

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
SPECIAL MEETING
November 29, 2010

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 8:30 a.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Caliguire, Deputy Mayor Dyer, Committeemembers Wilson, Fay and Carter

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

DEPUTY TOWNSHIP CLERK - Margaret Crawford

PLANNING DIRECTOR - Lori Savron

TOWNSHIP PLANNER - Richard Coppola

TOWNSHIP ATTORNEY - Kevin Van Hise

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. **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 counsel with respect to COAH litigation and substantive certification and matters relating thereto falling within the attorney-client privilege requiring confidentiality;
 - Advice of counsel with respect to Country Club Meadows litigation and matters relating thereto falling within the attorney-client privilege requiring confidentiality.
3. It is unknown precisely when, if ever, the matters will be disclosed to the public. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

- 4-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried unanimously.

5. Meeting reconvened in Open Session

6. **PUBLIC COMMENT**

Mayor Caliguire opened the public comment portion of the meeting. There being no public comment, Mayor Caliguire closed this portion of the meeting.

7. **RESOLUTION #10-11-279 - RESOLUTION RE-PETITIONING WITH AN AMENDED FAIR SHARE PLAN**

WHEREAS, The Planning Board of the Township of Montgomery, in Somerset County, State of New Jersey, adopted an amended Fair Share Plan on November 22, 2010; and

WHEREAS, A true copy of the resolution of the Planning Board adopting the amended Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, in Somerset County, State of New Jersey, hereby endorses the amended Fair Share Plan as adopted by the Montgomery Township Planning Board; and

BE IT FURTHER RESOLVED That the Township Committee of the Township of Montgomery, pursuant to the provisions of N.J.S.A. 52:27D-301 *et seq.* and N.J.A.C. 5:96-3.4, submits this re-petition for substantive certification of the amended Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED That a list of names and addresses for all owners of sites in the amended Fair Share Plan, including the names and addresses of any objectors, has been included with the re-petition; and

(Item #7 Cont.)

BE IT FURTHER RESOLVED That notice of this re-petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Fair Share Plan and all supporting documentation shall be made available for public inspection at the Montgomery Township Clerk's Office located at Municipal Building, 2261 Van Horne Road, Belle Mead, New Jersey, during the hours of 8:30 a.m. to 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

- 7-1. Township Planner Richard Coppola explained the background of this Resolution and stated that the Planning Board had recently held a public hearing regarding the Fair Share Plan and had adopted the Plan. He summarized the Fair Share Plan.

Committeemembers stated that this was quite an improvement over the previous documents they were given.

- 7-2. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL - Ayes - Carter, Dyer, Fay, Caliguire
Nays - Wilson

8. **RESOLUTION #10-11-280 - 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, That 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>
Salary Adjustment (OE)	Clerk (SW)	\$ 8,899.66
	Planning (SW)	\$ 1,112.05
	Zoning (SW)	\$ 1,726.22
	Code (SW)	\$ 1,795.23
	Buildings & Grounds (SW)	\$ 270.16
	Recreation (SW)	\$ 3,487.19
		\$ 508.81
Salary Adjustment (OE)	Social Security (OE)	\$24,600.34
		\$24,600.34

- 8-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Carter, Dyer, Wilson, Fay, Caliguire
Nays - None

9. **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.

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

ROLL CALL - Ayes - Carter, Dyer, Wilson, Fay, Caliguire
Nays - None
Abstain - Fay (Check #054720)

ADJOURNMENT was at 9:30 a.m. on a motion by Committeeman Fay, seconded by Committeeman Carter and carried unanimously.

Date of Approval:

Margaret Crawford, Deputy Township Clerk