

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
August 4, 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: Deputy Mayor Dyer, Committeemembers Graham and Trzaska  
Mayor Caliguire and Committeeman Carter were absent

Also present were:

TOWNSHIP ATTORNEY - Kevin Van Hise, 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. **PUBLIC COMMENT**

- 4-1. John Kumpf, Monroe Avenue, spoke about the videotaping of the Township Committee meetings and how they have been put on the [www.themontgomeryteaparty.org](http://www.themontgomeryteaparty.org) website. He explained that they had previously asked the Governing Body if a link to those videos could be put on the Township website and the concern was expressed that the Governing Body didn't necessarily want to link to the Tea Party's website because it may then have to link to all websites. He explained the idea they had, which was for them to offer the Township the video file and that file could then be stored on the Township's website.

Administrator Nieman stated that the offer would be reviewed; however, Township Committeemembers agreed that they would continue this discussion when Attorney Hadinger was present.

- 4-2. Walt Beadling, Thornton Way, read the following statement:

"I am speaking on behalf of myself and also the Montgomery Tea Party in the matter of Bond Ordinance 11-1388 for various sewer utility improvements for the Riverside Wastewater Treatment Plant and the purchase of a backhoe in the amount of \$5,095,00.00 that was approved by the Township Committee on 16 June, 2011 and also Resolution 11-6-174 for a Professional Services Resolution for a Wastewater Treatment Plant Consolidation Master Plan Study in the amount of \$67,450.00 approved by the Township Committee on the same day and awarded to Omni Environmental without competitive bid. Subsequent to this Mr. Bill Randolph, also of Belle Mead, and the Montgomery Tea Party submitted an O.P.R.A. request to Walter Sheppard which was duly honored. He received a copy of a study entitled "Inspection and Evaluation of the Riverside Farms Wastewater Treatment Plant, dated May, 2003" which was cited as the basis for the Bond funding estimate. At a Township Committee meeting on July 7, I requested additional information on the need for Bond Ordinance 11-1138 in the amount of \$5,000,000 and questioned the expenditure of \$95,000 for a backhoe. I asked the Township Committee to withhold the expenditure of any funds pending completion of the Omni study. Mr. Nieman explained that the actual expenditure of any funds would require authorization by the Committee but it was necessary to pass the Ordinance to make it easier to spend the money if necessary in an emergency. He further stated that the backhoe would be exclusively dedicated to use by the Sewage Utility. On or about July 11, 2011, Mr. Randolph made a follow up O.P.R.A. request and obtained a copy of a Township Capital Request from the Sewer Department dated October 15, 2010 for a backhoe with "shared attachments" for use with other Township equipment and to "include a snowplow and pallet to aid the Township in snow storms". Also on July 11, 2011 I sent a letter to the Township Committee on behalf of myself and the Montgomery Tea Party requesting that Bond Ordinance 11-1388 be withheld pending further study and public review, specifically completion of the Omni Wastewater Treatment Plant Consolidation Master Plan and stating our belief the completion of this study is necessary to allocate the funds in a prudent manner. On July 14 a teleconference among Mayor Caliguire, Mr. Trzaska of the Township Committee, Mr. Nieman, Mr. Randolph and myself was convened to discuss this matter. At that time Mayor Caliguire, who unfortunately is not here today, readily agreed that no money will be spent on Riverside Sewage Plant improvements until the Omni Study is completed unless there is an emergency. On July 18, 2011 I received a letter from Mr. Nieman confirming that "money would only be expended if necessary due to an emergent condition" and defining such a contingency. There was no mention of our agreement on the requirement to complete the Omni Study prior to expenditure for any other reason. I subsequently requested clarification of this point by email to Mr. Nieman. This past Tuesday, August 2, I received an email from Mr. Nieman stating that "the Township would want to have results in hand prior to expending funds" and adding the possibility that the New Jersey Department of Environmental Protection might order the Township to undertake mandatory improvements to the Treatment Plant which would presumably also constitute a de facto emergency. This was the first mention of such a possibility during the course of our discussions over the past seven weeks and if true and imminent, is a significant piece of information that is highly relevant and germane to the discussion. It is our opinion that the commitment we received in writing from Mr. Nieman is far short of the agreement we reached during our teleconference on July 14, that the Township will not spend any of the \$5,000,000 pending completion of the Omni study except in an emergency.

(Item #4-2 Cont.)

We further believe that an order from the New Jersey Department of Environmental Protection does not constitute an emergent condition as the Township would almost certainly have the right to appeal and in that event it would be essential to have completed the Omni Master Plan study in support of this appeal. The point of all this is that although the Township Committee and Administration have been responsive to our requests, the information provided to date is insufficient to justify the expenditure of over \$5,000,000 on sewer improvements to the Riverside Plant which may well be found obsolete and unworthy of such an investment. Is \$5,000,000 too much, is it not enough, what if \$10,000,000 or more is needed. No one really knows. We also believe that there's been a lack of transparency in the process and this is a matter of very great concern. Given this, our request to withhold funding of the Bond Ordinance, pending completion of the Master Plan Study, is more than reasonable and we hereby publicly and formally request that the Township Committee agree to it now and without any further delay."

Committeeman Trzaska stated that there is no expenditure of the \$5,000,000, it was just an authorization in case we need to undertake it in this year's budget. With regard to the teleconference call, the people involved didn't mention the New Jersey Department of Environmental Protection and their possible orders. He stated that it was assumed that everyone knew that the State has regulatory authority on these matters and if the Township is ordered to do something, it is the law and we have to comply with it.

Committeewoman Graham stated that if the NJDEP orders the Township to do something, there then becomes a legal question as to what our remedies are.

Mr. Beadling stated that this study, which is for \$67,000, is not a big study and it is not a big deal to get it done. He asked why it was so difficult for the Township Committee to agree to get the study done. There is no basis for that \$5,000,000 number.

Committeeman Trzaska stated that the Township has not spent any money and any expenditure of that Bond must be approved. This was really an accounting approval to avoid having to go through the Budget change process with the State. He explained that the Township fully intended to wait until the study is completed unless there is an emergency, such as the Sewer Plant failing.

Administrator Nieman stated that, as to the question of transparency, after he came back from his medical leave he answered Mr. Beadling's email and in that answer he included the additional piece of information that the possibility, albeit remote that the DEP could act, was indeed out there because if that occurred he didn't want the accusation made against the Township Committee that they never told anyone that this was a possibility. He explained that he would never ask to do work on that plant unless it was emergent, until the study was completed.

- 4-3. Bill Randolph, Boulder Brook Court, expressed his concern that there are six (6) sewer plants in town. The Township passed an ordinance to appropriate money for one of the six. What happens if there is an emergent condition at one of the other five plants?

Administrator Nieman responded that the condition of the other plants was nowhere near the condition of the Riverside Farms plant. This plant is one that the Township knows has a problem. The Township has been in negotiations and discussions with NJDEP for a number of years as to treatment standards. The Township does not have anywhere near the degree of issues with the other plants, and in fact, the two smaller, school plants are being taken off-line. The work on the Westwinds project, on Burnt Hill Road, will include a force main and will be used to connect the Lower Middle and Elementary schools to the force main.

- 4-4. Joe Weber, Cherry Valley Road, stated that for the past six or seven days he has heard what he thought was gun fire in the middle of the night in his area. He stated that he called the Township nonemergency number and was informed that this was coming from the Drake Farm. Mr. Drake is having a deer problem and in order to prevent this the farmer has gotten permission from the New Jersey Department of Environmental Protection to install a propane-driven cannon. Not only do they have permission to shoot this off during the day but can operate this cannon 24 hours a day, seven days a week up until harvest which he believed was sometime in October. He explained that what exacerbates this situation for him is that two of his neighbors have dogs and this noise disturbs them and makes them bark. When he Googled propane cannons, he read that these devices and strobe devices were ineffective in deterring deer after the first 10 minutes of their use. He asked the Township to do something on behalf of the citizens that are affected.

Committeewoman Graham asked if there was anything the Township could do about this situation. Mr. Nieman stated that the permit has already been issued, and there is case law on this that permits it because of the "Right to Farm" Act. Mr. Van Hise suggested that the residents contact the Division of Fish and Wildlife and find out if there is an appeal procedure. Mr. Weber stated that there is a mediator and he left a message for this person.

5. **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 #11-8-203 - REFUND 2011 SEWER CHARGE PAID IN ERROR**

BE IT RESOLVED That a refund in the amount of \$23.00 be given to Vantium Capital, Inc., 7880 Bent Branch Drive, Suite 150, Irving, TX 75063 for a 2011 payment on Block 7019, Lot 61.17 that was made in error. The check should have been made payable to Somerset County to cancel Tax Sale Certificate #2008-05.

B. **RESOLUTION #11-8-204 - REFUND OVERPAID 2011 TAXES**

BE IT RESOLVED That a refund in the amount of \$2,230.80 be given to Jing, Yonghua & Li, Xing, 38 Scarlet Oak Drive, Princeton, NJ 08540 for the overpayment of 2011 taxes on Block 37002, Lot 25.

C. **RESOLUTION #11-8-205 - DECLARING CERTAIN TOWNSHIP EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns various computer equipment (Exhibit A) that the MIS Coordinator has determined is no longer needed for public use; and

WHEREAS, The Township desires to dispose of said salvage personal property.

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

The Purchasing Agent and MIS Coordinator are hereby authorized and directed to dispose of said personal items.

EXHIBIT A

<u>MAKE</u>	<u>MODEL</u>	<u>SERVICE TAG #</u>
DELL	OPTIPLEX GX110	CJC6201
	OPTIPLEX 280	JSTTF61
	OPTIPLEX 280	9TP6871
	OPTIPLEX 270	F4VP31
	OPTIPLEX 280	B4K6571
	OPTIPLEX 280	14K6571
	OPTIPLEX 280	85K6571
	OPTIPLEX 270	D4SVP31
	OPTIPLEX 280	G5C1X61
	OPTIPLEX 240	F91Z411
	OPTIPLEX 270	D5SQ451
	OPTIPLEX 260	B2CQW21
	OPTIPLEX GX240	B912411
	OPTIPLEX 280	1TM5571
	OPTIPLEX 280	44KSS71
	OPTIPLEX 280	6KDWH71
	OPTIPLEX 280	64K6571
	OPTIPLEX 280	FVP6871
	OPTIPLEX 280	FVP6571
	OPTIPLEX 150	51RX501
	OPTIPLEX 150	31RX501
POWER SUPPLY		
APC	SUA1000	ASO217132671
PRINTER		
HP	CP1518NI	CNCC8B70QQ

D. **RESOLUTION #11-8-206 - RELEASE OF MAINTENANCE GUARANTEE - Pike Run, Phase XI**

WHEREAS, Gail Smith, Township Engineer, has certified on July 22, 2011 that all public improvements in a project known as Pike Run, Phase XI have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that Maintenance Bond #0506844M in the amount of \$239,023.55 be released to Pike Run, LLC, 40 Pike Run Road, Belle Mead, NJ 08502.

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

(CONSENT AGENDA Cont.)

E. **RESOLUTION #11-8-207 - RELEASE OF PERFORMANCE GUARANTEE - United Telephone Company of New Jersey - Switching Station Cabinet at Sunset Road/Route 206**

WHEREAS, Gail Smith, Township Engineer, has certified on July 22, 2011 that all public improvements in a project known as United Telephone Company of New Jersey - Switching Station Cabinet at Sunset Road/Route 206 have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the performance guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$20,530.20 (\$18,477.18 Bond #674012468 and \$2,053.02 cash) be released to United Telephone Company of New Jersey and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$ 20,530.20
15% Maintenance Guarantee	\$ 3,079.53

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

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

There are no roads or detention basin to be accepted by the Township.

F. **RESOLUTION #11-8-208 - RELEASE OF PERFORMANCE GUARANTEE - Planter's View**

WHEREAS, Gail Smith, Township Engineer, has certified on August 4, 2011 that all public improvements in a project known as Planter's View have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the performance guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$254,550.00 (\$229,095.00 Bond #UB-0234973 and \$25,455.00 cash) be released to Thompson Realty Company of Princeton, Inc. and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$573,600.00
15% Maintenance Guarantee	\$ 86,040.00

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

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

In addition, at this time, the Township should accept the following roads:

Pear Tree Drive - from Country Route 518 to and including the cul-de-sac.  
Moore's Grove Court - from Pear Tree Drive to and including the cul-de-sac.

The Township will accept the detention basin improvements. The detention basin will be maintained by the Township.

G. **RESOLUTION #11-8-209 - AUTHORIZING THE EXECUTION OF A CONSERVATION AND PEDESTRIAN EASEMENT - JER Herring Orchard, LLC - Block 28001, Lot 5**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Conservation and Pedestrian Easement agreement with JER Herring Orchard, LLC with respect to Block 28001, Lot 5.

H. **RESOLUTION #11-8-210 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Recycling Tonnage Grant 2009**

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 2011, in the amounts listed below, which item is now available as a revenue from the State of New Jersey;

Recycling Tonnage Grant 2009	\$21,418.96
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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.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #11-8-211 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2011 Somerset County Youth Services**

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 2011, in the amounts listed below, which items is now available as a revenue from the County of Somerset, State of New Jersey;

2011 Somerset County Youth Services	\$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.

J. **RESOLUTION #11-8-212 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2011 Click It or Ticket**

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 2011, in the amounts listed below, which item is now available as a revenue form the Division of Highway Traffic Safety;

2011 Click It or Ticket	\$4,000.00
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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.

K. **RESOLUTION #11-8-213 - APPOINTMENT OF HEARING OFFICER - Mark S. Anderson**

BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County, New Jersey that Mark S. Anderson is hereby designated as hearing officer for the purpose of conducting a hearing on a police department internal affairs matter.

5-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Graham and carried on the following:

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

6. **RESOLUTION #11-8-214 - AWARD OF BID FOR FULL DEPTH RECLAMATION of MOUNTAINVIEW ROAD**

WHEREAS, The following bid for Full Depth Reclamation of Mountainview Road was received and publicly opened on July 18, 2011:

<u>BIDDER</u>	<u>AMOUNT</u>
Asphalt Paving Systems, Inc.	\$55,000.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Superintendent of Public Works that Asphalt Paving Systems 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 Full Depth Reclamation of Mountainview Road is hereby awarded to Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, NJ 08037 in the amount of \$55,000.00

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

6-1. 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, Dyer  
Nays - None  
Absent - Carter, Caliguire

7. **RESOLUTION #11-8-215 - RESOLUTION AWARDDING CONTRACT FOR SKILLMAN VILLAGE COAL ASH MATERIAL BENEFICIAL USE/DISPOSAL**

WHEREAS, Pursuant to a duly advertised Notice to Bidders, in accordance with the New Jersey Local Public Contracts Law, four (4) bids were received on August 3, 2011 for the Skillman Village Coal Ash Material Beneficial Use/Disposal Project ("Project") to take place at the property known as Skillman Village (the "Property") as follows:

1.	Tricon Enterprise, Inc.	\$319,850.00
2.	Interstate Waste Services	\$559,850.00
3.	Mazza & Sons, Inc.	\$310,250.00
4.	AWT Environmental Services	\$283,500.00

WHEREAS, The Local Public Contracts Law, N.J.S.A. 40A:11-4, requires that the award of a contract for this Project be made to the lowest responsible and responsive bidder; and

WHEREAS, The Township Engineer recommends that the award of the contract be made to AWT Environmental Services; and

WHEREAS, The Township Attorney finds AWT Environmental Services' bid documents to be in order; and

WHEREAS, The Chief Financial Officer has certified that there are sufficient funds available for this Project; and

WHEREAS, Funds for this contract are included in the appropriations authorized in Account Number 12-194-56-880-.

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

1. The contract for the Skillman Village Coal Ash Material Beneficial Use/Disposal Project is hereby awarded to AWT Environmental Services as the lowest responsible and responsive bidder.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with AWT Environmental Services for completion of the Skillman Village Coal Ash Material Beneficial Use/Disposal Project for the contract price of \$283,500.00.
3. A copy of this Resolution and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

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

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

8. ORDINANCE #11-1390 - Mid-Block Crosswalks - Public Hearing

A. Deputy Mayor Dyer 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. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeewoman Graham moved that the public hearing be closed. The motion was seconded by Committeeman Trzaska and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4<sup>th</sup> day of August, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

9. ORDINANCE #11-1391 - No Parking - Public Hearing

A. Deputy Mayor Dyer 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. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeewoman Graham moved that the public hearing be closed. The motion was seconded by Committeeman Trzaska and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4<sup>th</sup> day of August, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

10. ORDINANCE #11-1392 - No Passing Zones - Public Hearing

A. Deputy Mayor Dyer 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. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeewoman Graham moved that the public hearing be closed. The motion was seconded by Committeeman Trzaska and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4<sup>th</sup> day of August, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

11. ORDINANCE #11-1393 - Speed Limit-Public Streets - Public Hearing

A. Deputy Mayor Dyer 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. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeewoman Graham moved that the public hearing be closed. The motion was seconded by Committeeman Trzaska and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4<sup>th</sup> day of August, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

12. ORDINANCE #11-1394 - Stop Intersections - Public Hearing

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

- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4<sup>th</sup> day of August, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

13. ORDINANCE #11-1395 - Through Streets - Public Hearing

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

- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4<sup>th</sup> day of August, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

14. ORDINANCE #11-1396 - Traffic Regulations on Private Property - Public Hearing

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

- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 4<sup>th</sup> day of August, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

15. APPROVAL OF MINUTES

July 7, 2011 - Regular Session

Minutes were approved as printed.

July 21, 2011 - Regular Session

Minutes were approved as printed.

16. **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.

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, Dyer  
Nays - None  
Absent - Carter, Caliguire

17. **ENVIRONMENTAL COMMISSION**

Committeewoman Graham reported that the Environmental Commission will be having a table at the Montgomery Farmer's Co-Op this Saturday morning.

18. **BELLE MEAD-GRIGGSTOWN ROAD AND WILLOW ROAD FOUR-WAY STOP SIGN**

Administrator Nieman stated that the County was proposing, and the Township supports, the change to a four-way stop at the intersection of Belle Mead-Griggstown Road and Willow Road. That is a problematic intersection with a high rate of accidents.

Committeeman Trzaska questioned the amount of accidents at that intersection. Police Director Palmer explained that the chief issue at that intersection was the sight triangle, especially for vehicles approaching east bound on Belle Mead-Griggstown Road.

19. **WESTWINDS PROJECT - BURNT HILL ROAD CLOSING**

Administrator Nieman stated that construction was on-going for the off-site sanitary sewer work related to the Westwinds project, including work the developer is completing to connect Upper Middle School, Lower Middle School and Orchard Road School to the Skillman Village Wastewater Treatment Plant. Work includes crossing Burnt Hill Road and the developer proposes closing the road. The developer is on schedule to complete all off-site sanitary sewer work before school begins in the fall. The road will be closed for approximately three (3) days during the week of August 8. The road will be closed during working hours only.

19-1. **MOTION #11-8-1** - Committeewoman Graham moved the approval of the temporary closing of Burnt Hill Road for approximately three (3) days for the construction work related to the Westwinds project. The motion was seconded by Committeeman Trzaska and carried unanimously.

19-2. Committeewoman Graham reported that both the Open Space Committee and the Environmental Commission raised some concerns about the amount of land that was cleared for the piping that has to go under the ground. She understands that the plan was to seed all that land with grass seed, which is not only not the most environmentally friendly but not necessarily the cheapest way to fix this. She requested that the Township could perhaps get some other thoughts from the Environmental Commission on what other possibilities there were.

20. 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 personnel matter;
  - Advice of counsel with respect to County Club Meadows litigation.
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.

20-1. Committeewoman Graham stated for the Country Club Meadows item, she had an conflict and would recuse herself.

20-2. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

21. Meeting reconvened in Open Session and ADJOURNMENT was at 9:00 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk