

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
August 15, 2013

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 6:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Trzaska (until Item #25), Deputy Mayor Graham (after Item #7), Committeemembers Smith, Madrid and Sugden

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

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. **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:
 - Pending Country Club Meadows litigation and COAH proceedings matters, together with advice of counsel regarding these matters.
 3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.
- 3-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.
 4. The meeting reconvened in Open Session and Mayor Trzaska led the Salute to the Flag.
 5. **GIRLS SCOUT GOLD AWARD PROJECT REQUEST** - Katherine Randolph

Katherine Randolph's project involved building awareness about the history of Montgomery. She stated that within her lifetime the Township has changed dramatically and she felt that most of the town's history is unknown to many of the residents. Her project consists of two parts: 1.) to involve a lesson that can be incorporated into the third grade curriculum that will educate the students about Montgomery's history; and 2.) to make Montgomery's history more accessible to Montgomery residents in a central location. She is asking Township Committee approval to install signs in Montgomery Park. Each sign will provide information about a different historical site in town. She is also looking into putting a QR code on each sign, so that people can scan these codes on their smartphones which will automatically pull up the site that was made for that barcode. She stated that she was working with the librarian of the Van Harlingen Historical Society to make sure all the information on these signs was accurate.

- 5-1. Committeeman Sugden moved the approval of this project. The motion was seconded by Committeeman Smith and carried on the following:

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

6. **GIRL SCOUT GOLD AWARDS** - Katherine Couch, Caroline Hartnack, Emily Herman, Lindsay Kugel, Katie Laskey, Kelly O'Neill, Kelsey Parks, Kathryn Riman, Amanda Schmidt, Diana Vanderbei, Marisa Vanderbei, Mythili Vinnakota, Lindsey Whitlock, Amy Zhang

WHEREAS, The prestigious Girl Scout Gold Award has been earned by

KATHERINE COUCH, CAROLINE HARTNACK, EMILY HERMAN, LINDSAY KUGEL, KATIE LASKEY, KELLY O'NEILL, KELSEY PARKS, KATHRYN RIMAN, AMANDA SCHMIDT, DIANA VANDERBEI, MARISA VANDERBEI, MYTHILI VINNAKOTA, LINDSEY WHITLOCK AND AMY ZHANG

WHEREAS, This award is the highest honor a girl can attain in Girl Scouting; and

WHEREAS, To qualify for the Gold Award, a Girl Scout must complete not only a significant service project, but also complete numerous other leadership, career and service prerequisites, all of which demand efficient organizational, time management, and leadership skills; and

WHEREAS, The Gold Award represents the culmination of many years of service and work that benefit the community; and

WHEREAS, Katherine, Caroline, Emily, Lindsay, Katie, Kelly, Kelsey, Kathryn, Amanda, Diana, Marisa, Mythili, Lindsey and Amy accepted the challenge and worked diligently to achieve this goal, exhibiting excellence in leadership qualities reflecting the highest personal standards and civic values.

(Item #6 Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee takes great pride in congratulating Katherine Couch, Caroline Hartnack, Emily Herman, Lindsay Kugel, Katie Laskey, Kelly O'Neill, Kelsey Parks, Kathryn Riman, Amanda Schmidt, Diana Vanderbei, Marisa Vanderbei, Mythili Vinnakota, Lindsey Whitlock and Amy Zhang on their accomplishments and contributions to the public good, and wishes them continued success in the future.

- 6-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.
- 6-2. Kathryn Riman's project involved her passion for reading and her desire to increase the awareness of illiteracy in addition to helping improve children's reading skills. She held workshops at Kid Connection, Temple Mika and local Girl Scout troops, teaching children how they can make an impact and improve literacy themselves by reading with others and doing several other activities. Additionally, she recruited other volunteers and collected hundreds of books, which were given to the children at a school in Bound Brook in need of a reading program.
- 6-3. Emily Herman explained her project which was working with Women's Space, a non-profit, counseling service that works with victims of domestic violence and sexual assault. For the first part of her project, she took their paper press archives and scanned them into an on-line database. Throughout this process she learned about the recent history of domestic violence in central New Jersey and around the country. The second part of her project was recruiting a team of student volunteers to plan a Communities of Light event. She explained that one night every December people and businesses throughout central New Jersey light luminary kits as a sign of support for victims of domestic violence and sexual assault. She also held discussions at both girl's and boy's dormitories at Peddy School about domestic violence and healthy relationships.
- 6-4. Katherine Couch explained her project which was to increase the awareness of pet therapy benefits and dog bite prevention techniques in the community. She researched dog bite prevention and pet therapy, with a dog bite prevention expert and a therapy dog owner. She conducted many dog bite prevention educational outreach events, including one at a retirement community. She facilitated other pet therapy events, such as a "Reading to Dogs" program conducted at the Rock Brook School.

7. **SAFETY IMPROVEMENTS AT THE COUNTY ROUTE 601/CSX RAILROAD CROSSING**

Gail Smith, Township Engineer, stated that the first portion of the improvements at the County Route 601/CSX Railroad Crossing has been completed. The next step is for Somerset County to construct the median islands and then the 4 quadrant gates can be installed. This will increase the safety of the crossing so that it would be Quiet Zone eligible. She stated that the improvements would take 2 weeks, and it would be a total closure of that part of the road from 7:00 a.m. until 7:00 p.m. She explained that there was an option to close the road from 9:00 a.m. until 3:00 p.m., but it would be for a longer period of time.

Mayor Trzaska asked Ms. Smith to reach out to the County and find out how much longer the work would take if the road was closed from 9:00 a.m. until 3:00 p.m. as this would be much better for commuters. Ms. Smith stated that it was her opinion that it would only add a few more days to the time period.

Ms. Smith stated that the soonest the work would begin would be the end of October, because the County would have to put the project out to bid and then award the contract. Somerset County has expressed that they would like to wait until Spring 2014, so as to lessen the impact on traffic.

It was the consensus of the Township Committee to request that the work take place in 2013 and that the hours of work be 9:00 a.m. to 3:00 p.m.

8. Deputy Mayor Graham arrived on the dais.

9. **GIRL SCOUT GOLD AWARDS - Continuation**

- 9-1. Diana Vanderbei explained her project which was to teach Princeton Nursery School children to play music. She stated that music has always been a big part of her life and she wanted to share that with others.
- 9-2. Kelly O'Neill explained her project which was to help adults living with disabilities, working with the organization Home Enable. She planted a garden in the backyard of the facility and she put together a book with pictures and information about the plants and birds in that garden.
- 9-3. Marisa Vanderbei explained her project which was, using the Expanding Tennis Abilities Program. She created a one week summer camp for children with special needs. She taught them the basic of tennis and they played games. Her teammates from the Montgomery High School Varsity Tennis Team helped her coach the children.

10. **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 #13-8-179 - REFUND OVERPAID 2011, 2012 AND 2013 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2011, 2012 and 2013 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
4001	44.16	Title Vest Services, LLC	2012	\$5,145.20
5008	88	Jiqiong Dai & Yoong Hong Jin	2012	\$2,803.16
5008	111	Juhaeri Juheri & Elisabete Michelon	2013	\$3,000.13
6009	10	Robert & Helaine Catalano	2013	\$4,589.85
11001	26.01	Chase	2013	\$3,894.04
15004	25	Hunter Title Agency	2012	\$5,830.24
16010	4	Avenue 365 Lender Services	2013	\$4,341.08
17006	15	Chuansheng Ge & Jianing Zeng	2012	\$3,898.52
17008	2.16	Harvard Abstract, LLC	2013	\$4,123.38
22030	12	Alvincent & Ethlyn Hutson	2011	\$3,731.22
22031	10	Cape Atlantic Title Agency, LLC	2013	\$3,759.95

B. **RESOLUTION #13-8-180 - REFUND OVERPAID 2012 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$6,482.31 be given to U.S. Bank for BV001 Trust, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102-2513 for the overpayment of 2012 sewer charges on the following properties:

<u>Block</u>	<u>Lot</u>	<u>Property Location</u>	<u>Amount</u>
7028	9	142 Catskill Court	\$2,772.07
37003	1.135	19-B Evert Court	\$3,710.24

C. **RESOLUTION #13-8-181 - DONATION OF COMPUTER MONITORS - Donato Nieman to Township of Montgomery**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation by Donato Nieman of two (2) flat screen computer monitors (Dell Model # E193FPc; Serial #'s CN-0G8432-64180-5B6-302L and CN-0G8432-64180-5B6-1DHL).

D. **RESOLUTION #13-8-182 - APPROVAL OF OUTDOOR ASSEMBLY - Princeton Show Jumping, LLC**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Princeton Show Jumping, LLC has requested approval of the Township Committee to conduct an Outdoor Assembly for the Princeton Show Jumping at 246 Burnt Hill Road, Skillman, NJ 08558 on August 15-18, August 21-25, September 18-22, September 25-29, and October 2-6, 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.
 - (c) Approval of this event is pending clearance by the Police Department, Health Department, Construction Department and Fire Prevention Department as stated below:
 - (1) The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
 - (2) The organizers will obtain the required health certificates from the Township Health Department, if applicable.
 - (3) The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments, if applicable.

E. **RESOLUTION #13-8-183 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Safe Corridors Highway Safety Grant**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount.

(CONSENT AGENDA Item #E Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2013, in the amounts listed below, which items is now available as a revenue from the State of New Jersey Department of Transportation.

Safe Corridors Highway Safety Grant \$31,547.02

BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That two copies of this document with handwritten ink signature of the Clerk on the certification and shall be forwarded to the Division of Local Government Services.

F. **RESOLUTION #13-8-184 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2013 Somerset County Youth Services**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2013, in the amounts listed below, which items is now available as a revenue from the County of Somerset, State of New Jersey.

2013 Somerset County Youth Services \$5,000.00

BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That two copies of this document with handwritten ink signature of the Clerk on certification be forwarded to the Division of Local Government Services.

G. **RESOLUTION #13-8-185 - SEWER UTILITY CAPITAL CANCELLATIONS**

WHEREAS, Certain Sewer Utility Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that the following unexpended and dedicated balances of the Sewer Utility Capital Appropriations be canceled:

ORD NO.	PROJECT DESCRIPTION	AMOUNT CANCELED	
		FUNDED	UNFUNDED
99-984	Bedens Brook Watershed	\$ 0.00	\$8,913.60
03-1101B	Study of Sewer Treatment Plants	\$23,650.95	\$ 0.00
08-1292A	Acquisition of Miscellaneous Equipment	\$ 194.40	
10-1362A	Replacement of Truck #610	\$ 810.50	
10-1362B	Collection System Repairs	\$ 43.01	

H. **RESOLUTION #13-8-186 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - 2013 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant**

BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the grant application for a 2013 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montgomery Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #13-8-187 - SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN**

WHEREAS, Impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

WHEREAS, An enforcement crackdown is planned to combat impaired driving; and

WHEREAS, The summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, The State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2013 Statewide Crackdown*; and

WHEREAS, The project will involve increased impaired driving enforcement from August 16 through September 2, 2013; and

WHEREAS, An increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery declares its support for the *Drive Sober or Get Pulled Over 2013 Statewide Crackdown* from August 16 through September 2, 2013 and pledges to increase awareness of the dangers of drinking and driving.

J. **RESOLUTION #13-8-188 - APPROVAL OF FIRE HYDRANTS - Country Classics at Fox Brook**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Co. to install fire hydrants at the following locations in Country Classics at Fox Brook: Project #2013033:

Hydrant #1 - To be installed at the beginning of Twin Brook Drive and Montfort Drive.

Hydrant #2 - To be installed on Twin Brook Drive, 600 feet from Hydrant #1.

Hydrant #3 - To be installed at corner of Twin Brook Drive and Stonehouse Court, approximately 600 feet from Hydrant #2.

Hydrant #4 - To be installed on Stonehouse Court, 600 feet from Hydrant #3.

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

K. **RESOLUTION #13-8-189 - APPROVAL OF FIRE HYDRANT - PSE&G Montgomery Substation**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Co. to install a fire hydrant at the following location at PSE&G Montgomery Substation; Block 34001, Lots 63, 65 and 70:

Hydrant #1 - To be installed on access road before entrance to substation, as noted on plan.

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

L. **RESOLUTION #13-8-190 - RESOLUTION AUTHORIZING SUSTAINABLE JERSEY SMALL GRANT APPLICATION - "BICYCLE SAFETY - PILOT PROGRAM"**

WHEREAS, A sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Montgomery Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Montgomery Township is participating in the Sustainable Jersey Program, and was re-certified in 2012; and

WHEREAS, One of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montgomery, Somerset County, State of New Jersey, authorizes the submission of an application to the Sustainable Jersey Small Grant Program for the "Bicycle Safety - Pilot Program".

(CONSENT AGENDA Cont.)

M. **RESOLUTION #13-8-191 - APPROVAL OF CONSERVATION AND PEDESTRIAN BIKEWAY-PATH EASEMENT AND CONSERVATION EASEMENT WITH HP MONTGOMERY RESIDENTIAL, LLC AND JAMES HERRING**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Conservation and Pedestrian Bikeway-Path Easement and Conservation Easement agreement with HP Montgomery Residential, LLC and James Herring with respect to Block 28001, Lot 5.01

N. **RESOLUTION #13-8-192 - AMENDING RESOLUTION #13-6-131 - RELEASE OF MAINTENANCE GUARANTEE - Agridor Farms**

WHEREAS, Resolution #13-6-131 releasing the Maintenance Guarantee for Agridor Farms adopted on June 6, 2013 incorrectly stated the Maintenance Bond number and amount.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond #S04345M in the amount of \$56,593.89 be released to MBS Development, LLC, 65 West Lakeshore Drive, Rockaway, NJ 07866.

O. **RESOLUTION #13-8-193 - RELEASE OF ESCROW FEE - Kenneth Rovinsky - Street Opening Permit - 12-R-23**

WHEREAS, George Remboske, Assistant to the Township Engineer, recommended the release of the cash escrow fee to Kenneth Rovinsky because all work has been satisfactorily completed with respect to a street opening permit at Block 7021, Lot 19 (11 Berkley Avenue).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$100.00 be released to Kenneth Rovinsky, 11 Berkley Avenue, Belle Mead, NJ 08502.

P. **RESOLUTION #13-8-194 - RELEASE OF ESCROW FEE - Richard M. Grosso - RiversEdge Development**

WHEREAS, Gail Smith, Township Engineer, recommended the release of the cash escrow fee to Richard M. Grosso because all work has been satisfactorily completed with respect to Blocks 18022 and 18019 in the RiversEdge development; and

WHEREAS, Deposit money was put into escrow for sidewalks along River Road if Montgomery Township decided to build sidewalks.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$4,800.00 be released to Richard M. Grosso, as the sidewalks were never required by the Township.

Q. **RESOLUTION #13-8-195 - AWARDING A NON-FAIR AND OPEN CONTRACT FOR BOYS BASKETBALL CAMP PROGRAM**

WHEREAS, The Township Committee of the Township of Montgomery has a need to contract for a boys basketball camp program; and

WHEREAS, The Township Committee is permitted to acquire such services through a "non-fair and open" process (as defined by NJSA 19:44A-20.4) meaning the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Montgomery, and not by a "fair and open" process (as defined by NJSA 19:44A-20.7) such as awarding to the lowest bidder; and

WHEREAS, The contract cost for the service is expected to exceed \$17,500 but less than the bid threshold of \$36,000; and

WHEREAS, Grundy Hoops Academy, 155 Bridgepoint Road, Belle Mead, NJ 08502 has submitted a price quote dated June 26, 2013; and

WHEREAS, Grundy Hoops Academy has completed and submitted a Business Entity Disclosure Certification and filed Pay-to-Play documents with the Township Clerk.

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery authorizes a contract with Grundy Hoops Academy in the amount not to exceed of \$34,000 for the 2013 budget year.

BE IT FURTHER RESOLVED That notice of this award will be published as required by law within ten days of the passage of this Resolution.

R. **RESOLUTION #13-8-196 - AWARDING A NON-FAIR AND OPEN CONTRACT FOR ATHLETIC TRAINING SESSION PROGRAM**

WHEREAS, The Township Committee of the Township of Montgomery has a need to contract for an Athletic Training Session Program; and

WHEREAS, The Township Committee is permitted to acquire such services through a "non-fair and open" process (as defined by NJSA 19:44A-20.4) meaning the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Montgomery, and not by a "fair and open" process (as defined by NJSA 19:44A-20.7) such as awarding to the lowest bidder; and

WHEREAS, The contract cost for the service is expected to exceed \$17,500 but less than the bid threshold of \$36,000; and

(CONSENT AGENDA Item R Cont.)

WHEREAS, James Griffin, 110 Wyndham Place, Robbinsville, NJ 08691 has submitted a price quote dated June 25, 2013; and

WHEREAS, James Griffin has completed and submitted a Business Entity Disclosure Certification and filed Pay-to-Paly documents with the Township Clerk.

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery authorizes a contract with James Griffin in the amount not to exceed of \$34,000 for the 2013 budget year.

BE IT FURTHER RESOLVED That notice of this award will be published as required by law within ten days of the passage of this Resolution.

- 10-1. Committeeman Smith moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

11. **RESOLUTION #13-8-197 - SUPPORTING PSE&G'S ENERGY STRONG PROGRAM**

WHEREAS, The State of New Jersey has experienced a series of extreme weather events over the last two years, including be not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor'easter; and

WHEREAS, Montgomery Township was impacted by said extreme weather events; and

WHEREAS, Public Service Electric and Gas ("PSE&G") provides electric and gas service to Montgomery Township; and

WHEREAS, Said extreme weather events severely damaged PSE&G infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

WHEREAS, Said damages to PSE&G infrastructure contributed to the borough's said impacts; and

WHEREAS, The New Jersey Board of Public Utilities ("BPU") issued an order on January 23, 2013 directing the State's electric and gas utilities, including PSE&G to implement certain recommendations in the areas of: "Preparedness efforts", "Communications", "Restoration and Response", "Post event", and "Underlying infrastructure issues"; and

WHEREAS, PSE&G submitted an infrastructure filing on February 20, 2013 entitled "Energy Strong"; and

WHEREAS, "Energy Strong" proposes an investment of \$3.9 billion dollars' worth of infrastructure projects over a 10-year period to enhance PSE&G's electrical and gas system, including by not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations; and

WHEREAS, Montgomery Township would benefit from the proposed investments in the "Energy Strong" filing.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey hereby supports PSE&G's "Energy Strong" program.

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

12. **RESOLUTION #13-8-198 - RESOLUTION PROVIDING THE CASH MANAGEMENT PLAN FOR THE TOWNSHIP OF MONTGOMERY FOR THE YEAR 2013**

BE IT RESOLVED By the Township Committee of the Township of Montgomery County of Somerset for the year 2013, the following shall serve as the cash management plan.

The Chief Financial Officer is directed to use this cash management plan as a guide in depositing and investing the Township of Montgomery's funds.

The depositories for the funds of the Township of Montgomery for the year 2013 shall be any bank licensed to do business in the State of New Jersey and who holds a Government Unit Deposit Protection Act (GUDPA) Certificate.

All warrants and checks for the disbursement of money shall be made by the Mayor, Chief Financial Officer and Township Clerk. In the absence of the Chief Financial Officer the Assistant Chief Financial Officer will be considered an authorized signature. In the absence of the Mayor the Deputy Mayor will be considered an authorized signature. In the absence of the Township Clerk the Deputy Township Clerk will be considered an authorized signature.

(Item #12 Cont.)

The Chief Financial Officer and/or Assistant Financial Officer are empowered to invest cash funds as bank balances will allow from time to time in order to realize revenue. The above stated officers are authorized to transfer funds electronically for the purpose of investments.

The following are authorized as suitable investments:

- Interest-bearing bank accounts in banks as authorized above for deposit of local unit funds (GUDPA approved).
- Certificates of deposit in GUDPA approved banking institutions.
- Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America. This includes instruments such as Treasury Bills, Notes and Bonds.
- Government money market mutual funds that comply with N.J.S.A. 40A:5-15.1(e).
- Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.
- Bonds or other obligations of the local unit or school district of which the Town is a part.
- Any other obligations with maturities not exceeding 397 days, as permitted by the State Division of Investments.
- Local government investment pools which comply with N.J.S.A. 40A:5-15.1(e) and conditions set by the Division of Local Government Services.
- New Jersey Cash Management Fund.
- Repurchase agreements (repos) of fully collateralized securities which comply with N.J.S.A. 40A:5-15.1(e).
- New Jersey Asset & Rebate Management Program.
- New Jersey CLASS

There are no approved security brokers / dealers. In the event that a security broker/dealer should be approved during the year, the registered principal of said brokerage firm so approved shall be provided with and sign an acknowledgement that they have seen and reviewed the cash management plan.

This document shall constitute the cash management policy of the Township of Montgomery.

Any official involved with the selection of depositories, investments, broker / dealers shall disclose any material business or personal relationships to the Township Administrator and to the Local Finance Board or Local Ethics Board as applicable.

Any official who, in the course of his or her duties, deposits or invests in accordance with this plan shall be relieved of any liability for loss.

12-1. 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

13. **RESOLUTION #13-8-199 - SETTLEMENT OF PRESBYTERIAN HOME AT MONTGOMERY v. TOWNSHIP OF MONTGOMERY, DOCKET NUMBERS: 008685-2010, 005093-2011, 007661-2012, 009574-2013.**

WHEREAS, Presbyterian Home at Montgomery ("PH") filed Complaints in the Tax Court of New Jersey for the tax years 2010, 2011, 2012 and 2013, for property identified on the tax map of Montgomery Township as Block 23001, Lot 16 ("Property"); and

WHEREAS, Montgomery Township filed Answers to those Complaints; and

WHEREAS, PH and Montgomery Township engaged in discovery regarding the value of the Property, including but not limited to, Interrogatories, depositions and appraisal reports; and

WHEREAS, Prior to the commencement of trial on the tax appeals, PH and Montgomery Township agreed to a settlement of these matters in accordance with the following terms:

(A) Years 2010 through 2013

- Block: 23001
- Lot: 16
- Street Address: 100 Hollingshead Road
- Year(s): 2010

	Original Assessment	County Tax Board Assessment	Requested Tax Court Assessment
Land:	\$ 5,387,600	N/A	\$ 5,387,600
Improvements:	\$ 41,912,800		\$ 35,612,400
Total:	\$ 47,300,400		\$ 41,000,000

(Item #13 Cont.)

- Block: 23001
 Lot: 16
 Street Address: 100 Hollingshead Road
 Year(s): 2011

	Original Assessment	County Tax Board Assessment	Requested Tax Court Assessment
Land:	\$ 5,387,600	N/A	\$ 5,387,600
Improvements:	\$ <u>38,365,300</u>		\$ <u>35,612,400</u>
Total:	\$ 43,752,900		\$ 41,000,000

- Block: 23001
 Lot: 16
 Street Address: 100 Hollingshead Road
 Year(s): 2012

	Original Assessment	County Tax Board Assessment	Requested Tax Court Assessment
Land:	\$ 5,387,600	N/A	\$ 5,387,600
Improvements:	\$ <u>38,365,300</u>		\$ <u>35,612,400</u>
Total:	\$ 43,752,900		\$ 41,000,000

- Block: 23001
 Lot: 16
 Street Address: 100 Hollingshead Road
 Year(s): 2013

	Original Assessment	County Tax Board Assessment	Requested Tax Court Assessment
Land:	\$ 5,387,600	N/A	\$ 5,387,600
Improvements:	\$ <u>38,365,300</u>		\$ <u>35,612,400</u>
Total:	\$ 43,752,900		\$ 41,000,000

(B) Refund

The refund amount resulting from the above settlement ("Refund Amount") shall be repaid to PH in eight (8) equal quarterly payments commencing with the 3rd quarter of 2013. Credits will be applied in equal percentages on a per-quarter basis.

(C) Interest

Plaintiff waives interest on the Refund Amount.

(D) Freeze Act

The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the tax assessment for the Property years 2014 and 2015.

(E) Year 2016

The tax assessment for the Property for the year 2016 shall be \$41,000,000 comprised of \$5,387,600 (land) and \$35,612,400 (improvements), provided that no improvements are made to the Property and Montgomery Township does not conduct a revaluation of the Property for the year 2016.

(F) Stipulation of Settlement

PH will file a Stipulation of Settlement, a copy of which is attached hereto as Exhibit A, and will voluntarily dismiss, with prejudice, the Complaints filed by PH against Montgomery Township, with the docket numbers: 008685-2010, 005093-2011, 007661-2012 and 009574-2013.

BE IT RESOLVED By the Township Committee on this 15th day of August, 2013 that special counsel for the Township, Thomas J. Cafferty, Esq. and Lauren James-Weir, Esq., are authorized and directed to execute any and all documents necessary to effect the settlement in these matters in accordance with the terms set forth above.

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

14. **RESOLUTION #13-8-200 - NOTICE OF INTENT TO AWARD CONTRACT UNDER A NATIONAL COOPERATIVE PURCHASING AGREEMENT - National Joint Powers Agreement - Leeboy**

WHEREAS, The Township of Montgomery intends to participate in the National Joint Powers Alliance contract for a Leeboy Paver Contract # 060311-VTL; and

WHEREAS, National Joint Powers Alliance awarded a contract for the period of November 14, 2011 through November 15, 2013; and

WHEREAS, Information regarding the contract may be found at the Township of Montgomery Purchasing Department during regular business hours, as well as on the National Joint Powers Alliance website at: <http://www.njpacoop.org/national-cooperative-contract-solutions/heavy-utility-equipment/060311-vtl/>; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 04-216-55-901- -1443D.

NOW, THEREFORE, BE IT RESOLVED That it is the intent of the Committee for the Township of Montgomery to award a contract to:

VT LeeBoy, Inc.
500 Lincoln County Parkway Ext
Lincolnton, NC 28092

pursuant to the proposal submitted in response to the National Joint Powers Alliance Request for Proposal not to exceed \$96,935 including trade in of 1200 Leeboy trade in value \$9,000; and

BE IT FURTHER RESOLVED That this contract be shall take affect should no written comments be received on or before 10 days after the Publication of "Notice of Intent to Award"

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

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

15. **RESOLUTION #13-8-201 - AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER EAST, INC. (a/k/a "KLEINFELDER/OMNI") FOR IMPROVEMENTS TO THE MONTGOMERY WOODS, GRAYSON ESTATES, AND OXBRIDGE PUMPING STATIONS**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineering firm to provide construction administration services for improvements to the Montgomery Woods, Grayson Estates, and Oxbridge pumping stations; 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

WHEREAS, The firm of Kleinfelder East, Inc. (a/k/a "Kleinfelder/Omni") has submitted a proposal dated May 6, 2013 to provide the sought-after services to the Township on a time-plus-expenses basis, for a total not to exceed cost of \$189,580.00; and

WHEREAS, Kleinfelder/Omni has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Kleinfelder/Omni has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500; and

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

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for these purposes in account #07-201-55-544-2-051.

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

1. The Mayor and Clerk are authorized and directed to execute an agreement with Kleinfelder East, Inc., (a/k/a "Kleinfelder/Omni" or "Kleinfelder") for the provision of professional engineering services necessary to provide construction administration services for this Pumping Station Improvements Project; and
2. The total amount of the contract shall not exceed \$189,580.00 without prior authorization. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the May 6, 2013 proposal, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the official newspaper as required by law.

15-1. 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

16. **RESOLUTION #13-8-202 - RESOLUTION AWARDING A CONTRACT FOR THE MONTGOMERY TOWNSHIP PUMP STATION IMPROVEMENT PROJECT - Montgomery Woods, Grayson Estates and Oxbridge Pump Stations**

WHEREAS, Pursuant to a duly advertised Notice to Bidders, in accordance with the New Jersey Local Public Contracts Law, seven (7) bids were received on July 11, 2013 for completion of the Montgomery Township Pump Station Improvement Project ("Project") to take place at the Montgomery Woods, Grayson Estates, and the Oxbridge Pump Stations (the "Property") as follows:

1.	Quad Construction Company	\$1,440,000.00
2.	Coppola Services, Inc.	\$1,534,000.00
3.	DeMaio Electrical Company, Inc.	\$1,596,900.00
4.	Allied Construction Group, Inc.	\$1,610,000.00
5.	T&T Commonwealth Construction Co., Inc.	\$2,095,000.00
6.	Dulaine Contracting Inc.	\$2,494,725.00
7.	Sidd & Associates, LLC	\$4,996,000.00

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 Purchasing Agent has reviewed Quad Construction Company's bid, and finds that Quad Construction Company is the lowest responsible and responsive bidder; and

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

WHEREAS, The Township Purchasing Agent finds Quad Construction Company bid documents to be in order; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in the following accounts:

- 08-216-55-901- -1363c = \$1,214,100.00
- 08-216-55-901- -1226 = \$166,886.53
- 08-216-55-901- -1384 = \$59,013.47

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

1. The contract for the Montgomery Township Pump Station Improvement Project is hereby awarded to Quad Construction Company as the lowest responsible and responsive bidder.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Quad Construction Company for completion of the Montgomery Township Pump Station Improvement Project for the contract price of \$1,440,000.00.
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.

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

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

17. **RESOLUTION #13-8-203 - AUTHORIZING PURCHASE OF EMERGENCY EQUIPMENT FOR A 2013 FORD EXPLORER AWD BASE THROUGH THE NEW JERSEY STATE CONTRACT FOR EMS**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through New Jersey State Contract per N.J.S.A.40A:11-12; and

WHEREAS, The Township of Montgomery has determined the following State Contract identifier 1NJCP Contract #A81336 has provided the Township with the most competitive price for these items/services.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 04-216-55-901- -1443J.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase for Emergency Equipment for a 2013 Ford Explorer AWD Base at a not to exceed amount of \$9,856.41 be authorized through the utilization of New Jersey State Contract to:

Beyer Ford (Beyer Fleet)
Address: 170 Ridgedale Avenue,
Morristown, NJ 07962

17-1. 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

18. **RESOLUTION #13-8-204 - AUTHORIZING PURCHASE OF 2013 FORD EXPLORER AWD BASE POLICE VEHICLE THROUGH THE CRANFORD CO-OPERATIVE PURCHASE AGREEMENT FOR EMS**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through the Cranford Co-operative Purchase Agreement per N.J.S.A.40A:11-11; and

WHEREAS, The Township of Montgomery has determined the following Cranford Police Vehicle Co-op identifier 47-CPCPS has provided the Township with the most competitive price for these items/services;

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 04-216-55-901- -1443J.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase for a 2013 FORD EXPLORER AWD BASE with additional equipment at a not to exceed amount of \$29,955.00 be authorized through the utilization of Cranford Police Vehicle Co-op #12-01 to:

Beyer Ford
Address: 170 Ridgedale Avenue,
Morristown, NJ 07962

18-1. 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

19. **RESOLUTION #13-8-205 - AUTHORIZING PURCHASE OF TWO (2) 2014 FORD F250 PICK UP TRUCKS THROUGH THE SOMERSET COUNTY CO-OPERATIVE PURCHASE AGREEMENT**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through the Somerset County Co-operative Purchase Agreement per N.J.S.A.40A:11-11; and

WHEREAS, the Township of Montgomery has determined the following Somerset County Co-op identifier 2-SOCCP has provided the Township with the most competitive price for these items/services.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Numbers 04-216-55-901- -1443 and 08-216-55-901- -1444A.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery that the following purchase for two (2) 2014 FORD F250 Pick Up trucks for an amount not to exceed \$76,672.00 with additional equipment be authorized through the utilization of Somerset County Co-op #CC-9007-13 to:

DFFLM, LLC t/a Ditschman Ford/Nissan
Hwy 202 & Hwy 31 S
Flemington, NJ 08822

19-1. 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

20. **RESOLUTION #13-8-206 - AUTHORIZING PURCHASE OF 2014 JEEP PATRIOT 4WD 4DR SPORT THROUGH THE NEW JERSEY STATE CONTRACT**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through the New Jersey State Contract per N.J.S.A.40A:11-12; and

WHEREAS, The Township of Montgomery has determined the following State Contract identifier 1NJCP Contract #A83011 has provided the Township with the most competitive price for these items/services.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Numbers 04-216-55-901- -1443C and 01-201-22-195-2-053.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following purchase for Emergency Equipment for a 2014 Jeep Patriot 4WD 4DR Sport at a not to exceed amount of \$18,513.25 be authorized through the utilization of New Jersey State Contract to:

Hertrich Fleet Services, Inc.
1427 Bay Road
Milford, DE 19963

20-1. 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

21. RESOLUTION #13-8-207 - AWARD OF BID - Reclamation of Hollow Road

WHEREAS, The following bids for the reclamation of Hollow Road were received and publicly opened on July 30, 2013:

BIDDER	AMOUNT
Asphalt Paving Systems	\$ 3.47 Unit Price/Square Yard \$148.00 Unit Price/Per Ton <u>\$151.47 Total Lump Sum Unit Price</u>
Reclamation, LLC	\$ 2.38 Unit Price/Square Yard \$301.35 Unit Price/Per Ton <u>\$303.73 Total Lump Sum Unit Price</u>

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 Purchasing Agent has reviewed Asphalt Paving Systems' bid and finds Asphalt Paving's bid documents to be in order; and

WHEREAS, It is the recommendation of the Purchasing Agent and Superintendent of Public Works that Asphalt Paving Systems be awarded the bid; it being the lowest responsible and responsive bidder; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Numbers 01-201-26-290-2-027 and 01-201-26-290-2-028.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township Committee authorizes a contract with Asphalt Paving Systems in an amount not to exceed \$50,000.00.

BE IT FURTHER RESOLVED That the Purchasing Agent is hereby authorized to sign said contracts.

21-1. 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

22. RESOLUTION #13-8-208 - AWARD OF BID - Chip Sealing of Hollow Road

WHEREAS, The following bid for the chip sealing of Hollow Road was received and publicly opened on July 30, 2013:

BIDDER	AMOUNT
Asphalt Paving Systems	\$65,736.00 Total Lump Sum

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 Purchasing Agent has reviewed Asphalt Paving Systems' bid and finds Asphalt Paving's bid documents to be in order; and

WHEREAS, It is the recommendation of the Purchasing Agent and Superintendent of Public Works that Asphalt Paving Systems be awarded the bid; it being the lowest responsible and responsive bidder; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Numbers 01-201-26-290-2-027 and 01-201-26-290-2-028.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township Committee authorizes a contract with Asphalt Paving Systems in an amount not to exceed \$65,736.00.

BE IT FURTHER RESOLVED That the Purchasing Agent is hereby authorized to sign said contracts.

22-1. 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

23. ORDINANCE #13-1447 - Police Department-Authorized Strength/Deputy Police Director - Reintroduction

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

AN ORDINANCE AMENDING SUBSECTIONS 2-3.1 AND 2-3.10 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY, NEW JERSEY (1984) REGARDING THE AUTHORIZED STRENGTH OF THE POLICE DEPARTMENT AND ESTABLISHING THE ADMINISTRATIVE POSITION OF DEPUTY POLICE DIRECTOR.

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 September 5, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

23-1. 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

24. Mayor Trzaska leaves the dais.

25. ORDINANCE #13-1448 - Montgomery Veterans Memorial Advisory Committee - Reintroduction

A. Deputy Mayor Graham read the title of the ordinance as follows:

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, CREATING THE MONTGOMERY VETERANS MEMORIAL ADVISORY COMMITTEE AND AMENDING CHAPTER TWO OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing September 5, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

25-1. 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
Nays - None
Absent - Trzaska

26. ORDINANCE #13-1449 - 2013 Salary and Wage - Reintroduction

A. Deputy Mayor Graham read the title of the ordinance as follows:

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2013

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 September 5, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

26-1. 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
Nays - None
Absent - Trzaska

27. ORDINANCE #13-1450 - Alcoholic Beverage Control - Introduction

A. Deputy Mayor Graham read the title of the ordinance as follows:

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY REGARDING THE MAXIMUM NUMBER OF PLENARY RETAIL CONSUMPTION LICENSES AND AMENDING THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing September 5, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

27-1. 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
Nays - None
Absent - Trzaska

28. ORDINANCE #13-1451 - Smoking on Township Property - Introduction

A. Deputy Mayor Graham read the title of the ordinance as follows:

AN ORDINANCE AMENDING THE PENALTY PROVISION OF
CHAPTER 3-18, "SMOKING PROHIBITED ON TOWNSHIP PROPERTY,"
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY
OF SOMERSET, NEW JERSEY (1984).

C. 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 September 5, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

28-1. 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, Smith, Graham
Nays - None
Absent - Trzaska

29. APPROVAL OF MINUTES - July 11, 2013 and July 23, 2013

The minutes of July 11 and July 23, 2013 were approved as printed.

30. 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.

30-1. 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
Nays - None
Absent - Trzaska

31. PUBLIC COMMENT

31-1. Elizabeth Palius, River Road, stated that, in her opinion, there is a problem with the County dispatching. County dispatchers insist that if a person lives on River Road with a Belle Mead address, the person lives in Hillsborough. She stated that this is a very scary situation. She wanted to make the Township Committee aware, that while shared services may be a great idea for some things, this was not a great idea. She asked that the Township hire their own dispatchers.

Police Director Palmer explained that there is an interface in 911 and it is under the auspices of the Office of Emergency Telecommunication Services, which is a State agency. He stated that there are some situations such as Ms. Palius explained, and he is aware of that specific issue. He stated that he has discussed this in the past with County communications, and they were going to bring it to the attention of the Office of Emergency Telecommunication Services. It is a matter of computer programming and cannot be remedied at the Township level.

31-2. Ken Kneiser, Oak Ridge Drive, asked about the Presbyterian Home tax appeal and how that would impact the budget for the Township.

Chief Financial Officer Walter Sheppard stated that the impact has not been calculated as yet, but it would definitely have an impact on the cash flow.

31-3. Walter Beadling, Thornton Way, thanked the Committee for not passing the smoking ban in the parks and for fixing the onerous penalties that were going to be applied to people who were caught smoking on Township properties.

31-4. Mr. Beadling stated that he was against the idea of consolidation of the Police and Fire Departments. The situation Ms. Palius spoke about was a big concern.

31-5. Bill Randolph, Boulder Brook Court, spoke about the Presbyterian Home litigation. He asked how long this was going on and if it had any bearing on the sale of the 1860 House.

Attorney Hadinger explained that this was a tax appeal which had been going on for approximately 4 years and that it did not have anything to do with the 1860 House property. The 1860 House sale is pending litigation which was brought forth by Country Club Meadows regarding the Township's COAH plan.

32. ENVIRONMENTAL COMMISSION

Committeeman Sugden reported that at the Environmental Commission meeting of August 6 they discussed a Diversity Study that the State is asking Municipal Governments to participate in.

33. CHERRY VALLEY ROAD

Committeeman Smith spoke about the progress of Cherry Valley Road. He stated that Township Engineer Gail Smith reported that there have been comments from Princeton that the process for obtaining the permits from the New Jersey Department of Environmental Protection is going to be long, lengthy and possibly expensive. Princeton wants to know if Montgomery really wants to do this. He suggested that Mayor Trzaska approach the Mayor of Princeton and affirm Montgomery's desire to take on this project, as it is absolutely necessary from a safety standpoint.

34. ECONOMIC DEVELOPMENT COMMISSION

Committeeman Smith reported that the Economic Development Commission was getting closer to producing the first Business Directory.

ADJOURNMENT was at 8:40 p.m. on a motion by Committeeman Smith. The motion was seconded by Committeeman Sugden and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk