

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
March 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 Graham and Madrid
Mayor Smith and Committeeman Trzaska 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. **PUBLIC COMMENT**

Deputy Mayor Sugden opened the public comment portion of the meeting. There being no public comment, Deputy Mayor Sugden closed this portion of the meeting.

5. **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 #14-3-61 - REFUND OVERPAID 2014 TAXES**

BE IT RESOLVED That a refund in the amount of \$2,408.04 be given to Trident Mortgage Company, 431 W. Lancaster Avenue, Devon, PA 19333 for the overpayment of 2014 Taxes on Block 37002 Lot 5.92.

- B. **RESOLUTION #14-3-62 - AUTHORIZING THE ADOPTION OF THE 2013 SOMERSET COUNTY MULTI-JURISDICTIONAL ALL-HAZARDS MITIGATION PLAN UPDATE**

WHEREAS, all of Somerset County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Somerset County jurisdictions and its school district with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Somerset County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Township of Montgomery:

- 1) Adopts in its entirety, the 2013 Somerset County Multi-Jurisdictional All-Hazards Mitigation Plan Update (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertains to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operation.
- 7) Will provide an update of the Plan in conjunction with the county no less than every five years.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #14-3-63 - ACCEPTING GRANT AWARD FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a \$13,500.00 grant award from the National Association of County and City Health Officials (NACCHO) for the implementation of the 2014 Developing Capacity to Deliver Chronic Disease Self-Management Program.

D. **RESOLUTION #14-3-64 - AUTHORIZATION TO BID FOR SOLID WASTE**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Township QPA Timothy Matheny to solicit and receive bids in accordance with the Local Public Contracts Law for Solid Waste Disposal.

E. **RESOLUTION #14-3-65 - AUTHORIZING THE ISSUANCE OF 2014 TOWING LICENSES**

WHEREAS, The Township has received completed towing applications for light duty licenses from Kwik Response Towing and Stewart's Towing, and completed towing applications for heavy duty licenses from Stewart's Towing, Dave's Heavy Towing, and Somerset Hills Towing to provide towing services in 2014; and

WHEREAS, The Police Department has reviewed said applications and conducted appropriate investigations pursuant to section 4A-2.2 of the Code of the Township of Montgomery (1984); and

WHEREAS, The Police Director has reviewed the results of said investigations, approved said applications, and recommended the issuance of light duty licenses to Kwik Response Towing and Stewart's Towing, and heavy duty towing licenses to Stewart's Towing, Dave's Heavy Towing, and Somerset Hills Towing.

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

1. The Township Clerk is hereby authorized to issue light duty licenses to Kwik Response Towing and Stewarts Towing for 2014.
2. The Township Clerk is hereby authorized to issue heavy duty licenses to Stewart's Towing, Dave's Heavy Towing, and Somerset Hills Towing for 2014.
3. All towing licenses are subject to the provisions set forth in Chapter IVA of the Code of the Township of Montgomery (1984), and shall expire on December 31, 2014.
4. This resolution shall take effect immediately.

F. **TOWNSHIP COMMITTEE APPOINTMENT - Zoning Board of Adjustment**

BE IT RESOLVED That Penny Brach is hereby appointed to the Zoning Board of Adjustment, Alternate II, replacing Robert Francolini, 2 year unexpired term expiring December 31, 2014.

5-1. Committeeman Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

6. **RESOLUTION #14-3-66 - RENEWAL OF MICROSOFT BULK SOFTWARE FROM NJ STATE CONTRACT**

WHEREAS, There exists a need for the renewal of Microsoft Bulk Software for the Township of Montgomery; and

WHEREAS, Said bulk software is available through a Multi-State Contract(M0003) of the State of New Jersey Purchase Bureau; and

WHEREAS, The cost of said exceeds the Township's bid threshold; and

WHEREAS, Said funds will be available over the next three years in the Capital Budget in the amount of \$24,932.22 per year starting with the 2014 Capital Budget; and

WHEREAS, The Chief Financial Officer has certified the availability of said funds in the Proposed 2014 Capital Budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery that the Purchasing Agent is hereby authorized and directed to renew the Microsoft Bulk Software from the NJ State Contract ITS42A77003 in an amount not to exceed \$74,796.66.

6-1. There was a request from Committeewoman Graham for further explanation of this resolution. Administrator Nieman explained that this was the renewal of the licenses for the Microsoft bulk software for the next three years, split per year without interest, and being purchased through State contract.

6-2. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

7. **RESOLUTION #14-3-67 - AUTHORIZING INGERMAN/MBI TO OBTAIN HMFA FINANCING OF 40 AFFORDABLE UNITS THAT ARE A COMPONENT OF THE 23 ORCHARD (HERRING) PROJECT**

WHEREAS, MBI Development Company, Inc. (hereinafter referred to as the "Sponsor") proposes to construct a 40-unit 100% affordable family housing project (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Montgomery (hereinafter referred to as the "Municipality") on a site described as Lots 5.04 and 5.05, Block 28001 as shown on the Official Assessment Map of the Township of Montgomery, Somerset County and commonly known as 23 Orchard Road, Montgomery Township, New Jersey; and

WHEREAS, the Project was approved by the Municipality's Planning Board (Case No. PB-09-12) on March 18, 2013, as memorialized by resolution of said Planning Board adopted on May 6, 2013 (hereinafter referred to as the "Resolution"),

WHEREAS, in addition to the Resolution and the Municipality's ordinances, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery (the "Committee") that:

- (1) The Committee finds and determines that the proposed Project proposed by the Sponsor meets or will meet an existing housing need; and
- (2) The Committee finds and determines that the Project proposed by the Sponsor meets or will meet all or part of the Municipality's low and moderate income housing obligation.
- (3) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

7-1. There was a request from Deputy Mayor Chris Sugden for further explanation. Attorney Hadinger explained that this resolution is necessary to facilitate the tax credits through HFMA for the 40 units at 23 Orchard Herring inclusionary project which will be low and moderate income qualifying units. This resolution states the Township recognized the project and verifies the need for the housing and is a check-off on list for HFMA in order for the developer to be eligible for tax credits.

7-2. Committeewoman Madrid moved the adoption of the resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

8. **RESOLUTION #14-3-68 - TRANSFER OF FUNDS**

WHEREAS, There is a need to transfer funds to areas where there are insufficient funds to meet the demands of the Township, and

WHEREAS, There are sufficient funds to be transferred to those accounts as stated to meet the needs of the Township.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Chief Finance Officer to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Buildings & Grounds (S&W)		\$500.00
	Buildings & Grounds (OE)	\$500.00
Police (OE)		\$10,000.00
	Fire Hydrants (OE)	\$10,000.00

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

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

9. **RESOLUTION #14-3-69 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2013 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2014 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body.

NOW, THEREFORE, BE IT RESOLVED, by confirmation of two-thirds of the full governing body, that the Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Current Fund

Committee Expenses	
Other Expenses	\$30,000.00
Finance Administration	
Other Expenses	\$10,000.00
Collection of Taxes	
Other Expense	\$2,500.00
Legal	
Other Expense	\$50,000.00
Streets and Roads Maintenance	
Other Expenses	\$50,000.00
Vehicle Maintenance	
Other Expense	\$100,000.00
Buildings and Grounds	
Other Expenses	\$20,000.00
Shade Tree	
Other Expenses	\$2,000.00
Telephone	
Other Expenses	\$20,000.00
Solid Waste	
Other Expenses	\$25,000.00
Senior Center	
Salaries & Wages	\$2,500.00

Utility Fund

Social Security	
Other Expenses	\$20,000.00
Payment NJEIT Interest	
Other Expenses	\$12,600.00
Sewer B (Stage II)	
Other Expenses	\$50,000.00
Sewer C (All Plants)	
Other Expenses	\$50,000.00

The vote on this item was postponed until the next meeting date.

10. **ORDINANCE #14-1458 - CAPITAL - Public Works Vehicle - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY APPROPRIATING \$28,400.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A USED 2001 GMC DUMP TRUCK C8500 WITH PLOW SPREADER AND LEAF BOX, AND A SKID STEER SNOW BLOWER.

B. Deputy Mayor Sugden opened the hearing to the public.

B-1. Administrator Nieman stated that this used 2001 dump truck came off a lease and that the DPW director thoroughly inspected it. He further stated that its purchase will save the Twp. approximately \$60,000 over a new purchase. There being no public comment, the public hearing was closed.

B-2. There being no further comment, Committeewoman Madrid moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.

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

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

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

11. **ORDINANCE #14-1459 - Administration of Municipal Alliance & Youth Services - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY ESTABLISHING THE MONTGOMERY/ ROCKY HILL MUNICIPAL ALLIANCE COMMITTEE AND THE MONTGOMERY/ ROCKY HILL YOUTH SERVICES COMMISSION, AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

B. Deputy Mayor Sugden opened the hearing to the public.

B-1. Attorney Hadinger, by way of background, stated that this item was basically a housekeeping matter. The Municipal Alliance and Youth Services Commission, which has been in place for a number of years, was originally founded by resolution. Somerset County, which contributes to its funding support, has requested an ordinance be passed but there is no change to the mission, purpose or organization of the Municipal Alliance.

B-2. Ken Knieser, Oak Ridge Road, inquired as to the membership lists' inclusion of a Student Assistance Coordinator and whether that is a student. Attorney Hadinger explained that this is an adult who is employed by the high school who deals with substance abuse issues of students. Mr. Knieser made the suggestion that the Municipal Alliance include a few students on the Committee. He also suggested that they be listed as members on the list. Committeewoman Graham, who serves as a liaison to the Municipal Alliance, said she would raise this suggested amendment to the ordinance with the Municipal Alliance. Attorney Hadinger stated that since the Municipal Alliance ordinance does include private citizens and its membership is broad, an amendment spelling out the allowed inclusion of students would not be a material change and that the ordinance could be so moved with this minor amendment. All members of the Twp. Committee concurred.

B-3. There being no further comment, Committeewoman Madrid moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.

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

11-1. Committeewoman Graham moved the adoption of the foregoing resolution, as amended. The motion was seconded by Committeewoman Madrid and carried on the following:

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

12. **ORDINANCE #14-1460 - Providing for 3.5% CAP - Introduction**

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

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2014 BUDGET AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S. 40A:4-45.14.

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 March 20, 2014 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

B-1. Administrator Nieman explained that this is an appropriations cap for line items in the municipal budget which exceed the State's market basket cap so that they are subject to a 3.5% total cap, but this ordinance will have no effect on the ultimate 2% cap on taxes. He stated that the Township Committee will hold a public hearing and consider moving this ordinance at the next meeting to give the municipality more flexibility in the 2014 budget.

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

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

13. **PAYMENT OF BILLS - Posted**

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

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

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

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

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

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

14. **TRANSCO**

Attorney Hadinger updated the Governing Body on the Transcontinental Pipeline right-of-way expansion project which is crossing through the southern portion of the Township.

Williams Transco continues to investigate horizontal drilling to narrow the scope of area affected, particularly near Burnt Hill Road and Rt. 518, and Cherry Hill areas and that they are optimistic about being able to do so.

The public meeting for potential diversion of green acres land for the project need is being held Tuesday, March 11th. The scope of the meeting is to discuss any impact upon Township public lands and easements.

Staff is double checking that there are no discrepancies between our records of mapped wetlands and locations being indicated by mapping from Transco.

15. **LETTER OF SUPPORT FOR PSE&G ENERGY STRONG PROGRAM**

Administrator Nieman stated that the Township Committee had previously passed a resolution in favor of the PSE&G Energy Strong Program. That being the case, he asked the Committee's informal permission to sign a letter of support on their behalf. All members concurred. Administrator Nieman stated that he would sign on the Township Committee's behalf and forward the letter to the BPU to indicate Montgomery's support.

16. **EAST MOUNTAIN ROAD IMPROVEMENT PROJECT ROAD CLOSURE**

Administrator Nieman noted that the project to straighten the sharp curve in this road has commenced and is expected to continue through June.

He also noted that this closure was the first official use of the Nixle alert system by the Montgomery Township Police.

Eric Weitse, Viburnum Drive, asked for confirmation that the sharp bend was being straightened.

17. **NEW TOWNSHIP WEBSITE**

The Administrator reported that the new website launched Friday. Its development came about as an outgrowth of Hurricane Sandy and recommendations from Montgomery's Office of Emergency Management to make website technology improvements particularly to make public safety information more accessible.

Some of the improved features include a better search function for key words, more-user friendly navigation, ease of viewing on mobile devices, and the ability to track progress of permits online. The new website platform is also easier to maintain. There is also a sign-up link for Nixle Emergency messages to the public. Nixle is a free and secure on-line software tool useful to better communicate with the public, in addition to Montgomery Ebulletins, but for Police communications only.

Deputy Mayor Sugden stated that he is familiar with website redesign in his business and that it would have cost as much as \$50,000 to redesign a website of this type and depth. He acknowledged the webmaster, Township Information Officer, Tammy Garaffa, in developing the new redesign within a fraction of that budget. Administrator Nieman asked for any feedback on the new website and welcomed any suggestions which the public might have.

18. **GOVERNMENT PUBLIC ACCESS CABLE CHANNEL SET-UP**

Administrator Nieman reported that Comcast has updated the cable interface coming into the municipal building and the new Playbox cable TV server was delivered and is being installed. There is staff training needed but Channel 29 should be up and running soon.

19. ICE SKATING PROHIBITION

Committeewoman Graham stated that she had received an email regarding children being allowed to ice skate on ponds. Some children were prohibited from skating at Mill Pond by Police. Administrator Nieman explained that this is a moving body of water and does not often freeze solid and is considered a liability by the Township's insurance carrier.

20. COMMITTEE AND SUB-COMMITTEE REPORTS

Committeewoman Madrid stated that she participated in Read Across America, reading to two classes at Village Elementary School and reported that it was a very good event.

Administrator Nieman reported that the Environmental Commission held a brief meeting and that Earth Day has been scheduled for April 27th. The Environmental Commission is applying for another ANJEC grant this year.

Deputy Mayor Sugden reported that he has met several times with CFO Sheppard and Administrator Nieman on preparing the new budget. Administrator Nieman stated that the budget was very close to completion and he anticipated its introduction by around the first meeting in April.

ADJOURNMENT was at 7:30 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