

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
February 2, 2017

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 Trzaska, Committeemembers Madrid and Conforti  
Deputy Mayor Smith and Committeewoman Graham were absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Michael Pitts

DEPUTY TOWNSHIP CLERK - Margaret Crawford

2. Mayor Trzaska 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 Trzaska led the Salute to the Flag.

4. **POLICE REPORT**

Police Lieutenant Gill reported on the following activities of the Police Department for the month of December, 2016:

-- 71 motor vehicle accidents;  
-- 17 arrests;  
-- 7 thefts;  
-- 2 burglaries;  
-- 4 criminal mischief;  
-- 4 domestic violence.

Lieutenant Gill gave the comparisons between the years of 2015 and 2016. Assaults dropped approximately 25%. Robberies, domestic violence, arrests, burglaries, and motor vehicle accident numbers were all down. Motor vehicle thefts were up. Arsons stayed the same at one (1) each year. Motor vehicle stops and summons were about the same.

Lieutenant Gill reported on the progress of the six new probationary Police Officers.

5. **PUBLIC COMMENT**

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

6. **RESOLUTION #17-2-41 - 2017 MUNICIPAL BUDGET INTRODUCTION**

BE IT RESOLVED That the statements of revenue and appropriations shall constitute the local budget for the year 2017.

BE IT FURTHER RESOLVED That a summary of said budget shall be published in an official newspaper as required by law together with a notice fixing March 16, 2017 at approximately 7:00 p.m. as the date and time when said budget will be considered for final adoption.

NOW, THEREFORE, BE IT RESOLVED That the governing body of the Township of Montgomery does hereby approve the budget for the year 2017.

- 6-1. 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  
Nays - None  
Absent - Graham, Smith

7. **RESOLUTION #17-2-42 - AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO CONDUCT A SELF-EXAMINATION OF THE 2017 BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, Pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Montgomery has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

(Item #7 Cont.)

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges.
  - b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relation to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth,
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

7-1. 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  
Nays - None  
Absent - Graham, Smith

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 #17-2-43 - REFUND OVERPAID 2016 TAXES**

BE IT RESOLVED That a refund in the amount of \$4,338.66 be given to Nadler, Richard & Elizabeth, 8544 Majorca Lane, Naples, FL 34114 for the overpayment of 2016 taxes on Block 31001, Lot 162.

B. **RESOLUTION #17-2-44 - RELEASE OF PERFORMANCE GUARANTEE - J&J South Building Renovations and Parking Expansion**

WHEREAS, Gail Smith, Township Engineer, has certified on January 23, 2017 that all public improvements in a project known as J&J South Building Renovations and Parking Expansion 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.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$1,886,889.00 (Bond #82387089 in the amount of \$1,698,200.00 and \$188,688.90 cash) be released to Johnson & Johnson Consumer, Inc. and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$1,886,889.00
15% Maintenance Guarantee	\$ 283,033.35

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 to be accepted by the Township for this project.

There are no detention basins to be accepted by the Township. The detention basins are owned and maintained by Johnson & Johnson Consumer, Inc.

(CONSENT AGENDA Cont.)

C. TOWNSHIP COMMITTEE APPOINTMENT - Emergency Services Coordinating Committee

BE IT RESOLVED That Sean Devlin is hereby appointed OEM Representative to the Emergency Services Coordinating Committee, 1 year term expiring December 31, 2017.

BE IT FURTHER RESOLVED That Lieutenant James Gill is hereby appointed Police Representative to the Emergency Services Coordinating Committee, 1 year term expiring December 31, 2017.

8-1. Committeewoman Madrid 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  
Nays - None  
Absent - Graham, Smith

9. RESOLUTION #17-2-45 - AWARD OF BID - Sewer Excavation

WHEREAS, The following bid for a Sewer Excavation were received and publicly opened on January 31, 2017:

<u>BIDDER</u>	<u>YEAR 1</u>		<u>YEAR 2</u>
Waters and Bugbee	\$121.74	regular per man hour	\$124.01
	\$148.51	OT per man hr	\$151.95
	\$152.55	holiday per man hr	\$158.00

Montana Construction Corp.	Year 1 and Year 2:		\$450.00 regular man hour
			\$450.00 OT per man hr
			\$450.00 holiday per man hr

WHEREAS, It is the recommendation of the Purchasing Agent and Superintendent of Public Works that Waters and Bugbee be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, There exists an account #08-215-55-901-1522A which will fund this item; and

WHEREAS, The contract will not exceed \$100,000 in the first year and \$100,000 in the second year; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Sewer Excavation Project is hereby awarded to Waters and Bugbee, 75 South Gold Dr., Hamilton, NJ 08691 in the amount of \$121.74 regular per man hour for year one and \$124.01 regular per man hour for year two. This contract is for a two (2) year period, with the option to renew for three (3) one (1) year terms.

BE IT FURTHER RESOLVED That the Purchasing Agent is hereby authorized to sign said contracts.

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  
Nays - None  
Absent - Graham, Smith

10. RESOLUTION #17-2-46 - PROFESSIONAL SERVICES RESOLUTION - Surveyor-Harris Surveying, Inc.

WHEREAS, There exists a need to acquire professional surveying services for 2017 without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, The Montgomery Township Purchasing Agent has determined and certified in writing that the value of the services over the course of the contract is anticipated to exceed \$17,500.00; and

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 service in accordance with the amount set forth in the 2017 Temporary Budget, with performance of said service after March 31, 2017 being subject to the Township's amendment of the 2017 Temporary Budget, and/or adoption of the final 2017 Budget.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery as follows:

(Item #10 Cont.)

- (1) The Mayor and Clerk are hereby authorized and directed to execute proper agreements with Harris Surveying, Inc. as Surveyor.
- (2) This contract is awarded for a period of one year, for the amount set forth in The contract, and without competitive bidding as "Professional Services" 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) The contractor 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 it 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) A notice of this action shall be published once in the official newspaper as required by law.
- (6) Performance of services under the terms of this contracts, and payment for the services, after March 31, 2017 is subject to the amendment of the 2017 Temporary Budget and/or adoption of the final 2017 Budget, and certification of availability of funds by the Chief Financial Officer

10-1. 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  
Nays - None  
Absent - Graham, Smith

11. **ORDINANCE #17-1537 - Providing for 3.5% CAP - Public Hearing**

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2017 BUDGET AND  
TO ESTABLISH A CAP BANK PURSUANT TO NJS 40A:4-45.14

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

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 2<sup>nd</sup> day of February, 2017 and that notice thereof be published in an official newspaper as required by law.

11-1. 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  
Nays - None  
Absent - Graham, Smith

12. **ORDINANCE #17-1538 - 2017 Salary and Wages - Public Hearing**

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

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE  
PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND  
TO PROVIDE FOR ITS ADMINISTRATION IN 2017.

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

C. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 2<sup>nd</sup> day of February, 2017 and that notice thereof be published in an official newspaper as required by law.

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  
Nays - None  
Absent - Graham, Smith

13. **RESOLUTION #17-2-47 - 2017 SALARIES FOR NON-UNION EMPLOYEES**

WHEREAS, The Township Committee of the Township of Montgomery, Somerset County, New Jersey desires to set 2017 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that 2017 annual salaries for all non-contracted employees retroactive to January 1, 2017 are established as follows:

Mayor	Ed Trzaska	\$ 5,006.00
Deputy Mayor	Rich Smith	\$ 3,752.00
Township Committee Member	Mark Conforti	\$ 3,752.00
Township Committee Member	Christine Madrid	\$ 3,752.00
Township Committee Member	Patricia Graham	\$ 3,752.00
Township Administrator	Donato Nieman	\$154,500.00
Police Director/Captain	Thomas Wain	\$147,521.00
Chief Financial Officer/ Tax Collector	Michael Pitts	\$132,340.00
Township Engineer	Gail Smith	\$120,561.00
Planning Director	Lori Savron	\$111,783.00
Superintendent of Public Works	Arthur Villano	\$118,886.00
Construction Official/ Fire Marshall	Roy Mondì	\$118,277.00
Dir. of Wastewater Operations	Jason Kiernan	\$107,778.00
Recreation Director	Karen Zimmerman	\$101,550.00
Township Clerk	Donna Kukla	\$101,550.00
MIS Coordinator	Bill Pauwels	\$ 76,763.00
Tax Assessor	Ryan Riccio	\$ 54,062.00
Asst. Chief Financial Officer	Claire Higgins	\$ 76,182.00
Asst. Chief Financial Officer	Dale Melville	\$ 71,260.00
Asst. Township Engineer	Mark Herrmann	\$ 91,620.00
Personnel Coordinator	Susan Smith	\$ 93,260.00
Laboratory Supervisor	Dorota Jaczuk	\$ 69,707.00
Parks Foreman	John Snyder	\$ 75,493.00
Roads Foreman	Joseph Kane	\$ 75,493.00
Senior Rec. Program Coord.	Pauline Carr	\$ 70,243.00
Purchasing Agent (P/T)	Donna Kukla	\$ 15,000.00
Aquatics Director	Vincent Ingraffia	\$ 10,000.00
Administrative Assistant	Tamarah Novak	\$ 24.57 p/hr.
Administrative Assistant	Deborah Axtt	\$ 30.98 p/hr.
Community Information Officer	Tamara Garaffa	\$ 33.69 p/hr.
Public Health Nurse	Brianna Restis	\$ 36.27 p/hr.
<b><u>Kid Connection Program</u></b>		
Director	Andrea McKenna	\$ 78,917.00
Head Teacher	Cathy Gorman	\$ 62,721.00
	Jennifer Yanovitch	\$ 49,655.00
Teacher	Mary Ellen Comollo	\$ 53,591.00
	Marge Cannon	\$ 52,199.00
	Heather DeSantis	\$ 38,249.00
	Jennifer DeWacker	\$ 38,249.00
	Holly Fischer	\$ 38,249.00
	Kathy Herman	\$ 38,249.00
	Beverly Owens	\$ 44,768.00
	Laura Reichert	\$ 43,191.00
	Donna Rossi	\$ 43,561.00
	Lisa Stryker	\$ 39,600.00
	Cheryl Truppi	\$ 41,261.00
Assistant Teacher	Maureen Boyer	\$ 12.49 p/hr.
	Barbara Chenot	\$ 13.66 p/hr.
	Patty Cornell	\$ 20.01 p/hr.
	Erin DeSantos	\$ 12.27 p/hr.
	Patty Fox	\$ 14.32 p/hr.
	Susan Garhart	\$ 15.28 p/hr.
	Megan Grundy	\$ 24.84 p/hr.
	Christine LaRue	\$ 14.22 p/hr.
	Pradnya Moghe	\$ 13.91 p/hr.
	Eileen Motherway	\$ 13.66 p/hr.
	Elizabeth Noonan	\$ 14.67 p/hr.
	Angela Perone	\$ 18.80 p/hr.
	Nancy Petchock	\$ 16.04 p/hr.
	Padma Reddy	\$ 12.27 p/hr.
	Nancy Sheehan	\$ 14.15 p/hr.
	Bonnie Simmons	\$ 14.39 p/hr.
	Barbara Stegman	\$ 14.29 p/hr.
	Arva Sura	\$ 12.27 p/hr.
	Pat VanArsdalen	\$ 18.66 p/hr.
	Debbie Yim	\$ 12.27 p/hr.

(Item #13 Cont.)

Clerk-Typist	Elizabeth Mann	\$ 16.37 p/hr.
Registration Assistant	Rochelle Fityere	\$ 17.93 p/hr.
Administrative Assistant	Ellen Elgort	\$ 30.08 p/hr.
Admin. Asst./Afterschool Spvr.	Joy McCarthy	\$ 15.81 p/hr.
Creative Movement/Dance Teacher	Karen Mason	\$ 36.27 p/hr.

**Recreation Camp:**

Camp Activities Coordinator	Lindsey Fischer	\$ 9,000.00 p/yr.
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**Recreation/Aquatics:**

Certified Instructors	Victoria Gluck	\$ 17.00 p/hr.
	Harismaran Jagannathan	\$ 17.00 p/hr.
	Audrey Lee	\$ 17.00 p/hr.
	Penelope Pariso	\$ 17.00 p/hr.
	Elizabeth Snedeker	\$ 17.00 p/hr.

Non-Certified Instructors	Nicolas Dunham	\$ 14.00 p/hr.
	Beatrice Liang-Gilman	\$ 14.00 p/hr.
	Rachel Sherman	\$ 14.00 p/hr.
	Lauren Yoon	\$ 14.00 p/hr.
	Kaitleigh Witten	\$ 14.00 p/hr.

Lifeguards	Morgan Amberson	\$ 10.00 p/hr.
	Katelyn Chi-Wen Chen	\$ 10.00 p/hr.
	Danielle Corsan	\$ 10.00 p/hr.
	Liam Dwyer	\$ 10.00 p/hr.
	Austin Fan	\$ 10.00 p/hr.
	Stanley Huang	\$ 10.00 p/hr.
	Matthew Irwin	\$ 10.00 p/hr.
	Zachary Masessa	\$ 10.00 p/hr.
	Joe Mercurio	\$ 10.00 p/hr.
	Lee Poirier	\$ 10.00 p/hr.
	Shreena Solanki	\$ 10.00 p/hr.
	Lori Srivastave	\$ 10.00 p/hr.
	Andrew Taylor	\$ 10.00 p/hr.
	Andy Wang	\$ 10.00 p/hr.
	Rishi Yerram	\$ 10.00 p/hr.
David Young	\$ 10.00 p/hr.	

13-1. 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  
Nays - None  
Absent - Graham, Smith

14. **APPROVAL OF MINUTES**

The Regular Session minutes of January 19, 2017 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. 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  
Nays - None  
Absent - Graham, Smith

16. CABLE TV REFRANCHISE

Administrator Nieman reported that Comcast had filed their application for the renewal of their cable television franchise. He stated that the public hearing would be held on March 16, 2017.

17. BEST PRACTICES PRESENTATION

After some discussion by the Township Committee, it was determined that March 2 would be the best date for the Best Practices presentation because the public hearing on the budget is to be held on March 16. The March 2 date is subject to change depending on the number of the items on the agenda for that night.

18. COMMITTEE AND SUB-COMMITTEE REPORTS

18-1. LANDMARKS COMMISSION

Committeewoman Madrid reported that the Landmarks Commission held their reorganization meeting. At that meeting they talked about the possibility of having a cell tower in the Blawenburg Reformed Church steeple, and discussed the history of the steeple.

18-2. SOFTBALL LEAGUE

Mayor Trzaska spoke about a recent meeting that occurred with the Montgomery Softball League. There was discussion at the meeting about their needs, the fields and the fees.

18-3. BOARD OF EDUCATION

Administrator Nieman spoke about a meeting he and Karen Zimmerman had with the Superintendent of Schools and Board of Education staff members who will be affected by the construction projects that will be going on in the schools this summer. There will be some impact on the Township's summer camps program. The Board of Education is trying to make every accommodation to minimize the impact, but there will have to be some changes in the camp programs.

19. 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 regarding potential litigation by Baker Chrysler Jeep Dodge and Ram, Inc. concerning ZBA Case #07-16 and sale of property.
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.

19-1. Committeeman Conforti moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.

20. The meeting reconvened in Open Session and ADJOURNMENT was at 7:26 p.m. on a motion by Committeeman Conforti. The motion was seconded by Committeewoman Madrid and carried unanimously.

Date of Approval:

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Margaret Crawford, Deputy Township Clerk