

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
April 2, 2009

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 Wilson, Committeemembers Caliguire, Fay and Dyer
Deputy Mayor Birge was absent

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. Mayor Wilson led the Salute to the Flag.

4. **RESOLUTION #09-4-106 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2009 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2009 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body;

NOW, THEREFORE, BE IT RESOLVED, by confirmation of two-thirds of the full governing body, that the Temporary Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Mayor and Committee	
Salaries & Wages	\$7,000.00
Other Expenses	2,000.00
Committee Expenses	
Other Expenses	10,000.00
Administrative & Executive	
Salaries & Wages	60,000.00
Other Expenses	5,000.00
Municipal Clerk	
Salaries & Wages	70,000.00
Other Expenses	20,000.00
Financial Administration	
Salaries & Wages	90,000.00
Other Expenses	15,000.00
Audit	
Other Expenses	10,000.00
Network Operations	
Salaries & Wages	35,000.00
Other Expenses	20,000.00
GIS	
Salaries & Wages	60,000.00
Other Expenses	30,000.00
Assessment of Taxes	
Salaries & Wages	15,000.00
Other Expenses	10,000.00
Collection of Taxes	
Salaries & Wages	15,000.00
Other Expenses	1,000.00
Legal Services & Costs	
Other Expenses	110,000.00
Engineering Services & Costs	
Salaries & Wages	115,000.00
Other Expenses	20,000.00
Public Buildings & Grounds	
Salaries & Wages	40,000.00
Other Expenses	25,000.00
Planning Board	
Salaries & Wages	40,000.00
Other Expenses	10,000.00
Revision of Master Plan	
Other Expenses	15,000.00
Zoning Board of Adjustment	
Salaries & Wages	30,000.00
Other Expenses	1,000.00
Landmarks Commission	
Other Expenses	3,000.00
Environmental Commission	
Salaries & Wages	2,000.00
Other Expenses	2,000.00
Economic Development	
Other Expenses	500.00

(Item #1 Cont.)

Insurance	
Group Insurance for Employees	700,000.00
Other Insurance Premiums	200,000.00
Workers Compensation Insurance	50,000.00
Disability Fund	
Other Expenses	20,000.00
Deferred Compensation	
Other Expenses	50,000.00
Fire Hydrant Service	
Other Expenses	165,000.00
Uniform Fire Safety	
Salaries & Wages	30,000.00
Other Expenses	3,000.00
Police	
Salaries & Wages	1,000,000.00
Other Expenses	85,000.00
Emergency Medical Services	
Other Expenses	20,000.00
Emergency Management Services	
Other Expenses	1,000.00
Emergency Services Committee	
Other Expenses	(500.00)
Community Services Act	
Other Expenses	21,000.00
Shade Tree Commission	
Other Expenses	3,500.00
Road Repairs & Maintenance	
Salaries & Wages	200,000.00
Other Expenses	200,000.00
Vehicle Maintenance	
Other Expenses	150,000.00
Public Works	
Salaries & Wages	25,000.00
Other Expenses	20,000.00
Board of Health	
Salaries & Wages	75,000.00
Other Expenses	20,000.00
Animal Control	
Salaries & Wages	20,000.00
Other Expenses	3,000.00
Recreation	
Salaries & Wages	100,000.00
Other Expenses	15,000.00
Kid Connection	
Salaries & Wages	35,000.00
Adult School	
Other Expenses	125,000.00
Summer Camp	
Salaries & Wages	30,000.00
Other Expenses	5,000.00
Maintenance of Parks	
Salaries & Wages	125,000.00
Other Expenses	30,000.00
Celebration of Public Events	
Other Expenses	15,000.00
Senior Center	
Salaries & Wages	25,000.00
Other Expenses	7,000.00
Solid Waste	
Other Expenses	10,000.00
Recycling Program	
Other Expenses	50,000.00
Construction Code	
Salaries & Wages	150,000.00
Other Expenses	5,000.00
Electricity	
Other Expenses	60,000.00
Telephone	
Other Expenses	35,000.00
Water	
Other Expenses	5,000.00
Natural Gas/Heating	
Other Expenses	30,000.00
Gasoline	
Other Expenses	100,000.00
Street Lighting	
Other Expenses	10,000.00
Social Security System	
Other Expenses	300,000.00
Municipal Court	
Salaries & Wages	20,000.00
Other Expenses	(1,500.00)
Prosecutor	
Other Expenses	7,000.00
Pre School	
Salaries & Wages	350,000.00
Other Expenses	75,000.00

(Item #1 Cont.)

Camp Kid	
Salaries & Wages	20,000.00
Other Expenses	4,000.00
PERS	
Other Expenses	326,755.00
PFRS	
Other Expenses	394,689.00
Total 2009 Temporary Appropriations for Operating Purposes	\$6,412,000.00
Sewer Utility	
Salaries & Wages	300,000.00
Other Expenses	800,000.00
Total 2009 Temporary Appropriations for Sewer Utility	\$1,100,000.00
Operating Fund	
Debt Service	
Payment of Bonds	560,000.00
Interest on Bonds	374,830.00
Interest on Notes	300,000.00
Green Trust Program	
Other Expenses	219,500.00

4-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

5. Committeewoman Dyer stepped down from the dais.

6. **BOARD OF EDUCATION BUDGET PRESENTATION**

R. David Pettit, Board of Education President and Earl Kim, Superintendent of Schools appeared to present the budget for the Board of Education.

Mr. Pettit gave a quick preamble about how they got to the budget, the process used and what the thinking was going into this. There were multiple public meetings on the budget. One of the goals was to make sure that the tax levy increase on the average house would not be any higher than last year. The budget is less than 1% above last year's budget. He stated that there was, in the Board's view, no fat in this budget.

Earl Kim explained the 2009-2010 budget goals of enhancing teaching and learning, and sustaining the District's success. They encountered four major challenges once the goals were set: 1. projected revenue shortfall; 2. increasing enrollment; 3. unsustainable structural growth; and 4. bad economy. He explained the countermeasures taken and stated that the budget preserves core programs.

Committeeman Fay asked how they were able to reduce maintenance costs.

Mayor Wilson asked if the Board had thought about making the High School building available to the Township for 70 hours a week. Mr. Kim stated that one of the things the Board did trying to cut away from the core was to limit facilities use, including the school use, over the summer. They were only opening four days a week, extending the hours on those days. The estimated energy savings by doing this was about \$50,000.00. They also cut off the facilities availability after 9:00 p.m. reducing the amount of staffing costs. This budget does include facility limitations to all, including the Township's Recreation Department.

7. Committeeman Caliguire stepped down from the dais and Committeewoman Dyer returned.

8. **PROCLAMATION - Earth Day - April 22, 2009**

WHEREAS, A sound natural environment is the foundation of a healthy society and a robust economy; and

WHEREAS, Human activities around the world are causing severe environmental damage that threatens human health and our planet's ability to sustain a diverse community of life; and

WHEREAS, The knowledge of ways to live in harmony with our environment and methods and technologies to accomplish this end already exist; and

WHEREAS, Local communities can do much to reverse environmental degradation and contribute to building a healthy society by addressing issues such as energy use, transportation, waste prevention, and sprawl; and

WHEREAS, There are sound economic, environmental, and social reasons for local governments to initiate energy efficiency and renewable energy practices; and

(Item #8 Cont.)

WHEREAS, The environmental realities of our time require humans to make a dramatic shift in our relationship to the earth.

NOW, THEREFORE, BE IT RESOLVED that the Township of Montgomery recognizes April 22, 2009 as "EARTH DAY" and commits itself to undertaking programs and projects that enhance our community's natural environment; and

BE IT FURTHER RESOLVED that the Township of Montgomery hereby encourages its residents, businesses and institutions to use EARTH DAY to celebrate the Earth and commit to building a sustainable society; and

BE IT FURTHER RESOLVED that the Township of Montgomery commits to the support of programs that further the efficient use of clean, renewable energy within its borders.

8-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer 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. **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 #09-4-107 - REFUND OVERPAID 2009 SEWER PAYMENTS**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2009 Sewer payments:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
5008	20	Ahmed M. Fouda & Dina K. Rahmo	\$ 5.43	2009
5018	125.2 CONDO	Brian & Reena Kamins	\$ 65.52	2009
31001	78	Richard J. Sherman, Jr. & J. Herron	\$ 33.22	2009
37002	5.138	Adriana D. Collins	\$ 68.24	2009
37002	11	Surya P. Mohanty & Elli Louka	\$ 243.29	2009
37003	6.784 CONDO	Kalpaha Desai	\$ 79.36	2009
37004	6.29	Vemulapalli, Ajitha	\$ 10.56	2009

B. **RESOLUTION #09-4-108 - CANCEL 2009 SEWER UTILITY CHARGE**

BE IT RESOLVED That 2009 Sewer Utility charges on Block 34001, Lot 67 in the amount of \$819.20 be cancelled. The property is hooked up to the septic system and was billed for sewer in error.

C. **RESOLUTION #09-4-109 - ADJUSTMENT OF BILLING OF SEWER UTILITY CHARGES**

WHEREAS, The following properties have filed an appeal for their sewer charges, and

WHEREAS, The Township Engineer has reviewed the appeal and investigated the appeal for each of the listed properties.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that the Tax Collector is hereby authorized to adjust the billing on the following properties as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>DECREASE</u>
30007	56	4 Bull Creek Court	\$619.20
17001	6.32	8 Exeter Lane	\$261.44
7001	4.01	8 Starling Drive	\$ 56.04
31006	3	68 Colfax Road	\$344.00

D. **RESOLUTION #09-4-110 - REDEMPTION OF TAX SALE CERTIFICATES**

BE IT RESOLVED That checks be given to the following for the redemption of Tax Sale Certificates:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Certificate #</u>
5013	11	Sequoia Investments	\$ 1,079.97	2008-03
35002	2	Plymouth Park Tax Services	\$16,861.38	2007-16

E. **RESOLUTION #09-4-111 - REFUND UNUSED PORTION OF SPECIAL DUTY**

BE IT RESOLVED That a refund be given to the following business/company for monies owed by the Township of Montgomery for Private Duty Services:

Atlantic Infrared, Inc. P.O. Box 1826 Point Pleasant, NJ 08742 \$20.00	Ernest Renda Contracting, Co. 51 Tannery Road Somerville, NJ 08876 \$1,625.00
Sharbell Building Co. 1 Washington Boulevard Suite #9 Robbinsville, NJ 08691 \$650.00	County of Somerset Engineering Division 20 Grove Street Somerville, NJ 08876 \$105.00

(CONSENT AGENDA Cont.)

F. **RESOLUTION #09-4-112 - RAFFLE LICENSE #676 - Summit Animal Rescue Association**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Summit Animal Rescue Association to conduct a Raffle under License #676 on September 12, 2009 at Mattawang Golf Course, 295-303 Township Line Road, Belle Mead, NJ. The time for this Raffle will be approximately from 11:00 a.m. to 7:00 p.m.

G. **RESOLUTION #09-4-113 - TAX REIMBURSEMENT CERTIFICATION**

WHEREAS, The Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Township of Montgomery hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2008 in the amount of \$1,285.68. Documentation supporting this submission is available at Montgomery Township Municipal Building, 2261 Route 206, Belle Mead, NJ 08502 and shall be maintained for no less than five years from this date.

H. **RESOLUTION #09-4-114 - 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

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 April 1, 2009, and ending on or about June 30, 2009, 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 April 1, 2009, and June 30, 2009:

- Brophy Circle	- Lake (Lakeside) Drive	- Morrow Road
- Garrison Lane	- Maplewood Drive	- Strecker Road
- Doctor's Row	- Schley Drive	- Industrial Road
- Moosbrugger Way	- Fairview Road	- Wilson Drive
- Association Drive	- Green House Drive	- Dungan Drive
- Dodds Road		
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.

(CONSENT AGENDA Item H Cont.)

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.

I. **RESOLUTION #09-4-115 - AUTHORIZING ROAD CLOSURE - Portion of Main Boulevard**

WHEREAS, Underground electrical service is being installed to serve the Village Elementary School; and

WHEREAS, In order to better accommodate the construction work, the engineering department requests closure of Main Boulevard from Burnt Hill Road to the eastern intersection of Maplewood Drive and Main Boulevard, from approximately 6:00 p.m. on Friday, April 3, 2009 to on or about Friday, April 10, 2009.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the closing of a portion of Main Boulevard for the electrical service installation to the Village School.

J. **RESOLUTION #09-4-116 - ENABLING RESOLUTION AUTHORIZING AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM**

WHEREAS, The New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, The Township of Montgomery desires to further the public interest by obtaining a loan of \$0 and a grant of \$4,650,000.00 from the State to fund the following projects: The acquisition of open space in Montgomery Township as identified in the Montgomery Township Open Space Conservation Plan or amendments thereto.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that Donato Nieman or the successor to the office of Township Administrator is hereby authorized to:

- (a) make application for such a grant;
- (b) provide additional application information and furnish such documents as may be required;
- (c) act as the authorized correspondent of the above named applicant, and

WHEREAS, The State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, The applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named projects;

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

1. That the Township Administrator of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Open Space Acquisition 5 / 1813-96-004 and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$4,650,000.00.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

K. **RESOLUTION #09-4-117 - DECLARING CERTAIN TOWNSHIP ELECTRONIC EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns electronic equipment listed below ("surplus personal property") that the Network/MIS Coordinator and Police Department have determined are no longer needed for public use; and

WHEREAS, The Township desires to dispose of said surplus personal property by sending the electronic equipment to Newtech Recycling.

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

1. The electronic equipment owned by the Township of Montgomery that are listed are hereby declared salvage and are no longer needed for public use.
2. The Purchasing Agent and Network/MIS Coordinator are hereby authorized and directed to send said surplus personal property to Newtech Recycling.

(CONSENT AGENDA Item J Cont.)

Surplus Personal Property

Township

APC UPS NB0037320812
APC UPS QB0306230014
APC UPS 3B0623X57861
HP Deskjet Printer MY075160GW
HP Photosmart Printer CN282422V8
Lexmark Inkjet Printer 05381820203
Gateway PC 0015782702
Gateway PC 0014911165

Police

Gateway Monitor P907051386
Dell Monitor CM2317
Dell Monitor 04036A9D0P
Gateway Monitor P907051352
Gateway Monitor P907051403
Gateway Monitor P907051424
Mobile Vision VCR 093845
Mobile Vision VCR 093837
Mobile Vision VCR 113515
Mobile Vision VCR 112114
Mobile Vision VCR 0938412

L. **RESOLUTION #09-4-118 - AUTHORIZING EXECUTION OF GRANT APPLICATION WITH DIVISION OF HIGHWAY TRAFFIC SAFETY - Click It or Ticket**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services to enter into a grant application with the New Jersey Division of Highway Traffic Safety for Click It or Ticket Campaign from May 18 to May 31, 2009.

M. **RESOLUTION #09-4-119 - SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 18 - MAY 31, 2009**

WHEREAS, There were 592 motor vehicle fatalities in New Jersey in 2008; and

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

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

WHEREAS, The State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 18 - May 31, 2009 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and 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 91.75% to 100%; and

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

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery declares it's support for the Click It or Ticket seat belt mobilization both locally and nationally from May 18 - May 31, 2009 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

N. **RESOLUTION #09-4-120 - AUTHORIZING SMART GROWTH PLANNING ASSISTANCE GRANT APPLICATION - ANJEC**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the execution of a grant application for a Smart Growth Planning Assistance Grant, offered by the Association of New Jersey Environmental Commissions (ANJEC).

O. **RESOLUTION #09-4-121 - AWARD OF BID - Chemicals for Wastewater Treatment for 2009**

WHEREAS, The following bids for Chemicals for Wastewater Treatment were received and publicly opened on March 31, 2009:

BIDDERS

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

WHEREAS, It is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that Main Pool & Chemical Co., Inc., Coyne Chemicals, Basic Chemical Solutions, LLC be awarded the bid; it being the lowest responsible bidders on the various line item chemicals; 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.

(CONSENT AGENDA Item 0 Cont.)

WHEREAS, There exists the following accounts: 07-201-55-542-2-032, 07-201-55-543-2-032, 07-201-55-545-2-032, 07-201-55-546-2-032, 07-201-55-547-2-032, 07-201-55-548-2-032, 07-201-55-542-2-093, 07-201-55-543-2-093, 07-201-55-545-2-093, 07-201-55-546-2-093, 07-201-55-547-2-093, 07-201-55-548-2-093 which will fund these goods.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Chemicals for Wastewater Treatment for 2009 is hereby awarded to: Main Pool & Chemical Co., Inc., 110 Commerce Rd., Dupont, PA in the amount of \$3,942.00; Coyne Chemicals Co., Inc., 3015 State Rd., Croydon, PA in the amount of \$5,025.00; Basic Chemical Solutions, 5 Steel Rd. East, Morrisville, PA in the amount of \$39,030.00

BE IT FURTHER RESOLVED That the Township Administrator and Purchasing Agent are authorized to sign said Contracts.

P. **RESOLUTION #09-4-122 - CANCELLATION OF GENERAL CAPITAL APPROPRIATIONS - Ordinance #03-1098**

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 cancelled;

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 cancelled:

ORD. NO.	DATE AUTH.	PROJECT DESCRIPTION	AMOUNT CANCELLED	
			FUNDED	UNFUNDED
03-1098	05/15/03	Acq. of Certain Equipment	\$110,924.46	\$0.00

Q. **RESOLUTION #09-4-123 - PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE TOWNSHIP OF MONTGOMERY FOR THE YEAR 2008**

WHEREAS, The Township Council of the Township of Montgomery, County of Somerset, under the provisions of statutes, wishes to defer Local District School Taxes for the year 2008, and

WHEREAS, The unpaid portion of the Local District School Tax on December 31, 2008 may be deferred to the extent of not more than 50% of the school year July 1, 2008 to June 30, 2009 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 2008 may not exceed 50% of the school year July 1, 2009 to June 30, 2009 levy of \$65,289,894.00 resulting in a deferred amount not to exceed \$32,644,947.00. This amount represents an increase of \$2,734,934.00 over the maximum Deferred Local District School Taxes for the year 2008 of \$29,909,993.00.

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, 2008 be deferred to the amount not exceeding \$32,644,947.00, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$2,734,934.00.

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.

R. **RESOLUTION #09-4-124 - AUTHORIZATION TO EXECUTE AMENDMENT TO CONSTRUCTION SEQUENCE AGREEMENT - Tapestry at Montgomery - Sharbell Plainsboro, Inc.**

WHEREAS, On March 26, 2009, Gail Smith, Township Engineer, recommended that the Montgomery Township Committee approve an amendment to the construction sequence agreement for Tapestry at Montgomery.

NOW, THEREFORE, BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an amendment to the construction sequence agreement for Tapestry at Montgomery subject to preparation of the formal agreement and review and approval of said agreement by the Township Attorney and Township Engineer.

10-1. Committeeman Fay moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Dyer and carried on the following:

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

11. MAYORAL APPOINTMENT - Landmarks Commission

BE IT RESOLVED That Allan Bien is hereby appointed Landmarks Commission Class B, 4 year term expiring December 31, 2010.

12. RESOLUTION #09-4-125 - APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1813-33-002-014 - FROM DAKOTA OF SKILLMAN TO TUSK FUSION

WHEREAS, An application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 1813-33-002-014, heretofore issued to Dakota of Skillman for the premises located at 1736 Route 206, Skillman, New Jersey 08558; and

WHEREAS, The submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, The applicant is qualified to be licensed according to all standards established pursuant to the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1.1 et seq., regulations promulgated thereunder, Township ordinances and other applicable law; and

WHEREAS, The applicant has disclosed to the Township of Montgomery ("Township") and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, The transferee has executed a valid consent to transfer the license.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it does hereby approve the transfer of Plenary Retail Consumption License Number 1813-33-002-014 to Tusk Fusion as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Tusk Fusion, effective April 2, 2009."

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

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

13. RESOLUTION #09-4-126 - AUTHORIZATION TO RATIFY AGREEMENT - Montgomery Township Superior Officers Association

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Township Clerk are hereby authorized and directed to execute a collective bargaining agreement with the Montgomery Township Superior Officers Association for a three year period effective January 1, 2008 to December 31, 2010.

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

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

14. ORDINANCE #09-1313 - Parks and Facilities - Public Hearing

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 2nd day of April, 2009 and that notice thereof be published in an official newspaper as required by law.

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

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

15. **ORDINANCE #09-1314** - Capital Improvement Fund - Relocation of Municipal Communications Systems to Somerset County Communications - Public Hearing

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 2nd day of April, 2009 and that notice thereof be published in an official newspaper as required by law.

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

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

16. **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.

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

ROLL CALL - Ayes - Fay, Dyer, Wilson
Nays - None
Absent - Birge, Caliguire
Abstain - Fay (Check #050315)

17. **VACATION OF ROADS IN SKILLMAN VILLAGE**

Administrator Nieman explained a memo from Township Engineer Gail Smith regarding the vacation of roads in Skillman Village, instead of having to close them by Resolution every three months.

18. **SALE OF MUNICIPAL ASSETS - 1860 House**

Administrator Nieman stated that he would like to move forward in preparing for the sale of the 1860 House. It is becoming more difficult to maintain it as it remains vacant. There had been some serious issues during the winter. Before the property can be sold, there would have to be a subdivision done because the Van Harlingen Historical Society owns the barn that is located there. There was discussion about the possibility of moving the barn at the 1860 House to the Van Harlingen Historical Society property.

Mayor Wilson asked that Administrator Nieman contact the Van Harlingen Historical Society and the Landmarks Commission for input.

19. **REVISIONS TO PEDDLERS ORDINANCES**

Attorney Hadinger asked for authorization to go forward with the revisions to the Peddlers Ordinance to include recommendations from late 2008.

20. **LETTER OPPOSING S-2577 & A-3722 - Eliminating Age Restrictions in Age-Restricted Developments**

Administrator Nieman stated that these two bills which had been approved by the legislature and is on the Governor's desk awaiting his signature.

Mayor Wilson presented the following draft letter for Committee's approval:

"Dear Governor Corzine:

On behalf of the Montgomery Township Committee, I write with an urgent request: Please do not sign into law the bill (S-2577 and A-3722) that would allow approved age-restricted developments to be converted to eliminate the restriction, without municipal review and approval.

This is a terrible bill that sets a terrible precedent. It would enable developers to simply ignore a community's Master Plan and Zone Plan, renders pointless the planning and forecasting processes that municipalities depend upon, and strips the Planning Board of their statutory authority.

No amount of tweaking will make this bill worthy of your signature. Please do not sign it.

Very truly yours,

Louise Wilson,
Mayor"

20-1. **MOTION #09-4-1** - Committeeman Fay moved that the Mayor send the letter to the Governor. The motion was seconded by Committeewoman Dyer and carried unanimously.

21. **CSX LETTER**

Committeeman Fay spoke about sending a letter as a follow up from a February meeting. The goal of this letter was to confirm in writing some things that were told to the Township and to seek CSX's assistance in helping to upgrade the four intersections in town.

21-1. **MOTION #09-4-2** - Committeewoman Dyer moved that the Mayor send this letter to CSX. The motion was seconded by Committeeman Fay and carried unanimously.

22. **WAIVER FOR PERMIT FEES FOR BLAWENBURG CHURCH**

Mayor Wilson stated that there was a letter from Ray Hunt requesting a waiver of the permit fees that apply on the project the Church is doing to replace the slate roof. Under the existing ordinance, it is not possible to waive the fees.

23. **3-M**

Mayor Wilson reported on a meeting held with Silvi Concrete Company, purchasers of the 3-M property. Silvi said that they are working hard at getting the State to allow them to reuse the fines pile for other products. They are working with Somerset County on preserving what they consider to be the out-parcels, meaning a 60 acre parcel of land on the east side of Route 601 and a 50 acre parcel on the south side of Dutchtown-Zion Road.

24. **COUNTY SENIOR TRANSPORTATION**

Administrator Nieman explained that the estimated cost savings for transferring the senior transportation to the County would be, at a minimum, \$40,000.00.

Recreation Director Karen Zimmerman stated that transferring this service to the County would provide better service to the Seniors of the community. Transportation would be provided from 8:30 a.m. to 2:30 p.m. Monday through Friday. The drivers are trained to handle the elderly and disabled.

Administrator Nieman explained that Helene Lis, Recreation Department employee, asked that she not be considered for any incentive that would be derived from the reduction in salaries and asked that this be put toward any severance package that might be offered to the affected employees.

24-1. **MOTION #09-4-3** - Committeeman Fay moved to accept the transportation proposal. The motion was seconded by Committeewoman Dyer and carried on the following:

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

24-2. Mayor Wilson asked that notification needs to be made regarding the change to the busing program.

25. 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:
 - Acquisition of Open Space (Rossmassler easement) with public funds for farmland, open space and other purposes, and negotiation of terms and conditions therefor;
 - Advice of Counsel with regard to possible settlement of Brahaney Litigation.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of land 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 that litigation.

25-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried unanimously.

ADJOURNMENT was at 9:30 p.m. on a motion by Committeeman Fay. The motion was seconded by Committeewoman Dyer and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk