

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 17, 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, Committeemembers Trzaska, Graham and Madrid
Deputy Mayor Sugden 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. **GREEN AVENUE BIKE LANE AND CHERRY VALLEY ROAD IMPROVEMENT PROJECT UPDATE**

Township Engineer Gail Smith reported on the bike lanes on Green Avenue from Township Line Road to Staats Farm Road. There were existing bike lanes on the road which were not compliant with current standards. With the Township's overlay project, they should be brought up to compliance for safety reasons. She asked the Open Space Committee for their recommendations. She presented them with a number of options, all of which would be compliant with current standards. The Open Space Committee's recommendation was the plan similar to what exists in Blawenburg, consisting of a single edged line with a bicycle symbol at periodic distances and no parking signs on very block. This would be on both sides of the road. Currently there is a single bike lane with no parking on only one side of the road. She stated that the other options included parking on Green Avenue, which she did not feel was necessary. It was the consensus of the Governing Body to go with the Open Space Committee recommendation. She updated the Township Committee on the progress of the Green Avenue overlay project and stated that it was about ready to go out for bid. The plans and specs were being reviewed by the New Jersey Department of Transportation.

Township Engineer Gail Smith updated the Township Committee on the Cherry Valley Road Improvement Project, consisting of the reconstruction of Cherry Valley Road from Jefferson's Curve up to and just beyond the intersection with Cherry Hill Road. Montgomery was working on this project with Princeton, sharing all of the costs 50/50. Princeton is doing the design work in-house. There were preliminary designs plans presented at a neighborhood meeting to introduce the residents to the project. She explained that this project has certain particular challenges with the environmental constraints, the amount of wetlands, particularly on the Princeton side, Green Acres preserved land on the west end, and utilities. There was also an issue with staying within the right of way boundaries, again on the Princeton side. She stated that she and representatives from Princeton met with New Jersey Department of Environmental Protection and the Delaware and Raritan Canal Commission, and there is a game plan in place for the permitting issues and Stormwater Management issues.

5. **POLICE REPORT**

Police Deputy Director Curry reported on the following activities of the Police Department for the month of June, 2014:

-- 43 motor vehicle accidents;
-- 21 arrests;
-- 1 burglary;
-- 19 thefts;
-- 3 motor vehicle thefts;
-- 2 criminal mischief;
-- 4 domestic violence.

Administrator Nieman commended the Police Department, Recreation Department, Fireworks Committee and the Department of Public Works on the effort put forth in making the 4th of July fireworks event such a success.

6. **PUBLIC COMMENT**

- 6-1. Ewa Zak, Griggstown Road, asked about Item D on the Consent Agenda authorizing the rental and servicing of portable toilets. Attorney Hadinger explained that the contract was being awarded through a State contract. The State of New Jersey went out competitively to receive bids so that other subdivisions of the State, Counties, and municipalities may avail themselves of the contract without formal bidding, because it has already been bid by the State of New Jersey and has passed muster in terms of all requirements. Ms. Zak expressed her concern about the physical appearance of these toilets and the location of the portable toilets by the concession stand at Montgomery Park and the Arboretum. Mayor Smith requested that Recreation Director Karen Zimmerman and Parks Foreman John Snyder look at the location of these toilets and decide where they should be placed. She spoke about using a composting toilet similar to the ones used by Somerset County.

(Item #6-1 Cont.)

Clem Fiori, Open Space Committee Chair, stated that there was one of these same types of portable toilets in Hobler Park. He thought it was great in that area, but agreed with Ms. Zak about the unsightly appearance and color of the unit.

- 6-2. Liz Palius, Millstone Valley Preservation Coalition representative, stated that the Coalition had sent the Township a letter asking that representatives who can speak for the Township at an advisory group be appointed to the Coalition. Administrator Nieman stated that there were questions regarding the Byway itself and its management. Ms. Palius explained that the partners in the Byway were: Montgomery Township, Hillsborough Township, Franklin Township, Rocky Hill Borough, Millstone Borough, New Jersey Department of Environmental Protection, New Jersey Department of Transportation, Somerset County, Middlesex County, Mercer County, the Delaware and Raritan Canal Commission, and the New Jersey Division of Parks and Forestry. She explained that what was being set up now was a committee which would include members from each of the partners to plan the future of the Byway. She stated that some of the issues that face the Byway are safety, historic preservation and Stormwater management, and she hoped that this committee could come up with some viable solutions to these issues. She hoped that some of the items that could be addressed are the reduction of speed limits, limiting truck traffic, installing bicycle lanes and other such concerns. She gave a brief history of truck traffic on River Road.

Clem Fiori, Open Space Committee Chair, spoke about bicycling along River Road and the hazards that bicyclists face. He also spoke about limiting truck traffic on that road.

- 6-3. Heide Schoenfeld, Hollow Road, spoke about the closing of Lenape Swim Club and asked if the Township would meet with members of the community to work on getting the club reopened. Mayor Smith stated that in 2012 trustees for the swim club came before the Governing Body stating that they were having trouble with membership numbers and funding. They had been working with the Township to reduce payments for some time, and then finally polled the membership to determine how many members wanted to stay. It turned out that a small number were willing to stay. He stated that the Township could not afford to pay for all of the repairs and upgrades that were needed to run the club. Administrator Nieman explained that if the Township were to operate the club, they would have to do millions of dollars' worth of repairs and upgrades to bring the club up to code. He stated that the club would have to be gutted and rebuilt and the Township was not interested in getting into the "pool business" because of insurance liability. He explained that if another organization wanted to try to enter into a lease agreement with the Township to repair and open the swim club, he felt the Governing Body would be amenable to that, but the municipality does not have any interest in operating a swim club.
- 6-4. Michael Galasso, Campmeeting Avenue, spoke about the repaving of Campmeeting Avenue from the bridge to Hollow Road and asked about the progress of the bridge. Administrator Nieman explained that the repaving would be put in the 2015 budget. The bridge was a State project and preliminary plans were designed, but there was no money to go further.
- 6-5. Dan Smith, Campmeeting Avenue, reiterated Mr. Galasso's concerns about Campmeeting Avenue and added that Hollow Road between Campmeeting Avenue and the railroad crossing was not safe. Administrator Nieman explained that Hollow Road road work would be out to bid in the near future.

Mr. Smith explained that he was against the limiting of trucks on roads and cautioned the Township Committee about it.

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 #14-7-161 - DONATION OF FOOD AND SUPPLIES** - The Wellness Champions to
Township of Montgomery

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation by Richard Loniewski of the Wellness Champions of food and supplies to support the Employee Wellness Program, valued at approximately \$300.00.

- B. **RESOLUTION #14-7-162 - TEMPORARY ROAD CLOSING** - Block Party - Knickerbocker Drive

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of a portion of Knickerbocker Drive (between the stream and the intersection of Knickerbocker Drive and Willow Run Road) to accommodate a neighborhood block party scheduled for September 6, 2014 from approximately 4:00 p.m. - 9:00 p.m. (raindate - Saturday September 13, 2014). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #14-7-163 - AUTHORIZING RENEWAL OF A CONTRACT FOR ELECTRICAL REPAIR SERVICES - AMEC Electric, LLC.**

WHEREAS, Resolution #13-3-84 adopted on March 21, 2013 awarded a 12 month contract to AMEC Electric, LLC for electrical repair services for Montgomery Township municipal facilities; and

WHEREAS, Said contract was subject to an extension of an additional 12 months if mutually agreed to by the Township and the vendor; and

WHEREAS, It is the desire of the Township Committee to extend the contract for an additional 12 months.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township Committee hereby approves the renewal of said contract to March 21, 2015.

D. **RESOLUTION #14-7-164 - AUTHORIZING RENTAL OF PORTABLE TOILETS AND SERVICING THROUGH THE NEW JERSEY STATE CONTRACT - ARF Rental Services, Inc.**

WHEREAS, Exemptions from competitive bidding are allowed for items/services purchased through New Jersey State Contract per N.J.S.A.40A:11-12; and

WHEREAS, The Township of Montgomery has determined the following State Contract identifier 1NJCP Contract #86580 has provided the Township with the most competitive price for these items/services; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 01-201-28-375-2-095.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the following rental of Portable Toilets and Servicing at a not to exceed amount of \$8,000.00 per year, from August 2014 through July 2015, be authorized through the utilization of New Jersey State Contract to:

ARF Rental Services, Inc.
1429 Walnut Street
Philadelphia, PA 19102

E. **RESOLUTION #14-7-165 - RELEASE OF MAINTENANCE GUARANTEE - Gibraltar Rock of Belle Mead - Entrance Improvements**

WHEREAS, Gail Smith, Township Engineer, has certified on July 10, 2014 that all public improvements in a project known as Gibraltar Rock of Belle Mead - Entrance Improvements 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 \$9,332.55 (cash) be released to Constructural Dynamics, Inc. (Gibraltar Rock, Inc.) 355 Newbold Road, Fairless Hills, PA 19030.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

F. **RESOLUTION #14-7-166 - RELEASE OF MAINTENANCE GUARANTEE - Planter's View**

WHEREAS, Gail Smith, Township Engineer, has certified on July 1, 2014 that all public improvements in a project known as Planter's View 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 \$86,040.00 (Bond #3UQ693307-00-A) be released to Thompson Realty Company of Princeton, Inc., 195 Nassau Street, Princeton, NJ 08540.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

G. **RESOLUTION #14-7-167 - RELEASE OF MAINTENANCE GUARANTEE - Princeton North Shopping Center Site Improvements**

WHEREAS, Gail Smith, Township Engineer, has certified on July 7, 2014 that all public improvements in a project known as Princeton North Shopping Center Site Improvements 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 \$9,313.97 (LOC #895-SB) be released to Princeton North Realty Associates, 19 Franklin Street, Tenafly, NJ 07670.

BE IT FURTHER RESOLVED That the release of the Maintenance Bond shall be conditioned upon the posting of adequate escrow funds.

(CONSENT AGENDA Cont.)

H. MAYORAL APPOINTMENT WITH TOWNSHIP COMMITTEE CONSENT - Agricultural Advisory Committee

BE IT RESOLVED That Penny Pariso is hereby appointed to the Agricultural Advisory Committee, replacing Carolyn Phinney, 3 year unexpired term expiring December 31, 2014

I. TOWNSHIP COMMITTEE APPOINTMENT - Emergency Management

BE IT RESOLVED That Andrew Armington is hereby appointed Emergency Management Deputy Coordinator, replacing Jeffrey Goldberg, 1 year unexpired term expiring December 31, 2014.

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

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

8. RESOLUTION #14-7-168 - NOTICE OF INTENT TO AWARD CONTRACT UNDER A NATIONAL COOPERATIVE PURCHASING AGREEMENT - National Joint Powers Agreement - Bobcat T870

WHEREAS, The Township of Montgomery intends to participate in the National Joint Powers Alliance contract for a Bobcat T870 Contract #060311-CEC; and

WHEREAS, National Joint Powers Alliance awarded a contract for the period of July 19, 2013 through July 19, 2015; and

WHEREAS, Information regarding the contract may be found at the Township of Montgomery Purchasing Department during regular business hours, as well as on the National Joint Powers Alliance website at: <http://www.njpacoop.org/national-cooperative-contract-solutions/heavy-utility-equipment/060311-cec1/>; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project in Account Number 04-216-55-901- -1472E.

NOW, THEREFORE, BE IT RESOLVED That it is the intent of the Committee for the Township of Montgomery to award a contract to:

Bobcat of Central Jersey
45 Route 22 East
Green Brook, NJ 08812

BE IT FURTHER RESOLVED That this contract shall take affect should no written comments be received on or before 10 days after the Publication of "Notice of Intent to Award".

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

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

9. RESOLUTION #14-7-169 - AWARD OF BID - Collection and Disposal of Solid Waste from Various Montgomery Township Facilities

WHEREAS, The following bids for the Collection and Disposal of Solid Waste from Various Montgomery Township Facilities were received and publicly opened on July 8, 2014:

<u>BIDDERS</u>	<u>AMOUNT</u>
Premier Disposal	\$198,072.00
Republic Services	\$198,840.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Superintendent of Public Works that Premier Disposal be awarded the bid; they being the lowest responsible bidder; 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 three accounts 01-201-28-372-2-014 (Kid Connection); 01-201-32-465-2-069 (Parks, 2261 Route 206, and PW Facility); and 07-201-55-544-2-095 (Treatment Facilities) which will fund this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the three-year contract for the Collection and Disposal of Solid Waste from Various Montgomery Township Facilities is hereby awarded to Premier Disposal, 2026 Route 31, Suite 2, Glen Gardner, NJ 08826 in the amount of \$198,072.00; and

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

9-1. 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, Smith
Nays - None
Absent - Sugden

10. **RESOLUTION #14-7-170 - AWARD OF BID - Dutchtown-Zion Road and Sunset Road Overlay Project**

WHEREAS, The following bids for the Dutchtown-Zion Road and Sunset Road Overlay Project were received and publicly opened on July 11, 2014:

<u>BIDDERS</u>	<u>AMOUNT</u>
Black Rock Enterprises, LLC	\$238,808.20
DeSantis Contracting, Inc.	\$200,821.72
Top Line Construction	\$195,870.74

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Engineer that Top Line Construction be awarded the bid; they being the lowest responsible bidder; 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 #04-216-55-901-1472E which will fund this project.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Dutchtown-Zion Road and Sunset Road Overlay Project is hereby awarded to Top Line Construction, 22 Fifth Street, Somerville, NJ 08876 in the amount of \$195,870.74; and

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

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

11. **RESOLUTION #14-7-171 - CHANGE ORDER #1 (Decrease) - East Mountain Road Improvement Project - Black Rock Enterprises, LLC**

WHEREAS, On October 17, 2013, a contract for the East Mountain Road Improvement Project was awarded to Black Rock Enterprises, LLC for \$748,696.34; and

WHEREAS, The Township Engineer has requested the Committee's approval of a change order in connection with completion of the above project; and

WHEREAS, The changes outlined in Change Order No. 1 are due to changes in quantity adjustments and cost for the project; and

WHEREAS, The work comprising Change Order #1 will result in a net decrease in the original contract amount by \$13,378.61 or -1.8%; and

WHEREAS, The Township Administrator has recommended approval of the Change Order.

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

1. Change Order #1 is hereby approved.
2. This Resolution, when counter-signed by Black Rock Enterprises, LLC, shall serve as a contract amendment to the original contract for the purpose of decreasing the total contract price by \$13,378.61 for a total contract amount of \$735,317.73.

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

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

12. **RESOLUTION #14-7-172 - ENDORSING THE PRE-APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR THE DIVERSION OF PARKLAND**

WHEREAS, Transcontinental Gas Pipe Line Company, LLC ("Transco") has applied to the Federal Energy Regulatory Commission (the "FERC") for the approval to construct and operate a new underground natural gas pipeline as part of its Leidy Southeast Project (hereinafter the "Project"), which will be adjacent to a portion of Transco's existing natural gas pipelines; and

WHEREAS, The proposed Project impacts two parcels of land owned in fee by the Township of Montgomery ("Township"), located at Block 27001, Lot 6 and Block 15001, Lot 26 in the Township of Montgomery, County of Somerset; and portions of the property in question are encumbered with restrictions against disposal or diversion from recreation and conservation uses in accordance with the New Jersey Department of Environmental Protection, Green Acres Program, rules and regulations (N.J.S.A. 13:8A-1 et seq. and N.J.A.C. 7:36-1.1 et seq.); and

(Item #12 Cont.)

WHEREAS, The proposed Project will also impact nine parcels across which the Township holds conservation easements, located at Block 33001, Lot 26.02, owned by PRL Cherry Valley, LLC; Block 33001, Lot 26.01, owned by WBT Mountainview, LLC; Block 33001, Lot 28.02, owned by Waldorf School Association of Princeton; Block 33001, Lots 21 and 18, owned by Robert and Caroline Phinney; Block 26001, Lot 1.02, owned by Princeton Show Jumping, LLC; Block 16002, Lot 9.01, owned by East Country Estate Home Owners Association; and Block 4001, Lot 10.03, owned by Theodore H. Pedersen; and portions of these properties are encumbered with restrictions against disposal or diversion from recreation and conservation uses in accordance with the New Jersey Department of Environmental Protection, Green Acres Program, rules and regulations (N.J.S.A. 13:8A-1 et seq. and N.J.A.C. 7:36-1.1 et seq.); and

WHEREAS, In conjunction with the proposed Project, it is necessary to remove the Green Acres restrictions from approximately 1.444 acres of Block 33001, Lot 26.02; 0.507 acres of Block 33001, Lot 26.01; 0.093 acres of Block 33001, Lot 28.02; 0.294 acres of Block 33001, Lot 21; 0.118 acres of Block 33001, Lot 18; 1.479 acres of Block 27001, Lot 6; 0.013 acres of Block 26001, Lot 1.02; 0.698 acres of Block 15001, Lot 26; 0.014 acres of Block 16002, Lot 9.01 for the purposes of permanent easements; and

WHEREAS, In addition to the abovementioned permanent easements, approximately 4.083 acres of Block 33001, Lot 26.02; 0.837 acres of Block 33001, Lot 26.01; 1.638 acres of Block 33001, Lot 21; 4.774 acres of Block 27001, Lot 6; 0.042 acres of Block 26001, Lot 1.02; 3.558 acres of Block 15001, Lot 26; 0.068 acres of Block 16002, Lot 9.01; and 1.143 acres of Block 4001, Lot 10.03 will be used for temporary work space during construction of the Project; and

WHEREAS, In addition to the abovementioned permanent and temporary easements, approximately 0.209 acres of Block 33001, Lot 21 and 0.221 acres of Block 15001, Lot 26 will be used as temporary access roads; and

WHEREAS, The removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental protection and the State House Commission pursuant N.J.A.C. 7:36-26; and

WHEREAS, The Township is making application for approval of the Project as a major diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, As required by N.J.A.C. 7:36-26.8(a), the Township held a scoping hearing on March 11, 2014 to solicit comment on the proposed diversion of parkland in connection with the Project; and

WHEREAS, The next step in the application process for approval of a major disposal of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.9; and

WHEREAS, In accordance with N.J.A.C. 7:36-26.9(d), it is necessary for the Township to submit as part of the pre-application a resolution endorsing the application to divert parkland;

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that:

1. The Township endorses the filing of a pre-application for the diversion of a portion of lands located at Block 33001, Lot 26.02; Block 33001, Lot 26.01; Block 33001, Lot 28.02; Block 33001, Lot 21; Block 33001, Lot 18; Block 27001, Lot 6; Block 26001, Lot 1.02; Block 15001, Lot 26; Block 16002, Lot 9.01; and Block 4001, Lot 10.03 in the Township of Montgomery, County of Somerset, pursuant to N.J.A.C. 7:36-26; and
2. The appropriate Township officers are authorized to meet and discuss the details of the application with representatives of Transco and Green Acres and to render any assistance as may be required in connection with the pre-application procedure; and
3. The appropriate Township officers are hereby authorized to submit to the Green Acres Program a complete pre-application for the diversion for review and approval by the Green Acres staff; and
4. The Township hereby finds that, provided FERC issues a Certificate of Public Convenience and Necessity pursuant to Sections 7(c) and 7(b) of the Natural Gas Act for Transco to construct and operate certain natural gas facilities, the proposed diversion would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d); and
5. The Township acknowledges that in order to obtain approval of the diversion, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.10 and that any final agreement as to compensation must be approved by the Township Committee by subsequent formal action; and
6. The Clerk of the Township of Montgomery shall forward certified copies of this resolution to the New Jersey Department of Environmental Protection, Green Acres Program, and to Transco.

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

13. **RESOLUTION #14-7-173 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE OWNER OF AN AFFORDABLE HOUSING UNIT LOCATED 43 RIVER BIRCH CIRCLE**

WHEREAS, Applicant 2014-1 ("Owner") owns 43 River Birch Circle, a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, the Owner has requested a Loan through Montgomery Township's Affordability Assistance Program to pay overdue condominium association dues for 43 River Birch Circle; And

WHEREAS, the Township's Affordable Housing Administrative Agent, Community Grants Planning and Housing, has reviewed the Owner's application and qualified the Owner for the requested assistance; and

WHEREAS, the amount of the requested Loan for overdue association dues is \$5,000.00 and will be paid directly to the Montgomery Glen Condominium Association; and

WHEREAS, pursuant to the Affordable Assistance Program, the Township is willing to extend a Loan to the Owner in the amount of \$5,000; and

WHEREAS, the funding for the Loan will be from the Montgomery Township Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED on this 17th day of July, 2014, by the Township Committee of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township's Affordability Assistance Program, to enter into an Affordability Assistance Program Repayment Agreement with Owner and provide Owner with a Loan to be used to pay overdue condominium association dues.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the Loan amount.

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 - Madrid, Graham, Trzaska, Smith
Nays - None
Absent - Sugden

14. **ORDINANCE #14-1474 - Left Turn Prohibitions at the Montgomery Upper Middle School Southern Driveway Intersection with Burnt Hill Road - Introduction**

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

AN ORDINANCE AMENDING SCHEDULE XIII OF CHAPTER VII, "NO LEFT TURN," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH LEFT TURN PROHIBITIONS AT THE MONTGOMERY UPPER MIDDLE SCHOOL SOUTHERN DRIVEWAY INTERSECTION WITH BURNT HILL ROAD.

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

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

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

15. **ORDINANCE #14-1475 - 2014 Salary and Wages - Introduction**

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

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2014.

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

15-1. 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, Smith
Nays - None
Absent - Sugden

16. **RESOLUTION #14-7-174 - 2014 SALARIES FOR NON-UNION EMPLOYEES**

WHEREAS, the Township Committee of the Township of Montgomery, Somerset County, New Jersey desires to set 2014 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that 2014 annual salaries for all non-contracted employees retroactive to January 1, 2014 are established as follows:

Mayor	Richard Smith	\$ 5,006.00
Deputy Mayor	Christopher Sugden	\$ 4,169.00
Township Committee Member	Ed Trzaska	\$ 3,752.00
Township Committee Member	Patricia Graham	\$ 3,752.00
Township Committee Member	Christine Madrid	\$ 3,752.00
Township Administrator	Donato Nieman	\$146,520.00
Police Director/Captain	Robert Palmer	\$144,485.00
Deputy Police Director/Captain	James Curry	\$142,450.00
Chief Financial Officer/ Tax Collector	Walter Sheppard	\$136,440.00
Township Engineer	Gail Smith	\$114,334.00
Planning Director	Lori Savron	\$106,009.00
Superintendent of Public Works Construction Official/ Fire Marshall	Arthur Villano Roy Mondì	\$112,746.00 \$112,169.00
Recreation Director	Karen Zimmerman	\$ 96,305.00
Township Clerk	Donna Kukla	\$ 93,172.00
MIS Coordinator	Bill Pauwels	\$ 72,799.00
Purchasing Agent	Veronica Dingle	\$ 60,000.00
Tax Assessor	Ryan Riccio	\$ 51,270.00
Assist. Chief Financial Officer	Claire Higgins	\$ 72,248.00
Chief Sewer Plant Operator	Eric Reichert	\$ 74,717.00
Personnel Coordinator	Susan Smith	\$ 88,443.00
Laboratory Supervisor	Dorota Jaczuk	\$ 57,642.00
Parks Foreman	John Snyder	\$ 71,594.00
Roads Foreman	Joseph Kane	\$ 68,095.00
Senior Rec. Program Coord.	Pauline Carr	\$ 66,615.00
Aquatics Director	Vincent Ingraffia	\$ 15,263.00
Executive Secretary	Tamarah Novak	\$ 22.19 p/hr
Administrative Assistant	Deborah Axtt	\$ 29.38 p/hr
Community Information Officer	Tamara Garaffa	\$ 31.94 p/hr
<u>Kid Connection Program</u> Director	Andrea McKenna	\$ 74,841.00
Head Teacher	Cathy Gorman Jennifer Yanovitch	\$ 59,482.00 \$ 47,091.00
Teacher	Maryellen Comollo Joanne Whitehead Audrey Starkman Nancy Beachell Marge Cannon Beverly Owens Laura Reichert Carolyn Robbins Donna Rossi Cheryl Truppi Lisa Stryker	\$ 50,823.00 \$ 50,950.00 \$ 50,355.00 \$ 50,827.00 \$ 49,503.00 \$ 42,455.00 \$ 40,960.00 \$ 43,934.00 \$ 41,311.00 \$ 39,129.00 \$ 37,555.00
Assistant Teacher	Debbie Krout Pat VanArsdalen Angela Perone Nancy Petchock Patty Cornell Sue Garhart Elizabeth Noonan Barbara Stegman Chris LaRue Barb Chenot Patty Fox Pradnya Moghe Eileen Motherway Nancy Sheehan Bonnie Simmons	\$ 19.16 p/hr \$ 17.70 p/hr \$ 17.83 p/hr \$ 15.21 p/hr \$ 18.98 p/hr \$ 14.49 p/hr \$ 13.92 p/hr \$ 13.55 p/hr \$ 13.48 p/hr \$ 12.95 p/hr \$ 13.58 p/hr \$ 13.19 p/hr \$ 12.95 p/hr \$ 13.42 p/hr \$ 13.65 p/hr
Clerk-Typist	Elizabeth Mann	\$ 15.53 p/hr
Registration Assistant	Rochelle Fityere	\$ 17.00 p/hr
Administrative Assistant/ Afterschool Supervisor	Ellen Elgort	\$ 28.53 p/hr

(Item #16 Cont.)

<u>Recreation Camp:</u>		
Camp Activities Coordinator	Lindsey Fischer	\$ 20.00 p/hr
Arts & Crafts Specialist	Alissa Kring	\$ 12.00 p/hr
Supervisor	Samantha Boutot (post camp)	\$ 12.00 p/hr
	Spencer Crispino	\$ 12.50 p/hr
	Michael Mann (post camp)	\$ 12.50 p/hr
	Tom Murphy	\$ 12.50 p/hr
	Jacob Nieman	\$ 12.50 p/hr
	Kelly O'Brien	\$ 12.50 p/hr
	Eamon Sullivan (post camp)	\$ 12.00 p/hr
	Cory Weingart	\$ 12.50 p/hr
Assistant Supervisor	Paul Alvaro	\$ 10.50 p/hr
	Asia Haren	\$ 10.00 p/hr
Counselor	Jill Baldauf	\$ 8.47 p/hr
	Mackenzie Boutot	\$ 8.25 p/hr
	Samantha Boutot	\$ 8.25 p/hr
	Eshaan Chawla	\$ 8.25 p/hr
	Megan Coyle	\$ 8.47 p/hr
	Amoreena Crispino	\$ 8.47 p/hr
	Nicholas Dameo	\$ 8.25 p/hr
	Brianna Devine	\$ 8.25 p/hr
	Ryan Disdier	\$ 8.47 p/hr
	Daniel Drake	\$ 8.25 p/hr
	Timothy Ip	\$ 8.25 p/hr
	Ian Kornberg	\$ 8.25 p/hr
	Joshua Kring	\$ 8.25 p/hr
	Taylor Kuminski	\$ 8.47 p/hr
	Michael Mann	\$ 8.47 p/hr
	Christin Maslyn	\$ 8.47 p/hr
	Paul Nusbaum	\$ 8.25 p/hr
	Emily O'Connor	\$ 8.47 p/hr
	Rebecca Reilly	\$ 8.25 p/hr
	Michael Simonson Jr	\$ 8.25 p/hr
	Eamon Sullivan	\$ 8.47 p/hr
	Andrew Tom	\$ 8.47 p/hr
<u>Kid Connection Camp</u>		
Supervisor	Michelle Pender	\$ 16.50 p/hr
Supervisor/Counselor	Cara Zahorsky	\$ 13.42 p/hr
	Helen Walsh (part-time)	\$ 13.42 p/hr
Counselor	Dana Castronovo	\$ 12.20 p/hr
	Claire Disdier	\$ 12.20 p/hr
	Lori Genovesi	\$ 12.20 p/hr
	Lindsey Whitlock	\$ 12.20 p/hr
	Molly Girt	\$ 12.17 p/hr
	Karen Grabinsky	\$ 12.17 p/hr
	Kaitlyn Merritt	\$ 12.20 p/hr
	Kristin Prati	\$ 12.20 p/hr
	Elizabeth Snedeker	\$ 12.17 p/hr
Assistant Counselor	Rose Bauer	\$ 9.77 p/hr
	Rhea Bhargava	\$ 9.77 p/hr
	Emily Case	\$ 9.77 p/hr
	Elena Daniels	\$ 9.77 p/hr
	Stephanie Ippolito	\$ 9.77 p/hr
	Joanna Javeline	\$ 9.77 p/hr
	Carissa Johnson	\$ 9.77 p/hr
	Kaitlyn Kennedy	\$ 9.77 p/hr
	Alexa LaRue	\$ 9.77 p/hr
	Meaghan Pellizzari	\$ 9.77 p/hr
	Michele Smith	\$ 9.77 p/hr
	Jessica Smith	\$ 9.77 p/hr
	Casey Straley	\$ 9.77 p/hr
	Michaela Straley	\$ 9.77 p/hr

16-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

17. APPROVAL OF MINUTES - June 19, 2014

The minutes of June 19, 2014 were approved as printed.

18. **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.

18-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

19. **AUTHORIZATIONS TO BID - FORD TRUCKS FOR DEPARTMENT OF PUBLIC WORKS and GREEN AVENUE OVERLAY**

Administrator Nieman explained that the Township is going out to bid for the acquisition of Ford trucks for the Department of Public Works and the Green Avenue Overlay project.

20. **LETTER TO TRANSCO REGARDING ALTERNATE ROUTE PLAN**

Administrator Nieman explained that there had been a request from Committeeman Trzaska for the formal adoption of a letter to Transco opposing the proposed alternate route by the Princeton Ridge Council which affects 35 previously unaffected homeowners in Montgomery as well as the Township of Hopewell. It was the consensus of the Township Committee to send such a letter.

Clem Fiori, Open Space Committee Chair, expressed the Open Space Committee's concern with the alternate route plan.

21. **COAH RULES**

Attorney Hadinger stated that Planning Director Lori Savron has been working very hard on summarizing the impact of the draft COAH rules, should they be adopted. The comments are due on August 1. She presented a copy of these comments to the Township Committee for their review and input. She stated that she had reviewed these from a legal standpoint.

22. **USE VARIANCE APPEALS**

Attorney Hadinger explained that from time to time there has been discussion about a unique provision in the Township's Land Development Ordinance. Under the Municipal Land Use Law there is a provision that makes it optional for when a Use Variance has been granted to then be appealed to the Governing Body. Most towns do not have this provision. It was the consensus of the Governing Body to have Attorney Hadinger draft an ordinance to remove the appeal process from the Land Development Ordinance and have it ready for possible introduction at the August 7 meeting.

23. **ASSEMBLY BILL REGARDING UNDISTRIBUTED ENERGY TAX RECEIPT REVENUE**

Administrator Nieman stated that there was a bill proposed in the legislature to mandate undistributed energy tax receipt revenues. He explained that the Gross Franchise and Receipt monies are monies that utility companies pay to municipalities in lieu of property taxes. There is a bill in the legislature that is proposed to amend the State Constitution, to ask the voters to mandate that those monies owed to municipalities be paid to the municipalities. It was the consensus of the Governing Body to draft a letter in support this bill.

Ken Kneiser, Oak Ridge Drive, inquired if there was anything that precludes the Township from billing the State for those monies that were not transmitted, and if not he suggested that Montgomery do that. He stated that once that was done and no monies were received, it could be given to a collections attorney and maybe it would get the kind of attention that might be necessary to get something done.

Committeeman Trzaska suggested that this idea might be a good last resort, but he felt a public referendum would be a binding Constitutional change.

24. **ECONOMIC DEVELOPMENT COMMISSION**

Mayor Smith stated that the Economic Development Commission is still looking for a Chairperson. He reported that the Commission wants to start a program similar to what Hillsborough is planning where a resident of the municipality would be issued a card they could swipe when they buy in town, and would get some kind of tax credit.

25. **PLANNING BOARD**

Mayor Smith announced that the Planning Board would be meeting on July 21 to introduce the Country Club Meadows Master Plan amendment.

26. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
 - Discussion acquisition of Open Space properties with public funds (Block 25001, Lot 28.08; Block 33001, Lots 14, 15 and 30 {Lanwin/Thompson}).
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of lands shall only be authorized by the Township Committee in a public session.

26-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

27. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:50 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