

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 21, 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 Madrid and Conforti
Committeewoman Graham was absent

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. **RESOLUTION HONORING TOWNSHIP COMMITTEEMAN RICH SMITH**

WHEREAS, Civic dedication is a measure of character and achievement, and therefore is central to every healthy community; and

WHEREAS, Rich Smith has demonstrated a strong commitment to the residents of Montgomery Township during his many years of community service; and

WHEREAS, Deputy Mayor Smith will be leaving public office on December 31, 2017, having served the residents in the following capacities:

Township Committee - 2012-2017
Township Committee, Mayor - 2014
Township Committee, Deputy Mayor - 2017
Planning Board, Class I - 2014
Planning Board, Class III - 2013, 2015-2016
Zoning Board of Adjustment - 2011
Site Plan/Subdivision Committee - 2014-2016
Transportation Advisory Committee - 2006-2007
Local Emergency Planning Council, Mayor - 2014
Economic Development Commission - Twp. Comm. Liaison - 2012-2015
Recreation Committee, Twp. Comm. Liaison - 2012-2014, 2016-2017
Sewer Committee, Twp. Comm. Representative - 2012, 2014-2017
Wildlife Management Committee, Twp. Comm. Representative - 2012
Master Plan/Land Development Update Committee - 2013-2016
Budget and Finance Committee, Twp. Comm. Liaison - 2013-2014
Veterans Memorial Committee, Twp. Comm. Representative - 2015
Board of Fire Prevention, Twp. Comm. Representative - 2016-2017

WHEREAS, During his years of service, Rich Smith has faithfully performed the duties and obligations of public office, and has given his utmost to the people of Montgomery, who in turn have benefited by his experience, knowledge and love for this community.

NOW, THEREFORE, BE IT RESOLVED That we the members of the Montgomery Township Committee, on behalf of the people of Montgomery, express our deepest appreciation for Committeeman Smith's many contributions to our community, and extend a fond farewell and warmest wishes for the future on this 21st day of December, 2017.

- 4-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.
- 4-2. Deputy Mayor Smith thanked the Governing Body for this resolution. He stated that this is a bittersweet moment. Back in 2011 he decided to enter the race for Township Committee. He wanted to give back to the community; lend his expertise in design, construction and development; and to help the town grow in the right direction and the right place. He hoped he brought an independent mind with his approach to matters. He always tried to do what was best for the Township before anything. Along the way he met some really great people and developed some wonderful friendships which he plans to keep for as long as he possibly can. He acknowledged Township Clerk Donna Kukla, who was the first one who got him started and showed him the ropes; Chief Financial Officer Michael Pitts, a breath of fresh air from the accounting and finance standpoint; Township Police Director Tom Wain, for all of the good work he has done in building a great Police Department; Fire Marshal Roy Mondri; Planning Director Lori Savron; Zoning Officer Joe Palmer; Township Engineer Gail Smith; and Superintendent of Public Works Art Villano. He acknowledged Township Attorney Kristina P. Hadinger, who works diligently to provide legal advice that is in the best interests of the Township, who is a straight shooter and is honest to a fault. He thanked Township Administrator Donato Nieman who has built a fantastic team in the Township and for his knowledge of the history and people of the Township which makes running it go much more smoothly. He stated that it has been a pleasure working with this Governing Body. He noted that they have done a lot as a team, and that is what makes this Township Committee work so well. They helped settle the decade old problem in Belle Mead with the developer for the two new retail developments at the corner of Route 206 and Belle Mead-Griggstown Road. He stated that the people of Montgomery Township are really lucky to have Mayor Trzaska. He also stated that he was especially proud of having served as Mayor in 2014. One thing he tried to do was to instill the customer service attitude in all of the Township's departments. He commented that the purchase of the Convatec property as a site for a new Municipal Building was a great idea and he can't wait for the groundbreaking.

(Item #4 Cont.)

- 4-3. Mayor Trzaska stated that serving with Deputy Mayor Smith over the past six years has been great. He worked hard for the Township and accomplished many things. Mayor Trzaska stated that Deputy Mayor Smith would be missed on the Township Committee, and he felt honored to have his friendship.
- 4-4. Committeeman Conforti stated that he and Deputy Mayor Smith look at things from two very different angles. He is the numbers person and Deputy Mayor Smith is the "project manager". He believed that the Township was a better place because of the years that Deputy Mayor Smith has served. He stated that the residents do not realize how much time the volunteers spend on projects and serving on Committees. He thanked Deputy Mayor Smith for the time he served.
- 4-5. Committeewoman Madrid thanked Deputy Mayor Smith and stated that it was a pleasure working with him. She believes that people serve in politics at the Municipal level to contribute to the community. She stated that Deputy Mayor Smith is leaving Montgomery a better place than when he joined the Governing Body.

5. **RESOLUTION #17-12-281 - APPOINTMENT OF POLICE SERGEANTS - Sean Sullivan and Ryan Gray**

BE IT RESOLVED That Sean Sullivan is hereby appointed Police Sergeant, effective December 21, 2017.

BE IT FURTHER RESOLVED That Ryan Gray is hereby appointed Police Sergeant, effective December 21, 2017.

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

6. **SWEARING IN OF POLICE SERGEANTS**

Attorney Hadinger administered the Oaths of Office to Police Sergeants Sean Sullivan and Ryan Gray.

- 6-1. Police Captain Wain thanked the Governing Body and everyone in the audience. He stated it was a proud night for the Police Department. Captain Wain thanked Deputy Mayor Smith and stated that Mr. Smith has been a good friend to the Police Department and has done much to advance the department. Captain Wain acknowledged retired Police Lieutenant Guy Fillebrown who was in the audience. He stated that he was proud of Sergeants Sullivan and Gray. He has watched them grow in their careers and has seen their many contributions to the organization. He thanked Township Administrator Nieman and the Township Committee for their hard work during the promotional process.

Mayor Trzaska congratulated the two new Sergeants. He also thanked Committeewomen Graham and Madrid who lead the promotional process. There is nothing the Governing Body takes more seriously than working with the Police Department and acknowledged the quality of the Department. This round of promotions was incredibly difficult as there were four truly outstanding candidates for the two positions.

7. **POLICE REPORT**

Police Lieutenant Gill reported on the following activities of the Police Department for the month of November, 2017:

-- 65 motor vehicle accidents;
-- 19 arrests;
-- 10 thefts;
-- 1 burglary;
-- 0 criminal mischief;
-- 0 domestic violence.

9. **PRESENTATION BY PIRHL, LLC**

Laura Schweiger, Vice President of Development for PIRHL, LLC, gave a brief background of the company. She spoke about their proposed project behind the Village Shopper site, adjacent to the Sharbell development, which would fulfill an affordable housing obligation. She explained that the project originally consisted of building 60 Senior housing units, but the Township then asked if that number could be increased to approximately 80 units. She stated that she is asking for a change within the new zone. It is a pretty minor change that would increase the size from a three story building of 50 feet to a four story building of 52 feet. She explained that in the new plan there would be approximately 86 units in the project, and more green space than was in the original plan.

Township Planner Michael Sullivan spoke about the project and stated his approval to the new plan.

- 9-1. **Motion #17-12-1** - Committeeman Conforti moved to ask Planning Board professionals to move forward on an amendment to the current zoning ordinance. The motion was seconded by Committeewoman Madrid and carried unanimously.

8. **GIRL SCOUT GOLD AWARD PROJECT PRESENTATION - Julia Garaffa**

Julia Garaffa updated the Committee on her Gold Award project. She created and filmed a series of videos entitled "Videos 4 Volunteering". This was a partnership with the Montgomery Township Environmental Commission, more specifically the Sustainable Montgomery subcommittee. They conducted a sustainability survey a few years ago. That survey found that the boards and committees in Montgomery Township did not represent the diversity of Montgomery Township. They brought her in to create videos that would showcase the work that volunteer boards, committees and commissions do in town, and make it accessible for all people in the Township. The end goal was for more people to get involved, by making the information easily accessible. She interviewed leaders and members of the key boards and commissions that have volunteers, and she edited those interviews into short 5 to 7 minute videos that answered many of the questions people might have about the various boards and commissions. Each video includes a link to a volunteer interest form for the person to fill out. The videos have been posted on the Township's website and on YouTube. Some of these videos have gotten more than 100 views from Township residents. Her hope is to make an overall impact with this project by increasing volunteerism in Montgomery, because volunteers are the backbone of the town.

Mayor Trzaska stated that this was a great project and very important and he suggested that the Township send out an e-bulletin at the end of every year urging people to view these videos because volunteers are always needed.

10. **PUBLIC COMMENT**

10-1. Ken Knieser, Oak Ridge Drive, thanked Rich Smith for his service to the Township.

10-2. Brett Borowski, York Drive, thanked Rich Smith and the entire Governing Body. He stated that since he started attending the Township Committee meeting earlier in 2017, he has been happy with what he has seen the Governing Body do and it is very much appreciated. He spoke about taxes and the tax reform bill. He wondered if he should pay his 1st quarter 2018 taxes so he doesn't lose his discount.

Committeeman Conforti suggested if he is unsure what impact it will have he should pay the 1st quarter taxes, as his accountant told him to do.

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. **RESOLUTION #17-12-282 - REFUND OVERPAID 2016 AND 2017 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2017 taxes:

Block	Lot	Name	Amount	Year
5005	2	Empire Title & Abstract Agency, LLC	\$5,076.83	2017
5008	108	Premier Abstract & Title Agency, Inc.	\$3,333.30	2017
6001	5.11	Sanjay & Parul Jalona	\$1,537.50	2017
7021	49	Christopher & Lindsay Manente	\$ 250.00	2017
18025	3	Foundation Title, LLC	\$5,817.13	2017
28001	5.08	Wells Fargo Real Estate Tax Service LLC	\$3,146.37	2016
28002	2	Brian J. Geiger	\$ 250.00	2017
30002	74	Title Evolution, LLC	\$5,966.70	2017
30002	103	First Title & Escrow, Inc.	\$ 301.52	2017
30003	57	Empire Title & Abstract Agency, LLC	\$4,775.51	2017
31003	9	Empire Title & Abstract Agency, LLC	\$6,040.57	2017
34018	33	John D. & Bridget C. Middleton	\$2,635.50	2017
34019	72	Gary Nool & Rong Shi	\$3,488.14	2017
37002	1.057	Donald & Junko Johnson	\$2,109.20	2017

B. **RESOLUTION #17-12-283 - CANCEL 2017 TAXES**

BE IT RESOLVED That the 2017 tax balance in the amount of \$1,058.57 on Block 6001 Lot 24 be cancelled. The property is owned by the Township of Montgomery and therefore tax exempt.

C. **RESOLUTION #17-12-284 - CANCEL TAX AND SEWER OVERPAYMENT**

WHEREAS The Report of Audit on the Financial Statements of the Township of Montgomery for the Year Ended December 31, 2016 by Independent Auditors Suplee, Clooney and Company included a recommendation "That Tax and Sewer Overpayments be Reviewed and Liquidated on a Timely Basis"; and

WHEREAS, A process already exists within the Tax Collector's Office that addresses in writing any tax or sewer overpayment balance with parties involved in an attempt to attain documentation verifying what actions should be taken in regards to the handling of the overpayment; and

WHEREAS, Those overpayment balances that have remained open for more than a year are primarily related to overpayments were the efforts of the Tax Collector's Office to attain documentation verifying what actions should be taken in regards to the handling of the overpayments have been unsuccessful.

(CONSENT AGENDA Item C Cont.)

NOW, THEREFORE, BE IT RESOLVED, That the following Tax and Sewer Overpayments are presented to the Township Committee for cancellation via resolution:

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Quarter</u>	<u>Amount</u>
14001	14	2014	2nd	\$2,715.58
37003	1.001	2015	3rd	\$1,991.19

D. **RESOLUTION #17-12-285 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Recycling Tonnage Grant**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2017, in the amounts listed below, which items is now available as a revenue from the State of New Jersey;

2015 RECYCLING TONNAGE GRANT \$21,149.61

BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

E. **RESOLUTION #17-12-286 - REDEMPTION OF TAX SALE CERTIFICATE #2017-21**

BE IT RESOLVED That a refund in the amount of \$6,679.06 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2017-21 on Block 34023, Lot 20.

F. **RESOLUTION #17-12-287 - AUTHORIZING EXECUTION OF THE METRO EMPLOYEE ASSISTANCE SERVICE AGREEMENT - January 1, 2018 to December 31, 2018**

BE IT RESOLVED That the Township Administrator is hereby authorized to sign an agreement with the Metro Employee Assistance Service for the term January 1, 2018 to December 31, 2018.

G. **RESOLUTION #17-12-288 - APPROVING AN AGREEMENT FOR PARTICIPATION IN PRESERVATION OF PROPERTY BETWEEN THE COUNTY OF SOMERSET AND THE TOWNSHIP OF MONTGOMERY - Purchase of the 901 Realty Associates Property (Block 30001, Lot 9.01)**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to sign an Agreement for Participation in Preservation of Property between the County of Somerset and the Township of Montgomery for the purchase of the 901 Realty Associates property (Block 30001, Lot 9.01).

H. **RESOLUTION #17-12-289 - RELEASE OF ESCROW FEE - Rachael Fonseca - Street Opening Permit #17-R-16**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to Rachael Fonseca because all work has been satisfactorily completed with respect to the following street opening permit at Block 7003, Lot 19 (66 Knickerbocker Drive).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$965.00 be released to Rachael Fonseca, 66 Knickerbocker Drive, Belle Mead, NJ 08502.

I. **RESOLUTION #17-12-290 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH PRINCETON FOR PUBLIC HEALTH SERVICES**

WHEREAS, The governing bodies of the Township of Montgomery and Princeton desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for public health services; and

WHEREAS, A shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Princeton, has been prepared and circulated for approval by the governing bodies of Montgomery and Princeton.

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 Princeton for public health 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.

(CONSENT AGENDA Cont.)

J. **RESOLUTION #17-12-291 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH PRINCETON FOR ANIMAL CONTROL SERVICES**

WHEREAS, Princeton and Montgomery Township each provide animal control services to their respective municipalities; and

WHEREAS, Princeton requires supplemental assistance from an Animal Control Officer to provide shelter maintenance and animal emergency response.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with Princeton to utilize Montgomery's Animal Control Officer for supplemental assistance as the need arises.

11-1. 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
Nays - None
Absent - Graham

12. **RESOLUTION #17-12-292 - PROFESSIONAL SERVICES AGREEMENT - Economic Development Services - RCM Ceberio, LLC**

WHEREAS, The Township of Montgomery seeks to retain professional Economic Development Services; and

WHEREAS, There exists a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law"; and

WHEREAS, The firm of RCM Ceberio, LLC has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of these services over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, RCM Ceberio, LLC has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that RCM Ceberio, LLC has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 *et seq* authorizes the award of a contract for "professional services" without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #01-201-20-170-200.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with RCM Ceberio, LLC for Economic Development Services.
2. RCM Ceberio, LLC shall be paid a not to exceed fee of \$24,000.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

12-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Smith and carried on the following:

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

13. **APPROVAL OF MINUTES**

The Special Session minutes of December 7, 2017 were approved as printed.

14. 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.

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

15. HEALTH DEPARTMENT

Administrator Nieman stated that the Health Department was given an award for the Township's Farmer's Market, through the Somerset Wellness Program.

16. COMMITTEE AND SUB-COMMITTEE REPORTS

16-1. ZONING BOARD OF ADJUSTMENT

Committeeman Conforti stated that the Zoning Board of Adjustment met for a couple of minor items on their agenda.

16-2. SITE PLAN/SUBDIVISION COMMITTEE

Committeeman Conforti reported on a rather lengthy Site Plan/Subdivision Committee meeting. There was a presentation and discussion with the Montgomery Promenade representatives.

16-3. VETERANS MEMORIAL COMMITTEE

Committeeman Conforti stated that he attended the memorial at Montgomery High School naming the main drive into that facility "1st Lieutenant Ashley Henderson Huff Memorial Drive". It was a wonderful and very moving event. He thanked everyone involved in putting it together.

ADJOURNMENT was at 8:06 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