

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 7, 2013

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, Committeemembers Smith, Madrid and Sugden
Deputy Mayor Graham was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

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**

- 4-1. Walter Beadling, Thornton Way, spoke about the No Smoking ordinance which was discussed at the January 17 meeting. He is against smoking in confined spaces where you can impinge on the rights and health of others. He is opposed to any law that would make it illegal to smoke in parks or public lands. People may not like smoking but smokers do have rights also. He has not seen any evidence that shows that smoking has a negative effect on others if it is happening outdoors, in a large open space. Another salient fact is that smokers are taxpayers, they pay significant taxes that go directly to the State of New Jersey. He stated that the Township should not pass laws if they were not going to enforce them. He explained that smoking among the adult population had dropped more than half since the 1970's, largely due to education and regulations in public places. He stated that in all the times he spent at the sports fields with his children, he felt it was a rare event where parents smoked at their children's sporting events and that this was not a big problem.

Mayor Trzaska responded that this was being discussed because Skillman Park, which is being developed by Somerset County, will be a non-smoking facility as are all County parks.

- 4-2. Derek Kobajlo has a business in Montgomery for the past 27 years and just relocated his business. The whole renovation at the new location took approximately seven weeks, while the whole process of permits and inspections took five months. He questioned why permits and inspections take so long. He asked about the Route 206 corridor and how the new proposed shopping center and building along the roadway was going to impact traffic and what plans the Township had to alleviate that.

Administrator Nieman stated that Mr. Kobajlo should report any rudeness to him directly. He explained he didn't know what the issues were with the renovation, but part of the problem is that the Township's electrical inspector became ill and is no longer able to work full time and the Township has had to find replacements. There are plans in the 2013 budget to expand the hours for Code Enforcement because there is more activity.

Mayor Trzaska stated that there were no State plans along State Highway 206, but the Township had plans to help with the traffic in the form of loop roads, not just at the proposed shopping center but also at the Village Shopper.

Attorney Hadinger spoke about the existing improvements, such as the light at Benjamin Boulevard and Route 206, the light at Research Road and Route 518, and the loop road at Cherry Valley Road and Route 206.

5. **ROBOTICS TEAM PRESENTATION AND PROCLAMATION**

WHEREAS, The Montgomery Township Robotics Team 1403 has been successful in building FIRST Robotics Competition robots due to teamwork and combined effort; and

WHEREAS, The team has come a long way since they were founded in 2004, winning the following awards as the team became more advanced and experienced:

2012: Finalist, Mid-Atlantic Regional at Mount Olive; Motorola Quality Award, Mid-Atlantic Regional at Mount Olive; Finalist, Mid-Atlantic Regional at Rutgers University; Motorola Quality Award, Mid-Atlantic Regional at Rutgers University

2011: Excellence in Engineering Award, Philadelphia Regional

2010: Chairman's Award, New Jersey Regional; Xerox Creativity Design Award, NYC Regional

2009: Chrysler Team Spirit Award, Philadelphia Regional

2008: Engineering Inspiration Award, New Jersey Regional

2007: Engineering Inspiration Award, New Jersey Regional; Woodie Flowers Award to Advisor Tim Leicht, New Jersey Regional; Motorola Quality Award, Boston Regional

2005: Xerox Creativity Award, Buckeye Regional; Finalist, Buckeye Regional

2004: Division Highest Rookie Seed, National Championship; Highest Rookie Seed, New Jersey Regional; Rookie All-Star Award, New Jersey Regional

WHEREAS, The team will be competing against 2500 other teams in the 2013 FIRST Robotics Competition consisting of over 50,000 high school students across 58 regions and 17 districts; and

WHEREAS, The Championship will be held in April 2013 in St. Louis, Missouri.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates the team on all their past accomplishments and wishes them the best of luck in all future endeavors on this 7th day of February, 2013.

- 5-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried unanimously.
- 5-2. Shaan Patel, Robotics Team Captain, stated that it was an honor for the team to make this presentation. He, along with eight other team members were in attendance to speak on behalf of the team and the FIRST Robotics program. He stated that he has taken the team's mission to heart, and one of the reasons he wanted to become an engineer is to inspire people, just as John F. Kennedy and Neil Armstrong did in the 1960's with the space program.
- 5-3. Jerry Zhang, Robotics Team Captain, explained that they would be giving the Township Committee a small taste of what the FIRST Robotics program is all about and how it has affected their team throughout the years and how it has affected them personally. They used the term "FIRST" as an acronym, not in an arrogant manner. FIRST stands for "For Inspiration and Recognition of Science and Technology." Their mission is to inspire young people to be science and technology leaders, by engaging them in exciting mentor-based programs that build science, engineering and technology skills, that inspire innovation, and that foster well-rounded life capabilities including self-confidence, communication, and leadership.
- 5-4. Katie Riman stated that in order to spread the message of FIRST, the team participates in many community outreach events throughout the school year. They use the Fall Festival, which is a Montgomery's annual community day where children and families enjoy activities and a Halloween Parade, to show off the robot and educate the public on FIRST and the team. They try spreading the message of science and technology to younger members of the community through their VEX robots, which are much smaller versions of what they brought here. They also hold annual demonstrations outside Somerset Patriot Baseball Games. During the summer, they volunteer annually at the Summer Enrichment Robotics Camp, which is a 1 week sessions for students between 6th and 8th grades. At this summer camp, the counselors, who are team members, teach the students basics in both construction and programming while bringing them a safe and fun environment.
- 5-5. Mark Wei explained that they also participate in the Rockbrook School Parent Night Off, bringing VEX Robots to students ages 5-14 with multiple disabilities and communication impairments. The team also actively volunteers with Operation Jersey Cares, where they help pack and ship "care-packages" for soldiers deployed in the Middle East. They have packed over 32 tons of care packages for the soldiers. In addition, they hold annual demonstrations at the Mary Jacobs Library showing off the robot, and using their VEX bots to further motivate younger members of the community.
- 5-6. Akshay Kadhiresan stated that Team 1403 is currently tracking its alumni, many of whom have gone on to pursue careers in science and technology, and also have an impressive 100% High School and 99% College Graduation rate. A few of their alumni have returned to mentor both their own team and other FIRST teams across the country such as Team 3186 of Dayton, Ohio and the Chicago Knights Team 1739. They have even been mentoring Australian Team 3132 through Skype.
- 5-7. Kara Turiano explained that Team 1403 also has close ties with the media. The press often follows the team and publishes articles pertaining to its progress.

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- 5-8. Shaan Patel reported that in 2004, FIRST Team 1403 started with only 35 students and a few mentors, yet through determination and perseverance was able to make a name for itself. At their first ever regional competition, as a Rookie team, they won awards for the Highest Rookie Seed, and Rookie All-star.
- 5-9. Jerry Zhang explained that in 2005, with the team slowly expanding, they managed to win a Xerox Creativity Award for the design of their robot, and were a finalist during a regional competition. 2005 also marked the first year of the annual Monty Madness Post-Season competition which is held at Montgomery High School. Every year for the past 7 years they have hosted this event, with over 42 different teams competing and with over 1000 members of the community in attendance.
- 5-10. Katie Riman spoke of how 2006 was the first year that the robot was built entirely at the school. They also began hosting the FIRST Official Kick-off, which is one of the two kickoff events held in New Jersey, with over 30 teams attending every year. Kickoff marks the beginning the build season, and during this event the game of the year is announced. At the kickoff, they offer multiple workshops run by returning alumni, including mechanical, pneumatics, sensors, and more.
- 5-11. Mark Wei stated that 2007 was a milestone for Team 1403, for at a regional they won their first Engineering Inspiration Award, which is regarded as the second most prestigious award at a regional. In addition to that, they also won a Motorola Quality Design Award. Their devoted advisor, Mr. Leicht, won the Woodie Flowers Mentor award for his selflessness and commitment to the team. 2008 and 2009, they continued to prosper as a team and won another Engineering Inspiration award and even a Team spirit award.
- 5-12. Akshay Kadhiresan explained that 2010 proved to be a wondrous year for Team 1403. At the New Jersey Regional, the team won the Chairman's Award. This award is considered the most prestigious award a team can win at a regional or championship. The Chairman's Award is awarded to the team which best demonstrates the ideals of FIRST by spreading the message of science and technology effectively. They won a place and were able to participate in World Championships.
- 5-13. Kara Turiano stated that in 2011 they won the "Excellence in Engineering Award" for its claw design, and their robot was heralded among one of the best robots at the regionals they attended. Their team was also one of three teams featured in a documentary on STEM education by CNN.
- 5-14. Shaan Patel reported that last year was their most successful year to date. The team was fortunate enough to place second at two regional competitions, and won the Motorola Quality Award at both of these regionals. These wins qualified them for regional championships, and also world championships! At worlds, they were first seed in their division for most of the competition. Due to a series of unfortunate events, they finished the competition in 14th place out of 100 in their division. Mr. Leicht was honored with the 2012 Founder's Day Award last spring, commemorating his dedication to furthering Montgomery's standing as a leading school district.
- 5-15. Jerry Zhang explained that because the team strives for excellence in both their robot and in influence, members spend hours diligently working on and for the team. That is why they have introduced Wednesday Night Off during the build season, to promote relaxation and allow members to not overwork themselves. During build season, up to 6 hours a day can be spent working on the robot because of the 6 week deadline, and Wednesday Night Off helps members take a break.
- 5-16. Katie Riman stated that this year they have had an incredible influx of over 50 freshmen, making the team total well over 100 members strong. At first, they weren't sure if these members would be dedicated to the team's mission. Now, after almost half a year together, they have come to appreciate each other as a family. These freshmen have quickly assimilated into the team structure, and are already proving adept at any task given them.
- 5-17. Mark Wei expressed that this year the team has grown to accommodate over 100 members, which is almost triple what the team started out with, and with more members comes larger goals for the team. This year, they are working to spread Science, Technology, Engineering, and Math in more ways than ever before. During the pre-season, they have recently introduced Weekly Mentor Meetings, where team mentors teach new and old members alike about engineering concepts via a presentation and a game challenge. Each game challenge introduces a new concept so team members can be more educated about what it means to be an engineer.
- 5-18. Akshay Kadhiresan stated that to promote teamwork even further, at their Saturday meetings each subteam presents what it has accomplished over the past week and what it plans to work on in the coming week. This keeps everyone on task, and keeps the whole team informed about the progress of everyone else. It also encourages inter-subteam cooperation. They have recently started an internal team blog, where each subteam can post its daily progress, ask questions of other subteams, and stay updated on everything FIRST related. They are currently planning a team bonding activity at a local laser tag arena.
- 5-19. Kara Turiano explained that the team is not defined by trivial things such as winning or losing, their robot is only a portion of what the FIRST program is about. The process it took to build it and the commitment the team members put into both the robot and the team, truly defines what the team is about.

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- 5-20. Shaan Patel introduced a demonstration of the product our team's diligence and resolve.
- 5-21. Gavin Kuziel introduced the 2012 game, Rebound Rumble, and gave his personal experience with the team.
- 5-22. Keyur Ved spoke about the 2012 Robot, the Jordan, and explained the design process, build season and the Robot's capabilities. He also gave his personal experience with the team.
- 5-23. Avinash Poola introduced and summarized the 2013 game, Ultimate Ascent and played a video about the game.
- 5-24. Gavin Kuziel spoke about the progress so far and the prototypes while showing pictures of these prototypes.
- 5-25. Jerry Zhang stated that last year they had a phenomenal experience participating in the Nationals, and they were working for an even better one this year.
- 5-26. Tim Leicht, Advisor, explained where the team gets their money to build their project, that they have rules they have to follow and those rules can change weekly.
- 5-27. Shaan Patel thanked the Montgomery Township Committee for the Proclamation and for allowing them to explain what the team was and how it operated.
- 6. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.

A. **RESOLUTION #13-2-39 - REFUND OVERPAID 2012 TAXES**

BE IT RESOLVED That a refund in the amount of \$250.00 be given to Bernard M. & Carol A. Stohon, 282 Bridgepoint Road, Belle Mead, NJ 08502 for the overpayment of 2012 taxes. Overpayment is due to veteran's deduction.

B. **RESOLUTION #13-2-40 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MANVILLE FOR BRINE SERVICES**

WHEREAS, The Borough of Manville wishes to enter into a formal shared services agreement with the Township of Montgomery to obtain full service brine services.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County that:

1. The Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Borough of Manville to provide salt brine to the Borough of Manville for \$0.20 per gallon.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. In accordance with N.J.S.A. 40A:65-4, a copy of the agreement shall be filed for informational purposes with the Division of Local Government Services in the New Jersey Department of Community Affairs.

C. **RESOLUTION #13-2-41 - RESOLUTION AUTHORIZING THE EXECUTION OF A FIELD PREPARATION AGREEMENT WITH MONTGOMERY TOWNSHIP BASEBALL LEAGUE, INC. CONCERNING REPAIRS AND IMPROVEMENTS TO BROADWAY FIELDS**

WHEREAS, The Township is the record owner of a parcel of land designated as Block 4012, Lot 1 on the Montgomery Township Tax Map, commonly known as "Broadway Fields"; and

WHEREAS, Broadway Fields is unfunded parkland as said term is defined in the regulations promulgated by the New Jersey Department of Environmental Protection, Green Acres Program, N.J.A.C. 7:36-1 *et seq.* ("Green Acres regulations") and is, therefore, subject to the terms and restrictions of said regulations; and

WHEREAS, There are two baseball fields presently existing on Broadway Fields; and

WHEREAS, Montgomery Township Baseball League, Inc. ("MTBL") is a duly organized New Jersey non-profit corporation formed and established to operate a youth baseball program, which promotes the health, safety and general welfare of the Montgomery community; and

WHEREAS, MTBL utilizes the two baseball fields at Broadways Fields as practice fields for its spring youth baseball league, and in the past has remitted permit fees to the Township for use of the baseball fields pursuant to §9-7 of the Township Code; and

WHEREAS, MTBL desires to assist the Township in the repair and improvement of the two baseball fields on Broadway Fields, and to that end has offered to pay for improvements to the fields in lieu of its permit fees for the 2013 spring baseball season; and

WHEREAS, Such improvements shall consist of removing weeds from the surface of the field, supplying and installing forty cubic yards of premium quality infield mix, and leveling and grooming the fields; and

(CONSENT AGENDA Item C Cont.)

WHEREAS, The cost of the improvements to be made by MTBL is approximately \$2,750.00, which exceeds the amount of permits fees - approximately \$1,500.00 - that would have otherwise been paid by MTBL for the 2013 spring baseball season; and

WHEREAS, To facilitate the improvements to Broadway Fields and ensure their expeditious completion, the Township Committee now desires to authorize the Mayor and the Clerk to execute an agreement with MTBL.

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

1. A certain agreement providing for repairs and improvements to Broadway Fields by MTBL is hereby approved, and the Mayor and Clerk are authorized to sign the same.
2. To the extent applicable, the Agreement is subject to the Green Acres regulations.
3. Access is granted to MTBL for the limited purpose of completing the improvements listed above.
4. This Resolution shall take effect immediately.

D. **RESOLUTION #13-2-42 - PROFESSIONAL SERVICES RESOLUTION**

WHEREAS, There exists a need to acquire the following professional services for 2013 without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law":

- (1) Historic Preservation Architect; and
- (2) Surveyor Services; and
- (3) Tax Map Official.

WHEREAS, The Montgomery Township Purchasing Agent has determined and certified in writing that the value of the services over the course of the contracts is anticipated to exceed \$17,500.00;

WHEREAS, The New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of professional services contracts without competitive bidding;

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the aforesaid services in accordance with the amounts set forth in the 2013 Temporary Budget, with performance of said services after March 31, 2013 being subject to the Township's amendment of the 2013 Temporary Budget, and/or adoption of the final 2013 Budget.

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 proper agreements with Eclectic Architecture, LLC as Historic Preservation Architect; Boundary Lines, P.A. as Surveyor; and Saladin Associates, P.A. as Tax Map Official.
- (2) These contracts are awarded for a period of one year, for the amounts set forth in each contract, and without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) These contractors have completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township.
- (4) A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavit, and the executed Agreements shall be placed on file in the office of the Township Clerk.
- (5) A notice of this action shall be published once in the official newspaper as required by law.
- (6) Performance of services under the terms of these contracts, and payment for the services, after March 31, 2013 is subject to the amendment of the 2013 Temporary Budget and/or adoption of the final 2013 Budget, and certification of availability of funds by the Chief Financial Officer

E. **RESOLUTION #13-2-43 - AUTHORIZATION TO EXECUTE A GRANT APPLICATION FOR THE STATE OF NEW JERSEY HAZARD MITIGATION GRANT PROGRAM - Police Department Generator**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman is hereby authorized to execute a grant application and Letter of Intent for the State of New Jersey Hazard Mitigation Grant Program for the purchase and installation of a permanent generator at the Montgomery Township Municipal Building Police Department Emergency Operations Center

(CONSENT AGENDA Cont.)

F. **RESOLUTION #13-2-44 - AUTHORIZATION TO EXECUTE A GRANT APPLICATION FOR THE STATE OF NEW JERSEY HAZARD MITIGATION GRANT PROGRAM - Montgomery Township Stage II Sewage Treatment Plant Flood Control Mitigation**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman is hereby authorized to execute a grant application and Letter of Intent for the State of New Jersey Hazard Mitigation Grant Program for the Montgomery Township Stage II Sewage Treatment Plant Flood Control Mitigation.

G. **RESOLUTION #13-2-45 - EXTENSION OF TIME TO COMPLETE IMPROVEMENTS - Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on January 31, 2013 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

<u>Development</u>	<u>New Completion Date</u>	<u>_____</u>
3M Storm Water Management System	March 17, 2014	
Bedens Brook Valley Landscaping, Lot 11.06	March 20, 2014	
Cummings	April 16, 2014	
Pleasant View Road Improvements	April 20, 2014	
Princeton Airport, Hangar #4, Phase 1	August 4, 2013	
Tapestry at Montgomery, Phase 1B-4 w/o Force Main & Pump Station	August 31, 2013	

H. **RESOLUTION #13-2-46 - RELEASE OF RESTORATION GUARANTEE - Westwinds Farms - Pump Station, Force Main and Off-Site Public Sewer Improvements**

WHEREAS, Under terms and conditions of an agreement entitled "Agreement, Westwinds Lift Station, Force Main and Other Public Sewer Improvements" dated November 2, 2009, East Country Development Associates agreed to construct off-site sewerage improvements along with the pump (lift) station and force main necessary for its Westwinds development; and

WHEREAS, The agreement allowed for the construction of the pump station, force main and off-site sewerage improvements without posting a performance guarantee, with certain conditions as detailed in the agreement; and

WHEREAS, One of the conditions required the posting of a restoration guarantee to ensure restoration of all construction areas related to the subject improvements and another condition required the posting of maintenance guarantees at the time of acceptance of the improvements; and

WHEREAS, Gail Smith, Township Engineer, has certified on January 30, 2013 that the pump station, force main and off-site sewerage improvements have been completed by the developer and are acceptable and has recommended the release of the restoration guarantee in the amount of \$26,700.00 subject to the following five (5) conditions:

1. East Country Development Associates shall post a maintenance guarantee in a form acceptable to the Township Attorney in the amount of 15% of the engineer's original cost estimate for the off-site public sewer improvements plus 15% of the engineer's original cost estimate for the pump station and force main, which together total \$837, 078.00. The 15% maintenance guarantee to be posted will be \$125,561.70
2. East Country Development Associates shall post adequate escrow funds.
3. East Country Development Associates shall obtain the NJDEP physical connection permit for the backflow preventer at the pump station and deliver the same to the Township, and the Township shall verify that all required monitoring of the backflow preventer has been completed and reports properly submitted to NJDEP.
4. East Country Development Associates shall submit the final certification for the NJDEP treatment works approval for the improvements.
5. East Country Development Associates Corporation shall deliver an original corporate resolution authorizing the conveyance of the pump station lot to the Township Attorney (copies of this resolution, rather than the original, have previously been delivered).

NOW, THEREFORE, BE IT RESOLVED That upon satisfactory completion of these conditions, the Township accepts the pump station, force main and off-site sewerage improvements, and the pump station lot.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #13-2-47 - SUPPORTING SUSTAINABLE STATE FUNDING FOR PRESERVATION AND STEWARDSHIP OF OPEN SPACE, PARKS, FARMLAND AND HISTORIC SITES IN NEW JERSEY**

WHEREAS, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, The Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

WHEREAS, All remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act 2009 will be fully allocated by the end of 2012; and

WHEREAS Montgomery Township has been a direct beneficiary of, and partner to, these critical state preservation programs; and

WHEREAS, Substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

WHEREAS, It is imperative that a long-term, dedicated source of funding be established in order to:

- sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act;
- improve and ensure proper stewardship of parks, preserved land, and historic sites;
- provide equitable access to quality parks and recreation in urban, suburban, and rural areas;
- match and leverage local, county, and private funds for these purposes;
- protect drinking water supplies, water quality, and alleviate costly flood damages;
- preserve fish and wildlife habitat and provide public access for hunting and fishing;
- revitalize cities and towns;
- protect our quality of life and economic prosperity.

NOW, THEREFORE, BE IT RESOLVED On this 7th day of February, 2013, by the Township Committee of the Township of Montgomery, in Somerset County, State of New Jersey, that:

1. Montgomery Township supports establishment of a long-term, dedicated source of state funding for these purposes.
2. A certified copy of this resolution be served upon Governor Chris Christie, Senator Christopher "Kip" Bateman, Assemblyman Jack M. Ciattarelli, Assemblywoman Donna M. Simon, and Somerset County Board of Chosen Freeholders.

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

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

7. **MAYORAL APPOINTMENT - Economic Development Commission Advisor**

BE IT RESOLVED That Everett Gale be hereby appointed Economic Development Commission Advisor, 1 year term expiring December 31, 2013.

8. **RESOLUTION #13-2-48 - PROFESSIONAL SERVICES RESOLUTION - Meadow Run Neighborhood Road Overlay - Remington, Vernick & Vena Engineers**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the Meadow Run Neighborhood Road Overlay project; 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 Remington, Vernick and Vena Engineers has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, The Purchasing Agent has determined and certified in writing that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Remington, Vernick and Vena Engineers 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 Remington, Vernick and Vena Engineers 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.

(Item #8 Cont.)

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 Remington, Vernick and Vena Engineers for the preparation of construction documents and permit applications for the Meadow Run Neighborhood Road Overlay Project. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Remington, Vernick and Vena Engineers shall be paid a fee at the specified daily rates, not to exceed \$16,200.00.
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.

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

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

9. **RESOLUTION #13-2-49 - APPROVING AFSCME MEMORANDUM OF AGREEMENT**

BE IT RESOLVED That the Montgomery Township Committee hereby approves a Memorandum of Agreement between Montgomery Township and the American Federation of State, County and Municipal Employees.

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

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

10. **RESOLUTION #13-2-50 - RESOLUTION AWARDING CONTRACT AND AUTHORIZING PARTICIPATION IN THE E-PROCUREMENT PILOT PROGRAM**

WHEREAS, The Township of Montgomery ("Township") is interested in selecting a third-party supplier to provide electric generation services to the Township, and, at their option, Township residents and businesses, at a cost below utility-provided electric generation services (referred to as a "government energy aggregation" program or "GEA"); and

WHEREAS, The "Local Unit Electronic Technology Pilot Program and Study Act" ("Pilot Program"), P.L. 2001, c.30, permits a municipality to apply to the Director of the Division of Local Government Services ("DLGS") in the Department of Community Affairs for authorization to purchase electric generation services from a third-party supplier through means of electronic technology (*i.e.*, on-line auction) rather than the utilization of traditional sealed bids; and

WHEREAS, To participate in said Pilot Program, a municipality must submit to the Director of the DLGS for approval a written plan setting forth, *inter alia*, the commodities and services it plans to purchase, the identity of the on-line purchasing agent and a description of the process to be used in the on-line auction; and

WHEREAS, The Pilot Program requires that the Township Committee adopt a resolution authorizing the Township to apply to the Director of the DLGS to participate in said Pilot Program; and

WHEREAS, The firm of Gabel Associates, Inc. ("Gabel") has submitted a proposal to the Township to render the necessary energy consulting services for management of the Township's GEA, which includes, as more specifically outlined in the proposed Agreement, services necessary to: prepare for and manage the GEA; obtain necessary approvals in connection with the GEA, including but not limited to, drafting and submitting a plan for approval to participate in the Pilot Program; and conduct the on-line auction; and

WHEREAS, The Township seeks to hire Gabel to render the necessary energy consulting services for management of the Township's GEA as set forth immediately above and in the proposed Agreement; and

WHEREAS, Under the proposed Agreement, the successful third-party supplier shall be responsible for the payment of Gabel's fees, and the Township shall not be obligated to make payments to Gabel; and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the Gabel's services may exceed \$17,500.00; and

(Item #10 Cont.)

WHEREAS, The Township is obtaining these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, Gabel has completed and filed with the Township the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8, Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 and Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 pursuant to Section 2-22.2 of the Code of the Township of Montgomery (1984) (collectively, the "Pay-to-Play Forms"); and

WHEREAS, P.L. 2001, c. 30 authorizes the Township to award this Agreement hiring the services of an on-line purchasing agent without competitive bidding; and

WHEREAS, A certificate of availability of funds from the Chief Financial Officer is not necessary because the Township will not making payments to Gabel for its services; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with Gabel Associates, Inc. ("Gabel") hiring Gabel to provide energy consulting services necessary to manage the Township's government energy aggregation program ("GEA") and obtain the necessary approvals in connection therewith, as more specifically set forth in the proposed Agreement, including but not limited to:

a. Assisting the Township in drafting, and compiling the requisite information for approval of, the Township's application for participation in the "Local Unit Electronic Technology Pilot Program and Study Act" ("Pilot Program"), P.L. 2001, c.30; and

b. Conducting the approved on-line auction on the Township's behalf; and

Any changes to the proposed Agreement shall be consistent with this Resolution and subject to the approval of the Township Administrator and Attorney; and

2. The Township Administrator, Clerk and Attorney are hereby authorized and directed to work with Gabel for purposes of drafting and submitting to the Director of the Division of Local Government Services ("DLGS") the application which will enable the Township to participate in the Pilot Program, and more specifically, to purchase electric generation services for use by the Township, and its residents and businesses (at their option), from a licensed third-party supplier via an on-line auction conducted by Gabel; and

3. The Agreement, and the Township's application under the Pilot Program, are subject to the approval of the Director of the DLGS; and

4. The Agreement is awarded without competitive bidding pursuant to P.L. 2001, c.30; and

5. The Agreement may be extended beyond the initial two-year term for an additional two-year term, as permitted by law; and

6. A copy of this Resolution, the Certification of Contract Value, the Pay-to-Play Forms and the Agreement shall be placed on file in the Office of the Township Clerk.

10-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried on the following:

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

11. **RESOLUTION #13-2-51 - RESOLUTION ADOPTING AN AMENDMENT TO THE RETIREMENT SECTION OF THE TOWNSHIP OF MONTGOMERY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, by Resolution #08-11-308, the Township Committee of the Township of Montgomery adopted an expansion and update of the Montgomery Township Personnel Policies and Procedures Manual (originally adopted April 16, 1998 by Resolution #98-4-109); and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township to further amend the RETIREMENT section of the aforementioned Personnel Policies and Procedures Manual.

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

The RETIREMENT section of the Montgomery Township Personnel Policies and Procedures Manual is hereby amended by the addition of the following paragraph, placed after the two existing paragraphs:

(Item #11 Cont.)

Return to Public Employment after Retirement

Retirement benefits may be impacted if a retiree returns to public employment in a position covered by a State-administered retirement system. The State of New Jersey Division of Pensions and Benefits has established regulations for retirement benefits and reemployment in the public sector. The possible impact on retirement benefits upon public reemployment will depend on each individual situation, but may include, but are not limited to, suspended payment of retirement benefits during the reemployment period, salary limitations during the reemployment period, or ineligibility to enroll in another State-administered retirement system. Retirees hired by the Township, either initially or upon rehire, must inform the Administration Office of their retirement status prior to commencing their employment with the Township. Additional information on the return to public employment after retirement is available from the Division of Pensions and Benefits and/or the Administration Office.

BE IT FURTHER RESOLVED that this amendment shall take effect immediately upon the adoption of this resolution.

- 11-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

12. RESOLUTION #13-2-52 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS

WHEREAS, The 2013 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2013 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.

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

Environmental Commission
Other Expenses

\$1,000.00

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

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

13. ORDINANCE #13-1429 - Capital - Refurbishing and Repair of Vehicle - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY APPROPRIATING \$65,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE REFURBISHING AND REPAIR OF VEHICLE #522, A 1999 INTERNATIONAL HARVESTER DUMP TRUCK.

- B. Mayor Trzaska opened the hearing to the public. There being no comment, Committeeman Smith moved that the public hearing be closed. The motion was seconded by Committeewoman Madrid 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, 2013 and that notice thereof be published in an official newspaper as required by law.

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

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

14. ORDINANCE #13-1430 - Pay-to-Play Amendment - Excluding State or Federal Contracts or Cooperative Purchasing Programs - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 2-22.2 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY (1984) TO CLARIFY THE NON-APPLICABILITY OF THIS SUBSECTION TO TRANSACTIONS UNDERTAKEN PURSUANT TO STATE OR FEDERAL CONTRACTS OR COOPERATIVE PURCHASING PROGRAMS

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, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

14-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

15. ORDINANCE #13-1431 - 2013 Sewer Capacity Charges and 2013 Sewer User Rates - Introduction

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

AN ORDINANCE AMENDING CHAPTER XII SEWER AND WATER OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH 2013 SEWER CAPACITY CHARGES AND 2013 SEWER USER RATES

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, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

16. ORDINANCE #13-1432 - Kid Connection - Fees - Introduction

A. Mayor Trzaska 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. 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, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

16-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

17. APPROVAL OF MINUTES

January 17, 2013
Minutes were approved as printed.

18. **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.

18-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried on the following:

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

19. **SIDEWALKS**

Administrator Nieman reported that Committeeman Rich Smith, Township Engineer Gail Smith and he met to discuss the issue of sidewalks in the Township. Committeeman Smith crafted some language after hearing the concerns of Engineer Smith and Public Works Superintendent Villano. There will be further discussion at a future Township Committee meeting.

20. **AUTHORIZATION TO INITIATE TESTING FOR NEW POLICE OFFICER**

Administrator Nieman stated that he and Captain Palmer discussed testing for new police candidates recently and in order to meet the June date for the Police Academy, they would need to start the process soon. This would not bind the Township to any specific number, but it would identify a pool of applicants that would qualify and then once the Township determines the number of officers that would be hired, the process could move forward.

Captain Palmer stated that there would be a charge for the test for an entry level police officer. There has not been such an exam since approximately 2002 because there has usually been an adequate pool of pre-trained police officers to select from. Over a decade ago an Alternate Route path was established where qualified individuals could make application to police academies throughout the State and if they qualified through a battery of exams, they could be admitted to a curriculum for a basic course for police officers, receive that training and then attempt to locate a police agency that would be willing to hire them. A couple of years ago, as the State started to experience substantial lay-offs in police ranks, there was some lobbying by police unions in the State to the Police Training Commission. They requested that there be a moratorium placed temporarily on the Alternate Route program until such time that laid off officers could be hired by agencies that were hiring at the time. He felt there was a lot of value in doing it with the agencies own entry level examination process. This was being worked on with counsel to get the process going.

Mayor Trzaska stated that he believed that the Police Department had the optimal number of police officers to do the job and patrol the town, but the Township has three to four officers that will soon be retirement eligible and might retire in the next year or two. There are also two officers going on extended leave, including one who will be in Afghanistan for approximately 18 months.

It was the consensus of the Township Committee to start the process.

21. **LIQUOR LICENSE BID DISCUSSION - Plenary Consumption License**

Administrator Nieman stated that he, Township Clerk Kukla and Chief Financial Officer Sheppard discussed this and wanted to know if the Township Committee wanted to go out to bid again and maintain the minimum bid of \$500,000.00 or change the bid minimum. Administrator Nieman, Township Clerk Kukla and Chief Financial Officer Sheppard believed a second bid with a minimum of \$500,000.00 would be appropriate.

Township Clerk Kukla reported that there are many people expressing an interest in the license.

It was the consensus of the Township Committee to rebid one plenary consumption license for the minimum bid of \$500,000.00.

22. **LANDMARKS COMMISSION**

Committeewoman Madrid stated that the Landmarks Commission is expressing concern over the preservation of the 1860 House.

Township Administrator Nieman stated that he and Committeewoman Madrid discussed giving the Landmarks Commission a copy of the analysis that was done in 2007 and ask them to identify priorities in the report.

23. **ECONOMIC DEVELOPMENT COMMISSION**

Committeeman Smith reported that there is a speaker forum coming up the evening of February 26 at the Princeton Elks Lodge on Route 518.

24. **BREAKFAST WITH THE MAYOR**

Mayor Trzaska reported on the Breakfast with the Mayor. He stated that there was a really great turn out for this event.

25. **CHINESE NEW YEAR AND CHINESE SCHOOL**

Mayor Trzaska stated that he would be attending Pike Run's Chinese New Year celebration on February 9 and on February 23 he would be taking a tour of the Chinese school that meets on Saturdays at the Upper Middle School.

26. **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 Hunter Farms, pending CADB and other legal proceedings relative thereto.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. It is possible that at the conclusion of the closed session, the Township Committee will reconvene in open session for the purpose of taking action.

26-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried unanimously.

27. The meeting reconvened in Open Session and Adjournment was at 9:17 p.m. on a motion by Committeeman Smith. The motion was seconded by Committeeman Sugden and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk