

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
October 20, 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 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. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of September, 2011:

- 56 motor vehicle accidents;
- 16 arrests;
- 7 thefts;
- 7 burglaries;
- 3 domestic violence;
- 1 criminal mischief.

5. **RESOLUTION HONORING TOM SKILLMAN**

WHEREAS, Tom Skillman is celebrating his 100<sup>th</sup> birthday today, October 20, 2011; and

WHEREAS, Tom is the seventh generation of Skillmans and the oldest living member of the family for whom the Skillman section of Montgomery was named; and

WHEREAS, Tom was born in his parents' farmhouse in 1911 and lived with no indoor plumbing until he was 12. He remembers when the radio was new; a horse and carriage was transportation; and Babe Ruth and Lou Gehrig played on the Yankees; and

WHEREAS, Tom was married to former Township Clerk/Administrator Bea Skillman; and

WHEREAS, Tom Skillman was one of the founders of the Montgomery Volunteer Fire Company and belonged to the Township's Van Harlingen Historical Society. A well-informed historian and storyteller, Tom continues to share his knowledge with anyone who asks and is the subject of an oral history entitled "Mr. Skillman of Skillman"; and

WHEREAS, Tom loves his family heritage and has maintained a historical library chronicling the past of Skillman - the place and the family.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee, on behalf of all the residents of Montgomery Township, takes great pride in extending its best wishes for continued health and happiness to Tom Skillman on his 100<sup>th</sup> birthday.

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

6. **PUBLIC COMMENT**

- 6-1. Mark Petraske, Opossum Road, inquired as to why Thom Carter wasn't removed from the Township Committee when it was learned that he would not be attending meetings due to a job out of the country.

Mayor Caliguire stated that at first, Mr. Carter's job was going to be temporary and that he would return. He explained that Mr. Carter had attended the July 21, September 1 and September 15 meetings via teleconferencing and that was allowable. When it came to light that Mr. Carter's job had become permanent, Mr. Carter wrote a letter of resignation and the Township Committee was going to fill the vacant seat.

- 6-2. Mark Petraske, Opossum Road, made a request to Administrator Nieman for a copy of the Court Consolidation Feasibility Study.
- 6-3. Laurin Long, Grandview Road, stated that he was in support of the ordinance for the Potter Tract acquisition.

(Item #6 Cont.)

- 6-4. Walter Beadling, Thornton Way, apprised the Committee that the Montgomery Tea Party was recording the meeting and it would be available at [www.themontgomeryteaparty.org](http://www.themontgomeryteaparty.org). He noted that Nick Hladick, the camera person, had formed a club at the High School. He stated that he had made progress with setting up a meeting with Comcast and Township representatives.
- 6-5. Nick Hladick, Woodview Drive, recapped what Mr. Beadling said. He stated that the club was named "Montgomery Connect" and had 42 members. They would be filming Candidates Night.
- 6-6. Jay Barrett, Brandywine Road, stated that Montgomery Township has been very cautious about its development and thanked everyone for their effort to keep the town the way the citizens would want it. He spoke about the Route 206 Childcare Center and how close it is to Route 206. That center was constructed with a 20 foot set back. He asked the Township Committee to seriously look at the zoning ordinance and change any very small setbacks.

Mayor Caliguire explained that the building was approved by the Planning Board a few years ago. He stated that Mr. Barrett brought up a good point about setbacks and he thought that the Township Committee should look into changing them.

Attorney Hadinger explained that the Township Committee could charge the Planning Board and Township Planner to look at the setback portion of the Highway Commercial zones in the Zoning Ordinance.

7. **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 #11-10-260 - DECLARING CERTAIN TOWNSHIP EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns pieces of equipment that the Police Department and Township Clerk have determined are no longer needed for public use; and

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

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

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

The Purchasing Agent is hereby authorized and directed to dispose of the following equipment:

- Radio Base Station
- Bullet Resistant Window
- Fingerprint Comparator
- Fuming Tank
- Light Bars
- Mail Boxes
- Gun Boxes
- Radio Equipment
- Scrap Metal
- Vehicle Partitions
- NeoPost Postage Machine, Parts, and Supplies

B. **RESOLUTION #11-10-261 - APPROVAL OF OUTDOOR ASSEMBLY - Princeton Aero Corp.**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Princeton Aero Corp. has requested approval of the Township Committee to conduct an Outdoor Assembly/Car Show at the Princeton Airport on October 29, 2011 for 5 hours.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
  - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The Montgomery Township Police Department has reviewed and approved the application.
4. The organizers will obtain the required permits from the Fire Official and the required health certificates from the Township Health Department.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #11-10-262 - RELEASE OF PERFORMANCE BOND - Bedens Brook Club Maintenance Area Renovation**

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WHEREAS, Gail Smith, Township Engineer, has certified on October 5, 2011 that all public improvements in a project known as Bedens Brook Club Maintenance Area Renovation have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$79,930.00 (\$71,938.00 LOC #2010-08 BedensBr and \$7,993.20 cash) be released to Bedens Brook Club and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$79,930.00
15% Maintenance Guarantee	\$11,989.50

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow.

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

D. **RESOLUTION #11-10-263 - SHARED SERVICES AGREEMENT - Qualified Purchasing Agent**

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WHEREAS, N.J.S.A. 40A:65-1 et seq., Uniform Shared Services and Consolidation Act, permits municipalities to enter into contracts for the purposes of sharing services; and

WHEREAS, The Township of Montgomery has a need for the services of a Qualified Purchasing Agent; and

WHEREAS, The Townships of Montgomery and Franklin deem it to be in their best interests to enter into a Shared Services arrangement to provide for the sharing of the services of the Qualified Purchasing Agent.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County, New Jersey, that the Shared Service Agreement between the Townships of Montgomery and Franklin for the Qualified Purchasing Agent is hereby approved and the Mayor and Clerk are authorized to sign the same; and

BE IT FURTHER RESOLVED That the agreement shall take effect upon the adoption of concurrent resolutions by all parties to the agreement.

E. **RESOLUTION #11-10-264 - ACCEPTANCE OF DONATION - TomTom GPS System from M.S. Industries**

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BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation by M.S. Industries of a TomTom GPS for the Public Works Department.

F. **RESOLUTION #11-10-265 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) - Handler Estates**

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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 the Handler Estates Subdivision for connection to the Pike Brook Sewage Treatment Plant.

7-1. Deputy Mayor Dyer moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Trzaska and carried on the following:

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

8. RESOLUTION #11-10-266 - EMERGENCY APPROPRIATIONS - NJSA 40A:4-48 (Hurricane Irene)

WHEREAS, An emergency has arisen with respect to the effects of Hurricane Irene and, no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, The total amount of emergency appropriation created including the appropriation to be created by this resolution is \$550,000.00 and three (3) percent of the total operating appropriations (including utility operations) in the budget for the year 2011 is \$723,653.56, and

WHEREAS, The foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operations) in the budget year for 2011.

NOW, THEREFORE BE IT RESOLVED (by not less than 2/3 of all governing body members affirmatively concurring) That in accordance with N.J.S.A. 40A:4-48,

1. An emergency appropriation be and the same is hereby made for:

Police, Salaries & Wages	\$ 13,000.00
Public Works, Salaries & Wages	\$ 17,000.00
Public Works, Other Expenses	\$ 5,000.00
Social Security, Other Expenses	\$ 2,500.00
Health Department, Other Expenses	\$ 5,000.00
Solid Waste Disposal, Other Expenses	\$ 55,000.00
Plant B (Stage II), Other Expenses	\$448,400.00
Plant B (Stage II), Salaries & Wages	\$ 4,100.00

2. That said emergency appropriation shall be provided in full in the 2012 budget.

3. That two certified copies of this resolution be filed with the Director of Local Government Services.

8-1. 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, Dyer, Caliguire  
Nays - None

9. ORDINANCE #11-1400 - Marriage & Civil Union Fees - Public Hearing

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

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH A FEE FOR THE SOLEMNIZATION OF MARRIAGES OR CIVIL UNIONS BY THE MAYOR OR DEPUTY MAYOR

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 20<sup>th</sup> day of October, 2011 and that notice thereof be published in an official newspaper as required by law.

9-1. 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, Dyer, Caliguire  
Nays - None

10. ORDINANCE #11-1401 - Open Space Acquisition - Potter Tract - Introduction

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

ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF LOT 20 IN BLOCK 10001, ON GRANDVIEW ROAD, IN THE TOWNSHIP OF MONTGOMERY, AND PROVIDING FOR THE CONVEYANCE OF AN INTEREST IN SAID PROPERTY

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 3, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

10-1. 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, Dyer, Caliguire  
Nays - None

11. APPROVAL OF MINUTES

October 6, 2011 - Regular Session

Minutes were approved as printed.

12. 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.

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, Dyer, Caliguire  
Nays - None

13. SKILLMAN VILLAGE - SALE OF PROPERTY TO SOMERSET COUNTY

Mayor Caliguire announced that the closing on the sale of the NDPC property to Somerset County, to become Skillman Park, is scheduled for October 25, 2011 at 10:00 a.m.

Attorney Hadinger explained the documents that were necessary for this closing. The authorizations had been granted with the adoption of Ordinance #10-1373, that provided for the sale of the property, together with two resolutions previously adopted (#11-6-164 and #10-10-261). These documents have already been approved for signing, but on Tuesday, October 25, the Deputy Clerk will likely have to substitute for the Clerk.

a. AUTHORIZATION FOR DEPUTY CLERK TO ATTEND CLOSING

Motion #11-10-2 - Committeeman Trzaska moved to authorize the Deputy Clerk to attend the closing. The motion was seconded by Committeewoman Graham and carried on the following:

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

b. AUTHORIZATION FOR MAYOR AND CLERK/DEPUTY CLERK TO SIGN VARIOUS DEEDS OF EASEMENT RELATED TO SALE OF PROPERTY

Motion #11-10-3 - Committeewoman Graham moved to authorize the Mayor and Clerk/Deputy Clerk to sign various Deeds of Easement related to the sale of the Skillman Village property. The motion was seconded by Committeeman Trzaska and carried on the following:

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

14. MUNICIPAL ALLIANCE

Committeewoman Graham reported that there is a program that allows people to turn in prescription medicines to the Police Department. It is scheduled for October 29 from 10 a.m. to 2 p.m.

15. ECONOMIC DEVELOPMENT COMMISSION

Deputy Mayor Dyer announced that the Economic Development Commission was having their Business Forum on October 25 from 6 p.m. to 8 p.m. at Tusk Restaurant. Mike Kerwin of the Somerset County Business Partnership will be the guest speaker.

16. VILLAGE SHOPPER III

Mayor Caliguire reported that Committeeman Trzaska and he had attended the groundbreaking ceremonies for the revitalization of Village Shopper III. He spoke about discussions he had with a couple of hospitals about placing an Urgent Care facility in the Township. He stated that representatives of St. Peters were especially aggressive about it and have spoken to the people who are redeveloping Village Shopper III. They have struck a deal to put an Urgent Care facility in the new portion of this property and are going to locate there relatively soon in the existing portion and then move into the 2,500 square foot section of the building with doctors' offices above.

17. VETERANS MEMORIAL

Deputy Mayor Dyer stated that the Montgomery Veterans Memorial will be dedicated on November 11, 2011 with an Open House from 12 p.m. to 4 p.m. at Montgomery Park. The ceremony will be that same day at the Princeton Elks Lodge from 6 p.m. to 9 p.m.

18. **APPOINTMENT AND SWEARING IN OF NEW TOWNSHIP COMMITTEE MEMBER**

Mayor Caliguire stated that Committeeman Thom Carter resigned from the Township Committee on October 6, 2011. In accordance with Title 19, the Republican County Committee of Montgomery did provide three names for the Township Committee to choose from for replacement. Those people were: Margaret Windrem, Walter Geslak, and Mark Conforti. The Township Committee will vote on one of these people at their November 3 meeting.

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
  - Acquisition of land (Pariso) with public funds for farmland, open space and other purposes, and negotiations of terms and conditions of agreements therefor;
  - Advice of counsel with respect to Country Club Meadows litigation;
  - Terms and conditions and advice of counsel with respect to shared Court;
  - Advice of Labor Counsel with regard to contractual issues and labor grievances;
  - Advice of counsel with regard to terms and conditions of agreements for sale of property to Somerset County Improvement Authority.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. No agreements shall be authorized except by action of the Township Committee. The Governing Body will reconvene in Open Session at the end of the Closed Session for the purpose of taking action on a matter related to the sale of Skillman Village to the County.

19-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.

20. Meeting reconvened in Open Session.

21. **SKILLMAN VILLAGE - SALE OF PROPERTY TO SOMERSET COUNTY**

**Motion #11-10-4** - Committeeman Trzaska moved to approve an authorization for a holdback of approximately \$1.1 million to be established representing a sum related to the completion of the ash removal work and the demolition work. The motion was seconded by Committeewoman Graham and carried on the following:

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

22. **RESOLUTION TO RECONVENE IN CLOSED SESSION**

Attorney Hadinger stated that the Township Committee would reconvene in Closed Session for the items on the agenda that do not pertain to the sale of Skillman Village property to the County.

22-1. Committeewoman Graham moved to reconvene in Closed Session. The motion was seconded by Committeeman Trzaska and carried unanimously.

23. Meeting reconvened in Open Session and **ADJOURNMENT** was at 9:20 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk