

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 7, 2019

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 Jaffer, Deputy Mayor Gural, Committeemembers Trzaska and Quraishi
Committeeman Schuldiner was absent

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

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

4. **PROCLAMATION - Black History Month**

WHEREAS, During Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development; and

WHEREAS, In 1915, Dr. Carter Godwin Woodson, noted Black scholar and son of former slaves, founded the Association for the Study of Negro Life and History, which was later renamed the Association for the Study of African American Life and History (ASALH); and

WHEREAS, Dr. Woodson initiated Black History Week, February 12, 1926; and for many years, the second week of February, chosen so as to coincide with the birthdays of Frederick Douglas and Abraham Lincoln, was celebrated by African Americans in the United States, and

WHEREAS, In 1976, as part of the nation's bicentennial, Black History Week was expanded and became established as Black History Month, and is now celebrated all over North America; and

WHEREAS, The observance of Black History Month calls our Nation's attention to the continued need to battle racism and to build a society that lives up to its democratic ideals.

NOW, THEREFORE, We the Montgomery Township Committee do hereby proclaim February 2019 as *Black History Month* in Montgomery Township and urge all citizens to celebrate our diverse heritage and culture and continue our efforts to create a world that is more just, peaceful and prosperous for all.

- 4-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.

5. **POLICE REPORT**

Police Lieutenant James Gill reported on the following activities of the Police Department for the month of December, 2018:

-- 70 motor vehicle accidents;
-- 30 arrests;
-- 1 theft;
-- 9 burglaries;
-- 2 criminal mischief;
-- 3 domestic violence.

Police Lieutenant James Gill reported on the following activities of the Police Department for the month of January, 2019:

-- 46 motor vehicle accidents;
-- 26 arrests;
-- 1 theft;
-- 5 burglaries;
-- 1 criminal mischief;
-- 4 domestic violence.

Lieutenant Gill stated that the three new recruits are in their third week of the Police Academy.

6. **MAYORAL AD HOC COMMUNICATIONS COMMITTEE**

Mayor Jaffer stated that considering that the communications methods that the public uses to find information have changed drastically in the past few years, the Governing Body wants to make sure they are including the public in the decision making and governance processes and keeping them as informed as possible. To that effect, she is creating an Ad Hoc Communications Committee to assess and make recommendations on how communications between the Township and public can be improved. She would like this committee to:

- examine the Township's current processes like the Newsletter, Social Media presence and web postings for getting information to the public;
- identify what the residents are looking for from the Township and ways the public would like to receive that information;
- task the committee with coming up with recommendation to improve the quality, type and delivery of information for the residents.

With this committee, she hopes and expects that they will be able to make positive strides in improving the transparency and increasing civic engagement by facilitating better interaction with the residents. She is forming this committee and will announce the members at the next Township Committee meeting. She encouraged members of the public who are interested in serving the Township in this way to please get in touch with her.

7. **PUBLIC COMMENT**

7-1. Nancy Herrington, Township Line Road, explained what the Fair Welcoming Community Coalition (FWCC) of Somerset County does. She stated that the FWCC of Somerset County will be holding a "Know Your Rights" training course at the end of March and stated that if anyone was interested they should sign up on the FWCC website. She also let the Governing Body know that she would be interested in volunteering for the ad hoc communications committee.

7-2. Brett Borowski, York Drive, commented that he was happy to hear the Mayor's announcement about the ad hoc communications committee.

He commented about the new recycling containers delivered by Somerset County and said they do not have to be put in the street anymore. In the information given with the new containers, it clearly states that they can be within three feet of the edge of the road.

7-3. Irene Stein, Jamestown Road, stated that she appreciated that for many years the Township has given residents Radon kits. She asked if the Township could also look into supplying water testing kits.

7-4. Ken Kneiser, Stonebridge, stated that he was not able to attend the last two meetings of the Township Committee. He tried to listen to the broadcast but found that the sound was not strong enough to be able to be picked up by his television and he wondered if someone could look into this. Administrator Nieman stated that the webcasting company would be contacted to look into the problem.

8. **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 #19-2-42 - REFUND OVERPAID 2018 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2018 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
3006	6	Jeffrey & Joanne Amon	\$2,101.81
4069	4	Alak & Sumita Das	\$5,605.81
5004	53	Yufang Shi & Liying Zhang	\$4,434.79
5006	4	Rahendra Vangala & L. Dama	\$4,910.75
5008	63	Qi Lu	\$3,263.76
5008	66	Anish & Aleena George	\$3,029.56
5009	4	Arindam & Arunima Kuila	\$3,287.18
5014	19	Harish K. & Vellamla Kommareddy	\$3,144.40
5024	22.01CONDO	Weida Wu & Kuang Li	\$2,997.07
6001	5.13	Sailaja & Maheswara Reddy Paturu	\$3,022.00
6003	21	Weixing Zong & Xianghu Deng	\$4,122.77
6004	9	AFRM Title & Abstract, LLC	\$3,671.73
7002	31	Gregory & Eileen Mc Laughlin	\$3,033.34

B. **RESOLUTION #19-2-43 - REDEMPTION OF TAX SALE CERTIFICATES #2015-16 AND #2017-11**

BE IT RESOLVED That a refund in the amount of \$41,763.35 be given to TWR as Cust for Ebury Fund 1 NJ LLC, P.O. Box 37695, Baltimore, MD 21297-3695 for the redemption of Tax Sale Certificate #2015-16 on Block 34021, Lot 34.

BE IT FURTHER RESOLVED That a refund in the amount of \$17,268.81 be given to US Bank Cust for Actlien Holding Inc., 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 for the Redemption of Tax Sale Certificate #2017-11 on Block 7036, Lot 4.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #18-2-44 - APPROVAL OF 2018 RECYCLING AGREEMENT WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, Pursuant to it's duly approved Solid Waste Management Plan and amendments thereto, the County of Somerset has established a mandatory countywide recycling program; and

WHEREAS, The duly approved Solid Waste Management Plan and amendments thereto call for the execution of agreements by and between Somerset County and municipalities located within the County; and

WHEREAS, The Township of Montgomery desires to participate in the recycling program; and

WHEREAS, The award of this contract to the County pursuant to N.J.S.A. Section 13:1E-99.14 is an exception to the bidding requirements as set forth in the Local Public Contracts Law pursuant to N.J.S.A. Section 40A:11-5(2), and the Board of Public Utilities Somerset Waste Franchise for Somerset County; and

WHEREAS, The Chief Finance Officer has certified the extent to which funds for this contract are available pursuant to the temporary budget.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County that the Mayor and Clerk are hereby authorized to execute an agreement with Somerset County for the provision of recycling services for a one-year term beginning January 1, 2019 through and including December 31, 2019.

D. **RESOLUTION #19-2-45 - AUTHORIZING A TRANSPORTATION SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET**

WHEREAS, The Township of Montgomery in Somerset County has the need to provide transportation services to certain residents; and

WHEREAS, The County of Somerset, Division of Transportation, has the proper equipment and qualified drivers and can provide transportation services to the Township.

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

1. The transportation services contract between the County of Somerset and Township of Montgomery authorizing the County to provide transportation services on weekdays between the hours of 8:30 a.m. and 2:00 p.m. to Township residents, as determined by the Township, as well as transportation services for weekend trips is hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the Township.
2. Said services shall be provided by the County at a rate of \$25.29 per hour worked for weekday services for a not to exceed amount of \$40,337.94; \$37.94 per hour for weekend trips; an hourly fringe benefit cost of \$12.62 per hour provided that the total not exceed \$22,258.00; and a \$52.92 per day operating cost for administrative costs incurred by the County, not to exceed \$13,071.24, and account #01-201-28-374-251 will fund these services.
3. A Certificate of Available Funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.
4. The terms of the agreement shall be from January 1, 2019 through December 31, 2019.

E. **RESOLUTION #19-2-46 - AMENDING RESOLUTION #19-1-37 - ENDORSEMENT OF NJDEP TREATMENT WORKS APPROVAL APPLICATION FOR THE MONTGOMERY TOWNSHIP MUNICIPAL COMPLEX**

BE IT RESOLVED By the Montgomery Township Committee that Resolution #19-1-37 adopted on January 17, 2019 be amended to include the following condition:

1. It should be noted that the Township has not accepted a portion of the collection system into which the flow from the new Municipal complex will discharge. Said portion of the collection system is from the manhole at the intersection of Autumn Lane and Orchard Road to the portion of the force main in the area of the Tapestry Main Pump Station. The developer who constructed that portion of the collection system is in the process of completing the punch list for the improvements, and the Township will accept the collection system upon satisfactory completion of the punch list.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #19-2-47 - ENDORSEMENT OF NJDEP TREATMENT WORKS APPROVAL APPLICATION FOR THE PROPOSED GODDARD SCHOOL DAYCARE FACILITY**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval application to the New Jersey Department of Environmental Protection related to the proposed Goddard School daycare facility (Block 28006, Lot 67) subject to review and approval by the Township Engineer and Township Attorney as to form and content, and including the following condition:

1. The application and plans shall be revised to satisfactorily address any comments arising from the review.

G. **RESOLUTION #19-2-48 - RELEASE OF PERFORMANCE GUARANTEE - DeRochi Major Subdivision with Bulk Variance (Block 27001, Lots 10.01, 10.02 and 10.03 {formerly 8.01, 9 and 10})**

WHEREAS, Gail Smith, Township Engineer, has certified on January 31, 2019 that all public improvements in a project known as DeRochi Major Subdivision with Bulk Variance have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$128,872.80 (cash) be released to Steven DeRochi and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$128,872.80
15% Maintenance Guarantee	\$ 19,330.92

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

The Township **will not accept any improvements** for this project, including the shared pervious gravel driveway system on lots 10.02 and 10.03, gravel bed and rain garden on lot 10.02, and gravel bed and rain garden on lot 10.03.

H. **RESOLUTION #19-2-49 - AUTHORIZING MAINTENANCE AND HOLD HARMLESS AGREEMENT - E1004A, LLC (Jaguar Land Rover Princeton)**

BE IT RESOLVED That the Mayor or Deputy Mayor and Clerk are hereby authorized to execute a Maintenance and Hold Harmless Agreement between the Township of Montgomery and E1004A, LLC (Jaguar Land Rover Princeton).

I. **RESOLUTION #19-2-50 - AUTHORIZING ACCESS AND USE AGREEMENT BETWEEN THE TOWNSHIP OF MONTGOMERY AND MONTGOMERY TOWNSHIP BOARD OF EDUCATION - Swimming Pool**

BE IT RESOLVED That the Mayor or Deputy Mayor and Clerk are hereby authorized to execute an Access and Use Agreement between the Township of Montgomery and the Montgomery Township Board of Education with respect to use of the swimming pool located at Montgomery High School. The term of the agreement shall be from July 1, 2019 to June 30, 2020.

J. **RESOLUTION #19-2-51 - APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER PURSUANT TO PUBLIC LAW 1975, CHAPTER 127**

WHEREAS, New Jersey Public Law 1975, Chapter 127, Section 1, et seq., requires that a municipality annually designate an officer or employee as the Public Agency Compliance Officer in accordance with the aforesaid Statute to facilitate the implementation and compliance with the Affirmative Action requirements of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED That Donna Kukla be and is hereby appointed as the Public Agency Compliance Officer for the Township of Montgomery for the calendar year 2019 and that a certified copy of this Resolution be filed with the appropriate agency as required by law.

K. **RESOLUTION #19-2-52 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET, STATE OF NEW JERSEY AUTHORIZING MEMBER PARTICIPATION IN THE MORRIS COUNTY COOPERATIVE PURCHASING COUNCIL (MCCPC)**

WHEREAS, N.J.S.A. 52:36-6.2 authorizes contracting units to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, The Morris County Cooperative Purchasing Council hereinafter referred to as MCCPC, has offered voluntary participation in the cooperative purchasing agreement for the purchase of goods and services; and

WHEREAS, It is the desire of the Township of Montgomery to join the MCCPC to purchase goods and services, to make the procurement process more efficient and to provide cost savings to the Township.

(CONSENT AGENDA Item K. Cont.)

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

1. That the governing body of the Township of Montgomery hereby authorizes the Mayor and the Municipal Clerk to enter into a member participation agreement and to participate in the Morris County Cooperative Purchasing Council.
2. The Township shall be responsible to ensure that the goods and/or services procured through the Morris County Cooperative Purchasing Council shall comply with all applicable laws of the State of New Jersey, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

L. **RESOLUTION #19-2-53 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET, STATE OF NEW JERSEY AUTHORIZING MEMBER PARTICIPATION IN THE WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION**

WHEREAS, N.J.S.A. 52:36-6.2 authorizes contracting units to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, The WSCA-NASPO Cooperative Purchasing Organization has offered voluntary participation in the cooperative purchasing agreement for the purchase of goods and services; and

WHEREAS, It is the desire of the Township of Montgomery to join the WSCA-NASPO Cooperative Purchasing Organization to purchase goods and services, to make the procurement process more efficient and to provide cost savings to the Township.

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

1. That the governing body of the Township of Montgomery hereby authorizes the Mayor and the Municipal Clerk to enter into a member participation agreement and to participate in the WSCA-NASPO Cooperative Purchasing Organization.
2. The Township shall be responsible to ensure that the goods and/or services procured through the WSCA-NASPO Cooperative Purchasing Organization shall comply with all applicable laws of the State of New Jersey, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

M. **RESOLUTION #19-2-54 - CHANGE IN CUSTODIAN OF PETTY CASH FUND**

WHEREAS, Donna Kukla was custodian of the Township Clerk's Petty Cash Fund; and

WHEREAS, In accordance with N.J.S.A. 40:5-21, the Township of Montgomery is changing custodians to Donna Kukla and Michael Pitts; and

WHEREAS, Donna Kukla and Michael Pitts are bonded in the amount of \$1 million by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED That the Township of Montgomery, County of Somerset hereby authorized such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

N. **TOWNSHIP COMMITTEE APPOINTMENTS - Township Engineer, Building Inspector and Plumbing Inspector**

Township Engineer - Gail Smith	3 yrs.	Exp. 12/31/21
Building Inspector - Ken Clayton	1 yr.	Exp. 3/10/20
Plumbing Inspector - John Glynn	1 yr.	Exp. 4/3/20
Electrical Inspector - Dale Gates	1 yr.	Exp. 5/15/20
Fire Inspector - Ryan Pinella	1 yr.	Exp. 2/5/20

- 8-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

9. **MAYORAL APPOINTMENT - Environmental Commission Chairperson**

BE IT RESOLVED That Mary Reece is hereby authorized and designated as Chairperson for the Montgomery Township Environmental Commission.

10. **RESOLUTION #19-2-55 - CHANGE ORDER #1 - Additional Items and Time Extension, Riverside and Oxbridge Wastewater Treatment Plant Consolidation Project**

WHEREAS, Resolution #17-8-186, adopted on August 3, 2017, authorized the award of a contract for the Riverside and Oxbridge Wastewater Treatment Plant Consolidation Project to CMS Construction, Inc. in the amount of \$ 3,956,695.00; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to add several work items and extend the time of completion for the project; and

WHEREAS, Change Order #1 would allow for the additional work and for a no cost time extension to February 28, 2019; and

WHEREAS, The work comprising Change Order #1 will result in a net increase in the original contract amount by \$ 145,319.59 or 3.67%; and;

WHEREAS, The Township Engineer has recommended approval of the Change Order; and

WHEREAS, A copy of the proposed Change Order request is available in the Office of the Township Engineer.

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

1. Change Order #1 is hereby approved for this project.
2. This Resolution, when counter-signed by CMS Construction, Inc., shall serve as a contract amendment to the original contract for the purpose of extending the contract completion date from August 31, 2017 to March 2, 2019 with no change in the contract amount.

10-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

11. **RESOLUTION #19-2-56 - RESOLUTION OF SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - Riverside and Oxbridge Consolidation Project - Engineering Services - Kleinfelder, Inc.**

WHEREAS, By Resolution No. #17-8-184 adopted on August 3, 2017, the Township Committee awarded an agreement for professional services to the firm of Kleinfelder, Inc. to provide Construction and Administrative Services for the Riverside and Oxbridge plant demolition, forcemain, and pump station installation("Project"), for the sum of \$296,240.00 ("Agreement for Professional Services" or "Agreement"); and

WHEREAS, By Resolution No. 17-8-184 adopted on May 17, 2018, the Township Committee approved an amended Agreement For Professional Services to Kleinfelder for change in scope of services for this Project, as detailed in Kleinfelder's First Proposal, bringing the contract total, as amended, to \$381,640.00 ("First Amendment"); and

WHEREAS, The Township Engineering Department has requested that the Township Committee authorize Kleinfelder, Inc. to complete additional engineering and construction services in connection with this Project, and in particular, to extend the scope of Kleinfelder's services to include additional work, as follows, additional construction progress meetings, negotiation and processing of the final change order, submission and close-out the Final Linear Construction Project Report to NJDEP for contaminated soil, completion final site inspections and generation of a final punch list for the contractor, review of final record drawings prepared by the contractor, provide technical support related to pump start-up at the Riverside Pump Station and review of final close-out submittals, all of which were not included in the original scope of services for said Project; and

WHEREAS, Kleinfelder, Inc. submitted a written proposal dated January 18, 2019 to complete these additional services for the sum of \$20,000 ("Proposal"), which Proposal shall be incorporated herein by reference; and

WHEREAS, The work set forth in the Proposal extends beyond the original scope of services with Kleinfelder, Inc., and therefore, the parties seek to memorialize the Proposal's scope of work and estimated cost by amending the existing Agreement; and

WHEREAS, The existing Agreement with Kleinfelder, Inc. was awarded without competitive bidding as a professional services agreement pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and as a such, the Township Committee may amend same by resolution adopted under N.J.A.C. 5:30-11.6(e); and

WHEREAS, There exists account numbers 04-215-55-901-1495E and 04-215-55-901-1495D which will fund this Agreement amendment; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for this purpose.

(Item #11 Cont.)

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

1. The existing Agreement for Professional Services entered into between the Township and Kleinfelder, Inc., is hereby amended, to extend the scope of Kleinfelder's services to include additional work, as follows, additional construction progress meetings, negotiation and processing of the final change order, submission and close-out the Final Linear Construction Project Report to NJDEP for contaminated soil, completion final site inspections and generation of a final punch list for the contractor, review of final record drawings prepared by the contractor, provide technical support related to pump start-up at the Riverside Pump Station and review of final close-out submittals, all of which were not included in the original scope of services for this Project, as detailed in Kleinfelder's January 19, 2019 Proposal, incorporated herein by reference, resulting in an increase in the contract amount by \$20,000, bringing the contract total, as amended, to \$401,640.00
2. The Mayor and Clerk are hereby authorized and directed to execute an Amendment to the Professional Services Agreement which shall be executed by the parties to confirm the additional scope of services and anticipated cost; the form of the Amendment to Agreement for Professional Services shall be subject to the approval of the Township Attorney.
3. A copy of this Resolution and Amendment to Agreement for Professional Services shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

11-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

12. **RESOLUTION #19-2-57 - AUTHORIZATION TO EXECUTE AN ADMINISTRATIVE SERVICES AGREEMENT WITH LINCOLN RETIREMENT SERVICES TO IMPLEMENT THE DEFERRED COMPENSATION PROGRAM**

WHEREAS, The Township of Montgomery (hereinafter referred to as the "Employer") by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, The Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations"); and

WHEREAS, The Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations; and

WHEREAS, The Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations; and

WHEREAS, Such revised Plan shall supersede the previously adopted Plan.

NOW, THEREFORE BE IT RESOLVED That the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316; and

BE IT FURTHER RESOLVED That Lincoln Retirement Services, LLC (hereinafter referred to as "Lincoln") has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED That Lincoln will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED That there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7; and

BE IT FURTHER RESOLVED That the Chief Finance Officer is authorized to execute an Administrative Services Agreement with Lincoln (94-SA-Lincoln-110217) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED That the Chief Finance Officer is authorized to serve as the "Administrator" of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED By the Employer that the Clerk forward a certified true copy of this resolution to the Chief Finance; and

(Item #12 Cont.)

BE IT FURTHER RESOLVED That a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

12-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

13. **RESOLUTION #19-2-58 - AUTHORIZING PURCHASE OF ROCK SALT THROUGH THE SOMERSET COUNTY COOPERATIVE**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through a New Jersey State CO-OP per N.J.S.A. 40A:11-11; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to enter into a cooperative pricing agreement for the purchase of work, materials and supplies; and

WHEREAS, The Township of Montgomery has determined the following cooperative contract #CC-0054-18, Co-operative Pricing Bid #2-SOCCP has provided the Township with the most competitive price for the purchase of Rock Salt; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number 01-201-26-290-221.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Purchase of Rock Salt at a not to exceed amount of \$180,000.00 be authorized through the utilization of the Somerset County Cooperative to:

Primary
Atlantic Salt, Inc.
134 Middle Street
Suite 210
Lowell, MA 01852

Secondary
Chemical Equipment Labs of DE, Inc.
3920A Providence Road
Newtown Square, PA 19073

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

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

14. **RESOLUTION #19-2-59 - RENEWAL OF ABC LICENSE #1813-33-009-002 - MTC Restaurant I, LLC**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-009-002 for MTC Restaurant I, LLC:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-009-002 is hereby granted for the year 2018-2019.

14-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

15. **RESOLUTION #19-2-60 - RENEWAL OF ABC LICENSE #1813-33-011-002 - MTC Restaurant II, LLC**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-011-002 for MTC Restaurant II, LLC:

- a. The submitted application form is complete in all aspects.
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions.
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business.
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-011-002 is hereby granted for the year 2018-2019.

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

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

16. **RESOLUTION #19-2-61 - RENEWAL OF ABC LICENSE #1813-33-012-002 - MTC Restaurant III, LLC**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-012-002 for MTC Restaurant III, LLC:

- a. The submitted application form is complete in all aspects.
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions.
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business.
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-012-002 is hereby granted for the year 2018-2019.

- 16-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

17. **RESOLUTION #19-2-62 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2019 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2019 Budget being adopted in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body.

(Item #17 Cont.)

NOW, THEREFORE, BE IT RESOLVED, By confirmation of two-thirds of the full governing body, that the Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Current Fund

General Admin
 Other Expense \$10,000.00
Municipal Clerk
 Other Expense \$5,000.00
Finance Administration
 Other Expense \$10,000.00
Revenue Administration
 Other Expense \$10,000.00
Public Works
 Other Expense \$15,000.00
Buildings & Grounds
 Other Expense \$50,000.00
Recreation
 Other Expense \$10,000.00
Liability Insurance
 Other Expense \$370,000.00
Workers Compensation
 Other Expense \$170,000
Employee Group Insurance
 Other Expense \$600,000
Shade Tree
 Other Expense \$7,000.00
Vehicle Maintenance
 Other Expense \$300,000

Sewer Fund

Liability Insurance
 Other Expense \$100,000
Workers Compensation
 Other Expense \$12,000.00
Group Insurance
 Other Expense \$60,000

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

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

18. **ORDINANCE #19-1599 - Providing for 3.5% CAP - Public Hearing**

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2019 BUDGET AND
TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14

B-1. Mayor Jaffer opened the hearing to the public. There being no comment, Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Deputy Mayor Gural and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 7th day of February, 2019 and that notice thereof be published in an official newspaper as required by law.

18-1. Deputy Mayor Gural moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

19. **ORDINANCE #19-1600 - Kid Connection-Fees - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET
COUNTY, NEW JERSEY INCREASING FEES FOR KID CONNECTION
PROGRAMS AND AMENDING CHAPTER II OF THE CODE OF THE
TOWNSHIP OF MONTGOMERY (1984).

B-1. Mayor Jaffer opened the hearing to the public. She noted that the Township Committee has established a subcommittee to address the increasing costs of Kid Connection and also keep in mind the important role that it plays in the community.

B-2. Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Deputy Mayor Gural and carried unanimously.

(Item #19 Cont.)

- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 7th day of February, 2019 and that notice thereof be published in an official newspaper as required by law.

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

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

20. **ORDINANCE #19-1601** - Authorizing the Acquisition by Gift of Property (Block 3007, Lot 10)
Introduction

- A. Mayor Jaffer 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 3007, LOT 10 LOCATED ON WARD STREET IN THE TOWNSHIP OF MONTGOMERY.

- 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 21, 2019 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

20-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

21. **ORDINANCE #19-1602** - 2019 Salary & Wage Plan - Introduction

- A. Mayor Jaffer 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 2019.

- 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 21, 2019 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

21-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

22. **APPROVAL OF MINUTES**

The Regular Session minutes of January 17, 2019 were approved as printed.

23. **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.

23-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Gural and carried on the following:

ROLL CALL - Ayes - Quraishi, Trzaska, Gural, Jaffer
Nays - None
Absent - Schuldiner

24. TOWN HALL MEETING - Proposed New Municipal Complex

Mayor Jaffer announced that there will be a Town Hall meeting regarding the proposed new Municipal Complex on February 11, 2019 at 7:00 p.m. There will be presentations from the architects and the Township's professionals regarding the status of the project as it stands now.

25. PATHWAYS AND STEWARDSHIP

Committeeman Trzaska and Deputy Mayor Gural reported on a Pathways and Stewardship meeting they attended with Recreation and Open Space leadership. They discussed a number of items and priorities for the year with regard to sidewalks, the Cherry Brook Preserve and properties in the southern end of town near the Blue Spring Road area.

26. YMCA

Committeeman Trzaska stated that he and Mayor Jaffer met with some of the YMCA leadership from Somerset County. There was a great conversation about the possibility and opportunity for them to come into the Township to provide some services.

27. CHINESE NEW YEAR CELEBRATION

Committeeman Trzaska mentioned that Tuesday, February 5 began the Chinese New Year celebration. He stated that there would be a Chinese New Year celebration at Pike Run the weekend of February 16. Mayor Jaffer stated that there was a Chinese Spring Festival scheduled for February 16 from 2 p.m. to 5 p.m. at the Upper Middle School.

28. EMERGENCY MEDICAL SERVICES

Mayor Jaffer stated that she conducted the swearing in of the new EMS officers and Fire Company #2 officers.

29. MONTGOMERY MOSAIC

Mayor Jaffer stated that they will be continuing the Montgomery Mosaic discussion group and the next event is on February 12, which is a Black History Month event. This will be an event featuring two local authors who have written a book on the African American History and Heritage of the Sourlands Region.

30. COMMITTEE AND SUB-COMMITTEE REPORTS

30-1. FIRE PREVENTION BUREAU

Committeeman Trzaska stated that the Fire Prevention Bureau discussed radio frequencies, locations of some of the new projects and fees and protocols for inspections.

30-2. ENVIRONMENTAL COMMISSION

Administrator Nieman stated that the Environmental Commission discussed the finalization of a memo of comments on the proposed new Municipal Complex. They also discussed their plans for moving forward with the May 5 Earth Day event in concert with the Run with Rotary.

30-3. PLANNING BOARD

Mayor Jaffer stated that the Planning Board appointed their professionals. There were also Site Plan/Subdivision Committee and Master Plan Committee meetings where the members were appointed.

30-4. ONE MONTGOMERY

Mayor Jaffer stated that One Montgomery held an Intercultural Holiday Party at the Otto Kaufman Community Center, which helped to introduce the public to the Recreation Department and the Senior Center. There was also a meeting held on February 6 where they discussed the formation of a standing committee on human relations and what that process would look like.

31. 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:
 - Potential acquisition of property for open space, farmland, municipal purposes: Block 25001, Lot 2 (Smith); Block 25001, Lots 3 and 7 (Whidden); and Block 15001, Lot 45 (Raymond);
 - Advice of Counsel with regard affordable housing (PIHRL).
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.

31-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Quraishi and carried unanimously.

32. Meeting reconvened in Open Session and ADJOURNMENT was at 8:30 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Deputy Mayor Gural and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk