

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
April 21, 2016

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 Graham, Deputy Mayor Trzaska, Committeemembers Smith, Madrid and Conforti

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

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

4. **POLICE REPORT**

Police Lieutenant Wain reported on the following activities of the Police Department for the month of February, 2016:

-- 50 motor vehicle accidents;
-- 13 arrests;
-- 1 thefts;
-- 1 burglary;
-- 1 criminal mischief;
-- 1 domestic violence.

Police Lieutenant Wain reported on the following activities of the Police Department for the month of March, 2016:

-- 52 motor vehicle accidents;
-- 13 arrests;
-- 5 thefts;
-- 1 burglary;
-- 3 criminal mischief;
-- 3 domestic violence.

Lieutenant Wain reported that the newest Police Officer, Jesse Peterson, would be graduating from the Mercer County Police Academy on April 22 at 9:00 a.m.

5. **RESOLUTION HONORING THE MONTGOMERY HIGH SCHOOL GIRL'S FENCING TEAM**

WHEREAS, Through hard work, great coaching and talent, the Montgomery High School Girls Fencing Team accumulated an outstanding perfect 16-0 record in its 2015/2016 season; and

WHEREAS, The Cougar team displayed poise, determination, heart and extraordinary skill, earning a reputation for good sportsmanship and professionalism; and

WHEREAS, The Montgomery High School Girls Fencing Team earned the titles of Somerset County Champions, Conference Champions, District Champions, State Foil Squad Champions and Team State Champions; and

WHEREAS, The team was supported in its efforts by Coaches Johanna Snedeker and Steve Caputo, Assistant Coach Bill Dominick and Boys Head Coach Tim Sullivan.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates the Montgomery High School Girls Fencing Team State Champions on their outstanding achievements and commends them for their hard work and team spirit:

Athena Barrett	Claire Cai	Niharika Chandrasekar
Jackie Cho	Nasya Hristov	Phoebe Lai
Madison Larkin	Sijia Liang	Peiyuan Lo
Melissa Louie	Megan Luo	Ellen Mei
Pooja Rao	Ruha Reddy	Chandra Sayani
Alina Sigalov	Chloe Sofield	Laura Sun
Elizabeth Tieu	May Tieu	Leona Tomy
Amy Wang	Kim Wang	Kelsey Woodard
Brenda Yang	Helen Zhang	Phoebe Zhang
	Emily Zhao	

- 5-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.

- 5-2. Coach Steve Caputo explained that the young woman who comprised the Montgomery High School Girls Fencing Team were the greatest bunch of young woman they could ever hope to have. They are poised, exhibit character, integrity and sportsmanship. He stated that the coaches try to build a culture of self-respect and self-esteem. They also try to build a sense of love among the teammates and support. He explained that there is a mentorship program, where the older girls take a younger girl and teach them. He stated that some of the girls are also fencing in international events. He stated that Coach Snedeker was honored by the New Jersey Interscholastic Fencing Association as Coach of the Year. He and some of the girls showed and explained the weapons and demonstrated the various techniques.

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- 5-3. Mayor Graham congratulated the team and the coaches. She stated that the girls put a lot of hard work into this, but also the coaches who inspired the girls and worked just as hard, if not harder to get the team to where it is today.
- 5-4. Coach Johanna Snedeker thanked the Township Committee for this honor. She stated that this was an extraordinary group of girls who share the common goal of loving this particular sport and dedicating so much time and effort to it. It was such an honor to be a part of this program.

6. **PROCLAMATION - Building Safety Month - May, 2016**

WHEREAS, Montgomery Township's continuing efforts to address the critical issues of safety, energy efficiency water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and

WHEREAS, Our confidence is achieved through the devotion of vigilant guardians - building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry - who work year-round to ensure the safe construction of buildings; and

WHEREAS, These guardians - dedicated members of the International Code Council - use a governmental consensus process that brings together local, state and federal officials with expertise in the build environment to create and implement the highest quality codes to protect Americans in the buildings where we live, learn, work, worship and play; and

WHEREAS, The International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety - our local code officials - who assure us of safe, efficient and livable buildings; and

WHEREAS, "Building Codes: Driving Growth through Innovation, Resilience and Safety" the theme for Building Safety Month 2016, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, water safety and conservation; and energy efficiency and new technologies in the construction industry. Building Safety Month 2016 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and

WHEREAS, Each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and stated building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, The Township Committee of the Township of Montgomery does hereby proclaim the month of May 2016 as Building Safety Month. Accordingly, we encourage our citizens to join with their communities in participation in Building Safety Month activities.

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

7. **REPORT FROM WILDLIFE MANAGEMENT COMMITTEE**

Ryan Logan, Wildlife Management Committee Chair, presented the following 2016 Montgomery Hunting Program proposed changes:

- Dead Tree Run property - increase from 4 hunters to 6 hunters;
- Ingersoll Rand property - decrease from 16 hunters to 12 hunters;
- Montgomery Woods property - change back to a Supplemental property;
- Allow incidental hunting of turkey during Fall turkey season;
- Allow incidental hunting of fox during the deer seasons;
- Allow incidental hunting of black bears during the October and December hunting seasons.

He also suggested introducing youth hunting, 10 to 17 year olds, on Fridays and Saturdays to the program with the following rules and regulations:

- Signed permission slip from parents and hunter, taking responsibility for the youth's actions;
- Insurance and class attendance, just like adult hunters;
- Same tree stand or blind as adult hunter;
- Only two youth hunters per property, and may only hunt on Fridays and Saturdays;
- Adult hunter will be charged an additional \$50.00 per year if they have a youth hunting with them, and there would be a limit of one youth per adult hunter and a limit of 2 youths per property, excepting Supplemental properties.

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He proposed the following 2016-2017 hunting season dates:

- Fall bow (deer) - September 10 to October 28, 2016
- Permit bow (deer) - October 29 to December 24 and December 26 to December 31, 2016
- Permit muzzleloader (deer) - TBD by New Jersey Fish & Wildlife
- Permit shotgun (deer) - TBD by New Jersey Fish & Wildlife
- Six Day firearms (deer) - December 5 to December 10, 2016
- Winter bow (deer) - January 1 to February 18, 2017
- Fall turkey - October 29 to November 5, 2016
- Fox season - September 10, 2016 to February 18, 2017
- Bear season - October 10 to 15, 2016 and December 5 to 10, 2016

Mayor Graham asked if the incidental hunting was traps? Mr. Logan stated that it was not traps. He explained that if a hunter was out deer hunting and came across one of these other animals, they could try to kill it. He stated that the black bear population is increasing quickly and they are moving more south. Committeewoman Madrid stated that had been some black bear sightings in the Sourland Mountain area.

Mayor Graham asked if any youth hunting would be with a specific weapon or would they be allowed to use any weapon that the adult hunters use. Mr. Logan stated that he was proposing any weapon, but that decision would be up to the Governing Body. Deputy Mayor Trzaska stated that he would be interested in trying the youth hunting program, but keeping it to bow hunting to start. Committeeman Smith stated that he didn't have a problem with gun hunting for youth, but he would ask that the minimum age be raised. Mayor Graham explained that she had a significant issue with the youth hunting because if a youth is out and gets hurt while they are hunting, they are participating in a Township program and can sue the Township. Attorney Hadinger explained that Mayor Graham was correct that a youth could sue the Township even if his/her parent or guardian signed a release. Mr. Logan asked if the hunter's required insurance would cover that kind of situation. Administrator Nieman stated he would ask the Township's insurance consultant.

Administrator Nieman asked if the Wildlife Management Committee had discussed the proposed Deer Feeding Ordinance. Mr. Logan asked if it would stop the hunters from being able to bait deer on their hunting property. Administrator Nieman stated that it would not. He explained that it pertained to residents who were feeding deer in their driveways in residential neighborhoods. Mr. Logan inquired if there could be some kind of acreage restraint on it. Attorney Hadinger explained that this ordinance is in the very preliminary stage and the Governing Body just wanted to hear some of the Wildlife Committee's opinions and concerns.

8. **TAX ASSESSOR'S REPORT**

Ryan Riccio, Tax Assessor, gave a brief update on the status of the Township's County Tax Board Appeals. The hearings for Montgomery's appeals should be held in May. The appeal numbers are down throughout the County for 2016. This year Montgomery has 34 tax appeals, which is the lowest number in the 6 years he has worked for the Township. In the last 3 years, the number of tax appeals has gone down continuously. The ratio has stabilized in the past couple of years, hovering between 80.26% and 84.22%. This indicates that the market is somewhat stabilized.

Committeeman Smith asked what information is required when someone comes in to file a tax appeal and how much authority does Mr. Riccio have, on the spot, to give them a tax lowering. Mr. Riccio explained that a tax appeal is a formal matter that has to be filed at the County Tax Board. He does take calls and questions from people who inquire as to why their assessment is so high compared to other comparable properties. He is more than willing to sit with these people and explain the whole process.

Committeeman Smith asked how commercial properties are taxed. Mr. Riccio explained that they are taxed according to their value, just like any other property. Everything is assessed according to its market value.

Administrator Nieman stated that a number of years ago, Montgomery Township decided to get out of the annual reassessment program. If there was a desire to get back into it, the County Tax Board has stated that the Township would have to do a revaluation before beginning the implementation. Currently, the Township is not going to be asked to do a revaluation imminently.

9. **PUBLIC COMMENT**

9-1. Rohit Bhalla, Concord Lane, spoke about the Williams-Transco pipeline. A section runs through his backyard. Williams-Transco was approached in 2014 and told to comply or there would be consequences. He was told that Transco would be on the property for two weeks and everything would be restored back to normal when they left. This was not the case. There were numerous safety hazards. Half of the pipeline was not fenced in where children would be playing. The pipeline was placed on wooden crates where children could easily get to it. He tried to contact the person who was in charge of the land project, but that was futile as most of the time he was not given any answers. He stated that there were traffic issues as well, such as trucks blowing through stop signs while children were waiting at the bus stop. Supposedly they filled everything in by the end of October, beginning of November of 2015. The ground has begun to sink and there are multiple areas of sink holes throughout the entire neighborhood. Transco was alerted to this with no response from the company. He inquired of a landscaper about how to fix this. The landscaper contacted Transco, and the homeowner was given a "cease and desist" letter stating that he is not allowed to touch that property and that they will restore it whenever they get a chance. He stated that his son has already been injured twice while playing in his own backyard. His neighbor is already in litigation with Transco because they are not complying, and he is starting to think about doing the same. Before he took that step, he inquired if Transco is accountable to anyone in the Township or was there anything that could be done to speed up the process.

Mayor Graham explained that the difficulty is that they are not really accountable to the Township and there have been many issues with the pipeline.

Attorney Hadinger stated that they are accountable to the Township for items such as road opening permits and going on public property. Unfortunately, they are only accountable to FERC, the Federal Regulatory Agency. As far as private property, the Township does not have any control. The Township can support Mr. Bhalla's efforts, if he is working with communicating with FERC about the property not being restored properly, but the Township doesn't have a direct ability to make Transco correct these issues.

Administrator Nieman stated that he had walked the pipeline on the property and the depression was anywhere from 6 inches to 1 foot lower than the surrounding areas. When they reseeded there were areas where no topsoil was applied. If you didn't see the depression and were running, you would definitely be able to twist an ankle. He indicated to Mr. Bhalla that the Township would reach out to Transco, but he wanted Mr. Bhalla to know that the Township does not have the authority to make Transco do the work. He asked Mr. Bhalla to send him the names of the people at Transco that he spoke with or contacted and pictures of the backyard.

9-2. Sreya Chhugani, Fieldstone Road and Hannah Ableman, Whippoorwill Way, representing Cougars in Control, a club at Montgomery High School which focuses on safe driving awareness spoke about their club. They stated that they specifically focused on the Graduated Driver License laws. They compete in a state-wide program called the Champion School Program. There is an Association who gives out grants worth approximately \$22,000.00 to schools that work for education in safe driving. This is the third year the Cougars in Control club is working toward their goal. They have already won an honorable mention and they won second place in 2015. They promote several events to help them win first place. Reaching out to the community is something that the judges of this program would like to see. By appearing before the Governing Body they are making an effort to involve the community members. On April 30 they are holding one of their largest events of the year. It is called Glow for GDL, which is a 5K run and 1 mile walk held at Montgomery Park. This event is to raise awareness for the Graduated Driver License laws. In 2015, they had over 150 participants and raised approximately \$1,500.00. They asked if there was any advertising opportunities the Township Committee could help them with.

Mayor Graham inquired if the event was listed on the Township's website and if it wasn't it should be. She explained that they should call our Community Information Officer to have it put on the website.

10. **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 #16-4-98 - REDEMPTION OF TAX SALE CERTIFICATE #2015-09**

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #2015-09 in the amount of \$3,602.46.

BE IT RESOLVED That a refund in the amount of \$3,602.46 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2015-09 on Block 7019 Lot 61.18.

Tax Lien Redemption

Certificate Amount	\$ 524.18
Subsequent Charges	\$ 1,066.16
Interest Amount	\$ 46.64
Redemption Fee	\$ 10.48
Recording Fee	\$ 43.00
Search Fee	\$ 12.00
Premium	\$ 1,900.00
TOTAL	\$ 3,602.46

(CONSENT AGENDA Cont.)

B. RESOLUTION #16-4-99 - CANCELLATION OF GRANT RECEIVABLES AND GRANT APPROPRIATIONS

WHEREAS, The Township of Montgomery has been notified by the State of new Jersey Department of Human Services - Division of Aging Services that a final close has been performed on the Chronic Disease Self-Management Grant; and

WHEREAS, There exists \$8.57 of Unappropriated Funds.

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

Grant Appropriations	
Chronic Disease Self-Management Grant	\$8.57

C. RESOLUTION #16-4-100 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Montgomery Rodeo

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Montgomery Business Association has requested approval of the Township Committee to conduct an Outdoor Assembly/Championship Rodeo on the property of Frank and Noel Drift, Sunset Road, Block 16001, Lot 6Q on June 11 and 12, 2016.
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) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations and shall employ one (1) Private Duty Police Officer at each event.
4. The organizers will obtain the required health certificates from the Township Health Department.
5. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

D. RESOLUTION #16-4-101 - APPROVAL OF OUTDOOR ASSEMBLY - County of Somerset Employee Wellness Committee 5K Race to Wellness

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The County of Somerset Employee Wellness Committee has requested approval of the Township Committee to conduct a 5-K race on June 8, 2016 at Skillman Park in Skillman, NJ.
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 Township Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
4. The organizers will obtain the required tent permit from Township Fire Marshall, Roy Mondì.
5. The organizers will obtain the required health certificates from the Township Health Officer, Stephanie Carey.

(CONSENT AGENDA Cont.)

**E. RESOLUTION #16-4-102 - EXTENSION OF TIME FOR THE COMPLETION OF PUBLIC IMPROVEMENTS
 Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on April 12, 2016 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

<u>Development</u>	<u>New Completion Date</u>
Princeton North Shopping Center, SW Benjamin Boulevard	May 20, 2017
Tapestry at Montgomery, Phase 1B-1	
Site w/o Force Main & Pump Station	June 30, 2017
Tapestry at Montgomery, Phase 1B-2	
Site w/o Force Main & Pump Station	June 13, 2017
Tapestry at Montgomery, Phase 1B-3	
Site w/o Force Main & Pump Station	May 20, 2017
Waldorf School of Princeton, Phases 1 & 2, Building Addition and Pathway	May 13, 2017
3M Storm Water Management System	March 17, 2017
Bedens Brook Valley, Landscaping, Lot 11.06	March 20, 2017
Cummings	April 16, 2017
Blawenburg Village, Yardville National Bank	June 20, 2017
Handler Estates	April 10, 2017
Hillside at Montgomery, Section II	May 15, 2017
Carrier Clinic, Women's Housing	February 6, 2017
Carrier Clinic, New Addition & Alterations	March 17, 2017

F. RESOLUTION #16-4-103 - DECLARING CERTAIN GENERAL EQUIPMENT AS SALVAGE FOR DISPOSAL

WHEREAS, The Montgomery Township Clerk's 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 one (1) Pitney Bowes DM525 Digital Mailing System.

10-1. Committeeman Conforti moved the adoption of the **CONSENT AGENDA**. The motion was seconded By Committeewoman Madrid and carried on the following:

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

11. RESOLUTION #16-4-104 - AWARD OF BID - Bridgepoint Road Roadway Overlay Project

WHEREAS, The following bids for the Bridgepoint Road Roadway Overlay Project were received and publicly opened on April 19, 2016:

<u>BIDDERS</u>	<u>AMOUNT</u>
Topline Construction	\$321,694.28
Stilo Excavation	\$382,768.99
S. Brothers, Inc.	\$391,992.30
Black Rock Enterprises	\$399,434.55
Desantis Construction	\$399,749.41
Schifano Construction	\$459,422.30
Vision Construction	\$513,042.00
Kylie Conti Construction	\$520,535.24

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

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

WHEREAS, There exists an account number 04-216-55-901-1387A which will fund this project.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Bridgepoint Road Roadway Overlay Project is hereby awarded to Top Line Construction, 22 Fifth Street, Somerville, NJ 08876 in the amount of \$321,694.28; and

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

11-1. 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 - Conforti, Madrid, Smith, Trzaska, Graham
 Nays - None

12. **RESOLUTION #16-4-105 - CHANGE ORDER #1 - South Wiggins Lane, Williamsburg Court, Norfolk Way, Charleston Drive and Richmond Drive Roadway Overlay Project**

WHEREAS, Resolution #15-9-225 adopted on September 3, 2014, authorized the award of a contract for the South Wiggins Lane, Williamsburg Court, Norfolk Way, Charleston Drive and Richmond Drive Roadway Overlay Project to Top Line Construction in the amount of \$485,473.01; and

WHEREAS, The Project also includes sidewalks repairs on the roads; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to include additional sidewalk repair on all roads as well as sidewalk repair on Elm Drive; and

WHEREAS, Change Order #1 would allow for an increase in the specified quantities; and

WHEREAS, The work comprising Change Order #1 will result in a net increase in the original contract amount by \$87,119.41 or 17.9%; 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. 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 \$87,119.41 for a total contract amount of \$572,592.42.

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

13. **RESOLUTION #16-4-106 - CHANGE ORDER #1 - Hillcrest Road, Duncan Lane, Dogwood Lane and Platz Drive Roadway Overlay Project**

WHEREAS, Resolution #15-9-224 adopted on September 3, 2014, authorized the award of a contract for the Hillcrest Road, Duncan Lane, Dogwood Lane and Platz Drive Roadway Overlay Project to Top Line Construction in the amount of \$583,751.75; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to include the construction of a crosswalk on Princeton Avenue. The change order is necessary to improve the safety at the crosswalk, which was unforeseen at the time of the bid; and

WHEREAS, Change Order #1 would allow for an increase in the specified quantities; and

WHEREAS, The work comprising Change Order #1 will result in a net increase in the original contract amount by \$10,129.77 or 1.74%; 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. 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 \$10,129.77 for a total contract amount of \$593,881.52.

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

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

14. **RESOLUTION #16-4-107 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2016 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2016 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	AMOUNT
Mayor and Committee	
Salaries & Wages	\$6,000.00
Committee Expenses	
Other Expenses	10,000.00
Administrative & Executive	
Salaries & Wages	65,000.00
Municipal Clerk	
Salaries & Wages	63,000.00
Financial Administration	
Salaries & Wages	110,000.00
Other Expenses	15,000.00
Network Operations	
Salaries & Wages	19,000.00
GIS	
Salaries & Wages	12,000.00
Assessment of Taxes	
Salaries & Wages	28,000.00
Other Expenses	3,000.00
Collection of Taxes	
Salaries & Wages	9,000.00
Other Expenses	5,000.00
Legal Services & Costs	
Other Expenses	95,000.00
Engineering Services & Costs	
Salaries & Wages	93,000.00
Planning Board	
Salaries & Wages	48,000.00
Zoning Board of Adjustment	
Salaries & Wages	30,000.00
Master Plan	
Other Expenses	23,000.00
Insurance	
Group Insurance for Employees	300,000.00
Liability Insurance	100,000.00
Workers Compensation Insurance	6,100.00
Disability Fund	
Other Expenses	(73,000.00)
Deferred Compensation	
Other Expenses	41,000.00
Uniform Fire Safety	
Salaries & Wages	33,000.00
Fire Hydrants	
Other Expenses	104,625.00
Police	
Salaries & Wages	900,000.00
Other Expenses	85,000.00
Road Repairs & Maintenance	
Other Expenses	150,000.00
Public Works	
Salaries & Wages	29,000.00
Other Expenses	15,000.00
Vehicle Maintenance	
Other Expenses	100,000.00
Recycle	
Other Expenses	25,000.00
Board of Health	
Salaries & Wages	97,000.00
Animal Control	
Salaries & Wages	14,000.00
Recreation	
Salaries & Wages	72,000.00
Kid Connection (After School)	
Salaries & Wages	15,000.00
Maintenance of Parks	
Salaries & Wages	100,000.00
Other Expenses	10,000.00
Construction Code	
Salaries & Wages	130,000.00
Social Security System	
Other Expenses	200,000.00
Municipal Court	
Other Expenses	24,000.00

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Pre School	
Other Expenses	20,000.00
DCRP	
Other Expenses	10,000.00
Sewer Utility Fund	
Long term Disability	
Other Expenses	\$1,700.00
Employee Group Insurance	
Other Expenses	\$100,000.00
Deferred Compensation	
Other Expenses	\$17,000.00
Social Security	
Other Expenses	\$20,000.00
Sewer C - All Plants	
Salaries & Wages	\$150,000.00

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

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

15. **RESOLUTION #16-4-108 - RESOLUTION AUTHORIZING MONTGOMERY TOWNSHIP'S PARTICIPATION IN THE VICINAGE XIII MUNICIPAL GROUP FOR THE CONSOLIDATED METHODOLOGY TRIAL AMONG ALL OF THE SOMERSET, HUNTERDON AND WARREN COUNTY MUNICIPALITIES SEEKING DECLARATORY JUDGMENT FOR THEIR AFFORDABLE HOUSING OBLIGATIONS**

WHEREAS, the Township of Montgomery filed a declaratory judgment action on July 7, 2015 captioned *In re Township of Montgomery, Somerset County*, Docket No.: SOM-L-924-15, pursuant to the process set forth in the New Jersey Supreme Court's March 10, 2015 decision in *In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council of Affordable Housing*, 221 N.J. 1 (2015); and

WHEREAS, the court has consolidated all of the declaratory judgment actions filed by municipalities in Somerset, Hunterdon and Warren County in order to conduct one trial to establish a vicinage-wide methodology for the calculation of state, regional and municipal affordable housing obligations; and

WHEREAS, the Township now wishes to join the Vicinage XIII Municipal Group comprised of municipalities in Somerset, Hunterdon and Warren County for the purpose of collective cooperation in the strategy and development of municipal affordable housing obligations, discovery, motions, briefs and trial practice that may be used in the planning process and in litigation.

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

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Township Committee finds that it is in the public interest and hereby authorizes the Township to enter into a Municipal Shared Services Defense Agreement, a copy of which is on file in the Township Clerk's Office, or such other substantially similar agreement as reviewed and approved by the Township Attorney, that permits the Township to work cooperatively with other municipalities in Somerset, Hunterdon and Warren County in the strategy and development of municipal affordable housing obligations, discovery, motions, briefs and trial practice that may be used in the planning process and in litigation.
3. The Mayor, Township Administrator, Township Clerk, Township Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents, and undertake any and all acts necessary to effectuate the above-referenced Defense Agreement.

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

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

16. ORDINANCE #16-1515 - 2016 Salary and Wages - Public Hearing

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

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2016.

B. Mayor Graham 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 Conforti and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 21st day of April, 2016 and that notice thereof be published in an official newspaper as required by law.

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

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

17. RESOLUTION #16-4-109 - 2016 SALARIES FOR NON-UNION EMPLOYEES

WHEREAS, The Township Committee of the Township of Montgomery, Somerset County, New Jersey desires to set 2016 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that 2016 annual salaries for all non-contracted employees retroactive to January 1, 2016 are established as follows:

Mayor	Patricia Graham	\$ 5,006.00
Deputy Mayor	Ed Trzaska	\$ 3,752.00
Township Committee Member	Mark Conforti	\$ 3,752.00
Township Committee Member	Christine Madrid	\$ 3,752.00
Township Committee Member	Rich Smith	\$ 3,752.00
Township Administrator	Donato Nieman	\$151,768.00
Police Director/Captain	Robert Palmer	\$149,659.00
Chief Financial Officer/ Tax Collector	Walter Sheppard	\$141,327.00
Township Engineer	Gail Smith	\$118,429.00
Planning Director	Lori Savron	\$109,806.00
Superintendent of Public Works	Arthur Villano	\$116,784.00
Construction Official/ Fire Marshall	Roy Mondì	\$116,186.00
Dir. of Wastewater Operations	Jason Kiernan	\$105,872.00
Recreation Director	Karen Zimmerman	\$ 99,754.00
Township Clerk	Donna Kukla	\$ 99,754.00
MIS Coordinator	Bill Pauwels	\$ 75,406.00
Tax Assessor	Ryan Riccio	\$ 53,106.00
Asst. Chief Financial Officer	Claire Higgins	\$ 74,835.00
Asst. Chief Financial Officer	Michael Pitts	\$ 77,687.00
Personnel Coordinator	Susan Smith	\$ 91,611.00
Laboratory Supervisor	Dorota Jaczuk	\$ 59,707.00
Parks Foreman	John Snyder	\$ 74,158.00
Roads Foreman	Joseph Kane	\$ 74,158.00
Senior Rec. Program Coord.	Pauline Carr	\$ 69,001.00
Aquatics Director	Vincent Ingraffia	\$ 15,810.00
Purchasing Agent	Greg Bonin	\$ 2,000.00/month
Administrative Assistant	Tamarah Novak	\$ 24.14 p/hr.
Administrative Assistant	Deborah Axtt	\$ 30.43 p/hr.
Community Information Officer	Tamara Garaffa	\$ 33.09 p/hr.
Public Health Nurse	Brianna Restis	\$ 35.63 p/hr.
<u>Kid Connection Program</u>		
Director	Andrea McKenna	\$ 77,522.00
Head Teacher	Cathy Gorman	\$ 61,612.00
	Jennifer Yanovitch	\$ 48,777.00
Teacher	Maryellen Comollo	\$ 52,643.00
	Joanne Whitehaed	\$ 52,775.00
	Nancy Beachell	\$ 52,647.00
	Marge Cannon	\$ 51,276.00
	Beverly Owens	\$ 43,976.00
	Laura Reichert	\$ 42,427.00
	Carolyn Robbins	\$ 45,508.00
	Donna Rossi	\$ 42,791.00
	Cheryl Truppi	\$ 40,531.00
	Lisa Stryker	\$ 38,900.00

(Item #17 Cont.)

Assistant Teacher	Pat VanArsdalen	\$ 18.33 p/hr.
	Angela Perone	\$ 18.47 p/hr.
	Nancy Petchock	\$ 15.76 p/hr.
	Patty Cornell	\$ 19.66 p/hr.
	Sue Garhart	\$ 15.01 p/hr.
	Elizabeth Noonan	\$ 14.41 p/hr.
	Barbara Stegman	\$ 14.04 p/hr.
	Chris LaRue	\$ 13.97 p/hr.
	Barb Chenot	\$ 13.42 p/hr.
	Patty Fox	\$ 14.07 p/hr.
	Pradnya Moghe	\$ 13.66 p/hr.
	Eileen Motherway	\$ 13.42 p/hr.
	Nancy Sheehan	\$ 13.90 p/hr.
	Bonnie Simmons	\$ 14.14 p/hr.

Clerk-Typist Elizabeth Mann \$ 16.08 p/hr.

Registration Assistant Rochelle Fityere \$ 17.61 p/hr.

Administrative Assistant Ellen Elgort \$ 29.55 p/hr.

Recreation Camp:

Camp Activities Coordinator Lindsey Fischer \$ 9,000.00 p/yr.

Recreation/Aquatics:

Certified Instructors	Rose Bauer	\$ 17.00 p/hr.
	Katherine Hamilton	\$ 17.00 p/hr.
	Penelope Pariso	\$ 17.00 p/hr.
	Bryan Upshaw	\$ 17.00 p/hr.

Non-Certified Instructors	Janet Aliev	\$ 14.00 p/hr.
	Brad Allen	\$ 14.00 p/hr.
	Brandon Chang	\$ 14.00 p/hr.
	Jaclyn Huang	\$ 14.00 p/hr.
	Beatrice Liang-Gilman	\$ 14.00 p/hr.
	Elizabeth Noles	\$ 14.00 p/hr.
	Morgan Pike	\$ 14.00 p/hr.
	Rachel Sherman	\$ 14.00 p/hr.
	Lauren Yoon	\$ 14.00 p/hr.
	Zara Zimmer	\$ 14.00 p/hr.
Zoe Zimmer	\$ 14.00 p/hr.	

Lifeguards	Morgan Amberson	\$ 10.00 p/hr.
	Mihir Aneja	\$ 10.00 p/hr.
	Anthony Chang	\$ 10.00 p/hr.
	Katelyn Chi-Wen Chen	\$ 10.00 p/hr.
	Danielle Corsan	\$ 10.00 p/hr.
	Aiden Dwyer	\$ 10.00 p/hr.
	Liam Dwyer	\$ 10.00 p/hr.
	Austin Fan	\$ 10.00 p/hr.
	Stanley Huang	\$ 10.00 p/hr.
	Christopher Humza	\$ 10.00 p/hr.
	Matthew Irwin	\$ 10.00 p/hr.
	Harismaran Jagannathan	\$ 10.00 p/hr.
	Audrey Lee	\$ 10.00 p/hr.
	Zachary Masessa	\$ 10.00 p/hr.
	Colin Motherway	\$ 10.00 p/hr.
	Amy Musselman	\$ 10.00 p/hr.
	Morgan Shiffner	\$ 10.00 p/hr.
	Kaitleigh Witten	\$ 10.00 p/hr.
	Rishi Yerram	\$ 10.00 p/hr.

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

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

18. **APPROVAL OF MINUTES**

The Regular Session minutes of April 7, 2016 were approved as printed.

19. **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.

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

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

20. **NUISANCE ORDINANCE/EMS**

Administrator Nieman spoke about a request from the Emergency Medical Services. One of the problems that they face are a number of calls that they get from both Stonebridge and Carrier Clinic for their clients. They would like to have an ordinance which would mandate that there be a method whereby these entities are required to avoid calling unless it is truly a life threatening situation. The EMS would like that these entities be required to provide transportation to the hospital for people who have minor injuries.

Lieutenant Wain stated that, just listening to the radio in his office, the rescue squad is called to either Carrier Clinic or Stonebridge several times a day. Usually it is a transport to the hospital for non-emergency issues. This is very taxing on the rescue squad, especially when it happens in the middle of the night.

The Governing Body felt an ordinance was something to be looked into further. Administrator Nieman stated that a draft ordinance would be prepared for consideration at the May 5, 2016 meeting.

21. **MASTER PLAN FOR IMPROVEMENTS TO PARKS**

Administrator Nieman stated that the Township is doing a lot of work on the parks. He felt that it would be a good idea to keep the Governing Body up to date on a quarterly basis as to what work was going on in each of the parks. He stated that it might be a good idea to develop a Master Plan for the improvements to the parks using the results of the upcoming Recreation survey, so that the public could also be kept aware of the work. There was discussion on the work that is on-going and upcoming in the various parks as well as the work by the Board of Education and the Township on the tennis courts.

22. **COMMITTEE AND SUB-COMMITTEE REPORTS**

22-1. **ENVIRONMENTAL COMMISSION**

Committeeman Conforti reported on the Earth Day event. He stated that it was a huge success. He got to the field early and still had to wait for an hour. He suggested that a better site be thought about for the next event as there were baseball games going on at the same time.

22-2. **MUNICIPAL ALLIANCE**

Committeewoman Madrid reported on the Municipal Alliance meeting. They watched the video on the "Every 15 Minute" program. This was very well done and there was a lot of cooperation from the Police and emergency responders. It was a very well done program and she felt it was very impactful. This program is done every other year for the High School Juniors and Seniors.

22-3. **PLANNING BOARD SUBCOMMITTEE**

Committeeman Smith spoke about the Planning Board subcommittees. The Routes 518/206 overlay team appeared and they reported that it is moving forward. He stated that Madison Marquette gave a brief presentation on the Montgomery Promenade project.

22-4. **BOARD OF HEALTH**

Deputy Mayor Trzaska reported that the Board of Health is concentrating on the deer feeding ordinance.

22-5. **OPEN SPACE COMMITTEE**

Deputy Mayor Trzaska reported that the Open Space Committee is looking into a couple of additional pieces of land for the open space program.

26. 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 Tax Appeal Settlement;
 - Potential acquisition of property with public funds;
 - Advice of Counsel with respect to SADC application.
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. Acquisition of lands shall only be authorized by the Township Committee in a public session.

26-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.

27. Meeting reconvened in Open Session and ADJOURNMENT was at 9:18 p.m. on a motion by Deputy Mayor Trzaska. The motion was seconded by Committeeman Conforti and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk