

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
September 1, 2011

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

TOWNSHIP COMMITTEE: Mayor Caliguire, Deputy Mayor Dyer, Committeemembers Carter (via phone), Graham and Trzaska

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

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

3. Mayor Caliguire led the Salute to the Flag.

4. **HURRICANE IRENE**

Mayor Caliguire and the entire Township Committee thanked everyone for their effort and hard work in dealing with Hurricane Irene.

5. **POLICE REPORT**

Administrator Nieman thanked the employees for their hard work during this crisis, and stated that he was proud to be their Administrator.

Police Director Palmer explained the background of the storm. One of the concerns that has been prevalent for a number of years with respect to hurricanes is what is known as an "urban hurricane". Early on in the process it was felt that the Township should get their Emergency Services Committee and Local Emergency Planning Council activated. By Thursday, they convened their first meeting for approximately 1½ hours, and then reconvened on Friday. He explained the steps that were taken and the progress of the storm. He stated that the rate of rainfall per hour was the cause of some of the flash flooding in the Township.

Police Lieutenant James Curry explained the areas of town that were affected and how several areas became islands, as there was no way to get in or out without going through flooded roads. He spoke of an incident where a child had a very high fever and the fire company took the child through a flooded Route 206 in their tanker to Hillsborough where the Hillsborough EMS then transported the child to Robert Wood Johnson Hospital.

Police Lieutenant Guy Fillebrown stated that he spent most of Friday getting the EOC prepped and ready to operate. He explained how quickly the water flooded some roads. A lot of roads were closed due to downed trees and power lines. He stated that there were 152 calls for service between 3:00 p.m. Saturday afternoon and 7:00 p.m. Monday night.

Mayor Caliguire asked if there were things the Township didn't do or would do differently. Lieutenant Fillebrown explained that they sat down with Communications Specialist Jeff Goldberg and went over the situation and policies and they made some changes in the EOC. Some of the changes would be to the room itself, such as running a telephone line into the hallway so a fax machine could be used and cleaning up and renovation to the room.

Administrator Nieman stated that another thing that will be changed, which was planned as part of the renovation to the Pike Brook Sewage Treatment Plant, is that the generator that was used at the plant will be replaced and that generator will be brought to the Municipal Building because it will provide more power than the generator we currently have. They are also looking at programs so that E-Blasts can go out as texts for times when electricity goes out and people cannot use their computers and emails.

Mayor Caliguire also thanked the volunteers for their hard work and dedication, including the Fire Companies and First Aid Squad.

Police Director Palmer explained that an emergency operation plan is composed of four major components: Response, Recovery, Mitigation of Damage and the Plan for all of these things in advance. He explained that the Township was not in the recovery phase yet although they were heading in that direction. The Township was still declared a state of emergency which has not been rescinded as yet. Preliminary damage assessments have been submitted to the County OEM, which has gone up to the State OEM, which will eventually make its way to the United States Government and FEMA. The President will then need to make some decisions about whether or not this will be declared a disaster area under the Stafford Act. If that comes to fruition then the Township will be, perhaps, in store for remuneration of some kind. This process could take some time.

Health Officer Stephanie Carey spoke about the Public Health standpoint of this storm. She explained that on Tuesday her department inspected 35 restaurants for loss of power and they estimate in the neighborhood of \$100,000.00 worth of spoiled food alone. This was the first time they activated the Registered Ready call back list. They had pre-identified people who needed to be checked on after the storm.

Administrator Nieman stated that the greatest municipal damage was the Stage II Sewage Treatment Plant. The flood gates which were installed after Floyd were overcome. The ballpark estimate for the damage is between \$250,000.00 to \$500,000.00, but firm numbers were being worked on.

6. **BLOOD DRIVE UPDATE**

Health Officer Stephanie Carey reported that the Town's Patriot Day Blood Drive has become the community's tribute to our First Responders and the way to recognize the heroes of 9/11, especially as the 10th anniversary is coming soon. This year the Blood Drive is on Friday, September 9 from 2:00 p.m. to 7:00 p.m. at the Otto Kaufman Community Center. It's being held in compliment with the Brotherhood Ride event that the Princeton Elks is sponsoring. The need for blood is even greater than usual because the storm caused a lot of cancellations of blood drives and difficulty in transporting blood. The facility also lost power and some blood spoiled because of that. She encouraged Committee members, community groups and all residents of Montgomery Township who are able to donate.

7. **PRESENTATION BY LIGHTOWER**

Charles Jackson, representing LightTower, a fiber optic company that supplies fiber to commercial buildings such as hospitals, universities, banks, etc. explained the company would like to bring their fiber through Princeton, Montgomery, Hillsborough and into Somerville. He stated that there would be no new construction, they would use Verizon network poles that already exist. Verizon, who's poles would be utilized, requested LightTower get municipal consent.

Mayor Caliguire asked if this was something the Township Committee had to approve.

Attorney Hadinger explained that there had been discussion about this with the LightPath proposal and the Governing Body would need to enter into an agreement with LightTower. Municipalities are not permitted to collect revenue from fiber optic providers, however, municipalities are permitted to recover any costs that the municipalities incur in finalizing the agreement. She stated that Township Clerk Donna Kukla had informed the Economic Development Commission about the two proposals that have been received for fiber optic.

8. **BEST PRACTICES INVENTORY QUESTIONNAIRE**

Chief Financial Officer Walter Sheppard explained the Township's response to the Division of Local Government Services Best Practices Checklist. There is a new list of 50 questions from the State. The Township answered yes to 38, 4 were not applicable, and 8 need to be followed up on. This was good news for Montgomery Township. He asked for Township Committee consent for him to send this response to the State.

It was the consensus of the Governing Body that Mr. Sheppard send this to the State.

9. **SALE OF BOND ANTICIPATION NOTE**

Chief Financial Officer Walter Sheppard stated that the Township had a Bond Anticipation Note Sale. \$29,386,300.00 in Bond Anticipation Notes were sold. The gross interest rate was 2%. He explained that the Township only pays net interest, which was .5003%.

10. **PUBLIC COMMENT**

10-1. Walter Beadling, Thornton Way, thanked everyone for the response during the storm.

10-2. Mr. Beadling spoke about Ordinance #11-1138 and the Montgomery Tea Party's request for the Township to withhold money pending completion of the Sewer Master Plan Study which is being conducted by Omni Environmental.

Mayor Caliguire stated that no money could be spent unless the Township Committee approves the expenditure at a public meeting.

Administrator Nieman stated that the Township Committee assured Mr. Beadling at their August 4, 2011 meeting that they were not going to spend the money unless an emergency occurred prior to the receipt of the Consolidation Report.

Committeeman Trzaska stated that the Township Committee was on record that their intention was not to spend any of this money unless an emergent situation came up and it would have to be voted on in a public meeting.

Attorney Hadinger suggested Mr. Beadling take a look at the minutes from the meeting, as they were a legal document as to what happened and what was said at the meeting.

10-3. Mr. Beadling stated that the Montgomery Tea Party offered to make their videos of the meetings available for posting on the Township's website. He further stated that they did not want this to be a political issue. They wanted it to be a question of accessibility for the public, in lieu of the fact that the Township didn't want to spend the money to make these videos public in other ways.

Mayor Caliguire explained there would be a cost of uploading the video to the server and a cost for the equipment.

Administrator Nieman explained the cost of the equipment, including an upgrade of the server, which would amount to approximately \$4,000.00 to \$6,000.00. There would also be a cost of labor to upload the video.

(Item #10-3 Cont.)

Township Clerk Donna Kukla stated that she had gotten some guidance and she believed that this was a policy issue. She stated that she was not comfortable with this as the Clerk's office is responsible for the website. The Township Clerk's office is a neutral environment. She deals with elections, the public, etc. and she didn't feel comfortable for having to be responsible for a work product that is not generated in her office. She didn't believe it was appropriate and it could project the appearance of showing favoritism.

Mayor Caliguire stated that besides all of that, no one had the time to review the video. He explained that if it is put on the Township's website, it becomes a Township record.

Administrator Nieman commented that there is created an expectation that every meeting, whether it is regularly scheduled or special meeting, be available. He stated that he felt the Township Clerk had a point in her statement, and that she becomes personally liable for the records in her office and personally responsible for any fines incurred by the Government Records Council. Committeewoman Graham concurred.

Township Clerk Kukla explained that this would also become an Open Public Records Act issue and an archive issue. She reiterated that personally she was not comfortable and she felt it was inappropriate.

Attorney Hadinger stated that if the Montgomery Tea Party makes the request and then someone else makes the same request. The Township Committee cannot pick and choose on the basis of "We've seen Mr. Beadling at every meeting, we know he's reliable guy, so we'll say ok to him". She stated that she understood why the Township Clerk felt the way she did, as she is the supervisor of elections, and the Tea Party is certainly a political entity, maybe not technically a party under Title 19 but certainly a political entity.

Committeewoman Graham stated that the point was that it doesn't matter who is video-taping the meetings, the Township cannot vouch for it because the Township didn't make it and no one reviewed it.

Mayor Caliguire inquired if it would satisfy everyone if the Township puts the audio tape of meetings on the web-site. He asked if someone would ask the MIS Coordinator Bill Pauwels to look into this.

Administrator Nieman stated that he had asked Mr. Pauwels to look into it, and he believes that it was a small enough file and that it could be done. One of the other things he asked Mr. Pauwels to do was to find the methodology whereby a resident or interested party, rather than have to listen to the whole tape, could fast forward and select that portion of the meeting that is of interest. He stated that Township Clerk Kukla is personally liable in an OPRA issue, it is not a public liability that the Township absorbs.

It was the consensus of the Township Committee that starting with the September 15, 2011 meeting, the audio tapes would be posted on the website.

Mr. Beadling explained the background of this subject. He stated that RCN and Comcast, in their contracts, promised a lot of different things and this was one.

Administrator Nieman stated that there was some deregulation legislation that changed.

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

A. **RESOLUTION #11-9-217 - REFUND OVERPAID 2011 TAXES**

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
17005	9	Erwen Mei & Wenfang Gu	\$ 109.02
18021	8	Hedwig Bottitta	\$ 723.50
24001	42	James & Leslie Linnehan c/o Merrill Lynch	\$1,510.38
37002	5.158	Howzan Tai & Akino Tomizawa	\$1,939.42

B. **RESOLUTION #11-9-218 - REFUND UNUSED PORTION OF SPECIAL DUTY SERVICES MONEY**

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:

CRJ Contracting Corp.
1340 South Avenue
Plainfield, NJ 07062
\$552.50

(CONSENT AGENDA Cont.)

C. **RESOLUTION #11-9-219 - DECLARING CERTAIN TOWNSHIP EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns a piece of equipment, Ricoh Wide Format Model #FW760 - Serial #7839050040, that the Engineer has determined is no longer needed for public use; and

WHEREAS, The Township desires to dispose of said personal property; and

WHEREAS, The Township hereby declares said piece of equipment as salvage.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County, New Jersey that the Purchasing Agent is hereby authorized and directed to dispose of said equipment

D. **RESOLUTION #11-9-220 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Child Passenger Safety Education FY 11 Grant**

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

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

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2011, in the amounts listed below, which item is now available as revenue from the New Jersey Department of Law and Public Safety - Division of Highway Traffic Safety.

Child Passenger Safety Education FY 11 Grant	\$4,500.00
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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.

E. **RESOLUTION #11-9-221 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Driving with Hand-Held Cell Phone Enforcement Grant**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2011, in the amounts listed below, which item is now available as revenue from the New Jersey Department of Law and Public Safety - Division of Highway Traffic Safety.

Driving with Hand-Held Cell Phone Enforcement Grant	\$10,000.00
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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.

F. **RESOLUTION #11-9-222 - 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 #11-9-223 - AUTHORIZING SUBMISSION OF THE YEAR 2012 MUNICIPAL ALLIANCE GRANT UPDATE**

WHEREAS, The County of Somerset has prepared a contract which would provide \$20,419 to the Township of Montgomery for the provision of Municipal Alliance activities for prevention of alcoholism and drug abuse, and the Township would provide a 75% match of \$15,313.00 in in-kind services, a 25% cash match of \$5,105.00 will be raised by the Municipal Alliance committee or provided by the municipality, and a copy of the proposed agreement is on file in the office of the Township Clerk.

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

H. **RESOLUTION #11-9-224 - SUPPORTING PROPOSED AMENDMENT TO THE OPEN PUBLIC RECORDS LAW TO PRESERVE ITS ORIGINAL INTENT**

WHEREAS, The Open Public Records Act (NJSA 47:1A-et seq.) was adopted to assure the public's access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying all government records; and

WHEREAS, Since the adoption of OPRA, there has been an escalating series of requests by private sector firms from all over the nation for voluminous public records already freely accessible to the general public on government websites; with the intent of selling said information to the general public for a profit; and

WHEREAS, This information freely obtained for resale to the public involves a treble extra cost to the general public: once upon its creation by government employees; second upon extraction, copying and frequently, conversion to specific formats by government employees; and thirdly by sale to the same public which has already paid twice for this information; and

WHEREAS, This constitutes additional substantial costs to the taxpayer public, solely to benefit a private entity; and

WHEREAS, In the new renaissance of fiscal responsibility unnecessary expenses by government should be strictly curtailed.

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

1. That the current Open Public Records Law be amended to preserve its original intent and reduce expenses to the public by providing that in situations where the requested documents are already available to the public on a downloadable government website, regardless of the format, a referral of the requestor to the said website shall fully comply with the OPRA obligation of the government unit, with no need to convert the data contained therein to any other format.
2. That a copy of this resolution be distributed to the Legislative Delegation representing Somerset County requesting the drafting and introduction of legislation.
3. That a copy be sent to the President of the New Jersey Senate and the Speaker of the New Jersey Assembly, and all the local representatives urging adoption of such legislation and the Honorable Governor of the State of New Jersey, Chris Christie, urging him to sign and execute the same upon its adoption.
4. That a copy of this resolution be sent to all the Municipal Clerks in the County of Somerset and the Boards of Chosen Freeholder throughout the State of New Jersey urging them to adopt and distribute similar resolutions.

I. **RESOLUTION #11-9-225 - AUTHORIZING THE EXECUTION OF A SUSTAINABLE LAND USE PLANNING GRANT PROJECT AGREEMENT WITH THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS FOR THE DEVELOPMENT OF A SOLAR FACILITIES ORDINANCE**

WHEREAS, The Association of New Jersey Environmental Commissions ("ANJEC") is a non-profit organization dedicated to assisting New Jersey environmental commissions, individuals, local and State agencies to preserve natural resources and promote sustainable communities; and

WHEREAS, The Township of Montgomery received a grant from ANJEC in the amount of three thousand seven hundred fifty dollars (\$3,750.00) for the development of a solar facilities ordinance that will establish local regulations for the generation of renewable solar energy while ensuring the protection of the Township's environmentally sensitive features and areas; and

WHEREAS, A condition of the ANJEC grant, the Township will provide matching funds and in-kind services from municipal staff and volunteers; and

WHEREAS, The development of a solar facilities ordinance promotes the public interest in natural resource protection, reclamation and sustainable development; and

WHEREAS, The Township Committee now desires to authorize the Mayor and the Clerk to execute the Agreement in the form attached.

(CONSENT AGENDA Item I Cont.)

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

1. The Mayor and Clerk are authorized to execute the Sustainable Land Use Planning Grant Project Agreement in the form attached to this Resolution.
2. This Resolution shall take effect immediately.

J. **RESOLUTION #11-9-226 - AWARD OF BID - 304 Stainless Steel Dump Body**

WHEREAS, The following bids for a 304 Stainless Steel Dump Body were received and publicly opened on August 16, 2011:

<u>BIDDER</u>	<u>AMOUNT</u>
Bristol-Donald Co., Inc.	\$12,125.00
Cliffside Body Corp.	\$14,490.00
Norcia	\$15,272.00
Henderson Truck Equipment	\$17,085.00

WHEREAS, The Purchasing Agenda and Superintendent of Public Works have determined that the bids submitted by Bristol-Donald Co., Inc., Cliffside Body Corp. and Norcia did not meet the specifications and have, therefore, recommended that they be rejected; and

WHEREAS, It is the recommendation of the Purchasing Agent and Superintendent of Public Works that Henderson Truck Equipment be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, There exists an account 04-216-55-901-1387D which will fund this item; and

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

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the Stainless Steel Dump Body is hereby awarded to Henderson Truck Equipment, P.O. Box 1226, Denville, NJ 07834 in the amount of \$17,085.00.

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

K. **RESOLUTION #11-9-227 - AWARD OF BID - John Deere 5083E Limited Utility Tractor and Machinability 10' Front Mounted Snow Plow**

WHEREAS, The following bid for a John Deere 5083E Limited Utility Tractor and Machinability 10' Front Mounted Snow Plow were received and publicly opened on August 11, 2011:

<u>BIDDER</u>	<u>AMOUNT</u>
CAMMPS Hardware & Lawn Products, Inc.	\$54,759.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Roads Foreman that CAMMPS Hardware & Lawn Products, Inc. be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, There exists an account 04-216-55-901-1387C which will fund this item; and

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

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the Crane Truck is hereby awarded to CAMMPS Hardware & Lawn Products, Inc., 2168 Route 206, Belle Mead, NJ 08502 in the amount of \$54,759.00.

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

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

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

12. **RESOLUTION #11-9-228 - RESOLUTION ADOPTING A SPECIAL TRAFFIC REGULATION, PURSUANT TO N.J.S.A. 39:4-197.3, CLOSING CERTAIN STREETS WITHIN SKILLMAN VILLAGE DUE TO A TEMPORARY CONDITION.**

WHEREAS, The Township of Montgomery purchased property from the State of New Jersey known as Skillman Village, formerly known as the North Princeton Developmental Center, also known as Lot 1, Block 26001 and Lots 1 & 1.01, Block 27001 (Tax Assessment Maps rev. ed. 2008); and

WHEREAS, Within Skillman Village there is continuing environmental remediation and construction activities, as well as the presence of unsafe conditions; and

WHEREAS, It is in the interests of the public safety, health, and welfare that certain streets within Skillman Village, to the extent they were ever opened for public passage, be temporarily closed to public passage during the continuing environmental remediation, construction, and redevelopment; and

(Item #12 Cont.)

WHEREAS, Pursuant to *N.J.S.A. 39:4-197.3*, the Township is authorized to adopt special traffic regulations, including regulations closing streets, in response to a temporary or emergent condition for a period not exceeding three (3) months; and

WHEREAS, Pursuant to *N.J.S.A. 39:4-197.3* the Township is responsible for posting signs to inform the public of the temporary special traffic regulation; and

WHEREAS, Pursuant to *N.J.S.A. 39:4-94.2*, the Township has the authority to provide for penalties for the violation of a temporary street closing regulation; and

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

1. A temporary condition, within the meaning of *N.J.S.A. 39:4-197.3*, will exist within Skillman Village beginning on or about September 5, 2011, and ending on or about December 5, 2011, due to continuing environmental remediation, construction, and redevelopment.
2. To the extent any or all of the following streets within Skillman Village could be deemed to have ever been opened to public passage they shall be closed to public passage during the period between September 5, 2011, and December 5, 2011:
 - Brophy Circle - Lake (Lakeside) Drive - Morrow Road
 - Garrison Lane - Maplewood Drive - Strecker Road
 - Doctor's Row - Schley Drive - Industrial Road
 - Moosbrugger Way - Fairview Road - Wilson Drive
 - Association Drive - Green House Drive - Dungan Drive
 - Dodds Road
3. Signs notifying the public of the temporary street closings and barricades prohibiting public passage will be placed at the intersections for the above mentioned streets.
4. Any person found on any of the above streets without authorization from the Police Director or his designee during the period in which they are closed to the public shall be subject, in accordance with *N.J.S.A. 39:4-94.2*, to a fine of not more than \$100.00.
5. This regulation shall take effect upon final adoption and publication in accordance with the law.

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

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

13. **RESOLUTION #11-9-229 - RESOLUTION AUTHORIZING SOLICITATION OF QUOTATIONS FOR ADDITIONAL CONCRETE PLAZA WORK IN CONNECTION WITH THE MONTGOMERY VETERANS MEMORIAL**

WHEREAS, On or about April 7, 2011, the Township Committee awarded a contract without public bidding to Clifton Landscape Contracting, Inc. ("Clifton") in the amount of \$25,645.00 for the completion of certain concrete foundation work for the Montgomery Veterans Memorial, including construction of concrete foundations for the granite stellae and pentagram, three granite benches and three flagpoles ("Clifton Agreement"); and

WHEREAS, The Montgomery Veterans Memorial Committee seeks to obtain the services of Clifton or another qualified contractor for the completion of additional concrete foundation work necessary for construction of a star plaza and oval plaza to become part of the Montgomery Veterans Memorial (collectively, the "Additional Plaza Work"); and

WHEREAS, The anticipated cost of the Additional Plaza Work is not expected to exceed a total of \$36,000.00, which sum does not include the value of the existing Clifton Agreement; and

WHEREAS, The Montgomery Veterans Memorial Committee hopes to receive donated goods and services and/or funds to utilize to pay for most if not all of the Additional Plaza Work but if it does not, requests that the Township secure the services of Clifton or another qualified contractor to complete this Additional Plaza Work; and

WHEREAS, Pursuant to the Local Public Contracts Law, *N.J.A.C. 5:34-8.3*, when an initial estimate for goods and services is anticipated to be less than the \$36,000.00 bid threshold but it is later determined that those goods and services will exceed \$36,000.00, as in the case here with the services covered under the Clifton Agreement and the Additional Plaza Work, the Township must use public bidding or solicit quotations to procure all remaining services (that is, the Additional Plaza Work); and

WHEREAS, Also pursuant to *N.J.A.C. 5:34-8.3*, when the cost of all the remaining work (the Additional Plaza Work) will not exceed an additional \$36,000.00, then the Township Committee must determine whether formal public bidding or the solicitation of quotations for said remaining work is most advantageous under the circumstances; and

(Item #13 Cont.)

WHEREAS, As required by N.J.A.C. 5:34-8.3, the Purchasing Agent certifies that: (a) there is a need for the Township to secure services for the Additional Plaza Work, particularly in the event that the Montgomery Veterans Memorial Committee is unable to secure the necessary goods and services via donations; (b) it is most advantageous to the Township to solicit quotations (rather than utilize public bidding) to secure services necessary to complete the Additional Plaza Work, considering the significant time constraints and other project considerations involved; and (c) to date, the Township has not made any other procurements this year under N.J.A.C. 5:34-8.3; and

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

1. In coordination with the Montgomery Veterans Memorial Committee, the Purchasing Agent is hereby authorized to solicit quotations as necessary to secure services for completion of the Additional Plaza Work, the sum of such Additional Plaza Work not to exceed \$36,000.00 in total (not including the existing Clifton Agreement); and
2. In accordance herewith, one or more contracts for said Additional Plaza Work may be awarded pursuant to the Local Public Contracts Law and Township ordinances authorizing the award of contracts not exceeding the bid threshold.

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

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

14. **RESOLUTION #11-9-230 - APPOINTING A HEARING OFFICER AND SETTING FORTH THE RULES AND REGULATIONS FOR THE CONDUCT OF THE HEARING**

WHEREAS, The Montgomery Township Committee is authorized pursuant to N.J.S.A. 40A:9-161 to prescribe the rules and regulations for the conduct of a hearing which could result in the removal of a tenured officer or employee from the position.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby prescribes the following rules and regulation for the conduct of the hearing:

- Mark S. Anderson is hereby appointed as hearing officer.
- The Township or Township's representative shall be given an opportunity to set forth evidence establishing the complaint, to present witnesses and/or other evidence.
- The person against whom the complaint is made shall be given an opportunity to respond to the complaint, present witnesses and/or other evidence.
- The hearing officer shall receive testimony and other evidence, compile a list of exhibits and make findings and recommendations.
- The findings and recommendations of the hearing officer shall be referred to the Township Committee for final determination based upon the record established by the hearing officer.
- The Township Committee shall affirm, reverse or modify the findings and recommendations of the hearing officer and issue a determination.
- The determination of the Township Committee shall be final.
- Review of the final determination of the Township Committee may be appealed to the Superior Court of New Jersey, County of Somerset, as provided by law.

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

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

15. **RESOLUTION #11-9-231 - 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 10, 2011 AND ENDING ON FEBRUARY 18, 2012**

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; 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 May 19, 2011, the Township Committee adopted Resolution #11-5-146 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 10, 2011 and ending on February 18, 2012; and

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

(Item #15 Cont.)

WHEREAS, The Wildlife Management Committee has recently recommended a change to the limitations and restrictions for Opatut and Adjacent Land to create a "no firearm hunting" zone on the easterly side of Lot 35 near the solar panel array on the neighboring lot; and

WHEREAS, The Township Committee now desires to create a "no firearm hunting" zone on Opatut and Adjacent Land for the 2011-2012 deer hunting season;

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

1. Pursuant to Section 9-9 of the Code of the Township of Montgomery (1984), the hunting of white-tailed deer will be allowed from September 10, 2011 to February 18, 2011 on the properties listed below and subject to the restrictions and conditions set forth herein:

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 2011-2012, 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 10 - October 28, 2011

Permit bow: October 29 - December 24, 2011

December 26 - December 31, 2011

Winter bow: January 2 - February 18, 2012

Permit shotgun: November 30 - December 2, 2011

December 5 - December 10, 2011

December 14 - December 16, 2011

January 7 - February 11, 2012

Permit muzzle-loader: November 28 - December 2, 2011

December 5 - December 10, 2011

December 12 - December 13, 2011

December 17 - December 24, 2011

December 26 - December 31, 2011

January 2 - February 11, 2011

Six-day firearm: December 5 - December 10, 2011

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

Other restrictions: Hunting on Sundays 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

(Item #15 Cont.)

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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011 December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012
<u>Permit shotgun:</u>	November 30 - December 2, 2011 December 5 - December 10, 2011 December 14 - December 16, 2011 January 7 - February 11, 2012
<u>Permit muzzle-loader:</u>	November 28 - December 2, 2011 December 5 - December 10, 2011 December 12 - December 13, 2011 December 17 - December 24, 2011 December 26 - December 31, 2011 January 2 - February 11, 2011
<u>Six-day firearm:</u>	December 5 - December 10, 2011

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.

There shall be a "no firearm hunting" zone located on the easterly side of the northern portion of Lot 35 near the solar panel array located on the adjacent lot (Lot 38.03) as shown on the attached Exhibit A. The boundaries of said "no firearm hunting" zone shall be clearly marked on the property. Only bow hunting shall be permitted in said zone and no loaded firearms shall be carried therein.

Hunting on Sundays 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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011 December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

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

Other Restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #15 Cont.)

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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

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

Other Restrictions: Hunting on Sundays 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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012
<u>Permit shotgun:</u>	November 30 - December 2, 2011
	December 5 - December 10, 2011
	December 14 - December 16, 2011
	January 7 - February 11, 2012
<u>Permit muzzle-loader:</u>	November 28 - December 2, 2011
	December 5 - December 10, 2011
	December 12 - December 13, 2011
	December 17 - December 24, 2011
	December 26 - December 31, 2011
	January 2 - February 11, 2011
<u>Six-day firearm:</u>	December 5 - December 10, 2011

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

Other restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #15 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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

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, 2011, whichever is earlier.

Hunting on Sundays 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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

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 24 to November 28, 2011, inclusive.

Hunting on Sundays shall be strictly prohibited.

(Item #15 Cont.)

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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

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

Other restrictions: Hunting on Sundays 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 2011-2012 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2010-2011 permittees who (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 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 2011-2012 Deer Management Program Map for this property.)

Hunting on Sundays shall be strictly prohibited.

(Item #15 Cont.)

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 2011-2012 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 10 - October 28, 2011

Permit bow: October 29 - December 24, 2011

December 26 - December 31, 2011

Winter bow: January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2010-2011 permittees who (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 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 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 2011-2012 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 10 - October 28, 2011

Permit bow: October 29 - December 24, 2011

December 26 - December 31, 2011

Winter bow: January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2010-2011 permittees who (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 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 shall be strictly prohibited.

(Item #15 Cont.)

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 2011-2012 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

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 2010-2011 permittees who have (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 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. 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 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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011
	December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

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

Other restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #15 Cont.)

N. Zeloof

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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011 December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012
<u>Permit shotgun:</u>	November 30 - December 2, 2011 December 5 - December 10, 2011 December 14 - December 16, 2011 January 7 - February 11, 2012
<u>Permit muzzle-loader:</u>	November 28 - December 2, 2011 December 5 - December 10, 2011 December 12 - December 13, 2011 December 17 - December 24, 2011 December 26 - December 31, 2011 January 2 - February 11, 2011
<u>Six-day firearm:</u>	December 5 - December 10, 2011

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

Other restrictions: Hunting on Sundays shall be strictly prohibited.

O. Montgomery Woods

Designation: Block 37002, Lot 2.01

Location: 6.064+ acres located on River 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 2011-2012, 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 10 - October 28, 2011
<u>Permit bow:</u>	October 29 - December 24, 2011 December 26 - December 31, 2011
<u>Winter bow:</u>	January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

2. Except as otherwise set forth, hunting shall be allowed only during the dates designated by the State of New Jersey Department of Environmental Protection, Division of Fish and Wildlife for the applicable seasons listed above. The specific dates shall be set forth on each permit. Any dates set forth on the permits notwithstanding, the Township may make it a condition of any permit that hunting not take place on certain days as may be necessary to protect the health and safety of the public.
3. The taking of a coyote while engaging in deer hunting on Township property is permissible, provided that hunters abide by all State regulations on coyote hunting. Coyote hunting on Township property shall be incidental to, and not separate from, deer hunting and shall conclude on the last day of the deer hunting season. The hunting of coyote at night is strictly prohibited. *The hunting, shooting or killing any other game is strictly prohibited.*

(Item #15 Cont.)

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*, all 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 a member of the Montgomery Township Wildlife Committee.
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 2011-2012 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.

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

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

16. **ORDINANCE #11-1397 - Speed Limit-Blue Spring Road - Introduction**

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

AN ORDINANCE AMENDING ORDINANCE #11-1393 WHICH WAS ENTITLED: "AN ORDINANCE AMENDING SCHEDULE XVII OF CHAPTER VII OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD SPEED LIMITS ON CERTAIN PUBLIC ROADS"

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing September 15, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

17. **ORDINANCE #11-1398 - Amendment to Deer Management Ordinance - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CONCERNING DEER MANAGEMENT PERMIT FEES AND AMENDING CHAPTER IX 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 15, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

17. **APPROVAL OF MINUTES**

July 21, 2011 - Regular Session (as corrected)

Minutes were approved as corrected.

August 4, 2011 - Regular Session

Minutes were approved as printed.

August 22, 2011 - Special Session

Minutes were approved as printed.

18. **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.

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

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

19. **SKILLMAN VILLAGE**

Administrator Nieman updated Committee on the demolition project at Skillman Village. He stated that there were only two buildings left to be demolished completely. They started on the Powerhouse this very day and another building that is really not on the property of Skillman Village, but at the corner of Burnt Hill Road. All of the demolition work will be completed before school starts. There would be some restoration work and debris removal after school begins.

Attorney Hadinger stated that the County is keeping an eye on the progress and on the removal of the ash. They have asked that the due diligence period run to the end of September.

20. **SOMERSET COUNTY BUSINESS PARTNERSHIP MEMBERSHIP**

Administrator Nieman asked if the Township Committee was interested in renewing the membership with the Somerset County Business Partnership. The dues would be approximately \$3,000.00 for the year.

It was the consensus of the Township Committee to renew the membership.

21. **EMPLOYEE EFFICIENCY INCENTIVE SUGGESTION**

Mayor Caliguire stated that there was a recommendation through the Employee Efficiency Incentive Program for the Township to start charging for marriage services. Montgomery is one of the only municipalities that does not do this already.

Attorney Hadinger stated that this is a service that the Township provides, whether by the Mayor or the Deputy Mayor. The Health Department does collect a fee for the Marriage License, but there are arrangements and such plus the ceremony itself which are not charged. She stated that the Mayor or Deputy Mayor may perform ceremonies for anyone in the State of New Jersey.

It was the consensus of the Township Committee for this to move forward.

22. **PUBLIC WORKS**

Administrator Nieman reported that once the Township is done with clean up work in Montgomery and we are back to normal, Public Works has asked if they could assist Manville with their clean-up. He reminded Committee that Manville had assisted us with brush pickup last year after a big storm.

ADJOURNMENT was at 8:36 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval: