

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 7, 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. **PUBLIC COMMENT**

Brett Borowski, York Drive, asked how many violations have been written against the Airbnb rental on Kildee Road; if there had been any others written since the ordinance was passed, and what was the time frame for getting the fine. Attorney Hadinger explained that the people who received the summonses had to go to court and be found guilty for the Township to receive the fines. Attorney Hadinger stated that she believed when the rentals have taken place the Police Department has issued citations. She was not sure of how many had been issued. Mr. Borowski asked if the Township had communicated with Airbnb regarding them taking down the rental advertisement or making any changes to the listing to reflect the 30 day or more rental per the ordinance. Mayor Trzaska stated that there had been no communication with Airbnb. Attorney Hadinger explained that she didn't believe that Airbnb responds necessarily to the town, it is really up to the property owner or manager to change the advertisement.

5. **2017 BEST PRACTICES DISCUSSION**

Chief Financial Officer Michael Pitts explained that the State of New Jersey, on an annual basis, sends out a "Best Practices" questionnaire. Previously there were approximately 30 questions, whereas this year it had only 25 questions. This year there was one "no" answer. The Township once again has scored high enough to not have any penalty on any revenue received by the Township. He asked for Township Committee approval to send the completed questionnaire to the State.

- 5-1. **Motion #17-9-1** - Deputy Mayor Smith moved to adopt the 2017 Best Practices Inventory report and gave authorization for Chief Financial Officer Pitts to send the report to the State. 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 #17-9-198 - REDEMPTION OF TAX SALE CERTIFICATES #2017-03 AND 2017-16**

BE IT RESOLVED That a refund in the amount of \$2,891.81 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2017-03 on Block 5026, Lot 9.01 CONDO.

BE IT FURTHER RESOLVED That a refund in the amount of \$3,617.10 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2017-16 on Block 30002, Lot 4.

- B. **RESOLUTION #17-9-199 - ACCEPTANCE OF DONATION - FROM MONTGOMERY FLAG FOOTBALL TO MONTGOMERY RECREATION - Storage Container**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donation for Montgomery Recreation:

Storage Container to be placed at Van Horne Park for storage by Flag Football.

- C. **RESOLUTION #17-9-200 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - David Tormey - Car Show**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. David Tormey has requested approval of the Township Committee to conduct a car show event at Princeton Airport on October 14, 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.

(CONSENT AGENDA Item C Cont.)

3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations and shall employ three (3) Private Duty Police Officers at the event.
4. The organizers will obtain the required fire permit from Township Fire Marshall, Roy Mondì.
5. The organizers will obtain the required health certificates from the Township Health Department.

D. **RESOLUTION #17-9-201 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Trinity Counseling Service - Boots 'N Buckles Ball**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Trinity Counseling Service has requested approval of the Township Committee to conduct a Boots 'N Buckles Ball at Princeton Airport on September 23, 2017.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
 - (c) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
 - (d) 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 fire permit from Township Fire Marshall, Roy Mondì.
5. The organizers will obtain the required health certificates from the Township Health Department.

E. **RESOLUTION #17-9-202 - APPROVAL OF USE OF TENT - Montgomery Triple Challenge 2017**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the use of the Township tent for the Montgomery Triple Challenge 2017 road race as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township. The event will be held on October 1, 2017.

F. **RESOLUTION #17-9-203 - APPROVAL OF A SHARED SERVICES AGREEMENT BETWEEN THE SOMERSET COUNTY, DEPARTMENT OF PUBLIC WORKS, DIVISION OF TRAFFIC SAFETY SERVICES AND THE TOWNSHIP OF MONTGOMERY FOR A RECTANGULAR RAPID FLASHING BEACON (RRFB) SYSTEM**

BE IT RESOLVED That approval is hereby given for the Mayor and Clerk to sign a Shared Services Agreement between the Somerset County Department of Public Works, Division of Traffic Safety Services and the Township of Montgomery for a Rectangular Rapid Flashing Beacon (RRFB) System in conjunction with curb ramps and a crosswalk across Belle Mead-Blawenburg Road, County Road 601, approximately two hundred and fifty (250) feet north of its intersection with Main Boulevard.

G. **RESOLUTION #17-9-204 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR CHERRY VALLEY ROAD IMPROVEMENTS (APPROXIMATELY 300 FEET WEST OF CHERRY HILL ROAD TO THE MERCER COUNTY BRIDGE WEST OF GEORGE DRIVE)**

WHEREAS, The Township of Montgomery wishes to apply for Municipal Aid funding from the New Jersey Department of Transportation for improvements to Cherry Valley Road.

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-2018-Cherry Valley Road Improvements-00211** 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.

H. **RESOLUTION #17-9-205 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA) - Stage II Wastewater Treatment Plant Headworks Improvement Project**

BE IT RESOLVED By the Montgomery Township Committee that Donna Kukla, Township Clerk, is hereby authorized to execute a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection related to the Stage II Wastewater Treatment Plant Headworks Improvements Project.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #17-9-206 - APPROVAL OF CONSTRUCTION SEQUENCE AGREEMENT -**
Rollins-Western Real Estate Holdings, LLC

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Rollins-Western Real Estate Holdings, LLC, with respect to Block 35002, Lot 9, subject to review and approval by the Township Attorney as to form and content.

J. **RESOLUTION #17-9-207 - APPROVAL OF AN AGREEMENT FOR RESERVATION OF REMAINING SEWER CAPACITY -**
Rollins-Western Real Estate Holdings LLC (Block 35002, Lot 9)

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement for reservation of remaining sewer capacity with Rollins - Western Real Estate Holdings, LLC related to remaining capacity in the Stage II Sewage Treatment Plant for Block 35002, Lot 9.

K. **RESOLUTION #17-9-208 - AUTHORIZING CROSS EASEMENT -** Block 35002, Lot 9
Rollins-Western Real Estate Holdings, LLC.

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Cross Easement agreement with Rollins-Western Real Estate Holdings, LLC for signs and a light post in the sewer easement on Lot 9, Block 35002 subject to the Township Engineer's approval and the Township Attorney's approval of the Cross Easement agreement.

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

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

7. **RESOLUTION #17-9-209 - EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD -** Electrical Savings at Sewage Treatment Plant

WHEREAS, The Montgomery Township Committee has established an "Employee Efficiency Incentive Program" the purpose of which is to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Township and its taxpayers the maximum benefit from the conservation of Township resources; and

WHEREAS, The program recognizes that the employees of the Township represent an unlimited source of ideas for better ways to serve the public; and

WHEREAS, Monetary awards are intended to offer a significant efficiency incentive for employees to become involved in the creative process and to amplify the capabilities of management; and

WHEREAS, Employees whose suggestions result in actual dollar savings or costs avoidance of at least \$1,000 shall receive 20%, and the department head shall receive 10% of the actual dollar savings for that year providing that no award shall exceed \$10,000.00 or one-third of the award recipient's annual base salary; and

WHEREAS, Jason Kiernan suggested the Township modify blower speeds at Pike Brook Sewage Treatment Plant; and

WHEREAS, This practice has saved the Township \$46,302.00 in electricity bills in the first year of implementation without impacting wastewater quality.

NOW, THEREFORE, BE IT RESOLVED That the Employee Efficiency Incentive Committee therefore recommends that Mr. Kiernan be provided an award of \$9,260.00 for his suggestion and that this award be approved for payment in a paycheck of 2017 (per 2-30.2e).

BE IT FURTHER RESOLVED That Arthur Villano, as impacted Department Head, receive an award of \$4,630.00.

7-1. 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

8. **RESOLUTION #17-9-210 - AWARD OF BID #B09-2017 - GREEN AVENUE IMPROVEMENTS, PHASE II (2017 MUNICIPAL AID PROJECT)**

WHEREAS, The following bids for the Green Avenue Improvements, Phase II project were received and publicly opened on Thursday, August 31, 2017 at 11:00 AM:

Bidders	Bid Amount
S. Brothers, Inc.	\$ 772,470.89
Top Line Construction Corp.	\$ 879,286.23
Seacoast Construction, Inc.	\$ 880,516.35

WHEREAS, S. Brothers, Inc., P.O. Box 317, South River, NJ 08882 is 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

(Item #8 Cont.)

WHEREAS, There exists account number 04-215-55-901-1521B which will fund this project.

NOW, THEREFORE, BE IT RESOLVED That the Township of Montgomery hereby recommends to the New Jersey Department of Transportation that the contract for Green Avenue Improvements, Phase II, in the Township of Montgomery, County of Somerset, be awarded to S. Brothers, Inc., whose bid amounted to \$772,470.89, subject to the approval of the Department.

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

8-1. 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

9. **RESOLUTION #17-9-211 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY AMENDING CERTAIN PROVISIONS OF A BOND RESOLUTION ADOPTED BY THE TOWNSHIP ON AUGUST 17, 2017 TO PROVIDE FOR A REDUCTION IN THE PRINCIPAL AMOUNT OF THE TOWNSHIP'S GENERAL IMPROVEMENT BONDS, SERIES 2017A.**

WHEREAS, The Township of Montgomery, in the County of Somerset, New Jersey (the "Township") has adopted on August 17, 2017 a bond resolution (the "Bond Resolution") authorizing the issuance of \$9,115,000 principal amount of General Improvement Bonds, Series 2017A (the "Series A Bonds") pursuant to the Bond Ordinances described in Appendix A-1 thereto, and \$1,414,000 principal amount of Sewer Utility Bonds, Series 2017B (the "Series B Bonds") pursuant to the Bond Ordinances described in Appendix A-2 thereto; and

WHEREAS, The Bond Resolution further authorized the public sale of the Series A Bonds and the Series B Bonds (collectively, the "Bonds") pursuant to a Notice of Sale in substantially the form attached as Appendix B thereto (the "Notice of Sale") and a Summary Notice of Sale in substantially the form attached as Appendix C thereto (the "Summary Notice of Sale"), and further authorized the execution and delivery by the Township of the Bonds unless adjusted pursuant to Section 10 thereof, and

WHEREAS, The Bond Resolution further authorized the distribution by the Township of a Preliminary Official Statement relating to the Bonds, in substantially the form attached as Exhibit A thereto (the "Preliminary Official Statement"), together with a final Official Statement in substantially such form; and

WHEREAS, The Bond Resolution further approved and authorized the execution of a Continuing Disclosure Agreement in substantially the form attached as Appendix E thereto (the "Continuing Disclosure Agreement"); and

WHEREAS, Following the adoption of the Bond Resolution, the Township has determined to reduce the aggregate principal amount of the Series A Bonds by \$175,000, from \$9,115,000 to \$8,940,000; and

WHEREAS, The Township Committee now wishes to amend certain provisions of the Bond Resolution in order to reflect such reduction in the aggregate principal amount of the Series A Bonds.

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

Section 1. All references in the Bond Resolution, and in the forms of the Bonds, the Notice of Sale, the Summary Notice of Sale, the Preliminary Official Statement and the Continuing Disclosure Agreement, to the principal amount of the Series A Bonds are hereby amended from \$9,115,000 to \$8,940,000.

Section 2. Appendix A-1 to the Bond Resolution is hereby amended to read as follows:

<u>Ordinance Number</u>	<u>Date Adopted</u>	<u>Amount of Bonds Authorized</u>	<u>Period of Usefulness (Years)</u>	<u>Bonds to be Issued</u>
12-1416	06/07/12	\$2,269,738	13.57064	\$ 78,764
13-1443	07/11/13	\$1,566,122	10.24309	\$1,566,111
14-1472	06/19/14	\$2,028,725	10.07750	\$1,853,725
17-1542	04/06/17	\$4,440,300	10.32000	\$4,244,400
17-1549	06/15/17	\$1,197,000	40.00000	\$1,197,000

Section 3. The average period of usefulness of the Series A Bonds, as set forth in Section 1 of the Bond Resolution, is hereby amended from 14.18 years to 14.26 years.

Section 4. The approved maturity schedule for the Series A Bonds, as set forth in Section 3 of the Bond Resolution and in the Notice of Sale and Summary Notice of Sale, is hereby amended to read as follows:

(Item #9 Cont.)

GENERAL IMPROVEMENT BONDS, SERIES 2017A

<u>Year</u>	<u>Principal Amount</u>
2018	\$580,000
2019	570,000
2020	580,000
2021	590,000
2022	600,000
2023	610,000
2024	620,000
2025	625,000
2026	645,000
2027	660,000
2028	685,000
2029	705,000
2030	720,000
2031	750,000

Section 5. All references in the Notice of Sale and the Summary Notice of Sale to the amount of the good faith deposit are amended from \$210,580 to \$207,080. All references in the Notice of Sale to the minimum and maximum bid prices for the Bonds are hereby amended from (x) a minimum bid price of \$10,529,000 and a maximum bid price of \$11,581,900 to (y) a minimum bid price of \$10,354,000 and a maximum bid price of \$11,389,400.

Section 6. The forms of the Bonds, the Notice of Sale, the Summary Notice of Sale, the Preliminary Official Statement and the Continuing Disclosure Agreement are hereby amended to reflect the foregoing amendments.

Section 7. All actions of the Township heretofore or hereafter taken by its officers and professionals in furtherance of the amendments reflected in this Resolution, including without limitation the distribution of the Notice of Sale, the Summary Notice of Sale and the Preliminary Official Statement in revised form, are hereby approved, ratified and confirmed.

Section 8. Except as amended hereby, all provisions of the Bond Resolution shall remain in full force and effect.

Section 9. This Resolution shall take effect immediately.

9-1. Deputy Mayor Smith 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

10. **GREEN AVENUE**

Bill Forbes, Griggstown Road, spoke about several houses on Scarlet Oak Drive that have a septic system in the back of the house and a sewer line in front of the house that connects to the sewer line at the road, which goes to the end of the road but was never connected into the main sewer line. He asked if that was ever going to happen. Administrator Nieman stated that there was never an intention to connect those houses. Attorney Hadinger spoke about the history of these "dry" lines. Deputy Mayor Smith suggested looking into what it would take to hook up these homes.

11. **APPROVAL OF MINUTES**

The Regular Session minutes of August 17, 2017 were approved as printed.

12. **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.

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. **ROUTE 601 SIDEWALK/ROAD CLOSURE SCHEDULED FOR OCTOBER**

Administrator Nieman stated that the County had started to do some preliminary work on Route 601 for the sidewalks. The work will be done in three stages. Stages 1 and 3 will be done between 9:00 a.m. and 4:00 p.m. Stage 2 will be done at night between approximately 9:00 p.m. and 5:00 a.m. The County has been warned about the football schedule. They hope to have the work completed by the end of December, weather permitting.

14. **INSURANCE COVERAGE FOR CONVATEC PROPERTY**

Administrator Nieman reported that the closing for the Convatec property had occurred. He asked if the Township Committee wanted to continue to carry insurance on the buildings for loss as well as liability. Committeewoman Graham suggested to continue with both until it is decided what the Township intends to do with the buildings.

15. **OPERATION FRIENDS**

Deputy Mayor Smith stated that "Operation Friends" was starting again. This would be similar to what occurred during Hurricane Katrina, and would help people affected by Hurricane Harvey in Houston and now Hurricane Irma in Florida. He explained the program involved donating much needed supplies to a school in the Houston area.

15. **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 is as follows:
 - Advice of counsel with respect to Mid-American Salt, LLC v. Morris County Cooperative Pricing Council and pending litigation relative thereto;
 - Terms and conditions of contract negotiations with Board of Education for Tennis Courts.
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. No agreements shall be authorized except by action of the Township Committee.

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

16. Meeting reconvened in Open Session and **ADJOURNMENT** was at 7:55 p.m. on a motion by Committeeman Conforti. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk