

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 19, 2015

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 Trzaska, Committeemembers Smith and Sugden
Committeewoman Graham was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

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. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of January, 2015:

-- 72 motor vehicle accidents;
-- 13 arrests;
-- 2 thefts;
-- 8 criminal mischief;
-- 5 domestic violence.

5. **DELTA COMMUNITY SUPPORTS - Block Grant Application**

Administrator Nieman explained that Delta Community Supports is the name that the Crawford House now operates under. They have made a Community Development Block Grant application to upgrade their bathrooms and make them handicapped accessible. The grant is for \$24,750.00. The Township is required by the Community Development Block Grant program to have a public acknowledgement of the receipt of the application. It is also acceptable, at the Township Committee's discretion, to adopt a resolution supporting this application.

- 5-1. **M-15-2-1** - Deputy Mayor Trzaska moved to support the Community Development Block Grant application of Delta Community Supports. The motion was seconded by Committeeman Smith and carried on the following:

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

6. **PUBLIC COMMENT**

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

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 #15-2-54 - REFUND OVERPAID 2014 AND 2015 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2014 taxes:

Block	Lot	Name	Year	Amount
5018	223.1	CONDO Enterprise Title Agency, LLC	2014	\$ 2,202.09
7020	10	Shikui Tang	2014	\$ 3,646.98
16002	9.05	Bert Mandelbaum & Joanna Ronelli	2015	\$ 3,663.40
31001	40	Vincent Giordano	2014	\$14,198.78

- B. **RESOLUTION #15-2-55 - ACCEPTANCE OF DONATION - Tickets to Franklin Institute**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation of fifty (50) tickets to the Franklin Institute Bodyworlds: Animal Inside Out Exhibit from Luis Montoya of Reporte Hispano Newspaper to the Montgomery Recreation Department. The value of the tickets are \$29.95 each for a total of \$1,497.50.

- C. **RESOLUTION #15-2-56 - RELEASE OF MAINTENANCE GUARANTEE - Montgomery Shopping Center Signage and Seating Improvements**

WHEREAS, Gail Smith, Township Engineer, has certified on February 10, 2015 that all public improvements in a project known as Montgomery Shopping Center - Signage & Seating Improvements have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Maintenance Bond in the amount of \$6,473.88 (cash) be released to Hilton Realty Company, LLC, 902 Carnegie Center, Suite 400, Princeton, NJ 08540.

(CONSENT AGENDA Cont.)

D. **RESOLUTION #15-2-57 - APPROVAL OF OUTDOOR ASSEMBLY PERMITS - Hunter Farms Equestrian Events**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Hunter Farms has requested approval of the Township Committee to conduct Outdoor Assemblies for Equestrian Event/Horse Show (competition) at 246 Burnt Hill Road, Skillman, NJ 08558 on April 17-19, April 22-26, June 24-28, July 1-5, July 8-11, August 19-23, September 16-20, September 23-27 and September 30-October 4, 2015 from 8:00 a.m. to 5:00 p.m. daily (during a scheduled competition week).
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
 - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
 - (b) These events shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
 - (c) Approval of these events is pending clearance by the Police Department, Health Department, Construction Department and Fire Prevention Department as stated below:
 - (1) The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
 - (2) The organizers will obtain the required health certificates from the Township Health Department, if applicable.
 - (3) The organizers will obtain the required open flame and tent permits from the Township Fire Prevention Department.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

8. **RESOLUTION #15-2-58 - APPROVING AFSCME MEMORANDUM OF AGREEMENT**

BE IT RESOLVED That the Montgomery Township Committee hereby approves a Memorandum of Agreement between Montgomery Township and the American Federation of State, County and Municipal Employees.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

9. **RESOLUTION #15-2-59 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR FLEET MAINTENANCE SERVICES - FIRST VEHICLE SERVICES**

WHEREAS, Resolution #14-2-58 adopted on February 20, 2014 awarded a contract for 12 months with 4 (four) one year extension options to First Vehicle Services; 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 \$643,240.92 for the extended year effective March 1, 2015 through February 29, 2016 at the recent Consumer Price Index rate of 2.1%; and

WHEREAS, There exists accounts 01-201-26-315-2-056 and 07-201-55-544-2-056 which will fund this service; 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.

(Item #9 Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby approves the one year extension pursuant to the above-described terms.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

10. **RESOLUTION #15-2-60 - AUTHORIZING CHANGE ORDER #1 - Pike Brook Consolidation - Kleinfelder East, Inc.**

WHEREAS, On May 2, 2013, a contract for an anti-degradation study and preliminary design of the consolidation of the Oxbridge and Riverside Wastewater Treatment Plants into the Pike Brook Wastewater Treatment Plant was awarded to Kleinfelder East, Inc. for \$172,000.00; and

WHEREAS, The Township Administrator has requested the Committee's approval of a change order in connection with completion of the above project; and

WHEREAS, The work comprising Change Order No. 1 will result in a net increase in the original contract amount by \$10,000.00; and

WHEREAS, The changes outlined in Change Order No. 1 are due to a higher than originally estimated effluent flow due to the Country Club Meadows settlement and the Wastewater Management Plan regulation changes; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for these purposes in Account #04-216-55-9010-985A.

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

1. The attached Change Order No. 1 is hereby approved.
2. This Resolution, when counter-signed by Kleinfelder East, Inc., shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$10,000.00 for a total contract amount of \$182,000.00.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

11. **RESOLUTION #15-2-61 - AUTHORIZING THE PROVISION OF A GRANT PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM TO THE OWNER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 31 RIVER BIRCH CIRCLE**

WHEREAS, Applicant 2015-4 ("Owner") owns 31 River Birch Circle, a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, The Owner has requested a grant through Montgomery Township's Affordability Assistance Program to pay overdue condominium association fees for 31 River Birch Circle; And

WHEREAS, The Township's Affordable Housing Administrative Agent, Community Grants Planning and Housing, has reviewed the Owner's application and qualified the Owner for the requested assistance; and

WHEREAS, The amount of the requested grant for overdue condominium association bill is \$1,376.00, and will be paid directly to the Montgomery Glen Condominium Association c/o Midlantic Property Management, Inc.; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a Grant to the Owner in the amount of \$1,376.00; and

WHEREAS, The funding for the Grant will be from the Montgomery Township Affordable Housing Trust Fund.

(Item #11 Cont.)

NOW THEREFORE BE IT RESOLVED On this 19th day of February, 2015, by the Township Committee of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township's Affordability Assistance Program, to enter into an Agreement with Owner and provide Owner with a grant to be used to pay overdue condominium association fees.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the grant amount.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

12. **RESOLUTION #15-2-62 - AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED AT 145 HARTWICK DRIVE**

WHEREAS, Applicants 2015-3 ("Tenants") will be renting 145 Hartwick Drive, Suite 38, Montgomery Township ("Property"), a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, The Tenants have requested a loan through Montgomery Township's Affordability Assistance Program to pay for a security deposit for the Property; and

WHEREAS, The Township's Affordable Housing Administrative Agent, Community Grants Planning and Housing, has reviewed the Tenants' application and qualified the Tenants for the requested assistance; and

WHEREAS, The Township shall pay the amount of the requested loan for a security deposit directly to the Landlord, Hillside Affordables, LLC; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to the Tenants in the amount of \$1,277.00; and

WHEREAS, The funding for the loan will be from the Montgomery Township Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED On this 19th day of February, 2015, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township's Affordability Assistance Program, to enter into an Agreement with Tenants and Landlord, and provide Tenants with a loan to be used to pay a security deposit for the Property.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the loan amount.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

13. **RESOLUTION #15-2-63 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2015 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2015 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body;

NOW, THEREFORE, BE IT RESOLVED, By confirmation of two-thirds of the full governing body, that the Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Current Fund

Streets and Roads	
Other Expenses	\$200,000.00
Adult School	
Salary and Wages	\$50,000.00
Public Works	
Other Expenses	\$25,000.00
Employee Group Insurance	
Other Expenses	\$500,000.00
Vehicle Maintenance	
Other Expenses	\$200,000.00
Gasoline	
Other Expenses	\$100,000.00

Sewer Utility Fund

Sewer Plant A - Skillman Village	
Other Expenses	\$35,000.00
Sewer Plant C - All Plants	
Other Expenses	\$70,000.00
Sewer Plant E - Pike Brook	
Other Expenses	\$100,000.00
Sewer Plant F - Cherry Valley	
Other Expenses	\$25,000.00
Sewer Plant G - Oxbridge Plant	
Other Expenses	\$10,000.00

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

14. **ORDINANCE #15-1483 - Flood Control Commission - Public Hearing**

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

AN ORDINANCE AMENDING SECTION 32 OF CHAPTER II, "RARITAN AND MILLSTONE RIVERS FLOOD CONTROL COMMISSION," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO UPDATE THE CODE WITH CURRENT ANNUAL DUES FOR MEMBER MUNICIPALITIES.

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 19th day of February, 2015 and that notice thereof be published in an official newspaper as required by law.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

15. ORDINANCE #15-1484 - Master Plan Road Acceptance - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN
SOMERSET COUNTY, NEW JERSEY ACCEPTING A DEED OF
EASEMENT FOR MASTER PLAN ROAD THROUGH LOT 64 IN
BLOCK 34001 AS PART OF THE PUBLIC ROAD SYSTEM

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 March 5, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

16. APPROVAL OF MINUTES - January 6, 2015 Reorganization

The minutes of January 6, 2015 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 Smith moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

ROLL CALL - Ayes - Sugden, Smith, Trzaska, Madrid
Nays - None
Absent - Graham

18. TENNIS COURTS

Committeeman Sugden stated that Recreation Director Zimmerman, Administrator Nieman and himself met with the Chief Financial Officer of the Schools and the Athletic Education Director to discuss the tennis courts. The Township is trying to get the schools to split the cost of the repair/reconstruction of the courts.

19. MONTGOMERY VETERANS PARK NAME CHANGE

Administrator Nieman stated that the Township Committee has never formally acted to change the name of Montgomery Park to Montgomery Veterans Park. It was the consensus of the Governing Body to put this on the next agenda.

Committeeman Smith asked if there could be a line item placed in the budget for the Veterans Committee so they can use it for items such as carving additional names into the granite markers at the Veterans Memorial.

20. 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:
 - Advice of Counsel regarding negotiations of terms and conditions of Transco Easements.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreements shall be authorized except by action of the Township Committee.

20-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried unanimously.

21. The meeting reconvened in Open Session and ADJOURNMENT was at 7:28 p.m. on a motion by Committeeman Sugden. The motion was seconded by Committeeman Smith and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk