

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
April 20, 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 and Conforti
Committeewoman Madrid was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

DEPUTY TOWNSHIP CLERK - Margaret Crawford

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. **PUBLIC COMMENT**

- 4-1. Brett Borowski, York Drive, inquired about the paving on Cherry Valley Road. Mayor Trzaska responded that Cherry Valley Road had been milled and was scheduled to be paved on April 20, but because it rained in the morning, the schedule was changed to April 21. In case of inclement weather on that date, the next scheduled date would be April 24.

Mr. Borowski spoke about the milling and paving of Cherry Valley Road and Cherry Hill Road. He stated that there was a huge pothole on Cherry Hill Road not far from the intersection with Cherry Valley Road. Mayor Trzaska stated that it was his understanding that the portion of Cherry Hill Road near the intersection of Cherry Valley Road is being addressed with the reconstruction project of Cherry Valley Road. Part of the reconstruction, which is a little bit of an expansion to the road, is to hopefully allow for better sightlines to that intersection. Police Lieutenant Gill explained that the company had stopped milling on Cherry Hill Road because they had gotten a bit ahead of themselves.

5. **RESOLUTION - BUILDING SAFETY MONTH - May, 2017**

WHEREAS, Our Township is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and

WHEREAS, Our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians--building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry--who work year-round to ensure the safe construction of buildings; and

WHEREAS, These guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play; and

WHEREAS, Our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; 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 that are essential to keep America great; and

WHEREAS, "Code Officials--Partners in Community Safety and Economic Growth" the theme for Building Safety Month 2017, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2017 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe, 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 the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

(Item #5 Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, in Somerset County, New Jersey, does hereby proclaim the month of May 2017 as Building Safety Month. Accordingly, we encourage our citizens to join with their communities in participation in Building Safety Month activities.

- 5-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.
6. **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 #17-4-101 - CANCEL 2016 & 2017 TAXES**

BE IT RESOLVED That as per the 2017 MOD IV, the 2016 & 2017 taxes for the property listed below, owned by D&R Greenway Land Trust Inc., One Preservation Place, Princeton, NJ 08540 be cancelled;

BLOCK 25001 LOT 28.08
2016/1st Quarter - \$1,147.87
2016/2nd Quarter - \$1,147.87
2016/3rd Quarter - \$1,200.01
2016/4th Quarter - \$1,200.01
2017/1st Quarter - \$1,173.94
2017/2nd Quarter - \$1,173.94

B. **RESOLUTION #17-4-102 - ACCEPTANCE OF DONATION - AstroTurf for Recreation Fields**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation of astroTurf from Clifton, NJ to be used at the following locations:

- Cricket pitch;
- Baseball batting cages;
- Softball batting cages.

C. **RESOLUTION #17-4-103 - 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 10 and 11, 2017.
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 2 Private Duty Police Officers for the Saturday evening show and 2 Private Duty Police Officers for the Sunday show.
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.

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

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

7. **RESOLUTION #17-4-104 - MODIFICATION OF TERMS TO STREET/RIGHT-OF-WAY OPENING PERMIT NO. 16-R-48 -NEW JERSEY AMERICAN WATER COMPANY (NJAW)**

WHEREAS, Pursuant to Township Street/ Right-of-way Opening Permit No. 16-R-48 New Jersey American Water Company ("NJAW") installed approximately 2,310 Linear Feet of 12" waterline in the public right-of-way of Orchard Road and Opossum Road; and

WHEREAS, During the course of said installation, the public right-of-way was damaged; and

WHEREAS, NJAW agreed, as stated in an August 18, 2016 e-mail, to complete repairs to the right-of-way consisting of a 2" roadway mill and 2" overlay from edge to edge in the areas where the waterline impacted the existing pavement; and

(Item #7 Cont.)

WHEREAS, Gail Smith, the Township Engineer, has recently discussed said repairs with representatives from NJAW, and the Township Engineer and NJAW representatives believe both parties would benefit from NJAW providing the Township with a payment in the amount of \$ 123,500.00 in lieu of actual restoration so the Township may arrange for the repair work to be completed according to a schedule and in a manner that would be more advantageous to the Township; and

WHEREAS, The Township Engineer recommends that the Township accept the aforesaid payment of \$123,500 in lieu of requiring the repairs.

NOW THEREFORE BE IT RESOLVED By the Montgomery Township Committee that the agreement between the Township and NJAW be modified to permit the payment in lieu of actual restoration so the Township may arrange for the work to be completed according to its needs;

BE IT FURTHER RESOLVED That this resolution shall not take effect until it has been countersigned by the properly designated representatives of NJAW to signify their agreement to this resolution.

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

8. Attorney Hadinger steps down from the dais.

9. **RESOLUTION #17-4-105 - AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE MUNICIPALITY OF PRINCETON AND THE TOWNSHIP OF MONTGOMERY FOR RESURFACING OF CHERRY VALLEY ROAD - (Transcontinental Pipeline to County Route 601)**

WHEREAS, The Municipality of Princeton and the Township of Montgomery share a common boundary along Cherry Valley Road; and

WHEREAS, Montgomery is responsible for the maintenance (including resurfacing) of the eastern portion of Cherry Valley Road and Princeton is responsible for the maintenance (including resurfacing) of the western portion of Cherry Valley Road and the Transcontinental Pipeline being the approximate dividing line; and

WHEREAS, Montgomery participates in the Morris County Co-op to, among other things, resurface roadways within the Township utilizing the advantageous pricing available through the co-op; and

WHEREAS, Stavola Contracting Company (Stavola) currently has the milling and paving contract with the Morris County Co-op; and

WHEREAS, Montgomery plans to utilize Stavola's contract through the co-op to resurface a number of Township roadways, including a portions of Cherry Valley Road from Rutgers Lane to Jefferson's Curve and from Cherry Hill Road to the Transcontinental Pipeline, as part of its 2017 roadway improvement program; and

WHEREAS, The Princeton Engineering Department has determined that resurfacing improvements are warranted along Cherry Valley Road from the Transcontinental pipeline to Somerset County Route 601; and

WHEREAS, Princeton and Montgomery wish to utilize Stavola's contract through the Morris County Co-op to complete repairs on each municipality's section of the road for maintenance purposes; and

WHEREAS, It is the purpose of this Agreement to set forth the various duties, responsibilities and obligations of the parties herein; and

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

WHEREAS, Princeton and Montgomery will adopt reciprocal Resolutions authorizing the sharing of the cost for the work.

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

1. Montgomery agrees to be the lead agency and will utilize the Morris County co-op to complete repairs on the sections of Cherry Valley Road previously mentioned.
2. Princeton and Montgomery agree to work cooperatively during construction to determine the specific scope of work, and the limits of milling, paving and repairs to Princeton's section of Cherry Valley Road.
3. Upon presentation of a bill or voucher by Montgomery, Princeton agrees to reimburse Montgomery within 30 days, for the documented quantity and cost per ton of bituminous materials or per square yard of milling for repairs to Princeton's section of the road up to a maximum amount of \$75,000.00. The unit costs for reimbursement shall be the unit prices from the Morris County co-op.

(Item #9 Cont.)

4. This Agreement shall become effective upon the passage of authorizing resolutions by the Princeton and Montgomery in accordance with the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1). This Agreement shall remain in effect until completion of all of the duties, obligations and responsibilities of the respective parties as set forth in this Agreement.
 5. Each of the parties agree to indemnify and hold the other harmless against any losses, claims, damages, suit for damages for property and/or injury to and or death to persons caused by or resulting from actions or inactions of the other parties with respect to any obligations agreed to as part of this Agreement. It is agreed that Montgomery shall utilize Stavola's contract through the Morris County Co-op to complete the work and that any contractors involved with the work shall provide a Certificate of Insurance which shall name the Municipality of Princeton and the Municipality of Princeton and its officers, employees, Committee, and assigns as additional insureds with minimum limits of liability to be reasonably approved by the parties.
 6. This Agreement sets forth the entire understanding of the parties hereto with respect to the transactions contemplated herein. No change or modification of this Agreement shall be valid unless the same shall be in writing and signed by all of the parties hereto.
 7. Pursuant to N.J.S.A. 40A:65-4(b), this Shared Services Agreement and a copy of the Resolution authorizing same shall be filed, for informational purposes, with the New Jersey Division of Local Government Services, New Jersey Department of Community Affairs, 101 South Broad Street, Trenton, New Jersey 08625-0813.
 8. If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined on its operation to the clause, sentence, paragraph section or part hereof, directly involved in the controversy in which such judgment shall have been rendered.
- 9-1. 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, Graham, Smith, Trzaska
Nays - None
Absent - Madrid

10. Attorney Hadinger returns to the dais.

11. **RESOLUTION #17-4-106 - AUTHORIZING SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MANVILLE FOR CFO, QPA, PAYROLL AND ACCOUNTING SERVICES**

WHEREAS, The "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, The Parties have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, The Parties wish to enter into a Shared Services Agreement ("Agreement") for Chief Financial Officer ("CFO"), Qualified Purchasing Agent ("QPA"), Payroll and Accounting related services; and

WHEREAS, N.J.S.A. 40A:9-140.10 requires each municipality to have its own CFO, but allows for the use of the same CFO under a shared services agreement with another municipality; and

WHEREAS, Montgomery has agreed to provide Manville with the services of its CFO, QPA, Payroll and Accounting, pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County, New Jersey, that the Township Committee approves the Township's participation in the shared services agreement with the Borough of Manville for CFO, QPA, Payroll and Accounting services; and further that the Mayor and Clerk are authorized and directed to execute the shared services agreement; and

BE IT FURTHER RESOLVED That a copy of the shared services agreement will be available, pursuant to N.J.S.A. 40A:65-5.b., at the offices of the Township Clerk for public inspection.

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

12. **ORDINANCE #17-1545** - Accepting Donation of Property (Block 25001, Lot 28.08) -
Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING
THE ACQUISITION BY GIFT OF PROPERTY IDENTIFIED AS
BLOCK 25001, LOT 28.08 LOCATED ON VAN ZANDT ROAD,
MONTGOMERY TOWNSHIP

B-1. Mayor Trzaska opened the hearing to the public.

B-2. Brett Borowski, York Drive, asked where the property was located. Attorney Hadinger explained the location and showed the property on the tax map.

B-3. Deputy Mayor Smith 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 20th day of April, 2017 and that notice thereof be published in an official newspaper as required by law.

12-1. 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, Graham, Smith, Trzaska
Nays - None
Absent - Madrid

13. **ORDINANCE #17-1546** - Mid-Block Crosswalks - Mill Pond Road, Harlingen Road and
Blue Spring Road - Introduction

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

AN ORDINANCE AMENDING SCHEDULE XXII OF CHAPTER VII,
"MID-BLOCK CROSSWALKS," OF THE CODE OF THE TOWNSHIP OF
MONTGOMERY (1984) TO ESTABLISH MID-BLOCK CROSSWALKS ON
MILL POND ROAD AT MILL POND PARK AND MONTGOMERY PARK,
ON HARLINGEN ROAD AT MONTGOMERY PARK, AND ON BLUE SPRING
ROAD

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing May 4, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

13-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Smith and carried on the following:

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

14. **APPROVAL OF MINUTES**

The Regular Session minutes of April 6, 2017 were approved as printed.

15. **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.

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

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

16. **BOARD OF EDUCATION - TENNIS COURTS**

Mayor Trzaska stated that the Township had heard back from the Board of Education regarding a new proposal for the tennis courts. The Township was proposing to re-do six (6) of the tennis courts, and the Board of Education is proposing to re-do all ten (10) of the courts. Eight (8) of the courts would be reconstructed and two (2) of the courts would be resurfaced. This would be a little bit of an additional cost from the Township's initial proposal, but the big benefit to the Board of Education is that they are taking over the maintenance costs of the courts.

17. **POLICE PROMOTIONAL PROCESS**

Administrator Nieman stated that the Police promotional process for Sergeants was moving forward and the Township Committee will be conducting interviews at their May 4 meeting.

18. **FORUM ON ANXIETY AND DRUG ABUSE**

Administrator Nieman explained that there was a forum on anxiety and drug abuse event at Montgomery High School tonight from 7:00 p.m. until 9:00 p.m.

Mayor Trzaska inquired as to who initially put this event together. Police Lieutenant Gill explained that it started with community members who wanted to ask a couple of questions, and it grew from there.

19. **COMMITTEE AND SUB-COMMITTEE REPORTS**

19-1. **ENVIRONMENTAL COMMISSION**

Committeeman Conforti stated that the Environmental Commission was concentrating on the Earth Day event on Sunday, April 23 from noon until 3:00 p.m. at the Upper Middle School parking lot.

19-2. **OPEN SPACE COMMITTEE**

Committeewoman Graham stated that the Open Space Committee is working on a pathways plan after the joint meeting they had with the Recreation Committee on April 4. There was also a small working group meeting helping to put together the list of priorities for the Open Space Committee.

19-3. **RECREATION COMMITTEE**

Deputy Mayor Smith stated that the Recreation Committee had an extensive discussion about the tennis courts. He felt that they would be very happy with the proposal that was discussed earlier in this meeting.

20. **CUB SCOUTS**

Mayor Trzaska stated he was going to be spending some time at the Cub Scout meeting on April 21.

21. **MONTGOMERY BASEBALL LEAGUE**

Mayor Trzaska reported that the Montgomery Baseball League would be having their unofficial Opening Day on Saturday, April 22. He explained that the official Opening Day was rained out a few weeks back.

22. **MONTGOMERY BUSINESS ASSOCIATION**

Mayor Trzaska stated that there was a Montgomery Business Association Mayor's Breakfast coming up.

23. **NEW JERSEY DEPARTMENT OF TRANSPORTATION**

Administrator Nieman stated that he had received correspondence from the Diagnostic Team at New Jersey Department of Transportation regarding Quiet Zones. They are waiting to get some dates from CSX and their availability. At that time there will be a meeting and the Township will put the proposal before CSX and NJDOT to see if there are any comments. Assuming there is a sign-off at that time, then the Township will prepare to go out to bid.

24. **TRANSCO**

Committeewoman Graham inquired what the deadline was to intervene in the Transco Pipeline action. Attorney Hadinger stated that she believed it was April 27.

25. 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 subject to be discussed in this session is as follows:
 - Discussion of potential acquisition of properties (Block 30001, Lot 9.01 and Block 11001, Lot 61) with public funds for open space, conservation, municipal purposes;
 - Potential litigation and advice of counsel pertaining to Ordinance #17-1539.
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. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

25-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

26. The meeting reconvened in Open Session and ADJOURNMENT was at 8:00 p.m. on a motion by Deputy Mayor Smith. The motion was seconded by Committeeman Conforti and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk