

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
March 19, 2009

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 6:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Wilson, Deputy Mayor Birge, Committeemembers Caliguire, Fay and Dyer

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Wilson 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. **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 regarding legal strategy with respect to the Township's COAH plan and terms and conditions of developer agreements with some COAH developers;
 - SOA Contract Negotiations.
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 that litigation. Approval of agreements shall only be authorized by the Township Committee in a public session.

- 3-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried unanimously.

4. The meeting reconvened in Open Session and Mayor Wilson led the Salute to the Flag.

5. **MONTGOMERY NIGHT OFF**

Committeeman Fay stated that based on the suggestion of the Athletic Director of the Schools that the date for the 2010 Montgomery Night Off will be March 4, 2010.

6. **SUSTAINABLE NEW JERSEY EFFORT**

Committeeman Fay spoke about the Sustainable New Jersey effort, and he stated that in order to seek certification the Township must designate a "Green Team". He would look further into this.

7. **CSX PROJECT**

Mayor Wilson spoke about the draft letter she composed regarding the follow-up meeting the Township had on the CSX Project.

8. **PROCLAMATION - Arbor Day - April 3, 2009**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, This year marks the 137th Anniversary of Arbor Day; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Montgomery Township has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways;

(Item #8 Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, does hereby proclaim April 3, 2009 as ARBOR DAY in the Township of Montgomery, and does urge all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

FURTHER, The Township Committee urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

8-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried unanimously.

9. **PUBLIC COMMENT**

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

10. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of February, 2009:

-- 1196 calls for service;
-- 55 motor vehicle accidents;
-- 26 arrests;
-- 13 thefts;
-- 2 domestic violence;
-- 8 criminal mischief;
-- 1 burglary.

11. **ORDINANCE #09-1313 - Parks and Facilities - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CONCERNING FEES FOR USE OF PARK FACILITIES AND OTTO KAUFMAN COMMUNITY CENTER AND AMENDING CHAPTERS II AND IX OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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 April 2, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

12. **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 #09-3-83 - REFUND OVERPAID 2008 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2008 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
29001	7	Gregory Stock and Lori Fish	\$4,599.84	2008
34019	59	Irene Orlow and Bruce Ng	\$ 373.74	2008

B. **RESOLUTION #09-3-84 - REFUND WATER METER PERMIT FEES**

BE IT RESOLVED That refunds be given to the following homeowners for monies owed by the Township for water meter permit fees:

Don Marshall 30 Knickerbocker Drive Belle Mead, NJ 08502 \$75.00	Nancy Mead 16 Catskill Court Belle Mead, NJ 08502 \$75.00	Martha Wichenden 31 Rolling Hill Road Skillman, NJ 08558 \$75.00
Harry Wise 56 Catskill Road Belle Mead, NJ 08502 \$75.00	Patricia Scully 50 Sleepy Hollow Lane Belle Mead, NJ 08502 \$75.00	Charles Shipley 18 Whispering Lane Belle Mead, NJ 08502 \$75.00
Jerry Siegel 33 Tarrytown Terrace Belle Mead, NJ 08502 \$75.00	Art Martin 12 Whispering Lane Belle Mead, NJ 08502 \$75.00	James Paterno 25 Tarrytown Terrace Belle Mead, NJ 08502 \$75.00

(CONSENT AGENDA Item B Cont.)

Joseph D'Allegro
435 Township Line Road
Belle Mead, NJ 08502
\$75.00

Wayne Rudolph
37 Belle Glades Lane
Belle Mead, NJ 08502
\$75.00

Candy Willis
72 Knickerbocker Drive
Belle Mead, NJ 08502
\$75.00

Don Matthews
28 Rutland Road
Belle Mead, NJ 08502
\$75.00

Catherine Matthews
10 Rutland Road
Belle Mead, NJ 08502
\$75.00

C. RESOLUTION #09-3-85 - RAFFLE LICENSE #670 - Waldorf School of Princeton

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for the Waldorf School of Princeton to conduct a Raffle under License #670 on April 18, 2009 at 23 Orchard Road, Skillman, NJ. The time for this Raffle will be from approximately 6:00 to 10:30 p.m.

D. RESOLUTION #09-3-86 - RAFFLE LICENSE #671 - Montgomery Rocky Hill Rotary Foundation

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for the Montgomery Rocky Hill Rotary Foundation to conduct Raffles under License #671 every Thursday morning at their regular meetings (for members only) at the Princeton Elks Lodge, Route 518, Skillman, NJ. The time for these Raffles will be approximately 7:30 a.m.

E. RESOLUTION #09-3-87 - RAFFLE LICENSE #672 - CONTACT of Mercer County, NJ, Inc.

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for CONTACT of Mercer County, NJ, Inc. to conduct a Raffle under License #672 on May 16, 2009 at Princeton Elks Lodge, Route 518, Skillman, NJ. The time for this Raffle will be from approximately 4:00 to 9:00 p.m.

F. RESOLUTION #09-3-88 - RAFFLE LICENSE #673 - Crawford House, Inc.

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Crawford House, Inc. to conduct a Raffle under License #673 on August 21, 2009 at Crawford House, 362 Sunset Road, Skillman, NJ. The time for this Raffle will be approximately 4:00 p.m.

G. RESOLUTION #09-3-89 - RAFFLE LICENSES #674 & #675 - Global Communities of Support

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Global Communities of Support to conduct Raffles under Licenses #674 and #675 on May 2, 2009 at Princeton Elks Lodge #2129, Route 518, Blawenburg, NJ. The times for these Raffles will be from approximately 7:00 to 11:00 p.m.

H. RESOLUTION #09-3-90 - ACCEPTANCE OF DONATIONS - Environmental Liability Management, Inc.

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donations for the Earth Day Fair 2009.

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
Environmental Liability Management, Inc.	\$150.00	35450

I. RESOLUTION #09-3-91 - REJECTION OF BID - Chemicals for Wastewater Treatment for 2009

WHEREAS, Bids for Chemicals for Wastewater Treatment for 2009 were received and publicly opened on February 25, 2009:

BIDDER
Main Pool & Chemical Co., Inc.
Miracle Chemical Co.
Coyne Chemicals
Basic Chemical Solutions
Buckman's

WHEREAS, It is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator to reject and re-bid because the quantities of chemicals to be purchased have substantially changed.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the aforesaid bids are hereby rejected and the Purchasing Agent is hereby authorized and directed to re-bid Chemicals for Wastewater Treatment for 2009.

(CONSENT AGENDA Cont.)

J. **RESOLUTION #09-3-92 - AWARDING CONTRACT FOR PAYROLL AND HUMAN RESOURCE FOR TECHNOLOGY - Primepoint, LLC**

WHEREAS, The Township has a need to procure the services of a company with expertise in payroll and human resource technology; and

WHEREAS, Primepoint, LLC, 169 Route 130, Building 1C, Bordentown, NJ 08505 possesses such expertise and has submitted a proposal dated March 4, 2009 to provide said services to the Township; and

WHEREAS, The Township has a need to acquire these services without a "fair and open process" as defined by N.J.S.A. 19:44A-20.7, the "Local Unit Pay-to-Play" Law; and

WHEREAS, Primepoint, LLC has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq certifying that Primepoint, LLC has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26 et seq and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

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

WHEREAS, The cost of said services is not to exceed \$28,900 which is below the Township's bid threshold of \$29,000; and

WHEREAS, Three quotations were solicited; and

WHEREAS, The Temporary Chief Financial Officer has recommended that the contract be awarded to Primepoint, L.L.C. and has certified that sufficient funds are available for this purpose in the Analysis Account with Bank of America.

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

1. The Township Administrator is hereby authorized to enter into a contract with Primepoint to provide payroll and human resources technology services to the Township of Montgomery in accordance with its March 4, 2009 proposal, said contract to be subject to approval by the Township Attorney.
2. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, the executed Agreement, the proposal and the contract shall be placed on file in the office of the Township Clerk.

K. **RESOLUTION #09-3-93 - PROFESSIONAL SERVICES AGREEMENT - Appraisers - Valuation Consultants, Robert McNeely Vance & Co., Eugene Flaherty**

WHEREAS, There exists a need to acquire property appraisal 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 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.

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 Valuation Consultants, Robert McNeely Vance & Co., and Eugene Flaherty as Appraisers.
- (2) These contracts are awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law NJSA 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) These contractors must complete and file 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.
- (5) Performance of services under the terms of these contracts, and payment for the services, is subject to the certification of availability of funds by the Temporary Chief Financial Officer.

(CONSENT AGENDA Cont.)

L. **RESOLUTION #09-3-94 - AUTHORIZING EXTENSION DEPOSIT AGREEMENT -**
NJ American Water Company - NPDC Watermain Installation

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an Extension Deposit Agreement with NJ American Water Company with respect to NPDC Watermain Installation.

M. **RESOLUTION #09-3-95 - AUTHORIZING THE EXECUTION OF A CONSTRUCTION SEQUENCE AGREEMENT WITH PRINCETON NORTH REALTY ASSOCIATES FOR ITS PROPOSED DEVELOPMENT LOCATED AT 1225 VAN HORNE ROAD, LOT 9, BLOCK 35005, IN THE TOWNSHIP OF MONTGOMERY, STATE OF NEW JERSEY**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the Township Committee approves entering into a construction sequence agreement with Princeton North Realty Associates regarding its proposed development located at 1225 Van Horne Road in the Township of Montgomery, County of Somerset, State of New Jersey, designated as Lot 9, in Block 35005 on the Township Tax Assessment Map (rev. ed. 2008); and

BE IT FURTHER RESOLVED That the Mayor and Clerk are authorized and directed to execute the same.

N. **RESOLUTION #09-3-96 - AUTHORIZING THE EXECUTION OF SIDEWALK ESCROW AGREEMENT -**
Nassau Racquet & Tennis Club, Inc.

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Sidewalk Escrow Agreement with Nassau Racquet & Tennis Club, Inc. with respect to improvements to the Nassau Racquet and Tennis Club facility located at 1800 Route 206, Skillman, NJ 08558.

O. **RESOLUTION #09-3-97 - APPROVAL OF FIRE HYDRANTS - Renwood Princeton Self Storage**

BE IT RESOLVED By the Township Committee of the Township of Montgomery that authorization be given to New Jersey American Water Company to install a hydrant in the following location of Renwood Princeton Self Storage:

Hydrant #1 - To be installed on Airpark Road at the entrance of Building #2.

All locations are shown on filed map in Fire Marshall's office. All locations are in accordance with the recommendations made by the Montgomery Township Fire Marshall.

P. **RESOLUTION #09-3-98 - EXTENSION OF TIME TO COMPLETE PUBLIC IMPROVEMENTS -**
Tapestry at Montgomery - Charles Terrace

WHEREAS, Gail Smith, Township Engineer, has certified on March 12, 2009 that adequate funds remain in the posted guarantee to cover the remaining public improvements to Charles Terrace and therefore recommends a time extension to April 19, 2010 to complete said improvements.

Q. **RESOLUTION #09-3-99 - RELEASE OF PERFORMANCE BOND - Tapestry at Montgomery -**
Temporary Trailer

WHEREAS, Gail Smith, Township Engineer, has certified on March 6, 2009 that all public improvements in a project known as Tapestry at Montgomery - Temporary Trailer 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 \$73,897.20 (LOC #SM225322W in the amount of \$66,507.48 and \$7,389.72 cash) be released to Sharbell Plainsboro, Inc. and a Restoration Bond be posted in the amount of \$25,000.00.

R. **RESOLUTION #09-3-100 - RELEASE OF PERFORMANCE BOND - Waldorf School of Princeton -**
Greenhouse Building Expansion

WHEREAS, Gail Smith, Township Engineer, has certified on March 4, 2009 that all public improvements in a project known as Waldorf School of Princeton - Greenhouse Building 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 \$23,668.75 (cash) be released to Waldorf School of Princeton and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$23,668.75
15% Maintenance Guarantee	\$ 3,550.31

BE IT FURTHER RESOLVED That upon the posting of a maintenance guarantee in the form and amount called for by this resolution and Section 16-9 of the Montgomery Township Code (1984) the performance guarantee may be released.

(CONSENT AGENDA Item R Cont.)

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 or detention basins associated with this project for the Township to accept.

S. **RESOLUTION #09-3-101 - AMENDING RESOLUTION #09-2-60 - RELEASE OF PERFORMANCE BOND - Rock Brook School**

WHEREAS, Gail Smith, Township Engineer, has certified on February 11, 2009 that all public improvements in a project known as Rock Brook School 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 \$23,415.00 (cash) be released to Rock Brook School, Inc. and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$23,415.00
15% Maintenance Guarantee	\$ 3,512.25

BE IT FURTHER RESOLVED That upon the posting of a maintenance guarantee in the form and amount called for by this resolution and Section 16-9 of the Montgomery Township Code (1984) the performance guarantee may be released.

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 and there are no detention basins associated with this project.

This resolution supercedes, amends and replaces, in its entirety, Resolution #09-2-60 adopted on February 19, 2009.

T. **RESOLUTION #09-3-102 - CANCELLATION OF GENERAL CAPITAL APPROPRIATIONS**

WHEREAS, Certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

ORD NO.	DATE AUTH.	PROJECT DESCRIPTION	AMOUNT CANCELED	
			FUNDED	UNFUNDED
01-1034	07/12/2001	Acquisition of Certain Equipment		\$41,364.78

U. **TOWNSHIP COMMITTEE APPOINTMENTS - Recreation Committee**

BE IT RESOLVED That Joe O'Rourke is hereby appointed Recreation Committee Regular Member, replacing Dave Colonna, 3 year term expiring December 31, 2009.

BE IT FURTHER RESOLVED That Dave Colonna is hereby appointed Recreation Committee Alternate II, replacing Joe O'Rourke, 3 year term expiring December 31, 2010.

12-1. Committeeman Caliguire moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Birge and carried on the following:

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

13. **RESOLUTION #09-3-103 - TRANSFER OF FUNDS**

WHEREAS, There is a need to transfer funds to areas where there are insufficient funds to meet the demands of the Township, and

WHEREAS, There are sufficient funds to be transferred to those accounts as stated to meet the needs of the Township,

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Chief Finance Officer to make the following transfers:

<u>TO</u>	<u>FROM</u>	<u>AMOUNT</u>
Salaries and Wages		
General Administration		\$ 7,500.00
Clerk		7,000.00
GIS		2,500.00
Tax Collector		1,000.00
Buildings and Grounds		2,000.00
Zoning		3,000.00
Fire Department		2,500.00
Police		198,000.00
Streets and Roads		22,500.00
Public Works		2,000.00
Public Health		7,500.00
Animal Control		1,500.00
Parks		4,000.00
Municipal Court		500.00
Code		16,000.00
Pre School (OC)		37,500.00
	Data Processing	(30,000.00)
	Engineering	(14,000.00)
	Planning Board	(4,000.00)
Other Expenses		
Legal		136,000.00
Social Security		15,000.00
Recreation		5,500.00
	General Administration	(10,000.00)
	Clerk	(5,000.00)
	Finance	(7,000.00)
	Data Processing	(35,000.00)
	GIS	(70,000.00)
	Engineering	(15,000.00)
	Planning	(18,000.00)
	Code	(4,000.00)
	Employee Group Insurance	(15,000.00)
	Mid Jersey JIF	(44,500.00)
	Deductibles	(6,000.00)
	Fire Hydrants	(30,000.00)
	Streets and Roads	(65,000.00)
	Public Works	(9,000.00)
	Solid Waste	(90,000.00)

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

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
 Nays - None

14. **RESOLUTION #09-3-104 - AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO MTC RESTAURANT II, LLC TO BE ISSUED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY**

WHEREAS, By Resolution 08-8-245 adopted on August 7, 2008, the Township Committee of the Township of Montgomery in the County of Somerset, State of New Jersey ("Township"), authorized the sale of two Plenary Retail Consumption Licenses pursuant to the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1.1 et seq.; and

WHEREAS, MTC Restaurant II, LLC, satisfied all conditions for pre-qualification as set forth in Resolution 08-8-245 and submitted a bid in the amount of \$506,000.00 for one of the licenses; and

WHEREAS, By Resolution No. 08-11-321, adopted on November 6, 2008, the Township accepted the bid of MTC Restaurant II, LLC, upon the conditions set forth in said Resolution; and

WHEREAS, MTC Restaurant II, LLC, has satisfied the conditions set forth in Resolution No. 08-11-321; and

WHEREAS, MTC Restaurant II, LLC's application is complete; and

WHEREAS, MTC Restaurant II, LLC, is qualified to be licensed according to the standards established pursuant to the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1.1 et seq., the regulations promulgated there under, Township ordinances and other applicable law; and

(Item #14 Cont.)

WHEREAS, MTC Restaurant II, LLC, has disclosed to the Township and the Township has reviewed the source of funds used in the purchase of the license and the licensed business and additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it hereby authorizes the issuance of a Plenary Retail Consumption License to MTC Restaurant II, LLC; and

BE IT FURTHER RESOLVED That a copy of this resolution, certified by the Township Clerk to be a true copy, shall be forwarded to MTC Restaurant II, LLC.

- 14-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

15. **RESOLUTION #09-3-105 - AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO MTC RESTAURANT III, LLC TO BE ISSUED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY**

WHEREAS, By Resolution 08-8-245 adopted on August 7, 2008, the Township Committee of the Township of Montgomery in the County of Somerset, State of New Jersey ("Township"), authorized the sale of two Plenary Retail Consumption Licenses pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*; and

WHEREAS, MTC Restaurant III, LLC, satisfied all conditions for pre-qualification as set forth in Resolution 08-8-245 and submitted a bid in the amount of \$506,000.00 for one of the licenses; and

WHEREAS, By Resolution No. 08-11-322, adopted on November 6, 2008, the Township accepted the bid of MTC Restaurant III, LLC, upon the conditions set forth in said Resolution; and

WHEREAS, MTC Restaurant III, LLC, has satisfied the conditions set forth in Resolution No. 08-11-322; and

WHEREAS, MTC Restaurant III, LLC's application is complete; and

WHEREAS, MTC Restaurant III, LLC, is qualified to be licensed according to the standards established pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*, the regulations promulgated there under, Township ordinances and other applicable law; and

WHEREAS, MTC Restaurant III, LLC, has disclosed to the Township and the Township has reviewed the source of funds used in the purchase of the license and the licensed business and additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it hereby authorizes the issuance of a Plenary Retail Consumption License to MTC Restaurant III, LLC; and

BE IT FURTHER RESOLVED That a copy of this resolution, certified by the Township Clerk to be a true copy, shall be forwarded to MTC Restaurant III, LLC.

- 15-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

16. **ORDINANCE #09-1312 - LDO - Paver Blocks/Driveways - Public Hearing**

- A. Mayor Wilson 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, REGARDING MATERIALS
FOR RESIDENTIAL DRIVEWAYS

- B. The Clerk read the following report from the Planning Board:

"On March 9, 2009, the Planning Board reviewed the above referenced ordinance. The Board recommended adoption."

- C. Mayor Wilson opened the hearing to the public. There being no comment, Committeeman Caliguire moved that the public hearing be closed. The motion was seconded by Committeeman Fay and carried unanimously.

- D. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 19th day of March, 2009 and that notice thereof be published in an official newspaper as required by law.

- 16-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

17. **ORDINANCE #09-1314** - Capital Improvement Fund - Relocation of Municipal Communications Systems to Somerset County Communications - Introduction

a. Mayor Wilson read the title of the ordinance as follows:

ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY APPROPRIATING \$125,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE RELOCATION OF THE MUNICIPAL COMMUNICATIONS SYSTEM TO SOMERSET COUNTY COMMUNICATIONS CENTER

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 April 2, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

18. **HONORING NEENA SINGH - RECIPIENT OF 2009 WYNONA M. LIPMAN AWARD FOR SYNERGY**

WHEREAS, In celebration of Women's History Month in March 2009, the New Jersey Department of Community Affairs' Division on Women and the New Jersey Advisory Commission on the Status of Women presented awards named in honor of the late Connie Woodruff and Senator Wynona M. Lipman; and

WHEREAS, These awards recognized outstanding women and community organizations that have developed policies, services or programs that benefit the women of New Jersey; and

WHEREAS, Montgomery Township resident, Neena Singh, is the recipient of the Wynona M. Lipman Award for Synergy; and

WHEREAS, Neena Singh is the founding member and President of MILAN (Montgomery International Ladies Association), a non-profit organization of women whose mission is to create a meeting place and foster an environment of outreach, service and support to not only its members but also the community as a whole; and

WHEREAS, Neena has been instrumental in organizing a multitude of events such as Soup Kitchen, Senior Center Galas, Spring Fest Fundraisers as well as monthly town hall meetings organized to empower the women in the community; and

WHEREAS, Neena lives by the dictum "Be the change you want to see in the world" and exemplifies this with her passionate desire to empower women and girls by providing them with the tools to enhance their confidence and self-esteem, and to achieve their full potential.

NOW, THEREFORE BE IT RESOLVED That the Montgomery Township Committee hereby recognizes Neena Singh for her many contributions to the women of this great community and congratulates her on this well deserved award.

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

19. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Temporary Chief Financial 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.

19-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL - Ayes - Caliguire, Fay, Dyer, Birge, Wilson
Nays - None

20. **EMPLOYEE EFFICIENCY INCENTIVE PROGRAM**

Administrator Nieman stated that Helene Lis recommended that the Township contract with Somerset County for Senior Bus services. It was estimated that the savings in salaries would be approximately \$40,000.00. It would eliminate the need for the Township to purchase and maintain a bus or multiple buses. A contract with the County would not only provide greater service than is already existing but at a lower cost than the Township is able to provide. Administrative Nieman would bring a formal proposal to the Township Committee at a future meeting.

21. **TIGER'S TALE LOOP ROAD**

Administrator Nieman stated that the Tiger's Tale Loop Road was considered a critical road in the Township's Small Doable Projects and Circulation Plan. The Transportation Advisory Committee recommended to the Township Committee in June, 2005 that the Township construct that portion of the sanitary sewer that is necessary to take the Tiger's Tale and the Village Shoppers off septic, such that the Tiger's Tale Loop Road could be constructed. The Township would construct that portion that would run from the Sands' pumping station on the easterly side of Route 206 in the Montgomery Shopping Center, through an existing sleeve under Route 206, to a man-hole that would be constructed on the corner of the former Texaco property and Tiger's Tale property.

22. **FIREWORKS**

Committeeman Caliguire discussed concerns by Captain Palmer and the Recreation Committee regarding paid parking at the fireworks. This would be looked into further.

23. **SKILLMAN VILLAGE**

Administrator Nieman stated that he had a conversation with Dick Williams, inviting the balance of the Freeholders who had not seen the North Princeton Developmental Center to tour the property. He explained that the Township was approximately a month away from receiving the appraisal for the property.

ADJOURNMENT was at 8:30 p.m. on a motion by Committeeman Fay, seconded by Committeeman Caliguire and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk