

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 16, 2009
7:00 P.M.

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Wilson, Committeemembers Caliguire, Fay and Dyer
Deputy Mayor Birge 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. Mayor Wilson stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Eagle Scout Jeff Mertz led the Salute to the Flag.

4. **H1N1 FLU**

Committeeman Caliguire reported that Health Officer Stephanie Carey recently updated the Board of Health on the H1N1 Flu and suggested that she report to the Township Committee at an upcoming meeting.

5. **EAGLE SCOUT PRESENTATION**

Eagle Scout Jeff Mertz presented his Eagle Scout project involving the Cherry Brook Preserve Trail System. The first phase of his plan was to make a better map of the system, as the current map was not up-to-date. The second phase was to fix some of the paths. The third phase was to make the community aware of the path and utilize them. The fourth phase was to create an informational sign to be installed at the trail head in the Woodsedge Development.

- 5-1. **Motion #09-7-1** - Committeeman Fay moved the acceptance of the Eagle Scout Project as proposed by Jeff Mertz. The motion was seconded by Committeewoman Dyer and carried on the following:

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

6. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of June, 2009:

-- 1140 calls for service;
-- 72 motor vehicle accidents;
-- 29 arrests;
-- 36 thefts;
-- 2 burglaries;
-- 3 domestic violence;
-- 9 criminal mischief.

7. **PUBLIC COMMENT**

- 7-1. Eric Weitze, Viburnum Drive, discussed his concerns about possible apartment inspections. Administrator Nieman explained that the Board of Health did not act on any Ordinance regarding this matter.

Mr. Weitze spoke about the Spring Hill Road project and asked why Hillsborough Township was not required to pay for the paving of the last 200 feet. Attorney Hadinger explained that Hillsborough Township had been asked numerous times and each time they refused.

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 #09-7-231 - ADJUSTMENT OF BILLING OF SEWER UTILITY CHARGES**

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

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

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

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Decrease</u>
5008	35	53 Hendrickson Dr.	\$708.64
34019	48	48 York Dr.	\$605.44
21001	1.13	1 Regents Ct.	\$288.96
7036	3	79 Meadow Lark Ln.	\$123.84
37002	1.026	30E Chicopee Dr.	\$192.64
37003	1.041	10G Brookline Ct.	\$763.68

(CONSENT AGENDA Cont.)

B. RESOLUTION #09-7-232 - RAFFLE LICENSE #682 - 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 #682 on September 13, 2009 at St. Charles Borromeo Parish, 376 Burnt Hill Road, Skillman, NJ. The time for this Raffle will be approximately 11:00 a.m.

C. RESOLUTION #09-7-233 - RAFFLE LICENSE #683 - Historical Society of Princeton

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Historical Society of Princeton to conduct a Raffle under License #683 on September 25, 2009 at Princeton Airport, 41 Airpark Road, Princeton, NJ. The time for this Raffle will be approximately 7:00 to 9:00 p.m.

D. RESOLUTION #09-7-234 - RAFFLE LICENSE #684 - BPO Elks Princeton Lodge #2129

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for BPO Elks Princeton Lodge #2129 to conduct a Raffle under License #684 on September 26, 2009 at the Princeton Elks Lodge, Route 518, Blawenburg, NJ. The time for this Raffle will be approximately 7:00 to 11:00 p.m.

E. RESOLUTION #09-7-235 - AUTHORIZING THE SUBMISSION OF THE YEAR 2010 MONTGOMERY/ROCKY HILL MUNICIPAL ALLIANCE REQUEST FOR APPLICATION WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS

WHEREAS, The County of Somerset has issued a request for application which would provide \$20,418.00 to Montgomery/Rocky Hill Municipal Alliance for the provision of municipal alliance activities for prevention of alcoholism and drug abuse in Montgomery/Rocky Hill; and

WHEREAS, Montgomery/Rocky Hill will secure a 75% match of \$15,313.00 in in-kind services and a 25% cash match of \$5,105.00 will be raised by the Municipal Alliance Committee or provided by the municipality, and a copy of the proposed application is on file in the office of the Montgomery Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that it hereby authorizes the Mayor and Clerk to sign the original of this agreement.

F. RESOLUTION # 09-7-236 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Youth Services Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2009, in the amounts listed below, which item is now available as a revenue from the State of New Jersey;

Somerset County Youth Services Grant	\$5,000.00
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BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That two copies of this document with handwritten ink signature of the Clerk on certification be forwarded to the Division of Local Government Services.

G. RESOLUTION #09-7-237 - AUTHORIZING SOLICITATION OF BIDS - Skillman Village Wastewater Treatment Plant Upgrade Project

WHEREAS, The Township of Montgomery seeks construction services for the Skillman Village Wastewater Treatment Plant Upgrade Project; and

WHEREAS, The Township seeks to solicit bids from qualified contractors for this purpose in the manner set forth by the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Township Purchasing Agent, in coordination with the Township Administrator and the Township Engineer, is hereby authorized and directed to advertise for the Skillman Village Wastewater Treatment Plant Upgrade Project.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #09-7-238 - EXPRESSING STRONG SUPPORT FOR MONTGOMERY TOWNSHIP HEALTH DEPARTMENT'S APPLICATION FOR THE NEW JERSEY COLLABORATIVE FOR EXCELLENCE IN PUBLIC HEALTH MINI-COLLABORATIVE GRANT**

WHEREAS, The NJ Collaborative for Excellence in Public Health (NJCEPH) is a participant in the "Multi-state Learning Collaborative" (MLC-3) grant, funded nationally by the Robert Wood Johnson Foundation *RWJF); and

WHEREAS, The goal of NJCEPH is to provide participating local Health Departments with tools, technical assistance, and training in quality improvement to help them identify ways to improve their organization's performance, with the long-term goal to 'institutionalize' QI processes into all aspects of Public Health Practice; and

WHEREAS, NJCEPH is offering grant money of \$3000 to selected local health departments to participate in quality improvement processes to improve service delivery in targeted health outcome priority areas; and

WHEREAS, Montgomery Township recognizes the value of quality improvement to assure that its residents receive high levels of service; and

WHEREAS, Montgomery Township Health Department has been an early supporter of quality improvement initiatives.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee expresses its strong support for the Montgomery Township Health Department's application for the NJ Collaborative for Excellence in Public Health Mini-Collaborative Grant.

I. **RESOLUTION #09-7-239 - EXPRESSING STRONG SUPPORT FOR THE MONTGOMERY TOWNSHIP HEALTH DEPARTMENT IN ITS APPLICATION FOR THE "PUBLIC HEALTH ACCREDITATION BETA TEST" GRANT**

WHEREAS, The Public Health Accreditation Board (PHAB) is the accrediting entity for the national voluntary public health accreditation program, a program that will improve and protect the health of the public by advancing the quality and performance of all health departments; and

WHEREAS, PHAB will accept the first applications from health departments for national accreditation in 2011; and

WHEREAS, PHAB has developed the program elements for the national accreditation program which include standards and measures, guidance for documentation, an application form, a site visit process, and several possible scoring algorithms; and

WHEREAS, In order to fully test the program elements and identify areas to improve the program in advance of 2011, PHAB is seeking local health departments to implement a beta test of the accreditation program with health departments starting in the fall of 2009; and

WHEREAS, Grant funding in the amount of \$27,280 is available for local health departments that are selected to participate in this beta test; and

WHEREAS, Montgomery Township recognizes the value of accreditation in assuring the provision of the 10 Essential Public Health Services to its residents; and

WHEREAS, Montgomery Township further recognizes that accreditation provides an evidence base to demonstrate the value of Public Health in the community; and

WHEREAS, The Montgomery Township Health Department has demonstrated leadership in Public Health by participating in the NACCHO Preparation for Accreditation and Quality Improvement grant program in 2008; and

WHEREAS, The Quality Improvement process developed during the program has been recognized by NACCHO as a "Promising Practice"; and

WHEREAS, The Montgomery Township Health Department intends to seek national accreditation at the earliest possible date.

NOW, THEREFORE, BE IT RESOLVED, That the Montgomery Township Committee strongly supports the Montgomery Township Health Department in its application for the "Public Health Accreditation Beta Test" Grant.

8-1. Committeeman Caliguire moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Fay and carried on the following:

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

9. **RESOLUTION #09-7-240 - ABC LICENSE #1813-33-009-001 -**
MTC Restaurant I, LLC _____

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-009-001 for MTC Restaurant I, LLC:

- 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 #1813-33-009-001 is hereby granted for the year 2009-2010.

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

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

10. **RESOLUTION #09-7-241 - ABC LICENSE #1813-33-011-001 -**
MTC Restaurant II, LLC _____

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-011-001 for MTC Restaurant II, LLC:

- 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 #1813-33-011-001 is hereby granted for the year 2009-2010.

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

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

11. **RESOLUTION #09-7-242 - ABC LICENSE #1813-33-012-001 -**
MTC Restaurant III, LLC _____

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-012-001 for MTC Restaurant III, LLC:

- 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 #1813-33-012-001 is hereby granted for the year 2009-2010.

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

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

12. **ORDINANCE NO. 09-1327** - Capital - Acquisition of Equipment and Facility Improvements -
Public Hearing

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE ACQUISITION OF CERTAIN EQUIPMENT AND FACILITY IMPROVEMENTS BY THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$208,800.00 THEREFOR FROM THE "CAPITAL IMPROVEMENT FUND" OF SAID TOWNSHIP.

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 16th day of July, 2009 and that notice thereof be published in an official newspaper as required by law.

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

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

13. **ORDINANCE #09-1328** - Capital - Acquisition of Equipment and Decommission of Certain Sewage Treatment Plants - Public Hearing

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN EQUIPMENT AND THE DECOMMISSION OF CERTAIN SEWAGE TREATMENT PLANTS BY THE TOWNSHIP OF MONTGOMERY SEWER UTILITY AND APPROPRIATING \$477,000.00 THEREFOR FROM THE "SEWER CAPITAL IMPROVEMENT FUND" OF SAID TOWNSHIP.

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 16th day of July, 2009 and that notice thereof be published in an official newspaper as required by law.

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

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

14. **ORDINANCE #09-1329 - BOND** - Amending Bond Ordinance #08-1295, As Amended by Bond Ordinance #08-1301 In Order to Amend the Description of the Projects - Introduction

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

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 08-1295 OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY FINALLY ADOPTED SEPTEMBER 18, 2008, AS AMENDED BY BOND ORDINANCE NUMBERED 08-1301 FINALLY ADOPTED NOVEMBER 6, 2008 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECTS.

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 August 6, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

15. **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.

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

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

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
 - Acquisition of Open Space (Opatut - Block 34001, Lot 36 land locked parcel and Rossmassler - Block 33001, Lots 24 and 32) with public funds for farmland, open space and other purposes, and negotiation of terms and conditions agreements therefor.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Approval of agreements shall only be authorized by the Township Committee in a public session.

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

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

17. Meeting reconvened in Open Session.

18. **Motion #09-7-2** - Committeeman Fay moved to authorize staff to proceed with work to prepare a contract to purchase a development easement on the Rossmassler tract. The motion was seconded by Committeeman Caliguire and carried on the following:

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

ADJOURNMENT was at 8:40 p.m. on a motion by Committeeman Fay, seconded by Committeeman Caliguire and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk