

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
SPECIAL MEETING
December 21, 2015

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 8:00 a.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Madrid, Deputy Mayor Trzaska, Committeewoman Graham
Committeemembers Smith and Sugden were 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. **TRANSCO UPDATE**

Janice Barth, Cherry Brook Drive, asked about the thumping or hammering situation caused by Transco which occurred on Saturday, December 12. It was very shocking.

Mayor Madrid explained that there was a problem with the work that Transco was doing and they needed to do some emergency procedures to try to push through that. It was more than they anticipated and the Township was not real clear on what that procedure was and what the impact was going to be for residents. They were in violation of the hours that were set by the Township's noise ordinance. When the Township became aware of that and the impact of the residents in the area, they did talk with Transco's corporate headquarters and got the hours cut back so they ended at 5:00 p.m. on Sunday and resumed regular hours under the direction of the local Police.

Deputy Mayor Trzaska explained that the workers were pulling the pipe through the bore and it got stuck. To try to get it moving again, they used the thumper but that didn't work either.

Mayor Madrid stated that Transco still could not get the pipe through, so there are two options available and the Township will have to explore them further. The options that Transco gave are: 1. To continue with the thumper at some point, which would be on restricted hours; or 2. To cut the earth.

Mayor Madrid explained that Transco made application to NJDEP to be able to do a cut to lay the pipe. This would take about two to three weeks. The Township is trying to gather as much information as possible.

Ms. Barth asked who gave Transco permission to do the thumping on Saturday and Sunday? Mr. Nieman answered that no one gave permission. Ms. Barth stated that the Police Dispatcher she spoke to was nasty to her and to others and told them that Transco had all the permits they needed to be doing what they were doing. Mr. Nieman explained that the Somerset County Dispatchers would not have any information about the Transco pipeline except that they were working there. Transco did this work with no one's permission, despite what they have told some people. The Police were sent out to the site to get them to stop work. Transco workers told the officers that they would not stop. It was only after Mr. Nieman spoke to Transco offices in Houston, that the work was stopped.

Ms. Barth inquired as to who was in charge of the dispatchers. She stated that it was a mistake to give up the Township's dispatchers. The Township's Police officers and employees were always so nice and very cooperative. She has never had one bad encounter. She was very shocked when she was calling with a problem and the person on the phone told her to be quiet and stop interrupting, and would not give her his name, only his dispatch number. Administrator Nieman stated that he would talk to the Director of Public Safety, who oversees the County Dispatching.

Committeewoman Graham stated that she thinks the Township Committee should have a discussion with the Township's Attorney, in Closed Session, sometime in the near future about what the Township's legal options are.

Mayor Madrid stated that she was told that there really was nothing the Township could do, except for fining them for violations of the Township's ordinances.

Clem Fiori, Open Space Committee Chair, asked if there had been a proposal by Transco to stop work now and to resume again at a later date to do open trench installation of the section using horizontal directional drilling. Mayor Madrid stated that there was an application pending with the Department of Environmental Protection to do that cut. Attorney Hadinger stated that the Township hasn't evaluated it or taken a position on it as yet. Mr. Fiori requested that whenever it is discussed by the Township Committee, they get whatever input they can from the Open Space Committee and the other local conservation groups. This was the most important area of concern that the Open Space Committee had when they met with Transco at the beginning of this whole project. This is the most sensitive area of lands that they have to go through. This stream corridor land is very fragile.

(Item #4 Cont.)

Mayor Madrid stated that the impact on the environment is important, but she felt at this point the biggest concern was the impact on the residents. The Township is able to cut them back to normal business hours and violate them if they continue to violate the ordinance.

Attorney Hadinger stated that any application that changes any permit requires a public hearing before the Department of Environmental Protection. The public hearing will likely be held within the confines of the Township.

Mr. Fiori stated that he hoped that the Township would allow the Open Space Committee to have some input on the rest of the project. He spoke about how, in the beginning, Transco was very supportive of returning the land to better shape than before the work, and he wondered if they would still feel this way.

Allan Bien, representing the Sourland Mountain Alliance, reiterated Clem Fiori's statements and concerns.

Carol Johnston, Cherry Brook Drive, spoke about the thumping that occurred December 12. She stated that it sounded like a jackhammer outside her window, and she was not able to sleep much that night. As a government lawyer, she questioned how they could be doing this and why the Township allowed this against their noise ordinance. She urged that the Governing Body explore what the town can do so this will not occur again.

Deputy Mayor Trzaska asked what the next steps are for the Township with regard to the application filed with the New Jersey Department of Environmental Protection. Attorney Hadinger stated that the first step is to get as much information as possible about what the options are and to weigh them. What the Township has heard so far, is there are two options: hammer or cut. She had no idea if those are truly the only two options or whether there are ways to mitigate either one of those options in a way that has not yet been discussed or explored. In order to do an open cut, there will be a permit application to the DEP. She is given to understand that Transco has started that process, and there would be a public hearing held. She stated that she had heard that it would be held in the Township. The Department of Environmental Protection will be looking for comments from the Township, its residents, boards and committees.

Committeewoman Graham stated that one problem the Township has is that they are in a position where it seems like Transco has not been really forthright with the Township, not telling the Township exactly what they are going to be doing and exactly what the impact is going to be. She further stated that Transco has gone back on some of the representations they have made to the Open Space Committee and to the Governing Body. Attorney Hadinger stated that an open cut is not what was authorized and that is the reason it needs permitting to be required. Mayor Madrid stated that the hammering was also not authorized. Transco ran into a problem but the impact was greater than what was represented to the Township and they worked hours well in excess of what they were authorized.

Committeewoman Graham inquired what the Township's option is when the Police go to the site and ask them to stop and they don't. She felt that was totally unacceptable.

5. **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 #15-12-296 - REFUND OVERPAID 2015 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
7002	23	Jody L. & Marcus J. McCall	\$2,459.66
7016	16	Break Water Title Agency, LLC	\$3,793.71
7019	61.13	CitiMortgage, Inc.	\$5,561.54
24001	14.02	Dov Torenberg & Ximena Florez	\$ 773.80
28003	157	Vishal Mital	\$4,714.64
37002	1.081	Yuzheng Zhang & Tianhang Huang	\$1,970.36

B. **RESOLUTION #15-12-297 - REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS, The Township received payment for the redemption of Tax Sale Certificate #2015-17 in the amount of \$10,201.98.

BE IT RESOLVED, That a refund in the amount of \$10,201.98 be given to TWR as Cst for Ebury Fund 1 NJ LLC, P.O. Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #2015-17 on Block 34023 Lot 20.

(CONSENT AGENDA Item #4 Cont.)

C. **RESOLUTION #15-12-298 - CANCELLATION OF 2015 TAXES AND SEWER CHARGES**

WHEREAS, Township of Montgomery Ordinance Number 11-1383 authorized the acquisition by gift of Block 11001, Lot 38.01 and Block 12001, Lot 11; and

WHEREAS, Block 11001, Lot 38.01 and Block 12001, Lot 11 are listed in the Township of Montgomery Tax Duplicate as being owned by the Township of Montgomery; and

WHEREAS, Taxes were incorrectly allocated to Block 11001, Lot 38.01 and Block 12001, Lot 11 for the Year 2015 and remain outstanding.

NOW, THEREFORE, BE IT RESOLVED, That the following Outstanding 2015 Taxes are presented to the Township Committee for cancellation via resolution.

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Quarter</u>	<u>Amount</u>
2015	11001	38.01	2 nd	7.18
			3 rd	7.38
			4 th	7.32
2015	12001	011	1 st	68.19
			2 nd	68.19
			3 rd	70.09
			4 th	69.60

D. **RESOLUTION #15-12-299 - CANCELLATION OF GRANT RECEIVABLES AND APPROPRIATIONS**

WHEREAS, The Montgomery Township independent auditors Supplee, Clooney & Company recommends an ongoing review of outstanding grant receivables and grant reserve balances for possible cancellation; and

WHEREAS, There are grants where the full budgeted funding will not be received; and

WHEREAS, There are grants where the funding appropriations were incorrectly entered during 2015.

NOW, THEREFORE, BE IT RESOLVED, That the following Grant Receivables and Grant Appropriations be cancelled.

<u>Grant Receivables</u>	
Drive Sober or Get Pulled Over	\$ 94.62
Chronic Disease Self-Management	\$ 12,000.00
<u>Grant Appropriations</u>	
Drive Sober or Get Pulled Over	\$ 94.62
Chronic Disease Self-Management	\$ 12,000.00

E. **RESOLUTION #15-12-300 - CANCELLATION OF OUTSTANDING UNPAID CHECKS**

WHEREAS, There exists outstanding unpaid checks on the books of the Township of Montgomery; and

WHEREAS, The checks are all drawn on Bank of America and Montgomery no longer utilizes that banking institution.

NOW, THEREFORE, BE IT RESOLVED that the following checks be cancelled:

CURRENT FUND	
<u>CHECK #</u>	<u>AMOUNT</u>
64446	61.72
64642	2,070.00
64806	1,077.23
65147	1,000.00
65576	47.18
65720	39.62
65743	155.00
65802	48.49
65879	165.00
65904	52,995.55
65921	150.00
65929	135.00
65935	135.00
	<u>58,079.79</u>

SEWER	
<u>CHECK #</u>	<u>AMOUNT</u>
15132	220.50
65972	211.54
	<u>432.04</u>

ANIMAL	
<u>CHECK #</u>	<u>AMOUNT</u>
2912	100.50
65972	11.28
	<u>111.78</u>

OPEN SPACE	
<u>CHECK #</u>	<u>AMOUNT</u>
65972	11.28

(CONSENT AGENDA Item E Cont.)

TRUST

<u>CHECK #</u>	<u>AMOUNT</u>
5662	182.50

RECREATION

<u>CHECK #</u>	<u>AMOUNT</u>
6519	180.00
6520	<u>225.00</u>
	405.00

F. RESOLUTION #15-1-301 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2015 SAFE CORRIDORS PROGRAM

NOW, THEREFORE, BE IT RESOLVED That Township Committee of the Township of Montgomery formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as HSF-2015-Montgomery Township-00018 to the New Jersey Department of Transportation on behalf of the Township of Montgomery; and

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

G. RESOLUTION #15-12-302 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH PRINCETON - Health Education Services

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Princeton Health Department to provide Health Education Services from January 1, 2016 through December 31, 2016.

H. RESOLUTION #15-12-303 - AUTHORIZING PURCHASE OF DIESEL AND HEATING OIL UNDER MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State Co-Op per N.J.S.A.40A:11-12; and

WHEREAS, The Township of Montgomery has determined the following cooperative pricing system identifier 6MOCCP-Contracts #2 for fuel oil for heating and #12 for diesel fuel has provided the Township with the most competitive price for these items/services; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for these purchases in account #01-201-31-446-242 (heating oil) and account #01-201-31-460-245 (diesel fuel).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery that effective January 1, 2016, the following purchases for heating oil and diesel fuel at a not to exceed amount of \$85,000 (heating oil) and \$150,000 (diesel fuel) be authorized through the utilization of the Morris County Co-Operative Pricing Council Contract to:

Allied Oil
P.O. Box 392
25 Camplain Road
Manville, NJ 08835

I. RESOLUTION #15-12-304 - TO AUTHORIZE AUCTION OF USED TOWNSHIP VEHICLES AND EQUIPMENT

WHEREAS, The Township of Montgomery has determined that certain personal property as described below, is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that such personal property be sold at public auction to the highest bidder.

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

1. The below listed schedule of Township property is declared surplus and no longer needed for public purposes;
2. The Purchasing Agent is hereby authorized and directed to advertise public sale of said personal property to be sold on GovDeals.com, a State of New Jersey authorized web based auction. Said sale shall commence within ten (10) days of approval by the Township Committee.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction and in accordance with the procedure to be announced.

(CONSENT AGENDA Item I Cont.)

VEHICLES

2009	Ford Crown Victoria	2FAHP71V09X124498
1999	Ford F-250 Pick-Up 4x4	1FTNF21LOXEB55508
1988	Inthr Bucket Truck w/Chipper Box	1HTLDUXPOJH549022
1985	Inthr Diesel w/Plow Sander	1HTLCHYN7FHA58061
1996	Jeep Cherokee LT Sedan Chevy 4x2	1J4FJ28S5TL273070
1995	Briggs & Station 5HP Log Splitter	
1980	17 HP Kohler Asphalt Roller	
1998	Ford Expedition	1FMPU18LWLC36604
2009	Ford Crown Victoria	2FAHP71V69X124490
2008	Ford Crown Victoria	2FAFP71VX8X130699
2007	Ford Crown Victoria	2FAHP71W17X136469
1999	Chevrolet Lumina	2G1WL52K3X9233750
2001	Ford F-250 Pick-Up 4x4 w/Snow Plow	1FTNF21L6EB32726

EQUIPMENT

Three (3) - Thern Model M452B-K winches and hoists

J. **RESOLUTION #15-12-305 - DECLARING CERTAIN TOWNSHIP EQUIPMENT AS SALVAGE - Sewer Utility**

WHEREAS, The Township of Montgomery currently owns various equipment that the Director of Wastewater Operations has determined is no longer needed for public use; and

WHEREAS, The Township desires to dispose of said salvage personal property.

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

The Purchasing Agent and Director of Wastewater Operations are hereby authorized and directed to dispose of said personal items.

Muffin Monster model #VCS-3115, 5 HP communitor
Flygt pump, submersible - 15 HP, #3152.181.6259 w/ misc. plumbing parts
Honda trash pump, model #WT30X
Flygt submersible pump, model 2610170-6047, 2 HP
Pressure washer, model Mi-T-M Corporation 2204
Generator Onon GenSet, Model # 15.OJC-18R/10176 AB, serial #E8507632-12, 10 kW
Control panel, Essex Engineering Corporation
Gearbox Flender Model, Serial #043-223-018-1-3, 15 HP
Enerpac hydraulic cylinder, model # RR-1010
Teel pump - Model 4RH40, serial #C48L2N118, 1.5 HP pump, 1 phase
Darco pump - model 2000D-00006c-001, serial #M3950-4A
Darco pump - model # 2000D-0006C-001, Serial # 654-79M-5
Roots Blower - model 56URAI, serial #SR00021957
BJM pump - model VO8C, serial #42026, 1HP
Dell computer monitor, model #M781P, serial #000185-00
Simplicity Vacuum cleaner - model #6870, serial #5B0415762
Curtis Mathes TV - model CMC19410, Serial #3CBTC01803D

K. **RESOLUTION #15-12-306 - APPROVAL OF 2016 RECYCLING AGREEMENT WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, Pursuant to its duly approved Solid Waste Management Plan and amendments thereto, the County of Somerset has established a mandatory countywide recycling program; and

WHEREAS, The duly approved Solid Waste Management Plan and amendments thereto call for the execution of agreements by and between Somerset County and municipalities located within the County; and

WHEREAS, The Township of Montgomery desires to participate in the recycling program; and

WHEREAS, The execution of a contract with Somerset County for the provision of recycling services pursuant to N.J.S.A.13:1E-99.14 is, pursuant to N.J.S.A. 40A:11-5(2), an exception to the public bidding requirements established by the Local Public Contracts Law; and

WHEREAS, The Chief Finance Officer has certified the extent to which funds for this contract are available pursuant to the temporary budget (Somerset County Mandatory Recycling Program).

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County that the Mayor and Clerk are hereby authorized to execute an agreement with Somerset County for the provision of recycling services for a one-year term beginning January 1, 2016 through and including December 31, 2016.

(CONSENT AGENDA Cont.)

L. **RESOLUTION #15-12-307 - AUTHORIZING A SEWER PARTICIPATION AGREEMENT - 1395 GR, LLC Block 32001, Lot 11**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with 1395 GR, LLC related to sewer capacity in the Cherry Valley Sewage Treatment Plant for Block 32001, Lot 11.

M. **RESOLUTION #15-12-308 - REJECTING REQUEST FOR PROPOSALS SUBMITTED FOR MULTI-SPORTS CAMP**

WHEREAS, The Montgomery Township Recreation Department solicited a Request for Proposals for Multi-Sports Camp; and

WHEREAS, The proposals were opened on December 2, 2015; and

WHEREAS, Upon review of the Request for Proposals, it was determined that there were errors made by the Township in the original documents.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby rejects all proposals and will authorize the solicitation for a new Request for Proposals in 2016.

N. **RESOLUTION #15-12-309 - RESOLUTION 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 1002 MCKINLEY COURT**

WHEREAS, Applicant 2015-9 ("Tenant") will be renting 1002 McKinley Court, 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 Tenant has 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 Tenant's application and qualified the Tenant for the requested assistance; and

WHEREAS, The amount of the requested loan for a security deposit will be paid directly to the landlord, M&G McKinley Investments, LLC, by the Township; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to the Tenant in the amount of nine hundred and eight dollars (\$908.00); and

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

NOW THEREFORE BE IT RESOLVED On this 21st day of December, 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 Tenant and Landlord, and provide Tenant 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.

O. **RESOLUTION #15-12-310 - RESOLUTION 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 810 MCKINLEY COURT**

WHEREAS, Applicant 2015-10 ("Owner") is under contract to purchase 810 McKinley Court, Princeton, NJ 08540, 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 down payment assistance loan through the Montgomery Township's Affordability Assistance Program toward the purchase of 810 McKinley Court, Princeton, NJ 08540; 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 Loan for down payment assistance is \$14,797.20 and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a Loan to the Owner in the amount of \$14,797.20; and

WHEREAS, The funding for the Loan will come from the Montgomery Township Affordable Housing Trust Fund.

(CONSENT AGENDA Item 0 Cont.)

NOW, THEREFORE, BE IT RESOLVED On this 21st day of December, 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 Affordability Assistance Program Repayment Agreement with Owner and provide Owner with a loan to be used as a down payment toward the purchase of an affordable housing unit located at 810 McKinley Court, Princeton, NJ.
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.

P. **RESOLUTION #15-12-311 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH SOMERSET COUNTY FOR PRINTING SERVICES**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement between the Township of Montgomery and Somerset County with respect to printing services at the County print shop facility.

- 5-1. 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 - Graham, Trzaska, Madrid
Nays - None
Absent - Sugden, Smith

6. **RESOLUTION #15-12-312 - AUTHORIZING EXTENSION OF A COMPETITIVE CONTRACT FOR SEWER EXCAVATION SERVICES - WATERS & BUGBEE**

WHEREAS, Resolution #12-12-282 adopted on December 6, 2012 awarded a 2 year competitive contract to Waters & Bugbee for sewer excavation services with a one year extension; and

WHEREAS, Resolution #14-12-261 adopted on December 4, 2014 extended the contract an additional 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; 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, The contract will not exceed \$100,000 for the extended year; and

WHEREAS, There exists an account #08-216-55-901-1473B 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 That Montgomery Township Committee hereby approves the one year extension on the above-described terms to December 6, 2016.

- 6-1. 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 - Graham, Trzaska, Madrid
Nays - None
Absent - Sugden, Smith

7. **RESOLUTION #15-12-313 - TRANSFER OF FUNDS**

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

WHEREAS, There are sufficient funds to be transferred to those accounts as stated to meet the needs of the Township.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Chief Finance Officer to make the following transfers:

(Item #7 Cont.)

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
MAYOR AND COUNCIL (O&E)		3,000.00
MUNICIPAL CLERK (O&E)		500.00
POLICE (O&E)		1,500.00
FINANCE (S&W)		10,000.00
NETWORK (O&E)		5,000.00
GIS (O&E)		5,000.00
LEGAL (O&E)		10,000.00
MASTER PLAN (O&E)		5,000.00
LIABILITY INS - DEDUCTIBLES (O&E)		10,000.00
	SHADE TREE (O&E)	500.00
	ADMISTRATION (O&E)	2,500.00
	PRE SCHOOL (S&W)	45,000.00
	MUNICIPAL CLERK (S&W)	500.00
	POLICE (S&W)	1,500.00
UTILITY - LEGAL (O&E)		10,000.00
STAGE II SEWER B (O&E)		25,000.00
ALL PLANTS SEWER C (O&E)		5,000.00
	SKILLMAN SEWER A (O&E)	10,000.00
	PIKE BROOK SEWER E (O&E)	30,000.00

7-1. 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 - Graham, Trzaska, Madrid
 Nays - None
 Absent - Sugden, Smith

8. **APPROVAL OF MINUTES**

The Regular Session minutes of December 3, 2015 were approved as printed.

9. **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.

9-1. 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 - Graham, Trzaska, Madrid
 Nays - None
 Absent - Sugden, Smith

10. **TRANSCO UPDATE**

Committeewoman Graham inquired as to the timing of when the Department of Environmental Protection hearing might be held. Attorney Hadinger stated that it was her understanding there would be a meeting in early February. She explained that Committeeman Smith had communication from Transco over the weekend and indicated that there would be a meeting in early February with the New Jersey Department of Environmental Protection to discuss Transco's current application requesting the open cut trench method for the remaining section. Transco submitted this request several weeks earlier, as soon as they ran into drilling problems. The Township sided with the Department of Environmental Protection in requiring the drilling method through this area. She also indicated that operations are shut down until January 4, but it is unclear as to what would happen January 5 when operations resume. Mayor Madrid stated that there would need to be further communication with Transco in advance of the January 4 date to make sure the Township knows what, if anything, would happen on January 5. Attorney Hadinger explained that she reached out to Transco's attorney who indicated she was going to follow up and get some information to the Township Attorney, Committeeman Smith and Township Engineer Gail Smith. Mayor Madrid would like any information turned over to the Township Engineer, the Township Attorney and the Township Administrator for them to process and report back to the Governing Body. She further stated she would like the Township Engineer's role to be increased to where it should have been all along.

ADJOURNMENT was at 8:40 a.m. on a motion by Deputy Mayor Trzaska. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

 Donna Kukla, Township Clerk