

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
February 20, 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: Mayor Rich Smith, Deputy Mayor Sugden, Committeemembers Trzaska, Graham and Madrid were present

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. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of January, 2014:

- 84 motor vehicle accidents;
- 26 arrests;
- 1 burglary;
- 7 thefts;
- 1 motor vehicle theft;
- 5 domestic violence;
- 4 criminal mischief.

5. **HEALTH EDUCATOR UPDATE - Stephanie Carey**

Health Officer Stephanie Carey updated the Governing Body on the creation of a health education position and provided a sample of the expected revenues. In the short term, this would be a temporary interim health educator position through July 1<sup>st</sup> until income streams are developed, contracts signed, and the educator is fully trained. The costs are within a planned budget of \$17,000 for the first half of the year. She stated that the bulk of the funding will be covered by the Branchburg shared services contract. She is proposing a 32 hour full-time work week with some evening and weekend hours, which may go up to 40 hours if warranted. This position has self-funding potential which will increase the quality of health services and increase positive impact of services. Several shared services would be in place beyond the current ones, including regional partners in Mercer and Somerset, which would cover costs for the second year. By the third six-month period, there would be enough shared service contracts in place to cover the entire cost.

Ms. Carey stated this position will also be an essential emergency service for getting accurate messages out to the public. She explained that the Central Jersey Health Insurance Fund wants Montgomery to be the model to develop wellness programs which can be used in other towns, and expects this will save significant costs throughout the entire risk pool of several towns and ultimately drive down premiums.

In response to Mayor Smith's question about the Branchburg contract, Ms. Carey explained that Branchburg has signed on for a 3 year contract and West Windsor is interested in starting in July on the basis of meeting with the new health educator.

Deputy Mayor Sugden asked about additional towns signing up. Ms. Carey stated that going forward there will be many towns seeking these services based on the aging workforce.

Committeewoman Graham inquired about Somerset County's decision to stop providing health education services. Ms. Carey confirmed that the regional emergency health education position has been eliminated by the County and there is great concern about the future lack of services and information in the event of a major emergency.

Mayor Smith asked how quickly the position would be put in place. Ms. Carey stated that she has a contractual obligation to get the part-time position filled right away. The full-time position would start July 1<sup>st</sup>.

6. **PUBLIC COMMENT**

- 6-1. Scott Meister, 80 Fairview Road, stated he recently moved into Montgomery Township a year ago and has found all the Township employees to be friendly, helpful, and efficient which reflects good leadership. He commented on the Energy Aggregation Program which began in December. He missed the early notices about the program going into effect and found out about the switch by getting an unusually high electric bill. He found the switch invasive and he was not happy with the Township making this decision for him. He felt it should have been an opt-in instead of an opt-out process.

Mayor Smith explained that the motivation was to allow residents to save on their electric bills, approximately \$120 over two years on average.

Committeeman Trzaska explained that the opt-out approach is required by the State with all community energy aggregation programs.

6-2. George Stafford, Outreach Director for the New Jersey Highlands Coalition, stated that many towns have been passing resolutions of continuing support for the goals and purposes of the 2004 Highlands Water Protection and Planning Act and asked the Township Committee to consider passing a resolution urging the Legislature to implement a water usage tax. He distributed information for them to review.

7. **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 #14-2-50 - REFUND OVERPAID 2012 TAXES**

BE IT RESOLVED That a refund in the amount of \$3,732.59 be given to Fierro, Beth Ann Martin Prevost, 67 Rutland Road, Belle Mead, NJ 08502 for the overpayment of 2012 Taxes on Block 17008 Lot 1.02.

B. **RESOLUTION #14-2-51 - EXTENSION OF TIME TO COMPLETE IMPROVEMENTS - Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on February 7, 2014 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

<u>Development</u>	<u>New Completion Date</u>
Princeton N. Shopping Center, SW Benjamin Blvd.	May 20, 2015
Tapestry at Montgomery, Phase 1B-1 Site w/o Force Main & Pump Station	June 30, 2015
Tapestry at Montgomery, Phase 1B-2 Site w/o Force Main & Pump Station	June 13, 2015
Tapestry at Montgomery, Phase 1B-3 Site w/o Force Main & Pump Station	May 20, 2015
Waldorf School of Princeton, Phases 1 & 2 Build & Pathway	May 13, 2015
3M Storm Water Management System	March 17, 2015
Bedens Brook Valley, Landscaping, Lot 11.06 Cummings	March 20, 2015
Pleasant View Road Improvements	April 16, 2015
Princeton Airport, Hangar #4, Phase 1	April 20, 2015
Tapestry at Montgomery, Phase 1B-4 Site w/o Force Main & Pump Station	August 4, 2014
Blawenburg Village, Yardville National Bank	August 31, 2014
Montgomery Promenade, Temporary Parking	June 20, 2015
Tapestry at Montgomery, Temporary Trailer, Restoration Bond	November 14, 2014
Handler Estates	December 31, 2014
S.A.V.E. Animal Shelter	April 10, 2015
	November 14, 2014

C. **RESOLUTION #14-2-52 - AUTHORIZATION TO EXECUTE A RIGHT OF WAY AGREEMENT BETWEEN MONTGOMERY TOWNSHIP AND FIBER TECHNOLOGIES NETWORKS, L.L.C.**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a right-of-way agreement between Montgomery Township and Fiber Technologies Networks to permit the installation, use and maintenance of telecommunications facilities within public rights-of-way for purposes of providing telecommunications services.

D. **RESOLUTION #14-2-53 - AMENDING RESOLUTION #12-2-55 AWARDED A COMPETITIVE CONTRACT FOR LABORATORY TESTING SERVICES - Bioassay Testing**

WHEREAS, Resolution #12-2-55 adopted on February 2, 2012 awarded a competitive contract for laboratory testing services for bioassay testing; and

WHEREAS, Said resolution incorrectly stated the amount of the contract was not to exceed \$11,715.00 for three years.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township Committee hereby approves the amended resolution to reflect a not to exceed amount of \$11,715.00 per year for each of the three years.

E. **RESOLUTION #14-2-54 - AMENDING RESOLUTION #12-2-56 AWARDED A COMPETITIVE CONTRACT FOR LABORATORY TESTING SERVICES - Chemical Testing**

WHEREAS, Resolution #12-2-56 adopted on February 2, 2012 awarded a competitive contract for laboratory testing services for chemical testing; and

WHEREAS, Said resolution incorrectly stated the amount of the contract was not to exceed \$34,508.00 for three years.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township Committee hereby approves the amended resolution to reflect a not to exceed amount of \$34,508.00 per year for each of the three years.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #14-2-55 - INCREASING BID AND QUOTE THRESHOLD**

WHEREAS, The recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$36,000.00 and quote threshold to \$5400.00; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Timothy L. Matheny possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, The Township of Montgomery desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, in the County of Somerset, in the State of New Jersey hereby increases its bid threshold to \$36,000.00 and quote threshold to \$5400.00; and

BE IT FURTHER RESOLVED That on February 6, 2014, the Montgomery Township Committee appointed Timothy L. Matheny as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of Montgomery Township; and

BE IT FURTHER RESOLVED That in accordance with N.J.A.C. 5:34-5.2 the Township Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Timothy L. Matheny's certification to the Director of the Division of Local Government Services.

G. **RESOLUTION #14-2-56 - APPROVAL OF FIREWORKS - Bedens Brook Club**

BE IT RESOLVED That authorization is granted for the Bedens Brook Club to conduct a fireworks display on June 27, 2014 (rain date - June 28, 2014) at the Bedens Brook Club Golf Course/Range. Approvals have been granted by the Police Department and Fire Protection Inspector Roy Mondri.

H. **RESOLUTION #14-2-57 - RELEASE OF MAINTENANCE BOND - Bedens Brook Valley**

WHEREAS, Gail Smith, Township Engineer, has certified on February 12, 2014 that all public improvements in a project known as Bedens Brook Valley have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Maintenance Bond in the amount of \$16,623.90 (cash) be released to Esther Fried, 378 18<sup>th</sup> Street, Chetek, WI 54728.

7-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Sugden and carried on the following:

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

8. **RESOLUTION #14-2-58 - AWARD OF BID - Fleet Maintenance Service**

WHEREAS, The following bids for Fleet Management & Maintenance Service were received and publicly opened on February 14, 2014:

<u>BIDDER</u>	<u>AMOUNT</u>
First Vehicle Services Company, Inc.	\$630,010.70

WHEREAS, It is the recommendation of the Purchasing Agent and the Superintendent of Public Works that First Group America Company, Inc. be awarded the bid; they being the lowest responsible bidder; and

WHEREAS, It is the intent of the Township of Montgomery to enter a 12 month contract with 4 (four) one year extension options; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk; and

WHEREAS, There exists an account 01-201-26-315-2-056 which will fund this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the one year contract for the Fleet Management & Maintenance Service is hereby awarded to First Vehicle Services Company, Inc., 600 Vine St., Suite 1400, Cincinnati, OH 45202 in the amount of \$630,010.70 for March 1, 2014 through February 28, 2015; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign said contracts.

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

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

9. **RESOLUTION #14-2-59 - 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>
Sewer C - All Plants - Salaries (S&W)		\$15,000.00
Sewer C - All Plants - Budget Adjustments (OE)		\$10,000.00
	Sewer E - Pike Brook-Electricity (OE)	\$23,000.00
	Sewer F - Cherry Valley-Electricity (OE)	\$ 2,000.00

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

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

10. **RESOLUTION #14-2-60 - 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		
Employee Group Insurance		
Other Expenses	\$675,000.00	
Workers Compensation Insurance		
Other Expenses	\$70,500.00	
Liability Insurance		
Other Expenses	\$182,900.00	
Long Term Disability		
Other Expenses	\$20,000.00	
Streets and Roads Maintenance		
Salary and Wages	\$150,000.00	
Other Expenses	\$200,000.00	
Vehicle Maintenance		
Other Expenses	\$50,000.00	
Uniform Construction Code		
Salary and Wages	\$20,000.00	
Other Expenses	\$5,000.00	
Pre School		
Other Expenses	\$25,000.00	
Gasoline		
Other Expenses	\$75,000.00	
PFRS		
Other Expenses	\$681,806.00	
PERS		
Other Expenses	\$615,625.00	
Social Security		
Other Expenses	\$100,000.00	
Green Acres Loan Payment		
Other Expenses	\$150,000.00	
Utility Fund		
Liability Insurance		
Other Expenses	\$85,000.00	
Workers Compensation Insurance		
Other Expenses	\$30,000.00	
Employee Group Insurance		
Other Expenses	\$100,000.00	
Long Term Disability		
Other Expenses	\$4,000.00	
PERS		
Other Expenses	\$91,065.00	

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

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

11. **ORDINANCE #14-1458 - CAPITAL - Public Works Vehicle - Introduction**

A. Mayor Smith 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. 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 6, 2014 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

12. **ORDINANCE #14-1459 - Administration of Municipal Alliance & Youth Services - Introduction**

A. Mayor Smith 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. 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 6, 2014 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. **APPROVAL OF MINUTES - February 6, 2014**

The minutes of February 6, 2014 were approved as printed.

14. **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.

14-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Sugden and carried on the following:

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

15. **TRANSCO UPDATE**

Attorney Hadinger stated that Transco is going to update the Township next week on the status of its evaluation of the potential for doing a horizontal drill. They are trying to set up a meeting on February 26 with representatives of Transco; Clem Fiori, Township Open Space Committee Chair; Lauren Wasilauski, Township Open Space Coordinator; Lori Savron, Township Planning Director; and Gail Smith, Township Engineer.

16. **DEER CULLING**

Mayor Smith expressed his concern about the number of dead deer on the roadways and mentioned the fatal accident that occurred on Route 206 involving a deer. He suggested that the Township look into the possibility of hiring a company to come in and cull the deer.

Administrator Nieman gave some details of Princeton's program and stated that he would forward more information to the Township Committee. He cautioned that this would be a long term commitment, otherwise such a program would not work.

17. **NATIONAL SPECIAL OLYMPICS**

Mayor Smith reported that New Jersey Special Olympics contacted him to report that the National Special Olympics will be taking place in New Jersey in June, 2014. They would like to use Skillman Park for one of the events. He forwarded the request to the Somerset County Freeholders and they approved the use.

**ADJOURNMENT** was at 8:10 p.m. on a motion by Committeewoman Graham. The motion was seconded by Deputy Mayor Sugden and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk