

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 6, 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, Madrid and Sugden

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. **RESOLUTION HONORING MONTGOMERY BASEBALL'S 40TH ANNIVERSARY**

WHEREAS, The Montgomery Baseball League, with its dedicated spirit of love for the game and support for youth fitness and athletics, was first organized in 1973; and

WHEREAS, The Montgomery Baseball League has an outstanding forty year track record of contribution to the community and quality of life of Montgomery; and

WHEREAS, Over these years Montgomery Baseball League has played a key role in the development of many fine players in our town; instilling self-confidence, integrity, sportsmanship and many other strong character qualities in players, many of whom have gone on to regional and even national baseball competitions; and

WHEREAS, Montgomery Baseball League is made possible by a volunteer board and parent volunteers who give generously of their time and effort to see that all players are provided with top-quality coaching, management, umpiring, facilities, equipment, uniforms, and concessions; and

WHEREAS, A recent example of the League's community-mindedness is its development of an annual Montgomery Baseball College Scholarship program for players noteworthy for their sportsmanship, excellence in academic, and outstanding community service.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby commends the Montgomery Baseball League on its Fortieth Anniversary and does hereby extend the sincere congratulations and best wishes to its board and other adult volunteers and to all of its players throughout many generations of Montgomery youth.

- 4-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.
- 4-2. Joe Gerdes, Montgomery Baseball League, thanked the Township and stated that the Baseball League had a great partnership with the Township. He explained how the League had come up with the idea and the workings of the scholarship program.

5. **APPOINTMENT OF POLICE OFFICERS** - John David Colucci, Timothy Warren Dubovick,
Joseph Paul Ceccato

BE IT RESOLVED that John David Colucci is hereby appointed Probationary Police Officer, effective June 10, 2013.

BE IT RESOLVED that Timothy Warren Dubovick is hereby appointed Probationary Police Officer, effective June 10, 2013.

BE IT RESOLVED that Joseph Paul Ceccato is hereby appointed Probationary Police Officer, effective June 10, 2013.

- 5-1. 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, Madrid, Smith, Graham, Trzaska
Nays - None

6. **SWEARING IN OF POLICE OFFICERS** - John David Colucci, Timothy Warren Dubovick
Joseph Paul Ceccato

Attorney Hadinger administered the Oaths of Office to probationary Police Officers John David Colucci, Timothy Warren Dubovick and Joseph Paul Ceccato.

- 6-1. Police Director Palmer explained the procedure by which these Police Officers were chosen and thanked all those who were involved. Beginning June 10, they will begin agency training. This is an applied training where they will learn many of the applications locally prior to starting their training at the Somerset County Police Academy on July 8.

7. **MAYORAL APPOINTMENT** - Somerset County Cultural and Heritage Commission

BE IT RESOLVED That Jessie Havens is hereby appointed to the Somerset County Cultural and Heritage Commission, 1 year term expiring December 31, 2013.

8. **PUBLIC COMMENT**

- 8-1. Candy Willis, Knickerbocker Drive, spoke about PSE&G's solar panels in historic districts and other areas in the Township. She reminded all about the garbage that was being left by the installers. She and Township Administrator Nieman met with PSE&G representatives and were able to fix the garbage situation. There was an agreement made at that meeting that there would be no solar panels in the historic districts of the Township. Unfortunately, there were 43 solar panels in the historic districts and she asked if the Township could reach out to PSE&G and have them have their installers remove 29 of these. She also questioned the amount of these panels in Montgomery, where Rocky Hill and Princeton do not have any. Administrator Nieman stated he would contact the representative from PSE&G. Mayor Trzaska requested that a letter be put together about this also, to be sent from the Township Committee to PSE&G.

Judy Peters, Opies Mill, stated her support of removing these solar panels from historic districts. She complained about the lack of oversight in the installation of the panels.

- 8-2. Greg Kaganowicz, Griggstown Road, spoke on behalf of the Environmental Commission and on his own behalf about the Stream Corridor ordinance which appears on the agenda for introduction. He explained that the stream corridors, the wetlands and the buffer zones were created to discourage human activity in general and construction in particular. He stated that there were very few applications for permits in the past few years because the application for a permit was cumbersome and expensive. It did cause some problems for some homeowners who wanted minor changes. The Environmental Commission agrees to some changes to ease the burden for minor situations, however what appears in the current draft ordinance can permit for more than minor changes. He asked that more consideration be given before the ordinance is adopted. He also asked that language be put in the ordinance putting the burden of responsibility for anything that might happen on the homeowner. Attorney Hadinger stated that this was not necessary because the Common Law and the Tort Claims Act sustain any kind of claim against the Township or its employees.
- 8-3. Clem Fiori, Open Space Committee Chair, urged the Township Committee to give its greatest possible attention to the review of the Skillman Loop pipeline project as soon as possible as comments need to be in by the end of June. He urged the Township Committee to draft a resolution similar to the one by the Municipality of Princeton opposing the pipeline.
- 8-4. Robert Kress, Meadow Run Drive, spoke about the poles along Route 206 and the loop road at Cherry Valley Road. He showed pictures of the poles, which are out of alignment and obstructing the view of some traffic signs. Administrator Nieman stated that he had reached out to PSE&G, who contacted Verizon. At present, he had not heard back from Verizon.

Committeeman Sugden suggested that the Montgomery Township Committee write a letter to the Public Utilities Commission about the situation. He feels that if there is a letter from the Township, the next time one of the utilities comes before them for a rate increase, this would be brought up.

Committeeman Smith stated that he felt that a couple of the Township Committeemembers, Mr. Kress and Administrator Nieman should arrange a meeting with PSE&G about all of the issues in the Township, including the poles, the solar panels and other issues.

- 8-5. Joan Magee, Stony Brook-Millstone Watershed Association, addressed the Transco pipeline situation. She urged the Township Committee to look at Princeton's resolution and adopt something similar.
- 8-6. Ms. Magee spoke about the Stream Corridor ordinance which was on the agenda. She stated that the current ordinance has a number of very important objectives under Section B. She asked the Governing Body to consider some changes to the ordinance as presented at this meeting.

Attorney Hadinger explained the ordinance and stated that the Township's ordinance had been vetted with the State and is more restrictive than the State's. She suggested that Ms. Magee give her concerns to the staff in writing.

(Item #8 Cont.)

- 8-7. Andrea Bonnett, East Amwell Township, stated that she was at the meeting on behalf of the Sourland Planning Council. She spoke about the pipeline project and encouraged the Governing Body to write a resolution similar to Princeton's.
- 8-8. Walt Beadling, Thornton Way, spoke about the broadcasting of Township meetings and having a Town Bulletin Board on Comcast Channel 29. He stated that it would cost approximately \$12,000.00 to upgrade the existing system, including installation, to provide a basic broadcast capability. He asked that the Governing Body please add the broadcast capability to the existing video system. He felt this was extremely important especially for public safety.
9. **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 #13-6-128 - REFUND OVERPAID 2013 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
1001	14	Carrier Foundation	\$ 7,107.71
1001	14 Q Farm	Carrier Foundation	\$ 860.12
1001	16	Carrier Foundation	\$ 4,123.38
16002	9	East Mountain Dev. Assoc.	\$33,769.90
28003	216A	Sharbell Building Company	\$ 4,319.07
34001	63	PSE&G Services Corp. Prop. Dev.	\$11,241.97

B. **RESOLUTION #13-6-129 - REFUND OVERPAID 2013 SEWER FEES**

BE IT RESOLVED That a refund in the amount of \$58.74 be given to Wynn, William Andrew & Rocks, Maureen, 1 Heritage Hills Court, Skillman, NJ 08558 for the overpayment of 2013 sewer fees on Block 31007 Lot 3.

C. **RESOLUTION #13-6-130 - APPROVAL OF SEWER PARTICIPATION AGREEMENT - Arlene Varchi**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with Arlene Varchi related to sewer capacity in the Pike Brook Sewage Treatment Plant for Block 7019, Lot 49.

D. **RESOLUTION #13-6-131 - RELEASE OF MAINTENANCE GUARANTEE - Agridor Farms**

WHEREAS, Gail Smith, Township Engineer, has certified on May 22, 2013 that all public improvements in a project known as Agridor Farms have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond #S05720M in the amount of \$121,671.30 be released to MBS Development, LLC, 65 West Lakeshore Drive, Rockaway, NJ 07866.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

E. **RESOLUTION #13-6-132 - RELEASE OF MAINTENANCE GUARANTEE**

Princeton Christian Church - Sidewalk and Driveway

WHEREAS, Gail Smith, Township Engineer, has certified on May 23, 2013 that all public improvements in a project known as Princeton Christian Church Sidewalk and Driveway have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a Maintenance Bond in the amount of \$1,907.82 be released to Princeton Christian Church, 471 Cherry Valley Road, Princeton, NJ 08540.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

F. **RESOLUTION #13-6-133 - CANCELING ASSESSMENT RECEIVABLE BALANCES**

WHEREAS, The Report of Audit on the Financial Statements of the Township of Montgomery for the Year Ended December 31, 2011 by Independent Auditors Suplee, Clooney & Company included a recommendation "That old assessment receivable balances in the trust fund be reviewed for cancelation."; and

WHEREAS, The three lots involved having been confirmed on December 3, 1981 have been inactive for several years.

NOW, THEREFORE, BE IT RESOLVED, That the following Assessment Receivable Balances be cancelled:

Block 34001 Lot 43 - \$2,945.60
Block 34001 Lot 44 - \$5,302.10
Block 34001 Lot 46 - \$9,131.35

(CONSENT AGENDA Cont.)

G. **RESOLUTION #13-6-134 - APPROVAL OF OUTDOOR ASSEMBLY - Carrier Clinic**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Carrier Clinic has requested approval of the Township Committee to conduct an Outdoor Assembly for the Carrier Clinic Walk of Hope at 252 Route 601, Belle Mead, NJ 08502 on September 21, 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 organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
4. The organizers will obtain the required health certificates from the Township Health Department, if applicable.
5. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments, if applicable.

H. **RESOLUTION #13-6-135- DEDICATION BY RIDER - RECREATION TRUST**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S. 40:48-2.56 and P.L. 199,c.292, provide for receipt of recreation program fees by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S. 40A:4-39, provides the dedicated revenues anticipated from the Recreation Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Township Committee does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39 as amended by, N.J.S. 40:48-2.56 and P.L. 1999,c.292 for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal "fee-based" recreation programs.
2. The Municipal Clerk of the Township of Montgomery , County of Somerset is hereby directed to forward two certified copies of this resolution to the Director of Local Governmental Services

I. **RESOLUTION #13-6-136 - PROFESSIONAL SERVICES RESOLUTION - Appraisal Services**

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

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

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.

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 Valuation Consultants, Inc. as Appraiser.
- (2) This contract is awarded for a period of one year, for the amounts set forth in the 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.

(CONSENT AGENDA Item I Cont.)

- (3) This contractor has 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 Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement 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 this contract, and payment for the services, is subject to the adoption of the final 2013 Budget, and certification of availability of funds by the Chief Financial Officer

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

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

10. **RESOLUTION #13-6-137 - RESOLUTION AWARDING CONTRACT FOR MEADOW RUN NEIGHBORHOOD ROAD OVERLAY PROJECT**

WHEREAS, Pursuant to a duly advertised Notice to Bidders, in accordance with the New Jersey Local Public Contracts Law, three (3) bids were received on May 30, 2013 for completion of the Meadow Run Neighborhood Road Overlay Project ("Project") to take place at Meadow Run Drive, Betsy Ross Court, Pheasant Run Drive and Doe Court (the "Property") as follows:

1.	S. Brothers, Inc.	\$331,871.00
2.	Top Line Construction Corp.	\$361,041.51
3.	Black Rock Enterprises, LLC	\$486,362.10

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 S. Brothers, Inc.'s bid, and finds that S. Brothers, Inc. is the lowest responsible and responsive bidder; and

WHEREAS, The Township Engineer recommends that the award of the contract be made to S. Brothers, Inc.; and

WHEREAS, The Township Purchasing Agent finds S. Brothers, Inc.'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

WHEREAS, Funds for this contract are included in the appropriations authorized in Account Number 04-216-55-901-1416B.

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

1. The contract for the Meadow Run Neighborhood Road Overlay Project is hereby awarded to S. Brothers, Inc., Inc. as the lowest responsible and responsive bidder.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with S. Brothers, Inc., Inc. for completion of the Meadow Run Neighborhood Road Overlay Project for the contract price of \$331,871.00.
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.

10-1. 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, Graham, Trzaska
Nays - None

11. **RESOLUTION #13-6-138 - AUTHORIZING PROCUREMENT OF FARMING SERVICES AS CONCESSIONS AND AWARDING SAID AGREEMENTS**

WHEREAS, the Township owns certain real property situate in the Township of Montgomery, some of which has been designated as Green Acres funded parkland and some of which has been designated as Green Acres unfunded parkland, said real property being designated on the Township's tax map as set forth in Exhibit A; and

WHEREAS, the Township has determined that it is in the best interest for each of the properties identified in Exhibit A to remain open, accessible and farmed; and

WHEREAS, said properties have been farmed during 2013 by the farmers named in Exhibit A and the Township seeks to continue to have said farmers maintain farming activity on the properties during 2013; and

(Item #11 Cont.)

WHEREAS, these farming services include, but are not limited to, preparation of soil for crops, planting seeds, and the maintenance and harvesting of those crops, in exchange for which the farmers are able to sell the harvested crops on their own account; and

WHEREAS, the Township Attorney's Office has opined that these services may be procured as concessions pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34-9.4; and

WHEREAS, the Township Administrator has determined and certified that the aggregate value of these services (i.e., value of harvested crops) during the remainder of 2013 will likely exceed \$17,500 but is not anticipated to exceed \$36,000; and

WHEREAS, because the aggregate value of these services is not anticipated to exceed \$36,000, the services may be procured by using informal quotations; and

WHEREAS, there are no estimated costs to the Township as part of these services; and

WHEREAS, the Township has 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 in connection therewith, each farmer 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, the Township has submitted a form of agreement for said farming services to the Green Acres Program, as required by N.J.A.C. 7:36-25.13, and the Green Acres Program has approved same.

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

1. The Township is authorized to procure farming services agreements on each of the properties identified in Exhibit A pursuant to the Local Public Contracts Law provisions governing concessions.
2. The Mayor and Township Clerk are hereby authorized to execute said agreements with those farmers named in Exhibit A.
3. The agreements shall terminate on December 31, 2013.
4. A copy of this Resolution, the Certification of Contract Value, the Pay-to-Play Forms and the agreements shall be placed on file in the Office of the Township Clerk.

EXHIBIT A

Property & Location/ Green Acres Funded or Unfunded/Current Farmer

1. Block 14001/Lot 37 (Skillman Road between Otto Kaufman and Skillman Post Office); Unfunded; Currently Farmed by Bill Wagner
 2. Block 22001/Lots 10 & 11 (Bridgepoint Road); Unfunded; Currently Farmed by John Johnson
 3. Block 29001/Lots 5 & 5.01 (Montgomery Road across from Stonebridge); Funded; Currently Farmed by John Johnson
 4. Block 23001/Lot 13 (Montgomery Road behind/around Stonebridge); Funded; Currently Farmed by John Johnson
 5. Block 18026/Lot 27 (Dead Tree Run Road across from Summit Drive); Funded; Currently Farmed by John Johnson
 6. Block 20001/Lot 4 (Route 206 north of Nassau Tennis Club); Unfunded; Currently Farmed by John Johnson
 7. Block 11001/Lot 56 (Hollow Road by the railroad tracks); Unfunded; Currently Farmed by John Drake
 8. Block 27001/Lot 6 (Route 518 next to Washington Well Farm); Funded; Currently Farmed by John Drake
 9. Block 31010/p/o 9.03 (Corner of Provinceline Road and Cherry Valley Road); Unfunded; Currently Farmed by John Drake
 10. Block 34001/p/o Lot 35 & p/o 35.01 (Route 518 adjacent to Lenape Swim Club); Funded; Currently Farmed by John Drake
 11. Block 15001/Lots 29 & 34 (Sunset Road and Kildee Road); Funded & Unfunded, respectively; Currently Farmed by John Drake
 12. Block 15001/Lot 31 (Corner of Route 206 and Dutchtown-Harlingen Road); Funded; Currently Farmed by Donald Quick
- 11-1. 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, Graham, Trzaska
Nays - None

12. **RESOLUTION #13-6-139 - 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:

Employee Group Insurance (Outside Cap)
Other Expenses (\$1088.00)

Sewer Utility Fund:

PERS
Other Expenses (\$712.00)

12-1. 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, Madrid, Smith, Graham, Trzaska
Nays - None

13. **2013 MUNICIPAL BUDGET**

A. **RESOLUTION #13-6-140 - REGARDING PUBLIC HEARING OF THE 2013 LOCAL MUNICIPAL BUDGET OF THE TOWNSHIP OF MONTGOMERY, STATEMENTS OF REVENUES AND APPROPRIATIONS**

WHEREAS, For at least one week, the complete Municipal Budget as advertised, has been posted in a public place, in the Municipal Building; and

WHEREAS, The 2013 Budget has been made available to each and every person requesting the same for at least one week,

NOW, THEREFORE, BE IT RESOLVED By the Township Committee (not less than a majority of the full membership concurring) of the Township of Montgomery in Somerset County, that the Township Committee hereby determines that the 2012 Municipal Budget, Statements of Revenues and Appropriations shall be read by title, and that the conditions of N.J.S.A. 40A:4-8, Sections 1A and 1B, have been satisfied.

13-1. 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, Graham, Trzaska
Nays - None

B. **REPORT FROM CHIEF FINANCE OFFICER**

Chief Financial Officer Sheppard stated that Montgomery Township was under State review from a budgetary point of view. Every Township is reviewed on a rolling period of three (3) years, and this was Montgomery's year to be reviewed. After consultation with a representative from the Department of Community Affairs, they requested three (3) minor changes. None of these changes affect the amount of taxes or the bottom line for either revenue or expenditures. They are changes in the way the Township shows the data.

B-1. **Motion #13-6-1** - Committeeman Sugden moved that the Township Committee accept the items that the State requested. The motion was seconded by Committeewoman Madrid and carried on the following:

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

C. **2013 MUNICIPAL BUDGET - Public Hearing**

a-1. Committeeman Sugden moved to open the hearing on the budget, as amended, to the public. The motion was seconded by Committeeman Smith and carried unanimously.

a-2. Robert Kress, Meadow Run Drive, stated that he was not a fan of doing an austerity based budgeting system. The problem is that there are significant reductions in revenue and it is this side that is the problem. The revenue that was lost was because of a significant number of tax appeals and the lack of residential growth. He spoke about how State Aid and fees and permits are down. He stated that if there was a revaluation done now, the people who appealed their taxes would be the ones least effected. He spoke about growth and how Montgomery's negative infrastructure adversely affects that.

Mayor Trzaska responded that the big revenue issue is now, and has been for the past two years and the fact that growth has slowed. He stated that for the past couple of decades the Mayors and Township Committees used a lot of the surplus revenue every year to essentially balance the budget.

(Item #13-C Cont.)

Mr. Kress stated that, with the cuts in the number of employees, the ability to provide services is marginal and at best has decreased. He suggested that real estate values are going to reflect that. He stated the thing to do is to try to find a one-time year, where the Township can get all of the issues relating to financial problems out of the way so budget planning can be done. He spoke about the sale of Skillman Village to Somerset County. There was discussion about the removal of the Sylvan Lake Dam. He suggested a one-time large revenue increase. He stated that cutting the number of employees would be detrimental to the Township and quite honestly, there are no more employees that could be cut as the Township was working with the bare minimum at present. He spoke about the terrible job the Auditing company did in the past and he hoped that they had not been reappointed. He stated that if not for the Bond Counsel, certain issues approved by the Auditing company would have bankrupt the Township.

a-3. Committeeman Smith moved that the public hearing be closed. The motion was seconded by Committeeman Sugden and carried unanimously.

D. **RESOLUTION #13-6-141- ADOPTION OF THE 2013 MUNICIPAL BUDGET**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of \$25,712,181.28 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(1)	GENERAL REVENUES	
	Surplus Anticipated	\$ 2,998,680.00
	Miscellaneous Revenue Anticipated	10,060,438.75
	Receipts from Delinquent Taxes	766,000.00
(2)	AMOUNT TO BE RAISED BY TAXATION FOR	
	MUNICIPAL PURPOSES	<u>11,887,062.53</u>
	TOTAL REVENUES	\$25,712,181.28
(3)	GENERAL APPROPRIATIONS	
	Within "CAPS"	
	Operations Including contingent	\$16,203,343.00
	Deferred Charges and Statutory	
	Expenditures - Municipal	2,108,824.00
	Excluded from "CAPS"	
	Operations - Total Operations	
	Excluded from "CAPS"	1,516,160.00
	Capital Improvements	105,000.00
	Municipal Debt Service	4,647,500.00
	Total Deferred Charges	90,550.00
	Reserve for Uncollected Taxes	<u>1,040,804.28</u>
	TOTAL APPROPRIATIONS	\$25,712,181.28

13-2. 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, Smith, Graham, Trzaska
 Nays - None

14. ORDINANCE #13-1436 - Accepting Pike Run Pump Station - Public Hearing

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 5008, LOT 120 (PIKE RUN PLANNED RESIDENTIAL DEVELOPMENT PUMP STATION LOT) FOR GENERAL MUNICIPAL PURPOSES, INCLUDING SANITARY SEWERAGE.

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 Montgomery Township Committee that the foregoing ordinance be hereby adopted this 6th day of June, 2013 and that notice thereof be published in an official newspaper as required by law.

14-1. 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 - Madrid, Smith, Graham, Trzaska
Nays - None
Absent - Sugden

15. ORDINANCE #13-1437 - Acquisition of Pariso Farm Farmland Easement - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, AUTHORIZING THE EXPENDITURE AND CONTRIBUTION OF FUNDS FROM THE OPEN SPACE TRUST TO THE ACQUISITION BY SOMERSET COUNTY OF INTERESTS IN PROPERTY DESIGNATED AS BLOCK 14001, LOT 27, MONTGOMERY TOWNSHIP MUNICIPAL TAX ASSESSMENT MAPS (REV. 2011), ON SKILLMAN ROAD AND FAIRVIEW ROAD, IN THE TOWNSHIP OF MONTGOMERY, IN CONJUNCTION WITH THE STATE AGRICULTURE DEVELOPMENT COMMITTEE AND SOMERSET COUNTY, AND AUTHORIZING THE ACQUISITION BY THE TOWNSHIP OF A RIGHT OF WAY FOR ROADWAY PURPOSES ON THE PROPERTY.

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

B-2. Clem Fiori, Open Space Committee Chair, spoke about the property and the background of the acquisition.

B-3. Committeeman Smith moved that the public hearing be closed. The motion was seconded by Committeeman Sugden and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 6th day of June, 2013 and that notice thereof be published in an official newspaper as required by law.

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

16. ORDINANCE #13-1438 - LDO - Grandfathering - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTION 16-4.2d. FOR THE MINIMUM AREA AND YARD REQUIREMENTS FOR USES WITHIN THE "MR", "R-5", "R-2", "R-1" AND "R" DISTRICTS.

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 June 20, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

16-1. Planning Director Lori Savron gave a brief overview of the ordinance.

16-2. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried on the following:

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

17. ORDINANCE #13-1440 - LDO - Critical Areas - Stream Corridors - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AMENDING SUBSECTION 16-6.4 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), REGARDING DEVELOPMENT IN STREAM CORRIDORS.

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 June 20, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Planning Director Lori Savron discussed the three main changes that this ordinance addressed. Two of these changes are to bring the Township's regulations up to State standards.

17-2. Clem Fiori, Open Space Committee Chair, requested that the square footage be reduced from 750 to 500. He explained why the Open Space Committee always leaned towards the lower end in situations such as this.

17-3. Mayor Trzaska stated that this should read the square footage for decks would be 750 and the square footage for additions to the house, patios, detached garages and sheds would be 500 with a cumulative cap of 750 square foot before having to go to Planning Board and/or Zoning Board of Adjustment.

17-4. Sarah Roberts, Sourland Alliance, stated that the Alliance has concerns regarding the loosening of the ordinance.

17-5. 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, Graham, Trzaska
Nays - None

18. CONTINUING CARE ORDINANCE

Heather Falcone, Springpoint Senior Living, representing Stonebridge at Montgomery residents, was disappointed that the Continuing Care Retirement Community ordinance was pulled from the agenda. Attorney Hadinger explained there were a couple of items that needed further review.

19. 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.

19-1. 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, Graham, Trzaska
Nays - None

20. FIREWORKS/INFLATABLE RIDES

Administrator Nieman stated that the Board of Education has said no inflatable rides are permitted on their properties because of insurance reasons.

21. **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 subject to be discussed in this session is as follows:
 - Acquisition of lands (Matthews Farm) with public funds for open space and other public purposes, the negotiation of terms and conditions therefor;
 - Advice of counsel with respect to COAH litigation;
 - Status of legal proceedings involving Hunters Farms and their disposition.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. The acquisition of interests in land shall only be authorized by ordinance adopted by the Township Committee in a public session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

21-1. Deputy Mayor Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

22. Meeting reconvened in Open Session and **ADJOURNMENT** was at 10:37 p.m. on a motion by Committeeman Smith. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk