

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 15, 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, Committeemembers Graham and Smith
Deputy Mayor Trzaska and Committeeman Sugden were absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

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 September, 2015:

-- 53 motor vehicle accidents;
-- 14 arrests;
-- 6 thefts;
-- 3 burglaries;
-- 4 domestic violence.

Mayor Madrid spoke on a letter received commending the Police Department from a gentleman who was pulled over for an expired inspection sticker. Instead of ticketing the man, the officers did an inspection on spot and issued him a new inspection sticker. Captain Palmer explained that this was a cooperative venture with the Division of Motor Vehicles. The Police Department holds DMV checkpoints once a month on Route 206 in the vicinity of the Village Shopper.

Attorney Hadinger stated that the Police Department has been in the process of hiring for a new officer, and the expectation is that the appointment will be made by the Governing Body on November 5, retroactive to November 2. Administrator Nieman can authorize the officer to start as of November 2, as long as it is reported to the Township Committee.

5. **TRANSCO - Request for Extended Work Hours**

Thomas Hobiak, Williams-TRANSCO representative, requested permission for Transco to work 24 hours a day, seven days a week. He stated that they were having problems with their HTD drill. They were 90-95% finished and they broke off the reamer. They tried to grab the reamer and pull it out unsuccessfully but after weeks of trying, they decided to do a new pilot hole and that was unsuccessful. They moved the rig over five feet to try again. He stated that they should have been done a couple of weeks ago, but with the issues they are running behind. They would like to get this completed as the cold weather is approaching. They had made provisions to move the equipment deeper into the woods so that there would not be as much disturbance to anyone nearby and would be away from the road. There was discussion about the noise and what Transco was doing to prevent disturbing any nearby residents.

Committeeman Smith took a tour of the area and reaffirmed what Mr. Hobiak was saying. He explained that the hunters who had permits for the nearby Township properties would be upset but he couldn't see any other complaints.

Committeewoman Graham stated that, if the Township Committee agreed and there were complaints, the decision could be reconsidered.

- 5-1. Committeewoman Graham moved to change the hours of work for Transco, on the condition that the Township Committee may revisit the decision if there are any complaints. The motion was seconded by Committeeman Smith and carried unanimously.

6. **PUBLIC COMMENT**

Mayor Madrid opened the public comment portion of the meeting. There being no public comment, Mayor Madrid closed this portion of the meeting.

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 #15-10-257 - AUTHORIZING A MUNICIPAL ALLIANCE CONTRACT FOR 2015-2016 WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, The County of Somerset has prepared a contract which would provide \$18,110.00 to Montgomery Township for the provision of Municipal Alliance activities for prevention of alcoholism and drug abuse, and the Township would provide a 75% match of \$13,582.50 in in-kind services. A 25% cash match will be raised by the Municipal Alliance Committee or provided by the municipality of \$4,527.50, and a copy of the proposed agreement is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery that it hereby authorizes the Mayor and Clerk to sign the original of the agreement.

(CONSENT AGENDA Cont.)

B. **RESOLUTION #15-10-258 - AUTHORIZATION TO ESTABLISH A RESERVE ACCOUNT FOR REPAIR OF ROADS - Transco**

BE IT RESOLVED That the Township Committee authorizes CFO Walter Sheppard to establish a reserve account for monies paid to the Township for road repairs due to Transco pipeline construction.

C. **RESOLUTION #15-10-259 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PRINCETON AVENUE OVERLAY PROJECT**

BE IT RESOLVED That the Township Committee of the Township of Montgomery formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Princeton Avenue Overlay Project-00493 to the New Jersey Department of Transportation on behalf of the Township of Montgomery; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Montgomery and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

D. **RESOLUTION #15-10-260 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MONTGOMERY ROAD BIKEWAY PROJECT (BIKE-2016-MONTGOMERY ROAD SIDEWALK CONNECTOR-00045)**

BE IT RESOLVED that the Township Committee of the Township of Montgomery formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "BIKE-2016-Montgomery Road Sidewalk Connector-00045" to the New Jersey Department of Transportation on behalf of Montgomery Township; and

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montgomery Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

E. **RESOLUTION #15-10-261 - ACCEPTING A GRANT AWARD FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS - 2015-2016 Local Health Department Accreditation Support Initiative**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a \$15,000.00 grant award from the National Association of County and City Health Officials (NACCHO) for the NACCHO 2015-16 Local Health Department Accreditation Support Initiative.

F. **RESOLUTION #15-10-262 - AUTHORIZATION TO EXECUTE LOT OWNER ACCESS CONCURRENCE AND LOT OWNER LEASE AGREEMENT - NJDOT Crusier Brook Bridge Replacement Project (Block 6001, Lots 12 and 26)**

BE IT RESOLVED That the Montgomery Township Committee authorizes the Mayor or Township Administrator to execute a lot owner access concurrence and lot owner lease agreement with New Jersey Department of Transportation for the improvement to Route 206 with regard to the Crusier Brook Bridge replacement project.

G. **RESOLUTION #15-10-263 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MANVILLE FOR BRINE SERVICES**

WHEREAS, The Borough of Manville wishes to enter into a formal shared services agreement with the Township of Montgomery to obtain full service brine services.

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

1. The Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Borough of Manville to provide salt brine to the Borough of Manville for \$0.20 per gallon.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. In accordance with N.J.S.A. 40A:65-4, a copy of the agreement shall be filed for informational purposes with the Division of Local Government Services in the New Jersey Department of Community Affairs.

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

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

8. MAYORAL APPOINTMENT - Economic Development Commission

BE IT RESOLVED That Alicia Schwarcz is hereby appointed Economic Development Commission Advisor, replacing Mohamed Abdelsamad, 1 year unexpired term expiring December 31, 2015.

BE IT FURTHER RESOLVED That Saul Wendroff is hereby appointed Economic Development Commission Advisor, replacing Jonathan Bozzick, 1 year unexpired term expiring December 31, 2015.

9. RESOLUTION #15-10-264 - AUTHORIZING POLICE PROMOTIONAL PROCESS FOR THE POSITION OF LIEUTENANT

BE IT RESOLVED By the Township Committee of the Township of Montgomery, in Somerset County that Captain Robert E. Palmer, Director of the Montgomery Police Department is hereby authorized to implement a promotional process for the selection a new police lieutenant, said process being described in a certain memo to "All Eligible Sergeants," from Captain Robert E. Palmer/Director of Police, and its "Subject" reading "Lieutenant Promotional Process." Captain Palmer is further authorized to set the dates for completion of the Promotional Process as he, in his discretion, deems appropriate.

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

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

10. RESOLUTION #15-10-266 - PROFESSIONAL SERVICES RESOLUTION - Municipal Building Existing Features Survey - Swanson Halsey & Associates

WHEREAS, The Township of Montgomery seeks to retain professional survey services for the Municipal Building Existing Features Study; and

WHEREAS, There exists a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay to Play Law); and

WHEREAS, The firm Swanson Halsey & Associates has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Swanson Halsey & Associates has completed and filed with the Township of Montgomery a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that Swanson Halsey & Associates has not made any prohibited contributions to a candidate committee or municipal committee representing elected officials of the Township of Montgomery; and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq. authorizes the award of a contract for "professional services" without competitive bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals.

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 Swanson Halsey & Associates as Surveyor for Municipal Building Existing Features. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Swanson Halsey & Associates shall be paid a not to exceed fee of \$13,565.00 for its services.
3. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement shall be placed on file in the office of the Township Clerk.
4. A notice of this action shall be published in the official newspaper as required by law.
5. Performance of services and payment for services are subject to the certification of availability of funds by the Chief Financial Officer.

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

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

11. RESOLUTION #15-10-267 - AUTHORIZING CHANGE ORDER #2 - Fairview Road Reconstruction Project

WHEREAS, On October 16, 2014, a contract for the Fairview Road Reconstruction Project was awarded to Top Line Construction for \$770,063.96; and

WHEREAS, On April 2, 2015, Resolution #15-4-87 authorized Change Order No. 1 for \$133,786.33; and

WHEREAS, On April 16, 2015, Resolution #15-4-101 amended Change Order No. 1 to reflect a revision in the amount from \$133,786.33 to \$60,204.83; and

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

WHEREAS, The work comprising Change Order No. 2 will result in a net increase in the original contract amount of Change Order No. 1 by \$7,473.27; and

WHEREAS, The change outlined in Change Order No. 2 is to change specified quantities and costs for Fairview Road plus Cherry Valley Road; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this project; and

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

WHEREAS, A copy of the proposed Changer 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. The attached Change Order No. 2 is hereby approved.
2. This Resolution, when counter-signed by Top Line Construction, shall serve as a contract amendment to the original contract and Change Order No. 1 for the purpose of increasing the total contract price by \$7,473.27 for a total contract amount of \$837,742.05.

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

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

12. RESOLUTION #15-10-268 - EXTENDING CONTRACT FOR WASTE WATER TREATMENT PLANT CHEMICALS - Coyne Chemical

WHEREAS, Resolution #14-10-237 adopted on October 16, 2014 awarded a contract to Coyne Chemical for 12 months with the option to renew for a second year; and

WHEREAS, N.J.S.A. 40A:11-15 provides that a contract may include provisions for no more than one two-year or two one-year extensions subject to the following: the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; and

WHEREAS, Any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, The Township Committee finds that the services are being performed in an efficient manner; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account #07-201-55-542-232 and Account #07-201-55-546-232; and

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby approves the one year extension of the contract from October 16, 2015 to October 16, 2016 in an amount not to exceed \$43,270.00.

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

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

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

13. **ORDINANCE #15-1499** - Supplementing and Amending Ordinance #15-1497 (2015 Salary and Wage Plan) - Public Hearing

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

AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #15-1497, ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2015.

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 15th day of October, 2015 and that notice thereof be published in an official newspaper as required by law.

13-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Smith and carried on the following:

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

14. **RESOLUTION #15-10-269 - AMENDING RESOLUTION #15-7-166 - 2015 SALARIES FOR NON-UNION EMPLOYEES**

WHEREAS, the Township Committee of the Township of Montgomery, Somerset County, New Jersey desires to set 2015 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that Resolution #15-7-166, 2015 salaries for all Non-Union employees be amended to include the following personnel:

Public Health Nurse	Brianna Restis	\$35.00 p/hr
---------------------	----------------	--------------

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

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

15. **APPROVAL OF MINUTES**

The Regular Session minutes of October 1, 2015 were approved as printed.

The Executive Session minutes for 2014 were approved as printed for CONTENT ONLY.

16. **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.

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

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

17. **BOARD OF HEALTH**

Committeewoman Graham remarked on the grant received by the Board of Health that was approved in the Consent Agenda. She also reported that the Board of Health adopted a cat licensing ordinance, but there will be some technical amendments to the ordinance. This will take place in January, 2016. She stated that a Girl Scout Troop made a video called "Are You Smarter Than a Tobacco Company" as a prerequisite for their Silver Award. They have been making presentations at the schools and recently presented it at the Board of Health meeting.

18. ENVIRONMENTAL COMMISSION

Mayor Madrid reported on the Environmental Commission meeting and how they are rethinking their plans for the Earth Day Fair.

19. MARY JACOBS LIBRARY

Mayor Madrid stated that the Mary Jacobs Library Foundation is holding a "Wines of France" benefit on November 14.

20. MINUTE TO WIN IT

Mayor Madrid stated that she would be a referee at the "Minute to Win It" event at the Otto Kaufman Community Center on October 23. The competition is between the Montgomery and Hillsborough seniors.

21. CARRIER CLINIC

Mayor Madrid reported that Carrier Clinic had their official Ribbon Cutting on October 13. They have done a remarkable job updating their facility.

22. 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;
 - Terms and conditions of CCM litigation settlement agreement, possible amendment thereof, and advice of counsel related to the agreement.
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.

22-1. Committeeman Smith moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

23. Meeting reconvened in Open Session and ADJOURNMENT was at 8:42 p.m. on a motion by Committeeman Smith. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk