

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
May 18, 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 Graham, Madrid and Conforti
Deputy Mayor 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 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. **EAGLE SCOUT PRESENTATION - Rohan Shah**

Rohan Shah explained his project which included placing trail markers along the Mill Pond Park boardwalk trail the runs next to the Campbell Farm property and ends at River Road. Trail markers would be placed every 50 feet along the boardwalk, on tree trunks and every 200 feet along the rest of the trail, on posts. He expected this to take place in the summer-fall of 2017. The estimated end date was to be late September to early October. The estimated cost of materials is \$175.00 which he is planning on raising via fundraisers. He explained that the Township would be providing the trail markers for this project.

Mayor Trzaska inquired as to how Mr. Shah came up with the idea for this project. Mr. Shah explained that he uses the trail to run on and when he went to the Township for a list of project ideas, this one jumped out at him.

- 4-1. Officer Brian Hofacker, PBA Representative, stated that that the PBA would like to donate \$175.00 and sponsor Rohan Shah's Eagle Scout project.

- 4-1. **Motion #17-5-2** - Committeeman Conforti moved to approve the Eagle Scout project proposed by Rohan Shah. The motion was seconded by Committeewoman Madrid and carried unanimously.

5. **RESOLUTION #17-5-115 - APPOINTMENT OF POLICE SERGEANTS**

BE IT RESOLVED That Jason Larsen is hereby appointed Police Sergeant, effective May 18, 2017.

BE IT FURTHER RESOLVED That Brian Hofacker is hereby appointed Police Sergeant, effective May 18, 2017.

- 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, Graham, Trzaska
Nays - None
Absent - Smith

6. **SWEARING IN OF POLICE SERGEANTS**

- 6-1. Attorney Hadinger administered the Oaths of Office to Police Sergeants Jason Larsen and Brian Hofacker.

- 6-2. Police Captain/Director Tom Wain explained that it was an incredibly happy and proud night for the Police Department. These two officers are very deserving of this promotion. He stated that for anyone who has served on a Police Department or in the military knows that a Sergeant is the most important piece of the rank structure.

7. Committeeman Conforti leaves the dais.

8. **PROCLAMATION - 2017 EMS WEEK - May 21-27, 2017**

WHEREAS, Emergency medical services is a vital public service; and

WHEREAS, The members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, Emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

(Item #8 Cont.)

WHEREAS, The emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, The members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, It is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, in recognition of this event do hereby proclaim the week of May 21 - 27, 2017, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, *EMS Strong: Always in Service*, we encourage the community to observe this week with appropriate programs, ceremonies and activities.

- 8-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried unanimously.
- 8-2. John Connacher, EMS Representative, thanked the Township Committee for recognizing the contributions made by the members of the Emergency Medical Services. He thanked the members of all of the departments of the Emergency Services in Montgomery Township, in particular the Police Department as well as the volunteer Fire Departments.
- 8-3. Committeewoman Graham thanked the EMS members for their role in encouraging young people to volunteer and for having the Cadet program which gives young people training for the future.

9. **PUBLIC COMMENT**

- 9-1. Brett Borowski, York Drive, commented that the striping on Princeton Avenue looks great. He also stated that the striping work at the corner of Princeton Avenue and Mount Lucas Road was done very well.

Mr. Borowski inquired about the Energy Aggregation items on the agenda later in the meeting. Administrator Nieman explained the Energy Aggregation program and the schedule of happenings for this program. Mayor Trzaska stated that questions could be posed during the presentation by Mr. Chilton of Gabel Associates.

- 9-2. Clem Fiori, Open Space Committee Chair, stated that the second group of volunteers from Johnson and Johnson would be coming to help plant more trees at Skillman Park on Friday, May 19. The first group helped on Friday, May 12. He stated that a group of 5th graders from the Waldorf School had helped plant some trees and shrubs earlier in May.

Mr. Fiori stated that it has been the feeling of the Open Space Committee that sculptures should be installed to enrich the landscape that the Township has been preserving through Open Space preservation and the creation of parks like Skillman Park and Hobler Park; and to further encourage the public to use these pathways and open spaces. There is a member of the Open Space Committee who is the grounds manager for Grounds for Sculpture. Several sculptures have been installed and others are ready to be installed at various parks in the Township. Some of these pieces are on loan and some donated at no expense to the Township. He explained that there is a well-known sculptor who lives in Blawenburg who has a piece he would like the Township to place in Hobler Park. He stated that the sculpture would cost \$110,000.00 to be cast but the Open Space Committee did not feel this would be appropriate to fund through the Open Space Trust. The Open Space Committee has looked into having a foundation donate the funds for this, but found nothing appropriate. The sculptor has responded that he has decided to look for sponsorship and has two potential donors. Mr. Fiori invited the Township Committee to visit the artist's workshop and view a fully completed plaster version of the sculpture. He asked for authorization to work with Township Planning Director Lori Savron and Open Space Coordinator Lauren Wasilauski to set up some kind of program or guidelines for acquiring more art. Also, the Township might consider purchasing or participating in cost sharing for additional works to be installed on any public lands to enrich the landscape.

10. **REQUEST FOR EXEMPTION FROM NOISE ORDINANCE - Hilton Realty - Paving of Shop Rite Parking Lot**

Bob Bushar, In-house Engineer for Hilton Realty, discussed the proposed paving of the ShopRite Shopping Center parking lot. He explained that the Township's Zoning Officer and Engineer suggested he come before the Township Committee to request a waiver from the current noise ordinance. He stated that the project will take two days to complete and for safety reasons the paving company will try to get the main drive aisle done before the store opens at 6:00 a.m.

Attorney Hadinger asked Mr. Bushar for specifics of the project. She asked about the working hours and the notification to neighbors. Committeewoman Madrid inquired as to how loud the machines would be. Mr. Bushar responded that the machines that grind up the asphalt are not quiet, and the trucks have to have back-up signals per OSHA regulations. He stated that the plans were to work two (2) nights from 3:00 a.m. and 6:00 a.m. and pave during the day on Tuesday and Wednesday. The striping of the parking lot would be done overnight, but those machines do not create much noise.

Howard Snow, In-house Counsel for Saker ShopRite, explained that to do this work during the day would create chaos and unsafe conditions.

- 10-1. **Motion #17-5-3** - Committeewoman Graham moved to authorize the variation from the noise requirements on the basis of public safety and to approve the schedule of 3:00 a.m. to 6:00 p.m. on the first day and 6:00 a.m. to 9:00 or 10:00 p.m. on the second day, weather permitting, and that notification to the neighboring residents be by paper letter and electronic notice. The motion was seconded by Committeewoman Madrid and carried on the following:

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

11. **GOVERNMENT ENERGY AGGREGATION PROGRAM - GABEL ASSOCIATES**

Bob Chilton, Gabel Associates, explained that the current program contract has not expired yet, but they are looking ahead so that the continuation of the program is seamless. He explained that the Board of Public Utilities process is a lengthy one. In order to authorize a new contract that would start in December, the Township would have to start the process in June. He explained the reasoning behind the gap in time before the last program started. He stated that winter prices are the highest prices in the market. He expected to get better prices on a contract starting after the winter. He stated that a bid process can be started that would put the Township in a position to award a contract by December but can accept pricing for a contract starting in December or in March, right after the winter. Then prices can be compared to see what makes more sense.

Brett Borowski, York Drive, stated that he was happy to be enrolled in the program so far. He mentioned that he had heard that there were people who thought this was costing them more money and had called PSE&G in order to get out of the program. He went back and looked at his bills, and on the supply portion he saved somewhere between 2% to 15%. Over the past 11 months he has saved over \$154.00. Mr. Chilton explained that the rate is fixed and there is an automatic opt-out of the contract if the rates go below the fixed rate. The current contract states that if the tariff price goes below the contract, the supplier is required to notify all customers and at that point they can opt-out. He stated that the Township could include a harsher contract provision that stipulates if the tariff drops the Township has the right to terminate the contract.

Committeewoman Madrid inquired about the opt-out rate comparison between the first round of the program and the second round. Mr. Chilton stated that the opt-out rate was lower this time around. He explained that the people who opted out in round one were automatically out for round two and those people were welcome to opt-in to the program, but they were not automatically included.

12. **RESOLUTION #17-5-116 - RESOLUTION AWARDING ENERGY CONSULTING SERVICES CONTRACT UNDER E-PROCUREMENT PILOT PROGRAM**

WHEREAS, The Township of Montgomery ("Township") is interested in hiring a third-party supplier to provide electric generation services to the Township, and, at their option, Township residents, at a cost below utility-provided electric generation services (referred to as a "government energy aggregation" program or "GEA"); and

WHEREAS, The "Local Unit Electronic Technology Pilot Program and Study Act" ("Pilot Program"), P.L. 2001, c.30, permits the Township to purchase electric generation services from a third-party supplier through an on-line auction rather than traditional sealed bids; and

WHEREAS, Also pursuant the Pilot Program, the Township may hire an on-line purchasing agent without public bidding for purposes of managing the Township's GEA and conducting the on-line auction; and

WHEREAS, The firm of Gabel Associates, Inc. ("Gabel") has offered to render the requisite energy consulting services for management of the Township's GEA, which includes, as more specifically outlined in the proposed Agreement, services necessary to prepare for and manage the GEA, obtain necessary approvals in connection with the GEA and conduct the on-line auction; and

WHEREAS, The Township seeks to hire Gabel to render the necessary energy consulting services for management of the Township's GEA as set forth immediately above and in the proposed Agreement; and

(Item #12 Cont.)

WHEREAS, Under the proposed Agreement, the successful third-party supplier shall be responsible for the payment of Gabel's fees, and the Township shall not be obligated to make payments to Gabel; and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the Gabel's services may exceed \$17,500.00; and

WHEREAS, The Township is obtaining these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, Gabel has completed and filed with the Township the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8, Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 and Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 pursuant to Section 2-22.2 of the Code of the Township of Montgomery (1984) (collectively, the "Pay-to-Play Forms"); and

WHEREAS, A certificate of availability of funds from the Chief Financial Officer is not necessary because the Township will not making payments to Gabel for its services; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with Gabel Associates, Inc. ("Gabel") hiring Gabel to provide energy consulting services necessary to manage the Township's government energy aggregation program ("GEA"), obtain the necessary approvals in connection with the GEA and conduct the on-line auction.
2. The Agreement is awarded without competitive bidding pursuant to "Local Unit Electronic Technology Pilot Program and Study Act", P.L. 2001, c.30;
3. The Agreement may be extended beyond the initial two-year term for an additional two-year term, as permitted by law;
4. A copy of this Resolution and the executed Agreement shall be sent to the Division of Local Government Services in the Department of Community Affairs; and
5. A copy of this Resolution, the Certification of Contract Value, the Pay-to-Play Forms and the Agreement shall be placed on file in the Office of the Township Clerk.

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

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

13. **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 #17-5-117 - REFUND OVERPAID 2017 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2017 taxes:

Block	Lot	Name	Amount
6001	32Q FARM	Country Classics at Montgomery	\$ 2.97
6001	39Q FARM	Cyril & Hana Kucera	\$ 81.64
6001	40Q FARM	Cyril & Hana Kucera	\$203.97
7021	49	Green Hill Title, LLC	\$823.59
25001	37Q FARM	Hsiao Tsai & James Holloway	\$ 17.09
28001	36Q FARM	Sharbell Plainsboro, Inc.	\$ 18.58

B. **RESOLUTION #17-5-118 - REFUND OVERPAID 2017 SEWER CHARGES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2017 sewer charges:

Block	Lot	Name	Amount
7032	36	Wael T. Elkholy & Reham Hamad	\$351.00
31001	133	Eduardo Pares & Dana Zampieri	\$150.49

C. **RESOLUTION #17-5-119 - SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 22 - JUNE 4, 2017**

WHEREAS, There were 604 motor vehicle fatalities in New Jersey in 2016; and

WHEREAS, A large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, Use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, The National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

(CONSENT AGENDA Item C Cont.)

WHEREAS, The State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 22 - June 4, 2017 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, The Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93% to 95%; and

WHEREAS, A further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED That Montgomery Township declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 22 - June 4, 2017 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

D. **RESOLUTION #17-5-120 - ACCEPTANCE OF DONATION - Refrigerator and Freezer from Montgomery Girls Softball League to Montgomery Recreation**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation of a refrigerator and freezer from the Montgomery Girls Softball League to be used at the concession stand at Montgomery Veterans Park.

E. **RESOLUTION #17-5-121 - AMENDING RESOLUTION #17-4-91 - RELEASE OF ESCROW FEE- Pappen Varghese - Street Opening Permit #16-R-33**

WHEREAS, George Remboske, Assistant to the Township Engineer, has recommended the release of a cash escrow fee to Pappen Varghese because all work has been satisfactorily completed with respect to the following street opening permit at Block 7006, Lot 14 (58 Willow Run Lane).

WHEREAS, The amount of escrow referenced in the resolution was incorrect and \$2,283.00 was returned to Mr. Varghese and not the correct amount of \$2,830.00.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that an additional cash escrow fee in the amount of \$546.00 be released to Pappen Varghese, 58 Willow Run Lane, Belle Mead, NJ 08502.

F. **TOWNSHIP COMMITTEE APPOINTMENT - Part-Time Electrical Inspector**

BE IT RESOLVED That Dale Gates be hereby appointed Part-Time Electrical Inspector, retroactive to May 15, 2017.

13-1. Committeewoman Madrid moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Graham and carried on the following:

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

14. **RESOLUTION #17-5-122 - AUTHORIZING A PUBLIC HEALTH SHARED SERVICES PARTNERSHIP AGREEMENT BETWEEN THE SOMERSET COUNTY DEPARTMENT OF HEALTH (LINCS AGENCY) AND THE MONTGOMERY TOWNSHIP HEALTH DEPARTMENT FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM, OUTBREAKS OF INFECTIOUS DISEASE, AND OTHER PUBLIC HEALTH THREATS AND EMERGENCIES**

BE IT RESOLVED That authorization is hereby given for an agreement between the Somerset County Department of Health (LINCS AGENCY) and the Montgomery Township Health Department to ensure an adequate and appropriate level of countywide participation and collaboration for public health preparedness and response to bioterrorism, outbreaks of infectious disease and other public health threats and emergencies, and in accordance with the requirements of the New Jersey Department of Health's Local Core Capacity for Public Health Emergency Preparedness Grant.

14-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

15. **RESOLUTION #17-5-123 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MANVILLE FOR RECREATION PROFESSIONAL SERVICES**

WHEREAS, The "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, The Parties have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, The Parties wish to enter into a Shared Services Agreement ("Agreement") for Recreation Professional services; and

WHEREAS, Manville has agreed to provide Montgomery with the services of its Recreation Director, pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

(Item #15 Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County, New Jersey, that the Township Committee approves the Township's participation in the shared services agreement with the Borough of Manville for Recreation Professional services; and further that the Mayor and Clerk are authorized and directed to execute the shared services agreement.

BE IT FURTHER RESOLVED That a copy of the shared services agreement will be available, pursuant to N.J.S.A. 40A:65-5.b., at the offices of the Township Clerk for public inspection.

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

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

16. **RESOLUTION #17-5-124 - PROFESSIONAL SERVICES AGREEMENT - Otto Kaufman Community Center Renovation/Expansion Study - Architectural Services - Spiezle Architectural Group**

WHEREAS, The Township of Montgomery seeks to retain professional architectural services for the Otto Kaufman Community Center Renovation/Expansion Study; 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 of Spiezle Architectural Group has submitted a proposal offering to provide the sought-after service to the Township; and

WHEREAS, It has been determined that the value of these services over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Spiezle Architectural Group 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 Spiezle Architectural Group 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; and

WHEREAS, The Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account #04-215-55-901-1542I.

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 Spiezle Architectural Group for the Otto Kaufman Community Center Renovation/Expansion Study.
2. Spiezle Architectural Group shall be paid a not to exceed fee of \$19,850.00 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.

16-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

17. **RESOLUTION #17-5-125 - AUTHORIZING THE EXTENSION OF THE CONTRACT FOR ELECTRICAL SERVICES - AMEC Electric, LLC**

WHEREAS, Resolution #15-7-175 adopted on July 16, 2015 awarded an electrical service contract from July 1, 2015 to May 31, 2017 to AMEC Electric, LLC; and

WHEREAS, N.J.S.A. 40A:11-15 provides that a contract may include provisions for no more than one two-year or two one-year extensions subject to the following: the contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an efficient manner; no such contract shall be extended so that it runs for more than a total of five consecutive years; any price change included as part of the extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 consecutive months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same; and

WHEREAS, The contract is extended an additional two years and will not exceed \$85,000.00 per year for the extended two years effective June 1, 2017 to May 31, 2019; and

WHEREAS, There exists accounts 07-201-55-542-243, 07-201-55-543-243, 07-201-55-544-243, 07-201-55-545-243, 07-201-55-546-243, 07-201-55-547-243, 07-201-55-548-243, 01-201-28-372-268, 01-201-26-310-268, and 01-201-6-290-228 which will fund this service; 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 That the Montgomery Township Committee hereby approves the two year extension pursuant to the above-described terms.

- 17-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

18. **RESOLUTION #17-5-126 - AMENDING RESOLUTION #16-8-205 - Submersible Pump Repair Services**

WHEREAS, Resolution #16-8-205 adopted on August 4, 2016 awarded a submersible pump repair service contract to Municipal Maintenance Company; and

WHEREAS, There is a need to increase the not to exceed amount for year 2017 by an additional \$70,000.00; 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.

WHEREAS, There exists accounts: 07-201-55-542-200, 07-201-55-543-200, 07-201-55-544-200, 07-201-55-545-200, 07-201-55-546-200, 07-201-55-547-200, 07-201-55-548-200 which will fund this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract with Municipal Maintenance Company for the Submersible Pump Repair Services is hereby amended to reflect an additional \$70,000.00 increase for a not to exceed amount of \$130,000.00 in budget year 2017.

BE IT FURTHER RESOLVED That the not to exceed amount for budget year 2018 remains at \$60,000.00.

- 18-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

19. **RESOLUTION NO. 17-5-127 - RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE TOWNSHIP OF MONTGOMERY AFFORDABILITY ASSISTANCE PROGRAM FOR THE TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED 1203 MCKINLEY COURT MONTGOMERY, NEW JERSEY**

WHEREAS, Applicant 2017-1 ("Tenant") will be renting 1203 McKinley Court, Montgomery Township ("Property"), a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, The Tenant has requested a loan through Montgomery Township's Affordability Assistance Program to pay for a security deposit for the Property; and

WHEREAS, The Township's Affordable Housing Administrative Agent, CGP&H, LLC., has reviewed the Tenant's application and qualified the Tenant for the requested assistance; and

WHEREAS, The amount of the requested loan for a security deposit will be paid directly to the landlord, M&G McKinley Investments, LLC, by the Township; and

WHEREAS, The Township is willing, pursuant to the Affordable Assistance Program, to extend a loan to the Tenant in the amount of nine hundred and eight, 48/100 dollars (\$908.48); and

(Item #19 Cont.)

WHEREAS, The funding for the loan will be from the Montgomery Township Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED On this 18th day of May, 2017, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township's Affordability Assistance Program, to enter into an Agreement with Tenant and provide Tenant with a loan to be used to pay a security deposit for the Property.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the loan amount.

19-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

20. **ORDINANCE #17-1547 - Government Energy Aggregation - Introduction**

A. Mayor Trzaska 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. 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 June 1, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

20-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

21. **ORDINANCE #17-1548 - Grant of Easement to Delaware and Raritan Canal Commission of the State of New Jersey; Riverside Farms Waste Water Treatment Plant - Introduction**

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

AN ORDINANCE AUTHORIZING THE GRANTING OF A CONSERVATION
EASEMENT TO DELAWARE AND RARITAN CANAL COMMISSION OF THE STATE
OF NEW JERSEY OVER A PORTION OF LOT 64, IN BLOCK 7019, BY THE
TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY; RIVERSIDE FARMS
WASTE WATER TREATMENT PLANT.

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 June 1, 2017 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

21-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

22. **APPROVAL OF MINUTES**

The Regular Session minutes of May 4, 2017 were approved as printed.

23. **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.

23-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Madrid and carried on the following:

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

24. **24 CLUB**

Administrator Nieman stated that he and the Township Planning Director, Lori Savron, toured the 1860 House, which was now the 24 Club. They are making remarkable progress in restoring the facility. The Ballantine bookcases are back up, it is entirely painted, the cabinets are being installed, they are creating meeting rooms, working on finishing the floors, and putting in an HVAC system.

25. **COMMITTEE AND SUB-COMMITTEE REPORTS**

25-1. **ENVIRONMENTAL COMMISSION**

Administrator Nieman reported on the Environment Commission meeting. They discussed the success of Earth Day.

25-2. **ZONING BOARD OF ADJUSTMENT**

Administrator Nieman reported on the Zoning Board of Adjustment meeting. There was an issue with a carport being turned into a garage that was discussed.

25-3. **OPEN SPACE COMMITTEE**

Committeewoman Graham reported on the Open Space Committee. They discussed the sculpture which was talked about earlier in the meeting.

25-4. **ECONOMIC DEVELOPMENT COMMISSION**

Committeewoman Graham reported on the Economic Development Commission meeting. They are really enthused this year. One thing they would like is to have a Township liaison person for new businesses. They are working on establishing a scholarship program and an award for a new business in town.

26. **FIREWORKS**

Mayor Trzaska stated that the Fireworks would occur on June 29, 2017 at Montgomery High School, with a raindate on July 6.

27. **WOODSEGE PARK**

Mayor Trzaska reported that work was coming along at the Woodsedge Park. The work is just about finished.

28. **MEMORIAL DAY**

Committeewoman Graham stated that there would be a ceremony on Memorial Day, May 29, at Montgomery Veterans Park, beginning at 10:00 a.m. There will also be a dedication ceremony for the 9-11 Memorial located in the park.

29. 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 subject to be discussed in this session is as follows:
 - Potential acquisition of properties (Block 32001, Lot 24; Block 12001, Lot 15 and Block 28005, Lot 60) with public funds for open space, conservation, municipal and road purposes;
 - Advice of counsel and potential litigation regarding sewer service areas.
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.

29-1. Committeewoman Madrid moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

30. Meeting reconvened in Open Session and ADJOURNMENT was at 9:40 p.m. on a motion by Committeewoman Madrid. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk