

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
March 21, 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, Deputy Mayor Graham, Committeemembers Madrid and Sugden
Committeeman Smith was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

DEPUTY TOWNSHIP CLERK - Margaret Crawford

2. Mayor Trzaska stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Mayor Trzaska led the Salute to the Flag.

4. **PROCLAMATION - Arbor Day - April 5, 2013**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, This year marks the 141st Anniversary of Arbor Day; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Montgomery Township has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways;

NOW, THEREFORE, I, Ed Trzaska, Mayor of the Township of Montgomery, do hereby proclaim April 5, 2013 as ARBOR DAY in the Township of Montgomery, and I urge all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

- 4-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

5. **PROCLAMATION - Montgomery High School Varsity Cheerleading Squad**

WHEREAS, Through hard work, great coaching and natural talent, the Montgomery High School Varsity Cheerleading Squad accumulated an outstanding record, having won the Somerset County Championship, placing 6th in the Universal Cheerleaders Association Empire State Regionals, and competing in the National High School Cheerleading Championship in Orlando Florida; and

WHEREAS, In all events, the Squad competed with poise, determination, heart and extraordinary skill, earning a reputation for good sportsmanship and professionalism; and

WHEREAS, The entire community is tremendously proud of this team's accomplishments most notably the many charitable events it organizes, especially the Cougars for a Cure fundraiser which raises funds for the Steeplechase Cancer Center.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates the Montgomery High School Varsity Cheerleaders and Coaches on their outstanding achievements and commends them for their hard work and team spirit.

Coaches:

Tiffany Riley - Head Coach

Amy Nowak - Asst. Coach

Cheerleaders:

Caitlyn Ark

Ashleigh Bobbitt

Stephanie deRavel

Erin Donnellan

Peyton Drift

Nicole Duran

Lisa Farricker

Samantha Garhart

Alexa Gilbert

Katarina Joslin

Isabel Loaiza

Julia LoPresti

Gabrielle Louis-Charles

Melissa Lubitz

Jessica Missel

Emily O'Connor

Marissa Ross

Helen Taylor

Hope Vlacich

Jacqueline Wang

- 5-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

(Item #5 Cont.)

- 5-2. Head Coach Riley spoke about the cheerleading season and competitions. She stated that the coaches were truly proud of the team, especially since it is such a young team. For the first time ever, Montgomery won the title of Somerset County Champions. The team scored very high at the Universal Cheerleaders Association Empire State Regionals. She stated that the coaches looked especially forward to the potential that this team has moving forward, because of how great it was this year. There were several injuries before and during performances.

Mayor Trzaska spoke about the charity work this team performed as well. Ms. Riley stated that this was the third annual Cougars for a Cure event; this year the name of the event was changed to "Cougars Tackling Cancer." The event promoted breast cancer awareness throughout the month of October. The team raised approximately \$2,300.00 which was donated to the Steeplechase Cancer Center. Over three years of having these events, the cheerleaders have raised over \$8,000.00 for this cause.

6. **PROCLAMATION HONORING BEVERLY GLOCKER**

WHEREAS, Civic dedication is a measure by which achievement is attained and therefore a strength for every community; and

WHEREAS, The Somerset County Commission on the Status of Women is honoring twenty-one women for their significant contribution to women's causes either in their professional fields or in community endeavors; and

WHEREAS, Beverly Glockler has been selected to receive the Volunteerism Award for her outstanding accomplishments and advocacy efforts through her leadership role as an EMT-B and member of Montgomery EMS since 1987; and

WHEREAS, Bev is celebrating her 25th anniversary with the squad, and over those years she has responded to over 4,000 calls (including assisting in 3 births); and

WHEREAS, Bev wears numerous hats in the organization, having served as crew chief for 22 years, squad treasurer since 1989, fund drive coordinator since 1995, as well as clerical secretary, building caretaker, maintenance worker, facilities manager, and ombudsman; and

WHEREAS, Bev has partnered with the local Girl Scout troops to assist her in stuffing envelopes for fund raising and familiarizing them with the activities of the EMS squad; and

WHEREAS, Bev is keenly aware of the need for preventive medical activities and willingly assists the Montgomery Health Department at the flu and pandemic immunization clinics, performs monthly free blood pressure checks for the seniors in the community senior center, is on call monthly at church services and special events, and makes hospital visits to the sick.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the distinguished service and significant contributions made by Beverly "Bev" Glockler and congratulates her on this well-deserved award on this 21st day of March, 2013.

- 6-1. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

7. **PROCLAMATION HONORING NICOLE DESARIO**

WHEREAS, Civic dedication is a measure by which achievement is attained and therefore a strength for every community; and

WHEREAS, The Somerset County Commission on the Status of Women is honoring twenty-one women for their significant contribution to women's causes either in their professional fields or in community endeavors; and

WHEREAS, Nicole DeSario, a Montgomery High School Senior, has been selected to receive the Social Services Award for her outstanding accomplishments and advocacy efforts through her leadership role in educating high school students on relationship abuse; and

WHEREAS, After attending a summer workshop at the Resource Center of Somerset, Nicole started MASK Theater, Montgomery Advocates for Solidarity and Kindness, at her high school as a way to educate students about the signs of unhealthy relationships as well as healthy relationships; and

WHEREAS, MASK has grown and developed over the last year due to Nicole's dedication and hard work and she has been recognized in her school as a leader and role model to other students; and

WHEREAS, Nicole also volunteers on the National Youth Advisory Board of Love is Respect, and is presently an Ambassador Girl Scout, who has completed her Girl Scout Gold Award; and

WHEREAS, In October 2102, Nicole was invited to participate with specialists in the field of domestic abuse prevention from New Jersey in a round table discussion facilitated by United States Senator Frank Lautenberg.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the distinguished service and significant contributions made by this amazing young woman, Nicole DeSario, and congratulates her on this well-deserved award on this 21st day of March, 2013.

(Item #7 Cont.)

7-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

8. **PUBLIC COMMENT**

8-1. Mohamed Kilany, Spring Hill Road, spoke about a letter he recently sent to the New Jersey Attorney General and copied to Governor Chris Christie about his displeasure and concern about Montgomery Township's involvement in the Energy Aggregation program, and engagement of Gabel Associates, LLC to provide energy aggregation program services to the Township. Mr. Kilany called for the State to investigate the matter. He stated that the Township Committee should not take any action on the ordinance to establish an energy aggregation program until his complaint about what he believes is illegal conduct has been addressed by the State of New Jersey.

9. **ORDINANCE #13-1434 - Authorizing the Establishment of a Government Energy Aggregation Program - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM

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 April 4, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

10. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of February, 2013:

- 53 motor vehicle accidents;
- 13 arrests;
- 5 thefts;
- 2 domestic violence;
- 3 criminal mischief.

Police Director Palmer provided an update on the on-going police hiring and testing process. The Township had capped the applicant pool at 200, and 200 applications were submitted within 1½ weeks of advertising. On March 16 testing commenced and there are 25 candidates who will now move on to the first phase of interviews, which will occur with the Command staff commencing on April 1. There are 26 other candidate who passed the written exam and also passed the physical agility test but did not fall within the range of the top 10 in written scores. Those 26 candidates will be held in a pool of continually eligible candidates in the event that they don't find the candidates from the initial interviews suitable for the positions.

Mayor Trzaska asked about the physical agility portion of the testing. Captain Palmer explained the agility course.

11. **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 #13-3-76 - REFUND OVERPAID 2012 AND 2013 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2012 and 2013 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
7033	23	Linear Title & Closing	2013	\$3,781.94
34001	42.19	Jianjun Wu & Chunyan Pan	2012	\$3,229.65

B. **RESOLUTION #13-3-77 - REMOVE 2013 SEWER BILLING**

BE IT RESOLVED That the following properties have sewer billed in error removed:

<u>Block</u>	<u>Lot</u>	<u>Plant #</u>	<u>Location</u>	<u>Amount</u>
26001	1.01	Sewer Plant #2	39 Cherry Valley Road	\$1,059.70
34001	64	Sewer Plant #8	47 Skillman Road	\$8,944.89

(CONSENT AGENDA Cont.)

C. **RESOLUTION #13-3-78 - ACCEPTANCE OF DONATIONS - Earth Day Fair 2013 -
1st Constitution Bank, Malini Waghray and Sharbell Building Company**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donations for the Earth Day Fair 2013:

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
1st Constitution Bank	\$250.00	90170
Malini Waghray	\$200.00	103
Sharbell Building Company	\$100.00	8715

D. **RESOLUTION #13-3-79 - APPROVAL OF OUTDOOR ASSEMBLY - Civil War Living History**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Donald Skaar has requested approval of the Township Committee to conduct an Outdoor Assembly/Civil War Living History at the Central Jersey Masonic Center on April 5, 2013.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
 - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The Police Department have approved all aspects regarding parking facilities, traffic plan and safety considerations, however the (blank) discharge of Civil War era rifles is conditioned upon compliance with all applicable municipal ordinances.
4. The organizers have obtained the required health certificates from the Township Health Department.

E. **RESOLUTION #13-3-80 - TEMPORARY ROAD CLOSING - Block Party - Salisbury Road**

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of a portion of Salisbury Road to accommodate a neighborhood block party scheduled for May 18, 2013 from approximately Noon - 6:00 p.m. (raindate - Saturday June 1, 2013). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

F. **RESOLUTION #13-3-81 - AMENDING RESOLUTION #11-12-297 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH PRINCETON FOR ANIMAL CONTROL ASSISTANCE**

WHEREAS, Princeton Borough and Princeton Township have merged and are now the Municipality of Princeton; and

WHEREAS, On December 15, 2011 the Montgomery Township Committee authorized a Shared Services Agreement with Princeton Borough for Animal Control Assistance and the Municipality of Princeton would like to continue this Agreement.

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

G. **RESOLUTION #13-3-82 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE OWNER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 49 RIVER BIRCH CIRCLE**

WHEREAS, Applicant 2013-1 ("Owner") is under contract to purchase 49 River Birch Circle, a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, The Owner has requested a down payment assistance loan through Montgomery Township's Affordability Assistance Program toward the purchase of 49 River Birch Circle; and

WHEREAS, The Township's Affordable Housing Administrative Agent, Community Grants Planning and Housing, has reviewed the Owner's application and qualified the Owner for the requested assistance; and

WHEREAS, The amount of the requested loan for down payment assistance is \$28,000.00 and

(CONSENT AGENDA Item G Cont.)

WHEREAS, Pursuant to the Affordability Assistance Program, the Township is willing to extend a loan to the Owner in the amount of \$28,000.00; and
WHEREAS, the funding for the loan will be from the Montgomery Township Affordable Housing Trust Fund.

NOW, THEREFORE, BE IT RESOLVED On this 21st day of March, 2013, by the Township Committee of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township's Affordability Assistance Program, to enter into an Affordability Assistance Program Loan Repayment Agreement with Owner and provide Owner with a loan to be used as a down payment for the purchase of an affordable housing unit located at 49 River Birch Circle.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the loan amount.

H. **RESOLUTION #13-3-83 - RESOLUTION AUTHORIZING ENTRY INTO A SUBLEASE WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE SOMERSET MUNICIPAL BANC PROGRAM TO PURCHASE POLICE VEHICLES AND RELATED EQUIPMENT.**

WHEREAS, Under the Somerset Municipal Banc Program ("Program"), various municipalities, educational services commissions and school districts within the County of Somerset ("County") and the County (each a "Participant") may submit a request to the Somerset County Improvement Authority ("Authority") to borrow funds to finance the purchase, through a lease, of certain capital equipment and, if applicable, other personal property ("Equipment"); and

WHEREAS, Under the Somerset Municipal Banc Program, the Authority entered into the lease, entitled "Master Lease Purchase Agreement," dated March 8, 2013, ("Authority Lease") with TD Equipment Finance, Inc. ("Lessor"), to permit the Lessor to acquire and lease the Equipment to the Authority in exchange for payment over time; and

WHEREAS, Pursuant to the Authority Lease, the Authority has the right to sublease the Equipment to a Participant in exchange for payment, subject to annual appropriation of said Participant, in an amount sufficient to pay the corresponding payments from the Authority to the Lessor for the Equipment, plus all administrative expenses of the Program; and

WHEREAS, Pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

WHEREAS, In order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient; and

WHEREAS, The Township of Montgomery ("Township") has made a request under the Program for financing to purchase three police vehicles and related equipment ("Police Equipment"); and

WHEREAS, The Authority has prepared a sublease, entitled "Sublease Purchase Agreement" ("Participant Lease") to allow the Township to purchase the Police Equipment with payments to be made over a three year period.

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

Section 1. That the Participant Lease, in the form presented at this meeting, is hereby approved, and the Township's Mayor, Administrator, Clerk, and Chief Financial Officer (each an "Authorized Participant Representative") are hereby authorized to execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on the Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the Police Equipment, and all related transactions contemplated by this resolution.

(CONSENT AGENDA Item H Cont.)

Section 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Police Equipment prior to the date that the Township incurs obligations under the Participant Lease. The Township reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township under the Participant Lease. The principal amount of the Township's obligation for the Police Equipment is \$103,647.78, with the total amount of the Township's obligation under the Participant Lease (principal plus \$4,346.58 interest) to be \$107,994.36.

Section 4. A copy of the Participant Lease is available for review at the office of the Township Clerk during normal business hours.

Section 5. This resolution shall become effective immediately.

I. **RESOLUTION #13-3-84 - AWARD OF BID - Electrical Repair Services for Montgomery Township**

WHEREAS, The following bid for Electrical Repair Services for Montgomery Township were received and publicly opened on March 12, 2013:

<u>BIDDER</u>	<u>AMOUNT</u>
AMEC Electric, LLC.	
Hourly Rates for Monday to Friday, 8 a.m. to 4:30 p.m.	
Foreman	\$87.88/hr
Journeyman	\$78.46/hr
Apprentice	\$31.39/hr

Discount granted for supplies: -20% %((+) positive number indicates markup, (-) negative number indicates discount)

WHEREAS, It is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that AMEC Electric, LLC. be awarded the bid for Electrical Repair Services for Montgomery Township; it being the lowest responsible bidder; and

WHEREAS, This contract is for a period of 12 months from the date of award and is subject to an extension of an additional 12 months if mutually agreed to by the Township and the Vendor

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for Electrical Repair Services for Montgomery Township is hereby awarded to AMEC Electric LLC., 125 Liberty St., Metuchen, NJ 08840

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

J. **RESOLUTION #13-3-85 - AUTHORIZATION TO BID FOR THE REFURBISHING AND REPAIR OF VEHICLE #522 A HOOK LIFT TRUCK**

BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby authorizes the Purchasing Agent to solicit and receive bids in accordance with the Local Public Contracts Law for the refurbishing and repair of vehicle #522 as a hook lift truck.

BE IT FURTHER RESOLVED That a 1987 Ford 2910 tractor with loader (VIN #BB50565) be declared surplus and used as a trade in refurbishing and repair of vehicle #522 as a hook lift truck.

11-1. Deputy Mayor Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Sugden and carried on the following:

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

12. RESOLUTION #13-3-86 - 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:

Mayor and Committee	
Salaries & Wages	\$5,000.00
Committee Expenses	
Other Expenses	10,000.00
Administrative & Executive	
Salaries & Wages	65,000.00
Other Expenses	7,500.00
Municipal Clerk	
Salaries & Wages	65,000.00
Other Expenses	15,000.00
Newsletter	
Other Expenses	1,500.00
Financial Administration	
Salaries & Wages	95,000.00
Other Expenses	11,000.00
Audit	
Other Expenses	22,500.00
Network Operations	
Salaries & Wages	22,500.00
Other Expenses	22,000.00
GIS	
Salaries & Wages	15,000.00
Other Expenses	10,000.00
Assessment of Taxes	
Salaries & Wages	25,000.00
Collection of Taxes	
Salaries & Wages	11,000.00
Other Expenses	2,000.00
Legal Services & Costs	
Other Expenses	100,000.00
Engineering Services & Costs	
Salaries & Wages	70,000.00
Other Expenses	15,000.00
Public Buildings & Grounds	
Salaries & Wages	20,000.00
Other Expenses	25,000.00
Planning Board	
Salaries & Wages	40,000.00
Other Expenses	8,000.00
Revision of Master Plan	
Other Expenses	20,000.00
Zoning Board of Adjustment	
Salaries & Wages	32,500.00
Landmarks Commission	
Other Expenses	2,000.00
Environmental Commission	
Other Expenses	500.00
Economic Development	
Other Expenses	250.00
Insurance	
Group Insurance for Employees	400,000.00
Workers Compensation Insurance	(3,000.00)
Disability Fund	
Other Expenses	15,000.00
Deferred Compensation	
Other Expenses	40,000.00
Fire Hydrant Service	
Other Expenses	180,000.00
Uniform Fire Safety	
Salaries & Wages	30,000.00
Other Expenses	3,000.00
Police	
Salaries & Wages	1,000,000.00
Other Expenses	25,000.00
Emergency Medical Services	
Other Expenses	15,000.00
Community Services Act	
Other Expenses	40,000.00
Shade Tree Commission	
Other Expenses	2,000.00
Road Repairs & Maintenance	
Salaries & Wages	150,000.00
Other Expenses	125,000.00
Vehicle Maintenance	
Other Expenses	150,000.00

(Item #12 Cont.)

Public Works	
Salaries & Wages	25,000.00
Other Expenses	10,000.00
Board of Health	
Salaries & Wages	80,000.00
Other Expenses	10,000.00
Animal Control	
Salaries & Wages	10,000.00
Recreation	
Salaries & Wages	75,000.00
Other Expenses	5,000.00
Kid Connection	
Salaries & Wages	20,000.00
Adult School	
Other Expenses	100,000.00
Summer Camp	
Salaries & Wages	30,000.00
Other Expenses	3,000.00
Maintenance of Parks	
Salaries & Wages	100,000.00
Other Expenses	25,000.00
Senior Center	
Other Expenses	20,000.00
Solid Waste	
Other Expenses	20,000.00
Recycling Program	
Other Expenses	50,000.00
Construction Code	
Salaries & Wages	105,000.00
Other Expenses	7,500.00
Electricity	
Other Expenses	55,000.00
Telephone	
Other Expenses	25,000.00
Water	
Other Expenses	3,000.00
Natural Gas/Heating	
Other Expenses	5,000.00
Gasoline	
Other Expenses	100,000.00
Street Lighting	
Other Expenses	7,000.00
Social Security System	
Other Expenses	225,000.00
Group Insurance (Outside Cap)	
Other Expense	101,100.00
Unemployment	
Other Expenses	20,000.00
Municipal Court	
Other Expenses	30,000.00
Environmental Health Services	
Other Expenses	250.00
Pre School	
Salaries & Wages	250,000.00
Other Expenses	40,000.00
Camp Kid	
Salaries & Wages	10,000.00
Other Expenses	4,000.00
Municipal Alliance Grant	
Other Expenses	19,169.00

Total 2013 Temporary Appropriations for Operating Purposes \$4,500,269.00

Sewer Utility

Salaries & Wages	275,000.00
Other Expenses	731,500.00

Total 2013 Temporary Appropriations for Sewer Utility \$1,006,500.00

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

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

13. **RESOLUTION #13-3-87 - APPROVING MEMORANDUM OF AGREEMENT WITH SOMERSET COUNTY FOR COTS AND/OR BLANKETS FOR MUNICIPAL SHELTERING SITES WITHIN SOMERSET COUNTY**

BE IT RESOLVED That the Montgomery Township Committee hereby approves a Memorandum of Agreement between Montgomery Township and Somerset County Office of Emergency Management for cots and/or blankets for Municipal Sheltering Sites within Somerset County.

13-1. 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, Graham, Trzaska
Nays - None
Absent - Smith

14. **RESOLUTION #13-3-88 - RESOLUTION AWARDING CONTRACT FOR HIGH SCHOOL AND BURNT HILL WASTEWATER TREATMENT PLANT DEMOLITION PROJECT**

WHEREAS, Pursuant to a duly advertised Notice to Bidders, in accordance with the New Jersey Local Public Contracts Law, ten (10) bids were received on March 7, 2013 for completion of the High School and Burnt Hill Wastewater Treatment Plant Demolition Project ("Project") to take place at Block 19001, Lot 8.35 and a portion of Block 19001, Lot 14 (the "Property") as follows:

1.	Yannuzzi and Sons, Inc.	\$38,400.00
2.	Neuber Environmental Services, Inc.	\$58,400.00
3.	Wild Heart Bulk Landscaping	\$61,000.00
4.	Richard E. Pierson Construction Co., Inc.	\$75,230.00
5.	CAP Services, Inc.	\$79,800.00
6.	National Waste and Recycling Services, LLC	\$102,000.00
7.	Silverlands Services Inc.	\$144,444.00
8.	D&J Mazza Demolition, Inc.	\$148,872.00
9.	Carbo Constructors Corp.	\$187,750.00
10.	Central Jersey Wrecking & Recycling, Inc.	\$315,572.00

WHEREAS, The Local Public Contracts Law, N.J.S.A. 40A:11-4, requires that the award of a contract for this Project be made to the lowest responsible and responsive bidder; and

WHEREAS, The Township Committee has reviewed Yannuzzi and Sons, Inc.'s bid, and finds that Yannuzzi and Sons, Inc. is the lowest responsible and responsive bidder; and

WHEREAS, The Township Engineer recommends that the award of the contract be made to Yannuzzi; and

WHEREAS, The Township Purchasing Agent finds Yannuzzi's bid documents to be in order; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project and are included in the appropriations authorized in Account Number 08-216-55-901-1328.

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

1. The contract for the High School and Burnt Hill Wastewater Treatment Plant Demolition Project is hereby awarded to Yannuzzi and Sons, Inc. as the lowest responsible and responsive bidder.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Yannuzzi and Sons, Inc. for completion of the High School and Burnt Hill Wastewater Treatment Plant Demolition Project for the contract price of \$38,400.00.
3. A copy of this Resolution and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

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

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

15. ORDINANCE #13-1433 - Providing for a 3.5% CAP for the 2013 Budget - Adoption

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

ORDINANCE PROVIDING FOR A 3.5% "CAP" FOR THE
2013 BUDGET PURSUANT TO NJS 40A:4-45.14

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

B-2. Mohamed Kilany, Spring Hill Road, asked why this was happening before the budget was presented.

Administrator Nieman stated that there were two separate and distinct CAPS and to allow the Township to construct the budget, there was a need to have flexibility within certain line items in the budget. This allows for the flexibility and has no effect on the 2% CAP nor does it affect the bottom line of the budget. The Township cannot introduce a budget unless it has taken this step beforehand.

B-3. Committeeman Sugden 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 21st day of March, 2013 and that notice thereof be published in an official newspaper as required by law.

15-1. 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, Graham, Trzaska
Nays - None
Absent - Smith

16. APPROVAL OF MINUTES

March 7, 2013
Minutes were approved as printed.

17. 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.

17-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

18. TRANSCO RIGHT OF ENTRY AGREEMENT

Attorney Hadinger explained that the Township owns five properties on which Transco's existing pipeline easement is located or holds easements on those properties. Transco is requesting the right to go on those properties to conduct some surveys and some boring, with a hand trowel to check for Indian artifacts and that type of thing. It has asked for permission to enter those properties for non-invasive testing for a period of up to one year. Transco has provided insurance, indemnification agreements and defense agreements to the Township.

18-1. Motion #13-3-3 - Committeeman Sugden moved to authorize Township Administrator Nieman to sign the Right of Entry Agreement with Transco. The motion was seconded by Committeewoman Madrid and carried unanimously.

19. ENVIRONMENTAL COMMISSION

Administrator Nieman reported on the Environmental Commission's planning of the Earth Day Fair, which would be held on April 21 at the Montgomery High School. He stated that it would also like to go over the proposed amendments to the tree ordinance and is also looking at a program for getting a grant to purchase and distribute LED flashing lights to bicyclists in town who ride at night.

20. **UTILITY POLES ON ROUTE 206**

Committeeman Sugden stated that the "tunnel of wires" along the utility poles on Route 206 looks extremely bad. He wondered if there was anything the Township Committee could do to fix this situation. He also wanted the residents to know that the Township was not involved in this, that PSE&G is governed by the Board of Public Utilities. The Township was as uninformed as the citizens about the replacing of the poles.

Mayor Trzaska asked if PSE&G was waiting for the other utilities to move their cables before removing the smaller poles.

Administrator Nieman stated that he didn't have all the answers as yet, but he was in contact with PSE&G. The Board of Public Utilities does regulate this. There had been discussions with PSE&G about burying the wires, as was done at the Princeton Airport. The wires were buried at the airport, because of the rules regarding Airport Hazard Zones.

21. **BOARD OF HEALTH**

Deputy Mayor Graham spoke about the Board of Health memo regarding clarification on Smoke-Free Areas within Municipal Parks. The Board held additional discussions and recommended the following areas be designated for smoke-free areas in parks:

- Athletic fields;
- Playgrounds;
- Concessional stands;
- Parking lots;
- Leash-free dog park; and
- During municipally-sponsored events in the park (i.e. holiday tree lighting, concerts and the like).

Mayor Trzaska suggested that this might be something the Governing Body discusses at a future meeting to decide what was wanted.

22. **VIDEOTAPING**

Mayor Trzaska spoke about an interesting experience he recently had. He explained that there is an on-line television company that services a lot of the Asian-American population in the area. It holds an annual event to bring people together, and one of the things it is doing is putting together four or five videos as an introduction to different towns in the area. He stated that Administrator Nieman and Community Information Officer Garaffa provided information to this company, and he was taped as a Mayor's introduction to the video. He stated that he would like to link this to the Township's website.

23. **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:
 - Report of Labor Counsel regarding PBA Arbitration.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open session.

23-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

24. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:15 p.m. on a motion by Committeeman Sugden. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk