

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 3, 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, Committeemembers Graham, Smith and Sugden

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

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. **RESOLUTION HONORING MONTGOMERY TOWNSHIP POLICE**

WHEREAS, The health, safety, and security of our citizens is important to the happiness, prosperity and well-being of the Township's families, communities; schools, and visitors; and

WHEREAS, Montgomery is the proud home of 30 dedicated police officers who put their lives on the line to keep our community safe and secure; and

WHEREAS, These officers stand as leaders educating the community about the importance of public safety and community awareness; and

WHEREAS, Montgomery's police officers, along with six civilian support staff have woven themselves into the fabric of the community; and

WHEREAS, The Township Committee is appreciative of the extraordinary efforts and sacrifices made by officers and their family members on a daily basis in order to protect our schools, workplaces, roadways, and homes; and

WHEREAS, On behalf of the residents of Montgomery Township we convey our utmost support and gratitude for every tragedy averted, every accident avoided because an officer took a drunk driver off the streets, every child made safer because a criminal was brought to justice, and every life saved because police officers raced to the scene.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee celebrates those who protect and serve us every minute of every day, and we honor the courageous officers who devote themselves so fully to the safety of others.

- 4-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

- 4-2. Police Captain Palmer expressed his appreciation to the Township Committee for acknowledging all who work for the Montgomery Township Police Department. He explained that not only do the officers serve in general police patrol capacities, but they also involve themselves in very complex law enforcement issues that go above and beyond answering calls for service every day.

Captain Palmer introduced the following Police officers and gave a brief description of their duties: Sergeant Kurt Rock, Officer Dewitt Giles, Officer Ryan Gray, Detective Brian Hofacker, Officer Daniel Balinski, Officer Joseph Ceccato, Sergeant Andrew Perry, Detective William Wilkes, Sergeant Silvio Bet, Officer Christopher Bleistine and Officer Sean Sullivan.

- 4-3. Committeeman Sugden explained that it was his suggestion that this resolution be presented. He stated that the officers did an exemplary job and deserved praise and he knows that most of the residents feel the same way.
- 4-4. Mayor Madrid stated that she felt honored to work with such a fine group of individuals. She explained that she has heard many compliments about the Police officers and she and the residents have such high regard for every one of them.
- 4-5. Committeewoman Graham stated that the current times are extraordinary and being a Police Officer is such a dangerous job. She appreciated their professionalism and the willingness to go out every day and serve the township

5. **PUBLIC COMMENT**

5-1. Eric Weitze, Viburnum Drive, spoke about the condition of Dutchtown-Zion Road. He asked for a status report on the dealings with Hillsborough Township. Township Administrator Donato Nieman stated that nothing had changed and that Hillsborough did not want to spend the money to pave the portion of the road. Mr. Weitze gave a brief background of the situation and he suggested that Montgomery Township just pave the road and be done with it.

Deputy Mayor Trzaska asked if there was ever an estimate given for the work needed. Administrator Nieman stated that he believed there was but did not have it on hand. Mayor Madrid asked if Mr. Nieman could get a copy of that estimate to the Township Committee for their review.

Committeewoman Graham suggested that the Township revisit the 1978 agreement between Montgomery and Hillsborough Townships regarding the care of the roads. She stated that maybe some re-negotiating needed to take place. Administrator Nieman stated that in his last conversation with an official from Hillsborough Township, he was told that they would close their portion of the road before they would pave it. Attorney Hadinger remarked that they could only close the road in concert with Montgomery, if there was an immediate safety issue.

Township Administrator Nieman noted that the major issue with the road being paved was the environmental permits that would be needed. He explained that the New Jersey Department of Environmental Protection would need to get involved as there were freshwater wetlands involved. It could be done, but the problem is the amount of financing that would be needed.

Deputy Mayor Trzaska requested that Administrator Nieman provide them with an assessment of all of the options and costs for the road. He also asked that Administrator Nieman find out what would be allowed by the Department of Environmental Protection.

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. **APPOINTMENT OF PERMANENT POLICE OFFICER - James T. Ward, Jr.**

BE IT RESOLVED That, upon successful completion of his probationary period, James T. Ward, Jr. is hereby appointed permanent Police Officer, effective December 1, 2015.

B. **RESOLUTION #15-12-290 - REFUND OVERPAID 2015 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2015 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
5008	44	Senthil Natarajan & Malar Thangaraj	\$2,939.74
6001	8.16QFARM	W. Martin c/o Butler	\$ 84.55
25001	27.01	S.A.V.E. c/o Persichilli	\$4,206.10
27001	44	Paul & Ruth Verderosa	\$ 45.94
27002	4	Boguslaw Walczyszyn	\$ 226.14
28003	147	Dovenmuehle Mortgage, Inc.	\$1,005.75
32002	13	Blawenburg Dutch Reformed Church	\$3,828.48
34001	35.05	Serge T. & Virginia C. Trosko	\$ 211.90
34021	34	TWR as CST for Ebury Fund 1NJ	\$1,381.36
34023	63	Greater NJ Title Agency, Inc.	\$3,150.08

C. **RESOLUTION #15-12-291 - AUTHORIZING RENEWAL OF RECORDS MANAGEMENT AND STORAGE SERVICES THROUGH NEW JERSEY STATE CONTRACT - Docu Safe Records Management**

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 NJSC #T1128 has provided the Township with the most competitive price for these services; and

WHEREAS, Performance of services under the terms of this contract, and payment for the services, is subject to the certification of availability of funds by the Chief Financial Officer; and

WHEREAS, Said contract is for one year, effective February 1, 2016.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Records Management and Storage services be authorized through the utilization of the New Jersey State Contract to:

Docu Safe Records Management
3 Applegate Drive
Robbinsville, NJ 08691

(CONSENT AGENDA Cont.)

D. **RESOLUTION #15-12-292 - AWARDING CONTRACTED SERVICES FOR RECREATION PROGRAMS**

WHEREAS, The Township of Montgomery requested proposals for the following recreation programs:

- Chess Classes
- SAT Prep Classes (Verbal)
- SAT Prep Classes (Math)
- Olympic Summer Camps and Programs

WHEREAS, On November 4, 2015, the Township of Montgomery, consistent with the Local Public Contracts Law (N.J.S.A 40A:11-1 et.seq.), advertised a request for proposals (hereinafter referred to as the "RFP") for said programs; and

WHEREAS, In response to the RFP the Township received proposals for each of the four programs.

NOW, THEREFORE, BE IT RESOLVED That the Governing Body of the Township of Montgomery awards contracting services to

- Dean Ippolito, L.L.C. - Chess Classes
- Larry Prep, L.L.C. - SAT Prep Classes (Verbal)
- Michael D'Alessio, L.L.C. - SAT Prep Classes (Math)
- JR's Hit'N Run Academy, Inc. - Olympic Summer Camps and Programs

to provide the highest level of services and the most economic and efficient standards that will be in the best interests of the Township and its taxpayers; and

BE IT FURTHER RESOLVED That the Mayor, Chief Financial Officer, and Township Clerk are hereby authorized to execute any and all documents in connection with the submitted proposals.

E. **RESOLUTION #15-12-293 - AMENDING RESOLUTION #15-10-251 - RELEASE OF PERFORMANCE GUARANTEE - Princeton North Shopping Center - Sidewalk along Benjamin Boulevard**

WHEREAS, Gail Smith, Township Engineer, has certified on November 25, 2015 that all public improvements in a project known as Princeton North Shopping Center - Sidewalk along Benjamin Boulevard have been completed in accordance with the approved plans and the Code of the Township of Montgomery and therefore recommends that the performance guarantee be released; and

WHEREAS, Ms. Smith has recommended that the amount of cash maintenance to be posted be reduced from 15% (\$6,611.94) to 10% (\$4,407.96).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$44,079.60 (LOC #876-SB in the amount of \$39,671.64 and \$4,407.96 cash) be released to Princeton North Realty Assoc. and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$44,079.60
10% Maintenance Guarantee (<u>as amended</u>)	\$ 4,407.96

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

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

There are no roads or detention basins to be accepted with this project.

6-1. Committeewoman Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Trzaska and carried in the following:

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

7. **RESOLUTION #15-12-294 - TRANSFER OF FUNDS**

WHEREAS, There is a need to transfer funds to areas where there are insufficient funds to meet the demands of the Township; and

WHEREAS, There are sufficient funds to be transferred to those accounts as stated to meet the needs of the Township.

NOW, THEREFORE, BE IT RESOLVED, That the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59, hereby authorizes the Chief Finance Officer to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
PUBLIC HEALTH (O&E)		\$ 2,000.00
SENIOR CENTER (O&E)		\$ 500.00
SUMMER CAMP (S&W)		\$ 4,500.00
MUNICIPAL COURT (O&E)		\$14,000.00
MASTER PLAN (O&E)		\$25,000.00
COMMITTEE (O&E)		\$ 2,524.97
	TAX COLLECTOR (S&W)	\$ 500.00
	PLANNING (S&W)	\$ 2,000.00
	BUILDINGS & GROUNDS (S&W)	\$ 2,000.00
	SENIOR CENTER (S&W)	\$ 500.00
	PUBLIC HEALTH (S&W)	\$ 2,000.00
	CLERK (S&W)	\$ 7,000.00
	PARKS (S&W)	\$ 7,000.00
	GENERAL ADMINISTRATION (O&E)	\$ 2,000.00
	PRE SCHOOL (S&W)	\$25,000.00
	SHADE TREE (O&E)	\$ 524.97

7-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

8. **RESOLUTION #15-12-295 - PROFESSIONAL SERVICES AGREEMENT - Princeton Avenue Overlay Project (Including Blue Spring Road and Salisbury Road Sidewalk Repair) - Engineering Consultants - Menlo Engineering**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineer for the Princeton Avenue Overlay Project, to include Blue Spring Road and Salisbury Road sidewalk repair; 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 Menlo Engineering 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, Menlo Engineering 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 Menlo Engineering 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 an agreement with Menlo Engineering for the preparation of construction documents, permit applications and engineering design for the Princeton Avenue Overlay Project, to include Blue Spring Road and Salisbury Road sidewalk repair. The terms of the agreement shall be subject to the approval of the Township Attorney.
2. Menlo Engineering shall be paid a not to exceed fee of \$98,250.00 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.

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

9. ORDINANCE #15-1500 - Government Energy Aggregation - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, AUTHORIZING THE CONTINUATION OF THE GOVERNMENT ENERGY AGGREGATION PROGRAM.

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 3rd day of December, 2015 and that notice thereof be published in an official newspaper as required by law.

9-1. 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 - Sugden, Smith, Graham, Trzaska, Madrid
Nays - None

10. ORDINANCE #15-1501 - LDO - Fee Waiver-Fire/Rescue - Public Hearing

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

AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 16-9.1 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH A WAIVER OF CERTAIN DEVELOPMENT APPLICATION FEES FOR MONTGOMERY TOWNSHIP NON-PROFIT, VOLUNTEER EMERGENCY SERVICES PROVIDERS

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 3rd day of December, 2015 and that notice thereof

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

11. ORDINANCE #15-1502 - Police Department-Lieutenants - Public Hearing

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

AN ORDINANCE AMENDING SUBSECTION 2-3.1 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY, NEW JERSEY (1984) REGARDING THE MAXIMUM NUMBER OF LIEUTENANTS AND AUTHORIZED STRENGTH OF THE POLICE DEPARTMENT

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 3rd day of December, 2015 and that notice thereof be published in an official newspaper as required by law.

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

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

12. ORDINANCE #15-1503 - Accepting Covert Drive - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY CONFIRMING THE ESTABLISHMENT OF COVERT DRIVE AS A PUBLIC STREET AND ITS CONFIGURATION AS SET FORTH IN A CERTAIN CONSENT ORDER AND STIPULATION OF SETTLEMENT ENTERED JULY 10, 2014 IN THE SUPERIOR COURT OF NEW JERSEY, SOMERSET COUNTY, CHANCERY DIVISION

B. Mayor Madrid opened the hearing to the public. There being no comment, Deputy Mayor Trzaska 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 3rd day of December, 2015 and that notice thereof be published in an official newspaper as required by law.

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

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

13. ORDINANCE #15-1504 - LDO-Private Garages - Public Hearing to be Continued

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 16-4.10b. REGARDING PERMITTED ACCESSORY USES IN THE "PPE" PUBLIC, PARKS AND EDUCATION DISTRICT

13-1. Committeeman Trzaska moved that the foregoing ordinance be postponed to December 17, 2015. The motion was seconded by Committeeman Smith and carried unanimously.

14. APPROVAL OF MINUTES

The Regular Session minutes of November 19, 2015 were approved as printed.

15. 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.

15-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

16. PROPERTY MAINTENANCE ORDINANCE

Administrator Nieman explained that there would have to be an ordinance introduced tonight and adopted at the December 17 meeting, if the Governing Body wanted to have a property maintenance ordinance for the year 2015. He gave a brief background on a draft ordinance he distributed from the Township of Old Tappan.

17. MUNICIPAL BUILDING EXPANSION COMMITTEE

Committeeman Smith reported that the Municipal Building Expansion Committee met and selected the three architects that they would like to solicit Requests for Proposals from. These RFPs will be going out in the next week or so and they would have the architects walk through the building and get a description of the program. They will have until January 5 to submit the proposals to the Township.

18. 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:
 - Advice of Counsel with respect to affordable housing matters and pending litigation;
 - Advice of Counsel with respect to Princeton Village Homeowners Association 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.

18-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

19. Meeting reconvened in Open Session.

20. ORDINANCE #15-1505 - Sidewalk-Repairs and Maintenance - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH REQUIREMENTS FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS.

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 December 17, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

20-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Sugden and carried on the following:

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

21. ORDINANCE #15-1506 - Sidewalks-Snow Removal - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH REQUIREMENTS FOR REMOVAL OF SNOW AND ICE FROM SIDEWALKS

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 December 17, 2015 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

22-1. 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 - Sugden, Smith, Graham, Trzaska, Madrid
Nays - None

ADJOURNMENT was at 8:30 p.m. on a motion by Deputy Mayor Trzaska. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk