

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 18, 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 (after Item 5), Committeemembers Graham and Madrid
Committeeman Trzaska was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

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. **RESOURCE CENTER OF SOMERSET - Purple Purse Challenge**

Veronica Finlay of the Resource Center of Somerset explained what the Purple Purse Challenge was. The Allstate Foundation has allocated \$500,000.00 in prizes to Domestic Violence Agencies across the country. The Resource Center of Somerset is fortunate to have been selected as one of 140 agencies to take part in the challenge. What the challenge entails is, over the course of a month, from September 2 to October 3, there are different challenges. One is, for each day that the Center raises \$100.00, they are entered in a contest to win \$2,000.00. She stated that the lead agency that raises the most money will win \$100,000.00. The Resource Center has set up a website online through the Allstate Foundation's suggested "Crowd-wise" web page and they are asking members of the community to go to the website and make a small donation. She asked the Township Committee for their support and maybe even their volunteering. She also asked if they would have a picture taken with the Purple Purse and she would then post it on their website with the other municipalities who are supporting this event.

5. **PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH - October, 2014**

WHEREAS, 1 in every 4 women will experience domestic violence during her lifetime and approximately 15.5 million children are exposed to domestic violence every year;
and

WHEREAS, The problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference; and

WHEREAS, The crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse; and

WHEREAS, Victims should have help to find the compassion, comfort, and healing they need, and domestic abusers should be punished to the full extent of the law; and

WHEREAS, Victims of violence should have access to medical and legal services, counseling, transitional housing, and other supportive services so that they can escape the cycle of abuse; and

WHEREAS, It is important to recognize the compassion and dedication of the individuals who provide services to victims of domestic violence and who work to increase public understanding of this significant problem; and

WHEREAS, Local programs, state coalitions, national organizations, and other agencies nationwide are committed to increasing public awareness of domestic violence and its prevalence, and to eliminating it through prevention and education; and

WHEREAS, Our Nation has a moral obligation to work to prevent domestic violence and to address its brutal and destructive effects.

NOW THEREFORE, In recognition of the important work done by domestic violence programs and victims' service providers, the Montgomery Township Committee hereby proclaims the month of October, 2014 as Domestic Violence Awareness Month.

- 5-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

6. Deputy Mayor Sugden arrived.

7. **POLICE REPORT**

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

- 33 motor vehicle accidents;
- 28 arrests;
- 3 burglaries;
- 11 thefts;
- 1 motor vehicle thefts;
- 5 criminal mischief;
- 4 domestic violence.

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

- 42 motor vehicle accidents;
- 25 arrests;
- 1 burglary;
- 9 thefts;
- 5 criminal mischief;
- 1 domestic violence.

Police Deputy Director Curry commended Officer Gray, Sergeant Rock, Officer Clifford, Officer Wilks, Officer Giaccone and Sergeant Frascella for their actions. He explained that, over a period of 24 hours, these officers assisted in the saving of two lives. The first on August 5, when a male in his 30's fell from a tree. They found out later that the man was electrocuted, but the officers did assist in life sustaining measures. Unfortunately he succumbed to his injuries after a few days. Approximately 26 hours later a 56 year old man collapsed in the Land Rover dealership. There happened to be a nurse on the scene, who was able to start life saving measures and was then assisted by Police Officers.

8. **PUBLIC COMMENT**

- 8-1. Walt Beadling, Thornton Way, stated that he would be moving out of New Jersey in the near future. Since 2011 he has taken an active interest in local affairs and he had been before this Township Committee many times. His primary objective has been to reduce property taxes. He stated that there is definitely a correlation between property taxes and property values, and not in a good way. He thanked the Governing Body for hearing his concerns and petitions over the years and giving them thoughtful consideration. He thanked the Montgomery Police Department and Montgomery EMS for saving his wife's life on June 4, 2004.

Mayor Smith stated that the Township Committee wished the Beadlings the best of everything. He further stated that Mr. Beadling was one of the more respectful and polite citizens to come before the Governing Body, and they appreciate the concern he has for this community.

9. **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 #14-9-203 - REFUND OVERPAID 2014 TAXES**

BE IT RESOLVED That a refund in the amount of \$2,014.14 be given to Kumararaja, Arunkumar, 1201 Rhoads Drive, Belle Mead, NJ 08502 for the overpayment of 2014 taxes on Block 5019, Lot 12.01 CONDO.

B. **RESOLUTION #14-9-204 - AUTHORIZATION TO ENTER INTO CONSTRUCTION SEQUENCE AGREEMENT Fleet Montgomery, LLC**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Fleet Montgomery, LLC with respect to Phase I, Estates at Montgomery (formerly Belvedere Homes), Block 6001, Lots 39 and 40

C. **RESOLUTION #14-9-205 - AUTHORIZING SEWER CAPACITY AGREEMENT - Fleet Montgomery, LLC Phase I, Estates at Montgomery (formerly Belvedere Homes) (Block 6002, Lots 39 and 40)**

BE IT RESOLVED, That the Mayor and Clerk are hereby authorized to execute a sewer capacity agreement with Fleet Montgomery, LLC, Phase I, to purchase capacity in the Pike Brook Sewage Treatment Plant to accommodate Phase I, Estates at Montgomery (formerly Belvedere Homes) (Block 6002, Lots 39 and 40).

D. **RESOLUTION #14-9-206 - RELEASE OF PERFORMANCE GUARANTEE - Cianfrocca Builders CDL Group (Birchwood Drive Extension) (Block 34001, Lots 37.04 and 37.05)**

WHEREAS, The performance guarantee for Cianfrocca Builders CDL Group (Birchwood Drive Extension) was released by Resolution #12-9-228, dated September 20, 2012, with a condition that a maintenance guarantee be posted; and

WHEREAS, The maintenance guarantee was never posted and the condition was not met and therefore the performance guarantee remains in place; and

(CONSENT AGENDA Cont.)

WHEREAS, The 2 year maintenance period is now over, and after an inspection was conducted, it was determined the improvements were acceptable to the Engineering Department; and

WHEREAS, Gail Smith, Township Engineer, has recommended that the Township Committee consider the release of the posted Performance Guarantee held by the Township.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Performance Bond in the amount of \$63,557.00 (\$57,202.00 Bond #B1013573 and \$6,356.00 cash) be released to Cianfrocca Builders CDL Group.

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

- 9-1. Committeewoman Graham 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, Sugden, Smith
Nays - None
Absent - Trzaska

10. **RESOLUTION #14-9-207 - CHANGE ORDER #1 - Dutchtown-Zion Road and Sunset Road Overlay Project**
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WHEREAS, Resolution #14-7-170 adopted on July 17, 2014, authorized the award of a contract for the Dutchtown-Zion Road and Sunset Road Overlay Project to Top Line Construction in the amount of \$195,870.74; and

WHEREAS, The Project includes overlay of portions of Dutchtown-Zion Road, Sunset Road, and "various locations throughout the Township"; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to include various changes and adjustments to the contract documents and various additions and enhancements identified after the bid and contract award; and

WHEREAS, Change Order #1 includes estimated quantities for approximately 375 linear feet of Orchard Road from Route 206 to the west; and

WHEREAS, The work comprising Change Order #1 will result in a net increase in the original contract amount by \$36,612.47 or 18.7%; and

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

WHEREAS, A copy of the proposed Change Order is available in the Office of the Township Engineer.

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 Top Line Construction, shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$36,612.47 for a total contract amount of \$232,483.21.

- 10-1. Committeewoman Madrid 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, Sugden, Smith
Nays - None
Absent - Trzaska

11. **ORDINANCE #14-1476 - LDO - Elimination of Appeals Process from Board of Adjustment to Township Committee - Public Hearing**
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- A. Mayor Smith read the title of the ordinance as follows:

AN ORDINANCE AMENDING CHAPTER XVI LAND DEVELOPMENT OF THE TOWNSHIP OF MONTGOMERY (1984) TO ELIMINATE APPEALS FROM THE APPROVAL OF CERTAIN VARIANCES BY THE ZONING BOARD OF ADJUSTMENT TO THE TOWNSHIP COMMITTEE.

- B. The Clerk read the following report from Planning Board:

"At the September 15, 2014 Planning Board meeting, the Board found the above-referenced ordinance consistent with the Master Plan and recommended adoption as written."

- C. Mayor Smith opened the hearing to the public. There being no comment, Committeewoman Graham moved that the public hearing be closed. The motion was seconded by Committeewoman Madrid and carried unanimously.

- D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 18th day of September, 2014 and that notice thereof be published in an official newspaper as required by law.

(Item #11 Cont.)

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, Sugden, Smith
Nays - None
Absent - Trzaska

12. **ORDINANCE #14-1478 - Mill Pond Park Concession Stand Lease - Introduction**

- A. Title: AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY AUTHORIZING PURSUANT TO N.J.S.A. 40A:12-14 A LEASE FOR THE CONCESSION STAND AT MILL POND PARK TO THE MONTGOMERY TRAVELERS SOCCER CLUB
- 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 October 2, 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 Graham and carried on the following:

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

13. **APPROVAL OF MINUTES - September 4, 2014**

The minutes of September 4, 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. 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, Sugden, Smith
Nays - None
Absent - Trzaska

15. **VACANT AND ABANDONED PROPERTY UPKEEP**

Mayor Smith explained that he had been getting a lot of citizens complaints about properties that have been abandoned, foreclosed, or vacant and have not been taken care of. He stated that he had personally driven by some of them, and the properties are a disgrace. He pointed out two along Route 206, the abandoned Texaco Station and Tusk, as just two examples. He stated that he had spoken to Attorney Hadinger about what the Township could do to make the property owners clean up the property and make it look presentable. He explained that Attorney Hadinger had worked on an ordinance on this same issue for another municipality and he thought it was extraordinary. He stated that the ordinance declared if a property falls into disrepair or is abandoned and not taken care of for a predetermined amount of time, the Township will give the property owner at least one notice and if nothing happens, the Township can clean up the property and bill the property owner or put a lien against the property when it does eventually foreclose.

Attorney Hadinger explained that earlier in 2014, the legislature started to address this problem and it has passed a law that deals with only residential properties in foreclosure or abandonment. She thinks the Township needs to blend the three concepts together, these being the legislature ruling, the Health Department code and this concept.

Deputy Mayor Sugden asked about demolishing buildings. Attorney Hadinger stated that this is another situation altogether. She explained that unless there is imminent danger, this cannot be done.

It was the consensus of the Township Committee that Attorney Hadinger draft an ordinance for a future agenda.

16. **TOWNSHIP PLANNING CONSULTANT**

Mayor Smith stated that the current Township Planning Consultants, Richard and Cindy Coppola, have given their resignation, effective the end of 2014. They have been the Township's Planning Consultants for 43 years. An RFQ is being drafted and there will be a committee selected to look at the responses. The suggestion was made that a Shared Services be looked at to save money, but while that sounds like a great idea, it really does not work because the consulting firm bills by the hour and each case is unique to that municipality. Mayor Smith stated that he would like to see Township Planning Director Lori Savron and her staff start to take on some of those issues in-house.

17. **ROUTE 601**

Mayor Smith reported that, beginning in November, the County is going to be doing a significant amount of repaving on Route 601.

17. **RECREATION COMMITTEE**

Mayor Smith reported on the Recreation Committee meeting. He stated they discussed next year's fireworks. He explained that George Jarvis was going to stay on as Fireworks Chairman. The Recreation Committee also discussed some of the parks in town and future upgrades.

18. **ECONOMIC DEVELOPMENT COMMISSION**

Mayor Smith reported that only a few of the members attend the EDC meetings. The current temporary chairman does not want to be chair, but will continue until a permanent person is found. There is an interested business owner who is willing to chair the Committee but he doesn't live in Montgomery. Mayor Smith suggested changing the bylaws so that Montgomery business owners be allowed to be members of the EDC.

Attorney Hadinger explained that the current ordinance requires that members of the EDC be residents of the Township and any change would require an ordinance amendment. She stated that she would have to check the State statute, because this is a body that is authorized through State statute.

19. **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:
 - Negotiations with Transco regarding compensation for the diversion of lands;
 - Personnel - Police Sergeant Interviews.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in Open Session. Any appointments shall only be authorized by the Township Committee in a public session.

19-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

20. Meeting reconvened in Open Session and **ADJOURNMENT** was at 9:15 p.m. on a motion by Committeewoman Graham. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk