

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 15, 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, Committeemember Madrid and Conforti
Committeeman Smith was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

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. **POLICE REPORT**

Police Lieutenant Wain reported on the following activities of the Police Department for the month of August, 2016:

-- 47 motor vehicle accidents;
-- 32 arrests;
-- 8 thefts;
-- 3 criminal mischief.

5. **SUCCESSION PLANNING FOR POLICE DEPARTMENT**

Administrator Nieman stated that Police Captain Palmer has submitted the paperwork to retire at the end of September and the Governing Body should start a discussion on the steps necessary to move forward in the Police Department. He stated that there would be one Lieutenant position and three (possibly four) Sergeant positions to be filled as well as four new officers and two replacements.

Police Captain Palmer gave a brief overview of the organizational structure of the Police Department. He explained that when the Police Department reorganized several months ago, it was divided into three divisions: Services, Administration and Operations. He stated that there has been a drastic reduction in overtime because of this reorganization. He explained that there are two vacancies in the Sergeant positions. Currently, there is a promotional process for Sergeant underway. There is also a need to bolster the entry level ranks in an open, competitive hiring process much like what was done in 2013. His intent to retire as of October 1, 2016 will necessitate the need to immediately install someone to lead the organization, at least on a temporary basis. That being said, once a person is selected for the position of Acting Police Captain/Director, the Township Committee will need to take that position and put someone in the role of Acting Lieutenant.

6. **PUBLIC COMMENT**

Mayor Graham opened the public comment portion of the meeting. There being no public comment, Mayor Graham 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 #16-9-227 - REFUND UNUSED PORTION OF SPECIAL DUTY MONIES**

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

Craig Test Boring Co., Inc.
5435 Harding Hwy.
Mays Landing, NJ 08330
\$170.00

B. **RESOLUTION #16-9-228 - TEMPORARY ROAD CLOSING - Block Party - Aspen Court**

BE IT RESOLVED by the Montgomery Township Committee that authorization is hereby given for the temporary closing of Aspen Court to accommodate a neighborhood block party scheduled for September 25, 2016 from approximately 5:00 p.m. - 8:00 p.m. (raindate - October 2, 2016 from 5:00 p.m. - 8:00 p.m.). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #16-9-229 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH THE BOROUGH OF PENNINGTON FOR PUBLIC HEALTH SERVICES**

WHEREAS, the governing bodies of the Township of Montgomery and the Borough of Pennington desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for public health services; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery Township and Pennington Borough, has been prepared and circulated for approval by the governing bodies of Montgomery and Pennington.

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

1. The Township Committee approves the Township's participation in the shared services agreement with the Borough of Pennington for public health services for a 3-year period, beginning January 1, 2017 and ending December 31, 2019.
2. The Mayor and Clerk are authorized and directed to execute the shared services agreement.
3. A copy of said agree agreement will be available, pursuant to N.J.S.A.40A:65-5.b., at the offices of the Township Clerk for public inspection during normal business hours.

D. **RESOLUTION #16-9-230 - AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH THE BOROUGH OF PENNINGTON FOR FULL SERVICE ANIMAL CONTROL AND SHELTERING**

WHEREAS, the governing bodies of the Township of Montgomery and the Borough of Pennington desire to execute a shared services agreement pursuant to N.J.S.A. 40A:65-1, et seq., for full service animal control and sheltering; and

WHEREAS, a shared services agreement, setting forth the rights and responsibilities of Montgomery and Pennington Borough, has been prepared and circulated for approval by the governing bodies of Montgomery and Pennington Borough.

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

1. The Township Committee approves the Township's participation in the shared services agreement with the Borough of Pennington for animal control and sheltering services for a 3-year period, beginning January 1, 2017 and ending December 31, 2019.
2. The Mayor and Clerk are authorized and directed to execute the shared services agreement.
3. A copy of said agree agreement will be available, pursuant to N.J.S.A.40A:65-5.b., at the offices of the Township Clerk for public inspection during normal business hours.

E. **RESOLUTION #16-9-231 - AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO RENEW MEMBERSHIP IN THE MORRIS COUNTY CO-OP**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a cooperative pricing system to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, The County of Morris, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the fee to join this co-op is \$1250.00 per year and will not exceed that amount. **A DISCOUNT IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS (\$150.00) SHALL BE APPLIED TO MEMBERS WHO SUBMIT THEIR PAYMENT EARLY.**

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase in Account Number: 02-201-20-130-2-251.

NOW, THEREFORE, BE IT RESOLVED That this Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Montgomery pursuant to the provisions of N.J.S.A. 40A:11-11 (5).

BE IT FURTHER RESOLVED That the Purchasing Agent is hereby authorized to enter into a cooperative Pricing Agreement with the Lead Agency for five (5) years from October 1, 2016 to September 30, 2021.

BE IT FURTHER RESOLVED That the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey. This resolution shall take effect immediately upon passage.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #16-9-232 - RESCINDING PETTY CASH FUND**

WHEREAS, It is the desire of the Township of Montgomery, County of Somerset that the petty cash fund for the Public Assistance be rescinded.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, County of Somerset, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

G. **RESOLUTION #16-9-233 - CHANGE IN CUSTODIAN OF PETTY CASH FUND**

WHEREAS, JoAnne Stransky was custodian of the Township Clerk's Petty Cash Fund; and

WHEREAS, In accordance with N.J.S.A. 40:5-21, the Township of Montgomery is changing custodians to Donna Kukla.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, County of Somerset hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

7-1. Deputy Mayor Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Conforti and carried on the following:

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

8. **RESOLUTION #16-9-234 - PROFESSIONAL SERVICES RESOLUTION - Special or Conflict Counsel - Mark S. Anderson (Woolson, Sutphen, Anderson, PC)**

WHEREAS, There exists a need to acquire the following professional services for 2016 without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law":

- (1) Special or Conflict Counsel services.

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 services in accordance with the amounts set forth in the 2016 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 Mark S. Anderson of Woolson, Sutphen, Anderson, PC as Special or Conflict Counsel.
- (2) This contract awarded for a period of one year, for a not to exceed cost of \$10,000.00, and without competitive bidding as a "Professional Service" 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 he has 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 agreement shall be placed on file in the office of the Township Clerk.
- (5) WHEREAS, There exists account #01-210-20-155-248 which will fund this service.
- (6) A notice of this action shall be published once in the official newspaper as required by law.

8-1. 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

9. **ORDINANCE #16-1528** - Acquisition of Property on Belle Mead-Blawenburg Road/County Route 601 and Broadway - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF CERTAIN LOTS IN BLOCKS 4002, 4003, 4004, 4005, 4006 AND 4007, ON BELLE MEAD BLAWENBURG ROAD/COUNTY ROUTE 601 AND BROADWAY ("DIX SKILLMAN/HILLMONT PROPERTY"), IN THE TOWNSHIP OF MONTGOMERY.

B. Mayor Graham opened the hearing to the public. There being no comment, Deputy Mayor Trzaska moved to close the hearing to the public. The motion was seconded by Committeeman Conforti 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 September, 2016 and that notice thereof be published in an official newspaper as required by law.

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. **ORDINANCE #16-1529** - Acquisition of Property-Cherry Hill Road Properties - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF LOTS 14, 15, 22 & 30, BLOCK 34001 "CHERRY HILL ROAD PROPERTIES," IN THE TOWNSHIP OF MONTGOMERY.

B. Mayor Graham opened the hearing to the public. There being no comment, Deputy Mayor Trzaska moved to close the hearing to the public. The motion was seconded by Committeeman Conforti 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 September, 2016 and that notice thereof be published in an official newspaper as required by law.

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 #16-1530** - Use of Somerset County Improvement Authority for the Purchase of Block 20001, Lot 10.05 - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY GUARANTEED LEASE REVENUE BONDS (TOWNSHIP OF MONTGOMERY PROJECT) AND ANY NOTES ISSUED IN ANTICIPATION THEREOF BY THE SOMERSET COUNTY IMPROVEMENT AUTHORITY

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 6, 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. **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.

12-1. 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

13. **DALE JOHNSON LETTER REGARDING DEER AT INGERSOLL RAND**

Administrator Nieman stated that Mr. Johnson is having a great deal of difficulty with deer destroying his crops. He stated he would like to allow hunters to bring their vehicles into that area of Ingersoll Rand to help remove the deer. The hunters would like to kill as many deer as possible to help Mr. Johnson protect his crops, but have no way to get the deer out of property besides carrying them.

The Township Committee were generally in agreement to allow the hunters to use the road that the farmer uses to be able to get any deer they kill out of that area.

14. **COMMITTEE AND SUB-COMMITTEE REPORTS**

14-1. **MUNICIPAL ALLIANCE**

Committeewoman Madrid spoke about the Municipal Alliance meeting. She stated it was a busy meeting.

14-2. **BOARD OF HEALTH**

Deputy Mayor Trzaska spoke about the Board of Health meeting. He stated that it was mainly a couple of applications for some changes to a septic system and a well.

14-3. **OPEN SPACE COMMITTEE**

Deputy Mayor Trzaska spoke about the Open Space Committee meeting. He stated that one of the owners of the old Gallup Farm was in attendance. He walked the Committee through what he was planning and all of the changes that would occur.

14-4. **ECONOMIC DEVELOPMENT COMMISSION**

Mayor Graham spoke about the Economic Development Commission meeting. They are getting ready for Montgomery FunFest on September 25, 2016 from 1:00 p.m. to 5:00 p.m. at Princeton Airport. They are also moving ahead in planning next year's directory.

14-5. **FIRE PREVENTION BUREAU**

Administrator Nieman reported on the Fire Prevention Bureau meeting. He stated most of the meeting was about issues related to hydrants and knox-boxes.

15. **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:
 - Negotiation of possible terms and conditions of lease agreement with non-profit group;
 - Negotiation of possible terms and conditions of lease-purchase agreement and acquisition of property with Somerset County;
 - Advice of Counsel with respect to affordable housing matters and pending litigation.

(Item #15 Cont.)

3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of property shall only be authorized by the Township Committee in a public session. 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 Closed Session, the Governing Body will reconvene in open session for the purpose of taking action.
- 15-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.
16. The meeting reconvened in Open Session and ADJOURNMENT was at 8:00 p.m. on a motion by Committeeman Conforti. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk