

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
April 7, 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. **PUBLIC COMMENT**

- 4-1. Walter Beadling, Thornton Way, stated that he and Mr. Kumpf were going to videotape the meeting and see if they could make it available to others, at no cost to the Township.

5. Attorney Hadinger stepped down from the dais.

6. **BOARD OF EDUCATION BUDGET PRESENTATION**

Earl Kim and David Pettit, Board of Education representatives, presented the proposed 2011 Board of Education Budget.

Mr. Kim explained how they were able to get to the point of spending less. He stated that the schools were part of the Amicus, where the judge found that the cuts in aid to Montgomery resulted in reductions in programs which violated the Constitutional provision for a thorough and efficient school district, by failing to meet the New Jersey standards. The Board hopes that the verdict will result in some additional State Aid which will affect the tax levy positively from a resident's standpoint. The other issue that is unresolved is the Appellate brief. In an unusual move, the Attorney General's office asked the Appellate Division to remand the decision to the Department for Technical Review because they felt there were defects in it. The Department did restore about \$100,000.00, and now it was back to the Appellate Division for review. He stated that the Township did receive more State Aid in 2011 than in 2010. They put the additional money back into programs and teachers. They also restored approximately \$25,000-\$28,000 in Upper Middle School sports subsidies. They can't restore the whole program, but they covered the transportation cost and some re-conditioning costs for athletic equipment for safety reasons. The balance of over \$200,000.00 was placed towards tax relief. He explained that there were significant give backs from the teachers, custodial staff and secretarial staff. There are also three large solar projects that are being constructed. He stated that the Board was looking at a 1.64% increase in the tax rate. The general fund levy increase is 1.73%.

Mayor Caliguire inquired if the Board of Education had looked into joining a Health Insurance Fund such as the Township had just done. Mr. Kim explained that it was investigated and that it was found to be even more expensive than the current plan.

7. Attorney Hadinger returns to the dais.

8. **SIGN ORDINANCE AND PROPOSED CHANGES DISCUSSION**

Mayor Caliguire explained that the Township does have a sign ordinance. It limits regular signs, whether they are for political campaigns or organizations, and limits commercial/business signs. One of the problems he sees and that distresses him is that people are generally not allowed to put signs in public right-of-ways. He stated that this regulation is very difficult to enforce. His concern was that the complaints that are received about political signs being in public right-of-ways and the enforcement of this could be construed as discrimination against political speech. He stated that if the Township has an ordinance and it is only being enforced at certain times, that's a problem. He asked that the Attorney and Zoning Officer look at the current ordinance and see what changes could be made.

Committeewoman Graham suggested that if the Township permits signs on public right-of-ways, maybe the number could be restricted.

Attorney Hadinger explained that while you can have many different signs at a specific location, there is a restriction of one sign per property for a particular purpose.

9. **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 #11-4-95 - REFUND OVERPAID 2010 AND 2011 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2010 and 2011 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
5012	22	Laxman & Himaja Yelagoila	2010	\$ 134.15
5014	16	Balasubramanian & S. Vaidyanathan	2010	\$ 391.84
6008	2	Wei Wang & Yanhua Yang	2011	\$4,866.98
7017	14	David Vande Voorde & Ingrid Karina	2010	\$ 165.93
16012	19	Rollie & Susan Cameron	2011	\$4,056.36
17007	12	Wanrong Lin & Jinfeng Zhu	2010	\$ 176.20
25004	11	Law Offices of Thomas L. Murphy	2010&2011	\$4,616.71
29002	9	Assured Closing Services, Inc.	2010	\$2,615.79
34023	63	NRT Title Agency, LLC	2010	\$2,920.09
37001	4.07	LSI Title Agency, Inc.	2010	\$ 296.70

B. **RESOLUTION #11-4-96 - CHANGE DUE DATES FOR 2011 SEWER BILLS**

BE IT RESOLVED That the due dates for the 2011 sewer bills be changed to the following:

- 1<sup>st</sup> half 2011 sewer bills will be due on April 11, 2011 with a grace period through April 20, 2011
- 2<sup>nd</sup> half 2011 sewer bills will be due on September 1, 2011 with a grace period through September 10, 2011.

Payments received after the grace periods will be charged interest from the original due date.

C. **RESOLUTION #11-4-97 - ACCEPTANCE OF DONATIONS - Earth Day Fair 2011 - Sharbell Building Company, LLC.; Princeton Innkeepers, Inc.; and Waldorf School of Princeton**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donation for the Earth Day Fair 2011:

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
Sharbell Building Company, LLC	\$350.00	4466
Princeton Innkeepers, Inc.	\$100.00	114439
Waldorf School of Princeton	\$ 35.00	18105

D. **RESOLUTION #11-4-98 - APPROVAL OF USE OF TENT - Run with Rotary 2011**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the use of the Township tent for the Run with Rotary 2011 road race as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township. The event will be held on Sunday, May 1, 2011.

E. **RESOLUTION #11-4-99 - APPROVAL OF OUTDOOR ASSEMBLY - Run with Rotary 2011**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Rotary Club of Montgomery/Rocky Hill has requested approval of the Township Committee to conduct a 5-K race and 1-mile fun walk on May 1, 2011. The events will start and finish at the Montgomery Upper Middle School parking lot.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Township Committee approval.
  - (b) Portions of Burnt Hill, Sunset, Acorn, Fieldcrest, Brandywine, Kildee Roads and Westbury Court will be closed to vehicular traffic on Sunday, May 1, 2011 beginning at 10:00 a.m.
  - (c) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The Montgomery Township Police Department has reviewed and approved the application and has no objection to the road closings provided that the race takes the same route as in years past and four officers on private duty and four police cars are utilized to control traffic.
4. Township Fire Marshall, Roy Mondri has approved the required tent permit.
5. The organizers have obtained the required health certificates from the Township Health Officer, Stephanie Carey.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #11-4-100 - APPROVAL OF OUTDOOR ASSEMBLY - Civil War Living History**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Donald Skaar has requested approval of the Township Committee to conduct an Outdoor Assembly/Civil War Living History at the Central Jersey Masonic Center on April 16 and April 17, 2011.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
  - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The Police Department have approved all aspects regarding parking facilities, traffic plan and safety considerations, except for the proposed discharge of firearms.
4. The organizers have obtained the required health certificates from the Township Health Department.

G. **RESOLUTION #11-4-101 - ENDORSING SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, PL 1987, c.102 has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED By the Township Committee of Montgomery that Montgomery Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Arthur Villano to ensure that the application is properly filed.

H. **RESOLUTION #11-4-102 - AUTHORIZING PAYMENT FOR NEW JERSEY AMERICAN WATER SERVICE CONNECTION AT THE SKILLMAN VILLAGE SEWAGE TREATMENT PLANT AND THE SKILLMAN FARM - NPDC Wastewater Treatment Plant Waterline Extension Project - Hanntz Plumbing & Heating, Inc.**

BE IT RESOLVED By the Montgomery Township Committee that, in accordance with paragraph 24.B.6(c) of the Purchase and Sale Agreement for the former North Princeton Developmental Center property, payment to Hanntz Plumbing & Heating, Inc. for a NJ American Water service connection at the Skillman Village Sewage Treatment Plant and the Skillman Farm in the amount of \$1,050.00 should be paid from the escrow account held by Mason, Griffin & Pierson.

I. **RESOLUTION #11-4-103 - AUTHORIZING THE EXECUTION OF A DRAINAGE/RIGHT-OF-WAY EASEMENT - North Princeton Professional Center - Block 34001, Lot 64**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Drainage/Right-of-Way Easement agreement with North Princeton Professional Center, LLC with respect to Block 34001, Lot 64.

J. **RESOLUTION #11-4-104 - DEPUTY SIGNATURES - Municipal Court**

BE IT RESOLVED That Judith Norris, Deputy Court Clerk and Walter Sheppard, Chief Financial Officer are hereby authorized to sign Township checks pertaining to the Municipal Court General Account and the Municipal Court Bail Account in 2011 in the absence, or inability to serve, of the Court Administrator.

(CONSENT AGENDA Cont.)

K. **RESOLUTION #11-4-105 - PROFESSIONAL SERVICES RESOLUTION - Special Counsel**

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) Special Counsel 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; and

WHEREAS, The New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of professional services contracts without competitive bidding; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the aforesaid 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 agreement with Johnson & Conway, LLP as Township Special Counsel.
- (2) This contract is awarded for a period of one year, for the amounts set forth in the contract, and without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) This contractor has completed and filed with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying 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

L. **RESOLUTION #11-4-106 - AUTHORIZING MEMBERSHIP IN AND CONTRIBUTION TO THE RARITAN & MILLSTONE RIVER FLOOD CONTROL COMMISSION**

BE IT RESOLVED That the Montgomery Township Committee hereby approves membership and a contribution in the amount of \$250.00 to the Raritan & Millstone River Flood Control Commission.

M. **RESOLUTION #11-4-107 - DECLARING CERTAIN ITEMS AS SURPLUS PERSONAL PROPERTY**

WHEREAS, The Township of Montgomery has determined that certain personal property as described below, is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40a:11-36 requires that such personal property be sold at public auction to the highest bidder.

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

1. The below listed schedule of Township property is declared surplus and no longer needed for public purposes;
2. The Purchasing Agent is hereby authorized and directed to advertise public sale of said personal property to be sold on GovDeals.com, a State of New Jersey authorized web based auction. Said sale shall commence within ten (10) days of approval by the Township Committee.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction and in accordance with the procedure to be announced.

(CONSENT AGENDA Item M Cont.)

Surplus Personal Property

1. 72 assorted music cd's
2. 4 DVD movies
3. Assorted car emblems
4. 1 Metal flask
5. 1 silver money clip
6. 1 flower pin
7. 1 silver bowl
8. 1 gold earring with diamond like stone
9. 1 Men's wedding band with set diamonds
10. 1 Box of assorted ATV parts
11. 1 Motorcycle helmet
12. 3 baskets assorted tools
13. 2 floor jacks
14. 4 baseball bats
15. 1 Taylor made golf putter
16. 1 Bushnell binoculars 16 x 50
17. 6 back pack bags
18. 1 closed circuit camera system
19. 3 VCR's
20. 1 Philips CD player
21. 1 Miniature camera
22. 1 Strobe light
23. 1 Panasonic CD player
24. 1 Blue iPod
25. 2 Green iPod
26. 1 back up battery pack for iPod
27. 1 Nintendo DS
28. 1 Kodak easy share v550 camera
29. 1 Fujifilm s5000 camera
30. 1 Compaq computer
31. 1 HP printer
32. 1 Aluminum valve
33. 1 Xbox Game System
34. 1 Digital camera and memory card

N. **RESOLUTION #11-4-108 - DECLARING CERTAIN PERSONAL PROPERTY AS SALVAGE AND AUTHORIZING DONATION OF SAID PROPERTY**

WHEREAS, The Montgomery Township Police Department desires to dispose of certain personal property; and

WHEREAS, Said property has no nominal value and is not worth going to auction; and

WHEREAS, The Township desires to donate said surplus.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee does hereby donate the following items to Crawford House:

1. 1 pair Chaco brand sandals
2. 1 pair Adidas shoes
3. 1 pair Adidas shorts
4. 3 Victoria's Secret bras
5. 3 pairs pants
6. 2 pairs Colin Stuart shoes
7. 1 Prime Time Cook Book with Emeril
8. 2 pairs sunglasses
9. 1 leather belt
10. 1 pair black leather gloves (size XL)
11. 2 wallets

O. **RESOLUTION #11-4-109 - DECLARING CERTAIN PERSONAL PROPERTY AS SALVAGE FOR DISPOSAL**

WHEREAS, The Montgomery Township Police Department desires to declare certain personal property as salvage for disposal; and

WHEREAS, The Township desires to dispose of said items.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee does hereby dispose of the following items:

1. 4 Dell Printer Cartridges
2. 1 Sephora Cosmetics Kit
3. 1 Air Compressor

(CONSENT AGENDA Cont.)

P. **RESOLUTION #11-4-110 - DECLARING CERTAIN PERSONAL PROPERTY AS NO LONGER NEEDED FOR PUBLIC USE**

WHEREAS, The Township of Montgomery is the owner of an Alkta Model 6181B, serial number 240527 power washer; and

WHEREAS, The Township of Montgomery has determined that said power washer is non-functional and is no longer needed for public purposes; and

WHEREAS, The Department of Public Works wishes to use said Alkta power washer as a trade-in on a Hotsy power washer thereby reducing its sales price; and

WHEREAS, The Township's Qualified Purchasing Agent has certified that the value of the acquisition is below the Township's bid threshold, and is less than \$17,000.00, so that the public advertising requirements of the New Jersey Public Contracts Law, N.J.S.A. 40A: 11-1 et seq., and the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.1 et seq., do not apply to this acquisition; and

WHEREAS, The requirements of §2-22.2 of the Township of Montgomery Code (Township Pay to Play) are applicable to this acquisition.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery in Somerset County, New Jersey authorizes the trade-in of the Alkta power washer towards the purchase of a Hotsy power washer subject to the conditions and requirements set forth in the above Preamble, which is incorporated herein by reference.

Q. **RESOLUTION #11-4-111 - RELEASE OF MAINTENANCE GUARANTEE - Bedens Brook Club Cabana Renovation and Expansion**

WHEREAS, Gail Smith, Township Engineer, has certified on March 28, 2011 that all public improvements in a project known as Bedens Brook Club Cabana Renovation and Expansion 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 Bond in the amount of \$7,522.31 (cash) be released to The Bedens Brook Club, 240 Rolling Hill 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.

R. **RESOLUTION #11-4-112 - RELEASE OF MAINTENANCE GUARANTEE - Montgomery Hills, Phase 1B On-Site - Blue Spring Road**

WHEREAS, Gail Smith, Township Engineer, has certified on March 28, 2011 that all public improvements in a project known as Montgomery Hills, Phase 1B - On-Site - Blue Spring Road 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 Maintenance Bond #S04260M in the amount of \$72,918.81 be released to Scribner Village, L.P., P.O. Box 777, Oakhurst, NJ 07755.

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

S. **RESOLUTION #11-4-113 - AWARDING AN EXTRAORDINARY UNSPECIFIABLE SERVICE AGREEMENT TO JAMES MOLYNEAUX CO. IN CONNECTION WITH THE MONTGOMERY VETERANS MEMORIAL**

WHEREAS, The Township of Montgomery ("Township") is working with the Montgomery Veterans Memorial Committee in the construction of the Montgomery Veterans Memorial located in Montgomery Park in Montgomery Township, New Jersey; and

WHEREAS, The Township requires an experienced firm to undertake all necessary services to properly inspect, move and permanently erect the five (5) four-ton granite stellae and one (1) seven-ton granite pentagram that will become part of the Montgomery Veterans Memorial; and

WHEREAS, James Molyneaux Co. of Edgemont, PA ("Molyneaux"), a firm with substantial experience with similar projects, has submitted a proposal to provide the sought-after services to the Township; and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the required services required will exceed \$17,500.00; and

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

(CONSENT AGENDA Item S Cont.)

WHEREAS, The agreement shall be for an amount not to exceed \$17,800.00; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available to pay for said services; and

WHEREAS, The Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the Township to award this agreement as an extraordinary unspecifiable service agreement, without competitive bidding;

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with Molyneaux consistent with this Resolution. The terms of said agreement are subject to the approval of the Township Attorney.
2. The agreement is awarded without competitive bidding as an "Extraordinary Unspecifiable Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii), for the reasons set forth in the Township Administrator's Certification of Extraordinary Unspecifiable Service, which reasons are incorporated herein as if fully restated.
3. Molyneaux shall be paid a fee not to exceed \$17,800.00 to provide these services.
4. A copy of this Resolution, the Certification of Contract Value, the Township Administrator's Certification of Extraordinary Unspecifiable Service, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk.
5. A notice of this action shall be published in the official newspaper as required by law.

T. **RESOLUTION #11-4-114 - AWARDING AGREEMENT TO CLIFTON LANDSCAPE CONTRACTING, INC. IN CONNECTION WITH THE MONTGOMERY VETERANS MEMORIAL**

WHEREAS, The Township of Montgomery ("Township") is working with the Montgomery Veterans Memorial Committee in the construction of the Montgomery Veterans Memorial located in Montgomery Park in Montgomery Township, New Jersey; and

WHEREAS, The Township requires the services of an experienced contractor to complete certain concrete foundation work as part of the Montgomery Veterans Memorial; and

WHEREAS, The Montgomery Veterans Memorial Committee, in coordination with the Township, has solicited and received two proposals for the above-referenced services, including one submitted by Clifton Landscape Contracting, Inc. ("Clifton") dated February 28, 2011 offering to complete the above-referenced services on the Township's behalf for a price not to exceed \$25,645.00; and

WHEREAS, Because the contract value for completion of the above-referenced services is not anticipated to exceed the Township's bid threshold of \$36,000, it may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-3 and N.J.S.A. 40A:11-6.1; and

WHEREAS, The Township seeks to award said contract to Clifton on the basis that Clifton's proposal is most advantageous to the Township, price and other factors considered; and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the required services required will exceed \$17,500.00; and

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

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available to pay for said services.

(CONSENT AGENDA Item T Cont.)

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with Clifton consistent with this Resolution. The terms of said agreement are subject to the approval of the Township Attorney.
2. The agreement is hereby awarded without competitive bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii), and on the basis that Clifton's proposal is most advantageous to the Township, price and other factors considered.
3. Clifton shall be paid a fee not to exceed \$25,645.00 to provide these services.
4. A copy of this Resolution, the Certification of Contract Value, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk.

U. **RESOLUTION #11-4-115 - RECOGNIZING AND ACCEPTING DONATED GOODS AND SERVICES IN CONNECTION WITH THE MONTGOMERY VETERANS MEMORIAL**

WHEREAS, The Montgomery Veterans Memorial Committee (the "MVMC") is an organization that was formed to create a public memorial to those Montgomery Township residents who have served our nation in times of war (the "Montgomery Veterans Memorial"); and

WHEREAS, The MVMC has spent a number of years engaged in the planning of all aspects of the Montgomery Veterans Memorial, as well as private fundraising and the solicitation of donated good and services, all in support of said memorial's construction, maintenance and use; and

WHEREAS, Recognizing said memorial's significance to the Township of Montgomery ("Township"), the Township previously approved the utilization of the northerly portion of Montgomery Park to construct the Montgomery Veterans Memorial and further, offered to provide goods and services to enable said memorial's construction and eventual upkeep and maintenance; and

WHEREAS, The MVMC is now ready to commence construction of the Montgomery Veterans Memorial; and

WHEREAS, The MVMC's efforts have successfully resulted in the donation of private funds (held by the Princeton Area Community Foundation on the MVMC's behalf) and goods and services, all of which will be used in furtherance of the construction, maintenance and use of the Montgomery Veterans Memorial; and

WHEREAS, At this time the MVMC is utilizing the privately raised funds to purchase five (5) four-ton granite stellae displaying the veterans' names and one (1) seven-ton granite pentagram from Cold Spring Granite of Cold Spring, Minnesota, all of which shall be donated to the Township by the MVMC; and

WHEREAS, With the assistance and oversight of the MVMC, at this time the Township will be undertaking these portions of construction of the Montgomery Veterans Memorial:

- a. Contracting with Clifton Landscape Contracting, Inc. ("Clifton") for construction of the concrete foundations; and
- b. Contracting with James Molyneaux Co. ("Molyneaux") for the services necessary to inspect, move and permanently erect the granite stellae and pentagram; and

WHEREAS, The following goods and services have been donated in furtherance of construction of the Montgomery Veterans Memorial:

- a. Professional surveying and drafting services to be completed by Van Cleef Engineering of Belle Mead, New Jersey; and
- b. Excavating services to be completed by Township resident Frank Drift; and
- c. Construction oversight and project administration services to be completed by MVMC Chairman Hugh Dyer, including oversight and administration of the Clifton and Molyneaux agreements; and
- d. Construction oversight and project administration services to be completed by MVMC member and Licensed Architect and General Contractor Tom C. Lee, including oversight and administration of the Clifton and Molyneaux agreements; and
- e. Construction oversight and project administration services to be completed by MVMC member and Licensed Civil Engineer Robert Kress, including oversight and administration of the Clifton and Molyneaux agreements.

(CONSENT AGENDA Item U Cont.)

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, that the Township enthusiastically recognizes the efforts of the MVMC to date, reaffirms its commitment to the success of the Montgomery Veterans Memorial and proudly accepts the foregoing donated goods and services, and granite stellae and pentagram purchased with funds donated to the MVMC, all in furtherance of the construction of the Montgomery Veterans Memorial, to be located in Montgomery Park.

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

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

10. **RESOLUTION #11-4-116 - AWARD OF BID - Collection and Disposal of Solid Waste from Various Montgomery Township Facilities**

WHEREAS, The following bids for the Collection and Disposal of Solid Waste from Various Montgomery Township Facilities were received and publicly opened on Wednesday, March 29, 2011:

<u>BIDDER</u>	<u>AMOUNT</u>
Raritan Valley Disposal	\$ 92,973.18
Waste Management of NJ, Inc.	\$318,433.80
ACE Environmental Services	\$ 91,956.00
Premier Disposal, Inc.	\$ 89,862.00*
Carnevale Disposal Co., Inc.	\$106,147.26
Active Disposal Service, Inc.	\$ 98,964.00

WHEREAS, It is the recommendation of the Purchasing Agent that Premier Disposal, Inc. be awarded the bid; it being the lowest responsive and responsible bidder; and

WHEREAS, There exists the following accounts 01-201-32-465-2-069, 01-201-28-372-2-014, 07-201-55-544-2-095 which will fund this service; and

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

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Collection and Disposal of Solid Waste from Various Montgomery Township Facilities is hereby awarded to Premier Disposal, Inc., 432 Stokes Avenue, Ewing NJ 08638.

in an amount not to exceed \$19,969.43 in budget year 2011,  
in an amount not to exceed \$29,954.00 in budget year 2012,  
in an amount not to exceed \$29,954.00 in budget year 2013,  
in an amount not to exceed \$9,984.67 in budget year 2014,

BE IT FURTHER RESOLVED That the contract shall contain a clause providing that for each year of the multi-year contract beyond 2011, the contract is subject to the availability and appropriation of sufficient funds; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign said contracts.

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

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

11. **RESOLUTION #11-4-117 - RESOLUTION AUTHORIZING ENTRANCE INTO A SUBLEASE WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE SOMERSET MUNICIPAL BANC PROGRAM TO PURCHASE POLICE VEHICLES AND RELATED EQUIPMENT.**

WHEREAS, Under the Somerset Municipal Banc Program ("Program"), various municipalities, educational services commissions and school districts within the County of Somerset ("County") and the County (each a "Participant") may submit a request to the Somerset County Improvement Authority ("Authority") to borrow funds to finance the purchase, through a lease, of certain capital equipment and, if applicable, other personal property ("Equipment"); and

WHEREAS, Under the Somerset Municipal Banc Program, the Authority entered into the lease, entitled "Master Lease Purchase Agreement," dated June 1, 2009, ("Authority Lease") with TD Equipment Finance, Inc. ("Lessor"), to permit the Lessor to acquire and lease the Equipment to the Authority in exchange for payment over time; and

WHEREAS, Pursuant to the Authority Lease, the Authority has the right to sublease the Equipment to a Participant in exchange for payment, subject to annual appropriation of said Participant, in an amount sufficient to pay the corresponding payments from the Authority to the Lessor for the Equipment, plus all administrative expenses of the Program; and

WHEREAS, Pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

(Item #11 Cont.)

WHEREAS, In order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient; and

WHEREAS, The Township of Montgomery ("Township") has made a request under the Program for financing to purchase two police vehicles and related equipment ("Police Equipment"); and

WHEREAS, The Authority has prepared a sublease, entitled "Sublease Purchase Agreement" ("Participant Lease") to allow the Township to purchase the Police Equipment with payments to be made over a three year period.

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

Section 1. That the Participant Lease, in the form presented at this meeting, is hereby approved, and the Township's Mayor, Administrator, Clerk, and Chief Financial Officer (each an "Authorized Participant Representative") are hereby authorized to execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on the Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the Police Equipment, and all related transactions contemplated by this resolution.

Section 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Police Equipment prior to the date that the Township incurs obligations under the Participant Lease. The Township reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township under the Participant Lease. The principal amount of the Township's obligation for the Police Equipment is \$63,489.94, with the total amount of the Township's obligation under the Participant Lease (principal plus interest) to be \$67,683.60.

Section 4. A copy of the Participant Lease is available for review at the office of the Township Clerk during normal business hours.

Section 5. This resolution shall become effective immediately.

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

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

12. **RESOLUTION #11-4-118 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2011 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2011 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 Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Mayor and Committee	
Salaries & Wages	\$5,000.00
Other Expenses	1,000.00
Administrative & Executive	
Salaries & Wages	65,000.00
Other Expenses	7,500.00
Municipal Clerk	
Salaries & Wages	60,000.00
Other Expenses	15,000.00
Newsletter	
Other Expenses	500.00
Financial Administration	
Salaries & Wages	75,000.00
Other Expenses	10,000.00
Audit	
Other Expenses	20,000.00
Network Operations	
Salaries & Wages	22,500.00
Other Expenses	20,000.00
GIS	
Salaries & Wages	.00
Other Expenses	5,000.00
Assessment of Taxes	
Salaries & Wages	25,000.00
Other Expenses	5,000.00

(Item #12 Cont.)

Collection of Taxes	
Salaries & Wages	10,000.00
Other Expenses	5,000.00
Legal Services & Costs	
Other Expenses	115,000.00
Engineering Services & Costs	
Salaries & Wages	110,000.00
Other Expenses	15,000.00
Public Buildings & Grounds	
Salaries & Wages	25,000.00
Other Expenses	25,000.00
Planning Board	
Salaries & Wages	50,000.00
Other Expenses	10,000.00
Revision of Master Plan	
Other Expenses	30,000.00
Zoning Board of Adjustment	
Salaries & Wages	30,000.00
Other Expenses	.00
Landmarks Commission	
Other Expenses	2,000.00
Environmental Commission	
Salaries & Wages	.00
Other Expenses	2,500.00
Economic Development	
Other Expenses	300.00
Insurance	
Group Insurance for Employees	500,000.00
Other Insurance Premiums	.00
Workers Compensation Insurance	.00
Disability Fund	
Other Expenses	20,000.00
Deferred Compensation	
Other Expenses	40,000.00
Fire Hydrant Service	
Other Expenses	175,000.00
Uniform Fire Safety	
Salaries & Wages	30,000.00
Other Expenses	3,000.00
Police	
Salaries & Wages	950,000.00
Other Expenses	75,000.00
Emergency Medical Services	
Other Expenses	15,000.00
Emergency Management Services	
Other Expenses	2,500.00
Emergency Services Committee	
Other Expenses	.00
Community Services Act	
Other Expenses	25,000.00
Shade Tree Commission	
Other Expenses	2,000.00
Road Repairs & Maintenance	
Salaries & Wages	225,000.00
Other Expenses	50,000.00
Vehicle Maintenance	
Other Expenses	125,000.00
Public Works	
Salaries & Wages	25,000.00
Other Expenses	12,500.00
Board of Health	
Salaries & Wages	80,000.00
Other Expenses	15,000.00
Animal Control	
Salaries & Wages	20,000.00
Other Expenses	.00
Recreation	
Salaries & Wages	100,000.00
Other Expenses	15,000.00
Kid Connection	
Salaries & Wages	25,000.00
Adult School	
Other Expenses	100,000.00
Summer Camp	
Salaries & Wages	50,000.00
Other Expenses	5,000.00
Maintenance of Parks	
Salaries & Wages	125,000.00
Other Expenses	30,000.00
Celebration of Public Events	
Other Expenses	.00
Senior Center	
Salaries & Wages	.00
Other Expenses	25,000.00
Solid Waste	
Other Expenses	25,000.00
Recycling Program	
Other Expenses	55,000.00

(Item #12 Cont.)

Construction Code	
Salaries & Wages	115,000.00
Other Expenses	7,500.00
Electricity	
Other Expenses	100,000.00
Telephone	
Other Expenses	40,000.00
Water	
Other Expenses	10,000.00
Natural Gas/Heating	
Other Expenses	10,000.00
Gasoline	
Other Expenses	100,000.00
Street Lighting	
Other Expenses	15,000.00
Unemployment	
Other Expenses	30,000.00
Social Security System	
Other Expenses	225,000.00
Municipal Court	
Salaries & Wages	37,500.00
Other Expenses	3,000.00
Prosecutor	
Other Expenses	12,000.00
Pre School	
Salaries & Wages	300,000.00
Other Expenses	50,000.00
Camp Kid	
Salaries & Wages	25,000.00
Other Expenses	4,000.00
Municipal Alliance (Matching Grant)	
Other Expenses	5,105.00
Grants	
Other Expenses	1,257,578.35

Total 2011 Temporary Appropriations for Operating Purposes **\$6,057,983.35**

Sewer Utility	
Salaries & Wages	\$250,000.00
Other Expenses	544,000.00

Total 2011 Temporary Appropriations for Sewer Utility **\$794,000.00**

**Sewer Utility Fund**

Debt Service	
Payment NJEIT Fees	\$1,000.00

12-1. 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 - Graham, Trzaska, Dyer, Carter, Caliguire  
 Nays - None

13. **APPROVAL OF MINUTES**

Deputy Mayor Dyer moved the adoption of the Regular Session minutes of March 17, 2011. The motion was seconded by Committeewoman Graham and carried unanimously.

14. **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.

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

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

15. **EARTH DAY FAIR 2011**

Committeewoman Graham reported on the Sustainable Montgomery and Environmental Commission work for the Earth Day Fair which would take place on April 10, 2011 from 12:00 noon to 5:00 p.m. in Montgomery High School.

16. **ECONOMIC DEVELOPMENT COMMISSION**

Deputy Mayor Dyer reported that the Economic Development Commission was having their Business Forum on April 19 at the Princeton Elks from 6:30 p.m. to 8:30 p.m.

17. **MONTGOMERY VETERANS MEMORIAL**

Deputy Mayor Dyer announced that the official groundbreaking for the Montgomery Veterans Memorial would take place on April 29, 2011 at Montgomery Park at 5:00 p.m. followed by a reception at the Elks that same day at 6:00 p.m.

18. **FIREWORKS COMMITTEE**

Mayor Caliguire reported that he met with George Jarvis, who is heading up the Fireworks Committee. Their goal is to fund the fireworks 100% with private donations for \$32,000.00. As of April 7, 2011, they have raised over \$12,000.00.

19. **LETTER TO CENTRAL JERSEY TRANSPORTATION AUTHORITY**

Administrator Nieman requested Township Committee approval on a letter to the Central Jersey Transportation Authority.

It was the concurrence of the Township Committee for the Mayor to sign said letter.

20. **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 (Potter - Block 10001, Lot 20) with public funds for farmland, open space and other purposes, and negotiation of terms and conditions agreements therefor;
  - Donation of lands (TSC-1 - Block 14001, Lot 11.02 {Fairview Road} and Thompson - Block 11001, Lot 38.01 and Block 12001, Lot 11) with public funds for municipal purposes, and negotiation of terms and conditions agreements therefor.
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.

20-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

21. Meeting reconvened in Open Session and **ADJOURNMENT** was at 8:27 p.m. on a motion by Committeeman Carter. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk