

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
April 16, 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 Graham and Smith
Committeeman Sugden 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. **RESOLUTION HONORING MAITLAND VAN NOSTRAND**

WHEREAS, A community possesses no greater treasure than the dedicated service of its citizens and volunteers; and

WHEREAS, Maitland Van Nostrand, passed away on March 10, 2015; and

WHEREAS, Maitland was Mayor of Montgomery in 1976 and served two terms on the Township Committee from 1971 to 1976; and

WHEREAS, Maitland possessed a wealth of knowledge about Montgomery Township's past and present and a determination to make Montgomery a better place for all its residents; and

WHEREAS, Maitland will be missed by all who knew him and served with him on the following committees in the Township:

Township Committee - 1971-1976	Township Committee, Mayor - 1976
Board of Health - 1969-1970	Community Chest - 1973-1974
Planning Board, Class I - 1976	Planning Board, Class III alternate - 1973
Public Safety Committee - 1974-1990	Emergency Services Committee - 1981
Police Advisory Board - 1991, 1993-1999	License Appeals Board - 1997-2008

WHEREAS, Each appointment was served in a distinguished and professional manner, which affirmed his deep dedication to public service; and

WHEREAS, During his many years of service Maitland Van Nostrand gave his utmost to the citizens of Montgomery who benefited from his experience, knowledge and love of this community.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the dedicated, selfless contribution of time and talent made by Maitland Van Nostrand and extends its sincere condolences to his family and friends on this 16th day of April, 2015.

- 4-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

5. **PROCLAMATION - Municipal Clerks' Week - May 3-9, 2015**

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education program, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery does hereby recognize the week of May 3 through May 9, 2015 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Donna Kukla, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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

6. PROCLAMATION - Child Abuse Prevention and Awareness Month

WHEREAS, The maltreatment, abuse and neglect of children is a significant social problem that damages children physically, mentally and emotionally and inflicts immeasurable harm on society as a whole and all children deserve to be nurtured, protected and free from physical or emotional harm; and

WHEREAS, The State of New Jersey and the Department of Children and Families believe that the best place to raise children is among strong, healthy families; and

WHEREAS, The State of New Jersey is committed to building a continuum of community-based child abuse prevention and intervention programs that are culturally competent, strength-based and family-centered and that achieve positive outcomes for parenting and family relationships, as well as empower domestic violence victims and their children; and

WHEREAS, The New Jersey Department of Children and Families embraces the Standards for Prevention Programs developed by the New Jersey Task Force on Child Abuse and Neglect; and

WHEREAS, All sectors of the community, including law enforcement, medical professionals, schools, courts and media outlets, as well as numerous public and private agencies, have joined forces to promote public awareness and community involvement in strengthening families during the month of April and continuing throughout the year.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery does hereby proclaim April 2015 as *Child Abuse Prevention and Awareness Month* and urge our residents to become involved in efforts aimed at strengthening families and communities and preventing our children from being abused and neglected.

- 6-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

7. POLICE REPORT

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

-- 56 motor vehicle accidents;
-- 17 arrests;
-- 6 thefts;
-- 2 burglaries;
-- 3 criminal mischief;
-- 5 domestic violence.

- 7-1. Committeeman Smith inquired about the arrest of two individuals linked to thefts in multiple municipalities and if the recent theft in town was committed by the same people or different individuals. Captain Palmer explained that those instances were wide ranging and it was a multi-jurisdictional investigation that all came to fruition through the cooperation of many different related agencies, both within and outside of Somerset County.

8. 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.

9. ORDINANCE #15-1487 - LDO - Automobile Service Centers - Public Hearing

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 16-4.6a. REGARDING PERMITTED USES IN THE "REO-3" RESEARCH, ENGINEERING AND OFFICE DISTRICT AND SUBSECTION 16-6.1 REGARDING CONDITIONAL USES TO ESTABLISH STANDARDS FOR AUTOMOBILE SERVICE CENTERS AFFILIATED WITH CAR DEALERSHIPS

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

"At the April 6, 2015 Planning Board meeting, the Board found the above referenced ordinance consistent with the Master Plan and recommended adoption as written."

- C. Lori Savron, Planning Director, explained that this ordinance would create standards in the REO-3 Research, Engineering and Office zoning district for a new conditional use for automobile service centers. They would be affiliated with car dealerships in the Highway Commercial zone. The Master Plan Committee prepared this ordinance as a result of communications the committee had with dealerships about their need to remain competitive in today's market. She pointed that the area that was being considered was the strip along Route 206, from Route 518 to Cherry Valley Road. The Master Plan Committee examined the surrounding commercial areas and found that the REO-3 zone was adjacent to and compatible with the Highway Commercial zone. It already permits a number of different conditional uses. One notable condition of the ordinance is that the service center must be affiliated with the car dealership and be within 1500 feet of the affiliated car dealership. This would also address the parking of the dealers' new cars.

She explained the processes that would need to happen before anyone could erect a service center.

(Item #9 Cont.)

- D-1. Mayor Madrid opened the hearing to the public.
- D-2. Richard Westhouse, Rutgers Lane and representing Mr. Batista of Cherry Valley Road, spoke about the concerns Mr. Batista had regarding the effect the change would have on his well water and other pollution as his property was directly behind the Volkswagen dealership. There was also a concern of traffic.

Ms. Savron explained that the Health Department and the Zoning Department would examine and address all of those concerns during the Site Plan process.

- D-3. Peter DePersia, Honda of Princeton, asked if the lots directly across the street from Honda were in this change or were they being held out for the retail and COAH. Ms. Savron explained that those lots were not in this change. She stated that the uses for this ordinance did not include a sales showroom or a body shop.
- D-4. Deputy Mayor Trzaska moved that the public hearing be closed. The motion was seconded by Committeeman Smith and carried unanimously.
- E. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of April, 2015 and that notice thereof be published in an official newspaper as required by law.

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

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

- 9-2. **Motion #15-4-1** - Committeeman Smith moved to direct Planning Director Smith to look at an amendment to the ordinance for body shop use. The motion was seconded by Committeewoman Graham and carried unanimously.

10. **APPOINTMENT OF TEMPORARY PURCHASING AGENT** - Donato Nieman

BE IT RESOLVED By the Montgomery Township Committee that Township Administrator Donato Nieman is hereby appointed Temporary Purchasing Agent.

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

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

11. **TOWNSHIP BUDGET PRESENTATION**

Chief Financial Officer Walter Sheppard presented the Township's proposed budget. He explained that:

1. Montgomery's municipal tax levy has minimally changed over the past six (6) years (2009 through 2014);
2. Spending and employee headcount have been reduced, which was a result of finding ways to do more with less;
3. Montgomery has significantly reduced use of surplus in annual budgets;
4. Montgomery received a "Perfect Score" from Governor Christie's Best Practices in Local Government program in 2012 and was awarded a "Near Perfect Score" in 2014;
5. Saved \$613,000.00 with the 2012 Debt Refinancing Plan (over the life of the bonds and preserved the Township's exceptionally high credit rating.

Mr. Sheppard stated that the projected spending increases for 2015 were mandated cost increases of pensions; snow removal for past winter; and statutory and contractual salary increases. He explained that efficiencies and cost reductions have been found to help mitigate increases. They include the addition of two Police recruits replacing higher paid retiring officers; Kid Connection staff efficiencies; shared services agreements with many other municipalities; and past investments in training and equipment to make employees more productive. Based on the Christie 2% property tax levy cap, Montgomery is eligible for a \$378.08 increase in municipal taxes, however, the proposed tax increase is only \$87.81 per average household or 23% of the eligible amount. Non-grant spending is up 1.9% but remains less than 2005 levels. State aid to Township remains flat. The impact to services are: no reduction in any core services; investment in the Police and Recreation departments; extra funding for critical road projects and infrastructure improvements; and funding for the sewer consolidation plan.

Mr. Sheppard explained that the following would be on-going activities for 2015:

1. Continuing to work on closing the structural budget gap through long-term budget planning;
2. Revamping the municipal government organizational structure to optimize head count, responsibilities, and efficiencies;
3. Continuing to improve roads and infrastructure;
4. Aggressively analyzing new opportunities for consolidation/sharing services.

(Item #11 Cont.)

- 11-1. Deputy Mayor Trzaska explained that he and Committeeman Sugden worked with Mr. Neiman and Mr. Sheppard on the budget. It was a very tough process, but a lot of creative ideas were presented to keep the "try to do more with less" motto and mind-set going. He stated this was a great budget and the professional staff did a wonderful job, including all of the department heads, in trying to be as frugal as possible.
- 11-2. Committeewoman Graham asked Mr. Sheppard to explain why revenues are down from 2014. Mr. Sheppard explained this was because the budget was down.
- 11-3. Mayor Madrid stated that the winter took a large toll on the budget numbers this year. Mr. Sheppard concurred and stated that \$200,000.00 was added to the budget to try to make up for what was spent for snow removal and ice treatment in the first three months of 2015.
- 11-4. Ken Knieser, Oak Ridge Drive, stated he was not hooked up to the sewer even though the lines have been run. He thinks the Township should find all the residences on septic and hook them up to sewer and public water systems so the Township can collect the fees.

12. **RESOLUTION #15-4-90 - 2015 MUNICIPAL BUDGET INTRODUCTION**

BE IT RESOLVED That the statements of revenue and appropriations shall constitute the local budget for the year 2015.

BE IT FURTHER RESOLVED That a summary of said budget shall be published in an official newspaper as required by law together with a notice fixing May 21, 2015 at approximately 7:00 p.m. as the date and time when said budget will be considered for final adoption.

NOW, THEREFORE, BE IT RESOLVED That the governing body of the Township of Montgomery does hereby approve the budget for the year 2015.

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

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

- 13. **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 #15-4-91 - REFUND OVERPAID 2014 AND 2015 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2014 and 2015 taxes:

Block	Lot	Name	Amount	Year
5024	8.06	CONDO Garth Ringheim	\$2,787.57	2014
5026	9.03	CONDO Golden Title Agency, LLC	\$2,271.69	2014
8002	5	Prestige Title Agency	\$3,221.60	2014
17001	6.78	Vital Abstract, LLC	\$4,571.26	2014
21010	2	Empire Title & Abstact, LLC	\$4,226.40	2014
28003	150	Wells Fargo Real Estate Tax Service	\$1,076.63	2015
37003	1.154	Richard & Sian Godwin, c/o Eric S. Wasser	\$1,903.25	2014
37003	6.783	CONDO Hua Jia & Xibo Zeng	\$ 581.16	2014

B. **RESOLUTION #15-4-92 - ACCEPTANCE OF DONATIONS** - Earth Day Fair - Waldorf School of Princeton and Richard Pascal

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donations for the Earth Day Fair:

Name	Amount	Check #
Waldorf School of Princeton	\$75.00	22402
Richard Pascal	\$50.00	1011

C. **RESOLUTION #15-4-93 - ACCEPTANCE OF DONATION** - Sculptures

BE IT RESOLVED That a donation of two sculptures, from Eva Reichl, is hereby accepted for placement in Hobler Park.

D. **RESOLUTION #15-4-94 - AMENDING RESOLUTION #15-4-84 - APPROVAL OF OUTDOOR ASSEMBLY**
Montgomery Rodeo (addition of date)

WHEREAS, On April 2, 2015 the Montgomery Township Committee approved Resolution #15-4-84, Approval of Outdoor Assembly for the Montgomery Rodeo to be held at Daube Farm on Sunset Road, Skillman; and

WHEREAS, The dates stated in the resolution were June 6 and 7, 2015. The organizers have requested approval of an additional date of June 14, 2015.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby approves the additional date of June 14, 2015 for the Montgomery Rodeo, subject to the same conditions as stated in Resolution #15-4-84.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #15-4-95 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MUNICIPALITY OF PRINCETON FOR ANIMAL CONTROL SERVICES**

WHEREAS, The Municipality of Princeton and Montgomery Township each provide animal control services to their respective municipalities; and

WHEREAS, Princeton requires supplemental assistance from an Animal Control Officer to provide shelter maintenance and animal emergency response.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Municipality of Princeton to utilize Montgomery's Animal Control Officer for supplemental assistance as the need arises.

F. **RESOLUTION #15-4-96 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH PRINCETON FOR PAVING ON CHERRY VALLEY ROAD**

WHEREAS, Cherry Valley Road serves as a boundary between Princeton, Mercer County, and the Township of Montgomery, Somerset County, and is in need of improvement; and

WHEREAS, Princeton and the Township of Montgomery entered into a Shared Services Agreement in the amount of \$40,000.00 on the 10th day of September, 2012, in order to begin an engineering study to determine what additional traffic safety improvements are warranted along Cherry Valley Road a distance of two thousand two hundred and fifty (2,250 LF) linear feet from Cherry Hill Road to the recently completed Jefferson Curve improvements; and

WHEREAS, Princeton and the Township of Montgomery entered into an amended Shared Services Agreement in the amount of \$60,000.00 on the 14th day of July, 2014, in order to retain engineering, land surveying, environmental and land appraisal firms to prepare a geotechnical report, structural retaining wall design plans and land dedication documents for additional right-of-way, and provide permitting assistance for this section of Cherry Valley Road; and

WHEREAS, Sections of Cherry Valley Road are in need of significant repairs and both Princeton and Montgomery are separately having Top Line Construction complete repairs on each municipality's section of the road for maintenance purposes and Montgomery has requested that Princeton supply the bituminous materials for the necessary repairs, the cost for which will be reimbursed to Princeton upon the completion of the work; and

WHEREAS, The New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 authorizes and encourages local government units to join together to provide services in such a fashion as to reduce expenses to taxpayers; and

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

1. The Mayor and Clerk of Montgomery Township are hereby authorized and directed to enter into an amended Shared Services Agreement with the Municipality of Princeton to have Princeton supply the bituminous materials for the necessary repairs, the cost for which will be reimbursed to Princeton upon the completion of the work. It is estimated that up to 1,200 tons of I-2 bituminous material will be required for the Montgomery repairs. Based on Princeton's contract price of \$57.00 per ton that would amount to a total cost of \$68,400.00. The Agreement authorized by this Resolution is on file in the office of the Municipal Clerk and may be inspected during regular office hours.
2. This Resolution shall take effect upon the adoption of a reciprocal Resolution by the Municipality of Princeton.
3. Pursuant to N.J.S.A. 40A:66-4 et seq., a copy of the Resolution and the Agreement hereby authorized shall be sent to the New Jersey Department of Community Affairs, Division of Local Government Services and the Clerk of the Municipality of Princeton, Mercer County, New Jersey upon its adoption.

G. **RESOLUTION #15-4-97 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET FOR TRANSPORTATION SERVICES**

WHEREAS, The Township of Montgomery in Somerset County has the need to provide transportation services to certain residents; and

WHEREAS, The County of Somerset, Division of Transportation, has the proper equipment and qualified drivers and can provide transportation services to the Township.

(CONSENT AGENDA Item G Cont.)

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

1. The transportation services contract between the County of Somerset and Township of Montgomery authorizing the County to provide transportation services on weekdays between the hours of 8:30 a.m. and 2:00 p.m. to Township residents, as determined by the Township, as well as transportation services for weekend trips is hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the Township.
2. Said services shall be provided by the County at a rate of \$23.50 per hour worked for weekday services for a not to exceed amount of \$37,103.00; \$35.25 per hour for weekend trips; an hourly fringe benefit cost of \$12.97 per hour provided that the total not exceed \$18,705.00; and a \$48.68 per day operating cost for administrative costs incurred by the County.
3. The terms of the agreement shall be from January 1, 2015 through December 31, 2015.
4. The Clerk shall file a copy of this agreement for informational purposes with the Division of Local Government Services, Department of Community Affairs, in accordance with N.J.S.A. 40A:65-4.

H. **RESOLUTION #15-4-98 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - THROUGH THE SOMERSET COUNTY PROSECUTOR'S OFFICE - 2015 Click it or Ticket**

BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the application for the 2015 Click It or Ticket grant with the New Jersey Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montgomery Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I. **RESOLUTION #15-4-99 - DECLARING CERTAIN GENERAL EQUIPMENT AS SALVAGE FOR DISPOSAL**

WHEREAS, The Montgomery Township Planning Department desires to declare certain property as salvage for disposal.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee does hereby authorize the disposal of a large map rack.

- 13-1. Committeewoman Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

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

14. **RESOLUTION #15-4-100 - AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO CONDUCT A SELF-EXAMINATION OF THE 2015 BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, Pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Montgomery has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges.
 - b. Deferred charges and statutory expenditures.
 - c. Cash deficit of preceding year.
 - d. Reserve for uncollected taxes.
 - e. Other reserves and non-disbursement items.
 - f. Any inclusions of amounts required for school purposes.

(Item #14 Cont.)

2. That the provisions relation to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth,
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

- 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 - Smith, Graham, Trzaska, Madrid
Nays - None
Absent - Sugden

15. **RESOLUTION #15-4-101 - AMENDING CHANGE ORDER #1 - Fairview Road Reconstruction**

WHEREAS, Resolution #14-10-239 adopted on October 16, 2014, authorized the award of a contract for the Fairview Road Reconstruction to Top Line Construction in the amount of \$770,063.96; and

WHEREAS, Resolution #15-4-87 authorized a change order increase in the amount of \$133,786.33; and

WHEREAS, The amount of the change order increase was revised and work comprising Change Order #1 will result in a net increase in the original contract amount by \$60,204.83 (not \$903,850.29); 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 that:

1. The Amended Change Order #1 is hereby approved.
2. This Resolution, when counter-signed by Top Line Construction, shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$60,204.83 for a total contract amount of \$830,268.79, not \$903,850.29 as previously authorized by Resolution #15-4-87 on April 2, 2015.

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

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

16. **RESOLUTION #15-4-102 - CHANGE ORDER #1 - Pump Station Improvements Project**

WHEREAS, Resolution #13-8-202 adopted on August 15, 2013, authorized the award of a contract for the Pump Station Improvements Project to Quad Construction Company in the amount of \$1,440,000.00; and

WHEREAS, The Project includes the upgrades and improvement of the Montgomery Woods, Grayson Estates and Oxbridge Pump Stations; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to include increases for labor and materials; and

WHEREAS, The work comprising Change Order #1 will result in a net increase in the original contract amount by \$153,840.24 or 10%; 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.

(Item #16 Cont.)

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

1. Change Order #1 is hereby approved.
2. This Resolution, when counter-signed by Quad Construction Company, shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$153,840.24 for a total contract amount of \$1,593,840.24.

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

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

17. **RESOLUTION #15-4-103 - 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:

	AMOUNT
Mayor and Committee	
Salaries & Wages	\$ 3,000.00
Administrative & Executive	
Salaries & Wages	20,000.00
Municipal Clerk	
Salaries & Wages	25,000.00
Financial Administration	
Salaries & Wages	40,000.00
Network Operations	
Salaries & Wages	10,000.00
Assessment of Taxes	
Salaries & Wages	10,000.00
Collection of Taxes	
Salaries & Wages	10,000.00
Engineering Services & Costs	
Salaries & Wages	25,000.00
Public Buildings & Grounds	
Salaries & Wages	15,000.00
Other Expenses	25,000.00
Planning Board	
Salaries & Wages	10,000.00
Zoning Board of Adjustment	
Salaries & Wages	10,000.00
Disability Fund	
Other Expenses	10,000.00
Deferred Compensation	
Other Expenses	20,000.00
Fire Hydrant Service	
Other Expenses	100,000.00
Uniform Fire Safety	
Salaries & Wages	10,000.00
Police	
Salaries & Wages	350,000.00
Other Expenses	75,000.00
Road Repairs & Maintenance	
Salaries & Wages	100,000.00
Public Works	
Salaries & Wages	10,000.00
Board of Health	
Salaries & Wages	50,000.00
Other Expenses	10,000.00
Recreation	
Salaries & Wages	25,000.00
Adult School	
Other Expenses	50,000.00
Maintenance of Parks	
Salaries & Wages	25,000.00
Recycling Program	
Other Expenses	10,000.00
Construction Code	
Salaries & Wages	40,000.00
Telephone	
Other Expenses	10,000.00
Social Security System	
Other Expenses	200,000.00
Municipal Court	
Other Expenses	25,000.00

(Item #17 Cont.)

Pre School	
Salaries & Wages	100,000.00
Camp Kid	
Salaries & Wages	10,000.00
Total 2015 Temporary Appropriations for Operating Purposes	\$1,433,000.00
Sewer Utility	
Salaries & Wages	100,000.00
Other Expenses	165,000.00
Total 2015 Temporary Appropriations for Sewer Utility	\$265,000.00

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

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

18. **ORDINANCE #15-1488 - No Parking Green Avenue - Introduction**

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

AN ORDINANCE AMENDING SCHEDULE I OF CHAPTER VII,
"NO PARKING," OF THE CODE OF THE TOWNSHIP OF
MONTGOMERY (1984) TO PROHIBIT PARKING ON GREEN AVENUE.

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

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

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

19. **ORDINANCE #15-1489 - 2015 Sewer Service Fees - Introduction**

A. Mayor Madrid 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
2015 SEWER CAPACITY CHARGES AND 2015 SEWER SERVICE RATES.

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

19-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

20. **APPROVAL OF MINUTES - April 2, 2015**

The minutes of April 2, 2015 were approved as printed.

21. **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.

21-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

22. **SWIM TEAM PROCLAMATION**

Mayor Madrid stated that she and Deputy Mayor Trzaska would be presenting a proclamation to the swim team on April 24. The girls swim team are State champions and the boys went to the semi-finals.

23. **BOARD OF HEALTH**

Committeewoman Graham stated that the Board of Health had their strategic planning meeting. They had a facilitator and are setting goals trying to work out a strategic plan for improving the services of the Health Department.

24. **EARTH DAY FAIR**

Mayor Madrid reported that Sunday, April 19 would be the Earth Day Fair from noon to 4:00 p.m. Administrator Nieman stated that there were approximately 35 exhibitors and a paper, metal and electronics recycling program was planned for that day.

25. **ARBOR DAY**

Mayor Madrid and Committeewoman Graham spoke about the activities that would be taking place for Arbor Day.

26. **SKILLMAN PARK OPENING AND RIBBON CUTTING**

Committeewoman Graham reported that the Skillman Park Opening and Ribbon Cutting would take place on Thursday, April 23, 2015 at 10:00 a.m.

27. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County, New Jersey 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 subject to be discussed in this session is as follows:
 - Advice of counsel concerning the setting of terms and conditions for the sale of real property, specifically, the 1860 House, and affordable housing matters related thereto
3. It is unknown precisely when, if ever, the matters discussed in this session may be disclosed to the public. The terms and conditions for the sale of any property only be established by the governing body in an open meeting. It is possible that at the conclusion of the closed session, the governing body will reconvene in open session for the purpose of taking action.

27-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

28. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:52 p.m. on a motion by Committeeman Smith. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk