

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
April 4, 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 Smith and Sugden
Committeewoman Madrid 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. **PUBLIC COMMENT**

- 4-1. The following residents spoke of their concerns with the Government Energy Aggregation program proposed by the Township: Mohamed Kilany, Spring Hill Road; Eric Weitze, Viburnum Drive; Bill Randolph, Boulder Brook Creek; Kevin Kerod, Township Line Road; Walter Beadling, Thornton Way; Alan Wirsul, Ridgeview Drive.

- 4-2. Eric Weitze, Viburnum Drive, spoke about his displeasure with the solar panels on the lights poles throughout the Township.

5. **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 #13-4-89 - REFUND OVERPAID 2011 AND 2012 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2011 and 2012 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
5004	4	Fred A. & Nora M. Kobylarz	2011	\$3,706.70
5005	2	Mark Krowiak c/o Maselli Warren, PC	2012	\$4,644.26
5012	8	Yuchen Qiu & Ying Wang	2011	\$3,159.14
31007	21	Trident Land Transfer Co. Of NJ	2012	\$4,374.32
34018	22	Li Lin & Zhaoqing Wang	2012	\$3,294.26
34019	29	Victor Wang & Joanna Zheng	2012	\$3,372.91

B. **RESOLUTION #13-4-90 - REFUND OVERPAID 2013 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$35.64 be given to Trident Land Transfer Co. of NJ, 1409 North Kings Highway, Cherry Hill, NJ 08034 for the overpayment of 2013 sewer charges on Block 37003, Lot 1.024.

C. **RESOLUTION #13-4-91 - REFUND UNUSED PORTION OF SPECIAL DUTY MONIES**

BE IT RESOLVED That a refund be given to the following business/company for monies owed by the Township of Montgomery for Private Duty Services;

Trotta Cable Company
206 Deerfield Drive
Middleton, DE 19709
\$85.00

D. **RESOLUTION #13-4-92 - APPROVAL OF FIRE HYDRANTS - Staats Farm**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Company to install fire hydrants at the following locations at Staats Farm: Project #2012011: Block 7021, Lot 50:

Hydrant #1 - To be installed at corner of Staats Farm Road and Waverly Court;

Hydrant #2 - To be installed 600 feet from Hydrant #1, on Waverly Court.

All locations are in accordance with the recommendations of the Montgomery Township Fire Marshal. All locations are shown on plan.

E. **RESOLUTION #13-4-93 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA) - Hillside, Section II (Block 28003, Lot 216)**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection related to Hillside, Section II (Block 28003, Lot 216).

(CONSENT AGENDA Cont.)

F. **RESOLUTION #13-4-94 - AUTHORIZING THE ISSUANCE OF 2013 TOWING LICENSES**

WHEREAS, The Township has received completed towing applications for light duty licenses from Araujo Enterprises, Inc. (d/b/a Kwik Response Towing) and Boro Collision to provide towing services in 2013; and

WHEREAS, The Police Department has reviewed said applications and conducted appropriate investigations pursuant to section 4A-2.2 of the Code of the Township of Montgomery (1984); and

WHEREAS, The Police Director has reviewed the results of said investigations, approved said applications, and recommended the issuance of light duty licenses to Araujo Enterprises, Inc. (d/b/a Kwik Response Towing) and Boro Collision.

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

1. The Township Clerk is hereby authorized to issue light duty licenses to Araujo Enterprises, Inc. (d/b/a Kwik Response Towing) and Boro Collision for 2013.
2. All towing licenses are subject to the provisions set forth in Chapter IVA of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2013.
3. This resolution shall take effect immediately.

G. **RESOLUTION #13-4-95 - ENDORSING SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, PL 1987, c.102 has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED By the Township Committee of Montgomery that Montgomery Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Arthur Villano to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

H. **RESOLUTION #13-4-96 - AMENDING RESOLUTION #13-3-79 - APPROVAL OF OUTDOOR ASSEMBLY Civil War Living History (change of dates)**

WHEREAS, On March 21, 2013 the Montgomery Township Committee approved Resolution #13-3-79, Approval of Outdoor Assembly for the Civil War Living History at the Central Jersey Masonic Center; and

WHEREAS, The date stated in the resolution was April 5, 2013 and the original application requested April 6, 2013.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby approves the Civil War Living History for and April 6, 2013, subject to the same conditions as stated in Resolution #13-3-79.

I. **TOWNSHIP COMMITTEE APPOINTMENT - Electrical Subcode Official**

BE IT RESOLVED That Leo F. Wisniewski is hereby appointed Electrical Subcode Official, effective April 1, 2013, 4 year term expiring December 31, 2016

(CONSENT AGENDA Cont.)

J. **TOWNSHIP COMMITTEE APPOINTMENT - Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission and Shade Tree Committee**

BE IT RESOLVED That Cory Wingerter is hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Citizen-At-Large member, 1 year term expiring December 31, 2013.

BE IT FURTHER RESOLVED That Micheline Watrous is hereby appointed Shade Tree Committee Regular Member, replacing Terry Lynch, to fulfill an unexpired term expiring December 31, 2013.

5-1. Committeeman Smith moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Sugden and carried on the following:

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

6. **RESOLUTION #13-4-97 - URGING THE GOVERNOR AND THE LEGISLATURE TO RETAIN FUNDING IN THE STATE RECYCLING FUND IN THE FY 2014 STATE BUDGET**

WHEREAS, Beginning on April 1, 2008, the State Recycling Fund was established, consisting of a \$3.00 per ton tax levied upon the owner or operator of every solid waste facility as well as on solid waste collectors that transport solid waste for out-of-state disposal, which amounts have been used to fund direct recycling grants to counties and municipalities; aid to counties for preparing, revising, and implementing solid waste management plans; State recycling program planning and program funding; aid to counties for public information and education programs concerning recycling programs; and for State grants to institutions of higher education to conduct research in recycling; and

WHEREAS, State law specifies that no less than 60% of the proceeds of these funds must be returned as tonnage grants to municipalities and counties; and

WHEREAS, Montgomery Township relies upon this money to partially fund its curbside recycling collection program, a laborer position and other recycling related expenses, receiving \$155,271.63 in 2012, based upon a 2010 tonnage grant; and

WHEREAS, In his proposed FY 2014 budget, the Governor has proposed a diversion of \$21.6 million from the State Recycling Fund to the General Fund; and

WHEREAS, Loss of these funds would seriously impact the ability of the Township to continue its recycling programs, thereby jeopardizing the efforts of Montgomery to maximize recycling among its residents; and

WHEREAS, The Township Committee believes that it is in the best interests of the residents of Montgomery for this diversion of funds to be restored to the State Recycling Fund so that these valuable recycling efforts can continue;

NOW THEREFORE BE IT RESOLVED On this 4th day of April, 2013, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that:

1. The Township Committee hereby urges the Governor and the New Jersey State Legislature to restore to the State Recycling Fund the \$21.6 million proposed to be diverted from the State Recycling Fund to the FY 2014 General Fund so that these valuable recycling efforts can continue.
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 the New Jersey State League of Municipalities.

6-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried on the following:

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

7. **RESOLUTION #13-4-98 - EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD - Change of Electricity Provider (NJSEM)**

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

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

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

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

WHEREAS, Gail Smith suggested the Township change their electrical provider; and

WHEREAS, As a result of the suggestion by Ms. Smith, the Township has become a member of the NJ Sustainable Energy Joint Meeting, reducing the cost of its electricity supply; and

WHEREAS, This practice has saved the Township an average of \$53,505.00 per year in its first two years of implementation.

NOW, THEREFORE, BE IT RESOLVED That the Employee Efficiency Incentive Committee therefore recommends that Ms. Smith be provided an award of \$5,351.00 for her suggestion and that this award be approved for payment in a paycheck of 2013 (per 2-30.2e).

7-1. 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, Smith, Graham, Trzaska
Nays - None
Absent - Madrid

8. **RESOLUTION #13-4-99 - EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD - Freon Recycling**

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

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

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

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

WHEREAS, Joseph Kane suggested the Township contract with a licensed firm that removes Freon-containing appliances from the Container Facility at no charge, in return for its scrap metal content; and

WHEREAS, This practice has saved the Township an average of \$5,219.00 per year in the first year of implementation (based on averages from 2009 and 2010).

NOW, THEREFORE, BE IT RESOLVED That the Employee Efficiency Incentive Committee therefore recommends that Mr. Kane be provided an award of \$1,044.00 for his suggestion and that his award be approved for payment in a paycheck of 2013 (per 2-30.2e).

BE IT FURTHER RESOLVED That Arthur Villano, as impacted Department Head, receive an award of \$522.00.

8-1. 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, Smith, Graham, Trzaska
Nays - None
Absent - Madrid

9. **RESOLUTION #13-4-100 - EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD - Scrap Metal Recycling**

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

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

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

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

WHEREAS, Joseph Kane suggested the Township contract with a scrap metal removal service that pays the Township for scrap metal brought to the Container Facility; and

WHEREAS, This practice has generated \$3,543.00 in revenue for the Township in the first year of implementation.

NOW, THEREFORE, BE IT RESOLVED That the Employee Efficiency Incentive Committee therefore recommends that Mr. Kane be provided an award of \$709.00 for his suggestion and that this award be approved for payment in a paycheck of 2013 (per 2-30.2e).

BE IT FURTHER RESOLVED That Arthur Villano, as impacted Department Head, receive an award of \$354.00.

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

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

10. **ORDINANCE #13-1434 - Authorizing the Establishment of a Government Energy Aggregation Program - Public Hearing**

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

B-2. Mohamed Kilany, Spring Hill Road spoke against the ordinance. He commented that the Purchasing Agent should have been able to do what Gabel Associates is doing, and that the process is breaking the statute. He questioned the logistics of the bid process and its transparency.

B-3. Eric Weitze, Viburnum Drive, stated that there is too much government and the Township doesn't need this.

B-4. Bill Randolph, Boulder Brook Court, said the program is the most outrageous thing the Township has done, and that the Township Committee does not need to come up with a plan to save residents money. He believes the Township is intruding on free market economy.

B-5. Kevin Kerod, Township Line Road, asked about the opt-in and opt-out process. Overall, he feels the Township is doing a good job.

Robert Chilton, Gabel Associates, explained opt-in versus the opt-out process.

B-6. Walter Beadling, Thornton Way, also had questions about the opt-in and opt-out process.

B-7. Alan Wirsul, Ridgeview Drive, objected to the program and did not feel the residents would be protected in a force majeure situation.

Robert Chilton, Gabel Associates, explained the history of the program in New Jersey and other states. He explained the bid process, and the difference between the supply and transmission components of the PSE&G bills. There are no exit fees if a resident chooses to discontinue participation in the program. The bid package will be sent to every licensed supplier in New Jersey. The bid process will be transparent.

(Item #10 Cont.)

- B-8. Ken Kneiser, Oak Ridge Drive, complimented the Township on trying to help the residents save money and asked about the duration of the agreement once it is approved.

Robert Chilton, Gabel Associates, explained that when this goes out to bid, depending on the price, it could be 12 months or 24 months contract. He stated that any resident could opt-out at any time during the contract also.

- B-9. Committeeman Smith moved that the public hearing be closed. The motion was seconded by Deputy Mayor Graham and carried unanimously.

- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4th day of April, 2013 and that notice thereof be published in an official newspaper as required by law.

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

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

11. **ORDINANCE #13-1435** - Accepting Property Known as Block 16002, Lot 9.28 (Westwinds/East Country Development Associates Pump Station Lot) - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY NEW JERSEY ACCEPTING PROPERTY KNOWN AS BLOCK 16002, LOT 9.28 (WESTWINDS/EAST COUNTRY DEVELOPMENT ASSOCIATES PUMP STATION LOT) FOR GENERAL MUNICIPAL PURPOSES, INCLUDING SANITARY SEWERAGE

- 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 18, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

- 11-1. 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, Smith, Graham, Trzaska
Nays - None
Absent - Madrid

12. **APPROVAL OF MINUTES**

March 21, 2013
Minutes were approved as printed.

13. **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.

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

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

13. **PSE&G**

Administrator Nieman stated that he had spoken to a representative of PSE&G and was told that the line and pole replacement in the Route 206/Cherry Valley Road area would be taking place approximately April through June.

14. **ENVIRONMENTAL COMMISSION**

Committeeman Sugden reminded everyone that the Environmental Commission sponsored Earth Day Fair would be April 21 at the Montgomery High School.

15. **ECONOMIC DEVELOPMENT COMMISSION**

Committeeman Smith spoke of his concerns about membership and volunteering in the Economic Development Commission. He stated that he felt that too few people were doing too many things. He recommended that some of the business owners be asked about being members.

16. **TRANSCO MEETING**

Administrator Nieman reminded everyone that there would be a Transco Town Meeting on April 11 regarding the pipeline plan.

17. **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:
 - Hunter Farms, SADC and CADB Hearings.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public.

17-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

18. The meeting reconvened in Open Session and **ADJOURNMENT** was at 10:00 p.m. on a motion by Deputy Mayor Graham. The motion was seconded by Committeeman Smith and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk