

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
August 6, 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, Deputy Mayor Birge, Committeemembers Fay and Dyer  
Committeeman Caliguire was absent

Also present were:

TOWNSHIP ATTORNEY - Paul Adezio, 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. Mayor Wilson led the Salute to the Flag.

4. **MILL POND PARKING LOT**

Mayor Wilson stated that the Mill Pond Parking Lot was bumpy and needed to be re-graded. Administrator Nieman will discuss this with the Superintendent of Public Works.

5. **RESOLUTION DECLARING SEPTEMBER 26 AS SPINAL MUSCULAR ATROPHY AWARENESS DAY**

WHEREAS, Spinal Muscular Atrophy (SMA) is the leading genetic killer of children under the age of two, one in 40 Americans carry the gene that causes SMA, and SMA is known to cause degeneration in voluntary muscle movement for those who survive with the disease; and

WHEREAS, Spinal Muscular Atrophy crosses all racial, ethnic and religious boundaries, and can strike anyone of any age, race or gender; and

WHEREAS, Increased awareness of Spinal Muscular Atrophy will lead to increased knowledge and increased support for disease research and for the families affected by the disease, hopefully leading to a cure; and

WHEREAS, Patient Groups have named August as National Spinal Muscular Atrophy Awareness Month in order to raise awareness and help promote research into this devastating disease.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee encourages support for organizations working hard to find a treatment and/or a cure for SMA, including Families of SMA.

BE IT FURTHER RESOLVED That the Committee supports national efforts to establish that August be observed as Spinal Muscular Atrophy Awareness Month, and that communities participate in the effort to raise awareness and find a cure for SMA.

BE IT FURTHER RESOLVED That the Township Committee declares that September 26, 2009 shall be observed as Spinal Muscular Atrophy (SMA) Awareness Day in Montgomery Township.

- 5-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried unanimously.

6. **PUBLIC COMMENT**

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

7. **TIGER'S TALE SEWER LINE DISCUSSION**

Mayor Wilson explained that this related to the new sewer line that connects the businesses on the northwest quadrant of the intersection of Routes 518 and 206 to the Stage II Sewage Treatment Plant. These businesses have been limping along with septic systems and she believed it was in the best interest of everyone that the sewer lines be connected. She asked the Township Committee for the opportunity to move ahead with the bidding of the project, and then if necessary, recover the funds through a sewer assessment.

Administrator Nieman stated that the Township would assess the businesses for their portion of the construction costs and then they would strike their usual capacity agreements with the Township.

- 7-1. **Motion #09-8-1**- Deputy Mayor Birge moved to go ahead and construct the sewer line under Route 206 and proceed with the assessment, if necessary. The motion was seconded by Committeeman Fay and carried on the following:

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

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 #09-8-243 - REFUND OVERPAID 2008 AND 2009 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2008 and 2009 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
21001	1.13	Yuexin Li Attorney Trust Account	\$3,937.45	2008
34001	42.37	First American Real Estate Tax Services	\$3,283.50	2008
37002	4.27	First American Real Estate Tax Services	\$2,029.38	2008
7028	21	Prestige New Jersey Title Agency, Inc.	\$3,953.14	2009
10001	15	Convenient Closing Services	\$ 483.50	2009
18020	41	Asprec, Claro M. & Lida C.	\$ 475.78	2009
26002	25	Convenient Closing Services	\$ 671.36	2009

B. **RESOLUTION #09-8-244 - 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 12, 2008 from approximately 4:00 - 9:00 p.m. (raindate - September 13, 2008 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.

C. **RESOLUTION #09-8-245 - RAFFLE LICENSE #685 - Crawford House, Inc.**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Crawford House to conduct a Raffle under License #685 on September 29, 2009 at Cherry Valley country Club, 125 Country Club Drive, Skillman, NJ. The time for this Raffle will be approximately 11:30 a.m. to 3:00 p.m.

D. **RESOLUTION #09-8-246 - AUTHORIZING APPLICATION FOR THE SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS YOUTH ATHLETIC AND RECREATION FACILITY GRANT PROGRAM**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor is hereby authorized to execute a Somerset County Youth Athletic and Recreation Facility Grant application for improvements to bathrooms and picnic area at Van Horne Park and improvements to Township tennis courts.

E. **RESOLUTION #09-8-247 - AUTHORIZATION TO EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - Click It or Ticket 2009**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services enter into a grant agreement with the New Jersey Division of Highway Traffic Safety and accept a grant in the amount of \$4,000.00 for Click It or Ticket 2009.

F. **RESOLUTION #09-8-248 - AUTHORIZATION TO EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY HEALTH OFFICERS' ASSOCIATION - H1N1 Vaccination Distribution Plan and Communications Equipment**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Health Officer to enter into a grant agreement with the New Jersey Health Officer's Association and to accept a grant in the amounts of \$20,000.00 for the Township's H1N1 vaccination distribution plan and \$2,500.00 for communication equipment for the clinics.

G. **RESOLUTION #09-8-249 - AUTHORIZATION TO EXECUTE CONSTRUCTION SEQUENCE AGREEMENT - KBA Developers, LLC/Richard Grosso - River Rd/Rockledge (PB-11-05 and PB-08-08)**

WHEREAS, Gail Smith, Township Engineer, recommended that the Montgomery Township Committee approve a developer's construction sequence agreement with KBA Developers for Rockledge.

NOW, THEREFORE, BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement for Rockledge subject to review and approval of said agreement by the Township Attorney and Township Engineer.

H. **RESOLUTION #09-8-250 - AUTHORIZATION TO EXECUTE CONSTRUCTION SEQUENCE AGREEMENT - SAVE - A Friend to Homeless Animals (Block 25001, Lot 27.01 - PB-08-03)**

WHEREAS, Gail Smith, Township Engineer, recommended that the Montgomery Township Committee approve a developer's construction sequence agreement with SAVE - A Friend to Homeless Animals for Block 25001, Lot 27.01.

NOW, THEREFORE, BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a construction sequence agreement for SAVE - A Friend to Homeless Animals subject to review and approval of said agreement by the Township Attorney and Township Engineer.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #09-8-251 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) -  
New Jersey Health Officers' Association**

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 New Jersey Health Officers Association

Mass Prophylaxis Exercise Grant	\$20,000.00
Mass Prophylaxis Exercise Grant Communications Equipment	\$ 2,500.00

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 #09-8-252 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) -  
New Jersey Department of Environmental Protection - Division of Parks and Forestry**

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 New Jersey Department of Environmental Protection - Division of Parks and Forestry

Community Forestry 2006 Green Communities Grant	\$3,000.00
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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 #09-8-253 - AWARDING A CONTRACT FOR ROADWAY RECONSTRUCTION IMPROVEMENTS  
AT FAIRVIEW ROAD - PHASE I**

WHEREAS, Pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) the Township of Montgomery solicited bids for roadway reconstruction and drainage improvements at Fairview Road ("Fairview Road Improvements"); and

WHEREAS, On July 24, 2009, the following bids were received:

<u>Contractor</u>	<u>Bid</u>
DeSantis Construction, Inc.	\$ 308,764.55
Top Line Construction Corp.	\$ 328,264.25
Intercounty Paving Associates	\$ 369,945.50
Renda Roads, Inc.	\$ 369,960.50

WHEREAS, DeSantis Construction, Inc. ("DeSantis Construction"), with a bid in the amount of \$ 308,764.55 is the lowest responsible bidder; and

WHEREAS, The Township desires to award the contract for Fairview Road Improvements to DeSantis Construction; and

WHEREAS, The New Jersey Department of Transportation awarded the Township a Local Aid Grant in the amount of \$ 150,000.00 for the Fairview Road Improvements, and the terms and conditions of the grant award require the award resolution to be subject to the approval of the New Jersey Department of Transportation.

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the award of the contract to the said contractor.

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

(CONSENT AGENDA Item K. Cont.)

1. The contract for the Fairview Road Improvements is hereby awarded to DeSantis Construction, subject to the approval of the New Jersey Department of Transportation.
2. The Mayor and Township Clerk are hereby authorized and directed to enter into a contract with said contractor consistent herewith.

L. **RESOLUTION #09-8-254 - DECLARING CERTAIN TOWNSHIP TELEPHONE EQUIPMENT AS SURPLUS**

WHEREAS, The Township of Montgomery currently owns telephone equipment ("surplus personal property") that the Network/Web Coordinator has determined is no longer needed for public use; and

WHEREAS, The Township desires to dispose of said surplus personal property by auctioning.

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

1. The telephone equipment owned by the Township of Montgomery listed below is hereby declared surplus and no longer needed for public use.
2. The Purchasing Agent and Network/Web Coordinator are hereby authorized and directed to auction said surplus personal property.

<u>Make and Model</u>	<u>Quantity</u>
Toshiba 20 button LCD model number EKT6520-SD	26
Toshiba 20 button model number EKT6520-H	4
Toshiba 10 button model number EKT6510-H	1
Toshiba DSS consoles model number HDSS6560	2

M. **RESOLUTION #09-8-255 - DECLARING CERTAIN TOWNSHIP POLICE EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns two (2) KML Smartline 911 terminals and one (1) Panasonic dot-matrix printer that the Police Department 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 is hereby authorized and directed to dispose of said personal items.

N. **RESOLUTION #09-8-256 - AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SOMERSET MUNICIPAL BANC PROGRAM**

WHEREAS, Pursuant to the Somerset Municipal Banc Program ("Program"), the Somerset County Improvement Authority ("SCIA") may sublease to Somerset County ("County") and to various municipalities and school districts within the County various capital equipment and other personal property ("Equipment") from private vendors; and

WHEREAS, Pursuant to the Program, the SCIA entered into a Master Lease Agreement with TD Bank Commercial Leasing, LLC ("Lessor") for the lease of two (2) police vehicles ("Equipment"); and

WHEREAS, The SCIA desires to sublease the Equipment the Township of Montgomery ("Township") pursuant to the terms of a "Sublease Purchase Agreement," ("Agreement"); and

WHEREAS, The Township desires to sublease the Equipment from the SCIA; and

WHEREAS, N.J.S.A. 40:37A-78 authorizes the Township to enter into such an agreement; and

WHEREAS, The Temporary Chief Financial Officer has certified the availability of funds.

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

1. Pursuant to N.J.S.A. 40:37A-78, the Mayor and the Township Clerk are hereby authorized and directed to enter into a sublease-purchase agreement with the SCIA for the lease or purchase of the Equipment. Subject to the approval of the Township Attorney, the Mayor and the Township Clerk are hereby authorized to execute the said Agreement with such additions, deletions or modifications as necessary in the best interests of the Township.
2. Subject to the prior approval of the Township Attorney, the Mayor Township Clerk and the Temporary Chief Financial Officer, are further authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the lease agreement and for effectuating all related transactions contemplated by this resolution.

(CONSENT AGENDA Cont.)

**O. RESOLUTION #09-8-257 - URGING ELIMINATION OF STATE-IMPOSED UNFUNDED MANDATES**

WHEREAS, In 1995, New Jersey voters approved an amendment to the State Constitution that was supposed to curb lawmakers' penchant for mandating new programs for state and local governments without giving them the necessary funding; and

WHEREAS, In order to implement the law, the Legislature established the Council on Local Mandates, whose job is to review complaints from local government entities and then make a determination on whether new statutory or regulatory impositions by the State constituted "unfunded" mandates; and

WHEREAS, Under the law, if a statute or regulation is deemed by the Council to be an "unfunded" mandate, it ceases to be mandatory and expires; and

WHEREAS, 12 years later, the council has made only eight decisions and in only two of those did the council rule in favor of local governments. In one of those two cases, the decision was pointless because the Council has no power to force the State to comply and local governments have no right to seek redress in the courts; and

WHEREAS, Clearly, this is not the reform that people thought they were voting for in 1995. Proof is that property taxes in New Jersey, which the people were seeking to control with the amendment, have nearly doubled since then; and

WHEREAS, The New Jersey Association of Counties (NJAC) has proposed that local and county officials join forces to push for complete overhaul of the Council on Local Mandates, which in its view clearly has not satisfied the voters' desire for reform; and

WHEREAS, NJAC has also proposed the following:

1. Change the composition of the Council on Local Mandates because under the law, members of the Council are appointed by the Governor, the Legislature and the Chief Justice of the State Supreme Court, the makers of mandates.
2. A review of the obvious flaw that state appointees, such as judges and prosecutors, can force county governments to hire Court personnel and expand facilities, all without approval from voters of their elected representatives.
3. A review of the provision that states while State officials can appeal to the Courts, County and local officials don't have that option. Under the law, decisions made by the Council on Local Mandates are not eligible for judicial review. Furthermore, when the Council makes a decision in favor of a local government, the State is free to ignore it without consequence.
4. A complete review of the section "Unfunded Mandates" Law delineating the exemptions. This should include a top to bottom review of all State mandates that would require the State to repeal the outdated ones and pay for the rest.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee urges the elimination of State-imposed unfunded mandates.

BE IT FURTHER RESOLVED That this Township Committee strongly supports the New Jersey Association of Counties and all of its proposals to deal with the problems caused by unfunded mandates.

BE IT FURTHER RESOLVED That the Township Clerk forward a certified true copy of this resolution to Governor Jon Corzine, the Legislative Delegation representing Somerset County, the Boards of Chosen Freeholds of each county in New Jersey and the Mayors and governing bodies of every municipality in Somerset County.

**P. RESOLUTION #09-8-258 - CREATING A SUSTAINABLE LAND USE PLEDGE**

WHEREAS, Land use and protection of natural resources are essential components of overall sustainability for a municipality;

WHEREAS, Poor land use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, reduction of water supply, increase of pollution, loss of open space and the degradation of natural resources.

WHEREAS, Well-planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, greenbelts, and farmland and allow for continued use and protection of vital natural resources;

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that Montgomery will take the following steps, as much as reasonably practicable, with regard to our municipal land use decisions with the intent of making Montgomery a truly sustainable community. It is our intent to recommend to the Planning Board that further study and consideration of these principles be undertaken in the next master plan review and revision so that our zoning can be updated accordingly.

(CONSENT AGENDA Item P. Cont.)

1. **Facilities Siting** - *We pledge*, to the extent feasible, to take into consideration factors such as walkability, bikeability, access to public transit and proximity to other uses when siting new or relocated municipal facilities. The actions of a municipality when locating their own facilities can set a positive precedent and encourage other public and private sector entities to consider sustainable land use when locating their own facilities.

2. **Housing Variety** - *We pledge*, through the use of our zoning and revenue generation powers, to foster a diverse mix of housing types to meet the needs of people from all ages, incomes, diverse backgrounds, and walks of life, within the limits and capacity of the Township's environmental, infrastructure and fiscal resources. A variety of housing options, from single family homes to one-bedroom apartments, including but not limited to housing affordable to people with low, moderate and middle incomes, in accordance with our Housing Element and Fair Share Plan, is vital to allow residents to live and work in a municipality through various stages of their lives.

3. **Open Space Preservation** - *We pledge* to continue to preserve, monitor, and manage open space and conservation areas, and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future. Further we *pledge* to continue updating our Natural Resources Inventory to identify and assess the extent of our natural resources in order to link natural resource management and protection to carrying capacity analysis and land use planning and zoning.

4. **Water Quality Protection** - *We pledge* to continue to protect and improve water quality in our municipality through land use decisions. Availability of clean water, aquifer recharge, management of stormwater runoff and point source pollution are critical elements of achieving a sustainable municipality. Strategies for water quality protection will include low impact development, public education, water friendly landscape design, protection and enhancement of stream buffers, woodlands preservation and wise stormwater management.

5. **Transportation Choices**- *We pledge* to create transportation choices within our municipality when planning transportation projects by considering all modes of transportation, including walking, biking, mass transit and automobiles. Given that emissions from transportation, mainly passenger cars, make up the largest share of the state's carbon footprint, creating transportation alternatives at the local level is critical to reducing the state's overall carbon footprint.

6. **Mix of Uses** - *We pledge* to use our zoning power to continue to pursue smart growth land use choices that allow for a mix of uses in areas that make the most sense for our municipality and the region. We will continue to explore redevelopment and infill opportunities, preferred over green field development, when practicable. Development is not needed in every community, but where development and redevelopment make sense, land use patterns that segregate uses such as commercial and residential create an environment where the only feasible mode of transportation is the automobile. Allowing for a balanced mix of compatible land uses, residential units above retail stores for example, can help reduce the necessity of driving by allowing people to walk to various destinations.

7. **Green Design** - *We pledge* to incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements in order to complement our existing low impact development requirements. Green design strategies not only improve the environmental performance of buildings and grounds but lessen the impact of those properties on the surrounding environment. Such strategies include energy efficiency, water conservation, water friendly landscape design, LEED practices, sound stormwater management techniques, indoor environmental quality management, use of recycled and renewable materials, waste reduction, reduced auto use, tree preservation, native planting, limitation of large lawns, reduction of pollutants and avoidance of disturbing environmentally sensitive features.

8. **Regional Cooperation** - *We pledge* to reach out to administrations of our neighboring municipalities concerning land use decisions, and to take into consideration their concerns when making regional level land use decisions. Local land use decisions can often have regional impacts, even though they are decided exclusively by one municipality. For example, a large mall built in one municipality can affect traffic and retail opportunities in neighboring towns.

9. **Parking Regulations** - *We pledge* to reevaluate our parking requirements with the areas where walking, biking, and mass transit are existing, stringent parking requirements can hinder the goal of creating vibrant centers that have a critical mass or people to support local arts, shopping, and other services. Flexible parking requirements, pervious parking surfaces, and innovative parking design can decrease the amount of land dedicated to parking lots, stormwater runoff, land clearing, and heat island effects, while promoting transportation alternatives to individual automobile use. Evaluate areas to install safe and secure bicycle parking. Evaluate parking revenues, where fee for parking may be implemented or needs to be implemented.

(CONSENT AGENDA Cont.)

**Q. TOWNSHIP COMMITTEE APPOINTMENT - Planning Board**

BE IT RESOLVED That Steve DeRochi be hereby appointed Planning Board Alternate II, 2 year term expiring December 31, 2009.

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

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

**9. MAYORAL APPOINTMENT - Landmarks Commission**

BE IT RESOLVED That William Seibert be hereby appointed Landmarks Commission Class C, replacing Steve DeRochi, 4 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Grace Terhune be hereby appointed Landmarks Commission Alternate I, replacing Allen Bien, 1 year term expiring December 31, 2009.

**10. RESOLUTION #09-8-259 - SUPPLEMENTING AND CLARIFYING RESTRICTIONS APPLICABLE TO MUNICIPALLY-OWNED PARKS AND OPEN SPACES TO BE INCLUDED IN MONTGOMERY TOWNSHIP'S DEER MANAGEMENT PROGRAM PURSUANT TO CHAPTER IX, SECTION 9-9 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) FOR THE HUNTING SEASON BEGINNING ON SEPTEMBER 12, 2009 AND ENDING ON FEBRUARY 20, 2010**

WHEREAS, As part of a comprehensive deer management plan and for the purpose of reducing the Township's white-tailed deer population, the Township Committee of the Township of Montgomery amended Chapter IX, "Parks and Recreation" of the Code of the Township of Montgomery (1984) ("Code") to allow limited hunting on the Township's parks and open spaces for the purpose of culling white-tailed deer only; and

WHEREAS, Section 9-9 of the Code authorizes the Township Committee to designate annually by resolution which parks and open spaces will be made available for hunting through the Township's municipal deer management program and during which dates; and

WHEREAS, On February 19, 2009, the Township Committee adopted Resolution #09-2-66 designating specific tracts of municipally-owned parks and open spaces to be included in the Township's deer management program for the hunting season beginning on September 12, 2009 and ending on February 20, 2010; and

WHEREAS, Said Resolution sets forth limitations and restrictions applicable to each specified tract included in the program; and

WHEREAS, At the time of adoption of Resolution #09-2-66, State law prohibited hunting on Sundays and did not permit hunting with a crossbow; and

WHEREAS, State law has since been amended to allow bow hunting on Sundays and to allow the use of crossbows during the State-designated bow hunting seasons; and

WHEREAS, The Township Committee finds that notwithstanding this change in State law, it is in the best interests of the public to continue to prohibit hunting on Sundays on the Township-owned tracts included in the 2009-2010 deer management program, and to prohibit the use of cross-bows on said properties;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY as follows:

1. Any provisions of State law to the contrary notwithstanding, hunting on Sundays and the use of crossbows on any of the tracts included in the Township of Montgomery's 2009-2010 deer management program shall be strictly prohibited, as set forth in more detail hereinbelow (indicated **thus**):

**A. Folusiak**

**Designation:** Block 11001, Lot 56

**Location:** 63+ acres located on Hollow Road

**Seasons/dates:** This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 12 - October 30, 2009
<u>Permit bow:</u>	October 31 - December 24, 2009 December 26 - December 31, 2009
<u>Winter bow:</u>	January 1 - February 20, 2010

(Item #10 Cont)

Permit shotgun: December 2 - December 4, 2009  
December 7 - December 12, 2009  
December 16 - December 18, 2009  
January 9 - February 13, 2010

Permit muzzle-loader: November 30, 2009  
December 1 - December 4, 2009  
December 7 - December 12, 2009  
December 14 - December 15, 2009  
December 19 - December 23, 2009  
December 26 - December 31, 2009  
January 1 - February 13, 2010

Six-day firearm: December 7 - December 12, 2009

**Permits:** No more than six (6) municipal deer management permits shall be issued for this property.

**Other restrictions:** **Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

**B. Opatut and Adjacent Land**

**Designation:** Block 34001, Lots 35, 35.01, 35.06, 38.02, 43.02, 43.03, and an 18± - acre portion of Block 34023, Lot 72

**Location:** 165± acres located off of County Route 518 and Pine Brae Drive

**Seasons:** This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 12 - October 30, 2009  
Permit bow: October 31 - December 24, 2009  
December 26 - December 31, 2009

Winter bow: January 1 - February 20, 2010  
Permit shotgun: December 2 - December 4, 2009  
December 7 - December 12, 2009  
December 16 - December 18, 2009  
January 9 - February 13, 2010

Permit muzzle-loader: November 30, 2009  
December 1 - December 4, 2009  
December 7 - December 12, 2009  
December 14 - December 15, 2009  
December 19 - December 23, 2009  
December 26 - December 31, 2009  
January 1 - February 13, 2010

Six-day firearm: December 7 - December 12, 2009

**Permits:** No more than eighteen (18) municipal deer management permits shall be issued for this property.

**Other restrictions:** Anyone with a permit for this property may also hunt on Lot 72, provided that said hunting on Lot 72 shall take place only from three (3) designated tree stand locations, and only bow hunting shall be permitted from said stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

**Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

**C. Dead Tree Run**

**Designation:** Block 18026, Lot 27

**Location:** 69± acres located on Dead Tree Run Road

**Seasons:** This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 12 - October 30, 2009  
Permit bow: October 31 - December 24, 2009  
December 26 - December 31, 2009

Winter bow: January 1 - February 20, 2010

(Item #10 Cont)

**Permits:** No more than four (4) municipal deer management permits shall be issued for this property.

**Other Restrictions:** **Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

D. **Ingersoll-Rand**

**Designation:** Block 23001, Lot 13

**Location:** 151± acres located on Montgomery Road

**Seasons:** This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 12 - October 30, 2009
<u>Permit bow:</u>	October 31 - December 24, 2009
	December 26 - December 31, 2009
<u>Winter bow:</u>	January 1 - February 20, 2010

**Permits:** No more than sixteen (16) municipal deer management permits shall be issued for this property.

**Other Restrictions:** **Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

E. **Runyon Farm-Fox Brook-Tomenchok**

**Designation:** Block 15001, Lots 31, 29, and 34

**Location:** 141± acres located on State Highway Route 206 and Sunset Road

**Seasons:** This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 12 - October 30, 2009
<u>Permit bow:</u>	October 31 - December 24, 2009
	December 26 - December 31, 2009
<u>Winter bow:</u>	January 1 - February 20, 2010
<u>Permit shotgun:</u>	December 2 - December 4, 2009
	December 7 - December 12, 2009
	December 16 - December 18, 2009
	January 9 - February 13, 2010
<u>Permit muzzle-loader:</u>	November 30, 2009
	December 1 - December 4, 2009
	December 7 - December 12, 2009
	December 14 - December 15, 2009
	December 19 - December 23, 2009
	December 26 - December 31, 2009
	January 1 - February 13, 2010
<u>Six-day firearm:</u>	December 7 - December 12, 2009

**Permits:** No more than fourteen (14) municipal deer management permits shall be issued for this property.

**Other restrictions:** **Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

(Item #10 Cont)

F. Dale/Washington Well

**Designation:** Block 27001, Lot 6

**Location:** 63± acres located between County Route 518 and Burnt Hill Road

**Seasons:** This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 12 - October 30, 2009

Permit bow: October 31 - December 24, 2009

December 26 - December 31, 2009

Winter bow: January 1 - February 20, 2010

**Permits:** No more than seven (7) municipal deer management permits shall be issued for this property.

**Other restrictions:** There shall be a 15±-acre "no hunting" zone erected around the sledding area located in the northern portion of the property. The boundaries of said "no hunting" zone shall be clearly marked and shall further be delineated with snow fencing. No hunting whatsoever shall take place in said zone after the first snowfall or November 15, 2009, whichever is earlier.

**Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

G. Broadway Area

**Designation:** Block 4007, Lot 12, Block 4008, Lot 13, Block 4009, Lot 14, Block 4010, Lots 1, 2 and 3, and Block 4011, Lot 1.

**Location:** 50± acres located on County Route 601 and Broadway Road

**Seasons:** This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 12 - October 30, 2009

Permit bow: October 31 - December 24, 2009

December 26 - December 31, 2009

Winter bow: January 1 - February 20, 2010

**Permits:** No more than six (6) municipal deer management permits shall be issued for this property.

**Other restrictions:** No hunting whatsoever shall take place from November 25 to November 29, 2009, inclusive.

**Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

H. Somerset Holdings/Bridgepoint Road Tract

**Designation:** Block 22001, Lots 10, 11, 12.02, 12.03, and a portion of Lot 5 excluding the northeastern portion between Mill Pond Road to the north and the southern lot line of Block 22024, Lot 5, as shown on the map on file in the office of the Township Clerk

**Location:** 35± acres located on Bridgepoint Road

**Seasons:** This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

(Item #10 Cont)

Fall bow: September 12 - October 30, 2009  
Permit bow: October 31 - December 24, 2009  
December 26 - December 31, 2009  
Winter bow: January 1 - February 20, 2010

**Permits:** No more than four (4) municipal deer management permits shall be issued for this property.

**Other restrictions:** **Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

I. **Bennett Tract**

**Designation:** Block 31001, Northern Portion of Lot 9.03

**Location:** 31± acres located on Provinceline Road

**Seasons:** This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 12 - October 30, 2009  
Permit bow: October 31 - December 24, 2009  
December 26 - December 31, 2009  
Winter bow: January 1 - February 20, 2010

**Permits:** No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2008-2009 permittees who (i) harvested at least two (2) deer during the 2008-2009 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2009-2010 season.

**Other Restrictions:** Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements. No hunting shall take place when there is snow on the property. No hunting whatsoever is permitted in the southern portion of Lot 9.03. (Consult the 2009-2010 Deer Management Program Map for this property.)

**Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

J. **Platz Tract**

**Designation:** Block 15001, Lot 26 & Block 15004, Lot 9

**Location:** 39± acres located on Dutchtown-Harlingen Road

**Seasons:** This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 12 - October 30, 2009  
Permit bow: October 31 - December 24, 2009  
December 26 - December 31, 2009  
Winter bow: January 1 - February 20, 2010

**Permits:** No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2008-2009 permittees who (i) harvested at least two (2) deer during the 2008-2009 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2009-2010 season.

(Item #10 Cont)

**Other Restrictions:** Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

**Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

K. Montgomery Meadows

**Designation:** Block 15001, Lot 43

**Location:** 16.4 acres located on Brandywine Road

**Seasons:** This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 12 - October 30, 2009
<u>Permit bow:</u>	October 31 - December 24, 2009
	December 26 - December 31, 2009
<u>Winter bow:</u>	January 1 - February 20, 2010

**Permits:** No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2008-2009 permittees who (i) harvested at least two (2) deer during the 2008-2009 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2009-2010 season.

**Other Restrictions:** Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

**Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

L. Saxon Ridge

**Designation:** Block 16012, Lots 1.02 and 1.03

**Location:** 17.4± acres located at the corner of Route 601 and Sunset Road, and on Saxon Way

**Seasons:** This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 12 - October 30, 2009
<u>Permit bow:</u>	October 31 - December 24, 2009
	December 26 - December 31, 2009
<u>Winter bow:</u>	January 1 - February 20, 2010

**Permits:** No more than four (4) municipal deer management permits shall be issued for this property; however, only two (2) permits may be in use at the same time. Permit eligibility for this property is restricted to 2008-2009 permittees who have (i) harvested at least two (2) deer during the 2008-2009 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2009-2010 season.

(Item #10 Cont)

**Other Restrictions:** Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements. No hunting shall take place when there is snow on the property. There shall be no hunting in areas south of the brook that traverses the property. Permittees shall be restricted to use of tree stands furnished by the Township.

**Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

M. Nicolaysen

**Designation:** Block 34001, Lot 37.02

**Location:** 95+ acres located on Cherry Valley Road

**Seasons/dates:** This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 12 - October 30, 2009
<u>Permit bow:</u>	October 31 - December 24, 2009
	December 26 - December 31, 2009
<u>Winter bow:</u>	January 1 - February 20, 2010

**Permits:** No more than seven (7) municipal deer management permits shall be issued for this property.

**Other restrictions:** **Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

N. Zelooof

**Designation:** Block 15001, Lot 1

**Location:** 29.73+ acres located on Belle Mead Blawenburg Road

**Seasons/dates:** This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2009-2010, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 12 - October 30, 2009
<u>Permit bow:</u>	October 31 - December 24, 2009
	December 26 - December 31, 2009
<u>Winter bow:</u>	January 1 - February 20, 2010
<u>Permit shotgun:</u>	December 2 - December 4, 2009
	December 7 - December 12, 2009
	December 16 - December 18, 2009
	January 9 - February 13, 2010
<u>Permit muzzle-loader:</u>	November 30, 2009
	December 1 - December 4, 2009
	December 7 - December 12, 2009
	December 14 - December 15, 2009
	December 19 - December 23, 2009
	December 26 - December 31, 2009
	January 1 - February 13, 2010
<u>Six-day firearm:</u>	December 7 - December 12, 2009

**Permits:** No more than five (5) municipal deer management permits shall be issued for this property.

**Other restrictions:** **Hunting on Sundays and the use of crossbows shall be strictly prohibited.**

(Item #10 Cont)

3. Only white-tailed deer may be hunted; hunting, shooting or killing any other game is strictly prohibited.
4. Hunting may take place only pursuant to the requirements set forth in Section 9-9 of the Code of the Township of Montgomery (1984) ("Code"). **Except for the provisions set forth hereinabove prohibiting hunting on Sundays and prohibiting the use of crossbows**, all other applicable State and local regulations shall remain in effect and nothing herein shall be construed to abrogate same.
5. Pursuant to Section 9-9 of the Code, every permittee shall be required to participate in a hunter orientation and safety course to be conducted by an agent of the New Jersey Division of Fish and Wildlife, as well as in a property-specific hunter orientation and safety course to be conducted by Montgomery resident and member of the Montgomery Township Wildlife Committee Bruce Perone.
6. Warning signs shall be posted at the entrances to the properties designated above and in the vicinity of tree stands; in addition, the properties shall be posted in accordance with any specific terms and conditions of the individual permits.
7. All permittees shall be required to check in with the Police Dispatcher prior to hunting any property. This procedure shall be required each time the permittee intends to hunt.
8. A press release and a legal notice in a form approved by the Township Attorney notifying the public of the above designated dates and locations shall be published on the Township's website and in the Township's newsletter and shall be submitted to the Township's officially-designated newspapers as well as such others newspaper or newspapers as may be deemed advisable to publicize the above-referenced dates and locations as widely as possible. In addition, individual notices shall be sent to all property owners situated within two hundred feet of the properties set forth above.
9. The Township reserves the right to modify the conditions and restrictions set forth above **at any time, including after issuance of 2009-2010 permits**, in the interests of the public health, safety and welfare of Township residents.
10. Permittees are limited to use of one portable tree stand per permittee, except on properties where the tree stand has been furnished by the Township in which instance(s), the permittee shall be required to use the stand furnished by the Township.

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

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

11. **ORDINANCE #09-1329 - BOND** - Amending Bond Ordinance #08-1295, Amending the Description of Projects - Public Hearing

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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. 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 Deputy Mayor Birge and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 6<sup>th</sup> day of August, 2009 and that the ordinance summary and proper 20-day statement be published in an official newspaper as required by law.

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

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

12. ORDINANCE #09-1330 - PEDDLING AND SOLICITING - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV  
"GENERAL LICENSING," SECTION 4-1 "PEDDLING, SOLICITING  
AND RELATED ACTIVITIES" OF THE CODE OF THE TOWNSHIP OF  
MONTGOMERY (1984) TO CLARIFY GENERAL REGULATIONS FOR  
PEDDLERS AND SOLICITORS.

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 20, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. APPROVAL OF MINUTES

Deputy Mayor Birge moved the adoption of the Regular Session minutes of June 4, 2009. The motion was seconded by Committeewoman Dyer and carried unanimously.

14. 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.

14-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

15. ROAD CLOSURE FOR MONTGOMERY VOLUNTEER FIRE COMPANY #2

Police Director Robert Palmer reported on a detour which will occur on Route 518 for the Montgomery Township Volunteer Fire Company #2 to conduct an Open House for their new facility and a Wet Down on August 22, 2009 from 2:30 pm until 4:30 p.m.

16. NEWSLETTER COST COMPARISON DISCUSSION

Mayor Wilson explained that she had inquired about comparative printing cost and alternatives to the current four (4) times a year newsletter. There were two reasons for the inquiry: 1. to see whether the Township could bring the cost down; and 2. the Montgomery News had again suggested informally that the Township might want to use the Montgomery News as a way of getting the newsletter out. She stated that there had also been a lot of research done about video taping and web-casting Township Committee meetings.

Tammy Garaffa, Community Information Coordinator, explained that in 2008 it was a necessary economic measure to cut the newsletter budget by more than half. This created some issues that the Township is struggling with as far as loss of communications and maybe some diminution of services because three months worth of activities cannot fit in the current amount of pages of the newsletter. Many options have been looked into.

There was discussion about the number of times the Newsletter should be going out, six times versus the current four times per year.

Committeewoman Dyer expressed her displeasure of the idea of the Newsletter coming from the Montgomery News as it's a Township Newsletter and should be coming from the Township, the cost is greater.

It was asked of the Community Information Coordinator that a mock-up be made for the Township Committee to consider.

17. 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:
  - Police Personnel.
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.

17-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried unanimously.

ADJOURNMENT was at 9:00 p.m. on a motion by Committeeman Fay, seconded by Deputy Mayor Birge and carried unanimously.

Date of Approval:

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