

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE  
October 16, 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. **VILLAGE SCHOOL**

Mayor Birge stated that she had met with some of the bus drivers at the Village School. They were asking that some of the roads north of Main Boulevard be opened to ease the traffic in the morning. She asked that this be carefully looked into, due to snow plowing and energy cost considerations.

4. **SKILLMAN VILLAGE**

Mayor Birge stated that she and Committeemembers Wilson and Caliguire had attended the Somerset County Board of Chosen Freeholder meeting. The County, over the past number of years, has been approached by the Township Committee leading them to believe that the Township could reasonably expect to receive up to \$1,000,000.00 from the Open Space Trust Fund as a special project. She just learned that there might be an opportunity to receive a lot more money. Committeeman Caliguire had expressed an interest in spear-heading a sub-committee to investigate this with Committeewoman Wilson.

5. **TOWING ORDINANCE**

Committeewoman Wilson stated there had been a request for the Township to change its Towing Ordinance to allow for only in-town towing companies to be put on the approved towing list. Attorney Hadinger pointed out that this would not be allowable.

6. **POLICE REPORT**

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

- 1230 calls for service;
- 41 motor vehicle accidents;
- 7 arrests;
- 12 thefts;
- 1 motor vehicle theft;
- 10 domestic violence;
- 6 criminal mischief;
- 0 burglaries;
- 1 aggravated assault.

5. **PUBLIC COMMENT - 5 MINUTES PER PERSON**

- 5-1. Patricia Graham, Wilshire Drive, spoke about the formation of a sub-committee regarding Skillman Village and asked what this sub-committee would do.

Mayor Birge stated they would go to the County Open Space Committee and request help through the various programs the County has to help municipalities to acquire Open Space. She explained that in the past four years, former Mayors Don Matthews and Louise Wilson had both appeared at different times in front of the Somerset County Parks Commission and were told, at that time, there were different programs that the County Open Space Committee had to help municipalities acquire Open Space parcels. The Committee was led to believe that the Township could reasonably expect up to \$1,000,000.00 to acquire a parcel of such importance to a community.

(Item #5 Cont.)

She explained that she was surprised at the story on Tuesday that the Freeholders were going to have a discussion about this, so she and Committeemembers Wilson and Caliguire went to the meeting, wanting to hear what the discussion was about. As it turned out, Freeholder Palmer did not bring it to the Board for discussion after all. Committeeman Caliguire stated that the public comment period took place and there was discussion, but wasn't sure there was discussion afterwards. Committeewoman Wilson stated that Freeholder Palmer had said in the newspaper that he was going to bring it up with the rest of the Freeholder Board. Mayor Birge stated that she found the Freeholder Board noncommittal at the time and she felt it was time for the Township to reapproach the Open Space Committee to confirm their tentative commitment of \$1,000,000.00 and to ask for a lot more. Committeeman Caliguire didn't agree with Mayor Birge's recollection of the discussion, and stated that Freeholder Palmer never said that he was going to bring it to the attention of the Freeholder Board and he also said that they hadn't had a discussion so that there was no commitment involved. Committeeman Caliguire said that he had asked the Freeholder Board to consider the purchase of the property, not the addition of \$1,000,000.00 of Open Space money to collaborate on the Open Space parcel that's in the development plan. There two different items: 1. there's the potential, if the development plan on the books goes forward, that they would contribute some Open Space money or 2. the potential for a completely different scenario, given the fact that it could take years to get a redeveloper involved, where if the Township has serious discussions with the Freeholder Board they might be interested in making it a south County Park.

Ms. Graham stated that it was her understanding that this was the first day that the Freeholders had been presented with this idea. She understood that there was an entire process that the Freeholders had to go through before they could even consider this. She asked if the Mayor had indicated her desire that Montgomery retain control of the property.

Mayor Birge responded she wasn't sure but she thought she did. Committeeman Caliguire stated that the Mayor did ask them, "What is the Freeholder's level of commitment going to be on the property?".

Ms. Graham asked if it was the position that whatever happens with the property, Montgomery Township should retain control of any development of the property. Mayor Birge stated that, right now, everything is on the table.

Committeeman Joye stated that it was his opinion that the Township ought to try to retain control as much as possible.

Committeeman Caliguire stated that the Township should negotiate with the County in good faith over what the uses of this parcel would be, if they are willing to negotiate.

Nancy DiFazio, Titus Road, spoke in favor of having Skillman Village become a park that is controlled by the County with set asides for whatever civic uses we can make of it.

Sarah Roberts, Harlingen Road, stated that years of studying, planning and asking the residents what they would like to see at Skillman Village has gone on and she doesn't think that those results should be abandoned. There are many uses for that land that would benefit the whole town.

6. **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 #08-10-290 - REFUND OVERPAID 2004 TAXES**

BE IT RESOLVED That a refund in the amount of \$1,549.93 be given to John R. Vernon, 8 Wood Violet Way, Belle Mead, NJ 08502 for the overpayment of 2004 taxes on Block 37003, Lot 6.55. Overpayment previously cancelled at the December 1, 2005 Township Committee meeting.

B. **RESOLUTION #08-10-291 - REFUND 2008 OVERPAID SEWER FEE**

BE IT RESOLVED That a refund in the amount of \$54.50 be given to Princeton North Realty Association, 15 Franklin Street, Tenafly, NJ 07670 for the overpayment of 2008 sewer fees on Block 35005, Lot 9.

C. **RESOLUTION #08-10-292 - REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS, The Township has received payment for the redemption of Tax Sale Certificate #2007-15 in the amount of \$1,094.48.

NOW, THEREFORE, BE IT RESOLVED That a refund in the amount of \$1,094.48 be given to James C. Older, 87 East Mountain Road, RR 3, Hillsborough, NJ 08844 for the redemption of Tax Sale Certificate #2007-15 on Block 34023, Lot 34.

D. **RESOLUTION #08-10-293 - RAFFLE LICENSE #659 - Montgomery/Rocky Hill Rotary Foundation, Inc.**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for the Montgomery/Rocky Hill Rotary Foundation, Inc. to conduct a Raffle under License #659 on April 26, 2009 at the Montgomery Upper Middle School, Burnt Hill Road, Skillman, NJ. The time for this Raffle will be at approximately 1:00 p.m.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #08-10-294 - ROAD CLOSINGS FOR "FALL FESTIVAL PARADE" - Skillman Road from Fairview Road to County Route 601**

BE IT RESOLVED By the Montgomery Township Committee that Skillman Road from Fairview Road to County Route 601 be closed to vehicular traffic on Saturday, October 25, 2007 beginning at 9:45 a.m. for the purposes of a parade for "Fall Festival".

F. **RESOLUTION #08-10-295 - APPROVING TEMPORARY ROAD CLOSING - Research Road Infrastructure**

BE IT RESOLVED By the Montgomery Township Committee that authorization is hereby given for the temporary road closing of Research Road on the weekends of October 18<sup>th</sup> and November 1<sup>st</sup> or any subsequent weekend in order to accommodate the installation of the sewer infrastructure for the Tapestry at Montgomery project.

The roadway must be made accessible to emergency vehicles.

G. **RESOLUTION #08-10-296 - EXECUTION OF CROSS EASEMENT AGREEMENT - Privacy Fences - Pike Run Phase 7 - Block 5014, Lot 8 (Simpson)**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Cross Easement Agreement between the Township of Montgomery and Michael and Lungiswa Simpson with regard to some privacy fencing in Phase 7 of Pike Run, that traverses drainage easements.

H. **RESOLUTION # 08-10-297 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - COP Technology Program 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 2008, in the amounts listed below, which item is now available as a revenue from the State of New Jersey:

COPS Technology Program Grant	\$233,825.00
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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.

I. **RESOLUTION #08-10-298 - AWARD OF BID - Unitized Module Material Spreader**

WHEREAS, The following bid for a Unitized Module Material Spreader was received and publicly opened on Wednesday, October 15, 2008:

<u>BIDDER</u>	<u>AMOUNT</u>
Trius, Inc.	\$55,929.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Roads Foreman that Trius, 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.

WHEREAS, There exists an account 04-216-55-901-1295C which will fund these goods; and

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the Unitized Module Material Spreader is hereby awarded to Trius, Inc., 5049 Industrial Rd., Farmingdale, NJ 07727 in the amount of \$55,929.00

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

(CONSENT AGENDA Cont.)

J. **RESOLUTION #08-10-299 - EXTENDING CONTRACT TERM - Fleet Maintenance Services**

WHEREAS, On August 4, 2005, the Township Committee awarded a contract to First Vehicle Services for the management and maintenance of a portion of the Township's vehicles and equipment for a term of three (3) years ("Fleet Maintenance Services Contract" or "contract"); and

WHEREAS, The contract was due to expire on August 14, 2008; and

WHEREAS, By Resolution No. 08-7-224 adopted on July 24, 2008, the Township Committee indicated that it sought to extend the term of the contract until February 28, 2009 (a total extended term of six and one-half (6 ½) months), so that this contract would expire at the same time as a second Township contract for the management and maintenance of the balance of the Township's vehicles and equipment; and

WHEREAS, At that time, however, the Township only had funds to extend the contract for two (2) months and therefore, by Resolution No. 08-7-224, approved a two-month extension, which included a 6% increase in contract price; and

WHEREAS, The Township still seeks to extend the term of the contract until February 28, 2009 but at this time only has funds to extend the contract for another two (2) months - from October 16, 2008 to December 15, 2008; and

WHEREAS, First Vehicle Services has offered to continue to provide the services under the contract; and

WHEREAS, First Vehicle Services has been performing the services under the contract in an effective and efficient manner; and

WHEREAS, The maximum amount of the contract, as extended, for services from October 16, 2008 to December 15, 2008 will not exceed \$19,469.02, which amount includes a 6% increase in the original contract price; and

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for this contract extension.

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

1. The Fleet Maintenance Services Contract is hereby further extended from October 16, 2008 to December 15, 2008, that is, for an additional two (2) months.
2. Based on the existing contract, the total not-to-exceed contract amount for the term of the extension shall be \$19,469.02, which includes:
  - a. A base contract amount of \$18,688.86; and
  - b. An amount not to exceed \$780.16 (up to 16 hours at \$48.76/hour) for non-basic services when directed by the Township.
3. All remaining provisions of the Fleet Maintenance Services Contract, as extended by Resolution No. 08-7-224, not inconsistent herewith shall remain the same, except that instead of submitting monthly invoices for 1/12 of the contract amount, First Vehicle Services shall submit monthly invoices for 1/2 of the base contract amount for the prorated period, along with costs for non-basic services.
4. This contract extension is awarded pursuant to N.J.S.A. 40A:11-15 because First Vehicle Services has performed the services in an effective and efficient manner.
5. This Resolution, when countersigned by First Vehicle Services, shall serve as an amendment to the original Fleet Maintenance Services Contract, as amended by Resolution No. 08-7-224, for the purpose of confirming the extension of the contract term until December 15, 2008 and the not-to-exceed contract price of \$19,469.02 for the two-month extended period.
6. A copy of this Resolution shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

K. **RESOLUTION #08-10-300 - RELEASE OF PERFORMANCE GUARANTEE - Debra & Robert Foxx - Block 15013, Lot 25.02**

WHEREAS, On October 8, 2008, Gail Smith, Township Engineer, recommended the release of the cash Performance Guarantee to Debra and Robert Foxx because all landscaping work has been satisfactorily completed with respect to 252 Sunset Road (Block 15013, Lot 25.02).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Performance Guarantee in the amount of \$4,000.00 be released to Debra and Robert Foxx, 252 Sunset Road, Skillman, NJ 08558.

BE IT FURTHER RESOLVED That a Maintenance Guarantee is not required.

(CONSENT AGENDA Cont.)

L. **RESOLUTION #08-10-301 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) - Block 7021, Lot 50 (Staats Farm Road)**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection related to construction of a sanitary sewer extension in the Riverside Farms sewer service area.

M. **RESOLUTION #08-10-302 - APPROVAL OF SEWER PARTICIPATION AGREEMENT FOR ADDITIONAL CAPACITY - Nanjun Qian & Wei Zhu (Block 37004, Lot 6.52)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with Nanjun Qian and Wei Zhu related to additional capacity in the Stage II Sewage Treatment Plant for Block 37004, Lot 6.52.

N. **RESOLUTION #08-10-303 - RELEASE OF MAINTENANCE GUARANTEES - Yorkshire Woods - Phase I, Phase IIA, Phase IIB and Linton Drive**

WHEREAS, Gail Smith, Township Engineer, has certified on October 9, 2008 that all public improvements in projects known as Yorkshire Woods, Phases I, IIA, IIB and Linton Drive have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the following Maintenance Bonds be released to Beazer Homes, 275 Phillips Boulevard, Trenton, NJ 08618:

Phase	Bond#	Amount
Linton Drive	104465089	\$ 55,595.85
Phase I	104465090	\$320,941.57
Phase IIA	104465091	\$119,688.62
Phase IIB	104465092	\$121,468.86

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

6-1. Committeewoman Wilson moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Fay and carried on the following:

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

7. **ORDINANCE #08-1298 - Volunteer Public Service - Public Hearing**

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

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF  
MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY (1984)  
TO ESTABLISH PROVISIONS REGARDING MUNICIPAL  
VOLUNTEER PUBLIC SERVICE

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 Montgomery Township Committee that the foregoing ordinance be hereby adopted this 16<sup>th</sup> day of October, 2008 and that notice thereof be published in an official newspaper as required by law.

7-1. 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 - Fay, Wilson, Caliguire, Joye, Birge  
Nays - None

8. **ORDINANCE #08-1299 - Capital Improvement - Acquisition of Servers and Mobile Data Computers - Introduction**

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

ORDINANCE APPROPRIATING \$25,000 (CONSISTING OF \$2,575 FROM THE CAPITAL IMPROVEMENT FUND AND \$22,425 FROM THE GENERAL CAPITAL SURPLUS FUND) FOR THE ACQUISITION OF SERVERS AND MOBILE DATA COMPUTERS FOR THE POLICE DEPARTMENT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY.

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 November 6, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

9. **ORDINANCE #08-1300 - Amending Ordinance #08-1293 - To Include Laptop Computers - Introduction**

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

ORDINANCE AMENDING ORDINANCE #08-1293 OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY FINALLY ADOPTED JULY 24, 2008 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT TO INCLUDE LAPTOP COMPUTERS.

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 November 6, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

9-1. Deputy Mayor Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

10. **ORDINANCE #08-1301 - BOND - Amending Bond Ordinance #08-1295 - Introduction**

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

BOND ORDINANCE AMENDING BOND ORDINANCE #08-1295 OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY FINALLY ADOPTED SEPTEMBER 18, 2008 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT SET FORTH IN SECTION 3(1)(E) THEREOF.

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 November 6, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

11. ORDINANCE #08-1302 - Transco Exchange - Introduction

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

AN ORDINANCE APPROVING THE DIVERSION OF CERTAIN PRESERVED LAND AND FINDING THAT CERTAIN REPLACEMENT LAND IS OF EQUIVALENT VALUE, USEFULNESS, SIZE, AND QUALITY; N.J.S.A. 40:12-15.1 ET SEQ., N.J.S.A. 40A:12-15 ET SEQ. (BLOCK 4001, LOTS 10.01, 10.02 and 10.03).

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 November 6, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

11-1. 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 - Fay, Wilson, Caliguire, Joye, Birge  
Nays - None

12. ORDINANCE #08-1303 - Road Name Change - Stonebridge Drive to Hollinshead Spring Road - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CHANGING THE NAME OF STONEBRIDGE DRIVE TO HOLLINSHEAD SPRING ROAD

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 November 6, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. ORDINANCE #08-1304 - LDO - Development Fees - Introduction

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV, "THE AFFORDABLE HOUSING ORDINANCE", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY WITH REFERENCE TO SATISFYING THE REQUIREMENTS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) AND SPECIFICALLY BY AMENDING SECTION 15-15, ENTITLED "DEVELOPMENT FEES"

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 November 13, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

**ROLL CALL:** Ayes - Fay, Wilson, Joye, Birge  
Nays - Caliguire

14. **RESOLUTION #08-10-304 - REQUESTING THAT COAH REVIEW AND APPROVE MONTGOMERY TOWNSHIP'S DEVELOPMENT FEE ORDINANCE**

WHEREAS, The Township Committee of the Township of Montgomery in Somerset County petitioned the Council on Affordable Housing (COAH) for Third Round Substantive Certification on December 1, 2005; and

WHEREAS, P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, Subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

- A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d );
- A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
- A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
- A description of collection procedures per N.J.A.C. 5:97-8.3(f);
- A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
- A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, The Township of Montgomery has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED That the Township Committee of the Township of Montgomery in Somerset County requests that COAH review and approve Montgomery Township's development fee ordinance.

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

**ROLL CALL:** Ayes - Fay, Wilson, Joye  
Nays - Caliguire, Birge

15. **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.

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

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

16. **GOVERNOR'S SPEECH**

Committeewoman Wilson spoke about the Governor's recent speech and how he was going to direct \$150,000,000.00 plus to foreclosure prevention, HMFA Administers and Mortgage Assistance and Restructuring Programs. He spoke about the very immediate problem state-wide with Food Bank shelves being empty and called on the people of the state to donate and help fill up the Food Bank shelves. He asked for a supplemental appropriation to help the Health Institute of New Jersey with their drive for the Food Banks. He also asked the Legislature to implement an expansion of the Senior Property Tax Freeze and wants to increase the CAP over three years to \$80,000.00 from its current ceiling of approximately \$53,000.00 which would expand the program to about 70,000 Seniors that do not currently qualify.

**ADJOURNMENT** was at 8:30 p.m. on a motion by Committeewoman Wilson. The motion was seconded by Deputy Mayor Fay and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk