

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 1, 2010

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: Deputy Mayor Dyer, Committeemembers Wilson and Fay
Mayor Caliguire (after Item #8)
Committeeman Carter was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Deputy Mayor Dyer 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. Deputy Mayor Dyer led the Salute to the Flag.

4. **PURCHASE OF PUBLIC WORKS VEHICLE**

Frank Drift, Sunset Road, stated that he understood that the Public Works Department was getting another vehicle. He was concerned about this as the Township, he thought, was trying to control the budget and spending. He didn't understand why they needed this vehicle as they have so many vehicles now that are not being used.

5. **ROADS REPAIRS**

Frank Drift, Sunset Road, spoke about the repair of Sunset Road, which happened many years ago and asked why the Township couldn't repair more roads in the same fashion.

6. **SCHOOL BUDGET**

Frank Drift, Sunset Road, spoke about the School Budget. He stated that the Township Committee had their opportunity to do something. He felt the Township Committee ought to be ashamed of themselves for a tie vote. The voters spoke and he felt the Township Committee should be doing what the voters want.

7. **COAH HOUSING**

Frank Drift, Sunset Road, spoke about his understanding that Tapestry wanted to include some non-age restricted units and asked why the Township would even consider this change. This was not fair for the people who are there and bought with the understanding that it was a 55 and over age-restricted development.

8. **TOWNSHIP BUILDING DEPARTMENT**

Frank Drift, Sunset Road, spoke about building permits, inspections and the attitude of the Township Building Department. He stated that there were some really good people in the Township's employ, but there were some that had very bad attitudes. The Township needs to address this issue. He was very upset and curious about the fact that building inspections are being delayed. He suggested Administration look into putting people back on full-time status if they are really that busy, or look into the possible games being played.

Committeewoman Wilson stated that the Township was in the process of looking into Shared Services for Building Inspections.

9. **MILLSTONE VALLEY PRESERVATION COALITION**

Liz Palius, River Road, gave the Township Committee the final copy of Corridor Management Plan which contained all of the endorsements. It was the hope of the Scenic Byway Program that each of the partners will bring themselves up to date with the current document and incorporate the goals of the document into the Master Plan. The Scenic Byway Program is not a rule-making and regulation kind of program, the regulation and enforcement of the Corridor Management Plans comes at the local level by putting the goals of the plan into the Master Plan. It was the hope of the Millstone Valley Preservation Coalition that there will be more municipal input. A Corridor Advisory Committee is needed, consisting of two members from each of the partners. There would be at least four meetings to discuss goals.

She thanked the Township Committee for their letter to Somerset County asking for a reduction of the speed limit on River Road. She felt this was necessary as people would be traveling this road to see the scenic byway. Some people would be walking, some biking, some driving cars, and some might even be on horseback. She also felt that River Road should be restored to what it once was.

Committeewoman Wilson asked about removing the extremely invasive Ailanthus trees, as suggested by the Open Space Committee, the Environmental Commission, and the Shade Tree Committee. Ms. Palius was in favor of this.

(Item #9 Cont.)

Ms. Palius spoke about the old River Road, which was slightly realigned between the Griggstown Causeway and Staats Farm Road. The original roadway was unpaved and it still exists about 10-20 feet below the existing road on the river side. In 1933 the County took part of the slope going down to the river, pushed it down a little further and made a new road, which is 10-15 feet higher than the old road and out of the flood plain. The original road is still there, and there are still some concrete guardrails and some other artifacts there. There was thought of clearing the old road and using as a walking trail for the scenic byway. She stated that the clearing would make a good Boy Scout project.

10. **SCHOOL BUDGET**

Eric Weitze, Viburnum Drive, spoke about the school budget and a letter which was written by Committeewoman Wilson to the Princeton Packet. He stated that it was his opinion that her negative vote was a political issue. He asked Committeeman Fay about his "change of heart" on the vote.

Committeeman Fay responded that the sub-committee was formed as a work group, not a decision making body. He felt everyone on the sub-committee was struck by the level of difficulty in finding substantial cuts in a quite tight budget. It is quite well known throughout the State that the process that we have for reviewing school budgets after they are defeated is a difficult one. He was very concerned that there would be no public comment on the recommendations before there was a vote by the Township Committee, and that Montgomery was going to vote after Rocky Hill had voted.

Committeewoman Wilson stated that the residents of this town send about \$70 million in income taxes to Trenton every year. The Township gets back \$353 per pupil for the school students and very little support back. She stated that all of the members of the Township Committee wanted there to be very substantial cuts in the budget and the outcome based on the County Executive Superintendent's recommendation and the decisions made in Trenton will provide for a low rate increase on the school side.

11. Mayor Caliguire arrived.

12. **RESOLUTION #10-7-155 - 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 2010-2011.

12-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

13. **MAYORAL APPOINTMENTS - ENVIRONMENTAL COMMISSION**

Hema Malini Waghray is hereby appointed Environmental Commission Alternate I, two-year term expiring December 31, 2011.

Bhawna Goel is hereby appointed Environmental Commission Advisor, one-year term expiring December 31, 2010.

14. **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 #10-7-156 - REFUND OVERPAID 2010 TAXES**

BE IT RESOLVED That a refund in the amount of \$3,167.11 be given to Core Logic, Attn: Joseph Willis-Tax Recoveries Dept., 1 Core Logic Drive, Westlake, TX 76262 for the overpayment of 2010 taxes on Block 21006, Lot 9.

B. **RESOLUTION #10-7-157 - REFUND OVERPAID 2006 SEWER CHARGES**

BE IT RESOLVED That a refund in the amount of \$299.73 be given to Montgomery Hills Development, LLC, c/o RCP Management, 30 Wall Street, Princeton, NJ 08540 for the overpayment of 2006 sewer charges on Block 37003, Lot 6.782 CONDO.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #10-7-158 - AUTHORIZING EXECUTION OF GRANT APPLICATION WITH DIVISION OF HIGHWAY TRAFFIC SAFETY - Over the Limit Under Arrest 2010 Statewide Crackdown**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services to enter into a grant application with the New Jersey Division of Highway Traffic Safety for Over the Limit Under Arrest 2010 Statewide Crackdown.

D. **RESOLUTION #10-7-159 - SUPPORTING THE OVER THE LIMIT UNDER ARREST 2010 STATEWIDE CRACKDOWN**

WHEREAS, Impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 31% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, An enforcement crackdown is planned to combat impaired driving; and

WHEREAS, The summer season and the Labor Day Holiday in particular are traditionally times of social gatherings which often include alcohol; and

WHEREAS, The State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the Over the Limit Under Arrest 2010 Statewide Crackdown; and

WHEREAS, The project will involve increased impaired driving enforcement from August 20 through September 6, 2010; and

WHEREAS, An increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery declares it's support for the Over the Limit Under Arrest 2010 Statewide Crackdown from August 20 through September 6, 2010 and pledges to increase awareness of the dangers of drinking and driving.

E. **RESOLUTION #10-7-160 - TO INCREASE THE BID THRESHOLD**

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed; and

WHEREAS, The Township of Montgomery desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the bid threshold is increased to \$36,000.

F. **RESOLUTION #10-7-162 - AMENDING RESOLUTION #10-6-154 - ADOPTING AN AMENDMENT TO THE MEDICAL BENEFITS SECTION OF THE TOWNSHIP OF MONTGOMERY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, By Resolution #10-6-154, the Township Committee adopted an amendment to the medical benefits section of the Township Personnel Policies and Procedures Manual; and

WHEREAS, Section 1-A incorrectly stated that "all Township employees not members of a collective bargaining unit shall have a 1.5% contribution for medical benefits deducted from their base salary each pay period, commencing with the first full pay period following the adoption of this resolution."

NOW, THEREFORE, BE IT RESOLVED That Section 1-A be amended to reflect that "all Township employees not members of a collective bargaining unit shall have a 1.5% contribution for medical benefits deducted from their base salary effective May 21, 2010."

14-1. Committeeman Fay moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Wilson and carried on the following:

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

15. **RESOLUTION #10-7-161 - AUTHORIZING CHANGE ORDER #1 - Tiger's Tale Loop Road Sewer Line - Star Contracting, Inc.**

WHEREAS, On October 15, 2009, a contract for the Tiger's Tale Loop Road Sewer Line was awarded to Star Contracting, Inc. for \$80,779.00; and

WHEREAS, The Township Engineer has requested the Committee's approval of a change order in connection with completion of the above project; and

WHEREAS, The work comprising Change Order No. 1 will result in a net increase in the original contract amount by \$4,051.47; and

WHEREAS, The changes outlined in Change Order No. 1 are due to a number of quantity adjustments beyond what was originally proposed in the scope of the work; and

(Item #15 Cont.)

WHEREAS, The Township Administrator has recommended approval of the change order; and

WHEREAS, A copy of the proposed change order is annexed hereto.

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

1. The attached Change Order No. 1 is hereby approved.
2. This Resolution, when counter-signed by Star Contracting, Inc., shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$4,051.47 for a total contract amount of \$84,830.47.

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

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

16. **RESOLUTION #10-7-163 - AMENDING THE TOWNSHIP OF MONTGOMERY PERSONNEL POLICIES AND PROCEDURES MANUAL CONCERNING ELIGIBILITY FOR TOWNSHIP MEDICAL BENEFITS**

WHEREAS, On May 21, 2010, Chapter 2 of the Public Laws of 2010 became effective in the State of New Jersey; and

WHEREAS, Chapter 2 amends several statutory provisions concerning the eligibility for and the benefits provided by the State Health Benefits Program (SHBP); and

WHEREAS, The Township Committee has determined that it is in the best interests of the Township to amend its requirements concerning employee eligibility for Township medical benefits so as to be consistent with the requirements for State employees;

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

1. The paragraph following the introductory (uppercase) paragraph of the Medical Benefits section of the Township of Montgomery Personnel Policies and Procedures Manual is hereby amended, effective as of May 21, 2010, as follows [additions underlined; deletions shown by strikethrough]:

~~Full-time~~ ~~employees~~ and ~~part-time~~ ~~employees~~ who regularly work thirty-five (35) ~~twenty~~ (20) hours or more per week are eligible for medical insurance benefits. ~~Part-time~~ ~~employees~~ who regularly work fewer ~~less~~ than ~~twenty~~ (20) thirty-five (35) hours per week and full-time temporary and seasonal employees are not entitled to medical insurance benefits.

2. Any provision in the aforesaid Manual inconsistent with the foregoing amendment is hereby repealed, and the Township Administrator, in consultation with the Township Attorney, is hereby directed to review the Manual and to make any necessary administrative adjustments for consistency.
3. This Resolution shall become effective immediately upon adoption and shall apply only to employees hired or appointed on or after May 21, 2010.

16-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried on the following:

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

17. **2010 MUNICIPAL BUDGET**

A. **RESOLUTION #10-7-164 - REGARDING PUBLIC HEARING OF THE 2010 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 2010 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 2010 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.

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

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

(Item #17 Cont.)

B. 2010 MUNICIPAL BUDGET - Public Hearing

- a. Committeeman Fay moved that the hearing be opened to the public. The motion was seconded by Committeewoman Wilson and carried unanimously.
- b. There being no comment, Deputy Mayor Dyer moved that the public hearing be closed. The motion was seconded by Committeeman Fay and carried unanimously.

C. RESOLUTION #10-7-165 - ADOPTION OF THE 2010 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 \$25,772,875.72 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	\$ 5,507,146.00
	Miscellaneous Revenue Anticipated	8,426,288.61
	Receipts from Delinquent Taxes	585,000.00
(2)	AMOUNT TO BE RAISED BY TAXATION FOR	
	MUNICIPAL PURPOSES	<u>11,254,441.11</u>
	TOTAL REVENUES	\$25,772.875.72
(3)	GENERAL APPROPRIATIONS	
	Within "CAPS"	
	Operations Including contingent	\$16,083,030.00
	Deferred Charges and Statutory	
	Expenditures - Municipal	1,697,713.43
	Excluded from "CAPS"	
	Operations - Total Operations	
	Excluded from "CAPS"	1,956,046.68
	Capital Improvements	.00
	Municipal Debt Service	4,897,200.00
	Reserve for Uncollected Taxes	<u>1,138,885.61</u>
	TOTAL APPROPRIATIONS	\$25,772,875.72

17-2. Administrator Nieman stated that the State had advised that they had not yet reviewed the Township's budget. He asked that the Township Committee table the adoption of the budget until at least July 15, 2010.

17-3. Committeewoman Wilson moved to table the public hearing to July 15, 2010. The motion was seconded by Committeeman Fay and carried unanimously.

18. RESOLUTION #10-7-166 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS

WHEREAS, The 2010 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2010 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 Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

	<u>AMOUNT</u>
Mayor and Committee	
Other Expenses	\$ 750.00
Committee Expenses	
Other Expenses	15,000.00
Administrative & Executive	
Salaries & Wages	50,000.00
Other Expenses	2,000.00
Municipal Clerk	
Salaries & Wages	25,000.00
Financial Administration	
Salaries & Wages	50,000.00
Audit	
Other Expenses	25,000.00
Network Operations	
Other Expenses	25,000.00

(Item #18 Cont.)

	<u>AMOUNT</u>
GIS	
Salaries & Wages	10,000.00
Other Expenses	7,500.00
Assessment of Taxes	
Salaries & Wages	5,000.00
Collection of Taxes	
Salaries & Wages	5,000.00
Other Expenses	4,000.00
Legal Services & Costs	
Other Expenses	50,000.00
Engineering Services & Costs	
Salaries & Wages	75,000.00
Other Expenses	15,000.00
Public Buildings & Grounds	
Salaries & Wages	5,000.00
Other Expenses	10,000.00
Planning Board	
Salaries & Wages	20,000.00
Other Expenses	10,000.00
Revision of Master Plan	
Other Expenses	25,000.00
Zoning Board of Adjustment	
Salaries & Wages	20,000.00
Other Expenses	1,000.00
Landmarks Commission	
Other Expenses	3,000.00
Environmental Commission	
Other Expenses	1,000.00
Insurance	
Group Insurance for Employees	932,060.00
Disability Fund	
Other Expenses	20,000.00
Deferred Compensation	
Other Expenses	50,000.00
Fire Hydrant Service	
Other Expenses	160,000.00
Uniform Fire Safety	
Salaries & Wages	30,000.00
Other Expenses	3,000.00
Police	
Salaries & Wages	900,000.00
Other Expenses	40,000.00
Emergency Medical Services	
Other Expenses	14,000.00
Shade Tree Commission	
Other Expenses	1,000.00
Road Repairs & Maintenance	
Salaries & Wages	100,000.00
Vehicle Maintenance	
Other Expenses	125,000.00
Public Works	
Salaries & Wages	30,000.00
Other Expenses	12,000.00
Board of Health	
Salaries & Wages	65,000.00
Other Expenses	8,000.00
Animal Control	
Salaries & Wages	12,000.00
Other Expenses	5,000.00
Recreation	
Salaries & Wages	40,000.00
Other Expenses	5,000.00
Kid Connection	
Salaries & Wages	20,000.00
Adult School	
Other Expenses	50,000.00
Summer Camp	
Salaries & Wages	40,000.00
Other Expenses	3,000.00
Maintenance of Parks	
Salaries & Wages	125,000.00
Other Expenses	25,000.00
Senior Center	
Other Expenses	35,000.00
Solid Waste	
Other Expenses	20,000.00
Construction Code	
Salaries & Wages	60,000.00
Other Expenses	5,000.00
Electricity	
Other Expenses	100,000.00
Telephone	
Other Expenses	30,000.00
Water	
Other Expenses	7,000.00
Natural Gas/Heating	
Other Expenses	15,000.00
Gasoline	
Other Expenses	100,000.00

(Item #18 Cont.)

	<u>AMOUNT</u>
Street Lighting	
Other Expenses	19,000.00
Social Security System	
Other Expenses	325,000.00
Municipal Court	
Salaries & Wages	35,000.00
Other Expenses	2,000.00
Prosecutor	
Other Expenses	15,300.00
Public Defender	
Other Expenses	1,500.00
Pre School	
Salaries & Wages	400,000.00
Other Expenses	30,000.00
Camp Kid	
Salaries & Wages	8,000.00
Other Expenses	1,550.00
Group Insurance (Outside CAP)	
Other Expense	137,940.00
Supplemental Fire Grant	
Other Expense	3,559.00
Municipal Alliance Grant	
Other Expense	2,809.50
Total 2010 Temporary Appropriations for Operating Purposes	\$4,627,968.50

Sewer Utility

Salaries & Wages	200,000.00
Other Expenses	425,750.00
Total 2010 Temporary Appropriations for Sewer Utility	\$625,750.00

Sewer Utility Fund

Capital Improvement Fund	
Other Expenses	\$129,500.00

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

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

19. **ORDINANCE #10-1359 - One-Way Streets - Public Hearing**

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

AN ORDINANCE AMENDING SCHEDULE VI OF CHAPTER VII,
"ONE-WAY STREETS," OF THE CODE OF THE TOWNSHIP OF
MONTGOMERY (1984) TO UPDATE THE CODE AND TO ESTABLISH
ONE-WAY STREETS ON VARIOUS ROADS.

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

C. BE IT RESOLVED By the Township Committee that the foregoing ordinance be hereby adopted this 1st day of July, 2010 and that notice thereof be published in an official newspaper as required by law.

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

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

20. **APPROVAL OF MINUTES**

Deputy Mayor Dyer moved the adoption of the Regular Session minutes of June 17, 2010. The motion was seconded by Committeewoman Wilson and carried on the following:

ROLL CALL - Ayes - Dyer, Wilson, Caliguire
 Nays - None
 Absent - Carter
 Abstain - Fay

21. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Chief Finance Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills;

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

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

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

22. **SMOKE FREE CAMPUS**

Administrator Nieman explained that the Township has a few employees who smoke, and he thought it would be worth the Township's while to institute a smoke-free campus at all of the Township facilities. He has discussed this with the Health Officer. He would like to offer the Smoke Enders clinic and have the Township pick up the cost for the few employees who still smoke. It was the consensus of the Township Committee to have Administration draft an amendment to the Personnel Policy to make all the Township facilities smoke free and then to offer, at the Township's expense, Smoke Enders to those who want to participate.

23. **REVIEW OF TOWNSHIP HEALTH INSURANCE PROGRAM**

Administrator Nieman explained that, given the potential for either a 2.5% or 2.9% Cap, or some form thereof, the Township has the opportunity to look at alternatives to the State Health Benefits Plan. There would be some cost involved in getting our claims experience from the State of New Jersey Health Benefits Plan, approximately \$3,000.00 to \$6,000.00.

24. **REPLACEMENT OF CULVERTS ON ROUTE 601**

Administrator Nieman stated that Township Engineer Gail Smith attended the preconstruction meeting for the replacement by the County of two (2) culverts on Route 601. One is in the vicinity of Sunset Road and the other is in the vicinity of the old 3M Quarry. This will occur, with incentives, in a 16 day period between August 2 and August 18. The contractor has asked for relief from the Township's noise ordinances and would like to commence work between the hours of 5:00 a.m. and 12 midnight seven (7) days a week for sixteen (16) straight days. Township Committee agreed to the relief of the noise ordinance between the hours of 7:00 a.m. and 10:00 p.m. only.

Committeewoman Wilson stated that the Open Space Committee had hoped that the Township would offer the contractors the use of the corner of Sunset Road and Route 601 as a staging area with the condition that when they leave they do a little grading and put down a load of gravel so that it becomes an actual parking lot. Administrator Nieman stated that the contractor had agreed to this condition.

25. **WALTER BAKER**

Committeeman Fay said the following words of remembrance in honor of Walter Baker.

"On June 13, I attended Walter's 102nd birthday and only about a week later he passed away. I attended his wake and funeral this past week. Two years ago, when he turned 100, this Committee passed a proclamation making June 13 that year Walter Baker Day. He did amazing things for this town. He was our first Health Officer. He was pivotal in founding the County Senior Organization and he also was a founding member of the Van Harlingen Historical Society. He did research on burying grounds in Montgomery, that was really important to being able to remember forever many of the Veterans who came from here and who were buried here. He worked at the North Princeton Developmental Center as a Health Officer."

26. **SPECIAL TOWNSHIP COMMITTEE MEETING**

Attorney Hadinger spoke about the possibility of having a special meeting on July 29, 2010 because the Planning Board is scheduled to adopt an amendment to the Housing Fair Share Plan on July 26, 2010.

Committeeman Fay suggested it replace the August 5 meeting.

27. RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
 - Advice of counsel regarding contract negotiations and anticipated litigation with Country Club Meadows and related entities;
 - Advice of counsel with regard to COAH updates.

It is unknown precisely when, if ever, the matters will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open session.

- 27-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried unanimously.
28. The meeting reconvened in Open Session and ADJOURNMENT was at 8:55 p.m. on a motion by Committeewoman Wilson. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk