

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
July 21, 2011

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 Caliguire, Deputy Mayor Dyer, Committeemembers Carter (by phone), Graham and Trzaska

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Caliguire stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Mayor Caliguire led the Salute to the Flag.

4. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of June, 2011:

- 49 motor vehicle accidents;
- 39 arrests;
- 11 thefts;
- 1 burglary;
- 4 domestic violence;
- 9 criminal mischief.

5. **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 with respect to Country Club Meadows litigation;
 - Personnel Matter (Court Administrator);
 - Terms and conditions of agreement with Somerset County with respect to the sale of the Skillman Village property.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

- 5-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously

6. **PUBLIC COMMENT**

Mayor Caliguire opened the public comment portion of the meeting. There being no public comment, Mayor Caliguire closed this portion of the meeting.

7. **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 #11-7-193 - REFUND OVERPAID 2010 AND 2011 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2010 and 2011 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Year</u>	<u>Amount</u>
5024	27	GooDeed Title Agency, Inc.	2010	\$ 130.26
31009	71	A Absolute Escrow Settlement Co.	2011	\$3,808.86
37004	6.09	GooDeed Title Agency, Inc.	2011	\$2,144.34

B. **RESOLUTION #11-7-194 - REFUND UNUSED PORTION OF SPECIAL DUTY**

BE IT RESOLVED That a refund be given to the following business/company for monies owed by the Township of Montgomery for Private Duty services:

Montgomery Baseball League
P.O. Box 431
Belle Mead, NJ 08502
\$85.00

(CONSENT AGENDA Cont.)

C. **RESOLUTION #11-7-195 - TEMPORARY ROAD CLOSING - Block Party - Knickerbocker Drive**

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary closing of Knickerbocker Drive to accommodate a neighborhood block party scheduled for September 10, 2011 from approximately 4:00 - 9:00 p.m. (raindate - September 11, 2011 from 1:00 - 6:00 p.m.). The Montgomery Township Police have no objection to the road closing provided that:

The roadway must be made accessible to emergency vehicles.

The roadway must be made accessible to traffic originating and terminating on the closed section.

Block party organizers should provide advance courtesy notification to those residents that will be affected by the closure.

D. **RESOLUTION #11-7-196 - AUTHORIZING APPLICATION TO THE 2011 SUSTAINABLE JERSEY SMALL GRANT FUNDED BY WAL-MART**

WHEREAS, A sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Montgomery Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Montgomery Township is participating in the Sustainable Jersey Program, and was certified as a Sustainable Jersey Community in November 2009; and

WHEREAS, One of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart; and

WHEREAS, The Montgomery Township Environmental Commission desires to submit an application to the Sustainable Jersey Small Grant program;

NOW, THEREFORE BE IT RESOLVED, By the Township Committee of the Township of Montgomery in the County of Somerset, State of New Jersey that the Township Committee authorizes the submission of the aforementioned 2011 Sustainable Jersey Small Grant funded by Wal-Mart.

E. **RESOLUTION #11-7-197 - APPOINTMENT A SAFETY DELEGATE AND AN ALTERNATE SAFETY DELEGATE TO THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

BE IT RESOLVED On the 21st day of July, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the appointment of Joseph Palmer as Safety Delegate and Lori Savron as Alternate Safety Delegated for the Township of Montgomery to the Mid Jersey Municipal Joint Insurance Fund be and is hereby authorized.

7-1. Committeewoman Graham moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

8. **RESOLUTION #11-7-198 - AWARD OF BID - Crane Truck**

WHEREAS, The following bid for a Crane Truck was received and publicly opened on June 29, 2011:

<u>BIDDER</u>	<u>AMOUNT</u>
Ransome International, L.L.C.	\$143,162.00

WHEREAS, It is the recommendation of the Purchasing Agent and Chief Sewer Operator that Ransome International, L.L.C. be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, There exists accounts 08-216-55-901-1328, 07-201-55-544-2-058, 07-201-55-542-2-051 which will fund this item; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the Crane Truck is hereby awarded to Ransome International, L.L.C., 2945 Galloway Road, Bensalem, PA 19020 in the amount of \$143,162.00.

BE IT FURTHER RESOLVED That the Purchasing Agent is hereby authorized to sign said Purchase Order.

8-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

9. **RESOLUTION #11-7-199 - AWARD OF BID - Chip Sealing Various Montgomery Township Roads**

WHEREAS, The following bids for Chip Sealing Various Montgomery Township Roads were received and publicly opened on July 18, 2011:

<u>BIDDER</u>	<u>AMOUNT</u>
Asphalt Paving Systems, Inc.	\$32,760.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Superintendent of Public Works that Asphalt Paving Systems, Inc. be awarded the bid; it being the lowest responsive and responsible bidder; and

WHEREAS, There exists an account 01-201-26-290-2-027 which will fund this service; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Chip Sealing Various Montgomery Township Roads is hereby awarded to Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, NJ 08037 in the amount of \$32,760.00.

BE IT FURTHER RESOLVED That the Mayor and Clerk are hereby authorized to sign said contracts.

9-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

10. **RESOLUTION #11-7-200 - RESOLUTION APPROVING AMENDMENT TO EXTRAORDINARY UNSPECIFIABLE SERVICES AGREEMENT**

WHEREAS, On June 2, 2011, the Township awarded a contract for extraordinary unspecifiable services ("Agreement") to Elite Restoration, Inc. ("Elite") to provide certain stone setting services in connection with the Montgomery Veterans Memorial ("MVM") for the not-to-exceed sum of \$20,000; and

WHEREAS, The Montgomery Veterans Memorial Committee, in coordination with the Chief Financial Officer, has requested the approval of an amendment to the Agreement ("Amendment to Extraordinary Unspecifiable Services Agreement") to provide additional services in connection with the MVM; and

WHEREAS, As specifically set forth in the proposed Amendment to Extraordinary Unspecifiable Services Agreement that is on file with Township Clerk's Office, the additional services will include Elite's provision and installation of a custom-made precast concrete retaining/sitting wall along the outer perimeter of a portion of the plaza that will become a part of the MVM; and

WHEREAS, The additional services would increase the contract amount of the Agreement by a sum not to exceed \$16,000, bringing the total not to exceed contract sum to \$36,000; and

WHEREAS, Sufficient funds are available for this purpose as set forth on the attached Certification of Availability of Funds, prepared by the Chief Financial Officer.

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

1. The Amendment to Extraordinary Unspecifiable Services Agreement is hereby approved. The contract amount of the Agreement is hereby increased up to an additional \$16,000. The total not to exceed contract amount is now \$36,000.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Amendment to Extraordinary Unspecifiable Services Agreement.

10-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

11. **RESOLUTION #11-7-202 - APPROVING PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1813-44-010-001 FROM YASOTHA THILLAINATHAN TO NORTH EAST WINE, INC.**

WHEREAS, An application has been filed by North East Wine, Inc. for a Person-to-Person transfer of Plenary Retail Distribution License Number 1813-44-010-001, heretofore issued to Yasotha Thillainathan for the premises located at 2145 Route 206, Belle Mead, New Jersey 08502; and

WHEREAS, The submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, The applicant is qualified to be licensed according to all standards established pursuant to the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1.1 et seq., regulations promulgated thereunder, Township ordinances and other applicable law; and

WHEREAS, The applicant has disclosed to the Township of Montgomery ("Township") and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

Whereas, The transferee has executed a valid consent to transfer the license.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it does hereby approve the transfer of Plenary Retail Distribution License Number 1813-44-010-001 to North East Wine, Inc. and does hereby direct the Township Clerk to endorse the license certificate to North East Wine, Inc. as follows: "This license, subject to all of its terms and conditions, is hereby transferred to North East Wine, Inc., effective July 21, 2011."

BE IT FURTHER RESOLVED That the Montgomery Township Committee does hereby approve, effective July 21, 2011, the transfer of the aforesaid Plenary Retail Distribution license to the premises located at 2145 Route 206, Belle Mead, New Jersey, the area delineated in the application form and the sketch of the licensed premises attached thereto.

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

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

12. **ORDINANCE #11-1390 - Mid-Block Crosswalks - Introduction**

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

AN ORDINANCE AMENDING SCHEDULE XXI OF CHAPTER VII OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD MID-BLOCK CROSSWALKS ON COOK DRIVE.

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 4, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

13. **ORDINANCE #11-1391 - No Parking - Introduction**

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

AN ORDINANCE AMENDING CHAPTER VII ENTITLED "TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO PROHIBIT PARKING ON CERTAIN STREETS.

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 4, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

13-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

14. ORDINANCE #11-1392 - No Passing Zones - Introduction

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

AN ORDINANCE AMENDING SCHEDULE XVIII OF CHAPTER VII
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO
DESIGNATE NO PASSING ZONES.

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 4, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

15. ORDINANCE #11-1393 - Speed Limit-Public Streets - Introduction

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

AN ORDINANCE AMENDING SCHEDULE XVII OF CHAPTER VII
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO
ADD SPEED LIMITS ON CERTAIN PUBLIC ROADS.

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 4, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

16. ORDINANCE #11-1394 - Stop Intersections - Introduction

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

AN ORDINANCE AMENDING SCHEDULE VII OF CHAPTER VII
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO
DESIGNATE STOP INTERSECTIONS.

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 4, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

17. ORDINANCE #11-1395 - Through Streets - Introduction

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

AN ORDINANCE AMENDING SCHEDULE VII, THROUGH STREETS, OF
CHAPTER VII OF THE CODE OF THE TOWNSHIP OF MONTGOMERY
(1984) TO DESIGNATE THROUGH STREETS.

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 4, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

18. ORDINANCE #11-1396 - Traffic Regulations on Private Property - Introduction

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

AN ORDINANCE AMENDING SCHEDULE XXI, TRAFFIC REGULATIONS ON PRIVATE PROPERTY, OF CHAPTER VII, TRAFFIC, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO DELETE REFERENCES TO PUBLIC STREETS.

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 4, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

19. 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.

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

ROLL CALL - Ayes - Trzaska, Graham, Carter, Dyer, Caliguire
Nays - None

20. LINKS POLICY

Mayor Caliguire suggested that the Township Committee talk about the Links Policy at the next meeting.

Attorney Hadinger stated that she circulated the current policies in case the Township Committee had any questions or suggested modifications. If there were no questions, that was fine, she just wanted the Governing Body to be aware of how the Township has generally been operating.

Mayor Caliguire stated that at the last Township Committee meeting he basically told the people who were interested in the topic that he didn't think it was appropriate for the Township to have links to political groups.

Committeewoman Graham stated that she did have some questions, but she thought that they were going to be privileged questions for the Township Attorney.

20. LIGHTPATH

Attorney Hadinger spoke about correspondence that was received from a representative of Lightpath who are interested in installing fiber optics to serve the business community. The company has been authorized by the Board of Public Utilities to do this, like other carriers, and it intends to use existing poles in the community. The question she had for the Township Committeemembers was would they like Lightpath to come in to make a presentation. The other issue is that the Township is not allowed to collect anything in the way of taxes from a carrier but it's not uncommon to ask the carrier, if the Township Engineer or Municipal Attorney has to work on finalizing the agreement for this, to pay those costs.

It was the consensus of the Township Committee to ask Lightpath to come in with a presentation and to let the Economic Development Commission know the date of the presentation.

ADJOURNMENT was at 7:43 p.m. on a motion by Committeewoman Graham. The motion was seconded by Committeeman Trzaska and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk