, beginning at the intersection with Montfort Drive and continuing easterly, ending in a cul-de-sac. This is also described from approximately station 3+00 to station 17+43.74 shown on Reference B².
- b. Stone House Court, located within a 50 foot wide right-of-way as shown and described on Reference A, containing 1.0498 acres, beginning at the intersection with Twin Brook Drive and continuing southerly, ending in a cul-de-sac. This is also described from approximately station 0+00 to station 8+25.34 shown on Reference B.
- c. Road improvements in the aforementioned rights-of-way including associated curbing (driveway depressed curbs excepted), sidewalk, and curb ramps.

Storm Sewers - Storm sewer structures, including but not limited to inlets and catch basins, collections lines, headwalls, and riprap/scour outlet protection completely contained within the Twin Brook Drive and Stone House Court rights-of-way, and in the Storm Sewer Easements located on Block 6001, Lots 5.11, 5.12, 5.13 and 5.17, described in Reference C³, except as noted below.

Pathways - off street pathways shown in the Pedestrian Path Easements and on Block 6001 Lot 19 (Township owned, Pike Brook Wastewater Treatment Plant property) shown on References A and B.

Footbridge - the pedestrian foot bridge over Fox Brook located on Block 6001 Lot 19 shown on References A and B.

Sanitary Sewers - Sanitary sewerage improvements as shown on Reference B:

- a. Along the Twin Brook Drive from approximately Station 3+93 to Station 17+15.
- b. Continuing from Twin Brook Drive Station 17+15 into the Sanitary Sewer Easement shown on Reference A, located on Block 6001 Lot 5.10
- c. Along Stone House Court from approximately Station 7+60 to Station 0+00, then connecting into a manhole located on Twin Brook Drive at approximately Station 13+58.

(CONSENT AGENDA Item D Cont.)

The following improvements will not be accepted by the Township:

Driveways - all driveways, driveway aprons, driveway sidewalk, or associated depressed curbing shown on Reference B that egress onto Twin Brook Drive and Stone House Court. These shall be maintained by the property owners.

Stormwater Management Facilities - the two (2) detention basins located on Block 6001 Lot 5.03 and Lot 5.10, including but not limited to landscaping, conveyance piping from road rights-of way, structures, other drainage appurtenances, and guiderail shall be maintained by the Homeowners Association.

Storm sewer collection lines - storm drainage collection lines from the Twin Brook Road right-of-way and from the Storm Sewer Easement on Block 6001 Lot 5.11, which continue onto the Stormwater Management Facilities located on Block 6001 Lots 5.03 and 5.10, shall be maintained by the Homeowners Association.

Pathways - the hot mix asphalt pathway on Block 6001 Lot 5.10, including its connection to the Twin Brook Drive cul-de-sac within the public right-of-way, shall be maintained by the Homeowner's Association.

Public Utilities (e.g. water, electric, telecommunications, etc.) - shall be owned and maintained by the appropriate utility company.

Other Improvements - located in the aforementioned rights-of-way, if any, shall be considered privately owned.

E. **RESOLUTION #19-3-92 - AUTHORIZING TOWNSHIP ADMINISTRATOR TO EXECUTE LICENSE(S) WITH STATE OF NEW JERSEY, DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION, OFFICE OF REAL PROPERTY ACQUISITION AND DISPOSITION FOR ACCESS TO BLOCK 26001, LOT 1.05 TO COMPLETE SEWER REPAIR WORK**

BE IT RESOLVED That Donato Nieman, Township Administrator, is hereby authorized to execute license(s) with the state of New Jersey, Division of Property Management & Construction, Office of Real Property Acquisition and Disposition for access to Block 26001, Lot 1.05 to complete sewer repair work.

F. **TOWNSHIP COMMITTEE APPOINTMENT - Board of Health**

BE IT RESOLVED That Dr. Om Sharma is hereby appointed Board of Health Regular Member, replacing Mona Patel, 3 year unexpired term expiring December 31, 2019.

11-1. Committeeman Schuldiner moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

12. **MAYORAL APPOINTMENT - Economic Development Commission**

BE IT RESOLVED That Samira Ghani is hereby appointed Economic Development Commission Advisor, 1 year term expiring December 31, 2019.

13. **RESOLUTION #19-3-93 - RESOLUTION ACCEPTING DONATION OF SERVICES - Lawn Fertilization**

WHEREAS, Fairway Green Inc., a local lawn care business, has offered to provide lawn fertilization services at no cost to the Township at the Montgomery Municipal Building; and

WHEREAS, The lawn fertilization services would consist of six applications throughout the year designed to provide fertilization as well as insect and weed control; and

WHEREAS, The Township may accept said donation of services pursuant to the provisions of N.J.S.A. 40A:5-29.

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

1. The Township Committee hereby accepts the donation of lawn fertilization services by Fairway Green Inc. as described more fully in the foregoing "Whereas" clauses.
2. Fairway Green Inc. shall coordinate the provision of the donated services with the Township Administrator.

13-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

14. **RESOLUTION #19-3-94 - RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING AGREEMENT AND SEWER CAPACITY RESERVATION AGREEMENT FOR "PIRHL" AFFORDABLE HOUSING PROJECT ON PROPERTY DESIGNATED AS BLOCK 28004, LOT 7 ON THE MONTGOMERY TOWNSHIP TAX MAP**

WHEREAS, By the adoption of Resolution No. 18-6-131, the Township of Montgomery ("Township") designated certain real property located along the existing right of way of Research Road, north of its intersection with County Route 518, known as Lot 7 in Block 28004 ("Lot 7") and Lot 66 in Block 28005 ("Lot 66") as shown on the Montgomery Township Tax Map (rev. 2017), as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5, known as the "Kepner-Tregoe Redevelopment Area"; and

WHEREAS, By the adoption of Ordinance #18-1582, the Township adopted a redevelopment plan for the Kepner-Tregoe Redevelopment Area; and

WHEREAS, PIRHL Acquisitions, LLC ("PIRHL") is the Township-designated redeveloper of Lot 7 within the Kepner-Tregoe Redevelopment Area (the "Property" or "Subject Property"); and

WHEREAS, By the adoption of Resolution PB-03-18 on July 2, 2018, the Montgomery Township Planning Board granted PIRHL Preliminary and Final Major Site Plan Approval with bulk variances and exceptions for the development of the Property with an 86-unit, 100% low- and moderate- income family rental project with associated amenities and site improvements (the "Project" or "Development"); and

WHEREAS, Montgomery LIHTC LLC ("Montgomery LIHTC") was formed to develop the Project for PIRHL, and PIRHL will be assigning its interest in the Project to Montgomery LIHTC (PIRHL and Montgomery LIHTC are collectively known as the "Developer"); and

WHEREAS, The Project will result in the production of affordable housing units that will assist the Township in meeting its third-round Mount Laurel affordable housing obligation as agreed to and established by the Superior Court of New Jersey in an action entitled *In the Matter of the Application of the Township of Montgomery*, Docket No. SOM-L-924-15; and

WHEREAS, The project was approved by the Court as part of a settlement of the action in a "Fairness Hearing" held on February 13, 2018; and

WHEREAS, The Project meets the requirements of the New Jersey Council on Affordable Housing ("COAH") and Developer has represented that it will construct, operate and maintain the units in accordance with the required affordability controls; and

WHEREAS, Developer has received approval for NJHMFA 9% tax credit financing; and

WHEREAS, Developer also seeks a municipal contribution from the Township's affordable housing trust fund to assist with funding for the Project; and

WHEREAS, COAH's rules provide that a municipality may use affordable housing trust funds for the construction of new affordable housing units, including related development costs, infrastructure costs directly serving affordable housing developments, for the acquisition and/or improvement of land to be used for affordable housing, and for any other activity as specified in an approved spending plan; and

WHEREAS, To facilitate and assist in the development of the Project, the Township agrees to provide financial support to the Project and seeks to enter into an affordable housing agreement with Developer providing for the development, and *inter alia*, the Township's support thereof; and

WHEREAS, The Township hereby commits the sum of one million three hundred thousand (\$1,300,000.00) dollars from the Township's affordable housing trust fund to the Project to assist the Developer with its infrastructure and development costs associated with constructing the Development; and

WHEREAS, The Township has the funds available in its affordable housing trust fund to make this commitment; and

WHEREAS, Developer is currently working on finalizing its final funding applications and intends to begin construction shortly, and therefore, it is appropriate to enter into an agreement providing for a reservation of the necessary sewer capacity in the Skillman Village Sewage Treatment Plant.

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

1. The Township hereby commits the sum of one million three hundred thousand (\$1,300,000.00) dollars from the Township's Affordable Housing Trust Fund to Developer for the Project, in the form of a no-interest loan, under the terms and conditions as set forth in a certain Affordable Housing Agreement authorized herein. This commitment shall be included in the Township's Spending Plan and is contingent upon receiving Spending Plan approval by the Superior Court of New Jersey.
2. The Township is hereby authorized to enter into an Affordable Housing Agreement with Developer providing for the Development, and the Township's financial commitment thereof as set forth and authorized by this Resolution. The Mayor or Deputy Mayor and Clerk are authorized and directed to sign the Agreement on behalf of the Township, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Township Attorney in consultation with the Township Administrator.

(Item #14 Cont.)

3. The Township certifies and acknowledges that the funds committed to the Project are available in the Township's affordable housing trust fund.
4. The Township is authorized to enter into an Agreement for the Reservation of Capacity in the Skillman Village Sewage Treatment Plant for the Project. The Mayor or Deputy Mayor and Clerk are authorized and directed to sign on behalf of the Township the agreement authorized herein, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Township Engineer and Township Attorney.
5. Upon entry of the Agreements referenced in Paragraphs 2 and 4 above, and Court approval of the Township's Spending Plan that will include this Project, the Township's Finance Officer is authorized and directed to issue:
 - a. Payment in the amount of \$354,750.00 from the Township's affordable housing trust fund to the Township's sewer utility for payment of the sewer capacity charges on Developer's behalf as required by the Sewer Capacity Reservation Agreement and Affordable Housing Agreement authorized herein (Paragraphs 4 and 2 above); and
 - b. Payment in the amount of \$695,250.00 from the Township's affordable housing trust fund to Developer for pre-development activities for the Project as required by the Affordable Housing Agreement authorized herein (Paragraph 2 above).
6. The Mayor, Township Administrator, Township Clerk, Township Finance Officer, Township Attorney, and other appropriate officers, employees and professionals are hereby authorized and directed to prepare and execute any and all documents regarding the agreements authorized above and undertake any and all further acts necessary to accomplish the purposes hereof.

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

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

15. **RESOLUTION #19-3-95 - AWARD OF BID #B01-2019 - Pike Brook Wastewater Treatment Plant, Sludge Holding Tanks Odor Control System Project**

WHEREAS, The following bids for the Pike Brook Wastewater Treatment Plant, Sludge Holding Tanks Odor Control System project were received and publicly opened on Thursday, March 14, 2019 at 1:00 p.m.:

<u>Bidder</u>	<u>Bid Amount</u>
JEV Construction, LLC	\$544,000.00
CMS Construction, Inc.	\$549,000.00
BR Welding, Inc.	\$662,000.00
DeMaio Electrical Company	\$699,000.00
Iron Hills Construction Co., Inc.	\$878,000.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Engineer that JEV Construction, LLC be awarded the bid; they being the lowest responsible bidder; and

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; and

WHEREAS, There exists account number 08-215-55-901-1543D which will fund this project.

NOW, THEREFORE, BE IT RESOLVED That the contract for the Pike Brook Wastewater Treatment Plant, Sludge Holding Tanks Odor Control System Project is awarded to JEV Construction, LLC, 116 W. Main Street, 2nd Floor, Clinton, NJ 08809 in the amount of \$544,000.00; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign said contracts.

15-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

16. RESOLUTION #19-3-96 - RENEWAL OF ABC LICENSE #1813-44-014-001 - MTC Restaurant IV, LLC

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-44-014-001 for MTC Restaurant IV, LLC:

- a. The submitted application form is complete in all aspects.
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions.
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business.
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-44-014-001 is hereby granted for the year 2018-2019.

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

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

17. ORDINANCE #19-1603 - Acquisition of Block 14001, Lot 7 (Forfa Property on Fairview Road) Public Hearing

- A. Mayor Jaffer 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, BLOCK 14001 "FORFA PROPERTY," (FAIRVIEW ROAD) IN THE TOWNSHIP OF MONTGOMERY.

- B-1. Mayor Jaffer opened the hearing to the public.
- B-2. Lauren Wasilauski, Open Space Coordinator, explained that this is a 24.5 acre property on Fairview Road. It was a farm but has not been farmed in a couple of years so there is some tree growth starting. It is located near some other preserved farmland that is privately held.
- B-3. Committeeman Schuldiner moved to close the public hearing. The motion was seconded by Committeeman Quraishi and carried unanimously.
- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of March, 2019 and that notice thereof be published in an official newspaper as required by law.

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

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

18. ORDINANCE #19-1604 - LDO-Establishing Standards for Unconnected Drive-In Bank Buildings/Structures in the NC, CC-1, CC-2 and HC Zoning Districts - Public Hearing

- A. Mayor Jaffer read the title of the ordinance as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, ENTITLED "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), COUNTY OF SOMERSET, STATE OF NEW JERSEY, ESTABLISHING STANDARDS FOR UNCONNECTED DRIVE-IN BANK BUILDING/STRUCTURES IN THE NC, CC-1, CC-2 AND HC ZONING DISTRICTS.

- B. The Clerk read the following report from the Planning Board:
- "At the March 18, 2019 Planning Board meeting, the Board found the above referenced ordinance substantially consistent with the Master Plan and recommended adoption as written."
- C-1. Mayor Jaffer opened the hearing to the public. There being no comment, Committeeman Schuldiner moved to close the public hearing. The motion was seconded by Deputy Mayor Gural and carried unanimously.
- D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of March, 2019 and that notice thereof be published in an official newspaper as required by law.

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

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

19. **ORDINANCE #19-1605 - LDO-Amending Minimum Area and Yard Requirements for Uses Within the MR, R-5, R-2, R-1 and R Districts and for Residential Lots in a Single-Family Conservation Design Subdivision - Public Hearing**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, ENTITLED "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING THE MINIMUM AREA AND YARD REQUIREMENTS FOR USES WITHIN THE "MR", "R-5", "R-2", "R-1" AND "R" DISTRICTS, AND FOR RESIDENTIAL LOTS IN A SINGLE-FAMILY CONSERVATION DESIGN SUBDIVISION.

B. The Clerk read the following report from the Planning Board:

"At the March 18, 2019 Planning Board meeting, the Board found the above referenced ordinance substantially consistent with the Master Plan and recommended adoption as written."

C-1. Mayor Jaffer opened the hearing to the public. There being no comment, Committeeman Schuldiner moved to close the public hearing. The motion was seconded by Deputy Mayor Gural and carried unanimously.

D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of March, 2019 and that notice thereof be published in an official newspaper as required by law.

19-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

20. **ORDINANCE #19-1606 - To Establish the 2019 Sewer Capacity Charges and Service Rates - Public Hearing**

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

AN ORDINANCE AMENDING CHAPTER XII SEWER AND WATER OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH THE 2019 SEWER CAPACITY CHARGES AND SERVICE RATES.

C-1. Mayor Jaffer opened the hearing to the public. There being no comment, Committeeman Schuldiner moved to close the public hearing. The motion was seconded by Deputy Mayor Gural and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of March, 2019 and that notice thereof be published in an official newspaper as required by law.

20-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

21. **ORDINANCE #19-1607 - Matthews Farm Acquisition Amendment - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY AMENDING ORDINANCE NO. 18-1598 PROVIDING FOR THE ACQUISITION OF INTERESTS IN PROPERTY DESIGNATED AS BLOCK 17004, LOTS 1, 2 AND 3 ON THE MONTGOMERY TOWNSHIP TAX ASSESSMENT MAPS (REV. ED. 2017), ON VAN HORNE ROAD (ROUTE 206) AND RUTLAND ROAD

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 April 4, 2019 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

21-1. Administrator Nieman explained that the Matthews family wishes to receive payments via an annuity and this ordinance provides for that to be done as the Township cannot directly annuitize a private property owner, it will be done in conjunction with the Delaware Greenway.

21-2. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

22. **ORDINANCE #19-1608** - Acquisition of Block 32001, Lot 24 - Thompson (Northwest Corner of Cherry Valley Road and Mountainview Road) - Introduction

A. Mayor Jaffer 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 24, BLOCK 32001 ON THE NORTHWEST CORNER OF CHERRY VALLEY ROAD AND MOUNTAINVIEW ROAD 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 April 4, 2019 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

22-1. Committeeman Schuldiner moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

23. **APPROVAL OF MINUTES**

The Regular Session minutes of March 7, 2019 were approved as printed.

24. **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.

24-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Schuldiner, Quraishi, Trzaska, Gural, Jaffer
Nays - None

25. **MONTGOMERY VETERANS PARK**

Committeeman Trzaska stated that the playground at Montgomery Veterans Park is open. He explained that there is a zip-line installed at the park. There are still a couple of adjustments that need to be made to some of the other equipment.

26. **STREAM CLEAN-UP**

Deputy Mayor Gural noted that there will be a stream clean-up in Montgomery Veterans Park on April 6. The Montgomery Township Environmental Commission and the Watershed Institute are sponsoring this event to clean up Pike Brook.

27. **BOARD OF EDUCATION**

Mayor Jaffer spoke with the Board of Education President and they have reached a tentative agreement with the teachers.

28. **COMMITTEE AND SUB-COMMITTEE REPORTS**

28-1. **PLANNING BOARD**

Committeeman Schuldiner stated that the Planning Board heard a presentation by the developers of the Havens at Princeton, a development on the Trap Rock property on Kingston-River Road, consisting of 170 units with 100 of those units in two apartment buildings. Of those 100 units, 34 will count toward the Township's Affordable Housing requirements. A few members of the public were there and voiced their concerns about this project.

The Planning Board approved the closing of a contract with the engineer to transition out so they can finish up on some of the projects they are working on currently. There was also a closed session to discuss some professional contracts.

Mayor Jaffer and Committeeman Schuldiner commended Township Planning Director Lori Savron for speaking about the Township's Master Plan and development in town. Mayor Jaffer stated that she hoped to have a Town Hall meeting in the future regarding this topic.

(Item #28-1 Cont.)

Committeeman Trzaska explained that the Township had tried to buy that land years prior, for preservation purposes, and the offers were turned down. Mayor Jaffer stated that the developer is working with the Planning Board and 1/3 of the property will be developed and the other 2/3 will be preserved wetlands or transition zones. Only twenty to twenty-two of the seventy acres are deemed buildable.

28-2. WILDLIFE MANAGEMENT COMMITTEE

Committeeman Quraishi stated that the Wildlife Management Committee discussed the following:

- Deer culled in the 2018-2019 hunting season = 214;
- Changing the number of deer killed to be "grandfathered" onto the same property from 2 by bow, 3 by gun (regardless of antlered or antlerless) to 2 by bow, 3 by gun (antlerless only);
- Cutting down the number of hunters on the Opatut property from 18 to 14;
- Possibly adding 2 new properties (1 regular and 1 supplemental).

28-3. TRANSPORTATION ADVISORY COMMITTEE

Committeeman Trzaska that the Transportation Advisory Committee discussed the remaining 2018 plans and all of the 2019 plans for work in town. He stated that because of all of the rain that occurred in 2018 pretty much all the 2018 Engineering Capital plan got pushed to this year. There will be work happening on Elm Drive and Van Pelt Drive. Also work will be starting at the older Grosso community off of Belle Mead-Griggstown Road. Projects are in the works for the Sycamore neighborhood and Rolling Hill Road. There are also a number of roads to be milled and paved in 2019.

Committeeman Schuldiner stated that they also looked at the increase in accidents at the intersection of Orchard Road and Opossum Road and there was a discussion as to how to mitigate this problem.

28-4. LANDMARKS COMMISSION

Deputy Mayor Gural explained that she was very fortunate to be invited to an all day workshop given by Rutgers with the Landmarks Commission on March 9. This was a Historic Preservation Best Practices seminar held in Morristown, New Jersey at the Washington Headquarters Museum.

28-5. ZONING BOARD OF ADJUSTMENT

Deputy Mayor Gural stated that the Zoning Board of Adjustment approved the Matthews Farm variances. She explained that this had been a laborious process which has lasted approximately 15 years.

28-6. BOARD OF HEALTH

Deputy Mayor Gural stated that the Board of Health had a presentation from Dr. Mendelbaum from Princeton Nassau Pediatrics on adolescence and sleep and school start times.

28-7. VETERANS MEMORIAL COMMITTEE

Mayor Jaffer stated that the Veterans Memorial Committee is discussing their plans for 2019. Their two major events will be Memorial Day and Veterans Day. They are still ironing out the specifics of those.

29. 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 open space, farmland, municipal purposes: Block 25001, Lot 2 (Smith) and Block 25001, Lots 3 and 7 (Whidden).
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.

29-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Schuldiner and carried unanimously.

30. Meeting reconvened in Open Session and ADJOURNMENT was at 8:28 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeeman Schuldiner and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk