

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
September 5, 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: Deputy Mayor Graham, Committeemembers Smith, Madrid and Sugden  
Mayor Trzaska was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Deputy Mayor Graham 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. Deputy Mayor Graham led the Salute to the Flag.

4. **PROCLAMATION HONORING POLICE LIEUTENANT GUY FILLEBROWN**

WHEREAS, Civic dedication is a force by which achievement is attained and, when exercised, becomes a strength for every community; and

WHEREAS, On August 1, 2013, after more than 26 years of dedicated service to the residents of Montgomery Township, Lieutenant Guy T. Fillebrown has retired from the Montgomery Township Department of Police Services; and

WHEREAS, During his years of faithful service Lt. Fillebrown has earned the admiration and respect of his friends, co-workers and residents for his many contributions to Montgomery commencing with his appointment as Police Officer on January 27, 1987 and

WHEREAS, Lt. Fillebrown was promoted to Sergeant on April 1, 1999 serving in both the Patrol and Detective Bureaus until his promotion to Lieutenant on July 24, 2008 serving with distinction as the Services Division Commander until his retirement; and

WHEREAS, Some of Lt. Fillebrown's professional career accomplishments include his selection to serve on the Somerset County Emergency Response Team from 1990 to 2003, as a Field Training Officer from 1988 to 1999 and staff instructor at the Somerset County Police Academy. Further, as Services Division Commander, Lt. Fillebrown executed some of the most transformative initiatives in Department history to include the transfer of Township public safety communications to the County of Somerset in 2009 and the sharing of Municipal Court operations with the Township of Hillsborough in 2012 which incorporated enormous efficiencies in police operations. Lt. Fillebrown also implemented improvements to police facilities and equipment in the interest of safety to police personnel and delivery of service to Township residents; and

WHEREAS, Lt. Fillebrown was the recipient of numerous awards acknowledging his outstanding service and professionalism including Honorable Service; Firearms Proficiency; Meritorious Service; S.W.A.T./Exceptional Service; Valor Service; and Instructor Achievement/Somerset County Police Academy; and

WHEREAS, On June 4, 2004, Lieutenant Fillebrown was instrumental in successfully resuscitating a stricken motorist by applying an Automatic External Defibrillator in conjunction with CPR.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery Township Committee hereby recognizes the contributions made by this most valued employee and extends its best wishes for a well-deserved retirement to Lieutenant Guy Fillebrown, an extraordinary member of the Montgomery Township Department of Police Services.

- 4-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.
- 4-2. Guy Fillebrown thanked the Committee for this proclamation. He stated that he had the unique privilege of doing what he wanted to do for 28 years, and that was being a cop. He stated that he was grateful for that and for everyone he worked with. He thanked his father for inspiring him to go into the "family business" of being a police officer. He thanked his wife and daughters for their support over the years. He wanted to express special thanks to the men and women he served with.
- 4-3. Walter and Jan Beadling, Thornton Way, expressed their thanks to Lieutenant Fillebrown, as Mrs. Beadling is the motorist he resuscitated.
- 4-4. Captain Palmer thanked the Township Committee for acknowledging the retirement of Lieutenant Fillebrown. His numerous years of service did not start with being a Police Officer with Montgomery Township, but rather it started as a member of the Marine Police Bureau of the New Jersey State Police. He introduced the members of Guy's family.
- 4-5. Administrator Nieman stated that in his career as a Township Administrator, he had worked with many Police Departments and Montgomery's Police Department is an exceptional one due to the quality of the people who are in it. As a member of the department Guy Fillebrown has worked very closely with him as a patrolman, Sergeant and Lieutenant.

5. GIRL SCOUT GOLD AWARD PROJECT REQUEST - Kristin Youngberg

Kristin Youngberg explained her Gold Award project was to focus on both the safety and lack of outdoor activities for the Montgomery Senior Citizens. She planned on installing sail cloths in the pergola in the outdoor area behind the Township's Senior Center and constructing a horseshoe ring and a simple bocce ball court, as well as building tables and benches for the Seniors who like to sit and enjoy the outdoor weather. Her plans included painting checkerboard squares on the tables for easy games like chess and checkers. Once the project is complete, she plans to host a number of sessions with the Seniors to teach them how to play the outdoors games. She will have fellow Girl Scouts join her to get the Seniors excited and comfortable with this new recreational area.

5-1. Committeeman Smith moved to approve Ms. Youngberg's Gold Award project. The motion was seconded by Committeewoman Madrid and carried unanimously.

6. GIRL SCOUT GOLD AWARDS - Caroline Hartnack, Lindsay Kugel, Katie Laskey, Kelsey Parks, Amanda Schmidt, Mythili Vinnakota, Lindsey Whitlock, Amy Zhang

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

CAROLINE HARTNACK, LINDSAY KUGEL, KATIE LASKEY, KELSEY PARKS, AMANDA SCHMIDT,  
MYTHILI VINNAKOTA, LINDSEY WHITLOCK AND AMY ZHANG

and

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, Caroline, Lindsay, Katie, Kelsey, Amanda, 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;

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee takes great pride in congratulating Caroline Hartnack, Lindsay Kugel, Katie Laskey, Kelsey Parks, Amanda Schmidt, 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. Committeeman Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

6-2. Mythili Vinnakota was in attendance to explain her project which involved working with Montgomery Middle School Interact to collect books to send to India.

7. PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2013

WHEREAS, Violence against women, children, and men continues to become more prevalent as a social problem in our society; and

WHEREAS, The problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, The crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, Everyone deserves to live a life free from the fear of being hurt or killed by people who are supposed to love them; and

WHEREAS, In our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

WHEREAS, It is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

WHEREAS, The Resource Center of Somerset has been serving people affected by domestic violence for over 35 years; and

WHEREAS, The Resource Center of Somerset agency services include emergency shelter, legal advocacy, outreach counseling, community education, volunteer Domestic Violence Response Teams working with local police departments, and more; and

WHEREAS, The Resource Center of Somerset provides services to survivors of domestic abuse-women, men and children - free-of-charge, and in English and Spanish.

(Item #7 Cont.)

NOW, THEREFORE, BE IT PROCLAIMED, That the Township Committee of the Township of Montgomery hereby proclaim the month of October to be National Domestic Violence Awareness Month in our community, and do hereby commend the efforts of the Resource Center of Somerset in aiding victims of domestic violence; and to promote the Resource Center of Somerset 24-Hour Hotline at 866-685-1122.

- 7-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

8. **BLOOD DRIVE PRESENTATION**

Health Officer Stephanie Carey stated that on September 11 the Country will pause to honor the memory of lives lost and forever changed, but on this September 11 the Township seeks to honor the continuing daily dedication and courage of the First Responders. For the past decade, Montgomery has sought to honor 9/11 by sponsoring a Blood Drive, and thereby helping both to honor the service and sacrifice of the First Responders and to take the opportunity to save lives. This year the September 11 Blood Drive will take place at the Otto Kaufman Community Center from 2:00 p.m. until 8:00 p.m. This year there is a special State-wide initiative sponsored by the Blood Banks, the Super Bowl Planning Committee, and the State Department of Health, to sponsor the Super Community Blood Drive Program. Anyone who donates blood between now and December 31, 2013 will be entered into a drawing for a pair of Super Bowl tickets.

9. **ENERGY AGGREGATION BID REPORT - Gabel Associations**

Robert Chilton, Gabel Associates, gave a brief history of the energy aggregation program within Montgomery Township. This program was under the Government Energy Aggregation law and rules in the State of New Jersey under which a municipality can put its residents as well as businesses who are not already under a third party supply contract, under a bulk bid to solicit bids from power suppliers and hopefully get a better price for power than is offered by PSE&G. He explained that the program culminates if an acceptable bid is received and a contract is awarded. At that point there is a process by which every customer who is eligible is notified of the contract, notified of the specific terms of the contract, the length of the contract, the price, the comparison to the utility price and then they are offered a 30 day opportunity to opt-out of the program. This has been a lengthy process which included submission of draft bid documents to the Board of Public Utilities and the Division of Rate Council. Those documents were reviewed and the Township received comments from those agencies which were incorporated into the bid documents. The RFP was released on August 9, it was advertised, and notice of the RFP was sent to every licensed power supplier in the State that is licensed to do business in the PSE&G area. The process was a two stage process. Stage One was qualification documents requested from suppliers, that included a number of legal forms which are required under public bidding. Also suppliers were requested to provide their qualifications, laying out their experience doing this kind of program, the extent of their business in New Jersey and other states, their capabilities in terms of customer service support and things of that nature. During Stage One there were eight (8) licensed suppliers who submitted qualification documents. Those documents were all reviewed and ultimately a report was issued which evaluated and gave a final assessment of the qualifications. Through that process, five suppliers were graded excellent, one good, and two fair. He stated that 2:00 p.m. on August 5 was the deadline for submission of Stage Two price bids. Bids were received from suppliers for contract terms of 12 months, 18 months or 24 months. There was one bid group for residential customers and another bid group for commercial customers who decided to opt-into the program. Six suppliers submitted bids before the 2:00 p.m. deadline. All six suppliers bid on both residential and commercial accounts. Those bids were evaluated and a report was submitted comparing bid prices for each of the contract terms and for each of the bid groups. ConEdison Solutions offered the lowest bid for residential customers for all three contract terms. He stated that the 24 month term offered the lowest price. Verde Energy was the low bid for the commercial customers. He stated that Gabel Associates is recommending that the Township not award a contract for the commercial customers as it would not be a significant savings to them. Gabel Associates is recommending the award of contract to ConEdison Solutions for a 24 month term for residential customers.

- 9-1. Walter Beadling, Thornton Way, expressed his objection with this plan.

10. **RESOLUTION #13-9-209 - RESOLUTION AWARDING A CONTRACT TO A THIRD PARTY POWER SUPPLIER TO PROVIDE ELECTRIC GENERATION SERVICE TO MONTGOMERY COMMUNITY ENERGY AGGREGATION (MCEA) PARTICIPANTS AND TO PROVIDE GOVERNMENT ENERGY AGGREGATION SERVICES IN CONNECTION WITH THE MCEA**

WHEREAS, The Government Energy Aggregation Act of 2003 (P.L. 2003, c.24; N.J.S.A. 48:3-93.1 et seq.) ("Act") and rules promulgated by the New Jersey Board of Public Utilities (N.J.A.C. 14:4-6.1 et seq.) ("Rules") govern the establishment and implementation of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers join together for the purchase of electric utility services by a government aggregator; and

WHEREAS, By Ordinance No. 13-1434 adopted on April 4, 2013, the Township of Montgomery created a Government Energy Aggregation Program in the Township of Montgomery, New Jersey, known as the Montgomery Community Energy Aggregation ("MCEA"); and

WHEREAS, The Township is the Lead Agency of the MCEA; and

WHEREAS, The residents of Montgomery Township are included in the MCEA on an "opt-out" basis, and the businesses of Montgomery Township are included in the MCEA on an "opt-in" basis, as set forth in the Rules; and

(Item #10 Cont.)

WHEREAS, By virtue of Ordinance No. 13-1434 and in accordance with the Act and Rules, the Township is authorized to award a contract or contracts for the Provision of Electric Generation Service and Government Energy Aggregation Services on behalf of participating residential and/or business customers; and

WHEREAS, On August 9, 2013, the Township, in its capacity as Lead Agency of the MCEA, publicly noticed and issued a Request for Proposals (RFP) for the Provision of Electric Generation Service and Government Energy Aggregation Services for the MCEA by New Jersey Board of Public Utilities (NJBPU)-licensed and qualified electric power suppliers in New Jersey; and

WHEREAS, The RFP provided for a two stage process that included: Stage 1 for the submission of supplier questions and comments and the submission of qualification documents by interested, NJBPU -licensed electric power suppliers; and Stage 2 for the submission of bid prices; and

WHEREAS, The RFP also provided for the submission of separate pricing for electric generation service for two distinct bid groups, including i) Participating Residential Accounts and 2) Participating Business Accounts, for three potential contract terms, including 12-month, 18-month and 24-month, and in accordance with the evaluation criteria set forth in the RFP; and

WHEREAS, During Stage 1 non-binding Notices of Intent and other qualification documents were received from eight (8) NJBPU-licensed electric power suppliers; and

WHEREAS, A number of supplier questions and comments were received and, as a result, on August 26, 2013 a document entitled "Responses to Supplier Questions and Addendum No.1," which supplemented and amended the RFP, was issued and distributed to all suppliers that had submitted a Notice of Intent to Bid and/or requested a copy of the RFP; and

WHEREAS, Stage 2 price bids and accompanying Transmittal Letters were submitted by six (6) NJBPU-licensed electric power suppliers by the 2:00 p.m. September 5, 2013 deadline set forth in the RFP; and

WHEREAS, The Township, in consultation with its energy agent, has conducted an in-depth evaluation of qualifications and analysis of bid prices, in accordance with the evaluation criteria set forth in the RFP and Addendum No.1; and

WHEREAS, Pursuant to the RFP, the Township reserved the right to make a single award to one supplier covering both the Residential and Business Bid Groups, to make separate awards to two different suppliers (one for residential customers and one for business customers), to make a single award to one supplier covering only one of the two Bid Groups (either residential or business), or to make no award at all; and

WHEREAS, Pursuant to the Rules, Township shall base its award of a contract to a NJBPU-licensed electric power supplier for the Provision of Electric Generation Service and Government Energy Aggregation Services for the MCEA upon the most advantageous proposal, price and other factors considered; and

WHEREAS, As a result of the evaluation of qualifications and proposals and analysis of bid prices submitted, and in accordance with the provisions of the RFP, the Township seeks to award a contract to ConEdison Solutions for the Provision of Electric Generation Service and Government Energy Aggregation Services for the Residential Bid Group (Option 1) for a contract term of 24 months; and

WHEREAS, The Township finds that the proposal submitted by ConEdison Solutions for the Provision of Electric Generation Service and Government Energy Aggregation Services for the Residential Bid Group (Option 1) for a contract term of 24 months is most advantageous to the Township, price and other factors considered, because: 1) ConEdison Solutions received the highest possible rating during the Township's evaluation of Stage 1 qualifications; 2) ConEdison Solutions' bid price for the Residential Bid Group was the lowest bid price among the six (6) bids received on September 5, 2013; iii) ConEdison Solutions' bid proposal provides the most overall benefit for the Township and MCEA Residential Participants; and iv) ConEdison's bid price will provide for contract power supply prices that are lower than the applicable Public Service Gas and Electric Co. (PSE&G) Basic Generation Service tariff prices for power supply; and

WHEREAS, The Township has reviewed the six (6) bid prices submitted for the Provision of Electric Generation Service and Government Energy Aggregation Services for the Business Account Customers and has determined, in accordance with the RFP, that none of the six (6) bids received on September 5, 2013 produce sufficient savings to business customers to warrant the award of a contract and therefore, seeks to reject those bids.

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

(Item #10 Cont.)

1. Residential Accounts Bid Group:

a. The Township hereby finds that ConEdison Solutions' proposal for the provision of electric generation service to the Participating Residential Accounts Bid Group (Option 1) in the MCEA and the provision of government energy aggregation services in connection therewith is most advantageous to the Township, price and other factors considered.

b. The Township hereby awards a contract for the provision of electric generation service to the Participating Residential Accounts Bid Group and the provision of government energy aggregation services in connection therewith to ConEdison Solutions in accordance with the terms and conditions of the RFP (including the applicable form of Master Performance Agreement included therein), as amended pursuant to Addendum No. 1 to the RFP.

c. The government energy aggregation services to be provided by ConEdison Solutions, including implementation of the opt-out process for residential customers as set forth in the RFP and applicable NJBPU rules, shall commence immediately upon execution of the Master Performance Agreement, and electric generation service to be provided by ConEdison Solutions to the MCEA-participating residential customers shall commence with the December 2013 meter read date for each electric account served, and shall continue for a 24-month term.

d. The contract price for a 24 month term commencing in December 2013 for Residential Accounts included in the MCEA shall be \$0.10427/kwh (Option 1).

e. The Mayor and Clerk are hereby authorized and directed to execute on the Township's behalf the Master Performance Agreement with ConEdison Solutions.

f. The Township Administrator is hereby authorized and directed to issue on the Township's behalf an Award Letter consistent herewith to ConEdison Solutions.

2. Business Accounts Bid Group: The Township hereby rejects the bids received in connection with the provision of electric generation service to the Participating Business Accounts Bid Group and the provision of government energy aggregation services in connection therewith on the basis that none of the six (6) bids received on September 5, 2013 produce sufficient savings to business customers to warrant the award of a contract. The Township directs its energy agent to rebid the Business Accounts Bid Group.

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  
Nays - None  
Absent - Trzaska

11. **PUBLIC COMMENT**

11-1. Candy Willis, Knickerbocker Drive, spoke about solar panels in the three villages of Blawenburg, Bridgepoint and Harlingen. She gave a brief background about PSE&G's agreement with regard to placing solar panels in historic districts. She asked the Township Committee for a letter of support to remove the 25 panels in the historic districts. Administrator Nieman stated that Attorney Hadinger and he would draft such a letter for Township Committee approval.

11-2. Robert Kress, Meadow Run Drive, spoke about his concerns about how the Township prepares the budget. He wrote a letter in 2012 about "red flags" as to the capital money for operating expenses. He thought that this was not legal, and Bond Counsel agreed with him, and it has been removed from the webpage. He wondered how the Township's Auditor didn't pick up on different issues within the budget.

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

A. **RESOLUTION #13-9-210 - REFUND OVERPAID 2013 TAXES**

BE IT RESOLVED That a refund in the amount of \$3,207.67 be given to Chase, Attn: Refund Department, P.O. Box 961227, Ft. Worth, TX 76161-0227 for the overpayment of 2013 taxes on Block 34019 Lot 74.

B. **RESOLUTION #13-9-211 - REFUND UNUSED PORTION OF SPECIAL DUTY SERVICE MONIES**

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

American Ultrarunning Assoc., Inc.  
4 Strawberry Lane  
Morristown, NJ 07960  
\$42.50

(CONSENT AGENDA Cont.)

- C. **RESOLUTION #13-9-212 - PURSUANT TO N.J.S.A. 40A:4-87** (Chapter 159, P.L. 1948) -  
2013 Click It or Ticket

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 item is now available as a revenue form the Division of Highway Traffic Safety;

2013 Click It or Ticket	\$4,000.00
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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.

- D. **RESOLUTION #13-9-213 - APPROVING AND AUTHORIZING EXECUTION OF CONSTRUCTION SEQUENCE AGREEMENT** - Village Shopper III, LLC for the Bank Pad Site (PB-11-12) -  
Block 28005, Lot 65

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Construction Sequence Agreement with King Interests, LLC with respect to Block 28005, Lot 65 (Village Shopper III for the Bank Pad Site).

- E. **RESOLUTION #13-9-214 - APPROVING AND AUTHORIZING EXECUTION OF SEWER CAPACITY AGREEMENT** - Village Shopper III, LLC for the Bank Pad Site (PB-11-12) -  
Block 28005, Lot 65

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Sewer Capacity Agreement with King Interests, LLC with respect to Block 28005, Lot 65 (Village Shopper III for the Bank Pad Site).

- F. **RESOLUTION #13-9-215 - APPROVAL OF CROSS EASEMENT AGREEMENT FOR UTILITY AND DRAINAGE PURPOSES** - Village Shopper III, LLC - Block 28005, Lot 65

BE IT RESOLVED That, subject to the Township Engineer and Attorney's approval, a cross-easement agreement with Village Shopper III, LLC for utility and drainage purposes with respect to Block 28005, Lot 65, 1378 Van Horne Road is approved and the Mayor and Clerk are authorized to sign the same.

- G. **RESOLUTION #13-9-216 - AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY** - Drunk Driving Enforcement

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services to submit a Drunk Driving Enforcement Fund grant application to the New Jersey Division of Highway Traffic Safety.

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

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

13. **MAYORAL APPOINTMENT WITH TOWNSHIP COMMITTEE CONSENT** - Economic Development Commission

BE IT RESOLVED That Todd Royer is hereby appointed Economic Development Commission Advisor, 1 year term expiring December 31, 2013.

- 13-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried unanimously.

14. **MAYORAL APPOINTMENT** - Wildlife Management Committee

BE IT RESOLVED That Police Officer Silvio Bet is hereby appointed Police Liaison to the Wildlife Management Committee, replacing Sergeant Gerard DiDonato.

15. **RESOLUTION #13-9-217 - AUTHORIZING A CONTRACT WITH THE COUNTY OF SOMERSET TO PROVIDE PARTICIPATION IN A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAM ACTIVITIES**

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WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made available to certain urban counties for use therein; and

WHEREAS, The Community Development Block Grant Program and the HOME Investment Partnership Programs have benefited the County as a whole and has provided a unique opportunity for intermunicipal cooperation; and

WHEREAS, The program has provides substantial benefits to persons of low and moderate income including the elderly and disabled, and that these benefits would be lost without a renewal of the County cooperation agreement; and

WHEREAS, The Township of Montgomery desires to preserve benefits of the Community Development Block Grant Program and the HOME Investment Partnership Programs for the County by renewing its participation in the Somerset County Community Development Consortium; and

WHEREAS, The Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, N.J.S.A. 40:8A-1 et seq. provides that authorization for participation in such a cooperative program must be by resolution.

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

1. It does hereby authorize continued participation in the Somerset County Community Development Consortium or Urban County.
2. It does hereby authorize, ratify and confirm a certain agreement (hereinafter referred to as "Contract") between the Township of Montgomery and Somerset County entitled "Agreement Between the County of Somerset and Certain Municipalities Located Therein For the Establishment of Cooperative Means of Conducting Certain Community Development Activities" and that this agreement shall automatically renew in every successive qualification period unless notice that it wishes to withdraw is provided to HUD and Somerset County;
3. It hereby authorizes full participation by the Township of Montgomery in all aspects of the activities provided for within said Contract pursuant to the terms and conditions as more fully set forth in said Contract.
4. It hereby incorporates said Contract into this Resolution by reference, as if fully set forth herein.
5. The Mayor and Municipal Clerk are hereby authorized to execute the Contract with the County and Copy of said Contract will remain filed in the Office of the Municipal Clerk for public inspection.

15-1. 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  
Nays - None  
Absent - Trzaska

16. **ORDINANCE #13-1447 - Police Department-Authorized Strength/Deputy Police Director - Public Hearing**

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A. Deputy Mayor Graham 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. Deputy Mayor Graham opened the hearing to the public. There being no comment, 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 5<sup>th</sup> day of September, 2013 and that notice thereof be published in an official newspaper as required by law.

16-1. 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

17. ORDINANCE #13-1448 - Montgomery Veterans Memorial Advisory Committee - Public Hearing

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-1. Deputy Mayor Graham opened the hearing to the public.

B-2. Robert Kress, Meadow Run Drive, spoke of his concerns and the concerns of the current Montgomery Veterans Memorial Committee about this ordinance.

B-3. 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 5<sup>th</sup> day of September, 2013 and that notice thereof be published in an official newspaper as required by law.

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  
Nays - None  
Absent - Trzaska

18. ORDINANCE #13-1449 - 2013 Salary and Wage - Public Hearing

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. Deputy Mayor Graham opened the hearing to the public. There being no comment, 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 5<sup>th</sup> day of September, 2013 and that notice thereof be published in an official newspaper as required by law.

18-1. 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

19. RESOLUTION #13-9-219 - 2013 SALARIES FOR NON-UNION EMPLOYEES

WHEREAS, the Township Committee of the Township of Montgomery, Somerset County, New Jersey desires to set 2013 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that 2013 annual salaries for all non-contracted employees retroactive to January 1, 2013 are established as follows:

Mayor	Edward Trzaska	\$ 5,562.00
Deputy Mayor	Patricia Graham	\$ 4,169.00
Township Committee Member	Richard Smith	\$ 4,169.00
Township Committee Member	Christine Madrid	\$ 4,169.00
Township Committee Member	Christopher Sugden	\$ 4,169.00
Township Administrator	Donato Nieman	\$144,000.00
Police Director/Captain	Robert Palmer	\$142,000.00
Chief Financial Officer/ Tax Collector	Walter Sheppard	\$134,093.00
Township Engineer	Gail Smith	\$112,368.00
Planning Director	Lori Savron	\$104,186.00
Superintendent of Public Works	Arthur Villano	\$110,807.00
Recreation Director	Karen Zimmerman	\$ 94,649.00
Construction Official/ Fire Marshall	Roy Mondt	\$ 95,576.00
Township Clerk	Donna Kukla	\$ 91,570.00
MIS Coordinator	Bill Pauwels	\$ 71,547.00
Purchasing Agent	John Gregory	\$ 26,000.00
Tax Assessor	Ryan Riccio	\$ 50,388.00
Assist. Chief Financial Officer	Claire Higgins	\$ 71,005.00
Chief Sewer Plant Operator	Eric Reichert	\$ 73,432.00
Personnel Coordinator	Susan Smith	\$ 86,922.00
Laboratory Supervisor	Dorota Jaczuk	\$ 56,651.00
Parks Foreman	John Snyder	\$ 70,363.00
Roads Foreman	Joseph Kane	\$ 66,924.00
Senior Rec. Program Coord.	Pauline Carr	\$ 65,469.00
Aquatics Director	Vincent Ingraffia	\$ 15,000.00

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Executive Secretary	Tamarah Novak	\$ 21.81 p/hr
Administrative Assistant	Deborah Axtt	\$ 28.87 p/hr
Community Information Officer	Tamara Garaffa	\$ 31.39 p/hr
<u>Kid Connection Program</u>		
Director	Andrea McKenna	\$ 73,554.00
Head Teacher	Cathy Gorman	\$ 58,459.00
	Jennifer Yanovitch	\$ 46,281.00
Teacher	Maryellen Comollo	\$ 49,949.00
	Joanne Whitehaed	\$ 50,074.00
	Audrey Starkman	\$ 49,489.00
	Nancy Beachell	\$ 49,953.00
	Marge Cannon	\$ 48,652.00
	Beverly Owens	\$ 41,725.00
	Laura Reichert	\$ 40,256.00
	Carolyn Robbins	\$ 43,178.00
	Donna Rossi	\$ 40,600.00
	Cheryl Truppi	\$ 38,456.00
Assistant Teacher	Debbie Krout	\$ 18.83 p/hr
	Pat VanArsdalen	\$ 17.40 p/hr
	Angela Perone	\$ 17.52 p/hr
	Nancy Petchock	\$ 14.95 p/hr
	Patty Cornell	\$ 18.65 p/hr
	Sue Garhart	\$ 14.24 p/hr
	Elizabeth Noonan	\$ 13.68 p/hr
	Barbara Stegman	\$ 13.32 p/hr
	Chris LaRue	\$ 13.25 p/hr
	Barb Chenot	\$ 12.73 p/hr
	Patty Fox	\$ 13.35 p/hr
	Pradnya Moghe	\$ 12.96 p/hr
	Eileen Motherway	\$ 12.73 p/hr
	Nancy Sheehan	\$ 13.19 p/hr
	Bonnie Simmons	\$ 13.42 p/hr
Clerk-Typist	Elizabeth Mann	\$ 14.94 p/hr
Administrative Assistant/ Afterschool Supervisor	Ellen Elgort	\$ 27.45 p/hr
<u>Recreation Camp:</u>		
Camp Activities Coordinator	Lindsey Fischer	\$ 20.00 p/hr
Arts & Crafts Specialist	Morgan O'Neill	\$ 12.63 p/hr
Supervisor	Kelly O'Brien	\$ 12.00 p/hr
	Spencer Crispino	\$ 12.00 p/hr
	Thomas Murphy	\$ 12.00 p/hr
	Cory Weingart	\$ 12.00 p/hr
	Jacob Nieman	\$ 12.00 p/hr
	Michael Mann (post-camp)	\$ 12.00 p/hr
	Jeffrey Jordan (post-camp)	\$ 12.00 p/hr
	Michael Murphy	\$ 12.00 p/hr
Assistant Supervisor	Dennis Tom	\$ 10.00 p/hr
	Alexander Lepera	\$ 10.00 p/hr
	Mark Wronko	\$ 10.00 p/hr
	Paul Alvaro	\$ 10.00 p/hr
	Gabrielle Gatti	\$ 10.00 p/hr
Counselor	Anna Calabro	\$ 7.97 p/hr
	Stephanie Gatti	\$ 7.97 p/hr
	Christopher Schultes	\$ 7.97 p/hr
	Jessica Prati	\$ 7.97 p/hr
	Christina Maslyn	\$ 7.97 p/hr
	Ryan Disdier	\$ 7.97 p/hr
	Alissa Kring	\$ 7.97 p/hr
	Liam Sullivan	\$ 7.97 p/hr
	Eamon Sullivan	\$ 7.97 p/hr
	Andrew Hill	\$ 7.97 p/hr
	Corey Miodus-Santini	\$ 7.97 p/hr
	Emily O'Connor	\$ 7.97 p/hr
	Christopher Bastardi	\$ 7.97 p/hr
	Michael Mann	\$ 7.97 p/hr
	Jeffrey Jordan	\$ 8.21 p/hr
	Michael Murphy	\$ 8.21 p/hr
	Taylor Kuminski	\$ 7.97 p/hr
	Andrew Tom	\$ 7.97 p/hr
	Meghan Kane	\$ 7.97 p/hr
	Jared Lawrence	\$ 7.97 p/hr
	Tucker McNally	\$ 7.97 p/hr
	Joseph Mankowski	\$ 7.97 p/hr
	Joshua Herl	\$ 7.97 p/hr
	Amoreena Crispino	\$ 7.97 p/hr
	Megan Coyle	\$ 7.97 p/hr
	Deanna Mercurio	\$ 7.97 p/hr
	Sara Finnegan	\$ 7.97 p/hr
	Jill Baldauf	\$ 7.97 p/hr

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<u>Kid Connection Camp</u> Supervisor	Michelle Pender	\$ 16.50 p/hr
Supervisor/Counselor	Cara Zahorsky Helen Walsh (part-time)	\$ 12.67 p/hr \$ 13.42 p/hr
Counselor	Margaret McClaskey Lindsey Milich Elizabeth Snedker Katherine Aloisi Alexandra Vazquez Karen Grabinsky Nikita Bhargava Molly Girt	\$ 12.20 p/hr \$ 12.20 p/hr
Assistant Counselor	Angela Pisarra Lindsey Whitlock Michele Smith Kristen Prati Juwan Phillips Dana Castronovo Elena Daniele JoAnna Jareline Carissa Johnson Rhea Bhargava Jessica Smith Emily Case Zoe Epstein Meaghan Pellizzari	\$ 9.77 p/hr \$ 9.77 p/hr

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  
Nays - None  
Absent - Trzaska

20. **ORDINANCE #13-1450 - Alcoholic Beverage Control - Public Hearing**

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. Deputy Mayor Graham opened the hearing to the public. There being no comment, 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 5<sup>th</sup> day of September, 2013 and that notice thereof be published in an official newspaper as required by law.

20-1. 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

21. **ORDINANCE #13-1451 - Smoking on Township Property - Public Hearing**

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).

B. Deputy Mayor Graham opened the hearing to the public. There being no comment, 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 5<sup>th</sup> day of September, 2013 and that notice thereof be published in an official newspaper as required by law.

21-1. 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

22. ORDINANCE #13-1452 - Community Center Reservation Fees - 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 RESERVATION FEES FOR THE OTTO KAUFMAN COMMUNITY CENTER 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 19, 2013 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

22-1. 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

23. ORDINANCE #13-1453 - Towing and Storage - 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 CONCERNING LICENSES FOR TOWING AND STORING OF MOTOR VEHICLES, AND AMENDING CHAPTER IVA 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 19, 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  
Nays - None  
Absent - Trzaska

24. APPROVAL OF MINUTES

The minutes of August 15, 2013 were approved as printed.

25. 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.

25-1. Chief Financial Officer Walter Sheppard noted that Check #061618 made payable to Shop Rite in the amount of \$2,407.74 was being pulled from the bill list.

25-2. Committeewoman Madrid moved the adoption of the foregoing resolution with the correction. The motion was seconded by Committeeman Smith and carried on the following:

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

26. **POLICE PROMOTIONAL PROCESS DISCUSSION AND APPROVAL**

Administrator Nieman stated that in the last round of promotions which occurred in 2008, there was a process that was used for Police Director, Lieutenants and Sergeants. He reiterated the process:

1. For Lieutenant and Sergeants there would be a written exam;
2. Personnel file review, which is done by the Police Director, Township Administrator and one member of the Township Committee;
3. Interview with the Township Committee;
4. Determination of fitness and background check.

He asked the Township Committee to start to determine which member of the Township Committee they would like to participate in the processes. He explained that he would like to begin the promotional process for Deputy Director/Captain as soon as possible, to get it done in September. The process for the Lieutenant and Sergeant would be done later in 2013.

It was the consensus of the Township Committee that Deputy Mayor Graham would be the member of the Township Committee to be involved in Phase I of the promotional process.

- 26-1. Committeeman Sugden moved the approval of the Police promotional process. The motion was seconded by Committeewoman Madrid and carried unanimously.

27. **GOVERNOR'S ENVIRONMENTAL EXCELLENCE AWARD AND ANJEC ENVIRONMENTAL ACHIEVEMENT AWARD**

Township Administrator Nieman explained that the Mayor had mentioned that he would like to nominate Clem Fiori for an award. Unfortunately because it requires there to be a specific project that was done in the prior year, it was reviewed and unfortunately Clem didn't qualify. It was determined, after much discussion, the Environmental Commission would make the application for Irene Stein and the recycling program she helped the Environmental Commission create.

28. **ECONOMIC DEVELOPMENT COMMISSION**

Committeeman Smith stated that the Economic Development Commission was in the process of being revamped. They are moving along with the Business Directory and they have been soliciting interest from companies and businesses in town to advertise in the directory.

29. **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:
  - Negotiation of terms and conditions for JER Herring Affordable Housing agreement.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open session.

- 29-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

30. The meeting reconvened in Open Session and **ADJOURNMENT** was at 9:34 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