

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
January 20, 2011

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 Caliguire, Deputy Mayor Dyer, Committeemembers Carter, Graham and Trzaska

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

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

4. **POLICE REPORT**

Police Lieutenant Curry reported on the following activities of the Police Department for the month of December, 2010:

-- 55 motor vehicle accidents;
-- 18 arrests;
-- 2 thefts;
-- 4 burglaries;
-- 3 domestic violence;
-- 4 criminal mischief.

Police Lieutenant Curry reported the following year end activities and comparisons:

	<u>2009</u>	<u>2010</u>
Calls for service	14,764	20,196
Domestic Violence	55	64
Burglaries	14	36
Arrests	201	193
Motor Vehicle Accidents	779	661
Motor Vehicle Stops	4,948	8,288
Motor Vehicle Summonses	2,314	3,470

5. **PUBLIC COMMENT**

- 5-1. Walt Beadling, Thornton Way, asked about televising the Township Committee meetings. He stated that he had previously spoken to the Mayor and the Mayor stated that the expense of it would be too great. The School Board, which had been broadcasting their meetings, has decided to stop doing that because of the expense. He looked into it and found out that, yes indeed there is a budget item in the School Board budget that was about \$2,500 per year and that amount was for the person to actually do the videotaping. He stated that televising these meetings is good for the public and if the issue is around expenses involved with broadcasting them on the Cable network, that there may be ways that the Township could work around that, perhaps by getting people to volunteer to help out so that it wouldn't hit the budget but at the same time it would make these meetings open to the people who would be interested in looking at them.

Mayor Caliguire stated that he appreciated Mr. Beadling's opinion, but it was a lot more than \$2,500. He explained that there would be equipment purchases and labor. He stated that the difference was that the Board of Education has the equipment, whereas the Township would have to purchase the equipment necessary.

Committeeman Carter explained that the Township did a study in 2010 to find out the cost effectiveness.

Administrator Nieman stated that using mediocre equipment to get a mediocre picture would cost the Township approximately \$6,000, and it was determined that in the year where the Township was laying off employees that an expenditure to televise versus laying off employees, it was decided a bare bones budget was needed and the Township could not afford that expense. He also explained that in his experiences in other municipalities volunteers recording meetings don't always work out. People lose interest and the only way to get reliable people was to pay a staff member.

Mayor Caliguire stated that the meetings are audio recorded and anyone could request a copy of the tape through the Clerk's office

6. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.

A. **RESOLUTION #11-1-28 - REFUND OVERPAID 2010 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2010 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
7012	14	Wells Fargo Home Mortgage	\$3,747.81
28003	38	Thomas & Bonnie Giacobbe	\$ 435.61
28006	33	Michael Clark	\$2,725.15
34007	5	Allan Scott Gilbrand & Pauline McNulty	\$2,732.41
34023	37	James D. & Alecia S. Arnay	\$2,921.45
37003	6.47	Wells Fargo Home Mortgage	\$2,335.96

B. **RESOLUTION #11-1-29 - TO CANCEL CHECKS FROM THE TOWNSHIP CLERK PETTY CASH FUND**

WHEREAS, There exists outstanding unpaid checks on the books for the Township Clerk Petty Cash Fund account; and

WHEREAS, The checks are all over one year old and should be cancelled.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee and the Chief Financial Officer that the following checks be cancelled from the Township Clerk Petty Cash Fund account:

<u>Check #</u>	<u>Amount</u>
5475	\$25.00
5507	\$50.00
5523	\$17.76
5543	\$25.00
5547	\$16.37
5560	\$20.00
5573	\$24.26
5673	\$30.00
5728	\$35.00

C. **RESOLUTION #11-1-30 - AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF HOPEWELL FOR HEALTH SERVICES**

WHEREAS, The Borough of Hopewell wishes to enter into a formal shared services agreement with the Township of Montgomery for full service health services.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with the Borough of Hopewell for full service health services for a 3-year period effective January 1, 2011.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

D. **RESOLUTION #11-1-31 - AUTHORIZING THE EXECUTION OF AN INTERIM SHARED SERVICES AGREEMENT, PURSUANT TO N.J.S.A. 40A:65-1, et seq., WITH PENNINGTON BOROUGH FOR PUBLIC HEALTH SERVICES.**

WHEREAS, The Township of Montgomery ("Township") provides Public Health Services to its municipality in compliance with the standards set forth in NJSA 26:3A2-10, and NJAC 8:52-1.1, et seq.; and

WHEREAS, The Borough of Pennington ("Borough") had been provided Public Health Services from Hopewell Township, but as of January 1, 2011, Hopewell Township ceased providing the Services; and

WHEREAS, The Borough and the Township are in the process of negotiating a Shared Services Agreement to have the Township provide Public Health Services for a fee; and

WHEREAS, Until the Shared Services Agreement is formalized and executed by the parties, the Borough and Township desire to enter into an Interim Shared Services Agreement ("Agreement") to permit the Township to provide Public Health Services to the Borough for a fee.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Township Committee approves the Township's participation in the Agreement; and further that the Mayor and Clerk are authorized and directed to execute the Agreement entitled "Interim Services Agreement Between Pennington Borough and Montgomery Township for Public Health Services;" and

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

(CONSENT AGENDA Cont.)

E. **RESOLUTION #11-1-32 - AUTHORIZING SHARED SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET FOR TRANSPORTATION SERVICES**

WHEREAS, The Township of Montgomery in Somerset County has the need to provide transportation services to certain residents; and

WHEREAS, The County of Somerset, Division of Transportation, has the proper equipment and qualified drivers and can provide transportation services to the Township.

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

1. The transportation services contract between the County of Somerset and Township of Montgomery authorizing the County to provide transportation services on weekdays between the hours of 8:30 a.m. and 2:00 p.m. to Township residents, as determined by the Township, as well as transportation services for weekend trips is hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the Township. Said services shall be provided by the County at a rate of \$21.84 per hour worked for weekday services, \$32.25 per hour for weekend trips, together with an hourly fringe benefit cost of \$10.44 per hour and a \$45.00 per day operating cost for administrative costs incurred by the County.
2. The terms of the agreement shall be from January 1, 2011 through December 31, 2011.
3. The Clerk shall file a copy of this agreement for informational purposes with the Division of Local Government Services, Department of Community Affairs, in accordance with N.J.S.A. 40A:65-4.

F. **RESOLUTION #11-1-33 - APPROVAL OF 2011 RECYCLING AGREEMENT WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, Pursuant to its duly approved Solid Waste Management Plan and amendments thereto, the County of Somerset has established a mandatory countywide recycling program; and

WHEREAS, The duly approved Solid Waste Management Plan and amendments thereto call for the execution of agreements by and between Somerset County and municipalities located within the County; and

WHEREAS, The Township of Montgomery desires to participate in the recycling program; and

WHEREAS, The execution of a contract with Somerset County for the provision of recycling services pursuant to N.J.S.A.13:1E-99.14 is, pursuant to N.J.S.A. 40A:11-5(2), an exception to the public bidding requirements established by the Local Public Contracts Law; and

WHEREAS, The Chief Finance Officer has certified the extent to which funds for this contract are available pursuant to the Temporary Budget (Somerset County Mandatory Recycling Program).

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County that the Mayor and Clerk are hereby authorized to execute an agreement with Somerset County for the provision of recycling services for a one-year term beginning January 1, 2011 through and including December 31, 2011.

G. **RESOLUTION #11-1-34 - RESOLUTION AUTHORIZING CONTINUATION OF A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF CLINTON**

WHEREAS, The Township of Montgomery together with other municipalities, entered into a shared service agreement with the Township of Clinton in order to pursue a legal challenge against the latest regulations of the Council on Affordable Housing; and

WHEREAS, The litigation resulted in the invalidation of the COAH regulations, but left a number of issues unresolved; and

WHEREAS, Municipalities in the litigation group have decided to Petition the New Jersey Supreme Court seeking a review of the Mount Laurel Doctrine and other issues in the case; and

WHEREAS, The Township of Montgomery desires to join in the effort to bring the matter before the Supreme Court.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery that it does hereby authorize continuation of the shared services agreement with the Township of Clinton for the purposes above stated, and does hereby agree to pay the sum of \$3,000.00 to be administered by the Township of Clinton for such purposes; and

BE IT FURTHER RESOLVED, That a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to Donna Burham, Clinton Township Clerk, and Stuart R. Koenig, Esq., Special Counsel.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #11-1-35 - AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TOWNSHIP OF SOUTH BRUNSWICK FOR KENNEL SERVICES FOR 2011**

WHEREAS, Montgomery Township and South Brunswick Township each provide animal control services to their respective municipalities, which, at times, requires the impoundment and housing of animals at a kennel; and

WHEREAS, Montgomery maintains its own municipal facility for the impoundment and housing of animals; and

WHEREAS, Montgomery Township and South Brunswick Township wish to renew its Interlocal Services Agreement for 2011 to share the cost of said kennel, thereby allowing both to utilize the kennel for impoundment and housing of animals as the need arises.

NOW, THEREFORE, BE IT RESOLVED On this 20th day of January, 2011, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Township Clerk shall be and are hereby authorized to execute an Interlocal Services Agreement for 2011 with the Township of South Brunswick to share in the cost of said kennel services, thereby allowing both to utilize the kennel for impoundment and housing of animals as the need arises.
2. A copy of said agreement shall remain on file in the office of the Township Clerk.

I. **RESOLUTION #11-1-36 - AUTHORIZATION TO ENTER INTO A GRANT AGREEMENT WITH THE STATE AGRICULTURE DEVELOPMENT COMMITTEE ("SADC") AND SOMERSET COUNTY FOR FUNDING OF BLOCK 33001, LOTS 24 & 32 ("ROSSMASSLER TRACT")**

WHEREAS, The Township of Montgomery has applied to the State Agriculture Development Committee ("SADC") and Somerset County for funding in connection with the acquisition of an agricultural easement on a portion of certain real property designated as Block 33001, Lots 24 & 32 on the Montgomery Township Tax Assessment Maps (rev. ed. 2008), also known as the "Rossmassler Tract"; and,

WHEREAS, The SADC certified a Fair Market Value on December 4, 2008 of \$22,000 per acre, and the Township of Montgomery approved its application to the SADC and affirmed its funding commitment on March 18, 2010 (Ordinance #10-1345); and,

WHEREAS, The Township purchased an agricultural easement on the Rossmassler Tract by Deed dated June 11, 2010 and recorded October 26, 2010 in the Somerset County Clerk's Office in Deed Book 6365, Pages 2923-2943; and,

WHEREAS, The SADC has authorized a grant of approximately \$704,167.20 (60.00% of the SADC certified value) in reimbursement funds to the Township; and,

WHEREAS, Somerset County has authorized a grant of approximately \$234,722.49 (20% of the SADC certified value) in reimbursement funds to the Township,

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

1. Mayor Mark Caliguire, or successor to the office of Mayor, is authorized to sign a grant agreement with the SADC;
2. Mayor Mark Caliguire, or successor to the office of Mayor, is authorized to sign a grant agreement with Somerset County;
3. A copy of this resolution shall be sent to the Somerset County Agriculture Development Board (CADB), and the State Agriculture Development Committee (SADC).

J. **RESOLUTION #11-1-37 - AUTHORIZING ACCESS AND USE AGREEMENT BETWEEN THE TOWNSHIP OF MONTGOMERY AND MONTGOMERY TOWNSHIP BOARD OF EDUCATION - Swimming Pool**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an Access and Use Agreement between the Township of Montgomery and the Montgomery Township Board of Education with respect to use of the swimming pool located at Montgomery High School.

K. **RESOLUTION #11-1-38 - AUTHORIZING EXECUTION OF SEWER CAPACITY AGREEMENT - S.A.V.E. - A Friend to Homeless Animals, Block 25001, Lot 27.01**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Capacity Agreement with S.A.V.E. - A Friend to Homeless Animals related to connection and capacity in the Skillman Village Sewage Treatment Plant for Block 25001, Lot 27.01.

(CONSENT AGENDA Cont.)

L. **RESOLUTION #11-1-39 - AMENDING RESOLUTION #11-1-26 - ADOPTING AN AMENDMENT TO THE SMOKING SECTION OF THE TOWNSHIP OF MONTGOMERY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, On December 2, 2010, the Township Committee adopted Ordinance #10-1374, which prohibits smoking in public buildings and on certain public properties; and

WHEREAS, The Township Committee has determined that it is in the best interests of the Township and its employees to amend the SMOKING provisions of the Montgomery Township Personnel Policies and Procedures Manual to be in conformance with Ordinance #10-1374; and

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

The SMOKING section of the Montgomery Township Personnel Policies and Procedures Manual is hereby replaced in its entirety with the following:

Smoking

In order to provide employees with a healthy, comfortable and productive environment, smoking is prohibited in all buildings, vehicles and facilities and on grounds owned, leased or otherwise operated by the Township of Montgomery, excluding Township parks, athletic fields and playgrounds. Employees who desire to smoke must remove themselves from prohibited areas in order to do so.

In order to avoid undue disruptions to the Township's operations, employees must use their lunchtime to smoke. Smoking shall not interfere with an employee's productivity and performance. All employees are expected to abide by this policy while at work. Failure to comply shall result in disciplinary action up to and including termination of employment.

BE IT FURTHER RESOLVED That this amendment shall take effect on immediately.

BE IT FURTHER RESOLVED That this resolution shall supersede the previously adopted Resolution #11-1-26.

M. **RESOLUTION #11-1-40 - RELEASE OF MAINTENANCE GUARANTEE - Rock Brook School**

WHEREAS, Gail Smith, Township Engineer, has certified on November 3, 2010 that all public improvements in a project known as Rock Brook School have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a Maintenance Guarantee in the amount of \$3,812.25 (cash) be released to Rock Brook School, 109 Orchard Road, Skillman, NJ 08558.

BE IT FURTHER RESOLVED That the release of the Maintenance Bonds shall be conditioned upon the posting of adequate escrow funds.

N. **RESOLUTION #11-1-41 - RELEASE OF ESCROW FEE - Cherry Valley Homeowners Association Street Opening Permit - 10-R-05**

WHEREAS, George Remboske, Assistant to the Township Engineer, recommended the release of the cash Escrow Fee to Cherry Valley Homeowners Association because all work has been satisfactorily completed with respect to sidewalk replacements at Cherry Valley County Club.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Escrow Fee in the amount of \$450.00 be released to Cherry Valley Homeowners Association, c/o RCP Management Company, 30 Wall Street, Princeton, NJ 08540, attn: Kristen Wolfe.

BE IT FURTHER RESOLVED That a Maintenance Guarantee is not required.

O. **RESOLUTION #11-1-42 - PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE TOWNSHIP OF MONTGOMERY FOR THE YEAR 2010**

WHEREAS, The Township Committee of the Township of Montgomery, County of Somerset, under the provisions of statutes, wishes to defer Local District School Taxes for the year 2010, and

WHEREAS, The unpaid portion of the Local District School Tax on December 31, 2010 may be deferred to the extent of not more than 50% of the school year July 1, 2010 to June 30, 2011 levy, providing no requisition has been made for such amount or any portion of such amount, and

WHEREAS, The Deferred Local District School Taxes for the year 2010 may not exceed 50% of the school year July 1, 2010 to June 30, 2011 levy of \$68,585,913.53 resulting in a deferred amount not to exceed \$34,292,956.53. This amount represents an increase of \$871,164.53 over the maximum Deferred Local District School Taxes for the year 2010 of \$33,421,792.00,

(CONSENT AGENDA Item 0 Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Township Council of the Township of Montgomery, County of Somerset, that Local District School Taxes unpaid at December 31, 2010 be deferred to the amount not exceeding \$34,292,956.53, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$871,164.53.

BE IT FURTHER RESOLVED, That two (2) certified copies of this resolution shall be forwarded to the Director of the Division of Local Government Services.

P. **RESOLUTION #11-1-43 - ACKNOWLEDGING RECEIPT OF DISASTER PREPAREDNESS ASSESSMENT**

WHEREAS, The State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, needs of county and municipal governments; and

WHEREAS, In support of this program Access Systems has been contracted through Somerset County to perform a Disaster Preparedness Assessments focused on essential records and develop draft Business Records Continuity Plans (BRCP) and Disaster Preparedness Assessment Reports for each of the 21 municipalities within the County; and

WHEREAS, Also included as a part of this project was a preparedness review of all of the County's departments and divisions with regards to their respective abilities to protect and readily access essential records in event of a disaster; and

WHEREAS, This document addresses the project's findings within the various functional units of each municipality as well as provides recommendations for the municipality to further protect its own records and ensure their accessibility in the event of a disaster; and

WHEREAS, A separate document given to the county called the "Municipal Business Records Protection Assessment Summary Report", presents a summary of the findings among the 21 municipalities and their ability to respond to a disaster affecting electronic and hardcopy records. Additionally, the summary document also identifies common areas needing improvements in disaster prevention and recovery among the municipalities, and where the County may be able to provide further assistance related to protecting essential municipal records. This document will be used by the county to identify further potential grant funding to assist the municipalities in their endeavors to enhance their disaster preparedness and Business Records Continuity Plans (BRCP).

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that Montgomery Township has received the Disaster Preparedness Assessment in addition to the Business Records Continuity Plans (BRCP) prepared by Access Systems per the contract with Somerset County.

Q. **RESOLUTION #11-1-44 - PROFESSIONAL SERVICES RESOLUTION**

WHEREAS, There exists a need to acquire the following professional services for 2011 without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law":

- (1) Appraisal Services.

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

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;

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 2011 Temporary Budget, with performance of said services after March 31, 2011 being subject to the Township's amendment of the 2011 Temporary Budget, and/or adoption of the final 2011 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 Eugene Flaherty and Sockler Realty Services as Township Appraisers.
- (2) These contracts are awarded for a period of one year, for the amounts set forth in each 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.

(CONSENT AGENDA Item Q Cont.)

- (3) These contractors have completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have 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 Agreements 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 these contracts, and payment for the services, after March 31, 2011 is subject to the amendment of the 2011 Temporary Budget and/or adoption of the final 2011 Budget, and certification of availability of funds by the Chief Financial Officer

R. **TOWNSHIP COMMITTEE APPOINTMENTS** - Public Defender, Open Space Committee, Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission and Board of Health

BE IT RESOLVED That James Wronko is hereby appointed Public Defender, 1 year term expiring December 31, 2011.

BE IT FURTHER RESOLVED That Peter Morgan be hereby appointed Open Space Committee, Alternate I, 4 year term expiring December 31, 2014.

BE IT FURTHER RESOLVED That Suni Surapeneni be hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Citizen-At-Large, 1 year term expiring December 31, 2011.

BE IT FURTHER RESOLVED Sanjana Jhunjnuwala be hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Citizen-At-Large, 1 year term expiring December 31, 2011.

BE IT FURTHER RESOLVED Joe Bassford be hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Citizen-At-Large, 1 year term expiring December 31, 2011.

BE IT FURTHER RESOLVED Jacqui Hazu be hereby appointed Montgomery/Rocky Hill Municipal Alliance & Youth Services Commission Citizen-At-Large, 1 year term expiring December 31, 2011.

BE IT FURTHER RESOLVED That Maryann Couch be hereby appointed Board of Health Regular Member, replacing Keith Hovey, 3 year term expiring December 31, 2012.

BE IT FURTHER RESOLVED That Everett Gale be hereby appointed Board of Health Regular Member, replacing Ben Strong, 3 year term expiring December 31, 2012.

BE IT FURTHER RESOLVED That Mona Patel be hereby appointed Board of Health, Alternate I, replacing Maryann Couch, 2 year term expiring December 31, 2011.

6-1. Committeeman Carter moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Carter, Graham, Trzaska, Dyer, Caliguire
Nays - None

7. **MAYORAL APPOINTMENT** - Somerset County Prosecutor's Task Force and Open Space Committee

BE IT RESOLVED That Mayor Mark Caliguire and Township Administrator Donato Nieman are hereby appointed to the Somerset County Prosecutor's Task Force.

BE IT FURTHER RESOLVED That Jared Rosenbaum be hereby appointed Open Space Committee Advisor, 1 year term expiring December 31, 2011.

8. **RESOLUTION #11-1-45 - RESOLUTION ADOPTING A SPECIAL TRAFFIC REGULATION, PURSUANT TO N.J.S.A. 39:4-197.3, CLOSING CERTAIN STREETS WITHIN SKILLMAN VILLAGE DUE TO A TEMPORARY CONDITION**

WHEREAS, the Township of Montgomery purchased property from the State of New Jersey known as Skillman Village, formerly known as the North Princeton Developmental Center, also known as Lot 1, Block 26001 and Lots 1 & 1.01, Block 27001 (Tax Assessment Maps rev. ed. 2008); and

WHEREAS, within Skillman Village there is continuing environmental remediation, construction, and redevelopment, as well as the presence of buildings in an unsafe condition; and

WHEREAS, it is in the interests of the public safety, health, and welfare that certain streets within Skillman Village, to the extent they were ever opened for public passage, be temporarily closed to public passage during the continuing environmental remediation, construction, and redevelopment; and

WHEREAS, pursuant to N.J.S.A. 39:4-197.3, the Township is authorized to adopt special traffic regulations, including regulations closing streets, in response to a temporary or emergent condition for a period not exceeding three (3) months; and

(Item #8 Cont.)

WHEREAS, pursuant to *N.J.S.A. 39:4-197.3* the Township is responsible for posting signs to inform the public of the temporary special traffic regulation; and

WHEREAS, pursuant to *N.J.S.A. 39:4-94.2*, the Township has the authority to provide for penalties for the violation of a temporary street closing regulation; and

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

1. A temporary condition, within the meaning of *N.J.S.A. 39:4-197.3*, will exist within Skillman Village beginning on or about February 1, 2011, and ending on or about April 30, 2011, due to continuing environmental remediation, construction, and redevelopment.
2. To the extent any or all of the following streets within Skillman Village could be deemed to have ever been opened to public passage they shall be closed to public passage during the period between February 1, 2011, and April 30, 2011:
 - Brophy Circle
 - Garrison Lane
 - Doctor's Row
 - Moosbrugger Way
 - Association Drive
 - Dodds Road
 - Lake (Lakeside) Drive
 - Maplewood Drive
 - Schley Drive
 - Fairview Road
 - Green House Drive
 - Morrow Road
 - Strecker Road
 - Industrial Road
 - Wilson Drive
 - Dungan Drive
3. Signs notifying the public of the temporary street closings and barricades prohibiting public passage will be placed at the intersections for the above mentioned streets.
4. Any person found on any of the above streets without authorization from the Police Director or his designee during the period in which they are closed to the public shall be subject, in accordance with *N.J.S.A. 39:4-94.2*, to a fine of not more than \$100.00.
5. This regulation shall take effect upon final adoption and publication in accordance with the law.

8-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried on the following:

ROLL CALL - Ayes - Carter, Graham, Trzaska, Dyer, Caliguire
Nays - None

9. **ORDINANCE #11-1375 - LDO - Small Animal Hospital Within a Neighborhood Shopping Center in the "NC" District - Introduction**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SECTION 16-4.5 REGARDING THE "NC" NEIGHBORHOOD COMMERCIAL DISTRICT TO PERMIT AS A PRINCIPAL USE "SMALL ANIMAL HOSPITALS" WITHIN A NEIGHBORHOOD SHOPPING VILLAGE IN THE NEIGHBORHOOD COMMERCIAL DISTRICT.

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 February 17, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Carter, Graham, Trzaska, Dyer, Caliguire
Nays - None

10. **ORDINANCE #11-1376 - LDO - Site Specific Inclusionary Zones for COAH Qualified Affordable Housing - Introduction**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI,
"LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF
MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF
NEW JERSEY AND SPECIFICALLY CREATING A NEW SUBSECTION
16-4.14 ENTITLED "SITE SPECIFIC INCLUSIONARY ZONES FOR
COAH QUALIFIED AFFORDABLE HOUSING"

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 February 17, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

10-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried on the following:

ROLL CALL - Ayes - Carter, Graham, Trzaska, Dyer, Caliguire
Nays - None

11. **ORDINANCE #11-1377 - Providing for a 3.5% CAP for the 2011 Budget - Introduction**

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

ORDINANCE PROVIDING FOR A 3.5% "CAP" FOR THE 2011 BUDGET
PURSUANT TO NJS 40A:4-45.14

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 February 3, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

11-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Carter, Graham, Trzaska, Dyer, Caliguire
Nays - None

12. **APPROVAL OF MINUTES**

12-1. Committeeman Carter moved the adoption of the Regular Session minutes of December 16, 2010. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Carter, Dyer, Caliguire
Nays - None
Abstain - Graham, Trzaska

12-1. Committeeman Carter moved the adoption of the Reorganization Meeting minutes of January 3, 2011. The motion was seconded by Committeewoman Graham and carried on the following:

ROLL CALL - Ayes - Carter, Graham, Trzaska, Dyer, Caliguire
Nays - None

13. **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.

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

ROLL CALL - Ayes - Carter, Graham, Trzaska, Dyer, Caliguire
Nays - None

14. **WILDLIFE MANAGEMENT COMMITTEE**

Committeeman Trzaska reported on the Wildlife Management Committee meeting and stated that they were working on their annual resolution for the Deer Hunting program. He explained that there are two new properties they want added to the program.

Mayor Caliguire requested that they appear before the Township Committee with the proposal for the new properties and maps.

15. **RACE TO NOWHERE**

Committeeman Carter reported on a program put on by the Municipal Alliance, PTAs and the Education Foundation. It was a film entitled "Race To Nowhere" which was about stress for students beginning in first grade going up through high school. He stated that there was a discussion session after the film. There were approximately 750 people in attendance. He believed it will open up a number of different channels for education, the community, as well as community leaders. One of the things that he took away from it is that there seems to be a push for no homework. The thought is that kids are under a lot of pressure in school.

Committeewoman Graham stated that it was a very helpful movie and she really commended the organizations that helped put on the event.

16. **LIBRARY COMMITTEE**

Committeeman Carter reported that he met with the Library Committee and had a couple of follow up phone calls with Wendy Rayner and Brenda Fallon. They were able to achieve their fundraising goal. They raised \$102,000.00 from July through December and have already raised approximately \$5,000.00 within the first week of 2011.

17. **FIREWORKS**

Mayor Caliguire updated Committee on the fireworks. Because of budget constraints in 2010 there were no fireworks. In the middle of 2010, the Township Committee charged the Economic Development Commission with the goal of raising enough money to hold the fireworks in 2011. He was not sure they have had much success to date, but they are trying to expand the group of people involved with the fundraising effort and they are going to meet in the near future to talk about how they are going to raise the money quickly. March 1 is pretty much the deadline for determining whether or not the Township would be moving forward.

18. **RESOLUTION #11-1-46 - SUPPORTING VETO OF S-1/A-3447 PERTAINING TO AFFORDABLE HOUSING**

WHEREAS, the New Jersey Legislature has adopted S-1/A-3447 (the "Bill") pertaining to affordable housing and municipalities' obligations to provide for the same under the "Mt. Laurel Doctrine"; and

WHEREAS, Montgomery Township has exceeded all prior obligations established by the courts and/or COAH (the Council on Affordable Housing) to provide for low and moderate income housing in the Township; and

WHEREAS, the Bill creates yet one more new, onerous and unwieldy system under which municipalities would have to provide more low and moderate income housing; and

WHEREAS, the Bill doesn't afford adequate protection to municipalities against builder remedy lawsuits, unreasonably limits the methods by which municipalities may provide for affordable housing, imposes obligations on market rate housing built as part of prior Mt. Laurel inclusionary developments, and represents, in numerous other respects, poor public policy; and

WHEREAS, if signed into law, the Bill will result in even higher property taxes;

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

1. The Township of Montgomery fully supports a veto of S-1/A-3447 and urges Governor Chris Christie to veto the Bill;
2. The Township Clerk is directed to provide a certified, true copy of this resolution to Governor Christie, State Senator Bateman, Assemblypersons Biondi & Coyle, and the New Jersey State League of Municipalities.

18-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

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 is as follows:
 - Advice of counsel with respect to 23 Orchard/JER Herring Escrow Appeal;
 - Advise of counsel with respect to Tax Appeals;
 - Advice of counsel with respect to Affordable Housing Plan;
 - Advice of counsel with respect to Tapestry Developers Agreement;
 - Advice of counsel with respect to County Club Meadows litigation;
 - Advice of counsel with respect to negotiation of terms and conditions of agreement with Somerset County for sale of Skillman Village;
 - Advice of counsel with respect to Skillman Village remediation.
3. It is unknown precisely when, if ever, the matters will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open 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 the closed session, the Township Committee will reconvene in open session for the purpose of taking action.

19-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

19-2. Committeewoman Graham stepped down from the dais for a portion of the Closed Session.

20. Meeting reconvened in Open Session and **ADJOURNMENT** was at 9:10 p.m. on a motion by Deputy Mayor Dyer. The motion was seconded by Committeeman Carter and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk