

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE  
June 5, 2008

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 4:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Birge, Deputy Mayor Fay, Committeemembers Wilson and Caliguire  
Committeeman Joye was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

TOWNSHIP LABOR ATTORNEY - Steve Goodell

2. Mayor Birge 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:
  - Interview of police candidates for the position of Captain in the Montgomery Township Police Department
3. It is unknown precisely when, if ever, the matters discussed in this session may be disclosed to the public. Any appointments shall only be authorized by the Township Committee in a public session.

- 3-1. Deputy Mayor Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried unanimously.

4. The meeting reconvened in Open Session and Mayor Birge led the salute to the flag.

5. **PROCLAMATION - HONORING WALTER BAKER**

WHEREAS, Walter C. Baker, born June 13, 1908 in Franklin, Massachusetts, eldest of three children of George Baker and Mary Ellen Connor, will celebrate on June 13, 2008 his 100<sup>th</sup> birthday; and

WHEREAS, Walter and his wife of 57 years, Ethel Kimball Baker, chose Montgomery to raise their family, living in Montgomery for more than half of his long and productive life; and

WHEREAS, Walter served his country as a commissioned officer in the US Public Health Service, at military installations at Corpus Christi, Fort Dix, and at various Prisoner of War Camps during World War II; in the CDC Laboratories at Savannah; as Chief of Malaria Control for the Division of International Health in Cambodia, Laos, and Viet Nam; and testing radioactive fallout around Yucca Flats, Nevada for the Atomic Energy Commission; and

WHEREAS, Walter served the State of New Jersey as an environmental sanitarian, responsible for monitoring health conditions at such places as Trenton Psychiatric Hospital and Trenton State Prison, while based at the Neuro-Psychiatric Institute in Skillman from 1954 until his retirement in 1978; and

WHEREAS, Walter served Somerset County on the Advisory Council to the County Office on Aging between 1979 and 1985, including two years as council president; and

WHEREAS, Walter served Montgomery for fourteen years as our first health officer; on the local Civil Defense and Disaster Control Board; as advisor to the Planning Board and to the construction committee for our first high school; and on the NPDC Redevelopment Concept Committee; and

WHEREAS, Walter has been active in local civic organizations, as a charter member and long serving Trustee of the Van Harlingen Historical Society; as a member of the Montgomery Senior Citizens; and as a board member and president of the Visiting Nurse Association; and

(Item #5 Cont.)

WHEREAS, Walter has been prolific in documenting the history of Montgomery Township by leading an oral history program that has published the histories of dozens of long-time residents, and by writing books about Montgomery's Family Burying Grounds and the history of the New Jersey Village for Epileptics, now Skillman Village; these works earning him a History Award for Education from the Somerset County Cultural & Heritage Commission in 2003; and

WHEREAS, Walter's many years of public service were recognized in 1985 when he received the Governor's Award from the Department of Community Affairs' Division on Aging, at a luncheon at Drumthwacket, Governor Thomas Kean presiding.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee, on behalf of all the residents of Montgomery, declares Friday, June 13, 2008 to be Walter Baker Day, and extends to Walter our best wishes on the occasion of this 100<sup>th</sup> birthday, and thanks him for so many decades of dedicated service to the people, his township, county, state, and country.

- 5-1. Deputy Mayor Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried unanimously.

6. **RESOLUTION HONORING STEPHEN HAGGAN**

WHEREAS, The health of all our children is a significant concern for all of our parents, community leaders and community members; and

WHEREAS, Stephen Haggan is a six year old boy who resides in Rocky Hill Borough, attends school in Montgomery Township, and has fought and won the battle of ALL (acute lymphoma leukemia) since February of 2005; and

WHEREAS, Various gifting efforts from generous friends, neighbors and community members have assisted and will continue to assist the Haggan family in covering the expense of Stephen's medical treatments and care; and

WHEREAS, The communities of Rocky Hill and Montgomery wish to work together to support Stephen, his parents Jacqueline and David, and the entire Haggan family in their battle against ALL; and

WHEREAS, On June 7<sup>th</sup>, these efforts will include various lemonade and bake good stands as well as fire department activities.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery, does hereby proclaim the 7<sup>th</sup> of June, 2008 as "Stephen Haggan Day" in Montgomery Township, New Jersey and urges that this day be dedicated to the support and appreciation of this brave young man, Stephen Haggan, and to all children battling acute lymphoma leukemia.

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

7. **EAGLE SCOUT PROJECT - Andrew Treble**

Eagle Scout Andrew Treble reported on his Eagle Scout project, which was to build four (4) picnic tables with benches and a 20x20 sandbox at the Woods Edge Development Park.

- 7-1. **Motion #08-6-1** - Committeewoman Wilson moved the approval of Andrew Treble's Eagle Scout project. The motion was seconded by Committeeman Caliguire and carried unanimously.

8. **PUBLIC COMMENT**

- 8-1. Mohammed Kilany, Spring Hill Road, spoke about the Change Order Resolution with JM Sorge, Inc. with regard to the North Princeton Developmental Center site.

- 8-2. Sarah Roberts, Harlingen Road, thanked the Township Committee for going to a great deal of trouble and sparing no expense to do such an excellent job of cleaning up Skillman Village while making sure that no exposure to hazardous chemicals was experienced by the children in the school or the nearby residents. She also thanked Mayor Birge for giving up her job to concentrate on serving the people of Montgomery. She also commented on the outstanding and competent employees.

9. **MOTION TO CLOSED MEETING TO THE PUBLIC**

Committeewoman Wilson moved to return to Closed Session for the purposes articulated in the Closed Session resolution, with the understanding that the Township Committee will reconvene in Open Session at the end of this Closed Session. The motion was seconded by Deputy Mayor Fay and carried unanimously.

10. The meeting reconvened in Open Session.

11. **RESOLUTION #08-6-152 - TO ADDRESS CHANGE ORDERS TO VARIOUS CONSULTANT AGREEMENTS IN CONNECTION WITH ENVIRONMENTAL SUPPORT SERVICES AT THE NORTH PRINCETON DEVELOPMENTAL CENTER SITE**

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WHEREAS, Pursuant to duly adopted Resolutions, in accordance with the New Jersey Local Public Contracts Law, the Township of Montgomery entered into four agreements with JM Sorge, Inc., Environmental Consultants, 50 County line Road, Somerville, NJ 08876 ["Sorge"] for the purpose of providing technical environmental support services to the Township with respect to various issues arising during the acquisition, demolition and remediation of the North Princeton Developmental Center ["NPDC"] site; and

WHEREAS, The following is a list of the aforesaid agreements:

<u>Date</u>	<u>Services Summary</u>	<u>Amount</u>
June 16, 2005	Remediation proposal evaluations; vendor negotiation.	\$100,000
December 7, 2006	Oversight of critical remediation tasks; review air monitoring and all activities of Remediation Consultant; attendance at DEP meetings; confirm quality of backfill.	\$100,000
December 7, 2006	Bid review for compliance with environmental regulations involving containment of hazardous materials; additional air monitoring near Village Elementary School.	\$150,000
December 7, 2006	Identification and pursuit of State-sponsored funding Sources to offset costs of purchase and remediation of NPDC site.	\$25,000;

WHEREAS, Certain additional work was performed by Sorge in accordance with the Township's requests; and

WHEREAS, The Township Committee determined that the expenditure of funds for said additional work in excess of the amounts set forth above was necessary to provide increased levels of oversight and air monitoring and for the project to progress safely and efficiently, and authorized payment for same; and

WHEREAS, Funds for all such additional expenditures were available in Bond Ordinance No. 05-1189, adopted July 21, 2005, and were so certified by the Chief Financial Officer in office; and

WHEREAS, Through inadvertence, the aforesaid additional expenditures, although publicly approved, were not the subject of formal change orders as required in the agreements and in the New Jersey Local Public Contracts Law; and

WHEREAS, The Township Administrator has informed the Division of Local Government Services of the inadvertent errors and has been advised that they can be remedied by the adoption of an appropriate resolution of the Township Committee ratifying the *de facto* change orders; and

WHEREAS, The Township Committee desires promptly to remedy the inadvertent errors in order to assure strict compliance with the terms of the Sorge agreements and the requirements of New Jersey law.

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

1. In order to expedite the remediation of the above-mentioned errors, the Chief Financial Officer and Purchasing Agent, in consultation with the Township Auditor and Township Attorney, as needed, are hereby directed to prepare appropriate change order resolution(s) and any other documents necessary to correct said errors and ensure compliance with above-mentioned agreements and laws.
2. The change order resolution(s) referred to in paragraph number 1, and any other necessary documents, shall be presented to the Township Committee for consideration and adoption at its June 19, 2008 meeting.
3. After adoption, any such change order resolution shall be countersigned by Sorge and shall serve as a formal amendment to the affected agreement or agreements.
4. Upon adoption of the resolution(s), the Township Clerk is directed to forward a certified copy to the Division of Local Government Services.

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

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

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 #08-6-153 - REFUND OVERPAID 2008 TAXES**
- BE IT RESOLVED That a refund in the amount of \$2,509.62 be given to Countrywide Home Loans, MS:SVW-24, P.O. Box 10211, Van Nuys, CA 91410-0211, Attn: Tawnya Cager, for the overpayment of 2008 taxes on Block 8002, Lot 17.
- B. **RESOLUTION #08-6-154 - ACCEPTANCE OF DONATION - Pedigree Adoption Drive Foundation**
- BE IT RESOLVED That the Montgomery Township Committee hereby accepts \$206.62 from the Pedigree Adoption Drive Foundation.
- C. **RESOLUTION #08-6-155 - APPROVAL OF OUTDOOR ASSEMBLY - Paul Green School of Rock - Princeton**
- BE IT RESOLVED By the Montgomery Township Committee as follows:
1. Paul Green School of Rock - Princeton has requested approval of the Township Committee to conduct a Best of Season JamFest at 23 Orchard Road, Skillman on June 7, 2008.
  2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
    - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Township Committee approval.
    - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
    - (c) The Montgomery Township Police Department, Health Department and Fire Official must review and approve the application and have no objection.
- D. **RESOLUTION #08-6-156 - AMENDING RESOLUTION #08-5-142 - APPROVAL OF OUTDOOR ASSEMBLY Montgomery Township Youth Development Soccer**
- BE IT RESOLVED That Resolution #08-5-142 be hereby amended to reflect a date change from June 7, 2008 to June 14, 2008.
- E. **RESOLUTION #08-6-157 - AUTHORIZING FIREWORKS PERMIT**
- BE IT RESOLVED That authorization is granted for the Recreation Department to conduct a fireworks display on July 2, 2008 at Montgomery High School. Approvals of the Police Department and Fire Protection Inspector Roy Mondri have been received.
- F. **RESOLUTION #08-6-158 - 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, 2008 are hereby waived.
- G. **RESOLUTION #08-6-159 - 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, 2008 for fireworks.
- H. **RESOLUTION #08-6-160 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) - Block 7019, Lots 61 and 62 (Rockledge Court)**
- BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a sewer extension application to the New Jersey Department of Environmental Protection related to sewer capacity in the Riverside Sewage Treatment Plant for Block 7019, Lots 61 and 62.
- I. **RESOLUTION #08-6-161 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) - Block 29002, Lot 46 and Route 206**
- BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a sewer extension application to the New Jersey Department of Environmental Protection for Block 29002, Lot 46 and Route 206.
- J. **RESOLUTION #08-6-162 - APPROVAL OF SEWER PARTICIPATION AGREEMENT FOR ADDITIONAL CAPACITY - Renwood Princeton Self Storage, LLC (Block 34001, Lot 75)**
- BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with Renwood Princeton Self Storage, LLC related to additional capacity in the Stage II Sewage Treatment Plant for Block 34001, Lot 75.

(CONSENT AGENDA Cont.)

K. **RESOLUTION #08-6-163 - ENDORSING THE BOROUGH OF ROCKY HILL CLASSIC AND ALLOWING THE USE OF TOWNSHIP STREETS FOR THE CLASSIC BICYCLE RACE**

WHEREAS, The Township Committee of the Township of Montgomery desires to endorse the Borough of Rocky Hill Classic Bicycle Race and the use of Montgomery Township's streets for the race to be held on June 21, 2008; and

WHEREAS, The course for this race goes through Montgomery Township on County roads and the organizers have contacted the Montgomery Township Police and Recreation Department.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby endorses this Second Annual Rocky Hill Classic Bicycle Race.

L. **RESOLUTION #08-6-164 - AUTHORIZING THE ADOPTION OF A SPECIAL TRAFFIC REGULATION PURSUANT TO N.J.S.A. 39:4-197.3 AFFECTING THE STREETS WITHIN SKILLMAN VILLAGE DUE TO A TEMPORARY CONDITION.**

WHEREAS, The Township of Montgomery purchased property from the State of New Jersey known as Skillman Village, formerly known as the North Princeton Developmental Center, also known as Lot 1, Block 26001 and Lots 1 & 1.01, Block 27001 (Tax Assessment Maps rev. ed. 2005); and

WHEREAS, Within Skillman Village there is continuing environmental remediation, construction, and redevelopment, as well as the presence of buildings in an unsafe condition; and

WHEREAS, It is in the interests of the public safety, health, and welfare that certain streets within Skillman Village, to the extent they were ever opened for public passage, be temporarily closed to public passage during the continuing environmental remediation, construction, and redevelopment; and

WHEREAS, Pursuant to N.J.S.A. 39:4-197.3, the Township is authorized to adopt special traffic regulations, including regulations closing streets, in response to a temporary or emergent condition for a period not exceeding three (3) months; and

WHEREAS, Pursuant to N.J.S.A. 39:4-197.3 the Township is responsible for posting signs to inform the public of the temporary special traffic regulation; and

WHEREAS, Pursuant to N.J.S.A. 39:4-94.2, the Township has the authority to provide for penalties for the violation of a temporary street closing regulation; and

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

1. A temporary condition, within the meaning of N.J.S.A. 39:4-197.3, will exist within Skillman Village beginning on or about June 9, 2008, and ending on or about June 30, 2008, due to continuing environmental remediation, construction, and redevelopment.
2. To the extent any or all of the following streets within Skillman Village could be deemed to have ever been opened to public passage they shall be closed to public passage during the period between June 9, 2008, and June 30, 2008:
  - Brophy Circle
  - Garrison Lane
  - Doctor's Row
  - Moosbrugger Way
  - Association Drive
  - Dodds Road
  - Lake (Lakeside) Drive
  - Maplewood Drive
  - Schley Drive
  - Fairview Road
  - Green House Drive
  - Larocque Circle (southern portion)
  - Morrow Road
  - Strecher Road
  - Industrial Road
  - Wilson Drive
  - Dungan Drive
3. Signs notifying the public of the temporary street closings and barricades prohibiting public passage will be placed at the intersections for the above mentioned streets.
4. Any person found on any of the above streets without authorization from the Police Director or his designee during the period in which they are closed to the public shall be subject, in accordance with N.J.S.A. 39:4-94.2, to a fine of not more than \$100.00.
5. This regulation shall take effect upon approval of the Commissioner of the Department of Transportation.

M. **RESOLUTION #08-6-165 - RELEASE OF ESCROW FEE - Gerard J. Hogan III - Street Opening Permit 07-R-67**

WHEREAS, On May 30, 2008, Gail Smith, Township Engineer, recommended the release of an Escrow Fee to Gerard J. Hogan III because all work has been satisfactorily completed with respect to a street opening permit for Township Line Road.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that an Escrow Fee in the amount of \$426.00 be released to Gerard J. Hogan III, 33 Moores Grove Court, Belle Mead, NJ 08502.

(CONSENT AGENDA Cont.)

N. **RESOLUTION #08-6-166 - RELEASE OF PERFORMANCE GUARANTEE - Blawenburg Village**

WHEREAS, Gail Smith, Township Engineer, has certified on May 15, 2008 that all public improvements in a project known as Blawenburg Village have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$565,689.00 (Bond #PAIFU0387465 in the amount of \$509,120.00 and \$56,569.00 cash) be released to Country Classics, Inc. and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$565,689.00
15% Maintenance Guarantee	\$ 84,853.35

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

BE IT FURTHER RESOLVED The Township will not accept the detention basin improvements. The basin will be maintained by the owner of Block 25001, Lot 31.

O. **RESOLUTION #08-6-167 - RELEASE OF PERFORMANCE GUARANTEE - Montgomery Hills, Phase 1B - Blue Spring Road On-Site**

WHEREAS, Gail Smith, Township Engineer, has certified on May 15, 2008 that all public improvements in a project known as Montgomery Hills, Phase 1B, Blue Spring Road On-Site have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$486,125.40 (Bond #S04260 in the amount of \$437,512.86 and \$48,612.54 cash) be released to Scribner Village, L.P. and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$486,125.40
15% Maintenance Guarantee	\$ 72,918.81

BE IT FURTHER RESOLVED That upon the posting of a maintenance guarantee in the form and amount called for by this resolution and Section 16-9 of the Montgomery Township Code (1984) the following improvements shall be deemed accepted and the performance guarantee may be released.

Blue Spring Road - from station 26+ 45.55 the tract boundary between this project and the Montgomery Woods project to approximately station 38+ 68 just east of Coolidge Way.

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

There is no detention basin associated with this project.

P. **RESOLUTION #08-6-168 - RELEASE OF PERFORMANCE GUARANTEE - Railsedge**

WHEREAS, Gail Smith, Township Engineer, has certified on May 15, 2008 that all public improvements in a project known as Railsedge have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$138,451.00 (Bond #PAIFU0387464 in the amount of \$124,606.00 and \$13,845.00 cash) be released to Country Classics, Inc. and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$138,451.00
15% Maintenance Guarantee	\$ 20,767.65

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

There is no detention basin associated with this project.

(CONSENT AGENDA Cont.)

Q. **RESOLUTION #08-6-169 - RELEASE OF MAINTENANCE GUARANTEE - CAMMPS Residential Area**

WHEREAS, Gail Smith, Township Engineer, has certified on May 15, 2008 that all public improvements in a project known as CAMMPS Residential Area have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond #HOIFSUO401102 in the amount of \$19,526.67 be released to CPMM, LLC, 2145 Route 206, Belle Mead, NJ 08502.

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

R. **RESOLUTION #08-6-170 - AUTHORIZING THE DISCHARGE OF A MORTGAGE TO FACILITATE THE SALE OF 603 MCKINLEY COURT, AN AFFORDABLE HOUSING UNIT IN THE TOWNSHIP OF MONTGOMERY, STATE OF NEW JERSEY**

WHEREAS, 603 McKinley Court ("Property") is an affordable housing unit in the Township of Montgomery ("Township") and part of the McKinley Commons Condominium Association ("McKinley") that was encumbered by a mortgage from Wells Fargo Bank, N.A. ("Wells Fargo"); and

WHEREAS, Foreclosure proceedings were brought against the Property by Wells Fargo and in order to protect the affordable controls on the Property the Township purchased the mortgage from Wells Fargo; and

WHEREAS, While the Township was in the process of seeking a final judgment of foreclosure and scheduling a sheriff sale, McKinley foreclosed upon a lien it held on the Property for unpaid condominium association fees and subsequently purchased the Property at sheriff sale; and

WHEREAS, McKinley has acknowledged the priority of the Township's mortgage to its lien, agrees that the affordable controls are maintained on the Property, and is willing to transfer title to the next qualified affordable housing individual or household; and

WHEREAS, In order to facilitate the transfer of title, the Township is required at closing to discharge its mortgage on the Property in exchange for the proceeds from the transfer, and has agreed to reimburse McKinley \$14,339.00 from the proceeds of that transfer, which would normally be deposited into the Affordable Housing Trust Fund, to satisfy McKinley's lien on the Property and to reimburse McKinley for necessary renovation and repair work it had performed on the Property;

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the Township Mayor, Clerk, Administrator, or Attorney is hereby authorized and directed to execute a discharge of mortgage and any other document in order to facilitate a transfer of title of the Property to the next qualified affordable housing individual or household; and

FURTHER, BE IT RESOLVED, That the Township Attorney is hereby authorized and directed to attend the closing for the Property and execute any and all documents on behalf of the Township to facilitate the closing, and further to accept the proceeds from the sale on behalf of the Township, minus \$14,339.00 that will be reimbursed to McKinley and \$3,134.29 for unpaid taxes on the Property, and to deposit the proceeds in the Affordable Housing Trust Fund.

S. **RESOLUTION #08-6-171 - AUTHORIZATION TO EXECUTE GRANT APPLICATION AND AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR 2009 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 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;
- Provide for two (2) lanes of traffic approaching the Route 206 traffic signal;
- Work with NJDOT to further improve the operation, efficiency, and safety of the Route 206/Cherry Valley Road/Princeton Avenue Traffic Signal.

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.

(CONSENT AGENDA Item S Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee formally approves the grant application in the amount of \$250,000.00 for the Cherry Valley Road Improvement Project; and

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; and

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.

T. **RESOLUTION #08-6-172 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HISTORIC BRIDGE PRESERVATION PROGRAM - Skillman Village Bridges**

WHEREAS, Historic bridges located throughout Skillman Village are an important and very visual reminder of the village's heritage. The site, as a whole, is eligible for listing on the State and National Register of Historic Places; and

WHEREAS, The New Jersey Department of Transportation provides funding and technical assistance to those qualified bridges for the needed repair through the Historic Bridge Preservation Program.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee formally approves the grant application in the amount of \$5,000.00 for the Historic Bridge Preservation Program; and

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; and

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.

U. **RESOLUTION #08-6-173 - AUTHORIZING THE MONTGOMERY TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1948, c.72**

WHEREAS, The Montgomery Township Tax Collector will be unable to mail the Township's 2008 tax bills on a timely basis due to on going budget crisis within the State of New Jersey;

WHEREAS, the Montgomery Township Chief Finance Officer/Tax Collector have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, in the County of Somerset and State of New Jersey on this 4th day of June, 2008, as follows:

1. The Montgomery Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2008 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2008 is hereby set at \$95,953,031.86.
3. In accordance with law the third installment of 2008 taxes shall not be subject to interest until the later of August 10<sup>th</sup> or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

V. **MAYORAL APPOINTMENT WITH TOWNSHIP COMMITTEE CONSENT - Economic Development Commission**

BE IT RESOLVED That Joe O'Rourke is hereby appointment Economic Development Commission member, replacing Adele Kirk, 3 year term expiring December 31, 2008.

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

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

13. **MAYORAL APPOINTMENT - Economic Development Commission**

BE IT RESOLVED That Valerie Smith is hereby appointed Economic Development Commission Advisor, 1 year term expiring December 31, 2008.

14. **RESOLUTION #08-6-174 - AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO CONDUCT A SELF-EXAMINATION OF THE 2008 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 2008 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. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Fay and carried on the following:

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

15. ORDINANCE #08-1286 - Spring Hill Road Reconstruction Property Acquisition - Public Hearing

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF  
PROPERTY REQUIRED TO FACILITATE THE RECONSTRUCTION  
OF SPRING HILL ROAD IN THE TOWNSHIP OF MONTGOMERY.

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

B-2. Mohammed Kilany, Spring Hill Road, spoke about the fact that the people who lived on Spring Hill Road were not given the opportunity to learn of the final changes that have been introduced to the design and what was supposed to take place.

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 5<sup>TH</sup> day of June, 2008 and that notice thereof be published in an official newspaper as required by law.

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

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

16. ORDINANCE #08-1287 - Defining Eligibility for Defined Contribution Retirement Program (DCRP) - Public Hearing

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

AN ORDINANCE TO SET FORTH THE DETERMINATION OF THE  
GOVERNING BODY CONCERNING ELIGIBILITY FOR THE  
DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP)  
PURSUANT TO CHAPTER 92 OF THE LAWS OF 2007.

B. Mayor Birge opened the hearing to the public. There being no comment, Committeewoman Wilson 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 5<sup>TH</sup> day of June, 2008 and that notice thereof be published in an official newspaper as required by law.

16-1. Deputy Mayor Fay moved the adoption of the foregoing resolution. The motion was seconded By Committeewoman Wilson and carried on the following:

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

17. ORDINANCE #08-1288 - Container Facility Fee - Public Hearing

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

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF  
MONTGOMERY (1984) TO ESTABLISH CONTAINER FACILITY  
FEES.

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

B-2. Mohammed Kilany, Spring Hill Road, spoke on his displeasure of this ordinance.

B-3. Sarah Roberts, Harlingen Road, voiced her approval of this ordinance and the fees charged.

B-4. Committeeman Caliguire moved the that the public hearing be closed. The motion was seconded by Committeewoman Wilson and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 5<sup>TH</sup> day of June, 2008 and that notice thereof be published in an official newspaper as required by law.

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

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

18. ORDINANCE #08-1289 - BOND - Spring Hill Road Reconstruction Project - Public Hearing

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

BOND ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR THE SPRING HILL ROAD RECONSTRUCTION PROJECT TO BE UNDERTAKE JOINTLY WITH THE TOWNSHIP OF EAST AMWELL, APPROPRIATING \$2,184,413 THEREFOR, INCLUDING \$200,000 EXPECTED TO BE RECEIVED BY THE TOWNSHIP OF MONTGOMERY AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT AND \$260,360 TO BE PROVIDED BY THE TOWNSHIP OF EAST AMWELL, (INCLUDING THEIR \$120,000 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT), AND AUTHORIZING THE ISSUANCE OF \$2,184,413 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

B-2. Mohammed Kilany, Spring Hill Road, asked the actual cost of the reconstruction project.

B-3. Committeewoman Wilson moved that the public be closed. The motion was seconded by Deputy Mayor Fay and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance, as amended, be hereby adopted this 5<sup>th</sup> day of June, 2008 and that the ordinance and proper 20-day statement be published in an official newspaper as required by law.

18-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Fay and carried on the following:

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

19. ORDINANCE #08-1290 - LDO - Zoning Permits - Introduction

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

AN ORDINANCE AMENDING SUBSECTIONS 16-9.1.a "FEES" AND 16-10.3 "ENFORCEMENT" OF CHAPTER XVI, "LAND DEVELOPMENT," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY, CONCERNING ZONING PERMITS.

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 19, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

19-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Fay and carried on the following:

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

20. APPROVAL OF MINUTES

20-1. Committeeman Caliguire moved the adoption of the Regular Session minutes of February 21, 2008. The motion was seconded by Deputy Mayor Fay and carried unanimously.

20-2. Deputy Mayor Fay moved the adoption of the Regular Session minutes of March 6, 2008. the motion was seconded by Committeewoman Wilson and carried on the following:

**ROLL CALL:** Ayes - Fay, Wilson, Birge  
Nays - None  
Absent - Joye  
Abstain - Caliguire

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 Wilson and carried on the following:

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

22. **CHESS PARK AT SKILLMAN VILLAGE**

Mayor Birge spoke about a request from the Recreation Director to have a Chess Park at Skillman Village. She stated that her proposal was to ask them to work with the developers.

Committeewoman Wilson said that it would be placed on a list of things that the developer should be aware of that are expected to be on the site.

**ADJOURNMENT** was at 9:40 p.m. on a motion by Committeewoman Wilson, seconded by Deputy Mayor Fay and carried unanimously.

Date of Approval:

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