

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
September 18, 2008

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 Birge, Deputy Mayor Fay, Committeemembers Wilson, Caliguire and Joye

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Birge 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 Birge led the salute to the flag.

4. **SKILLMAN VILLAGE REDEVELOPMENT RFQ**

Mayor Birge reported that all of the final development teams expressed continuing interest in the project, however they were unable to submit a complete proposal. They all complimented the Township on the condition of the site.

5. **SKILLMAN VILLAGE GRANT MONEY**

Mayor Birge reported that the Township received a \$1,517,000.00 grant from the Hazardous Discharge Site Remediation Fund for reimbursement of the investigation cost for the clean up at Skillman Village.

6. **HILLSBOROUGH TOWNSHIP CONTINUING CARE RETIREMENT CENTER DEVELOPMENT**

Mayor Birge reported on a letter from someone in Hillsborough requesting the Township Committee's input on Continuing Care Retirement Center development. It was decided that Mayor Birge would write back expressing the Township Committee's non interest in expressing their view as it was out of their jurisdiction.

7. **HISTORIC MURAL PRESENTATION**

Paul Ritz, Hillsborough Township, stated that in doing the history of Hillsborough Township, he researched and found out that Millstone, Manville and Montgomery were all part of Hillsborough and at some point broke away. He stated that he would like to do a mural of Montgomery Township, such as was being done for Hillsborough Township. He explained the Hillsborough project and stated that there were three (3) components to it: 1. the mural itself; 2. an interactive web-site; and 3. a scaled-down version of what's outside the building to be put inside the building. He explained that the Hillsborough project would be at no cost to the Township or to the taxpayers, it would be done strictly through donations. He suggested that Montgomery Township's mural might be located in the historic village of Blawenburg or at the Montgomery High School property. It was also suggested that the Otto Kaufmann Community Center might be a good location.

Committeewoman Wilson stated her concern about this, as the Veterans' Memorial Committee is under-going a fund-raising effort to fund their memorial at the present time and that might cause a conflict.

Mayor Birge suggested that Mr. Ritz look at the Otto Kaufmann Community Center and then the Montgomery High School and decide which is preferable.

8. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of August, 2008:

-- 1520 calls for service;
-- 49 motor vehicle accidents;
-- 25 arrests;
-- 14 thefts;
-- 1 motor vehicle theft;
-- 7 domestic violence;
-- 4 criminal mischief;
-- 5 burglaries.

9. **POLICE STAFFING AND VEHICLES**

Police Director Palmer stated that one (1) extra Sergeant was being requested. The Township Committee will need to look into this further.

Director Palmer explained the need for two (2) Police cars. Township Committee agreed.

10. MUNICIPAL VOLUNTEER PUBLIC SERVICE - Draft Ordinance Discussion

Committeewoman Wilson explained the draft Municipal Volunteer Public Service Ordinance. She stated that this was based on a model ordinance promoted by the Center for Civic Responsibility and the purpose was to provide residents with a predictable, standardized way of expressing their interest in serving on a municipal board, committee or commission.

Attorney Hadinger stated that there had been a change in the Code of Ethics Law. Namely, that all new appointments had to complete a Financial Disclosure form within 30 days of taking office.

Committee suggested some changes and Attorney Hadinger will take these suggestions and draft an ordinance for consideration at the next Township Committee meeting.

11. PUBLIC COMMENT - 5 MINUTES PER PERSON

Mayor Birge opened the hearing to the public. There being no comment Mayor Birge closed the public hearing portion of the meeting.

12. 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 #08-9-266 - REFUND OVERPAID 2008 TAXES

BE IT RESOLVED That a refund in the amount of \$3,223.38 be given to Miller, Kenneth M. & Susan A., 25 Muentener Drive, Skillman, NJ 08558 for the overpayment of 2008 taxes on Block 20001, Lot 7.15.

B. RESOLUTION # 08-9-267 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Recycling Tonnage Grant 2006

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 2008, in the amounts listed below, which item is now available as revenue from the State of New Jersey;

Recycling Tonnage Grant 2006	\$10,652.75
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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.

C. RESOLUTION # 08-9-268 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Recreational Trails Program 2005

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 2008, in the amounts listed below, which item is now available as a revenue from the State of New Jersey;

Recreational Trails Program 2005	\$25,000.00
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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.

(CONSENT AGENDA Cont.)

D. **RESOLUTION #08-9-269 - AWARD OF BID - CONSTRUCTION OF BITUMINOUS PATHS FOR VAN HORNE PARK**

WHEREAS, The following bids for Construction of Bituminous Paths for Van Horne Park were received and publicly opened on September 11, 2008:

<u>BIDDER</u>	<u>AMOUNT</u>
Oxford Engineering Co.	\$37,900.00
Diamond Construction	\$62,900.00
Penaloza & Calderone	\$51,159.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Municipal Engineer for Rocky Hill Borough that Oxford Engineering Co. 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 Recreational Trails Program 2005 which will fund this project; and

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Construction of Bituminous Paths for Van Horne Park is hereby awarded to Oxford Engineering Co., 336 Point Street, Camden, NJ 08102 an amount not to exceed \$25,000.00 with the balance to funded by Rock Hill Borough.

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

E. **RESOLUTION #08-9-270 - AMENDING RESOLUTION #08-7-205, A RESOLUTION AWARDED A CONTRACT FOR THE RECLAMATION/REHABILITATION OF VARIOUS ROADS**

WHEREAS, On July 10, 2008, a contract for the Reclamation/Rehabilitation of Various Roads was awarded to Reclamation of Kingston, LLC; and

WHEREAS, The Township Purchasing Agent inadvertently omitted from the bid information presented to the Montgomery Township Committee for consideration the cost of the liquid calcium chloride required to complete the project; and

WHEREAS, A certificate as to the availability of the additional funds required has been signed by the Temporary 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 Resolution #08-7-205 is hereby amended by an amount not to exceed \$6,954.90, increasing the total amount of the bid awarded to an amount not to exceed \$43,886.90 to address the costs of the liquid calcium chloride.

F. **RESOLUTION #08-9-271 - AUTHORIZING THE ADOPTION OF A SPECIAL TRAFFIC REGULATION PURSUANT TO N.J.S.A. 39:4-197.3 AFFECTING THE STREETS WITHIN SKILLMAN VILLAGE DUE TO A TEMPORARY CONDITION FROM OCTOBER 1, 2008 TO DECEMBER 31, 2008**

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. 2005); and

WHEREAS, Within Skillman Village there is continuing environmental remediation, construction, and redevelopment, as well as the presence of buildings in an unsafe condition; 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

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:

(CONSENT AGENDA Item F Cont.)

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 October 1, 2008, and ending on or about December 31, 2008, 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 October 1, 2008, and December 31, 2008:
 - Brophy Circle
 - Garrison Lane
 - Doctor's Row
 - Moosbrugger Way
 - Association Drive
 - Dodds Road
 - Lake (Lakeside) Drive
 - Maplewood Drive
 - Schley Drive
 - Fairview Road
 - Green House Drive
 - Morrow Road
 - Strecker Road
 - Industrial Road
 - Wilson Drive
 - Dungan Drive
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 approval of the Commissioner of the Department of Transportation.

G. **RESOLUTION #08-9-272 - AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SOMERSET MUNICIPAL BANC PROGRAM**

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

WHEREAS, Pursuant to the Program, the SCIA entered into a Master Lease Agreement dated December 1, 2007 with Commerce Commercial Leasing, LLC ("Lessor") for the lease of certain personal property, including several police vehicles; and

WHEREAS, The SCIA desires to sublease several of said police vehicles to the Township of Montgomery ("Township") pursuant to the terms of a "Sublease Purchase Agreement," a form of which is attached hereto; and

WHEREAS, The Township must replace two of its police vehicles and therefore desires to enter into a lease agreement with the SCIA for said purpose; and

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

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

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

1. Pursuant to N.J.S.A. 40:37A-78, the Mayor and the Township Clerk are hereby authorized and directed to enter into a lease agreement with the Somerset County Improvement Authority for the lease or purchase of two vehicles. Said lease agreement shall be in a form substantially similar to the attached "Sublease Purchase Agreement." Subject to the approval of the Township Attorney, the Mayor and the Township Clerk are hereby authorized to execute the lease agreement with such additions, deletions or modifications as necessary in the best interests of the Township.
2. Subject to the prior approval of the Township Attorney, the Mayor and the Township Clerk are further authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the lease agreement and for effectuating all related transactions contemplated by this resolution.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #08-9-273 - SETTLEMENT OF BOND DEFAULT OF SURETY - Saddlewood Development**

BE IT RESOLVED, Subject to the Township Engineer and Attorney's final approval as to form, that the Mayor and Clerk are authorized to sign a certain "Settlement Agreement and Release" with the surety Insurance Company of the State of Pennsylvania confirming said surety's obligations with respect to performance bond nos. PA6074480 and PA6074481 posted in connection with a residential subdivision development known as Van Lieu Estates a/k/a Saddlewood at Montgomery, and the completion of certain improvements that the developer did not complete.

12-1. Committeeman Joye moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Wilson and carried on the following:

ROLL CALL: Ayes - Caliguire, Joye, Fay, Wilson, Birge
Nays - None

13. **ORDINANCE #08-1295 - BOND - Various Capital Acquisitions - Public Hearing Continued**

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

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL ACQUISITIONS IN AND FOR THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$544,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$516,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance, as amended, be hereby adopted this 18th day of September, 2008 and that the ordinance and proper 20-day statement be published in an official newspaper as required by law.

13-1. Deputy Mayor Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

ROLL CALL: Ayes - Caliguire, Joye, Fay, Wilson, Birge
Nays - None

14. **ORDINANCE #08-1297 - Nicolaysen-Montgomery Friends of Open Space - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE CONVEYANCE OF AN UNDIVIDED 27.7% INTEREST IN LOT 37.02, BLOCK 34001 "NICOLAYSEN PROPERTY" ON CHERRY VALLEY ROAD IN THE TOWNSHIP OF MONTGOMERY TO MONTGOMERY FRIENDS OF OPEN SPACE, INC.

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

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 18th day of September, 2008 and that notice thereof be published in an official newspaper as required by law.

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

ROLL CALL: Ayes - Caliguire, Joye, Fay, Wilson, Birge
Nays - None

15. **APPROVAL OF MINUTES**

15-1. Committeewoman Wilson moved the adoption of the Regular Session minutes of June 19, 2008. The motion was seconded by Committeeman Caliguire and carried on the following:

ROLL CALL: Ayes - Caliguire, Joye, Wilson, Birge
Nays - None
Abstain - Fay

15-2. Committeeman Caliguire moved the adoption of the Regular Session minutes of July 10, 2008. The motion was seconded by Committeewoman Wilson and carried on the following:

ROLL CALL: Ayes - Caliguire, Fay, Wilson, Birge
Nays - None
Abstain - Joye

16. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Temporary Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills;

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

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

ROLL CALL: Ayes - Caliguire, Joye, Fay, Wilson, Birge
Nays - None

17. **REORGANIZATION MEETING**

The Township Committee agreed that the Reorganization Meeting would be held on January 6, 2009 at 6:00 p.m.

18. **SIGN ORDINANCE**

Committeeman Caliguire spoke about the frustration of the shop owners in Blawenburg Village about the signage for the shops.

Administrator Nieman stated that Zoning Officer Joe Palmer will send tenants and the Economic Development Commission a memo explaining what was approved versus what had been done.

19. **STONEBRIDGE SIGN**

Committeewoman Wilson spoke about a letter received about Stonebridge at Montgomery wishing to put a sign where the Montgomery Center for the Arts/1860 House sign is presently located.

Attorney Hadinger stated that the Township may own that property and a private entity putting a sign on Township land may raise some legal concerns.

Administrator Nieman stated that it was a Department of Transportation issue in the past and he would look at the history of the current sign.

20. **NICKS LANE**

Committeewoman Wilson spoke about a letter received concerning a paper street, Nicks Lane.

Administrator Nieman explained the background of this piece of property, that this was a private road that was never accepted by the Township. This subject came up because of a request for a subdivision for a building lot. He stated that he was looking at the history.

Attorney Hadinger explained that this paper street had been dedicated for public use, but until the Township exercises authority over it and takes control of it, the Township is not responsible for the street and the abutting property owners are responsible for the maintenance and upkeep.

21. **ECONOMIC DEVELOPMENT COMMISSION FORUM**

Deputy Mayor Fay reported on the recent business forum held by the Economic Development Commission and how much of a success it was.

22. **BOND ANTICIPATION NOTES**

Temporary Chief Financial Officer Walter Sheppard stated that the Bank of America will buy the Township's \$19,892,895.00 Bond Anticipation Note at an interest rate of 2.93%.

23. **SKILLMAN VILLAGE**

Committeeman Caliguire asked if there was going to be a meeting dedicated to what the strategy was going to be regarding redevelopment at Skillman Village.

Mayor Birge stated that there should be a special meeting set up.

Committeeman Joye asked for information on the tax impact for Skillman Village if it had to be carried by the Township for a significant period of time.

ADJOURNMENT was at 9:05 p.m. on a motion by Committeewoman Wilson. The motion was seconded by Committeeman Caliguire and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk