

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 4, 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, Smith and Sugden

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. **PROCLAMATION - MAGNA CARTA DAY**

WHEREAS, June 15, 2015, marks the 800th anniversary of the assent and granting of the Magna Carta, the Great Charter of the Liberties of England, by King John at Runnymede on the bank of the River Thames near Windsor; and

WHEREAS, The Magna Carta was exceptional in its prolonged influence on legal and constitutional thought in England as a statement of fundamental law, enshrining principles of human freedom and liberty; and

WHEREAS, Due to the principles embodied in the Magna Carta, English settlers in the American colonies brought forth colonial charters to protect individual liberties, and eventually enshrined these protection of rights in the United States Constitution in 1789; and

WHEREAS, The Magna Carta continues to be a source of inspiration in the universal struggle to advance human rights; and

WHEREAS, Promoting the understanding of the roots of our freedom is an important component in the civic education of the diverse citizenry of our Township; and

WHEREAS, It is therefore fitting and desirable that we commemorate this great and transformative event of 800 years ago.

NOW, THEREFORE, BE IT RESOLVED That, in recognition of this significant anniversary the Montgomery Township Committee designates June 15, 2015 as:

MAGNA CARTA DAY

in Montgomery Township, New Jersey.

- 4-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.
- 4-2. Two gentlemen who are local members of the Somerset Chapter of the Magna Carta Barons appeared to accept the Proclamation. The Somerset Chapter of the Magna Carta Barons is headquartered in Philadelphia. The members are documented descendants of the Barons or a number of the sureties who actually signed onto the Magna Carta. He explained that the organization is leaving soon to take part in the actual celebration of the day at Runnymede on June 15.

5. **PROCLAMATION - TOURETTE SYNDROME AWARENESS DAY - June 4, 2015**

WHEREAS, Tourette Syndrome (TS) is an inherited neurological disorder that is characterized by involuntary physical and vocal tics that occur many times a day; and

WHEREAS, Tourette Syndrome is often accompanied by other conditions such as attention deficit and obsessive compulsive disorder, learning disabilities, and depression; and

WHEREAS, The neurological disorder known as "Tourette Syndrome" (TS) affects more than 1 in 100 children. More than 20,000 school age children in the State of New Jersey alone are dealing with TS and although some of these cases are aided by medication, there is no standard treatment or known cure for this disorder; and

WHEREAS, There is an important need for more professional help with interest and expertise to identify, counsel and treat people with TS, with the lag time between initial onset of symptoms and proper diagnosis for those who do seek help still averaging more than seven (7) years; and

WHEREAS, Positive actions to assist those children and families dealing with TS would result from a broadening of public and professional knowledge and acceptance of TS; and

(Item #5 Cont.)

WHEREAS, The New Jersey Center for Tourette Syndrome is the first and only program of its kind in the nation and they are actively providing services to families, educating medical professionals, teachers, social workers and supporting research to understand the signs and treatments of TS.

NOW, THEREFORE, The Township Committee of the Township of Montgomery does hereby proclaim that Thursday, June 4, 2015 will be recognized as "TOURETTE SYNDROME AWARENESS DAY" in Montgomery Township, as a special day to promote understanding, compassion, and service for all of our fellow citizens who deserve and need our support to break the stigma that is related to Tourette Syndrome.

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

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 #15-6-137 - REFUND OVERPAID 2015 TAXES**

BE IT RESOLVED That a refund in the amount of \$1,435.50 be given to Zhang, Hanwei & Jinrong Li, 19 Riley Court, Skillman, NJ 08558 for the overpayment of 2015 taxes on Block 16002, Lot 9.04.

B. **RESOLUTION #15-6-138 - AUTHORIZING REDUCED PERFORMANCE GUARANTEE - JER Herring - Residential Parcel and Landscaping**

WHEREAS, Gail Smith, Township Engineer, has certified on May 29, 2015 that a performance guarantee posted for JER Herring - Residential Parcel and Landscaping may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a performance guarantee as specified in the Township Engineer's estimate dated March 28, 2015.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$63,568.58, reduced from \$226,289.28, be posted as follows:

10% cash	\$ 6,356.86
90% cash, Letter of Credit, or Surety Bond	\$57,211.73

C. **RESOLUTION #15-6-139 - REJECTION OF BID FOR ELECTRICAL SERVICES CONTRACT AND AUTHORIZATION TO RE-BID**

WHEREAS, Bids for Electrical Services were received and publicly opened on May 5, 2015; and

WHEREAS, It is the recommendation of the Purchasing Agent to reject and re-bid due to material defects in the bids.

NOW THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the aforesaid bid is hereby rejected and the Purchasing Agent is hereby authorized and directed to re-bid the Electrical Services Contract.

D. **RESOLUTION #15-6-140 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR CLEANING OF POLICE UNIFORMS - Belle Mead Dry Cleaners, LP**

WHEREAS, Resolution #14-5-117 adopted on May 15, 2014 awarded a contract to Belle Mead Dry Cleaners, LP for 12 months with the option to renew for a second year; 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; and

WHEREAS, 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 Township Committee finds that the services are being performed in an efficient manner; and

WHEREAS, There exists account 01-201-25-240-2-015 which will fund this service; and

(CONSENT AGENDA Item D Cont.)

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby approves the one year extension from June 1, 2015 to May 31, 2016 in an amount not to exceed \$36,000.00.

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

E. **RESOLUTION #15-6-141 - AUTHORIZING EXTENSION OF A CONTRACT FOR SUBMERSIBLE PUMP MECHANICAL REPAIR SERVICES FOR MONTGOMERY TOWNSHIP WASTEWATER TREATMENT FACILITIES - Municipal Maintenance Inc.**

WHEREAS, Resolution #12-8-189 adopted on August 12, 2012 awarded a three (3) year competitive contract to Municipal Maintenance Inc. with a two (2) year extension; 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; and

WHEREAS, Any price change included as part of 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 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 Township Committee finds that the services are being performed in an efficient manner; and

WHEREAS, There exist accounts (07-201-55-542, 07-201-55-543, 07-201-55-545 and 07-201-55-547) which will fund this item; 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.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Contract for Submersible Pump Mechanical Repair Services for Montgomery Township Wastewater Treatment Facilities is hereby extended to August 2016, retroactive to August 2014

- in an amount not to exceed \$60,000 from August 2014 to August 2015,
- in an amount not to exceed \$60,000 or an amount to be appropriated by the Township Committee from August 2015 to August 2016.
- budget year 2014, or an amount to be appropriated by the Township Committee,

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

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

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

8. **RESOLUTION #15-6-142 - AUTHORIZATION TO RATIFY AGREEMENT - Montgomery Township Superior Officers Association**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Township Clerk are hereby authorized and directed to execute a collective bargaining agreement with the Montgomery Township Superior Officers Association for a four-year period effective January 1, 2015 to December 31, 2018.

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

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

9. ORDINANCE #15-1491 - Deer Management - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CONCERNING ELIGIBILITY FOR DEER HUNTING PERMITS AMENDING SUBSECTION 9-9.e OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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 Committeewoman Graham and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4th day of June, 2015 and that notice thereof be published in an official newspaper as required by law.

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

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

10. ORDINANCE #15-1492 - Acquisition of Equipment-Sewer Capital 2015 - Introduction

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE ACQUISITION OF CERTAIN EQUIPMENT BY THE TOWNSHIP OF MONTGOMERY SEWER UTILITY AND APPROPRIATING \$4,500.00 THEREFOR FROM THE "SEWER CAPITAL IMPROVEMENT FUND" OF SAID TOWNSHIP.

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 June 18, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

10-1. 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, Graham, Trzaska, Madrid
Nays - None

11. ORDINANCE #15-1493 - Acquisition of Equipment-Capital Improvement Fund 2015 - Introduction

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE ACQUISITION OF CERTAIN EQUIPMENT BY THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$65,950.00 THEREFOR FROM THE "CAPITAL IMPROVEMENT FUND" OF SAID TOWNSHIP.

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 June 18, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

12. ORDINANCE #15-1494 - BOND - Providing for Various Capital Improvements - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$4,690,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$4,455,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

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 June 18, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

13. **ORDINANCE #15-1495 - BOND - Providing for Various Sewer Utility Improvements - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$6,626,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$6,626,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

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 June 18, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

13-1. 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, Graham, Trzaska, Madrid
Nays - None

14. **ORDINANCE #15-1496 - Acquisition of Property (Firmenich/Webster Farm) - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, AUTHORIZING THE EXPENDITURE AND CONTRIBUTION OF FUNDS FROM THE OPEN SPACE TRUST TO THE ACQUISITION BY THE MONTGOMERY FRIENDS OF OPEN SPACE OF INTERESTS IN PROPERTY DESIGNATED AS BLOCK 33001, LOTS 22 AND 22.01, MONTGOMERY TOWNSHIP MUNICIPAL TAX ASSESSMENT MAPS (REV. ED. 2013), ON MOUNTAINVIEW ROAD, IN THE TOWNSHIP OF MONTGOMERY, IN CONJUNCTION WITH THE STATE AGRICULTURE DEVELOPMENT COMMITTEE AND SOMERSET COUNTY.

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 June 18, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

15. **APPROVAL OF MINUTES - May 21, 2015**

The minutes of May 21, 2015 were approved as printed.

16. **PAYMENT OF BILLS**

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

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

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

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

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

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

17. **FIREWORKS COMMITTEE**

Deputy Mayor Trzaska mentioned that the Fireworks were scheduled for July 1. There was an update from the Fireworks Committee Chair stating that everything was set.

18. **POLICE OFFICER'S GRADUATION**

Mayor Madrid reported that she attended the graduation of the two new Police Officers with Administrator Nieman, Captain Palmer, and Captain Curry.

19. **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 with respect to affordable housing matters and anticipated litigation.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

19-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

20. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:51 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