

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE  
June 19, 2008

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:           Committeemembers Wilson, Caliguire and Joye  
                                  Mayor Birge arrived at 7:40 p.m.  
                                  Deputy Mayor Fay was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Committeewoman 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. Committeewoman Wilson led the salute to the flag.

4. **RESOLUTION HONORING SARA LEROY ON HER RETIREMENT FROM KID CONNECTION**

WHEREAS, After 19 years of dedicated service to Montgomery Township, Sara LeRoy will be retiring on June 20, 2008; and

WHEREAS, During her tenure, Sara has brought the utmost professionalism to her position as Kid Connection Assistant Teacher as she performed countless services, mostly unknown and unheralded in the course of a normal school day; and

WHEREAS, During her years of faithful service, Sara has earned the admiration and respect of her Kid Connection co-workers and parents, for her caring and loving attention to her students and her deep concern for their well-being.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby recognizes the contribution made by this most valued employee and extends its sincere best wishes for a healthful, happy, and well-deserved retirement.

- 4-1. Committeeman Joye moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried unanimously.

5. **RESOLUTION #08-6-175 - AUTHORIZING LIEUTENANT PROMOTIONAL PROCESS**

BE IT RESOLVED That the Montgomery Township Committee approves a promotional process to select a candidate or candidates for the position of Lieutenant of Police for the Montgomery Township Police Department.

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

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

6. **RESOLUTION #08-6-176 - EXTENDING POLICE DIRECTOR'S CONTRACT**

BE IT RESOLVED That the Montgomery Township Committee hereby extends the Police Director's current contract through July 10, 2008.

- 6-1. Committeeman Joye moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

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

7. **PUBLIC COMMENT**

- 7-1. Mohammed Kilany, Spring Hill Road, spoke about the amount of the PSE&G bill and the need for metering of the facilities at the NPDC site.

8. **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 #08-6-177 - REFUND OVERPAID TAX LIEN REDEMPTION**

BE IT RESOLVED That a check in the amount of \$40.00 be given to America's Servicing Company, Mac X2301-02D, P.O. Box 14506, Des Moines, IA 50306-3429, Attn: Justin O'Conner for the overpayment of the redemption for Tax Sale Certificate #2006-11 on Block 30002, Lot 78. The overpayment is a result of double posting a \$40.00 recording fee to the tax lien.

B. **RESOLUTION #08-6-178 - REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS, The Township has received payment for the redemption of Tax Sale Certificate #2006-11 in the amount of \$6,646.29.

BE IT RESOLVED That a check in the amount of \$6,646.29 has been given to American Tax Funding, LLC., P.O. Box 862658, Orlando, FL 32886-2658 for the redemption of Tax Sale Certificate #2006-11 on block 30002, Lot 78.

C. **RESOLUTION #08-6-179 - RAFFLE LICENSE #651 - St. Charles Borromeo**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for St. Charles Borromeo to conduct a Raffle under License #651 on September 17, 2008 at 47 Skillman Road, Skillman, NJ. The time for this Raffle will be approximately 12:30 p.m.

D. **RESOLUTION #08-6-180 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) - Block 29001, Lot 4 (Bristol-Myers Squibb Company)**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection related to an Alteration of Wastewater Treatment/Disposal System for Block 29001, Lot 4.

E. **RESOLUTION #08-6-181 - APPROVAL OF SEWER PARTICIPATION AGREEMENT FOR ADDITIONAL CAPACITY - Rajendar and Rajini Reddy (Block 37004, Lot 6.25)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with Rajendar and Rajini Reddy related to additional capacity in the Stage II Sewage Treatment Plant for Block 37004, Lot 6.25.

F. **RESOLUTION #08-6-182 - APPROVING PROFESSIONAL SERVICES AGREEMENT - Cuyler Burk, LLC Legal Services for Purchase, Remediation and Redevelopment of NPDC**

WHEREAS, The Township of Montgomery seeks to retain the services of a law firm with extensive experience in the area of environmental law to render professional legal services on behalf of the Township in connection with the Township's purchase, remediation and redevelopment of the North Princeton Developmental Center located in Montgomery Township; 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

WHEREAS, The law firm of Cuyler Burk, LLP has submitted a proposal dated June 18, 2008 to provide these services on the Township's behalf; and

WHEREAS, Cuyler Burk, LLP 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 Cuyler Burk, LLP 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 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 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:

(CONSENT AGENDA Item F Cont.)

1. The law firm of Cuyler Burk, LLP, located in Parsippany, New Jersey, is hereby appointed to serve as special environmental counsel to the Township in matters related to the purchase, remediation and redevelopment of the North Princeton Developmental Center located in Montgomery Township.
2. Cuyler Burk, LLP shall be paid for legal services rendered on an hourly basis ranging from \$375.00 to \$150.00 per hour and paralegal services at a rate of \$75.00 per hour. Cuyler Burk, LLP shall also be reimbursed for actual disbursements necessary to undertake these services. The term of the agreement shall terminate one year after its execution or when the services are no longer required by the Township, whichever occurs first.
3. The Mayor and Clerk are authorized and directed to execute an agreement with Cuyler Burk, LLP for the provision of professional legal services consistent herewith. The terms of the agreement shall be subject to the approval of the Township Attorney.
4. A copy of this Resolution, the Certification of Contract Value, 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.

G. **RESOLUTION #08-6-183 - RELEASE OF PERFORMANCE GUARANTEE - Steve Foxx - Block 15013, Lot 25.01**

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WHEREAS, On June 6, 2008, Gail Smith, Township Engineer, recommended the release of the cash Performance Guarantee to Steve Foxx because all landscaping work has been satisfactorily completed with respect to 258 Sunset Road (Block 15013, Lot 25.01).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Performance Guarantee in the amount of \$5,450.00 be released to Steve Foxx, 258 Sunset Road, Skillman, NJ 08558.

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

H. **RESOLUTION #08-6-184 - 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.**

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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. 2006); 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:

(CONSENT AGENDA Item H Cont.)

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 July 1, 2008, and ending on or about September 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 July 1, 2008, and September 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
  - Morrow Road
  - Strecher Road
  - Industrial Road
  - Wilson Drive
  - Dungan Drive
3. The northern portion of Larouque Circle and the portion of Main Blvd. East between Burnt Hill Road and Maplewood Drive will be closed approximately between June 24, 2008, and July 31, 2008.
4. The southern portion of Larouque Circle will be closed from approximately August 1, 2008, to August 31, 2008.
5. 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.
6. 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.
7. This resolution supercedes Resolution #08-6-172, adopted June 5, 2008.
8. This regulation shall take effect upon approval of the Commissioner of the Department of Transportation.

I. **RESOLUTION #08-6-185 - AUTHORIZING APPLICATION FOR THE SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDER'S YOUTH ATHLETIC AND RECREATION FACILITY GRANT PROGRAM**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor is hereby authorized to execute a Somerset County Youth Athletic and Recreation Facility Grant application for the rehabilitation and renovation of the Softball and Lacrosse Fields at Van Horne Park.

J. **RESOLUTION #08-6-186 - OPPOSING PROPOSED ASSEMBLY BILL A2867 (AND IDENTICAL SENATE BILL S1919) KNOWN AS THE "PERMIT EXTENSION ACT OF 2008"**

WHEREAS, On May 19, 2008, Assembly Bill A2867 known as the "Permit Extension Act of 2008", was introduced by New Jersey State Assemblyman Louis Greenwald (D-6), sponsored by Assemblyman Peter Biondi (D-16), co-sponsored by Assemblywoman Denise Coyle (D-16) (with identical Senate Bill No. S1919 introduced in the New Jersey Senate by NJ State Senator Paul Sarlo [D-36] and Senator Jeff Van Drew [D-1], co-sponsored by Senator Christopher Bateman [D-16]) (the "Act"); and

WHEREAS, The Act, as introduced, declares that there exists - from the period of January 1, 2006 and continuing through to December 31, 2012, a state of economic emergency in the State of New Jersey, particularly a crisis in the banking, real estate and constructions sectors, and declares that as a result of the crisis real estate and industrial developers have experienced an industry-wide decline. The Act finds that a "myriad of new regulations with regard to environmental protection have significantly increased" costs of development, in addition to other findings regarding development costs and the permitting and approval process; and

WHEREAS, The Act purports to address New Jersey's state of economic emergency by automatically suspending the running of the period of approvals - tolling the period of time when an affected government or agency- issued permit or approval would otherwise expire, including extending certain approvals that have already expired. The proposed permit extension would extend the expiration of approvals at least through December 31, 2012, and certain approvals up to two years thereafter; and

WHEREAS, Although it is commendable that the New Jersey Legislature would seek proactively to recognize and address a state of economic emergency, the proposed Permit Extension Act of 2008 is ineffectual to accomplish its stated purposes of preventing a waste of public and private resources, fails to address any such economic emergency or provide any economic stimulus benefit, improperly interferes with the powers and authorities of local municipalities, and may in fact result in a severe detrimental impact upon the environment and the general public health, safety and wellbeing by allowing projects with expired approvals, or stalled projects with approvals set to expire, to avoid having to comply with subsequent changes in environmental law, public health standards, building codes or local zoning; and

(CONSENT AGENDA Item J Cont.)

WHEREAS, It is the steadfast and earnest opinion of the Montgomery Township Committee that the proposed Act is neither beneficial nor in the best interests of the citizens of Montgomery Township, and, rather than providing an economic benefit, would adversely impact the residents of this State.

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

1. The Montgomery Township Committee strongly opposes Assembly Bill A-2867 (and identical Senate Bill No. S-1919) known as the "Permit Extension Act of 2008", as introduced.
2. The Montgomery Township Committee urges its State Legislators to oppose the Permit Extension Act of 2008.
3. The Montgomery Township Committee urges its State Legislators and the Governor to consider and propose better options for addressing a state of economic emergency and providing a benefit to the citizens of this State at large, rather than relying upon the presently proposed extension of permits and approvals to the benefit of developers.
4. The Town Clerk is authorized and directed to forward a copy of this Resolution to Assemblyman Denise Coyle, Assemblyman Peter J. Biondi, Senator Christopher "Kip" Bateman, the Office of Governor Jon Corzine, the NJ State League of Municipalities, and to the clerks of all municipalities within Somerset County.

**K. RESOLUTION #08-6-187 - AMENDING 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**

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BE IT RESOLVED That Resolution #08-6-172, adopted on June 5, 2008, approving a grant application to the New Jersey Department of Transportation in the amount of \$5,000.00 for the Historic Bridge Preservation Program be amended to reflect a grant application in the amount of \$50,000.00.

- 8-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

**9. RESOLUTION #08-6-188 - RATIFYING CHANGE ORDER NO. 1 AND AMENDMENT TO JUNE 16, 2005 AGREEMENT WITH JM SORGE, INC. IN CONNECTION WITH ENVIRONMENTAL SUPPORT SERVICES AT THE NORTH PRINCETON DEVELOPMENTAL CENTER SITE (NPDC)**

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WHEREAS, Pursuant to a duly adopted Resolution, in accordance with the New Jersey Local Public Contracts Law, the Township of Montgomery entered into an agreement with JM Sorge, Inc., Environmental Consultants, 50 County Line Road, Somerville, NJ 08876 ("Sorge") on June 16, 2005 for purposes of assisting the Township with evaluation of proposals and vendor negotiations in connection with the environmental remediation of NPDC ("June 16, 2005 Agreement"); and

WHEREAS, The June 16, 2005 Agreement, awarded as an extraordinary, unspecifiable service contract, provided for a not-to-exceed contract amount of \$100,000.00 and term of one year; and

WHEREAS, As explained in Resolution No. 08-6-152, adopted June 5, 2008, during the course of execution of the services under said Agreement, Sorge performed certain additional work at the Township's request and the Township Committee authorized the expenditure of funds for said additional work prior to the approval of a formal change order authorizing same; and

WHEREAS, As explained in the Township Administrator's June 19, 2008 memorandum, the expenditure of funds for said additional work exceeded the June 16, 2005 Agreement's contract amount by \$77,680.65; and

WHEREAS, Also as more fully set forth in Resolution No. 08-6-152, the Township Committee now seeks to correct said inadvertent error by ratifying Change Order No. 1, which will formally authorize Sorge's performance of said additional work under the June 16, 2005 Agreement and payment of the additional \$77,680.65 in funds made for same, thereby increasing the total not-to-exceed contract amount to \$177,680.65; and

WHEREAS, As further explained in the Township Administrator's June 19, 2008 memorandum, some of said additional work was completed between May 1, 2005 and January 31, 2007, and therefore, was completed before and after the contract term set forth in the June 16, 2005 Agreement; and

WHEREAS, The Township Administrator has also advised the Township Committee that some of said additional work involved Sorge's providing services to the Township not specifically within the scope of work identified in the June 16, 2005 Agreement, including providing assistance to the Township with its: negotiations with the State of New Jersey; consideration of plans for redevelopment of NPDC; and preparation for demolition of buildings at NPDC; and

(Item #9 Cont.)

WHEREAS, The Township Administrator has also requested that the Township Committee ratify an amendment to the June 16, 2005 Agreement for purposes of revising its term so it would extend from May 1, 2005 to January 31, 2007 and expanding the scope of Sorge's authorized services to include providing general advice and consultation to the Township on technical environmental matters in connection with the Township's acquisition of NPDC, including but not limited to assistance with the Township's: negotiations with the State of New Jersey; consideration of plans for redevelopment of NPDC; and preparation for demolition of buildings at NPDC; and

WHEREAS, At all times during the course of this work Sorge performed the services in an effective and efficient manner; and

WHEREAS, The Chief Financial Officer has certified that funds for the additional expenditure of \$77,680.65 were available from Bond Ordinance No. 05-1189, adopted July 21, 2005.

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

1. For the reasons set forth above and in the Township Administrator's June 19, 2008 memorandum, which reasons are incorporated herein as if fully restated, Change Order No. 1 and an amendment to the June 16, 2005 Agreement are hereby ratified for purposes of:
  - a. Increasing the total contract amount of the June 16, 2005 Agreement from \$100,000.00 to \$177,680.65; and
  - b. Revising the term of the June 16, 2005 Agreement so it began on May 1, 2005 and ended on January 31, 2007, thereby extending the term by an additional nine months; and
  - c. Expanding the authorized scope of work to include Sorge's providing general advice and consultation to the Township on technical environmental matters in connection with the Township's acquisition of NPDC, including but not limited to assistance with the Township's: negotiations with the State of New Jersey; consideration of plans for redevelopment of NPDC; and preparation for demolition of buildings at NPDC.
2. This Resolution, when countersigned by JM Sorge, Inc., shall serve as an amendment to the original June 16, 2005 Agreement for the purpose of confirming the aforesaid Change Order No. 1 and revisions to said Agreement.
3. The remaining terms and conditions of the June 16, 2005 Agreement not inconsistent herewith shall remain in full force and effect and shall be unaffected by Change Order No. 1 and the amendment as described herein.
4. The Township Clerk is hereby directed to forward a certified copy of this Resolution to the Division of Local Government Services.

9-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

10. **RESOLUTION #08-6-189 - RATIFYING CHANGE ORDER NO. 1 AND AMENDMENT TO AGREEMENT WITH JM SORGE, INC. IN CONNECTION WITH TECHNICAL ENVIRONMENTAL SUPPORT DURING DEMOLITION OF BUILDINGS AT THE NORTH PRINCETON DEVELOPMENTAL CENTER SITE (NPDC)**

WHEREAS, Pursuant to a duly adopted Resolution, in accordance with the New Jersey Local Public Contracts Law, the Township of Montgomery entered into an agreement with JM Sorge, Inc., Environmental Consultants, 50 County Line Road, Somerville, NJ 08876 ("Sorge") on December 7, 2006 for purposes of providing technical support services to the Township with respect to environmental issues arising during the Township's demolition of buildings at NPDC ("Demolition Support Agreement"); and

WHEREAS, The Demolition Support Agreement, awarded as an extraordinary, unspecifiable service contract, provided for a not-to-exceed contract amount of \$150,000.00 and a term of one year from its effective date (January 23, 2007), or until the services were completed, whichever occurred first; and

WHEREAS, As explained in Resolution No. 08-6-152, adopted June 5, 2008, Sorge performed certain additional work under the Demolition Support Agreement at the Township's request and the Township Committee authorized the expenditure of funds for said additional work prior to the approval of a formal change order authorizing same; and

WHEREAS, As explained in the Township Administrator's June 19, 2008 memorandum, the expenditure of funds for said additional work exceeded the Demolition Support Agreement's contract amount by \$214,622.71; and

WHEREAS, Also as more fully set forth in Resolution No. 08-6-152, the Township Committee now seeks to correct said inadvertent error by ratifying Change Order No. 1, which will formally authorize Sorge's performance of said additional work under the Demolition Support Agreement and payment of the additional \$214,622.71 in funds made for same, thereby increasing the total not-to-exceed contract amount to \$364,622.71; and

WHEREAS, As further explained in the Township Administrator's June 19, 2008 memorandum, work under the Demolition Support Agreement began on or about December 16, 2006, which was prior to its January 23, 2007 effective date and commencement of the contract term, and work was completed on or about December 31, 2007; and

(Item #10 Cont.)

WHEREAS, The Township Administrator has also requested that the Township Committee ratify an amendment to the Demolition Support Agreement for purposes of changing its effective date to December 7, 2006 and extending its term so it would continue until December 31, 2007; and

WHEREAS, At all times during the course of this work Sorge performed the services in an effective and efficient manner; and

WHEREAS, The Chief Financial Officer has certified that funds for the additional expenditure of \$214,622.71 were available from Bond Ordinance No. 05-1189, adopted July 21, 2005.

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

1. For the reasons set forth above and in the Township Administrator's June 19, 2008 memorandum, which reasons are incorporated herein as if fully restated, Change Order No. 1 and an amendment to the Demolition Support Agreement are hereby ratified for purposes of:
  - a. Authorizing the payment of \$214,622.71 previously made to Sorge for completion of additional services under the Demolition Support Agreement, thereby increasing said Agreement's total not-to-exceed contract amount to \$364,622.71; and
  - b. Revising said Agreement so its effective date was December 7, 2006 and its term continued until December 31, 2007, thereby extending the term by less than one month.
2. This Resolution, when countersigned by JM Sorge, Inc., shall serve as an amendment to the original Demolition Support Agreement for the purpose of confirming the increase in the total not-to-exceed contract amount to \$364,622.71 and revised contract term of December 7, 2006 to December 31, 2007.
3. The remaining terms and conditions of the Demolition Support Agreement not inconsistent herewith shall remain in full force and effect and shall be unaffected by Change Order No. 1 and the amendment as described herein.
4. The Township Clerk is hereby directed to forward a certified copy of this Resolution to the Division of Local Government Services.

10-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

11. **RESOLUTION #08-6-190 - RATIFYING CHANGE ORDER NO. 1 AND AMENDMENT AND APPROVING CHANGE ORDER NO. 2 TO AGREEMENT WITH JM SORGE, INC. IN CONNECTION WITH OVERSIGHT OF ENVIRONMENTAL REMEDIATION AT THE NORTH PRINCETON DEVELOPMENTAL CENTER SITE (NPDC)**

WHEREAS, Pursuant to a duly adopted Resolution, in accordance with the New Jersey Local Public Contracts Law, the Township of Montgomery entered into an agreement with JM Sorge, Inc., Environmental Consultants, 50 County Line Road, Somerville, NJ 08876 ("Sorge") on December 7, 2006 for purposes of providing technical environmental oversight to ensure that the environmental remediation conducted pursuant to the Guaranteed Fixed Price Environmental Liability Transfer Agreement between the Township and Weston Solutions, Inc. complies with the New Jersey Department of Environmental Protection's and Township's requirements ("Oversight Agreement"); and

WHEREAS, The Oversight Agreement, awarded as an extraordinary, unspecifiable service contract, provided for a not-to-exceed contract amount of \$100,000.00 and a term of two years from its effective date (January 23, 2007 to January 22, 2009); and

WHEREAS, As explained in Resolution No. 08-6-152, adopted June 5, 2008, Sorge performed certain additional work under the Oversight Agreement at the Township's request and the Township Committee authorized the expenditure of funds for said additional work prior to the approval of a formal change order authorizing same; and

WHEREAS, As explained in the Township Administrator's June 19, 2008 memorandum, the expenditure of funds for said additional work exceeded the Oversight Agreement's contract amount by \$191,026.88 for services completed through April 30, 2008; and

WHEREAS, Also as more fully set forth in Resolution No. 08-6-152, the Township Committee now seeks to correct said inadvertent error by ratifying Change Order No. 1, which will formally authorize Sorge's performance of said additional work under the Oversight Agreement and payments for same through April 30, 2008, thereby increasing the contract amount by \$191,026.88; and

WHEREAS, As further explained in the Township Administrator's June 19, 2008 memorandum, work under the Oversight Agreement began on or about December 16, 2006, which was prior to its January 23, 2007 effective date and commencement of the contract term; and

WHEREAS, The Township Administrator has also requested that the Township Committee ratify an amendment to the Oversight Agreement for purposes of changing its effective date to December 7, 2006 and extending its term to continue until its original end date of January 22, 2009; and

(Item #11 Cont.)

WHEREAS, The Township Administrator has also advised the Township Committee that the Township continues to be in need of technical environmental oversight of the environmental remediation at NPDC and accordingly has requested that the Township Committee approve a second change order (Change Order No. 2) for purposes of increasing the Oversight Agreement's contract amount by an additional \$114,973.12 to enable Sorge to perform these necessary services through the end of the contract term; and

WHEREAS, Ratification of Change Order No. 1 and approval of Change Order No. 2 would increase the Oversight Agreement's total not-to-exceed contract amount to \$406,000.00; and

WHEREAS, At all times during the course of this work Sorge has performed the services in an effective and efficient manner; and

WHEREAS, The Chief Financial Officer has certified that funds for the additional expenditure of \$306,000.00 were and are available from Bond Ordinance No. 05-1189, adopted July 21, 2005.

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

1. For the reasons set forth above and in the Township Administrator's June 19, 2008 memorandum, which reasons are incorporated herein as if fully restated, Change Order No. 1 and an amendment to the Oversight Agreement are hereby ratified for purposes of:
  - c. Authorizing the payment of \$191,026.88 previously made to Sorge for completion of additional services through April 30, 2008 under the Oversight Agreement; and
  - b. Revising said Agreement so its effective date was December 7, 2006 and its term continues until January 22, 2009, thereby extending the term by less than two months.
2. Also for the reasons set forth above and in the Township Administrator's June 19, 2008 memorandum, which reasons are incorporated herein as if fully restated, Change Order No. 2 is hereby approved for purposes of authorizing the payment of additional costs up to \$114,973.12 to be made to Sorge for completion of additional services under the Oversight Agreement through the end of its term, January 22, 2009.
3. The Oversight Agreement's total not-to-exceed contract amount, including both Change Orders No. 1 and 2, is increased to \$406,000.00.
4. This Resolution, when countersigned by JM Sorge, Inc., shall serve as an amendment to the original Oversight Agreement for the purpose of confirming the increase in the total not-to-exceed contract amount to \$406,000.00 and revised contract term of December 7, 2006 to January 22, 2009.
5. The remaining terms and conditions of the Oversight Agreement not inconsistent herewith shall remain in full force and effect and shall be unaffected by Change Order Nos. 1 and 2 and the amendment as described herein.
6. The Township Clerk is hereby directed to forward a certified copy of this Resolution to the Division of Local Government Services.

11-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

12. **RESOLUTION #08-6-191 - ABC LICENSE #1813-44-001-008 -**  
**NTS&K, Inc. (Towne Wine & Liquor)**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-44-001-008 for Towne Wine & Liquor:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-44-001-008 is hereby granted for the year 2008-2009.

12-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

13. **RESOLUTION #08-6-192 - ABC LICENSE #1813-33-003-004 - Princeton Innkeepers, Inc. (Tiger's Tale)** \_\_\_\_\_

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-003-004 for Tiger's Tale:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-003-004 is hereby granted for the year 2008-2009.

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

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

14. **RESOLUTION #08-6-193 - ABC LICENSE #1813-31-004-001 - Bedens Brook Country Club**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-004-001 for Bedens Brook Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-004-001 is hereby granted for the year 2008-2009.

14-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

15. RESOLUTION #08-6-194 - ABC LICENSE #1813-31-005-001 - Princeton BPO Elks #2129

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-005-001 for Princeton BPO Elks #2129

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-005-001 is hereby granted for the year 2008-2009.

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

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

16. RESOLUTION #08-6-195 - ABC LICENSE #1813-31-006-001 - Montgomery Tennis Patrons Association (Nassau Racquet & Tennis Club)

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-006-001 for Nassau Racquet & Tennis Club

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-006-001 is hereby granted for the year 2008-2009.

16-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

17. ORDINANCE #08-1290 - LDO - Zoning Permits - Public Hearing

A. Committeewoman Wilson 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. The Clerk read the following report from the Planning Board:

"On June 9, the Planning Board reviewed the aboverferenced ordinance. The Board recommended adoption."

C. Committeewoman Wilson opened the hearing to the public. There being no comment, Committeeman Caliguire moved to close the public hearing. The motion was seconded by Committeeman Joye and carried unanimously.

D. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 19<sup>TH</sup> day of June, 2008 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 Joye and carried on the following:

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

18. **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.

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

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

19. **RESOLUTION #08-6-198 - REGARDING PUBLIC HEARING OF THE 2008 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 2008 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 2008 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.

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

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

20. **RESOLUTION #08-6-196 - ABC LICENSE #1813-31-008-001 - Cherry Valley Country Club**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-008-001 for Cherry Valley Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-008-001 is hereby granted for the year 2008-2009.

20. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

21. **RESOLUTION #08-6-197 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2008 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2008 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body;

NOW, THEREFORE, BE IT RESOLVED, By confirmation of two-thirds of the full governing body, that the Temporary Chief Finance Officer is authorized to adjust the temporary emergency appropriations as follows:

SCIA Loans	
Other Expenses	-169,000.00

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

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

22. **2008 MUNICIPAL BUDGET - Public Hearing**

a-1. Committeewoman Wilson moved to open the hearing to the public. The motion was seconded by Committeeman Joye and carried unanimously.

a-2. Mohammed Kilany, Spring Hill Road, spoke of his displeasure that the budget was not presented to the people in full.

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

23. **RESOLUTION #08-6-199 - ADOPTION OF THE 2008 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 \$27,950,661.53 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	\$ 5,000,300.00
	Miscellaneous Revenue Anticipated	11,162,660.56
	Receipts from Delinquent Taxes	500,000.00
(2)	AMOUNT TO BE RAISED BY TAXATION FOR	
	MUNICIPAL PURPOSES	<u>11,287,700.97</u>
	TOTAL REVENUES	\$27,950.661.53
(3)	GENERAL APPROPRIATIONS	
	Within "CAPS"	
	Operations Including contingent	\$16,122,786.70
	Deferred Charges and Statutory	
	Expenditures - Municipal	723,400.00
	Excluded from "CAPS"	
	Operations - Total Operations	
	Excluded from "CAPS"	2,285,294.00
	Capital Improvements	332,525.00
	Municipal Debt Service	4,946.029.06
	Reserve for Uncollected Taxes	<u>3,540,626.77</u>
	TOTAL APPROPRIATIONS	\$27,950,661.53

23-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

24. **MUNICIPAL BUDGET**

Ray Hunt, Hollow Road, expressed his displeasure about the 2008 Municipal Budget and the increase in the taxes.

Bill Randolph, Boulder Brook Court, voiced his displeasure of the 2008 Municipal Budget and the tax increase. He also asked about the status of the planning for the town, including Skillman Village and Madison Marquette.

Richard Torre, Symes Drive, commented on the budget.

**ADJOURNMENT** was at 8:25 p.m. on a motion by Committeeman Caliguire, seconded by Committeeman Joye and carried unanimously.

Date of Approval:

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