

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
September 17, 2015

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 Madrid, Deputy Mayor Trzaska, Committeeman Smith  
Committeemembers Graham and Sugden were absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

ASSISTANT CHIEF FINANCIAL OFFICER - Michael Pitts

TOWNSHIP CLERK - Donna Kukla

2. Mayor Madrid 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 Madrid 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 August, 2015:

-- 54 motor vehicle accidents;  
-- 15 arrests;  
-- 6 thefts;  
-- 1 burglary;  
-- 6 criminal mischief;  
-- 6 domestic violence.

Committeeman Smith congratulated the Police Department on their fine work at Montgomery FunFest. He explained that Route 206 in the area of the Airport could have been a disaster, but the officers kept the traffic moving and did a tremendous job.

5. **PUBLIC COMMENT**

- 5-1. Eric Weitze, Viburnum Drive, spoke about the 2016 paving project of Spiked Rush Drive and Viburnum Drive. He stated that there is an issue at the western intersection of these roads and he asked if the Township could fix the drainage issue earlier as it is a real problem in the winter.

Administrator Nieman stated that it had been looked at and found that there was not a solution at this point. He would have it looked at again.

Mayor Madrid asked if more salt could be put down in that area in the winter.

- 5-2. Eric Weitze, Viburnum Drive, spoke about Dutchtown-Zion Road. He asked the Township Committee again to look into paving the unpaved section. He reiterated his points about the run-off from the unpaved portion of the road flowing into the streams and waterways and polluting them.

Administrator Nieman stated that the problem was the permitting issues with the New Jersey Department of Environmental Protection. He explained that Hillsborough Township did not want to spend the money for these permits. He further explained that the project would include installing drainage and would necessitate getting specific permits from NJDEP, which were costly.

Mayor Madrid stated that the Township Committee would look into this matter.

6. **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 #15-9-238 - REFUND UNUSED PORTION OF SPECIAL DUTY SERVICE MONIES**

BE IT RESOLVED That a refund be given to the following businesses/companies for monies owed by the Township of Montgomery for Private Duty Services;

Roman E&G Corp.  
14 Ogden Street  
Newark, NJ 07104  
\$182.50

Kemsco Construction & Equipment Co., Inc.  
139 Harper Street  
Newark, NJ 07114  
\$212.50

(CONSENT AGENDA Cont.)

- B. **RESOLUTION #15-9-239 - APPROVAL OF OUTDOOR ASSEMBLY PERMIT - David Tormey - Car Show**
- BE IT RESOLVED By the Montgomery Township Committee as follows:
1. David Tormey has requested approval of the Township Committee to conduct a car show event at Princeton Airport on October 17, 2015.
  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.
  3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations.
  4. The organizers have obtained the required fire permit from Township Fire Marshall, Roy Mondì.
  5. The organizers will obtain the required health certificates from the Township Health Department.
- C. **RESOLUTION #15-9-240 - CANCELLATION OF RESOLUTION #15-9-221 (Chapter 159-Somerset County Youth Services Grant)**
- WHEREAS, Resolution #15-9-221 adopted on September 3 is a duplicate of Resolution #15-8-196 (Chapter 159-Somerset County Youth Services Grant) adopted on August 6, 2015.
- NOW, THEREFORE, BE IT RESOLVED That Resolution #15-9-221 is hereby cancelled.
- D. **RESOLUTION #15-9-241 - TO AMEND A CONSTRUCTION SEQUENCE AGREEMENT - Fleet Montgomery, LLC (formerly Belvedere Homes) - Estates at Montgomery, Phases 1 and 2**
- BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an amended construction sequence agreement with Fleet Montgomery, LLC with respect to Phases 1 and 2, Estates at Montgomery (formerly Belvedere Homes), Block 6001, Lots 39 and 40.
- E. **RESOLUTION #15-9-242 - AUTHORIZATION TO ENTER INTO CONSTRUCTION SEQUENCE AGREEMENT Empire Holding, LRP, LLC d/b/a Land Rover Princeton (Block 35001, Lot 13)**
- BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement with Empire Holding, LRP, LLC with respect to Land Rover Princeton, Block 35001, Lot 13.
- F. **RESOLUTION #15-9-243 - APPROVAL OF AN AGREEMENT FOR RESERVATION OF REMAINING SEWER CAPACITY - Orchard Residential, Phase III (Block 28001, Lot 5.01)**
- BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement for reservation of remaining sewer capacity with K. Hovnanian Companies at Montgomery, LLC related to remaining capacity in the Skillman Village (formerly NPDC) Sewage Treatment Plant for Orchard Residential, Phase III (Block 28001, Lot 5.01).
- G. **RESOLUTION #15-9-244 - AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF SOMERSET AND THE TOWNSHIP OF MONTGOMERY CONCERNING THE CREDENTIALING OF FIRST RESPONDERS**
- WHEREAS, The Township of Montgomery desires to enter into a Memorandum of Understanding (MOU) for the purpose of establishing and achieving various goals and objectives relating to the processing and issuing of ID cards for First Responders; and
- WHEREAS, The State through the office of the Attorney General has amended its credentialing guidelines to allow for the issuance of County and Local First Responder Credentialing Standard Cards; and
- WHEREAS, The County and Local First Responder Credentialing Standard Card may only be issued to police, fire, hazmat, rescue, EMS, health, office of emergency management, and public works personnel; and
- WHEREAS, Credentialing of all other County and Local personnel must be issued in accordance with the State standardized credential; and
- WHEREAS, The term for this MOU shall be for a period of two years and may be extended by mutual agreement of both parties.
- NOW, THEREFORE, BE IT RESOLVED, That the Township Administrator is authorized to execute the Memorandum of Understanding and the signing does not constitute a formal undertaking, and as such it simply intends that the County of Somerset and Township of Montgomery strive to reach, to the best of their abilities, the goals and objectives stated in the Memorandum of Understanding.

(CONSENT AGENDA Cont.)

H. TOWNSHIP COMMITTEE APPOINTMENTS - Shade Tree Committee and Recreation Committee

BE IT RESOLVED That Jackie Haren is hereby appointed Shade Tree Committee Regular Member, replacing Elizabeth Drbal, one year unexpired term expiring December 31, 2015.

BE IT RESOLVED That Richard Pascal is hereby appointed Recreation Committee Regular Member, replacing Cliff Wilson, 3 year unexpired term expiring December 31, 2015.

6-1. Deputy Mayor Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Smith and carried on the following:

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

7. MAYORAL AD HOC COMMITTEE APPOINTMENT - Wildlife Management Committee

BE IT RESOLVED That the following people are appointed to the Wildlife Management Ad Hoc Committee:

Ryan Logan, Chair; Christopher Santangelo; Jamie McQuaid; George Mureb; Sgt. Silvio Bet; Lauren Wasilauski; Marge Crawford; Donna Kukla; Agricultural Advisory Committee Liaison; Keith Griglack, NJ Division of Fish, Game & Wildlife Representative; and Pat Graham, Township Committee Representative

8. RESOLUTION #15-9-245 - PROFESSIONAL SERVICES RESOLUTION - Architectural Services - B-4 Development (formerly Rothe-Santini)

WHEREAS, There exists a need to acquire professional architectural services for the potential expansion, reconfiguration and renovation of the municipal building without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, The Montgomery Township Administrator has determined and certified in writing that the value of the services over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, The New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of professional services contracts without competitive bidding; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the aforesaid service in accordance with the amount set forth in the 2015 Budget.

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

- (1) The Mayor and Clerk are hereby authorized and directed to execute proper agreements with B-4 Development (formerly Rothe-Santini) for professional architectural services for the potential expansion, reconfiguration and renovation of the municipal building.
- (2) This contract is awarded for a period of one year, for the amount set forth in the contract, and without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) This professional has completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township.
- (4) A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavit, and the executed Agreements shall be placed on file in the office of the Township Clerk.
- (5) A notice of this action shall be published once in the official newspaper as required by law.

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

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

9. APPROVAL OF MINUTES - September 3, 2015

The minutes of September 3, 2015 were approved as printed.

10. **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.

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

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

11. **NOVEMBER MEETING SCHEDULE**

The Township Committee generally agreed to leave the meeting schedule for November as posted.

12. **RENEWAL OF ENERGY AGGREGATION PROGRAM**

Administrator Nieman reported that he spoke to the Township's Energy Aggregation consultant Robert Chilton at Gabel Associates. Mr. Chilton informed Administrator Nieman that, at this point, it was worthwhile to go out to bid again.

13. **ECONOMIC DEVELOPMENT COMMISSION/MONTGOMERY BUSINESS ASSOCIATION FUNFEST**

Mayor Madrid spoke about the Economic Development Commission/Montgomery Business Association FunFest event. She stated that the event was well run and there was a great turn out.

Committeeman Smith asked if the Township Clerk could draft a proclamation for the Economic Development Commission and the Montgomery Business Association for the tremendous job they performed in regard to this event.

14. **RECREATION COMMITTEE**

Deputy Mayor Trzaska reported on the Recreation Committee meeting. The Committee has decided to move forward with the community survey to determine what types of attractions and features the residents are interested in.

Mayor Madrid stated that one of the ideas mentioned was an "Adopt A Park" initiative. She felt this was an interesting idea and one that should be looked into.

15. **ENVIRONMENTAL COMMISSION**

Administrator Nieman reported that the Environmental Commission met with representatives from the Highland Council. The representative asked the Environmental Commission if they would support a resolution asking that the Master Plan for the Highlands be respected because of the significant amount of water that Montgomery Township derives from sources that are in the Highlands, such as the headwaters of the Raritan River and other rivers that provide the majority of the drinking water.

16. **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 are as follows:
  - Advice of Counsel with respect to affordable housing matters and pending litigation.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. It is possible that at the conclusion of the closed session, the Township Committee will reconvene in open session for the purpose of taking action.

16-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried unanimously.

17. Meeting reconvened in Open Session.

18. **RESOLUTION #15-9-246 - AMENDING THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT ADOPTED ON JUNE 18, 2015 AND AUTHORIZING AN AGREEMENT WITH ECONSULT SOLUTIONS, INC.**

WHEREAS, In accordance with Resolution #15-6-156 the Township Committee of the Township of Montgomery entered into a Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, The MSSDA identified Dr. Robert Burchell, a professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, As a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, The MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, An Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, The Township Committee of the Township of Montgomery recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, The Township Committee of the Township of Montgomery has determined that it is in the best interests of the citizens of Montgomery Township to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize its designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of an Amendment to MSSDA are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Committee of the Township of Montgomery hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of Montgomery Township with Econsult Solutions, Inc.

The Township Committee of the Township of Montgomery hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township with the approval of the Township's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Committee of the Township of Montgomery further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Township of Montgomery shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.
6. This Resolution shall take effect immediately.

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

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

**ADJOURNMENT** was at 9:18 p.m. on a motion by Committeeman Smith. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk