

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 6, 2014

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 Sugden, Committeemembers Trzaska and Graham
Mayor Smith and Committeewoman Madrid were 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 Sugden 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 Sugden led the Salute to the Flag.

4. **RESOLUTION HONORING MONTGOMERY 2013 POP WARNER MIDGET NATIONAL CHEER CHAMPIONS**

WHEREAS, On December 13, 2013, the Montgomery Pop Warner Midget Cheerleaders were crowned National Champions at the ESPN Wide World of Sports Complex in Orlando, Florida; and

WHEREAS, These Montgomery Midget Cheerleaders outscored more than 300 other teams from seven divisions across America with their two and a half minute routine that incorporated tumbling, stunting, cheer and dance; and

WHEREAS, Prior to competing in Florida, they competed in three other competitions, placing 1st in the Jersey Valley Conference Competition; 1st in the New Jersey State Competition; and 1st in the Eastern Region Cheer Competition held in Albany, NY; and

WHEREAS, This 30 member squad, consisting of 7th and 8th graders, have earned the title of

2013 POP WARNER MIDGET LEVEL 2 LARGE NATIONAL CHEER CHAMPIONS

Jillian Ark	Gabby Barish	Melanie Bet	Sydney Bickel
Elizabeth Church	Keva Custis	Nikki DePinto	Malia Drift
Ally Duran	Nicole Foxx	Cedar Galatro	Brenna Gallagher
Annie Hathaway	Abby Holanda	Madison Jakubowski	Bella Lainez
Julia Loffredo	Jacquie Mallon	Angela Masessa	Carolyn Maslanka
Kendall Morrison	Brianne Quinlan	Elise Randolph	Brooke Regensberg
Sanaa Riley	Sontee Riley	Nicole Ruckelshaus	Ashley Turlip
Chilly Wallace	Kelly Whitlock		

WHEREAS, The team was supported in its efforts by Coaches Christine Ark, Renee DePinto, Lauren Panasewicz; Head Cheer Commissioner Carolann Kubik; Student Demonstrators Caitlyn Ark and Abby Bickel, and parents and friends of Montgomery Midgets, all of whom celebrate this accomplishment with pride; and

WHEREAS, The Montgomery Township Committee wishes to honor the team by proclaiming this title throughout the Township.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee congratulates these champions on their outstanding accomplishment and extends to them best wishes for continued success in all future endeavors on this 6th day of February 2014.

- 4-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.
- 4-2. Assemblyman Jack Ciattarelli read a State of New Jersey resolution, which was signed by the Senate President and the Assembly Speaker, and attested to by the Senate Secretary and Assembly Clerk.
- 4-3. Coaches Renee DePinto and Christine Ark thanked everyone for attending and showing support. They stated that it was a great honor to be presented these Resolutions.
- 4-4. Assemblyman Ciattarelli and Deputy Mayor Sugden presented the Coaches, Head Cheer Commissioner, Student Demonstrators and Cheerleaders with copies of the Resolutions.

5. **PUBLIC COMMENT**

- 5-1. Robert Kress, Meadow Run Drive, spoke about the Township's Traffic Circulation Plan. He stated that he had asked on numerous occasions that the Township not remove the roadway between Orchard Road and Route 518 from the Master Plan. He explained that the intersection of Routes 206 and 518 is at failing levels. He stated it was a mistake to allow Tapestry and JER Herring to build without constructing the connector road. As it is, the only entrance and exit to these developments is on Orchard Road. He stated that the solution that was on the table, the roadway being moved all the way to the west side of the Herring property, is not executable for the fact that in the middle is not designated. Purchasing that roadway would be astronomical, especially if the Township wanted to put the new Municipal Building there. He advocates for the solution shown in the current Master Plan Traffic Circulation Element. Mr. Kress spoke of the cost factor involved also.

Attorney Hadinger explained that the Master Plan lines on the Traffic Circulation Element are rough plans, they are not drawn with absolute precision. There was a meeting following some investigation by the Township Engineer regarding the road and the Planning Board looked at moving the line. It is still in the general vicinity, within a few hundred feet, of where it was on the Master Plan. There were numerous public hearings on the Herring application and anyone could have participated in the hearing. She explained that the road on the Master Plan Traffic Circulation Element was found not to be optimum as far as wetlands was concerned.

Deputy Mayor Sugden wondered if the road, as currently designed, was feasible. He stated that he would like to see a written comparison. Attorney Hadinger stated that it was no less feasible than the original road. She stated that there would be land acquisition in either case.

- 5-2. Terrence Love, Councilman from the City of Passaic and relative of one of the Cheerleaders, commended the Township Committee for their support of the Cheerleaders who were recognized earlier in the meeting.

6. **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 #14-2-35 - REFUND OVERPAID 2012 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
5008	7	Shakila Mian & Khalida Mushtaq	\$2,914.11
30002	57	Tufail & Nasreen Tahir	\$3,987.70
37003	1.110	Eric D. Koster & Megan Gordon	\$1,899.59
37003	6.55	Jon R. Vernon	\$1,427.68

B. **RESOLUTION #14-2-36 - REFUND OVERPAID 2013 TAXES**

BE IT RESOLVED That a refund in the amount of \$5,123.54 be given to Montgomery Hills Master Association, c/o RCP Management, 10 Centre Drive, Monroe, NJ 08831 for the overpayment of 2013 taxes on the following Block & Lots;

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY LOCATION</u>	<u>AMOUNT</u>
37002	5.21	98 Hoover Avenue	\$2,643.86
37003	6.73	55 Jackson Avenue	\$2,479.68

C. **RESOLUTION #14-2-37 - PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE TOWNSHIP OF MONTGOMERY FOR THE YEAR 2013**

WHEREAS, The Township Committee of the Township of Montgomery, County of Somerset, under the provisions of statutes, wishes to defer Local District School Taxes for the year 2013; and

WHEREAS, The unpaid portion of the Local District School Tax on December 31, 2013 may be deferred to the extent of not more than 50% of the school year July 1, 2013 to June 30, 2014 levy, providing no requisition has been made for such amount or any portion of such amount; and

WHEREAS, The Deferred Local District School Taxes for the year 2013 may not exceed 50% of the school year July 1, 2013 to June 30, 2014 levy of \$72,312,971.00 resulting in a deferred amount not to exceed \$36,156,485.50. This amount represents an increase of \$713,609.07 over the maximum Deferred Local District School Taxes for the year 2012 of \$35,442,876.43.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that Local District School Taxes unpaid at December 31, 2013 be deferred to the amount not exceeding \$36,156,485.50, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$713,609.07.

BE IT FURTHER RESOLVED, That two (2) certified copies of this resolution shall be forwarded to the Director of the Division of Local Government Services.

(CONSENT AGENDA Cont.)

D. **RESOLUTION #14-2-38 - APPROVAL OF OUTDOOR ASSEMBLY PERMITS - 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 Outdoor Assemblies for the Princeton Show Jumping, LLC at 246 Burnt Hill Road, Skillman, NJ 08558 on April 16-20, April 23-27, June 25-29, July 2-6, July 9-13, August 20-24, September 17-21, September 24-28 and October 1-5, 2014 from 8:00 a.m. to 6:00 p.m. daily (during a scheduled competition week).
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) These events shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
 - (c) Approval of these events 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 #14-2-39 - RESOLUTION CALLING ON THE LEGISLATURE TO MAKE PERMANENT THE 2% CAP ON INTEREST ARBITRATION AWARDS**

WHEREAS, On December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, The reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, These reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, A key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, While municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, The 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, Absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, Without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, Without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award.

NOW, THEREFORE, BE IT RESOLVED, That the governing body of the Township of Montgomery strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, That a that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the legislators of the Township of Montgomery, State Legislative representatives, Governor Chris Christie, and the New Jersey State League of Municipalities.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #14-2-40 - APPROVAL TO SUBMIT A MOBILIZATION FOR DISTRACTED DRIVER GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - Cell Phone Enforcement**

BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the mobilization for distracted driver grant application for cell phone enforcement.

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.

G. **RESOLUTION #14-2-41 - PROFESSIONAL SERVICES RESOLUTION - Consulting Engineering Services**

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

- (1) Consulting Engineering Services.

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

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

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the aforesaid services in accordance with the amounts set forth in the 2014 Temporary Budget, with performance of said services after March 31, 2014 being subject to the Township's amendment of the 2013 Temporary Budget, and/or adoption of the final 2014 Budget.

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

- (1) The Mayor and Clerk are hereby authorized and directed to execute proper agreements with Van Note-Harvey as Consulting Engineer.
- (2) These contracts are awarded for a period of one year, for the amounts set forth in each contract, and without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) These contractors have completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township.
- (4) A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavit, and the executed Agreements shall be placed on file in the office of the Township Clerk.
- (5) A notice of this action shall be published once in the official newspaper as required by law.
- (6) Performance of services under the terms of these contracts, and payment for the services, after March 31, 2014 is subject to the amendment of the 2014 Temporary Budget and/or adoption of the final 2014 Budget, and certification of availability of funds by the Chief Financial Officer

H. **RESOLUTION #14-2-42 - AMENDING RESOLUTION #13-10-240 AUTHORIZING A SEWER CAPACITY AGREEMENT FOR ORCHARD RESIDENTIAL, PHASE I - Block 28001, Lot 5.01**

BE IT RESOLVED That Resolution #13-10-240 adopted October 17, 2013 authorizing a Sewer Capacity Agreement for Orchard Residential, Phase I - Block 28001, Lot 5.01 is amended to reflect that the agreement shall be with K. Hovnanian at Montgomery, LLC rather than JER Herring Orchard LLC.

I. **RESOLUTION #14-2-43 - REDUCTION OF PERFORMANCE GUARANTEE - Hillside at Montgomery, Section I**

WHEREAS, Gail Smith, Township Engineer, has certified on February 5, 2014 that a performance guarantee posted for Hillside at Montgomery, Section I may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a performance guarantee as specified in the Township Engineer's estimate dated January 31, 2014.

(CONSENT AGENDA Item I Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$1,356,249.42, reduced from \$2,860,731.00, be posted as follows:

10% cash	\$ 135,642.94
90% cash, Letter of Credit, or Surety Bond	\$1,220,624.48

J. **RESOLUTION #14-2-44 - REDUCTION OF PERFORMANCE GUARANTEE - Hillside at Montgomery, Section II**

WHEREAS, Gail Smith, Township Engineer, has certified on February 5, 2014 that a performance guarantee posted for Hillside at Montgomery, Section II may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a performance guarantee as specified in the Township Engineer's estimate dated January 31, 2014.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$693,431.92, reduced from \$1,267,873.80, be posted as follows:

10% cash	\$ 69,343.19
90% cash, Letter of Credit, or Surety Bond	\$624,088.73

K. **TOWNSHIP COMMITTEE APPOINTMENT - Part-Time Purchasing Agent**

BE IT RESOLVED That Timothy L. Matheny is hereby appointed part-time Purchasing Agent (RPPO), effective February 10, 2014.

L. **TOWNSHIP COMMITTEE APPOINTMENTS - Zoning Board of Adjustment, Board of Health and Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission**

BE IT RESOLVED That Tim Fenton is hereby appointed Zoning Board of Adjustment Regular Member, replacing Mike Gamache, 4 year term expiring December 31, 2017.

BE IT FURTHER RESOLVED That Jing Liu is hereby appointed Board of Health Regular Member, 3 year term expiring December 31, 2016.

BE IT FURTHER RESOLVED That Judith Fujimura is hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Citizen-At-Large, 1 year term expiring December 31, 2014.

BE IT FURTHER RESOLVED That Katherine Powell is hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Citizen-At-Large, 1 year term expiring December 31, 2014.

BE IT FURTHER RESOLVED That Sandra Donnay is hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Board of Education Representative, 1 year term expiring December 31, 2014.

BE IT FURTHER RESOLVED That Heather McCarthy is hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission VES Representative, 1 year term expiring December 31, 2014.

BE IT FURTHER RESOLVED That Corie Gaylord is hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission MHS Representative, 1 year term expiring December 31, 2014.

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

BE IT RESOLVED That Joan Kettlekamp is hereby appointed Economic Development Commission Regular Member, 3 year unexpired term expiring December 31, 2015.

6-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Graham and carried on the following:

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

7. **MAYORAL APPOINTMENT - Landmarks Commission**

BE IT RESOLVED That Richard Tarzia is hereby appointed Landmarks Commission, Class C member, 4 year unexpired term expiring December 31, 2014.

8. **RESOLUTION #14-2-45 - PROFESSIONAL SERVICES AGREEMENT** - Williamsburg Neighborhood Overlay Project - Engineering Consultants - Remington, Vernick & Vena Engineers

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the Williamsburg Neighborhood Overlay Project; and

WHEREAS, There exists 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 Remington, Vernick and Vena Engineers has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Remington, Vernick and Vena Engineers has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Remington, Vernick and Vena Engineers has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq authorizes the award of a contract for "professional services' without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Remington, Vernick and Vena Engineers for the preparation of construction documents and permit applications for the Williamsburg Neighborhood Overlay Project. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Remington, Vernick and Vena Engineers shall be paid a not to exceed fee of \$29,900.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

8-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

9. **RESOLUTION #14-2-46 - PROFESSIONAL SERVICES AGREEMENT** - Hillcrest Court, Dogwood Lane and Duncan Lane Overlay Project - Engineering Consultants - Remington, Vernick & Vena Engineers

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the Hillcrest Court, Dogwood Lane and Duncan Lane Overlay Project; and

WHEREAS, There exists 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 Remington, Vernick and Vena Engineers has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Remington, Vernick and Vena Engineers has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Remington, Vernick and Vena Engineers has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq authorizes the award of a contract for "professional services' without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals.

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

(Item #9 Cont.)

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Remington, Vernick and Vena Engineers for the preparation of construction documents and permit applications for the Hillcrest Court, Dogwood Lane and Duncan Lane Overlay Project. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Remington, Vernick and Vena Engineers shall be paid a not to exceed fee of \$15,700.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

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

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

10. **RESOLUTION #14-2-47 - PROFESSIONAL SERVICES AGREEMENT - Green Avenue Overlay Project - Engineering Consultants - Menlo Engineering**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the Green Avenue Overlay Project; and

WHEREAS, There exists 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 Menlo Engineering has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Menlo Engineering has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Menlo Engineering has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq authorizes the award of a contract for "professional services" without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Menlo Engineering for the preparation of construction documents and permit applications for the Green Avenue Overlay Project. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Menlo Engineering shall be paid a not to exceed fee of \$25,500.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

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

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

11. **RESOLUTION #14-2-49 - COMMITTING ADDITIONAL FUNDING TO ADMINISTRATIVE SERVICES BY THE AFFORDABLE HOUSING ADMINISTRATIVE AGENT**

WHEREAS, On July 12, 2012, the Township approved Resolution #12-7-171 "Committing Funding to Administrative Services by the Affordable Housing Administrative Agent" for the purposes of providing affordability controls services for all housing constructed and to be constructed within the Township by the appointed administrative agent, and further described in the "Affordable Housing Services Agreement"; and

WHEREAS, Resolution #12-7-171 permitted the Township to commit additional sums from the affordable housing development fee account to this initiative by subsequent resolution; and

WHEREAS, On January 6, 2014, the Township approved Resolution #14-1-2 "Resolution Extending Affordable Housing Services Agreement with CGP&H, LLC", extending the contract term until December 31, 2014, for which the Township must commit additional funding to the Reserve for COAH Administrative Fees.

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

1. The Township hereby affirms its appointment of CGPH, LLC to be the Administrative Agent, as set forth in N.J.A.C. 5:97-8.9;
2. For the year 2014, the Township commits the amount of \$45,600.00 (the 2013 price) for Administrative Agent services, and authorizes and directs the Township's Chief Financial Officer to fund the program by the transfer of said sum from the Affordable Housing Trust Fund to the Reserve for COAH Administrative Fees where such funds shall be held and reserved strictly for the purposes set forth herein.
3. The expenditure and disbursement of program funds shall only be for the purposes of providing affordability control services for all affordable housing constructed and to be constructed within the Township by the appointed Administrative Agent, and all disbursements of program funds shall be in accordance with the "Affordable Housing Services Agreement."
4. This service shall remain active for such time as the funds committed to the service shall be available or the service is ended by subsequent resolution of the Township Committee and any remaining balance transferred to the Township's affordable housing trust fund. The Township Committee may commit additional sums from the affordable housing development fee account to this initiative by subsequent resolution.
5. The Township staff and professionals are authorized and directed to undertake, or cause to be undertaken, any and all further acts necessary to effectuate the terms and purposes hereof, including incorporation of additional information in the Pending Plan.

11-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

12. **ORDINANCE #14-1457 - Speed Limit-Salisbury Road - Public Hearing**

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

AN ORDINANCE AMENDING SCHEDULE XVII OF CHAPTER VII OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH A SPEED LIMIT ON SALISBURY ROAD.

B. Deputy Mayor Sugden opened the hearing to the public. There being no comment, Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 6th day of February, 2014 and that notice thereof be published in an official newspaper as required by law.

12-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

13. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Chief Finance Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills;

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

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

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

14. **APPROVAL OF MINUTES - January 16, 2014**

The minutes of January 16, 2014 were approved as printed.

15. **TRANSCO UPDATE**

Attorney Hadinger stated that Open Space Coordinator Wasilauski prepared a comprehensive memorandum. There is not much more to update except that the public notices for the scoping hearing have been sent for publication and the Township Clerk will be posting one as well. It appears, preliminarily, that some of the Green Acres and preserved property areas that the Township sought to have narrowed have had the areas of disturbance lessened. The Township was waiting for the results of the testing to determine the feasibility of horizontal drilling.

16. **DEER MANAGEMENT UPDATE**

Administrator Nieman stated that representatives of Hillsborough Township, Montgomery Township and the Sourlands Council met at the Somerset County Parks Commission to discuss expanding the Deer Management Program into the Sourlands Preserve. The Parks Commission took the position that they are comfortable with whatever the Municipalities wish to do. Montgomery has about 10% of the Sourlands in the Township. Montgomery was very comfortable, if the Governing Body agrees, with expanding the program to include the County portion of the Preserve that lies within the boundaries of Montgomery.

Administrator Nieman reported that after the accident on Route 206, the Mayor had requested that he look into the cost of hiring the White Buffalo, if the Township were to pursue a deer harvesting program. That information will be forwarded to the Township Committee.

Attorney Hadinger stated that the Township Clerk has received some suggestions from some of the hunters in terms of the size of the deer and the taking of does before taking bucks. These recommendations should really be looked at carefully when crafting the 2014-2015 Deer Management resolution.

17. **DEVELOPMENT UPDATE ON NORTH 518 QUADRANT WEST**

Administrator Nieman stated that a meeting of the Master Plan Committee was held. The representative from Sharbell agreed to host all the property owners to meet and discuss the presentation of a general concept plan to the Township for that area. The meeting was held in late January and the Township was waiting to hear the results.

Committeeman Trzaska explained that one of the items for discussion was the rezoning of the lands abutting the Village Shopper, including the closed Sunoco property and the Kepner Tregoe property.

18. **WINTER IN THE TOWNSHIP**

Administrator Nieman reported the following statistics from the Township's Public Works Department:

2012-2013 Winter - total of 20 inches of snowfall and maybe 12 call outs;

2013-2014 Winter - total of 46 inches of snowfall and 32 call outs, so far.

He complimented the Police Department and Public Works Department on the tremendous job they have done.

19. **OPEN SPACE COMMITTEE**

Committeewoman Graham reported that the Open Space Committee is preparing a goals and priorities statement to present to the Township Committee.

20. **MUNICIPAL ALLIANCE**

Committeewoman Graham stated that the Municipal Alliance has an ordinance that they would like adopted regarding the authorities of the Municipal Alliance and the Youth Services Commission.

ADJOURNMENT was at 8:05 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk