

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
May 1, 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 Smith, Deputy Mayor Sugden, Committeemembers Trzaska and Madrid  
Committeewoman Graham 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. Mayor Smith 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. Mayor Smith led the Salute to the Flag.

4. **PUBLIC COMMENT**

- 4-1. Walt Beadling, Thornton Way, remarked on the budget that was presented at the April 17 meeting. He stated that the Township Committee liked to say that they kept spending at 2005 levels, the problem with that is that the tax rate has gone up over that period of time by approximately 44.78%. The year-to-year growth was about 5%. He offered the following example: A single-family home assessed at \$482,700.00 in 2005 when the municipal tax rate was .225% had a tax amount of \$1,086.00 per year. In 2013 that same home at the same assessment was at .32% and had a tax amount at \$1,544.00. Committeeman Trzaska stated that most of the major municipal tax increases were in 2006, 2007 and 2008. Mayor Smith briefly explained the Township's budget process.

Mr. Beadling asked about revenue enhancing ideas. Mayor Smith stated that he would like to see more businesses and retail. There are a few residential areas being developed. Committeeman Trzaska explained that some of the retail areas would also be mixed use, with some residential.

- 4-2. Bill Randolph, Boulder Brook Court, spoke about the budget and rising taxes. He asked if the Township Committee realized that the "Town Center" idea for the Route 206 corridor was a bad idea. Committee concurred that they know it could not happen. Mr. Randolph suggested that Montgomery look at Warren, Berkley Heights and Chatham. He stated that those towns widened the intersection to alleviate their traffic issues. Mr. Sugden stated that part of the problem is Route 206. He declared that the Governing Bodies of years gone by made a huge mistake by not allowing the State to widen the road which is a big part of the problem regarding the current vacancies of businesses. It is too hard for people to get to and around in Montgomery. He suggested that the Township work with the New Jersey Department of Transportation to widen the intersection of Routes 206 and 518. Administrator Nieman replied that over the years, the NJDOT has wanted to widen that intersection but the Township and the property owners were against it. He also stated that there has not been a community consensus about the widening of Route 206.

Mr. Randolph stated his displeasure about taxes and how the Township needs to do something because the residents are being overtaxed. He suggested putting the Township's consultants out to bid to bring some of the costs down.

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 #14-5-101 - REFUND OVERPAID 2012, 2013 AND 2014 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2012, 2013 and 2014 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
7009	9	Robert & Therese High	2012	\$2,866.45
28003	123	Golden Title, LLC	2014	\$1,060.50
31007	56	Lobna F. El Bakry	2013	\$1,900.00

B. **RESOLUTION #14-5-102 - ACCEPTANCE OF DONATIONS - Earth Day Fair 2014 - 1<sup>st</sup> Constitution Bank and Rocky Hill Cleaners**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donations for the Earth Day Fair.

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
1 <sup>st</sup> Constitution Bank	\$250.00	94361
Rocky Hill Cleaners Inc.	\$200.00	1949

(CONSENT AGENDA Cont.)

C. **RESOLUTION #14-5-103 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - Princeton Elks, Lodge #2129**

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BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Princeton Elks, Lodge #2129 has requested approval of the Township Committee to conduct an Outdoor Assembly for a special Children's Fundraiser at the Princeton Elks Lodge, 354 Route 518, Skillman, NJ 08558 on May 17, 2014.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
  - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
  - (c) The Montgomery Township Construction Department, Fire Prevention Department and Health Department have reviewed and approved the application and have no objection.
  - (d) Approval of this event is pending clearance by the Police Department regarding parking facilities, traffic plan and safety considerations.

D. **RESOLUTION #14-5-104 - AUTHORIZING RENEWAL OF A COMPETITIVE CONTRACT FOR LABORATORY TESTING SERVICES - Bioassay Testing**

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WHEREAS, Resolution #12-2-55 adopted on February 2, 2012 awarded a 3 year competitive contract to New Jersey Analytical Labs for laboratory testing services for bioassay testing.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township Committee hereby approves the renewal of said contract to February 2, 2015.

E. **RESOLUTION #14-5-105 - AUTHORIZING RENEWAL OF A COMPETITIVE CONTRACT FOR LABORATORY TESTING SERVICES - Chemical Testing**

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WHEREAS, Resolution #12-2-56 adopted on February 2, 2012 awarded a 3 year competitive contract to New Jersey Analytical Labs for laboratory testing services for chemical testing.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township Committee hereby approves the renewal of said contract to February 2, 2015.

5-1. 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, Trzaska, Sugden, Smith  
Nays - None  
Absent - Graham

6. **RESOLUTION #14-5-106 - RESOLUTION OF CONCLUSION OF CLUB LICENSE #1813-31-008-001 - Cherry Valley Hospitality, Inc.**

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WHEREAS, On June 19, 2003, the Montgomery Township Committee authorized the issuance of a new Club License to Cherry Valley Hospitality, Inc. for the Cherry Valley County Club; and

WHEREAS, The Division of Alcoholic Beverage Control approved the license issuance and assigned License #1813-31-008-001 to Cherry Valley Hospitality, Inc.; and

WHEREAS, The Cherry Valley Country Club was purchased by Club Corp. NV I, LLC and that entity applied for a new Plenary Retail Consumption License; and

WHEREAS, On September 19, 2013, the Montgomery Township Committee authorized the issuance on a new plenary retail consumption license to Club Corp. NV I, LLC; and

WHEREAS, The Division of Alcoholic Beverage Control approved the license issuance and assigned License #1813-33-013-001 to Club Corp. NV I, LLC; and

WHEREAS, Cherry Valley Hospitality is no longer operating as a Club in Montgomery Township.

NOW, THEREFORE BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the conclusion of Club License #1813-31-008-001 previously issued to Cherry Valley Hospitality, Inc.

6-1. Committeeman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

7. **RESOLUTION #14-5-107 - RESOLUTION TO AFFIRM THE TOWNSHIP OF MONTGOMERY'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

WHEREAS, It is the policy of the Township of Montgomery to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations, including but not limited to, the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, as all may be amended from time to time; and

WHEREAS, The Township Committee of the Township of Montgomery has determined that certain procedures need to be established to accomplish this policy.

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

1. No official, employee, appointee or volunteer of the Township of Montgomery by whatever title known, or any entity that is in any way a part of the Township, shall engage, either directly or indirectly in any act (including the failure to act) that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer or entity is engaged in Township business, acting on behalf of the Township or using the Township's facilities or property.
2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to, any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.
3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
4. The Township Committee has established written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.
5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.
6. The Township Committee has established written procedures that require all officials, employees, appointees and volunteers of the Township, as well as all other entities subject to this resolution, to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.
7. The Township Administrator, or his/her designee, has established a system to monitor compliance and shall report at least annually to the Township Committee the results of the monitoring.
8. At least annually, the Township Administrator, or his/her designee, shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the Township Committee expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.
9. This resolution shall take effect immediately.
10. A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

7-1. 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, Trzaska, Sugden, Smith  
Nays - None  
Absent - Graham

8. **RESOLUTION #14-5-108 - 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 temporary emergency 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 Financial Officer is authorized to increase the temporary emergency appropriations as follows:

Current Fund

Rescue Squad	
Other Expenses	\$10,000.00

8-1. 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, Trzaska, Sugden, Smith  
Nays - None  
Absent - Graham

9. **ORDINANCE #14-1462 - Montgomery Veterans Memorial - Public Hearing**

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

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

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 1<sup>st</sup> day of May, 2014 and that notice thereof be published in an official newspaper as required by law.

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

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

10. **ORDINANCE #14-1463 - Kid Connection-Fees - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY INCREASING LATE FEES FOR KID CONNECTION PROGRAMS AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 1<sup>st</sup> day of May, 2014 and that notice thereof be published in an official newspaper as required by law.

10-1. 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, Trzaska, Sugden, Smith  
Nays - None  
Absent - Graham

11. ORDINANCE #14-1464 - Construction Code Fees - Public Hearing

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

AN ORDINANCE AMENDING SUBSECTION 8-1.3, "SCHEDULE OF FEES," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH NEW FEES FOR UNIFORM CONSTRUCTION CODE PERMITS

B. Mayor Smith 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 Madrid and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 1<sup>st</sup> day of May, 2014 and that notice thereof be published in an official newspaper as required by law.

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

12. ORDINANCE #14-1465 - Traffic Regulations on Private Property - Tapestry at Montgomery - Introduction

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

AN ORDINANCE AMENDING SCHEDULE XXI, TRAFFIC REGULATIONS ON PRIVATE PROPERTY, OF CHAPTER VII, TRAFFIC, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD THE PRIVATE PROPERTY OF THE TAPESTRY AT MONTGOMERY DEVELOPMENT.

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 May 15, 2014 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

12-1. 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, Trzaska, Sugden, Smith  
Nays - None  
Absent - Graham

13. APPROVAL OF MINUTES - April 3, 2014 and April 17, 2014

The minutes of April 3, 2014 and April 17, 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. Deputy Mayor Sugden moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

15. **EARTH DAY**

Deputy Mayor Sugden reported that the Earth Day event held on April 27 at Montgomery High School was a great success.

16. **ECONOMIC DEVELOPMENT COMMISSION**

Mayor Smith reported that the current Economic Development Commission Chairman, Dan O'Kavage, stepped down and the Commission is looking for a replacement. They have appointed Todd Royer as the Interim Chairman.

17. **SHRED DAY**

Township Clerk Kukla reminded the Township Committee that Shred Day was on May 17 at Fire House on Belle Mead-Griggstown Road from 9:00 a.m. to 1:00 p.m.

18. **ROAD CLOSINGS**

Administrator Nieman reported that several roads were closed due to flooding. He reminded people to observe the "Road Closed" signs and to sign up for Nixle alerts on their emails and/or cell phones.

**ADJOURNMENT** was at 7:47 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Deputy Mayor Sugden and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk