

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
December 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, Committeemembers 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. **EAGLE SCOUT PROCLAMATION - James Smith**

WHEREAS, The prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by James Smith; and

WHEREAS, The standards established for this honor are high and very difficult to achieve; and

WHEREAS, Those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED That, with great pride, the Montgomery Township Committee congratulates James Smith on this remarkable achievement and extends its sincere wishes for continued success.

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

- 4-2. James Smith stated that his Eagle Scout project involved a food drive for a non-profit organization called Bentley's Community Services. His goal was to collect 1,000 items. He actually collected over 2,000 items. There were two locations for the donations, one outside Shop Rite and the other outside Stop and Shop. Also, there were bag and box drives in the schools.

5. **RESOLUTION #16-12-279 - APPOINTMENT OF POLICE CAPTAIN THOMAS L. WAIN**

BE IT RESOLVED That the Montgomery Township Committee hereby appoints Thomas L. Wain to the position of Police Captain 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. **SWEARING IN OF POLICE CAPTAIN - Thomas L. Wain**

- 6-1. Attorney Hadinger administered the Oath of Office to Police Captain Thomas L. Wain.

- 6-2. Captain Wain thanked the Governing Body for this honor and thanked his family, friends and everyone for attending. He acknowledged the Governing Body for their commitment to the safety and well-being of the Police Department. He felt honored and humbled to be chosen to lead this group of individuals in this challenging time. There is no better group of people to work alongside of. He thanked Guy Fillebrown, Jim Curry and Robert Palmer for attending.

- 6-3. Mayor Graham congratulated Captain Wain and stated that it was an honor to be able to appoint him as Captain and has no doubt that he will be a great leader for the department.

- 6-4. Deputy Mayor Trzaska congratulated Captain Wain and stated it was an honor to have him as the Police lead.

7. **RESOLUTION #16-12-280 - APPOINTMENT OF POLICE DIRECTOR THOMAS L. WAIN**

BE IT RESOLVED That the Montgomery Township Committee hereby appoints Thomas L. Wain to the position of Police Director for Montgomery Township.

- 7-1. 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

8. **RESOLUTION #16-12-281 - APPOINTMENT OF POLICE LIEUTENANT KURT ROCK**

BE IT RESOLVED That the Montgomery Township Committee hereby appoints Kurt Rock to the position of Police Lieutenant for Montgomery Township.

- 8-1. 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

9. **SWEARING IN OF POLICE LIEUTENANT - Kurt Rock**

- 9-1. Attorney Hadinger administered the Oath of Office to Police Lieutenant Kurt Rock.
- 9-2. Lieutenant Rock thanked the Governing Body for this honor. He thanked his family and everyone for being at this meeting. He acknowledged everyone for their faith and dedication to the Montgomery Township Police Department. He stated that the Governing Body made the wisest choice ever in appointing Tom Wain to lead the department. He was truly honored and humbled to be a part of the new leadership in the department.
- 9-3. Mayor Graham thanked Lieutenant Rock for his many years of service to the Township. She stated that one of the most rewarding things that the Governing Body gets to do as Township Committeemembers is to work with the Police and to be able to promote officers throughout the ranks.
- 9-3. Deputy Mayor Trzaska congratulated Lieutenant Rock on a well-deserved promotion.
- 9-4. Mayor Graham mentioned that there were refreshments in the lobby in celebration of Captain Wain and Lieutenant Rock. She invited everyone to adjourn to the lobby for such refreshments while the Governing Body finished the meeting.

10. **PUBLIC COMMENT**

- 10-1. Eric Weitze, Viburnum Drive, thanked the Police Department for keeping the residents of Montgomery Township safe.
11. **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 #16-12-282 - REFUND OVERPAID 2015 AND 2016 TAXES**

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

Block	Lot	Name	Amount	Year
7012	17	Wells Fargo Real Estate Tax Services	\$3,972.39	2016
28003	110	Sharbell Plainsboro	\$1,076.63	2015

B. **RESOLUTION #16-12-283 - REDEMPTION OF TAX SALE CERTIFICATES**

BE IT RESOLVED That a refund in the amount of \$4,998.96 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2016-26 on Block 37001, Lot 4.24.

BE IT FURTHER RESOLVED That a refund in the amount of \$1,518.72 be given to Natu Patel, 505 Hoagland Court, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2016-36 on Block 37002, Lot 5.69.

BE IT FURTHER RESOLVED That a refund in the amount of \$8,084.95 be given MTAG Cust Fig Cap Inv NJ13, 8323 Ramona Blvd W Suite 2, Jacksonville, FL 32221 for the redemption of Tax Sale Certificate #2016-16 on Block 30003, Lot 42.

C. **RESOLUTION #16-12-284 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MUNICIPALITY OF PRINCETON FOR ANIMAL CONTROL SERVICES**

WHEREAS, The Municipality of Princeton and Montgomery Township each provide animal control services to their respective municipalities; and

WHEREAS, Princeton requires supplemental assistance from an Animal Control Officer to provide shelter maintenance and animal emergency response.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Municipality of Princeton to utilize Montgomery's Animal Control Officer for supplemental assistance as the need arises.

D. **RESOLUTION #16-12-285 - RELEASE OF MAINTENANCE GUARANTEE - Tapestry at Montgomery Phase 1B-4 without Force Main and Pump Station**

WHEREAS, Gail Smith, Township Engineer, has certified on December 6, 2016 that all public improvements in a project known as Tapestry at Montgomery, Phase 1B-4 without Force Main and Pump Station have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

(CONSENT AGENDA Item D Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the Maintenance Bond in the amount of \$70,565.40 (Letter of Credit #103232) be released to Sharbell Building Company, LLC., 1 Washington Boulevard, Suite 9, Robbinsville, NJ 08691, conditioned upon the posting of adequate escrow funds.

E. **RESOLUTION #16-12-286 - RELEASE OF ESCROW FEE - Boguslaw Walczyszyn - Street Opening Permit #16-R-07**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to Boguslaw Walczyszyn because all work has been satisfactorily completed with respect to the following street opening permit at Block 27002, Lot 4 (318 Opossum Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash escrow fee in the amount of \$2,850.00 be released to Boguslaw Walczyszyn, 318 Opossum Road, Skillman, NJ 08558.

F. **RESOLUTION #16-12-287 - AUTHORIZING A GRANT APPLICATION - Investors Bank Foundation**

WHEREAS, the Investors Bank Foundation has grant funds available, through its Community Grants Program for eligible programs, projects, activities and related costs of qualified organizations in the communities Investors Bank serves, for which it continues to solicit on-line requests; and

WHEREAS, the Township of Montgomery intends to apply for grant funding for a maximum request of \$50,000.00 from the Investors Bank Foundation, for the purchase of an Emergency First Responder Vehicle; and

WHEREAS, no matching funds are required in order for the Township of Montgomery to apply for or receive grant funding from the Investors Bank Foundation; and

WHEREAS, the Township of Montgomery will utilize all grant funds awarded to it by the Investors Bank Foundation as described in its application for said funds and in compliance with all applicable Investors Bank Foundation, Municipal, Somerset County, New Jersey and United States requirements, guidelines, regulations and statutes.

11-1. Committeeman Conforti moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Madrid and carried on the following:

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

12. **RESOLUTION #16-12-288 - AWARD OF BID - Laboratory Testing Services**

WHEREAS, The following bids for Laboratory Testing Services were received and publicly opened on Tuesday, November 22, 2016:

<u>BIDDER</u>	<u>AMOUNT</u>
NJ Analytical Labs	\$ 33,341.25
Eurofins	\$ 37,230.00
ALS Environmental	\$ 37,863.00
Garden State Labs	\$ 39,275.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Township Attorney that NJ Analytical Labs be awarded the bid; they being the lowest responsible bidder; and

WHEREAS, The term for this contract will be from January 1, 2017 through December 31, 2017. This will be a one (1) year contract with the option to renew for four additional one (1) year terms. This contract will not extend past December 31, 2021.

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this purchase as follows: Account Number 07-201-55-542-272; Account Number 07-201-55-543-272; Account Number 07-201-55-545-272; Account Number 07-201-55-546-272; Account Number 07-201-55-547-272; and Account Number 07-201-55-548-272.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Laboratory Testing Services is hereby awarded to NJ Analytical Laboratories, 380 Scotch Road, Building 2, Ewing, NJ 08628 in the amount of \$33,341.25.

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

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. **RESOLUTION #16-12-289 - CHANGE ORDER #1 - Viburnum Drive, Sassafras Court and Spiked Rush Court Improvement Project - Top Line Construction**

WHEREAS, Resolution #16-7-176 adopted on July 7, 2016, authorized the award of a contract for the Viburnum Drive, Sassafras Court and Spiked Rush Court Improvement Project to Top Line Construction in the amount of \$439,602.68; and

WHEREAS, The Township Engineer has requested the Committee's approval of a Change Order to reflect quantity adjustments and costs for the project; and

WHEREAS, The work comprising Change Order #1 will result in a net increase in the original contract amount by \$2,518.83 or 0.57%; and

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

WHEREAS, A copy of the proposed Change 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. Change Order #1 is hereby approved.
2. This Resolution, when counter-signed by Top Line Construction, shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$2,518.83 for a total contract amount of \$442,121.51.

13-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Trzaska and carried on the following:

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

14. Committeewoman Madrid stepped down from the dais.

15. **ORDINANCE #16-1536 - Kid Connection Fees - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, INCREASING FEES FOR KID CONNECTION PROGRAMS AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

B. Mayor Graham opened the hearing to the public. There being no comment, Committeeman Conforti 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 15th day of December, 2016 and that notice thereof be published in an official newspaper as required by law.

15-1. 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, Trzaska, Graham
Nays - None
Absent - Smith
Abstain - Madrid

16. **APPROVAL OF MINUTES**

The Regular Session minutes of December 1, 2016 were approved as printed.

17. Committeewoman Madrid returned to the dais.

18. **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.

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

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

19. **GENERAL BEST PRACTICES SEMINAR**

Mayor Graham suggested that the Governing Body should put on the agenda for early 2017 to have a general Best Practices seminar.

20. **MUNICIPAL OFFICES CLOSINGS FOR THE HOLIDAYS**

Administrator Nieman reported that, with the Committees approval, he would like to close the Municipal offices at 2:30 p.m. on December 22, 2016 and December 30, 2016.

It was the general consensus of the Governing Body to have the closing of the offices at 2:30 p.m. on those dates.

21. **COMMITTEE AND SUB-COMMITTEE REPORTS**

21-1. **ZONING BOARD OF ADJUSTMENT**

Committeeman Conforti stated that the Zoning Board of Adjustment voted on the cell tower project. It was turned down by one vote. Another cell tower application will come up in the new year for a project on Route 206.

21-2. **MONTGOMERY VETERANS MEMORIAL COMMITTEE**

Deputy Mayor Trzaska reported that the Committee discussed Montgomery going through the process, in conjunction with Somerset County, to be recognized as a Purple Heart community.

21-3. **ECONOMIC DEVELOPMENT COMMISSION**

Mayor Graham reported that the Economic Development Commission is working on the 2017 Business Directory.

21-4. **PUBLIC INFORMATION SESSION**

Administrator Nieman reported on the recent public information session regarding several projects in town.

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:
 - Potential acquisition of properties (Block 32001, Lot 24 - Thompson; Block 10001, Lot 7 - Tarzia; Block 10001, Lot 7.01 - Drift) with public funds;
 - Advice of counsel with regard to possible acquisition of property (Convatec).
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of lands shall only be authorized by the Township Committee in a public session.

22-1. Deputy Mayor Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Conforti and carried unanimously.

23. Meeting reconvened in Open Session and **ADJOURNMENT** was at 7:55 p.m. on a motion by Committeewoman Madrid. The motion was seconded by Deputy Mayor Trzaska and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk