

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE  
May 21, 2009

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

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

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Wilson stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
  2. The general nature of the subjects to be discussed in this session is as follows:
    - Acquisition of Open Space (Opatut, Block 34001, Lot 36 - land locked parcel) with public funds for farmland, open space and other purposes, and negotiation of terms and conditions agreements therefor;
    - Advice of counsel with respect to anticipated COAH litigation.
  3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Acquisition of land shall only be authorized by the Township Committee in a public session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of that litigation.
- 3-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried unanimously.
4. Mayor Wilson led the Salute to the Flag.
  5. **HONORING MEI MEI MORRIS**

WHEREAS, Civic dedication is a measure of character and achievement and therefore is central to every strong community; and

WHEREAS, Mei Mei Morris has rendered to the citizens and residents of Montgomery and Rocky Hill over 40 years of outstanding service to the Mary Jacobs Memorial Library; and

WHEREAS, Mei Mei started volunteering at the library in 1968 and after receiving her Master's in Library Science, took on a management roll from 1989 until she retired as Director of the Library in May 2009; and

WHEREAS, During her tenure, Mei Mei supervised two major expansions of the library to meet the needs of the growing Montgomery community - these were Herculean efforts requiring tact, diplomacy, patience and humility; and

WHEREAS, Through Mei Mei's leadership, the library has grown and prospered, with some of the most notable additions being outreach programs to the surrounding communities, delivering books to the residents of Stonebridge, reading stories to children in local day care centers, offering a collection of foreign language books in Hindi and Chinese, computer classes, and an evening book discussion group; and

WHEREAS, During her years of faithful service Mei Mei has earned the admiration, respect and affection of all who have come to know her, as she performed countless hours of selfless service to the residents of Montgomery and Rocky Hill.

NOW, THEREFORE BE IT RESOLVED, That the Montgomery Township Committee hereby recognizes the distinguished service and significant contributions to the Mary Jacobs Library made by Mei Mei Morris and expresses its gratitude and sincere best wishes on this 21<sup>st</sup> day of May 2009.
- 5-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried unanimously.

6. **HONORING GIRL SCOUT GOLD AWARD RECIPIENTS** - Emily Brooke, Elizabeth Dippold, Kristin Kaufmann, Allegra Kettelkamp and Katharine Volz

WHEREAS, The prestigious Girl Scout Gold Award has been earned by Emily Brooke, Elizabeth Dippold, Kristin Kaufmann, Allegra Kettelkamp and Katharine Volz; and

WHEREAS, This award is the highest honor earned in Girl Scouting; and

WHEREAS, To qualify for the Gold Award, a Girl Scout must complete not only a significant service project, but also complete numerous other leadership, career and service prerequisites, all of which demand efficient organizational, time management and leadership skills; and

WHEREAS, The Gold Award represents the culmination of many years of service and work that benefit the community; and

WHEREAS, Emily, Elizabeth, Kristin, Allegra and Katharine accepted the challenge and worked diligently to achieve this goal, exhibiting excellence in leadership qualities reflecting the highest personal standards and civic values.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee takes great pride in congratulating Emily Brooke, Elizabeth Dippold, Kristin Kaufmann, Allegra Kettelkamp and Katharine Volz on their accomplishments and contributions to the public good, and wishes them continued success in the future.

6-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried unanimously.

7. **TOWNSHIP RESPONSE TO CSX LETTER**

Mayor Wilson stated that a letter had been received from CSX saying that they were cancelling their plan for the side track that would run from just east of Route 601 to just west of Hollow Road, based on economic realities. She explained that the Township Committee needed to decide whether or not the Township needs to reply to the letter.

Committeeman Fay commented that he had heard from a number of residents who want CSX to give a presentation at the Township, so they could be made aware of what was happening. He expressed the concern that any information, at this point, would be speculative in light of this letter.

Committee concurred that the Township should write a letter insisting on supplemental safety measures due to the closeness of the three crossings and the speed fluctuation issue of the trains.

Mayor Wilson reported that the New Jersey Department of Transportation was moving ahead with the plan to install full quad-gates at the Route 601 crossing.

Committeeman Fay suggested that in addition to writing a letter to CSX there must be communication with the County and the New Jersey Department of Transportation supporting the DOT's plan for the crossing at Route 601, and encouraging the County to support it as well

8. **PUBLIC COMMENT**

Robert Kress, Meadow Run Drive, spoke about the road through Tapestry at Montgomery, that will tie Route 518 to Orchard Road. He inquired if anyone was following up to see if it was consistent with what the Transportation Advisory Committee had discussed for years and had been agreed to. He explained that the Township has to do something about making that a through road, because the traffic on Route 206 is becoming horrendous.

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 #09-5-171 - REFUND OVERPAID 2009 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
15013	58	First American Real Estate Tax Service	\$6,338.02	2009
18001	17.01	Princeton Assurance Corporation	\$2,703.00	2009
30004	1	Surety Title Corporation	\$ 26.92	2009
37002	1.111	Delaney & Murphy, P.C.	\$ 118.24	2009

B. **RESOLUTION #09-5-172 - RAFFLE LICENSE #679 - Reach for the Stars of Princeton Montessori School**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Reach for the Stars of Princeton Montessori School to conduct a Raffle under License #679 on June 5, 2009 at Princeton Montessori School, 487 Cherry Valley Road, Princeton, NJ. The time for this Raffle will be approximately 7:00 p.m.

C. **RESOLUTION #09-5-173 - AUTHORIZING FIREWORKS PERMIT**

BE IT RESOLVED That authorization is granted for the Recreation Department to conduct a fireworks display on July 2, 2009 at Montgomery High School. Approvals of the Police Department and Fire Protection Inspector Roy Mondri have been received.

(CONSENT AGENDA Cont.)

D. **RESOLUTION #09-5-174 - WAIVER FROM FIRE INSPECTION FEES - Fireworks Display**

BE IT RESOLVED That fire inspection fees, totaling \$100.00 in connection with the fireworks display to be conducted July 2, 2009 are hereby waived.

E. **RESOLUTION #09-5-175 - AUTHORIZING CLOSING OF SKILLMAN ROAD - Fireworks**

BE IT RESOLVED That Skillman Road between County Route 601 to Hollow Road, be closed to all vehicle traffic between the hours of 6:00 p.m. and 10:00 p.m. on July 2, 2009 for fireworks.

F. **RESOLUTION #09-5-176 - AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SOMERSET COUNTY FOR THE INSTALLATION OF A TRAFFIC CONTROL SIGNAL - Georgetown-Franklin Turnpike (County Route 518) and Research Road**

WHEREAS, A traffic condition exists at the intersection of Georgetown-Franklin Turnpike, County Route 518 and Research Road, Township of Montgomery, Somerset County which requires the installation of a traffic control signal in order to minimize accidents; and

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

WHEREAS, The County of Somerset has indicated its willingness to maintain a traffic signal at said intersection; and

WHEREAS, The County of Somerset has proposed a form of agreement pertaining to the maintenance of said traffic control signal.

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

1. That the Mayor and Clerk are hereby authorized to enter into an agreement with the County of Somerset for purpose aforesaid, a copy of said agreement being attached hereto and made part hereof.
2. That certified copies of this resolution shall be transmitted to the County of Somerset together with the original and three (3) copies of the agreement.

G. **RESOLUTION #09-5-177 - AMENDMENT TO 911 PLAN**

WHEREAS, The Township Committee of the Township of Montgomery has decided to amend the existing Municipal 9-1-1 plan to reflect the following:

- \* The 9-1-1 calls for the Township of Montgomery will be answered by Somerset County Communications.
- \* The Township of Montgomery will not maintain the enhanced PSAP equipment for the purpose of receiving 9-1-1 call transfers from the County PSAP. The Township's elimination of 9-1-1 will take place in two phases.

**PHASE I**

Somerset County Communications will handle all 9-1-1 EMS and Fire calls directly. 9-1-1 police calls will be transferred from Somerset County to Montgomery Township on the 9-1-1 equipment.

**PHASE II**

Complete handling of all 9-1-1 calls by Somerset County Communications and the removal of all Montgomery 9-1-1 circuits.

- \* All calls requiring Police dispatch will be dispatched by Somerset County Communications, upon reaching phase II of our conversion.
- \* All calls requiring Fire Dispatch will be dispatched by the Somerset County Communications.
- \* The Emergency Medical Dispatchers at the Somerset County Communications Center will be responding for all emergency medical dispatch, emergency medical call handling decisions and pre-arrival instructions.

NOW, THEREFORE, BE IT RESOLVED That The Township of Montgomery requests that Phase I of this amendment shall become effective on June 1, 2009. The Township anticipates implementation of Phase II on or about June 30, 2009.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #09-5-178 - RELEASE OF MAINTENANCE GUARANTEE - Birchwood Estates**

WHEREAS, Gail Smith, Township Engineer, has certified on May 18, 2009 that all public improvements in a project known as Birchwood Estates 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 \$7,756.00 (cash) be released to R&R Land Developers, LLC., 846 Route 206, Building C, Hillsborough, NJ 08844.

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

9-1. Committeeman Fay moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Birge and carried on the following:

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

10. **RESOLUTION #09-5-179 - AUTHORIZING THE USE OF STATE AND COUNTY GRANT FUNDS FOR THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR THE PERFORMANCE OF VARIOUS STUDIES AND REPORTS FOR THE MAPLEWOOD HOUSE AND SMALLEY HALL AT SKILLMAN VILLAGE**

WHEREAS, Pursuant to N.J.A.C. 15:34 and N.J.S.A. 18: 8C-1, the Garden State Historic Preservation Trust (the "Trust") has approved Grant number 2007.0055 to the Township to provide funding for certain preservation architectural services for the Maplewood House and Smalley Hall at Skillman Village (formerly NPDC); and

WHEREAS, Somerset County has also approved a Somerset County Historic Grant to the Township to provide funding for the same purposes; and

WHEREAS, The Township Committee has determined that it is in the best interests of the Township to accept the grants, without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law," and to have the work performed, subject to all guidelines, procedures and restrictions contained in the grants; and

WHEREAS, Eclectic Architecture, LLC, Phillipsburg, New Jersey, has submitted a proposal dated June 27, 2007, revised April 8, 2009, offering to provide specific professional preservation architectural services for the amounts set forth in the proposal, and not to exceed the amount of the State and County Grant funds received by the Township. A copy of the proposal is on file in the Office of the Township Clerk; and

WHEREAS, The Temporary Chief Financial Officer has determined and certified in writing that the value of the services over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, Eclectic Architecture, LLC has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying that it has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township of Montgomery, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, The Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of this contract without public bidding on the basis that architectural services are regulated by the State of New Jersey and are properly classified as Professional Services; and

WHEREAS, The Temporary Chief Financial Officer has certified that sufficient funds are available for this purpose, or will be from the aforesaid grants prior to the rendering of any services pursuant to this Resolution.

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

(Item #10 Cont.)

1. The above preamble is incorporated herein as if fully restated.
  2. The Mayor and Clerk are hereby authorized and directed to execute an Agreement with Eclectic Architecture, LLC, 20 Municipal Dr., Phillipsburg, NJ 08865 in an amount not to exceed the total of the Grants described above, said Agreement to be subject to review and approval of the Township Attorney.
  3. In the event of the cancellation or reduction of one or both of the aforesaid Grants, the Township shall have the option of canceling all or part of the Agreement, after reasonable notice to Eclectic Architecture, LLC.
  4. The work performed under the Agreement shall be strictly in compliance with the guidelines, procedures and requirements of the Grant agreements and the New Jersey laws and regulations under which the grants were authorized.
  5. A copy of this Resolution, the Certification of Contract Value, the Campaign Contributions Affidavit, and the executed Agreement, including the rates for various services, shall be placed on file in the Office of the Township Clerk.
  6. A notice of this award shall be published in the official newspaper as required by law.
- 10-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

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

11. **RESOLUTION #09-5-180 - ESTABLISHING A GREEN TEAM SUBCOMMITTEE OF THE ENVIRONMENTAL COMMISSION**

WHEREAS, The Township Committee of the Township of Montgomery strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, The Township Committee of the Township of Montgomery wishes to build a model of government which benefits our residents now and far into the future with green community initiatives; and

WHEREAS, The Township is seeking certification in the Sustainable Jersey program and the Township Committee wishes to establish a Green Team which will be a subcommittee of the Environmental Commission; and

WHEREAS, The Township Committee of the Township of Montgomery wants to begin the process of focusing on "green" issues by starting with creating a sustainable land use pledge and establishing a green purchasing policy; and

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that we do hereby establish a Green Team consisting of fifteen members who shall be residents or employees of Montgomery Township, appointed annually, but whose initial term of appointment shall be through December 31, 2009.

BE IT FURTHER RESOLVED By the Township Committee of the Township of Montgomery that the Mission and Goals for the Green Team through December 31, 2009 are established as follows:

**Mission**

The Montgomery Township Green Team will advise the Township Committee on ways to lead the community in creating a more sustainable lifestyle through the development of programs, plans, policies, and educational initiatives..

**Duties of Green Team**

1. Research and analyze green initiatives which make practical environmental and financial sense.
2. Continue to review and recommend changes to municipal and community practices to ensure they are economically and environmentally sound.
3. Assist the Township in obtaining and maintaining certification as a Sustainable Jersey municipality, and in pursuing grant funding for township green initiatives.
4. Spearhead the Township's efforts in raising awareness and educating the community about the importance of living sustainably.
5. Coordinate with other communities, agencies, and organizations on sustainable initiatives, at the local, county, and State levels with the approval of the Township Committee. .
6. Collaborate with township employees, service providers and other governmental agencies to share resource information and ideas consistent with the Mission of the Green Team.
7. Encourage participation of all employees to solicit ideas on green initiatives.

BE IT FURTHER RESOLVED By the Township Committee of the Township of Montgomery that the following persons are hereby appointed to the Green Team for the remainder of 2009:

(Item #11 Cont.)

FULL NAME	POSITION	AFFILIATION
Louise Wilson	Regular Member	Mayor
Brad Fay	Regular Member	Township Committee; Liaison to Environmental Commission
Donato Nieman Lauren Wasilauski	Regular Member, Regular Member	Township Administrator, Open Space Coordinator; liaison to EC, Open Space, Agricultural Advisory & Shade Tree Committees
Leslie Brecknell	Regular Member	Sustainable Montgomery; Montgomery Green
Alyse Greenberg	Regular Member	Sustainable Montgomery
Laurie Garretson	Regular Member	Sustainable Montgomery
Sarah Roberts	Regular Member	Sustainable Montgomery; Planning Board; Zoning Board; Open Space Committee
Yasmin Reyes	Regular Member	EC
Greg Kaganowicz	Regular Member	EC; Board of Health; Master Plan Committee
Dave Mason	Regular Member	EC; Planning Board
Mary Reece	Regular Member	EC; School District Pollution Prevention Committee
Fred Mechini	Regular Member	Interested Resident
Reg Luke	Regular Member	Township Board of Education
Walter Geslak	Regular Member	Economic Development Commission
Alan Bookman	Alternate	EC; Site Plan Subdivision Committee
Douglas Grossman	Alternate	EC
Joseph Fallon	Alternate	EC
Kim Giles	Alternate	EC; Sustainable Montgomery; School PP Team
Erin Peacock	Alternate	School District Science Curriculum Coordinator
Lisa Broderick	Alternate	Interested Resident
Thuy Anh Le	Advisor	Hillsborough Sustainability Committee

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

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

12. **RESOLUTION #09-5-181 - PROFESSIONAL SERVICES RESOLUTION** - Pike Brook Wastewater Treatment Plant Upgrade and Expansion Project New Jersey Environmental Infrastructure Financing Program Proposal for Design of Cost Reduction Changes Prior to Bidding - Omni Environmental

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineering services to design cost reduction changes prior to bidding the Pike Brook Wastewater Treatment Plant upgrade and expansion project; 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 Omni Environmental has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that Omni Environmental has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, The firm of Omni Environmental has submitted a proposal dated May 18, 2009 to provide the sought-after services to the Township for the lump sum cost of \$159,700.00; and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the acquisition over the course of the contract 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 this contract as "professional services" without competitive bidding; and

WHEREAS, The Temporary Chief Financial Officer has certified that sufficient funds are available for this purpose.

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

(Item #12 Cont.)

1. The Mayor and Clerk are authorized and directed to execute an agreement with Omni Environmental to provide professional engineering services to design cost reduction changes prior to bidding the Pike Brook Wastewater Treatment Plant upgrade and expansion project.
2. Omni Environmental shall be paid a total lump sum fee of \$159,700.00 for its professional services. The contract amount may be amended by change order, as permitted by law. The term of the agreement shall terminate one year after its execution or upon completion of the services, whichever occurs sooner.
3. A copy of this Resolution, the Certification of Contract Value, the May 18, 2009 proposal, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the official newspaper as required by law.

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

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

13. **RESOLUTION #09-5-182 - AUTHORIZING EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD - Helene Lis**

WHEREAS, The Montgomery Township Committee established an "Employee Efficiency Incentive Program" the purpose of which is to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Township and its taxpayers the maximum benefit from the conservation of Township resources; and

WHEREAS, The program recognizes that the employees of the Township represent an excellent source of ideas for better ways to serve the public; and

WHEREAS, Monetary awards are intended to offer a significant Efficiency Incentive for employees to become involved in the creative process and to amplify the capabilities of management; and

WHEREAS, The incentive program is designed such that employees whose suggestions result in actual dollar savings or costs avoidance of at least \$1,000 are eligible to receive 25%, and the department head is eligible to receive 20% of the actual dollar savings for that year providing that no award shall exceed \$20,000.00 or one-third of the award recipient's annual base salary; and

WHEREAS, Helene Lis suggested that Montgomery Township contract senior citizen transportation services to Somerset County Division of Transportation in order to provide more hours of service to seniors and a wider variety of transportation options, while relieving the township of the expense of owning and maintaining special busses; and

WHEREAS, The Employee Efficiency Incentive Committee reviewed Helene's suggestion and assessed the savings and other benefits associated with transferring senior citizen transportation to the County, which already provides such transportation for several other municipalities; and

WHEREAS, During the past three years the Township has incurred approximately \$133,671.00 in maintenance, gasoline and salary costs for an average cost of \$44,557.00 per year.

NOW, THEREFORE, BE IT RESOLVED That because of Ms. Lis assessment of the savings associated with the transfer of senior busing to Somerset County, the Montgomery Township Committee authorizes a monetary award of \$717.00 to Helene Lis for her suggestion. At Ms. Lis's request, this award is calculated based on savings associated with maintenance and gasoline only.

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

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

14. **RESOLUTION #09-5-183 - AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO CONDUCT A SELF-EXAMINATION OF THE 2009 BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, Pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Montgomery has been declared eligible to participate in the program by the Division of Local Government Services, and the Temporary Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Temporary Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges.
  - b. Deferred charges and statutory expenditures.
  - c. Cash deficit of preceding year.
  - d. Reserve for uncollected taxes.
  - e. Other reserves and non-disbursement items.
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relation to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth,
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED That a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

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

15. **2009 MUNICIPAL BUDGET**

A. **RESOLUTION #09-5-184 - REGARDING PUBLIC HEARING OF THE 2009 LOCAL MUNICIPAL BUDGET OF THE TOWNSHIP OF MONTGOMERY, STATEMENTS OF REVENUES AND APPROPRIATIONS**

WHEREAS, For at least one week, the complete Municipal Budget as advertised, has been posted in a public place, in the Municipal Building; and

WHEREAS, The 2009 Budget has been made available to each and every person requesting the same for at least one week,

NOW, THEREFORE, BE IT RESOLVED By the Township Committee (not less than a majority of the full membership concurring) of the Township of Montgomery in Somerset County, that the Township Committee hereby determines that the 2009 Municipal Budget, Statements of Revenues and Appropriations shall be read by title, and that the conditions of N.J.S.A. 40A:4-8, Sections 1A and 1B, have been satisfied.

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

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

(Item #15 Cont.)

B. **2009 MUNICIPAL BUDGET - Public Hearing**

- a-1. Committeeman Fay moved that the hearing be opened to the public. The motion was seconded by Committeeman Caliguire and carried unanimously.
- a-2. Temporary Chief Financial Officer Walter Sheppard gave a brief overview of the budget.
- b. Committeeman Caliguire moved that the public hearing be closed. The motion was seconded by Committeewoman Dyer and carried unanimously.

C. **RESOLUTION #09-5-185 - ADOPTION OF THE 2009 MUNICIPAL BUDGET**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of \$28,501,378.63 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(1)	GENERAL REVENUES	
	Surplus Anticipated	\$ 5,262,470.00
	Miscellaneous Revenue Anticipated	11,323,051.63
	Receipts from Delinquent Taxes	616,157.00
(2)	AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	<u>11,299,700.00</u>
	TOTAL REVENUES	\$28,501,378.63
(3)	GENERAL APPROPRIATIONS	
	Within "CAPS"	
	Operations Including contingent	\$16,350,596.00
	Deferred Charges and Statutory Expenditures - Municipal	1,676,444.00
	Excluded from "CAPS"	
	Operations - Total Operations Excluded from "CAPS"	3,235,001.63
	Capital Improvements	111,750.00
	Municipal Debt Service	4,742,062.00
	Reserve for Uncollected Taxes	<u>2,385,525.00</u>
	TOTAL APPROPRIATIONS	\$28,501,378.63

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

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

16. Mayor Wilson stepped down from the dais.

17. **ORDINANCE #09-1315 - \$80,000.00 REAPPROPRIATION - Public Hearing**

- A. Deputy Mayor Birge read the title of the ordinance as follows:

ORDINANCE REAPPROPRIATING \$80,000 NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO PROVIDE \$49,500 FOR A COPPER TRANSLATOR AND WER STUDY FOR THE CHERRY VALLEY TREATMENT PLANT AND TO DIRECT THE RETURN OF THE BALANCE TO THE SEWER CAPITAL IMPROVEMENT FUND FOR AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY.

- B. Deputy Mayor Birge opened the hearing to the public. There being no comment, Committeeman Caliguire moved that the public hearing be closed. The motion was seconded by Committeeman Fay and carried unanimously.
- C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 21<sup>st</sup> day of May, 2009 and that notice thereof be published in an official newspaper as required by law.

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

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

18. **ORDINANCE #09-1316 - CAPITAL ORDINANCE - Installation of Vehicle and Equipment Washing Facilities - Public Hearing**

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A. Deputy Mayor Birge read the title of the ordinance as follows:

ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY APPROPRIATING \$72,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE INSTALLATION OF VEHICLE AND EQUIPMENT WASHING FACILITIES AT THE DEPARTMENT OF PUBLIC WORKS BUILDING AS REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

B-1. Deputy Mayor Birge opened the hearing to the public.

B-2. Sarah Roberts, Harlingen Road, voiced her opposition to the expenditure and reiterated her concerns and the concerns of neighbors of the Public Works facility even being located in the historic area of Harlingen.

B-3. Committeeman Caliguire moved that the public hearing be closed. The motion was seconded by Committeewoman Dyer and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 21<sup>st</sup> day of May, 2009 and that notice thereof be published in an official newspaper as required by law.

18-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

**ROLL CALL** - Ayes - Caliguire, Fay, Dyer  
Nays - Birge  
Absent - Wilson

19. **ORDINANCE #09-1317 - PEDDLING AND SOLICITING AND SIGNAGE (LDO) - (To be continued to June 18, 2009)**

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A. Deputy Mayor Birge read the title of the ordinance as follows:

AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER IV GENERAL LICENSING," SECTION 4-1 "PEDDLING, SOLICITING AND RELATED ACTIVITIES" AND AMENDING AND SUPPLEMENTING CHAPTER XVI "LAND DEVELOPMENT, SUBSECTION 16-5.13 "SIGNS" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)

B. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be continued to June 18, 2009 after receiving Planning Board recommendation.

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

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

20. **ORDINANCE #09-1319 - Employee Incentive - Introduction**

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A. Deputy Mayor Birge read the title of the ordinance as follows:

AN ORDINANCE AMENDING SECTION 2-29, EMPLOYEE EFFICIENCY INCENTIVE PROGRAM OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO REDUCE THE LEVEL OF AWARDS.

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing June 4, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

20-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

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

21. **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.

21-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Dyer and carried on the following:

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

22. **APPRAISAL ON BLOCK 34001, LOT 36**

22-1. **Motion #09-5-1** - Committeeman Caliguire moved that the Township Committee reconvene in Open Session after Closed Session to authorize, at a time that staff determines its warranted, the appraisal on Block 34001, Lot 36. The motion was seconded by Committeewoman Dyer and carried on the following:

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

23. **REQUEST FOR PONY RIDES - Van Horne Park**

**Motion #09-5-2** - Committeeman Caliguire moved to approve this event, subject to approval of Rocky Hill and the clean up of the site by the person hosting the event. The motion was seconded by Committeeman Fay and carried on the following:

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

**ADJOURNMENT** was at 8:30 p.m. on a motion by Committeeman Fay. The motion was seconded by Committeewoman Dyer and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk