

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
August 19, 2010

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

TOWNSHIP COMMITTEE: Mayor Caliguire, Deputy Mayor Dyer, Committeemembers Wilson and Carter
Committeeman Fay was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

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. Attorney Hadinger noted, for the record, that Mayor Caliguire was in attendance telephonically, which was permitted under the Open Public Meetings Act.

5. **RESOLUTION #10-8-194 - CANCELLATION OF RESERVE**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that \$300,000.00 from the Recreation Trust Reserve is herewith canceled.

- 5-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Mayor Caliguire and carried on the following:

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

6. **RESOLUTION #10-8-195 - REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE ACCEPTANCE OF BEQUESTS, LEGACIES AND GIFTS PURSUANT TO N.J.S.A. 40A:5-29 TO BE USED FOR THE MONTGOMERY TOWNSHIP FIREWORKS CAMPAIGN**

WHEREAS, Permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 allows municipalities to accept bequests, legacies and gifts; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for State Purpose as per N.J.S.A. 40A:4-39.
2. The Township Clerk of the Township of Montgomery is hereby directed to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

- 6-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried on the following:

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

7. **RESOLUTION #10-8-196 - REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER PURSUANT TO N.J.S.A. 40A:5-39 TO BE USED FOR MONTGOMERY TOWNSHIP AFFORDABLE HOUSING COAH FEES**

WHEREAS, N.J.S.A. 40A:4-39 provides for the anticipation and expenditure of certain items of dedicated revenue which are not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39, also provides that such anticipation and expenditure of dedicated revenue, is subject to approval of the Director of the Division of Local Government Services; and

WHEREAS, It is the desire of the Township Committee of the Township of Montgomery to anticipate and expend revenue received from Affordable Housing - COAH fees.

NOW, THEREFORE, BE IT RESOLVED, That such funds received by the municipality be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the sole purpose stated above.

BE IT FURTHER RESOLVED, That two (2) certified copies of this resolution be furnished to said Director of the Division of Local Government Services.

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

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

8. **RESOLUTION #10-8-197 - AMENDING 2010 BUDGET**

WHEREAS, The local municipal budget for the year 2010 was approved on the 3rd day of June 2010; and

WHEREAS, The public hearing on said budget has been held as advertised; and

WHEREAS, It is desired to amend said approved budget:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey that the following amendments to the approved budget of 2010 be made:

	FROM	TO
Anticipated Revenues		
3. Miscellaneous Revenues - Section G Special Items		
Of General Revenues Anticipated with Prior Written		
Consent of Director of Local Government Services-		
Other Special Items		
Lease Income	\$ 163,200.00	\$ 0.00
Lease Income - Cell Phone Tower Agreements	\$ 0.00	\$ 143,700.00
Cable Franchise Fees	\$ 0.00	\$ 19,500.00
Total Miscellaneous Revenue - Section G	\$ 3,753,732.00	\$ 3,753,732.00
Total Miscellaneous Revenues	\$ 8,426,288.61	\$ 8,426,288.61
5. Subtotal General Revenues		
(Items 1, 2, 3 & 4)	\$ 14,518,434.61	\$ 14,518,434.61
6. Amount to be Raised by Taxes		
a) Local Tax for Municipal Purposes		
Including Reserve for Uncollected		
Taxes	\$ 11,254,441.11	\$ 11,254,441.11
7. TOTAL GENERAL REVENUE	\$ 25,772,875.72	\$ 25,772,875.72
8. General Appropriations		
(A) Operations - Excluded from "CAPS"		
Additional Appropriations Offset By		
Revenues (N.J.S. 40A:4-45.3h)		
Supplemental Fire 2010	\$ 3,559.00	\$ 0.00
Public and Private Programs Offset		
By Revenue		
Supplemental Fire 2010	\$ 0.00	\$ 3,559.00
Total Operations - Excluded from "CAPS"	\$ 1,956,046.68	\$ 1,956,046.68
(L) Subtotal General Appropriations		
(Items (H-1) and (O))	\$ 24,633,990.11	\$ 24,633,990.11
(M) Reserve for Uncollected Taxes	\$ 1,138,885.61	\$ 1,138,885.61

(Item #8 Cont.)

9. TOTAL GENERAL APPROPRIATIONS	\$ 25,772,875.72	\$ 25,772,875.72
Open Space Trust Fund Appropriations		
Deficit S&W and OE 2009	\$ 0.00	\$ 1,767.03
Debt Service		
Payment of Bond Anticipation Notes and Capital Notes	\$ 19,940.68	\$ 108,740.25
Reserve for Future Use	\$ 114,786.30	\$ 24,219.70
Total Trust Fund Appropriations	\$ 1,500,684.00	\$ 1,500,684.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith with the Director of Local Government Services for approval.

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

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

9. **RESOLUTION #10-8-198 - ADOPTION OF THE 2010 MUNICIPAL BUDGET**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of \$25,772,875.72 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

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

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

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

10. **RESOLUTION #10-8-199 - RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$11,000,000 SEWER UTILITY BONDS, SERIES 2010, OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE FISCAL YEAR 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, The Township of Montgomery (the "Local Unit"), in the County of Somerset, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, or install the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the Fiscal Year 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program"); and

WHEREAS, The Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a supplemental loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively; and

WHEREAS, To evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Sewer Utility Bonds, Series 2010A, to the Trust in an aggregate principal amount not to exceed \$1,000,000 (the "Trust Loan Bond") and Sewer Utility Bonds, Series 2010B, to the State in an aggregate principal amount not to exceed \$11,000,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$11,000,000) pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED By a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$1,000,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$11,000,000 to the State in accordance with the provisions hereof (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$11,000,000). The Local Unit Bonds have been referred to and are described in a bond ordinance of the Local Unit, which bond ordinance is entitled "TOWNSHIP OF MONTGOMERY ORDINANCE NO. 09-1320; BOND ORDINANCE PROVIDING FOR THE UPGRADE AND EXPANSION OF THE EXISTING PIKE BROOK WASTEWATER TREATMENT PLANT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$19,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" and was finally adopted by the Local Unit at a meeting duly called and held on June 18, 2009, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") and/or the Township Administrator (the "Township Administrator") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which shall be determined by the Trust and State accordingly, subject to the limitations in Section 1 hereof.
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Local Unit Bonds, which shall not be later than December 31, 2010.
- (d) The interest rates of the Local Unit Bonds, which in the case of the Trust Loan Bond, shall not exceed 8% and in the case of the Fund Loan Bond shall be 0%.
- (e) The purchase price for the Local Unit Bonds, which shall be determined by the Trust and State accordingly, but which shall not exceed 110% of the principal amount thereof.
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities, which shall be determined by the Trust and Fund accordingly, but at prices not to exceed 103% of the principal amount thereof.

(Item #10 Cont.)

Section 3. Any determination made by the Township Administrator or the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-T1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-F1;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer or the Township Administrator under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of GluckWalrath LLP is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Township Administrator, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be determined by a certificate by Chief Financial Officer on or before the date of issuance of the Local Unit Bonds or shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor, the Township Administrator and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

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

11. **RESOLUTION #10-8-200 - RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF MONTGOMERY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE FISCAL YEAR 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, The Township of Montgomery (the "Local Unit"), in the County of Somerset, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the Fiscal Year 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program"); and

WHEREAS, The Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively; and

(Item #11 Cont.)

WHEREAS, To evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Township of Montgomery Sewer Utility Bonds, Series 2010A, to the Trust in an aggregate principal amount not to exceed \$1,000,000 (the "Trust Loan Bond") and Township of Montgomery Sewer Utility Bonds, Series 2010B, to the State in an aggregate principal amount not to exceed \$11,000,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") (the combined aggregate amount of the Trust Loan Bond and the Fund Loan Bond shall not exceed \$11,000,000) pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, The Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED By the governing body of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor, the Township Administrator or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor, the Township Administrator or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

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

12. **RESOLUTION #10-08-201 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE INTERIM FINANCING 2010 TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$2,500,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE TOWNSHIP OF MONTGOMERY IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST INTERIM FINANCING 2010 TRUST LOAN PROGRAM.**

WHEREAS, The Township of Montgomery (the "Local Unit"), in the County of Somerset, New Jersey, has determined that there exists a need within the Local Unit to construct a project consisting of completion costs relating to the upgrade and expansion of the Pike Brook Wastewater Treatment Plant (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the 2010 financing program (the "2010 Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust"); and

WHEREAS, The Local Unit has determined to temporarily finance the construction of the Project prior to the closing with respect to the 2010 Environmental Infrastructure Financing Program (scheduled to occur on December 8, 2010), and to undertake such temporary financing with the proceeds of an interim loan to be made by the Trust (the "Interim Loan") to the Local Unit, pursuant to the Interim Financing 2010 Trust Loan Program of the Trust (the "Interim Financing Program"); and

WHEREAS, In order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Interim Loan and (ii) satisfy the requirements of the Interim Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Interim Financing 2010 Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$2,500,000 (the "Note"); and

WHEREAS, It is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED By the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #09-1320 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE PROVIDING FOR THE UPGRADE AND EXPANSION OF THE EXISTING PIKE BROOK WASTEWATER TREATMENT PLANT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$19,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" and was finally adopted by the Local Unit at a meeting duly called and held on June 18, 2009, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") and/or the Township Administrator (the "Township Administrator") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer or the Township Administrator pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$2,500,000;
- (b) the maturity of the Note shall be December 8, 2010;
- (c) the interest rate of the Note shall be 0.0% per annum;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "IFP-08-01";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

(Item #8 Cont.)

Section 6. The law firm of GluckWalrath LLP is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Interim Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Interim Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Interim Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Local Unit, Maryclaire D'Andrea, Acting Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

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

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

13. **ORDINANCE #10-1361 - BOND** - Various Capital Improvements and Related Expenses -
Public Hearing - Continued from July 29, 2010

A. Deputy Mayor Dyer read the title of the ordinance as follows:

BOND ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$401,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$380,950 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

13-1. Committeeman Carter moved that the foregoing ordinance be hereby adjourned to September 2, 2010. The motion was seconded by Mayor Caliguire and carried on the following:

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

14. **ORDINANCE #10-1363 - BOND** - Various Sewer Utility Improvements and Related Expenses -
Public Hearing - Continued from July 29, 2010

A. Deputy Mayor Dyer read the title of the ordinance as follows:

BOND ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$1,500,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$1,500,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 19th day of August, 2010 and that the ordinance summary and proper 20-day statement be published in an official newspaper as required by law.

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

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

15. Mayor Caliguire leaves the meeting.

16. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of July, 2010:

- 51 motor vehicle accidents;
- 16 arrests;
- 6 thefts;
- 5 burglaries;
- 8 domestic violence;
- 7 criminal mischief.

Director Palmer spoke about four very serious accidents that occurred in the Township recently on the same day. At 7:53 a.m. there was an accident which involved three motorcycles and a vehicle in the construction project on County Route 518 near Spring Hill Road, in which one person was critically injured. The second accident occurred at approximately 8:53 a.m. involving a bicyclist struck by a car by Route 206 and Montgomery Road. The third accident occurred at 2:00 p.m. in front of the Municipal Building, involving three vehicles. The fourth accident occurred at approximately 5:06 p.m. at the intersection of Orchard Road and Opossum Road, involving two vehicles in which one of the vehicles ran a stop sign.

Director Palmer reported on a robbery in the community during the month of July. It was investigated jointly by the County Prosecutor's Office and the Police Department, resulting in an arrest of two individuals. Another situation occurred in August in which a robbery occurred inside of a home in the Township. The Police have categorized this a home invasion which remains under investigation jointly by the County Prosecutor's Office and the Police Department.

17. **BUS STOPS**

Mike Stachowicz, Robin Drive, asked who was responsible for the maintenance of the bus stops. Deputy Mayor Dyer stated that she believed the Township's Public Works Department was responsible.

Mr. Stachowicz reported that there has been broken glass at the bus stop by the old ADR building. He stated that someone had picked up the broken glass, but the glass had not been replaced, nor had the glass in all of the bus stops been cleaned in a very long time. He asked that garbage cans be emptied at the stops on the west side of Route 206.

18. **BLUE SPRING ROAD MEDIAN**

Philip Millstein, Chicopee Drive, spoke about the median on Blue Spring Road. He stated that the low lying junipers which were planted in that median were no longer being maintained and the weeds were growing to amazing heights. He brought this to the attention of the townhouse management company, to the Homeowners Association and to the Mayor and Committee of the Township. He reported that the plants have now been trimmed and the weeds removed, but many of the junipers are dead or will be dead and need to be replaced.

Deputy Mayor Dyer stated that this would be looked into, and that someone would get back to Mr. Millstein.

Committeewoman Wilson suggested that the Township initiate the formal conversation with the Homeowners Associations.

Philip Millstein, Chicopee Drive, spoke about the Adopt-A-Highway program that he saw in his recent vacation to Connecticut and Rhode Island. He asked if such a program could be implemented in the Township for such a project or if Tree City USA monies could be used to plant trees along the median, instead of the junipers.

Mr. Millstein asked if there was something the Township could do about the appearance of certain properties within the Township. He stated that Connecticut has a program called RTM, Representative Town Meeting, and asked if a program like that could be initiated here. There would be representatives from each neighborhood who would come before the Township Committee with reports from those neighborhoods.

18-1. **Motion #10-8-1** - Committeewoman Wilson moved that the Township Committee reach out to the Homeowners Associations along Blue Spring Road and ask to meet with them collectively before their next Homeowners Association meetings or in the next 60 days to begin this specific discussion about the median. The motion was seconded by Committeeman Carter and carried unanimously.

19. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.

A. **RESOLUTION #10-8-202 - REFUND OVERPAID 2010 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
15005	11	Edward & Belinda Shamy	\$6,635.65	2010
17001	6.12	Majestic Title Agency	\$3,422.96	2010
19001	8.33	Castle Rock Title Agency, Inc.	\$5,790.00	2010
34019	9	Laurence R. Sheller, Counselor at Law	\$3,000.69	2010

B. **RESOLUTION #10-8-203 - REFUND UNUSED PORTION OF SPECIAL DUTY**

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

Montgomery Volunteer Fire Co. #1
35 Griggstown Road
Belle Mead, NJ 08502
\$75.00

C. **RESOLUTION #10-8-204 - ACCEPTANCE OF DONATION - Sanofi-Aventis US to Montgomery Township Police Department**

BE IT RESOLVED That a donation by Sanofi-Aventis US of ten (10) conference chairs on casters, six (6) wood guest chairs and three (3) task chairs on casters be accepted for the Montgomery Township Police Department.

D. **RESOLUTION #10-8-205 - Award of Bid - Reclamation of Orchard Road**

WHEREAS, The following bid for Reclamation of Orchard Road was received and publicly opened on August 3, 2010:

<u>BIDDER</u>	<u>AMOUNT</u>
Reclamation, LLC	\$24,351.00

WHEREAS, It is the recommendation of the Purchasing Agent that Reclamation of Kingston, LLC be awarded the bid; it being the lowest responsible bidder; 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; and

WHEREAS, There exists an account 01-201-26-290-2-028 which will fund this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Reclamation/Rehabilitation of Various Roads is hereby awarded to Reclamation, LLC, PO Box 292, West Hurley, NY in the amount of \$24,351.00.

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

E. **RESOLUTION #10-8-206 - Award of Bid - Chip Sealing Various Montgomery Township Roads**

WHEREAS, The following bid for Chip Sealing Various Montgomery Township Roads was received and publicly opened on August 3, 2010:

<u>BIDDER</u>	<u>AMOUNT</u>
Asphalt Paving Systems, Inc.	\$78,689.32

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

WHEREAS, There exist accounts 04-216-55-901-1134 and 01-201-26-290-2-028 which will fund this service.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Chip Sealing Various Montgomery Township Roads is hereby awarded to Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, NJ 08037 in the amount of \$78,689.32.

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

F. **RESOLUTION #10-8-207 - AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - Drunk Driving Enforcement**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services to submit a Drunk Driving Enforcement Fund grant application to the New Jersey Division of Highway Traffic Safety.

(CONSENT AGENDA Cont.)

G. **RESOLUTION #10-8-208 - RELEASE OF PERFORMANCE GUARANTEE - Sprint Spectrum
Wireless Facility**

WHEREAS, Gail Smith, Township Engineer, has certified on August 9, 2010 that all public improvements in a project known as Sprint Spectrum Wireless Facility 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 \$18,148.00 (\$16,499.00 Bond #104653207 and \$1,649.00 cash) be released to Sprint Spectrum and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$16,499.00
15% Maintenance Guarantee	\$ 2,474.85

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.

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

H. **RESOLUTION #10-8-209 - DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS**

WHEREAS, The Township of Montgomery has determined that certain personal property as described below, is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40a:11-36 requires that such personal property be sold at public auction to the highest bidder.

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

1. The below listed schedule of Township property is declared surplus and no longer needed for public purposes.
2. The Purchasing Agent and is hereby authorized and directed to advertise public sale of said personal property to be sold on GovDeals.com, a State of New Jersey authorized web based auction. Said sale shall commence within ten (10) days of approval by the Township Committee.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction and in accordance with the procedure to be announced.

EXHIBIT A

Vehicle:

2005 Ford Crown Vic	2FAHP71W05X179343
1995 Ford Pickup F150 4x4	2FTEF14N5SCA33989
1995 Chevy Mason Dump	1GBKC34F0SJ106546
1995 Jeep	1J4FJ68S0SL571323
Bicycles	45

Office Equipment:

Wood Desk	6
Metal Desk	3
Four-Drawer Filing Cabinet	3
Three-Drawer Filing Cabinet	2
Five-Drawer Filing Cabinet	1
Computer Tower Stand	1
Dell Monitor	1
Printer Copier	1
Maximum Vertical Collator Printer	1
Printer Cart	1
Fiber Documents Station	1

Light Bars:

Street Hawk Roof Mount	7
Yellow Light Safety Bars	2
Vista Red Light Bar	2
Stealth Yellow Light Bar	1
Arjent Light Bar	2
Miscellaneous Light Bars and Lights	3
The Center Console Switch Boxes	6
Backseat Cages with Miscellaneous Parts	6
Hardshell Police Backseats	2
Boxes of Miscellaneous Radios and Wiring	3
Old Baby Car Seats	2

(CONSENT AGENDA Cont.)

I. **RESOLUTION #10-8-210 - AUTHORIZING APPROVAL AND EXECUTION OF AGREEMENT FOR THE PURCHASE OF DEVELOPMENT RIGHTS IN LOTS 24 AND 32 IN BLOCK 33001, "ROSSMASSLER TRACT," ON MOUNTAIN VIEW ROAD IN THE TOWNSHIP OF MONTGOMERY**

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

1. The Township Committee approves a certain contract entitled "Contract for Sale of Development Easement" between Peter R. Rossmassler and Frances Scott Rossmassler, husband and wife, and Jacob F. Brown, II, and Peter R. Rossmassler, Trustees under the Will of Eleanor R. Rossmassler, collectively the "Seller," and the Township of Montgomery in Somerset County, New Jersey, a municipal corporation of the State of New Jersey, the "Buyer."
2. Pursuant to Ordinance No. 10-1345 entitled, "Ordinance of the Township of Montgomery in Somerset County, New Jersey, Providing for the Acquisition of Interests in Lots 24 and 32 in Block 33001, "Rossmassler Tract," on Mountain View Road in the Township of Montgomery" the Mayor and Clerk are hereby authorized to execute the aforementioned Contract to purchase a Development Easement on the aforesaid Rossmassler Tract for the purchase price of Twenty-Five Thousand Five Hundred (\$25,500.00) Dollars per acre for approximately 53.346 acres.
3. The Mayor, Clerk, Administrator, Chief Financial Officer and Township Attorney are authorized to attend closing on said acquisition, prepare and execute documents as may be reasonably required to effectuate closing in the normal course, and deliver payment therefore.

J. **TOWNSHIP COMMITTEE APPOINTMENT - Sustainable Montgomery**

BE IT RESOLVED That Hema Malini Waghray is hereby appointed Sustainable Montgomery, Alternate, 1 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Bhawna Goel is hereby appointed Sustainable Montgomery, Alternate, replacing Lisa Broderick, 1 year term expiring December 31, 2010.

19-1. Committeewoman Wilson moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Carter and carried on the following:

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

20. **RESOLUTION #10-8-211 - AUTHORIZING THE EXECUTION OF A CONSTRUCTION SEQUENCE AGREEMENT WITH EAST COUNTRY DEVELOPMENT ASSOCIATES CORP. FOR ITS PROPOSED WESTWINDS FARM DEVELOPMENT ALONG BURNT HILL ROAD AND SUNSET ROAD IN THE TOWNSHIP OF MONTGOMERY, STATE OF NEW JERSEY**

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the Township Committee approves entering into a construction sequence agreement with East Country Development Associates Corp. regarding its proposed Westwinds Farm development located along Burnt Hill Road and Sunset Road in the Township of Montgomery, County of Somerset, State of New Jersey; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are authorized and directed to execute the same.

20-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Carter, Dyer
Nays - Wilson
Absent - Fay, Caliguire

21. **ORDINANCE #10-1364 - Koplik/Roberts Donation of Conservation Easement - Introduction**

A. Deputy Mayor Dyer read the title of the ordinance as follows:

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AUTHORIZING, PURSUANT TO N.J.S.A. 40A:12-4, THE ACQUISITION BY GIFT OF INTERESTS IN BLOCK 6002, LOT 7 LOCATED IN THE TOWNSHIP OF MONTGOMERY

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 September 2, 2010 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

22. ORDINANCE #10-1365 - Affordable Housing Administrative Fees - Introduction

A. Deputy Mayor Dyer read the title of the ordinance as follows:

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CONCERNING AFFORDABLE HOUSING ADMINISTRATIVE FEES AND AMENDING CHAPTER XV OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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 September 2, 2010 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

22-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

17. ORDINANCE #10-1366 - Stormwater Management - Introduction

A. Deputy Mayor Dyer read the title of the ordinance as follows:

AN ORDINANCE AMENDING SECTION 11-4 OF CHAPTER XI OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) REGARDING STORM SEWERS.

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 September 2, 2010 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

22-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

23. APPROVAL OF MINUTES

Committeeman Carter moved the adoption of the Regular Session minutes of July 29, 2010. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

24. 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.

24-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

25. DONATION OF BIKES TO BOYS AND GIRLS CLUB

Attorney Hadinger explained that at the last Township Committee meeting there was a representative of the Boys and Girls Club asking if the Township would be willing to donate any bicycles. She looked into this, and unfortunately the statutes and State Constitution doesn't permit the Township to simply make a donation, and all such property had to go to a public auction. She suggested that the Township reach out to the Boys and Girls Club and let them know of the upcoming auction.

26. TRANSPORTATION ADVISORY COMMITTEE

Committeewoman Wilson reported on the recent meeting of the Transportation Advisory Committee. A representative of the Somerset Business Partnership came to this meeting and the conversation that took place was extremely positive.

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

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

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

It is unknown precisely when, if ever, the matters will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

27-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried unanimously.

28. Meeting reconvened in Open Session.

29. **HAMPTON COURT PROPERTY**

Attorney Hadinger stated that as of two weeks ago there had been some progress such as the lawn being cut and a few maintenance issues had been addressed. She said she would send an update in the next day or two.

ADJOURNMENT was at 8:50 p.m. on a motion by Committeeman Carter. The motion was seconded by Committeewoman Wilson and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk