

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
January 19, 2017

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

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

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

4. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Eric A. Hannold**

BE IT RESOLVED that Eric A. Hannold is hereby appointed Probationary Police Officer, effective January 16, 2017.

- 4-1. Deputy Mayor Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried on the following:

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

- 4-2. Police Captain Wain acknowledged the hard work that went into this hiring process. For the department to hire six new officers, having 28 currently, is huge.

- 4-3. Lieutenant Gill gave a brief background of Mr. Hannold.

- 4-4. Attorney Hadinger administered the Oath of Office to Probationary Police Officer Eric A. Hannold.

5. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Troy Sudeck**

BE IT FURTHER RESOLVED that Troy Sudeck is hereby appointed Probationary Police Officer, effective January 16, 2017.

- 5-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

- 5-2. Lieutenant Gill gave a brief background of Mr. Sudeck.

- 5-3. Attorney Hadinger administered the Oath of Office to Probationary Police Officer Troy Sudeck.

6. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Troy Gonzalez**

BE IT FURTHER RESOLVED that Troy Gonzalez is hereby appointed Probationary Police Officer, effective January 16, 2017.

- 6-1. Deputy Mayor Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried on the following:

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

- 6-2. Lieutenant Gill gave a brief background of Mr. Gonzalez.

- 6-3. Attorney Hadinger administered the Oath of Office to Probationary Police Officer Troy Gonzalez.

7. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Christopher F. Parlow, Jr.**

BE IT FURTHER RESOLVED that Christopher F. Parlow, Jr. is hereby appointed Probationary Police Officer, effective January 16, 2017.

- 7-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

- 7-2. Lieutenant Gill gave a brief background of Mr. Parlow.

- 7-3. Attorney Hadinger administered the Oath of Office to Probationary Police Officer Christopher F. Parlow, Jr.

8. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Connor A. Chapkowski**

BE IT FURTHER RESOLVED that Connor A. Chapkowski is hereby appointed Probationary Police Officer, effective January 16, 2017.

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

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

8-2. Lieutenant Gill gave a brief background of Mr. Chapkowski.

8-3. Attorney Hadinger administered the Oath of Office to Probationary Police Officer Connor A. Chapkowski.

9. **APPOINTMENT OF PROBATIONARY POLICE OFFICER - Adam Verducci**

BE IT FURTHER RESOLVED that Adam Verducci is hereby appointed Probationary Police Officer, effective January 16, 2017.

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

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

9-2. Lieutenant Gill gave a brief background of Mr. Verducci.

9-3. Attorney Hadinger administered the Oath of Office to Probationary Police Officer Adam Verducci.

10. **PUBLIC COMMENT - 5 MINUTES PER PERSON**

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

11. **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. **APPOINTMENT OF PERMANENT POLICE OFFICER - Jesse Peterson**

BE IT RESOLVED That, upon successful completion of his probationary period, Jesse Peterson is hereby appointed permanent Police Officer, effective November 2, 2016.

B. **RESOLUTION #17-1-36 - REFUND OVERPAID 2016 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2016 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
16003	22	Eric W. & Laurie T. Bleickardt	\$9,278.58
28001	13	Maria Mennella	\$ 818.27
28003	166.01	Neal B. & Irene A. Schofield	\$3,667.90
37003	6.53	Junaid Mian & Arpan Nandra	\$2,329.39

C. **RESOLUTION #17-1-37 - CANCELLATION OF CAPITAL ORDINANCES - Current Fund**

WHEREAS, Certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

<u>ORD NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT CANCELED</u>	
		<u>FUNDED</u>	<u>UNFUNDED</u>
06-1240	Purchase of Easements	\$ 23,779.15	\$ 0.00
09-1327	Acquisition of Equipment	\$ 38,416.00	\$ 0.00

D. **RESOLUTION #17-1-38 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GREEN AVENUE, PHASE II PROJECT (BELLE MEAD-GRIGGSTOWN ROAD TO STAATS FARM ROAD)**

WHEREAS the Township of Montgomery wishes to apply for Municipal Aid funding from the New Jersey Department of Transportation for improvements related to pavement rehabilitation, bicycle lanes, pedestrian facilities, and miscellaneous construction on Green Avenue.

(CONSENT AGENDA Item D Cont.)

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Green Avenue Phase II-00130 to the New Jersey Department of Transportation on behalf of the Township of Montgomery.

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.

E. **MAYORAL APPOINTMENT WITH TOWNSHIP COMMITTEE CONSENT - Economic Development Commission**

BE IT RESOLVED That Adwait Tare is hereby appointed Economic Development Commission Regular Member, replacing Heidi Shegoski, 3 year unexpired term expiring December 31, 2018.

BE IT FURTHER RESOLVED That Alicia Schwarcz is hereby appointed Economic Development Commission Regular Member, replacing Todd Royer, 3 year unexpired term expiring December 31, 2017.

11-1. Deputy Mayor Smith moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Graham and carried on the following:

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

12. **RESOLUTION #17-1-39 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR FLEET MAINTENANCE SERVICES - FIRST VEHICLE SERVICES**

WHEREAS, Resolution #14-2-58 adopted on February 20, 2014 awarded a fleet maintenance services contract for 12 months with 4 (four) one year extension options to First Vehicle Services; and

WHEREAS, Resolution #15-2-59 adopted on February 19, 2015 authorized a 12 month extension of the contract; and

WHEREAS, Resolution #16-2-48 adopted on February 4, 2016 authorized a 12 month extension of the contract; and

WHEREAS, N.J.S.A. 40A:11-15 provides that the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, The contract will not exceed \$679,069.44 for the extended year effective March 1, 2017 through February 28, 2018 at the recent Consumer Price Index rate of 1.7%; and

WHEREAS, There exists accounts 01-201-26-315-256 and 07-201-55-544-256 which will fund this service; and

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

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby approves the third of four (4) one year extensions pursuant to the above-described terms.

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

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

13. **RESOLUTION #17-1-40 - SUPPORTING APPLICATION FOR AGRICULTURAL LABOR HOUSING AT CHERRY VALLEY COOPERATIVE FARM (Block 31010, Lots 20 & 20.01)**

WHEREAS, OHM Agro Estate LLC, hereinafter ("Owner") is the current record owner of Block 31010 Lots 20 and 20.01, as identified on the Montgomery Township Tax Maps (rev. ed. 2015), known as Cherry Valley Cooperative Farm, as recorded in the Somerset County Clerk's Office by deed dated August 22, 2016, in Deed Book 6902, Page 3250, totaling 98.069 acres, hereinafter referred to as "Premises"; and

WHEREAS, A majority of the property has been preserved as either conservation/pathway or farmland, with a 5.83 acre unrestricted area remaining. And various entitles hold interest in these easements as follows:

(Item #13 Cont.)

- Conservation easement on a portion of the Premises was conveyed to the New Jersey Conservation Foundation ("NJCF") as recorded in the Somerset County Clerk's Office by deed dated December 27, 1989, in Deed Book 1761, Page 209, with an amendment to the conservation easement filed in the Somerset County Clerk's Office by deed dated February 14, 1991, in Deed Book 1831, Page 742.
- Agricultural easement on a portion of the Premises was conveyed to Montgomery Friends of Open Space ("MFOS") as recorded in the Somerset County Clerk's Office by deed dated February 28, 2007, in Deed Book 6003, Page 948, hereinafter "farmland preservation Deed of Easement".
- WHEREAS, MFOS assigned an undivided fifty percent (50%) interest in the farmland preservation Deed of Easement to the Township in consideration of the funds contributed by the Township as recorded in the Somerset County Clerk's Office by deed dated February 28, 2007, in Deed Book 6003, Page 1033.
- Conservation easement on a portion of the Premises was conveyed to MFOS and the Township at an interest of 80.4% and 19.6% respectively as recorded in the Somerset County Clerk's Office by deed dated February 28, 2007, in Deed Book 6003, Page 902.

WHEREAS, The farmland preservation Deed of Easement identifies no existing single family residences and no units used for agricultural labor purposes located within the farmland easement area. There is one (1) exception area on the property which contains one (1) single-family residence and one (1) cottage, however, paragraph 13 and 14 of the farmland preservation Deed of Easement allows for construction of housing for agricultural labor employed on the Premises but only with approval of the Grantee (MFOS and the Township) and the SADC; and

WHEREAS, On January 5, 2017, the State Agriculture Development Committee ("SADC"), which has jurisdiction over agricultural labor housing on preserved farmland, received an agricultural labor housing request ("the application") from the Owner to construct eight (8) yurts as permanent housing as follows:

- 3 yurts: one for each of the farm managers, which will contain bathroom and kitchen facilities
- 4 yurts: dormitory-style for seasonal and year-round farm workers, employees & apprentices, which will not contain bathroom or kitchen facilities
- 1 yurt: to serve as communal living/kitchen space & shared bathroom for the 4 dormitory-style yurts; and

WHEREAS, The application also contained a request for two (2) Davis tents, which will be assembled on a seasonal basis when more agricultural labor is needed; and

WHEREAS, The agricultural labor housing will comprise approximately 12,000 square feet in the easement area, in an area that is forested; and

WHEREAS, The farm is a labor-intensive, diverse operation consisting of growing organic fruits & vegetables, fungi, egg production, and animal grazing, with plans to grow over 450 varieties of crops; and

WHEREAS, The existing single family dwelling on the property is not currently habitable after years of abandonment and the cost of renovating the house is currently cost-prohibitive; and

WHEREAS, The SADC requested Montgomery Township review the application and prepare a resolution of support, if warranted, and that the Open Space Committee reviewed the proposal on January 11, 2017 and the Agricultural Advisory Committee reviewed the proposal on January 12, 2017 and both Committees determined that the location of the proposed yurts and tents minimizes adverse impacts on the agricultural operation as it is not taking agricultural land out of production and is situated near existing infrastructure. However, the Agricultural Advisory Committee recognized that this housing request is unique and expressed concerns regarding enforcement given the number of units proposed. Further, there is an existing house and cottage on the property. While the Applicant has represented that the house, which has been vacant for some time, is uninhabitable and cost prohibitive for renovation, the AAC identified that regardless of the condition, this housing unit still remains. And, that the cottage, which has a bathroom, has been proposed by the Applicant to become a farm store, it remains today as a potential housing unit.

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

1. The Township Committee supports the Owner's application to the State Agriculture Development Committee for construction of agricultural labor housing, consisting of 8 yurts and 2 Davis tents.
2. This housing shall solely be used by laborers to be employed on the Premises, and their immediate family, and confirmed by Montgomery Township at their annual easement inspection. Further, the Township shall confirm that the existing farmhouse and cottage are not being used for living quarters. At such time in the future, should the house or cottage become habitable living space, the Applicant should remove the yurts.
3. The agricultural labor housing shall be located so as to minimize the impacts to the greatest extent possible to any productive agricultural field areas.

(Item #13 Cont.)

4. This recommendation shall not transfer to another owner, and at such time when the nature of the operation changes and agricultural labor housing is no longer necessary, the yurts and/or Davis tents shall be removed within twelve (12) months.
5. This recommendation does not supersede the need for the SADC review process.
6. This recommendation applies to the agricultural labor housing only, and is not an approval of any other uses that are not permitted by Township Code.

13-1. Alec Gioseffi, manager of the new Cherry Valley Cooperative Farm, gave a brief background on himself and the project. He stated that the co-op had recently partnered with the Montessori School and have had seminars with the middle school children on plants and nature. He explained that the Cooperative Farm has made an application to the State Agricultural Development Committee for agricultural labor housing. The Cherry Valley Cooperative is operating a farm for the past approximately four years on the former Raymond/Greenberg farm, which has been vacant and neglected for numerous years. He stated that the farm labor housing proposal is for eight year-round yurts and two seasonal Davis tents that will provide housing for the cooperative farm staff and the seasonal laborers. The selection of this housing choice was necessary because the existing farmhouse and cottage are in bad condition and in need of extremely costly repairs which are beyond the budget of the group. He spoke about the access to the property from Cherry Valley Road, and explained that they were working with the Engineering department to correct an easement mistake that occurred many years ago. They built their fence back from the road and are trying to donate the 30 feet of land fronting Cherry Valley Road to the Township so they can widen the road. They are also working on the ingress and egress issues along Cherry Valley Road. He spoke about the farming that will go on. He stated that the farming will be organic, so no one would have to worry about chemicals and other health issues.

13-2. Clem Fiori, Open Space Committee Chair, spoke about the background of the property and the families' concern that the property remains a farming property. He stated that the Open Space Committee was in favor of this with the understanding that the yurts would be removed if the operation were to change scope. They worried that the yurts would be used as rentals for people not employed on the property.

13-3. Deputy Mayor Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

14. **ORDINANCE #17-1537 - Providing for 3.5% CAP - Introduction**

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2017 BUDGET AND
TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14.

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 February 2, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

14-1. 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, Graham, Smith, Trzaska
Nays - None

15. **ORDINANCE #17-1538 - 2017 Salary and Wages - Introduction**

A. Mayor Trzaska 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 2017.

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 February 2, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

16. **APPROVAL OF MINUTES**

The Reorganization Meeting minutes of January 5, 2017 were approved as printed.

17. PAYMENT OF BILLS

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

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

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

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

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

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

18. SCHEDULING THE BEST PRACTICES PRESENTATION

Mayor Trzaska stated that the Best Practices presentation would be held on March 2, 2017. If there was too much on the agenda, it would be postponed until March 16.

19. COMMITTEE AND SUB-COMMITTEE REPORTS

19-1. ZONING BOARD OF ADJUSTMENT

Committeeman Conforti reported on the Zoning Board of Adjustment meeting. He stated that the second cell tower hearing would be starting in February.

19-2. MUNICIPAL ALLIANCE

Committeewoman Madrid reported on the Municipal Alliance meeting. They would be meeting every other month and are working on trying to get community leaders together to join the committee.

19-3. OPEN SPACE COMMITTEE

Committeewoman Graham reported on the Open Space Committee meeting. They saw the presentation on the Cherry Valley Cooperative Farm and also had a presentation from the Golden Back Farm.

19-4. VETERANS MEMORIAL COMMITTEE

Committeewoman Graham reported on the Veterans Memorial Committee meeting. They are very excited about the new year. This year they want to begin work on a Memorial Day event in addition to the Veterans Day ceremony. They would start small and see what the response is. They have also applied for a grant to do some landscaping at the 9-11 Memorial.

19-5. BOARD OF HEALTH

Committeewoman Graham reported on the Board of Health meeting. They had their reorganization meeting and they heard a septic application.

19-6. RECREATION COMMITTEE

Deputy Mayor Smith reported on the Recreation Committee meeting. They had their reorganization meeting. It seems to be a really enthusiastic committee for 2017. They will be appearing before the Township Committee on February 16 about the recent survey results.

19-7. ENVIRONMENTAL COMMISSION

Administrator Nieman reported on the Environmental Commission meeting. They have a couple of meeting date changes, which will be published. They want to add an additional stream to the stream cleaning. They are coordinating with the Police Department on Earth Day. The Earth Day event will take place at the Upper Middle School and the Environmental Commission is trying to coordinate traffic control with the Police.

20. RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session are as follows:
 - Offer of donation of property (Block 4001, Lot 44.01);
 - Terms and conditions of lease agreement with Board of Education for Tennis Courts;
 - Advice of counsel regarding acquisition of land (Convatec);
 - Advice of counsel regarding Affordable Housing.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of property shall only be authorized by the Township Committee in a public session. No agreements shall be authorized except by action of the Township Committee.

20-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

21. Meeting reconvened in Open Session and ADJOURNMENT was at 8:41 p.m. on a motion by Committeewoman Graham. The motion was seconded by Deputy Mayor Smith and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk