

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
April 18, 2013  
7:00 p.m.

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 Madrid  
Committeeman Sugden 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. Mayor Trzaska stated that if the open portion of the meeting has not concluded by 8 p.m., the Township Committee will enter into closed session to conduct personnel interviews with police officer candidates and thereafter reconvene in open session to conclude any open session agenda items. In order to expedite matters, the Mayor stated that members of the public should limit comments and/or Q&A to 5 minutes.
5. **RECOGNITION OF NICOLE DeSARIO AND BEVERLY GLOCKLER** - Somerset County Commission on the Status of Women Honorees

Mayor Trzaska noted that Township Committee passed resolutions honoring both Beverly Glockler and Nicole DeSario at a previous meeting but wished to meet with and congratulate both Montgomery women on their outstanding achievements.

Beverly Glockler was the winner of the Outstanding Women 'Volunteer' award. This is her 25<sup>th</sup> year with Montgomery Emergency Medical Services (MEMS), during which time she has been on 4000 calls including three live births. She spoke about her many experiences with the squad and injuries she has treated and how call volume in town has increased and equipment has been upgraded over the years. She pointed out the on-going need for new volunteers on MEMS. The mayor and committee offered their sincere congratulations and gratitude for Mrs. Glockler's public service over the last 25 year.

Montgomery High School Senior, Nicole DeSario, was the winner of the Outstanding Women 'Social Services' award. She has taken a leadership role in educating high school students on relationship abuse. She also was awarded a National Young Women of Distinction award from the Girl Scouts in 2012, one of 10 out of 3,000 Gold Award winners recognized on a national level. She feels that educating young people early on can help prevent patterns of relationship abuse among teens and domestic violence later in life. She explained how she brought the Green Theater troupe from Rutgers to Montgomery schools as a way to teach students and that she works with the Resource Center of Somerset. She championed State legislation known as the Safe Dating Bill, via petitions and letter writing campaigns, which was recently signed into NJ law, making all public schools responsible for education on this matter. She formed a Montgomery high school student club which puts on skits and made videos, called MASK or Montgomery Advocates for Solidarity in Kindness. She stated her plan to bring this concept to other schools.

6. **EAGLE SCOUT PRESENTATION** - Josh Lipowski

Josh Lipowski, a Troop 46 member and junior at Montgomery High School, wants to put up a kiosk to mark the trail head of the trail near Lenape Swim Club, as well as a bench. He is working with Montgomery Friends of Open Space (MFOS) and the Township's Open Space Committee. The cost will be \$900 for supplies, which will come from MFOS. He plans to complete by end of June. He was asking approval for work on the public property.

- 6-1. Motion #13-4-1 - Mayor Trzaska moved to the approve the work to be done on the property by Josh Lipowski. The motions was seconded by Deputy Mayor Graham and carried unanimously.

7. **PUBLIC COMMENT - 5 MINUTES PER PERSON**

Mohamed Kilany, Spring Hill Road, spoke regarding the Energy Aggregation Program. He also referenced his April 8<sup>th</sup> letter to the Township Committee regarding the Energy Aggregation Program and asked if a response to his letter would be forthcoming. He questioned the methods by which the Energy Aggregation Program and e-bid process is approved by the NJ Department of Community Affairs and the Board of Public Utilities. Township Attorney Kris Hadinger responded that the approval process is on-going at this point.

Bob Kress, Meadow Run Drive, spoke regarding the Montgomery Traffic Circulation Plan and utility poles currently being installed by PSE&G in various locations throughout the Township. He expressed concern about utility poles within subdivisions. He recalled that PSE&G met with the Traffic Advisory Committee numerous times in the early 2000s and that loop road site plans were agreed upon. It is Mr. Kress's recollection that utilities were supposed to be placed underground as part of the plan for the loop roads.

8. **MARY JACOB LIBRARY PRESENTATION**

Brenda Fallon, President of Mary Jacobs Library Foundation, spoke on the library's current need of support. She began by thanking Township officials for the on-going \$42,500 yearly donation which is made to the Foundation. She said those donations are essential to the provision of library services. She explained that the Foundation owns the Mary Jacobs Library building and property and is responsible for its upkeep. Two expenses are larger than in other years - fundraising expenses and \$48,000 for improvements which the community is requesting. She explained the various fundraising events planned for the coming year.

Committeeman Smith noted that the single largest item of library expense is energy costs. There was a discussion of energy aggregation and whether that could help reduce the library's expenses. Montgomery Township is saving approximately \$53,000/year in an energy co-op and a third party supplier and Administrator Nieman will inquire on behalf of the library and give that contact info to Ms. Fallon. She noted that the library became a safe haven during Superstorm Sandy last fall. Since the library's electric was restored within a few days, many residents still without electric came there to get warm and to power up electric devices.

9. **TOWNSHIP BUDGET PRESENTATION**

Chief Financial Officer Walter Sheppard gave a PowerPoint presentation of the 2013 budget. He noted that the tax levy has changed minimally over these past 4 years. The tax bill on the average home has only increased 2.5% during that period.

Mr. Sheppard explained that spending increases for 2013 consist of \$674,000 in mandated cost increases - pension increases, Hurricane Sandy relief which will be recouped in 2014, health insurance premiums, which increased 17% year over year (but which are still \$95,000 below the State plan), salary increases due to union contracts, and finally \$130,000 added for police recruitment and training of cadets. Mr. Sheppard pointed out that the last police hires were in 2007. Police hires are necessary due to upcoming retirements. Mayor Trzaska pointed out that cadets are coming in at a \$41,000 salary whereas senior retirees are currently paid annual salaries over \$100,000.

Mr. Sheppard pointed out that Montgomery continues to have a zero based budget and therefore savings must be identified elsewhere to make up for the above increases in costs such as shared services opportunities, cooperative purchase agreements, and a reduction of employees through attrition.

Mayor Trzaska remarked that there are usually about \$500,000 in State mandated cost increases every year but this year was even worse due to the additional \$250,000 necessary to avoid a Skillman Village 'balloon payment' in a few years. He stated that he understood that the plan in 2006 was to issue short term debt to obtain ownership of the State land and then sell the property to an appropriate developer in short order. But since that plan did not pan out, the current administration determined to address the balloon payment now by refinancing while interest rates were at historic lows.

CFO Sheppard stated that in 2013, Montgomery is allowed by the state's property tax cap law to have, but will not take, an increase of \$129 increase on the average value home. This amount is because Montgomery has saved up a cap bank from past years. Instead, Montgomery proposes an increase of \$44 for the average home owner. The total tax rate will go up 32 cents per \$100 value.

CFO Sheppard explained that Montgomery still has a structural budget gap it must work to close. The Township is looking into headcount, streamlining organizational structure, and increasing efficiencies without loss of core competency or services. More consolidation and sharing of services in form of partnerships with nearby municipalities and Somerset County are needed.

CFO Sheppard stated that \$25,700,000 is the total budget, which is back to 2003-2005 levels. Local government has actually gotten smaller. Overtime was held down significantly in 2012.

10. **RESOLUTION #13-4-101 - 2013 MUNICIPAL BUDGET INTRODUCTION**

BE IT RESOLVED That the statements of revenue and appropriations shall constitute the local budget for the year 2013.

BE IT FURTHER RESOLVED That a summary of said budget shall be published in an official newspaper as required by law together with a notice fixing June 6, 2013 at approximately 7:00 p.m. as the date and time when said budget will be considered for final adoption.

NOW, THEREFORE, BE IT RESOLVED That the governing body of the Township of Montgomery does hereby approve the budget for the year 2013.

10-1. 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 -Madrid, Smith, Graham, Trzaska  
Nays - None  
Absent - Sugden

11. **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:
  - Interview of possible Police Officer candidates;
  - Advice of Counsel with Regard to Hunter Farms.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public.

11-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

11-2. The meeting reconvened in Open Session on a motion by Deputy Mayor Graham. The motion was seconded by Committeeman Smith and carried unanimously.

12. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and were enacted in one motion. Any person may request that an item be removed for separate consideration.

A. **RESOLUTION #13-4-102 - 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>
5012	8	Yuchen Qui & Ying Wang	2012	\$1,138.14
5024	22.04	CONDO Manish & Ritu Kalathil	2012	\$2,332.68
7012	13	David R. & Therese M. Clarke	2011	\$4,924.26
17005	27	Vijay & Usha Chavan	2012	\$4,073.93
37003	1.059	Nancy Ann Garvey	2012	\$3,767.34

B. **RESOLUTION #13-4-103 - APPROVAL OF RIGHT-OF-ENTRY AGREEMENT WITH THE COUNTY OF SOMERSET FOR THE EAST MOUNTAIN ROAD IMPROVEMENT PROJECT**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Right-of-Entry Agreement with the County of Somerset for the East Mountain Road Improvement Project.

12-1. Deputy Mayor Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Smith and carried on the following:

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

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

- A. Title: 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. Mayor Trzaska opened the hearing to the public. There being no comment, Deputy Mayor Graham moved that the public hearing be closed. The motion was seconded Committeewoman Madrid by and carried unanimously.
- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 18th day of April, 2013 and that notice thereof be published in an official newspaper as required by law.

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

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

14. **APPROVAL OF MINUTES**

April 4, 2013  
Minutes were approved as printed.

15. **PAYMENT OF BILLS** - Posted

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.

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

16. **EARTH DAY FAIR**

Mayor Trzaska announced that the Montgomery Township Earth Day Fair will be held Sunday, April 21<sup>st</sup> from noon to 4 at Montgomery High School.

17. **MEET THE MAYOR SERIES**

Mayor Trzaska updated the Committee on the recent Meet the Mayor Series held at Stonebridge. There were approximately 60 residents in attendance and it was a very good dialogue. This is the 7<sup>th</sup> meeting of 8 planned for the year. The last meeting in the series will be held on May 23<sup>rd</sup> at the Cherry Valley Club House with the Cherry Valley Homeowners Association.

18. **MBA BREAKFAST**

Administrator Nieman announced that he and Township Zoning Officer Joe Palmer were invited to speak at the Montgomery Business Association Meet and Greet Breakfast at the Red Oak Dinner on April 30<sup>th</sup>. Corey Wingerter, who is the leading the MBA this year, invited Township representatives to attend. The group has some land use and zoning questions which Township representatives can address. Everyone is invited to attend.

19. **LIQUOR LICENSE**

Committeeman Smith asked if there was any plan to reschedule the sale by the Township of a new liquor license. Administrator Nieman stated that process is driven by revenue and upon perceived demand. Committeeman Smith stated that there is demand now because the new ownership of Cherry Valley Country Club has expressed an interest in bidding on the license. He explained that the ownership of Cherry Valley Country Club would change from a non-profit to for-profit entity and therefore it was his understanding that the new owner will need to purchase a different type of license in order to continue to serve alcohol.

Township Clerk Kukla stated that this is correct and that the current owners of the Cherry Valley Country Club have been operating under a Club license, which is not transferable to a for-profit entity. A new for-profit owner would need to obtain a new plenary retail consumption liquor license. Committeeman Smith asked about the process. Ms. Kukla explained the process and time frame involved in the sale of the license.

Administrator Nieman asked the Township Committee what the minimum bid should be. The Township Committee discussed and agreed to \$500,000 as the starting bid. Administrator Nieman stated that, pending changes in information, a resolution authorizing the sale of a plenary retail consumption license will be put on the May 2<sup>nd</sup> Township Committee agenda.

20. **ADJOURNMENT** was at 10:30 p.m. on a motion by Committeeman Rich Smith. The motion was seconded by Committeewoman Madrid and carried unanimously.