

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
November 6, 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 and Joye
Committeeman Caliguire was absent

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
 2. The general nature of the subjects to be discussed in this session is as follows:
 - Advice of Environmental/Risk Counsel with respect to the Weston/ELTA contract pertaining to NPDC.
 3. It is unknown precisely when, if ever, the matters discussed in this session may be disclosed to the public. Approval of agreements shall only be authorized by the Township Committee in a public session.
- 3-1. Deputy Mayor Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried unanimously.
 4. The meeting reconvened in Open Session and Mayor Birge led the Salute to the Flag.
 5. **RESOLUTION - NATIONAL FAMILY CAREGIVERS MONTH - November, 2008**

WHEREAS, During this season of Thanksgiving - as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a State - we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among New Jersey's most important natural resources; and estimated at 836,000; and

WHEREAS, The need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver; if not fulfilling the caregiver role ourselves; and

WHEREAS, Family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee does hereby proclaim November, 2008 as NATIONAL FAMILY CAREGIVERS MONTH in the Township of Montgomery, Somerset County, New Jersey.

- 5-1. Committeeman Joye moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried unanimously.

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

Mayor Birge opened the hearing to the public. There being no comment, the public hearing was closed.

7. **EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD - Health Insurance Cost Reduction**

Temporary Chief Financial Officer Walter Sheppard explained that he was working on a recommendation to offer employees of the Township, who can demonstrate adequate insurance coverage without using the Township as the insurer, 25% return for cancelling their policy with the Township. This 25% return would be received every year; the other 75% will be a reduction to the Township's costs for Employee Group Insurance.

8. **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 #08-11-305 - REFUND UNUSED PORTION OF SPECIAL DUTY MONIES**

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

Hisko Excavating	Rotary Club of Montgomery
5 Commerce Street	P.O. Box 333
Somerville, NJ 08876	Rocky Hill, NJ 08853
\$65.00	\$325.00

B. **RESOLUTION #08-11-306 - ACCEPTANCE OF DONATION - Check for Trees from PSE&G via the New Jersey Tree Foundation**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation by PSE&G via the New Jersey Tree Foundation of the planting, maintenance and educational aspects of utility-friendly trees.

C. **RESOLUTION #08-11-307 - TEMPORARY ROAD CLOSURE - Harlingen Road**

BE IT RESOLVED That Harlingen Road from Belle Mead-Griggstown Road to Kingswood Drive be closed on or about October 27, 2008 through on or about November 30, 2008 to reconstruct a portion of Harlingen Road as a part of the restoration work for the 60" diameter water transmission main extension project.

D. **RESOLUTION #08-11-308 - APPROVING EXPANSION AND UPDATES TO MONTGOMERY TOWNSHIP PERSONNEL POLICY (originally adopted April 16, 1998)**

BE IT RESOLVED By the Montgomery Township Committee that the expansion and updates to Montgomery Township Personnel Policy (originally adopted April 16, 1998) is hereby adopted.

E. **RESOLUTION #08-11-309 - AMENDMENT TO CONSTRUCTION SEQUENCE AGREEMENT - Renwood Princeton Self-Storage LLC**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a first amendment to the Developer's Agreement with Renwood Princeton Self-Storage LLC. with respect to Renwood Self-Storage.

F. **RESOLUTION #08-11-310 - DEDICATION BY RIDER - Shade Trees**

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

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

WHEREAS, It is the desire of the Township Committee of the Township of Montgomery to anticipate and expend revenue received from Public Contributions for Shade Trees - planting, maintenance and educational aspects of trees.

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

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

G. **RESOLUTION #08-11-311 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Youth Services 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;

Youth Services Grant	\$5,000.00
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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.)

H. **RESOLUTION #08-11-312 - PURSUANT TO N.J.S.A. 40A:4-87** (Chapter 159, P.L. 1948) -
DMV Inspection Funds

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;

DMV Inspection Funds	\$4,800.00
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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 #08-11-313 - AWARD OF BID - 2009 Ford Expedition or Equal -**
4WD Special Service Vehicle (SSV)

WHEREAS, The following bids for 2009 Ford Expedition or Equal 4WD Special Service Vehicle (SSV) were received and publicly opened on October 15, 2008:

<u>BIDDER</u>	<u>AMOUNT</u>
Motors Fleet	\$27,657.00*
Winner ford	\$27,849.00
Flemington Car & Truck	No Business Registration
Lawrence Auto Group	\$28,116.00

WHEREAS, It is the recommendation of the Purchasing Agent that Motors Fleet 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 04-216-55-901-1295A which will fund this vehicle; and

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the Ford Expedition 4WD Special Service Vehicle (SSV) is hereby awarded to Motors Fleet, 900Highway 35, Ocean, NJ 07712 in the amount of \$27,657.00.

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

J. **RESOLUTION #08-11-314 - AWARD OF BID - Crack Sealing Melter with Trigger Flow**
Control

WHEREAS, The following bid for Crack Sealing Melter with Trigger Flow Control was received and publicly opened on October 21, 2008:

<u>BIDDER</u>	<u>AMOUNT</u>
Trius, Inc.	\$46,426.00

WHEREAS, It is the recommendation of the Purchasing Agent 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 (\$45,000.00) and 01-201-26-290-2-027 (\$1,426.00) which will fund this equipment; and

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the Crack Sealing Melter with Trigger Flow Control is hereby awarded to Trius, Inc., 5049 Industrial Road, Farmingdale, NJ 07727 in the amount of \$46,426.00.

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

(CONSENT AGENDA Cont.)

K. **RESOLUTION #08-11-315 - AWARD OF BID - John Deere 4520 or equal Compact Utility Tractor and 400CX Loader**

WHEREAS, The following bids for a Compact Utility Tractor and Loader were received and publicly opened on October 21, 2008:

BIDDER	AMOUNT
Cherry Valley Tractor Sales	\$39,258.85*
Cammps	\$41,970.00

WHEREAS, It is the recommendation of the Purchasing Agent that Cherry Valley Tractor Sales be awarded the bid; they 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 04-216-55-901-1295D which will fund this equipment, and

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee that the order for Compact Utility Tractor and Loader is hereby awarded to Cherry Valley Tractor Sales, 35 Route 70 West, Marlton, NJ 08053-3099 in the amount of \$39,258.85

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

L. **RESOLUTION #08-11-316 - SUPPORT OF THE SOMERSET COUNTY BUSINESS PARTNERSHIP'S GREEN TOOLKIT SUSTAINABLE PUBLIC BUILDING GUIDELINES**

WHEREAS, Montgomery Township has recognized the need to preserve and properly manage our local natural resources; and

WHEREAS, Montgomery Township has made strides in preserving and managing these natural resource; and

WHEREAS, Montgomery Township recognizes the need to embrace sustainable design in all future municipal facilities; and

WHEREAS, Montgomery Township is aware of the efforts of the Somerset County Business Partnership in the development of their Green Toolkit; and

WHEREAS, The Green Toolkit recommends the use of the United States Green Building Council Leadership in Energy and Environmental Design Rating System in the design of facilities; and

WHEREAS, The Green Toolkit recommends applications of the LEED guidelines that will reduce the cost of facility operation, while enhancing both the interior and exterior work environment; and

WHEREAS, The Somerset County Business Partnership's Green Toolkit has been accepted by the Somerset County Board of Chosen Freeholders as a guide in the design for all future county facilities;

NOW, THEREFORE BE IT RESOLVED, That Montgomery Township recognizes the efforts of the Somerset County Business Partnership in the development of the Green Toolkit, and

BE IT FURTHER RESOLVED, That Montgomery Township supports the recommendations found in the Somerset County Business Partnership's Green Toolkit in the design of new public facility construction as a means of demonstrating environmental stewardship by Montgomery Township.

M. **RESOLUTION #08-11-317 - ADOPTING THE SOMERSET COUNTY MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN AS AN OFFICIAL PLAN OF THE TOWNSHIP OF MONTGOMERY**

WHEREAS, The Township of Montgomery, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS, The hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS, The New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS, The Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan has been developed by the Mitigation Planning Committee;

WHEREAS, The Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

(CONSENT AGENDA Item M Cont.)

WHEREAS, Two public meetings were held on March 26, 2008 and March 27, 2008, to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law,

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

1. The Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan is hereby adopted as an official plan of the Township of Montgomery; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Township of Montgomery departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township Committee, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Montgomery Township Office of Emergency Management is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted by October 1st of each year.

N. **RESOLUTION #08-11-318 - RELEASE OF PERFORMANCE GUARANTEE - Lexington Woods**

WHEREAS, Gail Smith, Township Engineer, has certified on October 31, 2008 that all public improvements in a project known as Lexington Woods 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 \$543,168.00 (Bond #929208165 in the amount of \$488,851.20 and \$54,316.80 cash) be released to Toll NJ, Inc. and a maintenance guarantee be posted as follows:

Original Construction Cost Estimate	\$1,097,975.70
15% Maintenance Guarantee	\$ 164,696.35

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 funds.

BE IT FURTHER RESOLVED That the Township should accept the following roads and facilities:

Fox Chase Lane - from the easterly tract line of this subdivision and lot lines of Block 15013, Lot 64 and Block 15007, Lot 28 to Concord Lane.

Concord Lane - from and including the cul-de-sac at the southerly end of the road to the westerly tract boundary line of this subdivision and Block 15007, Lot 21 and Block 15013, Lot 51.

Maintenance Easements for Detention Basin No. 1, located on a portion of Block 15007, Lot 21 and Detention Basin No. 2, located on portions of Block 15013, Lots 63 and 64 - the two (2) detention basins will be maintained as described in the Detention Basin and Drainage Easement document dated May 21, 2001 filed in deed book 2354, pages 335 to 341, in the Somerset County Clerk's office. The easement document stipulates that the owners of Block 15007, Lot 21; and Block 15013, Lots 63 and 64 are responsible for general maintenance such as mowing and cleaning of the basin and the Township is responsible for construction, reconstruction, inspections, and maintenance and repairs of storm drainage facilities, all as more specifically described in the easement document.

The 40 ft. x 80 ft. rectangular area (unlabeled), as shown on the filed map and located within Block 15013, Lot 62 should not be accepted at this time. As no provision has been made by the developer to turn this area over to the Township, the Township cannot accept it.

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

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

9. **RESOLUTION #08-10-319 - TRANSFER OF FUNDS**

WHEREAS, There is a need to transfer funds to areas where there are insufficient funds to meet the demands of the Township, and

WHEREAS, There are sufficient funds to be transferred to those accounts as stated to meet the needs of the Township,

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Chief Finance Officer to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Committee Expenses (OE)		68,815.27
Public Health (OE)		4,000.00
	Tax Assessor (OE)	7,100.00
	Municipal Court (OE)	1,500.00
	Aid to Ambulance (OE)	15,000.00
	Street Lighting (OE)	13,000.00
	Telephone (OE)	13,000.00
	Water (OE)	4,000.00
	Municipal Clerk (OE)	13,715.00
	Revenue Administration (OE)	1,500.00
	Animal Control (SW)	4,000.00
	Interest on BANS	.27

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

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

10. **RESOLUTION #08-11-320 - CORRECTING THE 2008 ASSESSMENT AND ISSUING CORRECTED TAX BILLS FOR CERTAIN REAL PROPERTY (BLOCK 26001, LOT 1.01; CHURCH OF ST. CHARLES BORROMEO; 47 SKILLMAN ROAD)**

WHEREAS, N.J.S.A. 54:4-99 and 54:4-100 provide that the governing body of a municipality any past due taxes or assessments, both of principal and interest and penalties thereon, as it shall deem equitable and just, and in the best interest of the municipality; and

WHEREAS, Real property in the Township known as Block 26001, Lot 1.01, owned by the Church of St. Charles Borromeo, as located at 47 Skillman Road ("the Property") is entitled to certain tax exempt status; and

WHEREAS, In 2008 the Office of the Township Tax Assessor in error increased the value of the Property's land assessment from \$324,000.00 to \$540,000.00, resulting in the assessment exceeding the Property's true value, and incorrect taxes being assessed and collected by the Township; and

WHEREAS, It is equitable and just, and in the best interest of the citizens of the municipality, to abate the incorrect assessment figure for the Property for 2008, replace it with the correct figure of \$324,000.00 and issue corrected tax bills;

NOW THEREFORE BE IT RESOLVED By the Mayor and Township Committee of the Township of Montgomery, in Somerset County, in the State of New Jersey, that the financial records of the municipality may be amended to reflect the corrected assessed value (\$324,000.00) on the 2008 tax book for Block 26001, Lot 1.01; and

BE IT FURTHER RESOLVED That corrected tax bills for the Property shall be issued by the Township to reflect the correct assessment figures and resulting taxes thereon, and that any overpayment in taxes received by the Township due to the assessment error in question shall be credited to the Property's future tax bills.

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

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

11. **RESOLUTION #08-11-321 - ACCEPTING BID OF MTC RESTAURANT II, LLC FOR A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE TO BE ISSUED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY**

WHEREAS, By Resolution 08-8-245 adopted on August 7, 2008, the Township Committee of the Township of Montgomery ("Township") in the County of Somerset, State of New Jersey, authorized the sale of two (2) Plenary Retail Consumption Liquor Licenses pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*; and

WHEREAS, MTC Restaurant II, LLC, satisfied all conditions for pre-qualification as set forth in Resolution 08-8-245 and submitted a bid for one of the licenses in the amount of \$506,000.00.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it hereby accepts the bid of MTC Restaurant II, LLC, for one of the licenses in the amount of \$506,000.00, under the following conditions:

1. Payment of the balance of the bid amount by certified check made payable to the "Township of Montgomery" within five (5) days of the date of this resolution. Failure to make timely payment of the balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the bidder's deposit.
2. Payment of the New Jersey State License Application Fee.
3. Payment of the Annual Municipal Retail License Fee.
4. Satisfactory outcome of municipal background checks, including those to investigate the source of funds used to purchase the license.
5. Compliance by MTC Restaurant II, LLC with publication, hearing and resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*
6. Pursuant to *N.J.S.A. 33:1-19.2*, if the license has not issued pursuant to this resolution by March 25, 2009, the license shall not be issued.

BE IT FURTHER RESOLVED That a copy of this resolution, certified by the Township Clerk to be a true copy, shall be forwarded to MTC Restaurant II, LLC.

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 - Wilson, Joye, Fay, Birge
Nays - None
Absent - Caliguire

12. **RESOLUTION #08-11-322 - ACCEPTING BID OF MTC RESTAURANT III, LLC FOR A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE TO BE ISSUED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY**

WHEREAS, By Resolution 08-8-245 adopted on August 7, 2008, the Township Committee of the Township of Montgomery ("Township") in the County of Somerset, State of New Jersey, authorized the sale of TWO (2) Plenary Retail Consumption Liquor Licenses pursuant to the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1.1 et seq.*; and

WHEREAS, MTC Restaurant III, LLC, satisfied all conditions for pre-qualification as set forth in Resolution 08-8-245 and submitted a bid for one of the licenses in the amount of \$506,000.00.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that it hereby accepts the bid of MTC Restaurant III, LLC, for one of the licenses in the amount of \$506,000.00, under the following conditions:

1. Payment of the balance of the bid amount by certified check made payable to the "Township of Montgomery" within five (5) days of the date of this resolution. Failure to make timely payment of the balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the bidder's deposit.
2. Payment of the New Jersey State License Application Fee.
3. Payment of the Annual Municipal Retail License Fee.
4. Satisfactory outcome of municipal background checks, including those to investigate the source of funds used to purchase the license.

(Item #9 Cont.)

5. Compliance by MTC Restaurant III, LLC with publication, hearing and resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*
6. Pursuant to *N.J.S.A. 33:1-19.2*, if the license has not issued pursuant to this resolution by March 25, 2009, the license shall not be issued.

BE IT FURTHER RESOLVED That a copy of this resolution, certified by the Township Clerk to be a true copy, shall be forwarded to MTC Restaurant III, LLC.

- 12-1. 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 - Wilson, Joye, Fay, Birge
Nays - None
Absent - Caliguire

13 **ORDINANCE #08-1299 - Capital Improvement - Acquisition of Servers and Mobile Data Computers - Public Hearing**

- 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. 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 6th day of November, 2008 and that notice thereof be published in an official newspaper as required by law.

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

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

14. **ORDINANCE #08-1300 - Amending Ordinance #08-1293 - To Include Laptop Computers - Public Hearing**

- 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. 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 6th day of November, 2008 and that notice thereof be published in an official newspaper as required by law.

- 14-1. 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 - Wilson, Joye, Fay, Birge
Nays - None
Absent - Caliguire

15. **ORDINANCE #08-1301 - BOND** - Amending Bond Ordinance #08-1295 (Mobile Vision Cameras)-
Public Hearing

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 6th day of November, 2008 and that the ordinance and proper 20-day statement be published in an official newspaper as required by law.

15-1. 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 - Wilson, Joye, Fay, Birge
Nays - None
Absent - Caliguire

16. **ORDINANCE #08-1302 - Transco Exchange - Public Hearing**

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. 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 Committeeman Joye and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 6th day of November, 2008 and that notice thereof be published in an official newspaper as required by law.

16-1. 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 - Wilson, Joye, Fay, Birge
Nays - None
Absent - Caliguire

17. **ORDINANCE #08-1303 - Road Name Change - Stonebridge Drive to Hollinshead Spring Road - 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 CHANGING THE NAME OF STONEBRIDGE DRIVE TO HOLLINSHEAD SPRING ROAD

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 6th day of November, 2008 and that notice thereof be published in an official newspaper as required by law.

17-1. 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 - Wilson, Joye, Fay, Birge
Nays - None
Absent - Caliguire

18. **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.

18-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

19. **SIGNAGE REQUESTS - Stonebridge and Renwood**

Attorney Hadinger updated the Committee on the recent requests from Stonebridge and Renwood for signage. Both Renwood and Stonebridge have approached the Township about using or renting the out-parcels that the Township owns for signage. There are various processes that must be pursued for this to take place. She asked the Township Committee whether or not they would like her to investigate these concepts and whether or not they would be interested in pursuing this.

Committeewoman Wilson suggested the Renwood look into using Princeton Airport's existing sign. Committee agreed with that idea.

Committee concurred that they would be interested in Attorney Hadinger looking further into the request from Stonebridge.

ADJOURNMENT was at 8:25 p.m. on a motion by Committeewoman Wilson. The motion was seconded by Committeeman Joye and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk