

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
May 5, 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 and Graham (Committeeman Trzaska was absent)

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. **RESOLUTION PROCLAIMING THE WEEK OF MAY 1 THROUGH MAY 7, 2011 AS "MUNICIPAL CLERKS' WEEK"**

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that it does recognize the week of May 1 through May 7, 2011, as Municipal Clerks Week, and further extends appreciation to our Municipal Clerk, Donna Kukla and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

- 4-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

5. **RESOLUTION PROCLAIMING THE WEEK OF MAY 15 THROUGH MAY 21, 2011 AS "NATIONAL PUBLIC WORKS WEEK"**

WHEREAS, Public Works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States; and

WHEREAS, Those facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States; and

WHEREAS, Those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

WHEREAS, It is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in:

1. Protecting the environment;
2. Improving public health and safety;
3. Contributing to economic vitality; and
4. Enhancing the quality of life of every community of the United States.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery:

(Item #5 Cont.)

1. Hereby proclaims the week of May 15 through May 21, 2011 as "National Public Works Week";
2. Recognizes and celebrates the important contributions that public works professionals make every day to improve:
  - a. The public infrastructure of the United States; and
  - b. The communities that those professionals serve; and
3. Urges citizens and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed:
  - a. To pay tribute to the public works professionals of the Nation; and
  - b. To recognize the substantial contributions that public works professionals make to the Nation.

5-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

6. **PUBLIC COMMENT**

6-1. William Randolph, Boulder Brook Court, asked, now that the Montgomery Tea Party was video-taping the meetings to broadcast on their web-site, would the Township consider putting an announcement in the Township Newsletter.

Administrator Nieman stated that he would inquire into whether or not the Township was able to do this.

6-2. William Randolph, Boulder Brook Court, asked the status of Skillman Village.

Mayor Caliguire stated that the Township was getting close with the negotiations with Somerset County.

6-3. William Randolph, Boulder Brook Court, asked what the total bonded debt was right now, and expressed his concern, given the status of the economy. Mayor Caliguire responded that he would get that number for Mr. Randolph, but the Township had not increased the debt.

Mr. Randolph asked what the plan was to not incur any more bonded debt and to pay off the current debt. Mayor Caliguire responded that the portion of the budget that goes to debt service was actually decreasing, and when the sale of Skillman Village happens, the debt service will decrease even further.

Administrator Nieman stated that the plan was put together as a long term plan to retire debt as debt was brought on. There was no intention to make a dramatic increase in debt, in fact the plan is to reduce debt.

Attorney Hadinger explained if there was to be an increase in authorized bonded undertaking, that would have to be done through an ordinance and a public hearing.

Mr. Randolph stated that he understood that the Township Committee worked really hard to not raise the tax rate and that spending has actually been decreased.

Mayor Caliguire explained that revenues were going to continue to decrease, which is out of the Township's control. The problem the Township also has is that there are certain parts of the budget that are completely out of the Township's control, such as Health Insurance and Pension cost. He felt that the legislature really needs to do something so that municipalities don't have to keep cutting and/or consolidating services. He agreed with the 2% CAP, but if something is not done about the things that drive up costs out of municipalities control, then it really puts municipalities in a pinch.

Mr. Randolph stated that he personally didn't find the 2% CAP acceptable at all.

6-4. Walt Beadling, Thornton Way, commented on the 2011 Budget. He thought the Committee was to be commended on reducing the tax levy slightly and in slightly reducing the overall Township Budget from \$25,463,639.00 to \$25,332,026.00. He turned the Governing Body's attention towards a video that appeared in the Huffington Post. The title of the video is "Sandy Springs, Georgia: The City That Privatized Nearly Everything."

6-5. John Kumpf, Monroe Avenue, asked about putting the bill list and any ordinances for the current meeting onto the Township web-site.

Administrator Nieman stated that it would be done starting with the May 19 meeting.

7. **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 #11-5-130 - REFUND OVERPAID 2010 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
5004	9	Corelogic	2010	\$3,432.73
5013	2	Corelogic	2010	\$2,633.95
17001	6.32	Corelogic	2010	\$3,410.59
22027	11	Linear Title & Closing	2010	\$2,997.85
37002	5.156	Corelogic	2010	\$2,268.96
37004	6.53	Corelogic	2010	\$2,164.52

B. **RESOLUTION #11-5-131 - AUTHORIZING EXECUTION OF GRANT APPLICATION WITH DIVISION OF HIGHWAY TRAFFIC SAFETY - 2012 FY Child Passenger Safety**

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 Child Passenger Safety.

C. **RESOLUTION #11-5-132 - AUTHORIZING EXECUTION OF GRANT APPLICATION WITH DIVISION OF HIGHWAY TRAFFIC SAFETY - 2012 FY Distracted Driving Cell Phone Enforcement**

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 Distracted Driving Cell Phone Enforcement.

D. **RESOLUTION #11-5-133 - AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT FOR PERMANENT DRAINAGE/RIGHT-OF-WAY PURPOSES AND TEMPORARY CONSTRUCTION PURPOSES - Public Service Electric and Gas Company - Block 34001, Lots 65 and 70**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Deed of Easement for Permanent Drainage/Right-of-Way Purposes and Temporary Construction Purposes with Public Service Electric and Gas Company with respect to Block 34001, Lots 65 and 70.

E. **RESOLUTION #11-5-134 - TO JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING**

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, The statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, The governing body of the Township of Montgomery has determined that membership in the Joint Meeting is in the best interest of the Township.

NOW THEREFORE, BE IT RESOLVED, That the governing body of the Township of Montgomery does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

BE IT FURTHER RESOLVED That the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that Township Administrator is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED That the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$300 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

F. **RESOLUTION #11-5-135 - DECLARING CERTAIN TOWNSHIP ELECTRONIC EQUIPMENT AS SURPLUS**

WHEREAS, The Township of Montgomery currently owns the following electronic equipment ("surplus personal property") that the Network/MIS Coordinator and Purchasing Agent 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:

(CONSENT AGENDA Item F Cont.)

1. The following electronic equipment owned by the Township of Montgomery are hereby declared surplus 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.

**Surplus Personal Property**

Dell laptop #9QhP571  
Dell laptop #DGQNZ  
Sony laptop #28309031  
Dell laptop #CGZBYC1  
Dell laptop #4H2RG51  
Dell laptop #2R7YP61  
Dell laptop #2J2RG51  
Compaq laptop #5Y13FP7A6967  
HP printer #MX21U6F00F  
JVC TV #10991587  
Toshiba TV #BAB360031131  
Muratec fax machine #B5BY100478  
APC UPS #SC420  
APC UPS #SU420NET  
Muratec fax machine #86E1BACL310881  
Muratec fax machine #B5BX200642  
Shredmaster paper shredder #TD12510H  
Singer movie projector #40474C  
MoistAir humidifier #HD13050  
HP printer #USJNNFQ1981  
Dell monitor #MYD4N7364760337BBKTV  
HP printer JPC3014837

**G. RESOLUTION #11-5-136 - IN OPPOSITION TO SENATE BILL NO. 1351**

WHEREAS, Senate Bill No. 1351 (hereinafter referred to as S-1351) would amend the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., to include many new requirements that are unnecessary to protect the public's interest in open and transparent government, and which would unduly burden municipalities; and

WHEREAS, S-1351 would impose new procedural requirements on municipalities which will be time consuming and costly, at a time when municipalities are facing unprecedented financial constraints; and

WHEREAS, S-1351 would impose new procedural requirements on municipalities that are impractical and wasteful, and which would result in longer meetings and less efficient governance; and

WHEREAS, Among the time consuming, costly, impractical and wasteful new requirements of S-1351 are the following:

- A. new requirements pertaining to subcommittees, including notice of subcommittee meetings and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees so that minutes can be prepared; and
- B. new requirement that agendas provide a description of all agenda items, including the names of the parties to and approximate dollar amounts of any contracts to be acted upon, which would increase preparation time for agendas; and
- C. new requirement that agendas include estimated starting times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded, though this information would be purely speculative and unreliable; and
- D. new requirement that no public body be permitted to act upon or discuss a matter that is not listed on the agenda except in emergencies, which requirement would be impractical and unnecessarily inhibit the operations of municipal government, as it is often necessary for the effective and efficient administration of municipal governmental purposes to discuss or act on matters for which three business days' notice may not be possible; and this would effectively prevent discussion of items brought forward by the public; and
- E. new requirement that a public body provide for public comment on emergency items that are added to a meeting agenda, adding unnecessary and time-consuming process to meetings; and
- F. new requirement that a public body provide for public comment before taking final action on any matter at any meeting of at least three minutes per person, which requirement, as written, would result in an unworkable series of public comment periods on every action of the governing body, from appointments to resolutions to approval of minutes, thereby adding substantial time to every meeting of the public body; and
- G. new requirement eliminating attorney-client privilege as a basis for excluding the public from a portion of the meeting, which will inhibit the public body's ability to obtain needed legal advice, which is contrary to the public interest; and
- H. new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the potentially affected employee, thereby inhibiting the public body's ability to take necessary actions on personnel matters; and

(CONSENT AGENDA Item G Cont.)

- I. new requirements for more extensive minutes of public body meetings, such as the inclusion of each member's stated reasons for his or her actions or vote, the identity of each member of the public who spoke and a summary of what was said, which shall cause the preparation of minutes to be more time consuming and costly; and
- J. confusing new requirements pertaining to disclosure of recordings of meetings, including making recordings promptly available after meetings, and somehow incorporating such recordings with meeting minutes; and
- K. new requirements that minutes would include electronic communications concerning public business among an effective majority of the members that occurred prior to a meeting, which would be an unworkable and ineffective imposition on municipalities, and would purport to make pre-meeting communications somehow become part of the meeting itself, an unprecedented expansion of the meeting concept; and
- L. new requirements for maintaining on the municipal website schedules of meetings, agendas, notices of emergency meetings, minutes, resolutions and ordinance to the extent not already set forth in the minutes, and closed meetings resolutions, for a period of at least five years, which would result in additional costs for posting and maintaining website information; and

WHEREAS, There is no justifiable basis for the imposition of the burdensome and cost generative provisions of S-1351; and,

WHEREAS, Portions of S-1351 place financial, time, manpower and other burdens on municipalities at a time when municipalities are constrained to layoff municipal employees, impose furloughs, and reduce departmental budgets so that municipalities can meet strict CAP requirements even when revenues are decreased and operating costs continue to climb; and,

WHEREAS, The cost generative provisions of S-1351 are unfunded mandates that violate the "State Mandate, State Pay" amendment to the New Jersey Constitution.

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, County of Somerset, and State of New Jersey, for the reasons stated above, do hereby opposes Senate Bill No. 1351 in its current form, and urge the New Jersey State Senate and Assembly to oppose this Bill; and

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to State Senator Loretta Weinberg, State Senator Stephen Sweeney, the members of the Senate and Budget Appropriations Committee, the legislators of the 16th State Legislative District, the New Jersey State League of Municipalities, and the Municipal Clerks' Association of New Jersey.

- 7-1. Deputy Mayor Dyer moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Graham and carried on the following:

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

8. **RESOLUTION #11-5-137 - 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 Temporary Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Streets and Roads	
Other Expenses	\$75,000.00

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

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

9. ORDINANCE NO. 11-1382 - Montgomery Travelers Soccer Club Lease - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY AUTHORIZING, PURSUANT TO N.J.S.A. 40A:12-14, A GROUND LEASE OF A PORTION OF MILL POND PARK TO THE MONTGOMERY TRAVELERS SOCCER CLUB.

B. Mayor Caliguire opened the hearing to the public. There being no comment, Committeeman Carter moved that the public hearing be closed. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 5<sup>th</sup> day of May, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

10. APPROVAL OF MINUTES

Deputy Mayor Dyer moved the adoption of the Regular Session minutes of April 21, 2011. The motion was seconded by Committeeman Carter and carried unanimously.

11. 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.

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

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

12. BUY LOCAL

Committeewoman Graham stated that the Montgomery Buy Local group is having a Presentation/Meet-n-Greet on May 12 at the Princeton Elks from 6 p.m. to 8 p.m.

13. LANDMARKS COMMISSION

Committeeman Carter stated that the Landmarks Commission was working on a grant process for residents who have houses on the Municipal Landmarks list or who have houses identified as landmarks.

14. MARY JACOBS LIBRARY

Committeeman Carter stated that the fundraising was steady and they had a very large team for the Run For Rotary.

15. FIREWORKS

Mayor Caliguire reported that the Fireworks Committee has raised almost \$18,000.00.

16. POLICE CONSOLIDATION

Administrator Nieman reported that there had been a meeting of the Police Consolidation Committee.

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
  - Advice of Counsel with respect to amendment to contract with Somerset County regarding Skillman Village.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreements shall be authorized except by action of the Township Committee.

17-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried unanimously.

18. Meeting reconvened in Open Session and **ADJOURNMENT** was at 7:45 p.m. on a motion by Committeeman Carter. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

\_\_\_\_\_  
Donna Kukla, Township Clerk