

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
March 17, 2016

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 Graham, Deputy Mayor Trzaska, Committeemembers Madrid and Conforti
Committeeman Smith 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 Graham 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 Graham led the Salute to the Flag.

4. **PUBLIC COMMENT**

Frank Drift, Sunset Road, stated that he recently purchased a lot on Dutchtown-Zion Road, in the Sourland Mountain area. He was told by the Zoning Officer that because it was a 6.8 acre lot he would need a variance to build a single-family home. He questioned this because if it was a 5 acre lot or a 10 acre lot, he would not need a variance. Attorney Hadinger stated that the Township would follow up on this issue.

5. **RESOLUTION #16-3-85 - APPOINTMENT OF POLICE LIEUTENANT**

BE IT RESOLVED That the Montgomery Township Committee hereby appoints James M. Gill to the position of Police Lieutenant for Montgomery Township.

- 5-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

6. **RESOLUTION #16-3-86 - APPOINTMENT OF POLICE LIEUTENANT**

BE IT RESOLVED That the Montgomery Township Committee hereby appoints Thomas D. Frascella to the position of Police Lieutenant for Montgomery Township.

- 6-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

7. **SWEARING IN OF POLICE LIEUTENANTS - James M. Gill and Thomas D. Frascella**

- 7-1. Attorney Hadinger administered the Oaths of Office to Police Lieutenants James M. Gill and Thomas D. Frascella.
- 7-2. Administrator Nieman stated that he has worked for Montgomery Township for 17 years, and he was extremely proud to see these two fine officers progress to the rank of Lieutenant. He thanked them and all of the Township's Police Department for their service.
- 7-3. Lieutenant Gill thanked the Township Committee for having faith in both he and Lieutenant Frascella and for letting them aspire to the position of command staff. He hoped that in the future they could meet the needs of the Governing Body as well as meet the needs of the men and women of the Police Department and the community.
- 7-4. Mayor Graham thanked the members of the Police Department for being present and congratulated Lieutenants Gill and Frascella. She stated that the Governing Body is very proud of Montgomery's Police Department.
- 7-5. Lieutenant Frascella thanked the Governing Body for this opportunity, and the men and women of the Police Department for their support.
- 7-6. Lieutenant Wain congratulated the two new Lieutenants. He stated that it had been a difficult year for the Police Department. A few of the officer have recently lost family members, so a celebration such as this is much needed. He is incredibly proud of these two officers.

(Item #7 Cont.)

- 7-7. Police Director Palmer thanked the Governing Body for their continued support of the Police Department. He was deeply appreciative of the Township Committee's participation in the process of promoting these two fine officers. This is kind of a transitional phase for the Police Department in that there has been an expansion in the command staff which added an entirely new division. They have separated patrol, investigative traffic, and administrative functions into three separate divisions. Policing is becoming far more complex. There are some enormous stressors that are going to be coming down on the criminal justice community in the not too distant future. One of the largest will be the criminal justice reform legislation that becomes effective on January 1, 2017. This will have huge impacts on the criminal justice system both on the judicial and executive sides. The Montgomery Police Department, with the current command staff, will be able to meet those challenges. He stated that he looked forward to more promotions in the near future as well as the expansion of the Police and Municipal facilities.
- 7-8. Deputy Mayor Trzaska stated that for the past three or four years there has been a pretty big transition in the Police Department with a lot of senior officers retiring. He congratulated the two new Lieutenants. He felt that supporting the Police Department and maintaining the quality of the membership was one of the most important tasks of the Governing Body.
8. **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 #16-3-77 - REFUND OVERPAID 2015 AND 2016 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2015 and 2016 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
7034	17	Scott & Sandy Lee	\$4,727.18	2016
18017	8	Unisource National Lender Services	\$4,862.43	2015
37002	5.27	Vijay Mantena	\$2,578.16	2015

B. **RESOLUTION #16-3-78 - APPROVAL OF OUTDOOR ASSEMBLY - Run with Rotary 2016**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Rotary Club of Montgomery/Rocky Hill has requested approval of the Township Committee to conduct a 5-K race and 1-mile fun walk on April 24, 2016. The events will start on Main Boulevard and finish on Bergen Circle.
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 Township Committee approval.
 - (b) Portions of Main Boulevard, Bergen Circle, Larocque Circle, Morrow Road, and Lake Drive in Somerset County Skillman Park will be closed to vehicular traffic on Sunday, April 24, 2015 beginning at 10:35 a.m.
 - (c) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The Montgomery Township Police Department has reviewed and approved the Application provided that they employ two (2) Private Duty Police Officers.
4. The organizers have obtained the required tent permit from Township Fire Marshall, Roy Mondl.
5. The organizers have obtained the required health certificates from the Township Health Officer, Stephanie Carey.

C. **RESOLUTION #16-3-79 - AUTHORIZATION TO EXECUTE A TREATMENT WORKS APPROVAL APPLICATION (TWA) - Belle Mead Planned Unit Development - Areas 1 and 2 (Block 4001, Lots 33 and 33.01; Block 5023, Lots 2 and 31; Block 6001, Lot 1)**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval application to the New Jersey Department of Environmental Protection related to Belle Mead Planned Unit Development - Areas 1 and 2 (Block 4001, Lots 33 and 33.01; Block 5023, Lots 2 and 31; Block 6001, Lot 1)

D. **RESOLUTION #16-3-80 - AWARDED CONTRACTED SERVICES FOR BOYS SUMMER BASKETBALL**

WHEREAS, The Township of Montgomery requested proposals for Boys Summer Basketball; and

WHEREAS, On February 8, 2016, 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 program; and

WHEREAS, In response to the RFP the Township received one proposal for the program.

9. **RESOLUTION #16-3-83 - RESOLUTION ACCEPTING THE UPGRADE AND EXPANSION OF THE PIKE BROOK WASTE WATER TREATMENT PLANT PROJECT WITH APS CONTRACTING, INC.**

WHEREAS, On or about January 12, 2010, the Township executed an agreement ("Agreement") for the Upgrade and Expansion of the Pike Brook Waste Water Treatment Plant Project ("Project") with APS Contracting, Inc. ("APS") for the Contract Amount of \$14,250,000.00, as amended by Change Order Nos. 1 through 4, for a final Contract Amount of \$14,447,050.12; and

WHEREAS, By Resolution #15-11-289 adopted on November 19, 2015, the Township Committee authorized the execution of an Amendment to Agreement with APS for purposes of resolving outstanding issues between the APS and the Township, and upon resolution of said issues, providing for the Township's issuance of a "Certificate of Final Acceptance" and formal acceptance of APS's work for the Project;

WHEREAS, The Amendment to Agreement identified several terms and conditions prerequisite to the Township's acceptance of the Project, including the completion of punch list items and submission of required documentation; and

WHEREAS, By Resolution #16-2-47 adopted on February 4, 2016, the Township Committee acknowledged that the "punch list items" were nearly complete, except for the labeling of electrical paneling to be completed by APS in accordance with the Project's Contract Documents; and

WHEREAS, The Township Engineer has confirmed that APS has satisfactorily completed the punch list items, including the requisite labeling of electrical paneling, and submitted the requisite documentation, thereby satisfying its obligations necessary for final completion of the Project and final acceptance of same, in accordance with the Amendment to Agreement and Contract Documents for this Project; and

WHEREAS, The Township Engineer recommends that the Township Committee formally accept the Project and authorize the issuance of a Certificate of Final Acceptance.

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

1. The foregoing "Whereas" clauses are hereby incorporated herein as if fully restated.
2. The Township Engineer is hereby authorized and directed to issue to APS Contracting, Inc. a Certificate of Final Acceptance for purposes of formally accepting the Upgrade and Expansion of the Pike Brook Waste Water Treatment Plant Project and declaring said Project complete in accordance with the Project's Contract Documents.

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

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

10. **RESOLUTION #16-3-84 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2016 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2016 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body.

NOW, THEREFORE, BE IT RESOLVED, By confirmation of two-thirds of the full governing body, that the Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Current Fund

GIS	
Other Expense	\$10,000.00
Revenue Administration	
Other Expense	\$5,000.00
Liability Insurance	
Other Expenses	\$100,000.00
Workers Compensation	
Other Expenses	\$50,600.00
Employees Group Insurance	
Other Expenses	\$200,000.00
Public Works	
Other Expenses	\$15,000.00
Vehicle Maintenance	
Other Expenses	\$200,000.00
Summer Camp	
Other Expenses	\$10,000.00
Telephone	
Other Expenses	\$20,000.00
Water	
Other Expenses	\$10,000.00

(Item #10 Cont.)

Natural Gas	
Other Expenses	\$25,000.00
PERS	
Other Expenses	\$470,834.00
PFRS	
Other Expenses	\$527,878.00
<u>Sewer</u>	
Liability Insurance	
Other Expenses	\$12,000.00
Workers Compensation Insurance	
Other Expenses	(\$26,900.00)
PERS	
Other Expenses	\$73,464.00
Sewer A - Skillman Village	
Other Expenses	\$50,000.00
Sewer B - Stage II	
Other Expenses	\$90,000.00
Sewer C - All Plants	
Other Expenses	\$100,000.00
Sewer D - Riverside	
Other Expenses	\$30,000.00
Sewer E - Pike Brook	
Other Expenses	\$145,000.00
Sewer F - Cherry Valley Plant	
Other Expenses	\$50,000.00
Sewer G - Oxbridge	
Other Expenses	\$25,000.00

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

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

11. **ORDINANCE #16-1513 - 2016 Sewer Capacity Charges and 2016 Sewer Service Rates - Introduction**

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

AN ORDINANCE AMENDING CHAPTER XII SEWER AND WATER OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH 2016 SEWER CAPACITY CHARGES AND 2016 SEWER SERVICE RATES.

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 April 7, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

12. **ORDINANCE #16-1514 - No Parking, Mid-Block Crosswalk - Princeton Avenue - Introduction**

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

AN ORDINANCE AMENDING SCHEDULE I OF CHAPTER VII, "NO PARKING," AND SCHEDULE XXII OF CHAPTER VII, "MID-BLOCK CROSSWALKS," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO PROHIBIT PARKING ON PRINCETON AVENUE AND TO ESTABLISH A MID-BLOCK CROSSWALK AT PRINCETON AVENUE AT THE VAN HORNE PARK CONNECTOR PATHWAY.

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 April 7, 2016 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. **APPROVAL OF MINUTES**

The Regular Session minutes of March 3, 2016 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. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried on the following:

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

15. **ENVIRONMENTAL COMMISSION**

Administrator Nieman stated that the Environmental Commission is planning their Earth Day event to be held at the baseball complex on Reading Boulevard.

16. **ROAD PROJECT REPORT**

Administrator Nieman reported that there are some road projects nearing completion and the sidewalk project in the Platz Drive area was complete. Paving will begin and work will be competed in the Williamsburg neighborhood soon. The Township is awaiting New Jersey Department of Transportation approval for the Bridgepoint Road project. As soon as the 2016 budget is adopted, work will begin on the Viburnum Drive drainage project and the repaving of the road.

17. **VETERAN'S MEMORIAL COMMITTEE ORDINANCE AMENDMENT**

Attorney Hadinger reported that at Deputy Mayor Trzaska's urging and with Mayor Graham's knowledge, she met with the Vice-Chairperson of the Veteran's Memorial Committee Peter Rayner on a couple of housekeeping matters regarding that Committee's ordinance. She stated that there would be an ordinance presented in the near future.

18. **COMMITTEE AND SUBCOMMITTEE REPORTS**

18-1. **ZONING BOARD OF ADJUSTMENT**

Committeeman Conforti reported on the Zoning Board of Adjustment meeting. He stated that there was nothing unusual, just a couple of items on the agenda.

18-2. **BOARD OF EDUCATION**

Committeeman Conforti reported that the Board of Education referendum and budget were passed.

18-3. **TRANSPORTATION ADVISORY COMMITTEE**

Deputy Mayor Trzaska reported on the Transportation Advisory Committee meeting. He stated that, once the budget is passed, there are a couple of overlay projects that were committed to.

18-4. **VETERAN'S MEMORIAL COMMITTEE**

Deputy Mayor Trzaska reported that the Veteran's Memorial Committee would be meeting with Recreation Director Karen Zimmerman and Parks Foreman John Snyder to discuss park maintenance and upkeep as well as the possibility of directional signs at the lower parking lot.

18-4. **BOARD OF HEALTH**

Deputy Mayor Trzaska reported on the Board of Health meeting. They finalized their 2015 year review report.

18-5. **OPEN SPACE COMMITTEE**

Deputy Mayor Trzaska reported on the Open Space Committee meeting. The members discussed their Open Space report and reviewed some other Open Space projects.

ADJOURNMENT was at 7:38 p.m. on a motion by Deputy Mayor Trzaska. The motion was seconded by Committeeman Conforti and carried unanimously.

Date of Approval: