

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
April 16, 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. **CHERRY VALLEY ROAD IMPROVEMENT PROJECT**

Township Clerk Donna Kukla stated that Township Engineer Gail Smith has asked for a letter of support from the Township Committee for Princeton Township's application to Rush Holt for the Cherry Valley Road Improvement project.

Mayor Wilson explained that Princeton Township's Engineer reached out to Engineer Smith and asked if Montgomery would like to, again, jointly apply for funding for this project. She stated that Montgomery would reach out also to Congressman Lance's office.

4. **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.

5. **RESOLUTION #09-4-127 - 2009 MUNICIPAL BUDGET INTRODUCTION**

BE IT RESOLVED That the statements of revenue and appropriations shall constitute the local budget for the year 2009.

BE IT FURTHER RESOLVED That a summary of said budget shall be published in an official newspaper in the issue of April 30, 2009, together with a notice fixing May 21, 2009 at approximately 7:00 p.m. as the date and time when said budget will be considered for final adoption.

NOW, THEREFORE, BE IT RESOLVED That the governing body of the Township of Montgomery does hereby approve the budget for the year 2009.

- 5-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

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

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

- A. **RESOLUTION #09-4-128 - AUTHORIZING SOLICITATION OF BIDS - Tiger's Tale Loop Road Sewer Line**

WHEREAS, The Township of Montgomery seeks construction services for Tiger's Tale Loop Road Sewer Line; and

WHEREAS, The Township seeks to solicit bids from qualified contractors for this purpose in the manner set forth by the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Township Purchasing Agent, in coordination with the Township Administrator and Township Clerk, is hereby authorized and directed to draft the necessary specifications and contract documents and advertise for the construction of Tiger's Tale Loop Road Sewer Line.

(CONSENT AGENDA Cont.)

B. RESOLUTION #09-4-129 - ADJUSTMENT OF BILLING OF SEWER UTILITY CHARGES

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

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

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>
30003	8	4 Aronimink Court	\$ 440.02
7026	18	110 Catskill Court	\$1,059.52
31002	1	19 Rolling Hill Road	\$ 880.64
31001	59	12 Seminole Road	\$ 178.88
17006	014	15 Breckenridge Court	\$ 681.12
37002	1.130	38-F Chicopee Drive	\$ 192.64
37003	6.780	800 McKinley Court	\$ 310.08

C. RESOLUTION #09-4-130 - ACCEPTANCE OF DONATION - Johnson & Johnson Consumer Products Company to Montgomery Township Police Department

BE IT RESOLVED That a donation by Johnson & Johnson Consumer Products Company in the amount of \$4,950.00 be accepted for the Montgomery Township Police Department for the purchase of a new digital KidCard child identification card system.

D. RESOLUTION #09-4-131 - APPROVAL OF OUTDOOR ASSEMBLY/RODEO - Montgomery Rodeo Foundation

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Montgomery Rodeo Foundation has requested approval of the Township Committee to conduct an Outdoor Assembly/Championship Rodeo on the property of Frank and Noel Drift, Sunset Road, Block 16001, Lot 6Q on June 13 and 14, 2009.
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 organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations and shall employ one Private Duty Police Officer and vehicle.
4. The organizers will obtain the required health certificates from the Township Health Department.
5. The organizers will obtain the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

E. RESOLUTION #09-4-132 - AUTHORIZATION TO ENTER INTO AGREEMENT WITH THE STATE OF NEW JERSEY, ACTING THROUGH ITS COMMISSIONER OF TRANSPORTATION, FOR THE INSTALLATION AND OPERATION OF A SEMI-ACTUATED TRAFFIC CONTROL SIGNAL - Route 206 and Harlingen Road/Dutchtown-Harlingen Road

WHEREAS, A traffic condition exists at the intersection of Route U.S. 206 and Harlingen Road/Dutchtown-Harlingen Road (CR604), in the Township of Montgomery, in the County of Somerset, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, It is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, The State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, The State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal.

NOW, THEREFORE, BE IT RESOLVED That the Mayor and Clerk of the said Township of Montgomery be and hereby are authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof.

(CONSENT AGENDA Cont.)

F. **RESOLUTION #09-4-133 - 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.

G. **RESOLUTION #09-4-134 - AUTHORIZING PAYMENT FOR WATER SERVICE - NJ American Water Company - NPDC Watermain Installation**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes payment to NJ American Water Company with respect to NPDC Watermain Installation pursuant to the previously executed Extension Deposit Agreement subject to approval by the State of New Jersey.

H. **RESOLUTION #09-4-135 - AWARD OF BID - Submersible Pump Repair Services for Montgomery Township Wastewater Treatment Facilities**

WHEREAS, the following bids for Submersible Pump Repair Services for Montgomery Township Wastewater Treatment Facilities were received and publicly opened on March 24, 2009:

<u>BIDDER</u>	<u>AMOUNT</u>
Pumping Services, Inc.	\$50.00/hour
Longo Electrical Mechanical, Inc.	\$34.00/hour
A.C. Schultes, Inc.	\$55.00/hour

WHEREAS, Longo Electrical Mechanical, Inc. was not a factory authorized repair facility for Flygt pumps as required by the specifications and is, therefore, declared to be non-responsive; and

WHEREAS, It is the recommendation of the Purchasing Agent and Chief Sewer Plant Operator that the bid from Longo Electrical Mechanical, Inc. be rejected and that Pumping Services, Inc. be awarded the bid; it being the lowest responsible bidder; and

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

WHEREAS, There exists accounts 07-201-55- 542-2-092A, 07-201-55-542-2-092B, 07-201-55-542-2-092C, 07-201-55-542-2-093, 07-201-55-543-2-092A, 07-201-55-543-2-092B, 07-201-55-543-2-093, 07-201-55-545-2-092A, 07-201-55-545-2-093, 07-201-55-546-2-092A, 07-201-55-546-2-092B, 07-201-55-546-2-093, 07-201-55-547-2-092A, 07-201-55-547-2-092B, 07-201-55-547-2-092C, 07-201-55-547-2-092D, 07-201-55-547-2-093, 07-201-55-548-2-093 which will fund this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Submersible Pump Repair Services is hereby awarded to Pumping Services, Inc., 201 Lincoln Blvd., Middlesex, NJ 08846.

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

(CONSENT AGENDA Cont.)

I. **RESOLUTION #09-4-136 - EXECUTION OF CROSS EASEMENT AGREEMENT - Privacy Fences - Pike Run Phase 7 - Block 5014, Lot 13 (Maglione)**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Cross Easement Agreement between the Township of Montgomery and Michael J., Jr. and Geralanne Maglione with regard to some privacy fencing in Phase 7 of Pike Run, that traverses drainage easements.

J. **RESOLUTION #09-4-137 - AUTHORIZATION TO EXECUTE PROJECT AGREEMENT FOR THE MONTGOMERY TOWNSHIP LANDMARKS PRESERVATION GRANT PROGRAM**

WHEREAS, The preservation of historic structures within the Township of Montgomery (hereinafter "Township") is vital to the education of the Township's residents and to the continuity of the Township's rich heritage; and

WHEREAS, The Township established the Landmarks Preservation Grant Program (hereinafter "Program") to provide financial assistance to the property owners of historically significant properties for the repair and restoration of exterior historic features and significant structural elements of structures that have been designated as historic sites or included within historic districts; and

WHEREAS, The Township Landmarks Commission (hereinafter "Commission") received one application for the 2008 Program; and

WHEREAS, The Commission has recommended the award of the following grant in the amount specified:

1. The Blawenburg Reform Church of 424 Route 518 in the amount of seven thousand five hundred dollars (\$7,500) for the repair of the Church's slate roof, cupola and foundation.

WHEREAS, The Township Committee has reviewed the recommendations of the Commission, and finds their implementation to be in the best interests of the Township and its residents.

NOW THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Township is hereby authorized to enter into a grant agreement with the Blawenburg Reformed Church in the specified amount, and the Mayor and Clerk are authorized to sign the same.

K. **RESOLUTION #09-4-138 - APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1813-33-002-014 - FROM DAKOTA OF SKILLMAN TO TUSK, LLC**

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, LLC as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Tusk, LLC, effective April 2, 2009."

This resolution supercedes, amends and replaces, in its entirety, Resolution #09-4-125, adopted April 2, 2009.

- 6-1. Committeeman Caliguire moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Fay and carried on the following:

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

7. **GIS UPDATE**

Robert Marmion, CAD/GIS Director, explained his department's work. Administrator Nieman pointed out that having these capabilities in-house saves the Township the costs of outsourcing these necessary tasks. Specific projects include:

NJDEP Stormwater Outfall and Structures Location Mapping - This report is due to New Jersey Department of Environmental Protection by beginning of May. This project could have cost several hundred thousand dollars.

Development and Maintenance of External Geoweb Map Application - Made databases of useful map-based information accessible to general public through the internet.

Development and Maintenance of Internal Geoweb Map Application. System internal to municipal departments containing similar map-based information - This automates many tasks performed by departments.

Archived Documents - Scanning a substantial portion of Township's archived documents and integrating into GIS for fast easy retrieval. This will increase efficiency and accessibility.

Digital Tax Maps - Maintains current digital tax maps and developing a new generation of maps with a database of plottings for all deeds or surveys. Saving approximately \$75,000/yr.

Database Client Application - Developing manager database applications, improving department efficiencies.

Infrastructure Management - Working with Public Works Department on implementation

U.S. Census Bureau Partnership - Updating our address and other information to increase state and federal funding potential for Montgomery.

FEMA FIRM Map Update Program - Enable Montgomery to get much more detailed and accurate flood mapping within the township.

Developed COAH Model - Arrive at more realistic affordable housing quotas

Future Projects, Future Revenue Ideas - Fees for data pertaining to GIS update, partnering with other agencies to use the applications would be passed to developers and contractors so the burden would not be on the taxpayer.

8. **SUSTAINABLE COMMUNITIES PRESENTATION**

Lauren Wasilauski, Open Space Coordinator, spoke about Sustainable Jersey which is a certification program offered by the Municipal Land Use Center (TCNJ) and Sustainable State Institute (Rutgers) and that municipalities must complete action items (worth 10-30 points each) to reach 100 point certification. Certified municipalities are then eligible to receive grant money. She stated that Montgomery had 40 points as of April 16, 2009 and that there were projects underway to earn more points. She explained that the Township Committee would need to appoint a Green Team.

Ms. Wasilauski spoke about the Somerset County Energy Audit Grant Application. She stated that the application was submitted in February, 2009 for the Municipal Building and the Otto Kaufman Community Center. The Township was awarded audits for these sites and will receive proposals from pre-selected firms.

The Sustainability Committee came up with the following suggestions:

1. Items that require employee education:
 - a. turn off lights in unoccupied rooms/offices;
 - b. recycling;
 - c. reduce idling of Township vehicles;
 - d. computers off/"hibernate";
 - e. default print margins.

2. Items requiring potential Township Committee action:
 - a. install locking cover over thermostat in Otto Kaufman Community Center;
 - b. adjust thermostats in Municipal Building and other facilities;
 - c. formalize recycling tonnage reporting process
 - d. set minimum requirement of snowfall before plowing takes place;
 - e. install motion sensors on lights in conference rooms;
 - f. water filtration vs. bottle delivery.

The Sustainable Committee and the staff worked with students from Richard Stockton College. They assessed greenhouse gas emissions Township-wide by sector (i.e. residential, commercial, municipal).

There was an grant offered by the Association of New Jersey Environmental Commissions ("ANJEC") for planning assistance. The Township applied in March for funding to create a Sustainability Plan (element to Master Plan). The Plan would address recycling, site design, alternative energy, conservation of resources and building design.

(Item #8 Cont.)

Ms Wasilauski explained the PSE&G 15 year Solar Loan program. The loan pays 40% - 60% of cost of installation, the remainder of the loan can be paid off with sale of Solar Renewable Energy Credits (SRECs) instead of cash.

There had been discussion about converting detention basin(s) to meadows. Ms. Wasilauski explained that Tama Matsuoka, author of Meadows on the Menu, offered to help the Township with a demo project. The benefits from this would be less mowing needed, and plants would absorb more water. Landscape Architect Rich Bartolone suggested that the Township identify basins that are possible and suggested near a stream/creek.

Ms. Wasilauski reminded everyone that the Earth Day Fair would be on April 26, 2009 from 11:00 a.m. until 3:00 p.m. at the Lower Middle School.

9. **RECREATION FEES**

Karen Zimmerman, Recreation Director, spoke about the fees for out-of-town people signing up for recreational programs.

Mayor Wilson stated that in the past there had been an agreement with Rocky Hill, whereby they pay a flat fee, giving Rocky Hill residents access to all Montgomery Township recreational programs at the same price as Montgomery residents. She explained that, after careful scrutiny by Recreation Director Zimmerman and Temporary Chief Financial Officer Sheppard, it was determined that the amount of the agreement didn't come close to covering the costs.

There was discussion about the charges to Rocky Hill residents and residents of other municipalities and if there should be a difference. It was the consensus of the Committee that residents of Montgomery should have preference over anyone else when it came to getting into the programs versus being put on a waiting list.

Committeeman Caliguire suggested taking the population percentage for Rocky Hill (which averaged 3.5%), looking at the total operating costs including overhead for the recreational facilities and apply the population percentage to arrive at the fee for Rocky Hill. It was determined that Committeeman Caliguire, Recreation Director Zimmerman and Temporary Chief Financial Officer Sheppard would work on establishing amounts for a possible new agreement. Mayor Wilson stated that it was her understanding that Rocky Hill would definitely prefer to have an agreement regarding this and they were very resistant to the dollar figure going up, but they also say that they want to pay their fair share.

Recreation Director Zimmerman was asked to come back to the next Township Committee meeting with some figures and more information.

10. **CONTAINER FACILITY FEES**

Mayor Wilson stated that a resident asked if the Township Committee would charge Senior Citizens less for use of the dump. She explained that in 2010, if the Township still offered the service, the fee should be increased again.

11. **MAYORAL APPOINTMENTS - Shade Tree Committee and Economic Development Commission**

BE IT RESOLVED that Michelle Blane is hereby appointed Shade Tree Committee Advisor, 1 year term expiring December 31, 2009.

BE IT FURTHER RESOLVED That Adrianna Collins is hereby appointed Economic Development Commission Advisor, 1 year term expiring December 31, 2009.

12. **APPROVAL OF MINUTES**

12-1. Committeeman Caliguire moved the Regular Session minutes of January 15, 2009. The motion was seconded by Committeeman Fay and carried unanimously.

12-2. Committeeman Fay moved the Regular Session minutes of February 5, 2009. The motion was Seconded by Committeeman Caliguire and carried unanimously.

13. **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.

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

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

14. **BLOOMBERG PARKING LOT PAINTING**

Mayor Wilson spoke about a request from Bloomberg to allow Sunday work for the painting of the parking lot at Bloomberg Business Park.

- 14-1. Deputy Mayor Birge moved that the painting of the parking lot at Bloomberg be allowed from 11:00 a.m. to 5:00 p.m. on Sunday. The motion was seconded by Committeeman Caliguire and carried unanimously.

15. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
 - Advice of Counsel with regard to negotiation of terms and conditions of sewer service discussions with Rocky Hill;
 - Negotiation of terms and conditions of Somerset County discussions regarding Skillman Village.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Approval of agreements shall only be authorized by the Township Committee in a public session.

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

ADJOURNMENT was at 10:25 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