

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 4, 2009
7:00 P.M.

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, 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. Mayor Wilson led the Salute to the Flag.

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. **POLICE DISPATCHERS STATUS REPORT**

Captain Palmer updated the Committee on the process of moving dispatching services to Somerset County. All 911 calls will now go to County Communications. In the case of EMS, it will operate fully on the County trunk radio system and will be fully dispatched by County Communications. Most of radios on the County trunk radio system have been dispatched to Public Works and will be distributed to certain other municipal departments in the near future. The public will be greeted at the new lobby window during the day. July 6 seems to be the likely transition date.

6. **SEWAGE TREATMENT PLANT UPGRADES AND EXPANSIONS - Skillman Village and Pike Brook**

Tim Bradley and Jim Cosgrove from Omni Environmental were in attendance as well as Township Engineer Gail Smith and Andrea Kahn, Bond Counsel.

Jim Cosgrove gave a PowerPoint presentation of the Skillman Village and Pike Brook Sewage Plants and plans for upgrades and expansions. He explained that more stringent effluent limitations will go into effect in May 2010 and discussed the need for plant upgrades and expansions.

The Skillman Village plant was acquired with the North Princeton Developmental Center property. It is located behind the dairy farm, off Burnt Hill Road. The plant is over 20 years old and was poorly maintained by the State. It has a 500,000 gallon per day capacity.

The Pike Brook plant is located on Harlingen Road. The plant is over 20 years old and has a 450,000 gallon per day capacity. There is no current capacity for new connections but it has a permit for flow up to 670,000 gallons per day. Effluent limits in the permit become more stringent when flows exceed 450,000 gallons per day. The Township has a developer agreement to provide for an expansion with the developer's portion paid by developer.

Both plants need to be upgraded to enable compliance with NJDEP effluent limitations and to meet capacity needs of the service areas. Upgrading both plants is necessary and unavoidable. It is regulatory driven and can cost the Township up to \$50,000 per day in fines if not in compliance.

Committeeman Caliguire asked if other towns are being required to do this too. Mr. Cosgrove confirmed that it is required across the state but permits run in 5 year cycles and Montgomery is reaching the end of its cycle.

Mr. Bradley explained the treatment plant technology. Both plants are being upgraded with Membrane Bioreactor (MBR) Technology, a highly efficient biological treatment system. The benefits include the following:

- Significantly reduces the need for chemicals
- Produces thicker sludge resulting in lower disposal costs
- Maximizes reliability of compliance
- Produce high quality effluent suitable for beneficial reuse

The Township has qualified for economic stimulus financing to minimize the cost of these projects. This is a unique opportunity to minimize cost. Over 200 projects were submitted to NJDEP for consideration. Projects were ranked based on environmental need, environmental benefit, shovel readiness, etc. There is sufficient financing for the top 40 projects and the Township's projects made the top 40 list. The capacity charges will defray the upgrade and expansion costs in accordance with Montgomery ordinances.

Mr. Bradley explained how the stimulus financing will work. There is a maximum \$5,000,000 principal forgiveness, i.e. grant and low interest financing for the balance of the loan. 75% of the loan is at 0% interest and 25% of the loan is at market rate. The blended rate is approximately 25% of market rate. He explained the cost and how much will be saved.

(Item #6. Cont.)

For a \$35,000,000 loan, total debt repayment after 20 years would be \$34,800,000 versus \$53,700,000 million for market rate financing. The Township would recognize a potential debt repayment savings of approximately \$19,000,000.

The upgraded plants will not cost more to operate than the existing plants. There will be a reduction in chemical and sludge disposal costs, reduced labor and maintenance costs and a modest increase in energy costs. The projects will not impact user costs related to plant operating costs and developers will pay connection fees to offset upgrade/expansion costs.

There are a significant number of additional properties within the service area that will require future connections. These additional future connections will further offset debt service costs.

Any increase in debt service costs will be minimized by the grant, developer agreements, and connection fees.

Total of Bond ordinances	\$35,000,000
Estimated loan amount - Skillman Village	\$14,300,000
Estimated loan amount - Pike Brook	\$17,700,000
Total estimated loan amount	\$32,000,000
Less:	
Principal forgiveness (grant)	\$ 5,000,000
Approximate connection fees from approved projects and other properties actively seeking connections	<u>\$18,000,000</u>
Balance:	\$11,000,000

The cost of upgrades will never be lower due to economic stimulus financing. If the Township does not proceed, it will lose a \$5,000,000 grant and 0% interest on 75% of the amount borrowed. To obtain this attractive financing, the Township needs to adopt a bond ordinance and maintain an aggressive project schedule by bidding the projects by the summer of 2009 and begin construction in late summer/early fall of 2009.

Committeeman Caliguire stated his frustration with respect to unfunded mandates that roll out of Trenton. There is no advocacy on the other side and the consequences of these actions will cost taxpayers a lot of money. With the best of intentions prices and costs go up. When the Township bought Skillman Village, it was thought that the sewer plant upgrade would be \$7,000,000 or \$8,000,000 and now it could end up costing \$14,000,000 to \$15,000,000.

Mayor Wilson agreed, and pointed out that the League of Municipalities is very vigorous in its opposition to laws, regulations and bills that impose unfunded mandates.

7. **ORDINANCE #09-1320 - BOND** - Upgrade and Expansion of the Existing Pike Brook Wastewater Treatment Plant - Introduction

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

BOND ORDINANCE PROVIDING FOR THE UPGRADE AND EXPANSION OF THE EXISTING PIKE BROOK WASTEWATER TREATMENT PLANT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$19,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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 18, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

7-1. 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

8. **ORDINANCE #09-1321 - BOND** - Skillman Village Wastewater Treatment Plant Upgrade Project - Introduction

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

BOND ORDINANCE PROVIDING FOR THE SKILLMAN VILLAGE WASTEWATER TREATMENT PLANT UPGRADE PROJECT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$16,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$16,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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 18, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

(Item #8. Cont.)

8-2. 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

9. **RESOLUTION #09-6-186 - PROFESSIONAL SERVICES RESOLUTION - Pike Brook Wastewater Treatment Plant Upgrade and Expansion Project New Jersey Environmental Infrastructure Financing Program Proposal for Engineering Services During Construction - Omni Environmental**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineering services during construction of 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 29 2009 to provide the sought-after services to the Township for the lump sum cost of \$1,231,300.00; 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:

1. The Mayor and Clerk are authorized and directed to execute an agreement with Omni Environmental to provide professional engineering services during the construction of the Pike Brook Wastewater Treatment Plant Upgrade and Expansion Project.
2. Omni Environmental shall be paid a total lump sum fee of \$1,231,300.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the May 29, 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.

9-2. 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, Fay, Dyer, Wilson
Nays - Caliguire

10. **RESOLUTION #09-6-187 - PROFESSIONAL SERVICES RESOLUTION - Skillman Village Wastewater Treatment Plant (WWTP) Upgrade Project New Jersey Environmental Infrastructure Financing Program Proposal for Engineering Services During Construction - Omni Environmental**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineering services during construction of the Skillman Village 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 29 2009 to provide the sought-after services to the Township for the lump sum cost of \$1,090,500.00; and

(Item #10. Cont.)

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:

1. The Mayor and Clerk are authorized and directed to execute an agreement with Omni Environmental to provide professional engineering services during the construction of the Skillman Village Wastewater Treatment Plant Upgrade and Expansion Project.
2. Omni Environmental shall be paid a total lump sum fee of \$1,090,500.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the May 29, 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.
5. A notice of this action 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 Deputy Mayor Birge and carried on the following:

ROLL CALL: Ayes - Birge, Fay, Dyer, Wilson
Nays - Caliguire

11. **RESOLUTION #09-6-188 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A.40A:2-26(e), N.J.S.A. 58:11B-9, N.J.S.A. 40A:2-7(d) AND N.J.S.A. 40A:2-11(c).**

WHEREAS, The Township of Montgomery, in the County of Somerset, New Jersey (the "Township") desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-26(e), N.J.S.A. 58:11B-9, N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11(c) for its review and approval of (i) two bond ordinances to provide for the funding of the Skillman Village Wastewater Treatment Plant upgrade and the Pike Brook Wastewater Treatment Plant upgrade and expansion in the amount of \$35,000,000 (the "Projects"); (ii) financing the Projects through the 2009 New Jersey Environmental Infrastructure Trust Financing Program; (iii) a non-conforming maturity schedule in connection with such proposed financing; and (iv) a waiver of the requirement to make a down payment; and

WHEREAS, The Township believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) the purposes are for the health, the welfare, the convenience or the betterment of the inhabitants of the Township;
- (c) the amounts to be expended for the purposes are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

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

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and to file copies of the proposed bond ordinances with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approvals as provided by the applicable New Jersey Statute.

11-1. 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

12. **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 #09-6-189 - REFUND OVERPAID 2007 AND 2009 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2007 and 2009 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
7032	36	Wael T. Elkholy & Reham Hamad	\$ 168.32	2009
15001	91	First American Real Estate Tax Services	\$5,249.17	2009
29004	1.31	Religious Science Church of Princeton	\$ 130.98	2007
37004	6.43	Steven R. & Donna V.P. Manduca	\$ 370.31	2009

B. **RESOLUTION #09-6-190 - ADJUSTMENT OF BILLING OF SEWER UTILITY CHARGES**

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

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

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

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Decrease</u>
5015	2	8 Waters Lane	\$743.04
30003	45	1 Maidstone Court	\$302.72

C. **RESOLUTION #09-6-191 - RAFFLE LICENSE #680 - Summit Animal Rescue Association, Inc.**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Summit Animal Rescue Association, Inc. to conduct a Raffle under License #680 on September 12, 2009 at Mattawang Golf Course, 295-303 Township Line Road, Belle Mead, NJ. The time for this Raffle will be approximately from 11:00 a.m. to 7:00 p.m.

D. **RESOLUTION #09-6-192 - DECLARING CERTAIN TOWNSHIP EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns Universal Power Supply (Model BEX101D, Serial number 10-9-0-817-89) that the Network/MIS Coordinator and Police Department have determined is no longer needed for public use; and

WHEREAS, The Township of Montgomery currently owns a Thermo-King walk-in cooler that has been determined to be no longer needed for public use; and

WHEREAS, The Township desires to dispose of said salvage personal property.

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

The Purchasing Agent and Network/MIS Coordinator are hereby authorized and directed to dispose of said personal items.

EXHIBIT A
Surplus Personal Property

Township

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

Police

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

(CONSENT AGENDA Cont.)

F. **RESOLUTION #09-6-194 - RESOLUTION CREATING A GREEN PURCHASING POLICY**

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 that are easy to replicate and affordable to implement; and

WHEREAS, The Township Committee of the Township of Montgomery seeks to improve energy efficiency, reduce health hazards, increase the purchase of recycled and recyclable products through the purchase of environmentally preferred products where possible and in accordance with Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED, That the following guidelines are established as general recommendations when purchasing:

1. Aim to use products that have the least negative impact on the environment as possible, both when they are manufactured and when they are used. The entire process from production to consumption to final destruction or disposal must be taken into consideration.
2. Aim to use products that are not harmful or toxic to consumers, users, to the environment, or to working environments.
3. Aim to use products that are biologically degradable or that can be reused.
4. Aim to use products that do not unnecessarily consume energy and natural resources either when they are manufactured, packaged, shipped, or when they are used.
5. The Purchasing Agent shall use established best practices to insure vendor compliance with sustainability guidelines through the contracting process and certification programs.
6. The Purchasing Agent is authorized to exempt product categories from this policy in cases when all products contain recycled content (such as metals), or when health or safety may be jeopardized, or when multiple complex components or the nature of the product make certification of recycled content impracticable (such as automobiles, computers, and software).

G. **RESOLUTION #09-6-195 - RELEASE OF ESCROW FEE - Robert Foxx - Street Opening Permit - 07-R-47**

WHEREAS, George Remboske, Assistant to the Township Engineer, recommended the release of the cash Escrow Fee to Robert Foxx because all work has been satisfactorily completed with respect to 252 Sunset Road driveway opening permit.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Escrow Fee in the amount of \$330.00 be released to Robert Foxx, c/o Fox & Foxx Development, 940 Amboy Avenue, Suite 101, Edison, NJ 08837.

BE IT FURTHER RESOLVED That a Maintenance Guarantee is not required.

H. **RESOLUTION #09-6-196 - RELEASE OF ESCROW FEE - Paul Cocuzzo Street Opening Permit - 08-R-07**

WHEREAS, May 8, 2009, George Remboske, Assistant to the Township Engineer, recommended the release of the cash Escrow Fee to Paul Cocuzzo because all work has been satisfactorily completed with respect to 5 Daisy Court driveway opening permit.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Escrow Fee in the amount of \$3,270.00 be released to Paul Cocuzzo, 5 Daisy Court, Skillman, NJ 08558.

BE IT FURTHER RESOLVED That a Maintenance Guarantee is not required.

I. **RESOLUTION #09-6-197 - AUTHORIZING TEMPORARY ROAD CLOSINGS - Sourland Mountain Road Race**

WHEREAS, The Sourland Mountain Road Race organizers have requested approval of the Township Committee to close Skillman Road and Campmeeting Avenue between Hollow Road and Route 601, between the hours of 9:00 a.m. and 1:00 p.m. on June 18, 2009 to conduct a Road Race event to benefit local non-profit groups.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee authorizes the road closings provided that the organizers obtain the required approval from the Police Department regarding traffic planning and safety considerations and employ two Private Duty Officers and two vehicles.

(CONSENT AGENDA Cont.)

12-1. Committeeman Fay moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Caliguire and carried on the following:

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

13. **Item E. was removed for separate consideration.**

E. **RESOLUTION #09-6-193 - APPROVAL OF FIREWORKS - Cherry Valley Country Club**

BE IT RESOLVED That authorization is granted for the Cherry Valley Country Club to conduct a fireworks display on June 27, 2009 at Cherry Valley Country Club Driving Range. Approvals of the Police Department and Fire Protection Inspector Roy Mondt have been received.

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 - Birge, Fay, Dyer, Wilson
Nays - None
Abstain - Caliguire

14. **RESOLUTION #09-6-198 - AUTHORIZATION TO EXECUTE GRANT APPLICATION AND AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR 2010 LOCAL AID GRANT - Orchard Road Improvement Project - Phase I**

WHEREAS, Montgomery Township plans improvements to Orchard Road between approximately 1,200 feet east of Opossum Road and 1,300 feet west of Opossum Road, including widening the road to a uniform width and reconstruction of the pavement; and

WHEREAS, The improvements are necessary because of the poor condition of the roadway.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee formally approves a grant application in the amount of \$250,000.00 for the Orchard Road Improvement Project Phase I.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of Montgomery Township.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montgomery Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

14-1. 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

15. **RESOLUTION #09-6-199 - AUTHORIZATION TO EXECUTE GRANT APPLICATION AND AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR 2010 LOCAL AID GRANT - Cherry Valley Road Improvement Project**

WHEREAS, The Montgomery Township and Princeton Township Engineering Departments have been working together to plan and establish the scope of necessary improvements along the approximately 1800-foot section of Cherry Valley Road between the Billie Ellis Lane entrance to Griggs Farm, Princeton Township, and Route 206. These improvements may include the following:

- Install drainage improvements to eliminate the existing open drainage ditches along both sides of the road;
- Widen the road to a uniform width and install curbing to match, where possible, the section of the road lying to the west that was jointly improved by Montgomery and Princeton in 2001;
- Continue the six (6) foot wide pedestrian path along the southern side of the road;
- Work with NJDOT to further improve the operation, efficiency, and safety of the Route 206/Cherry Valley Road/Princeton Avenue Intersection.

WHEREAS, The above improvements would be of benefit in relation to the new connector road installation proposed behind the Nassau Conover Automobile Dealership, as well as help to reduce the Cherry Valley Road eastbound congestion experienced at the Route 206 traffic signal.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee formally approves the grant application in the amount of \$350,000.00 for the Cherry Valley Road Improvement Project.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of Montgomery Township.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montgomery Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(Item #15. Cont.)

- 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. **RESOLUTION #09-6-200 - AUTHORIZATION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROUTE 601 HIGH SCHOOL - BLAWENBURG CONNECTOR PROJECT**

WHEREAS, The New Jersey Department of Transportation has solicited applications from local governments for funding under the 2010 Transportation Enhancement grant; and

WHEREAS, The Township of Montgomery has prepared an application for construction of a bikeway on County Route 601 from Montgomery Township High School to the intersection with County Route 518; and

WHEREAS, The proposed sidewalk would be maintained pursuant to Township ordinance, which may be amended from time to time.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED That the Township Administrator and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of the Township of Montgomery.

BE IT FURTHER RESOLVED That the Township Administrator and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Montgomery and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- 16-1. 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

17. **ORDINANCE #09-1319 - Employee Incentive - Public Hearing**

- A. Mayor Wilson 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. Mayor Wilson opened the hearing to the public. There being no comment, Deputy Mayor Birge moved that the public hearing be closed. The motion was seconded by Committeeman Caliguire and carried unanimously.

- C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 4th day of June, 2009 and that notice thereof be published in an official newspaper as required by law.

- 17-1. 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

18. **ORDINANCE #09-1322 - Accepting Deed of Conservation Easement; Easement Subordination Agreement; Transco - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, ACCEPTING A DEED OF CONSERVATION EASEMENT FROM PRINCETON RESEARCH LAND, INC. AS REPLACEMENT LAND CONCERNING THE TRANSCONTINENTAL GAS PIPELINE CORPORATION (TRANSCO) EXPANSION PROJECT (BLOCK 1001, P/O LOT 42); AND AUTHORIZING THE EXECUTION OF AN EASEMENT SUBORDINATION AGREEMENT WITH TRANSCO AS TO AN EXISTING TOWNSHIP CONSERVATION EASEMENT (BLOCK 4001, P/O LOTS 10.01 AND 10.03)

- 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 18, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

- 18-1. Committeeman Caliguire 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

19. ORDINANCE #09-1323 - Main Boulevard and Larocque Circle Speed Limits - Introduction

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

AN ORDINANCE AMENDING CHAPTER VII ENTITLED "TRAFFIC"
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO
ESTABLISH SPEED LIMITS ON MAIN BOULEVARD AND
LAROCQUE CIRCLE

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 18, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

20. APPROVAL OF MINUTES

Committeeman Caliguire moved the adoption of the Regular Session minutes of March 19, 2009. The motion was seconded by Committeeman Fay and carried on the following:

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

21. PAYMENT OF BILLS - Posted

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 Committeeman Fay and carried on the following:

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

20. NPDC REMEDIATION

Committee scheduled a June 11th meeting with Rich Crooker to discuss remediation and issues relating to Weston.

21. RELAY FOR LIFE EVENT

Mayor Wilson reported that the Relay for Life event raised approximately \$28,000. She thanked the following public works employees who were working the event on their own time with setup, crowd control, kid control when the helicopter landed, and the Touch the Truck event:

Ryan Massa, Patrick Burn, Henry Kabus, John Snyder, Joe Kane, Art Villano and Michelle Mistretta.

22. COUNTY APPRAISAL OF SKILLMAN VILLAGE

Mayor Wilson asked about the status of the County's appraisal. Mr. Nieman stated that the Freeholders are expected to receive the appraisal in time for them to discuss it at their next meeting.

23. QUIET ZONES

Committeeman Caliguire reported that he attended the Freeholders meeting to hear their presentation on quiet zones. The Freeholders response was positive but funding is going to be an issue. Mayor Wilson remarked that the Freeholders are reluctant about funding but Freeholder Palmer had previously suggested that the County, in partnership with NJTPA, might consider the three municipal at-grade crossings in Montgomery to be a pilot project. The Township should continue to press them on that.

ADJOURNMENT was at 8:45 p.m. on a motion by Committeeman Fay, seconded by Committeewoman Dyer and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk