

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
March 2, 2010

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 Wilson, Fay and Carter

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. **REPORT BY CAPTAIN PALMER - FBI ACADEMY**

Police Captain Robert Palmer brought to the Township Committee's attention a training opportunity that has presented itself for Lieutenant Jim Curry. Back under the direction of then Police Director Michael Beltranena, who was an FBI National Academy Graduate, he sponsored an application for candidacy for then Acting Lieutenant James Curry to attend the FBI National Academy. This is a world renowned Police Training program located at the Marine Corps base in Quantico, Virginia. He explained that the program is 10 weeks in duration and is a residential academy. Recently, Lieutenant Curry's candidacy has come to the top and Captain Palmer was notified by the Newark office of the FBI that Lieutenant Curry was a viable candidate for the next FBI Academy class that will start on July 11, 2010 and run through September 19, 2010. Lieutenant Curry's position would become vacant and would be filled by an acting in-charge in his stead.

Committeewoman Wilson asked about the costs associated with filling in for Lieutenant Curry.

Captain Palmer explained the incidental costs associated with this, such as:

1. \$5,000.00 total out-of-title pay to move a Sergeant to Acting Lieutenant and a Patrol officer to Acting Sergeant.
2. Clothing expenses from the \$800.00 contractual clothing allowance.
3. \$40,000.00 - \$50,000.00 tuition was free.
4. Use of Montgomery Township unmarked vehicle.
5. Lieutenant Curry's salary during his training.

Committeewoman Wilson asked who would pay his gas costs. Captain Palmer responded that the Township would generally pay for the gas.

Mayor Caliguire stated the only way he could support this was if Captain Palmer could find the money in his budget to cover all costs. He explained that this should not cost the Township any more money than if Lieutenant Curry were not to attend.

Committeewoman Wilson stated that this program was extraordinary. She asked if Lieutenant Curry would consider paying for his own gas.

Committeeman Fay felt this was a rare opportunity that the Township should participate in.

Captain Palmer and Administrator Nieman will review the Police budget and bring back a plan to the Governing Body.

- 4-1. **Motion #10-3-1** - Committeewoman Wilson moved the Governing Body approve the request of Lieutenant Curry's attendance to the FBI Academy class conditioned on the Captain and Administrator working out how to set aside the money within the Police budget. The motion was seconded by Committeeman Carter and carried on the following

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

5. **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.

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 #10-3-59 - APPOINTING AN AFFORDABLE HOUSING MEDIATION TEAM**

WHEREAS, The Township of Montgomery filed a Petition for Substantive Certification ("Petition") with the Council on Affordable Housing ("COAH"); and

WHEREAS, Objections to the Petition were filed with COAH and said objections will be reviewed by COAH for compliance with *N.J.A.C. 5:96-4.1*; and

WHEREAS, If said objections are deemed compliant by COAH, COAH will appoint a mediator to meet with representatives of the municipality and the objectors, and attempt to mediate a resolution of the objections; and

WHEREAS, The Township of Montgomery, is required by *N.J.A.C. 5:96-8.2(d)2* to adopt a resolution designating representatives to act on its behalf concerning such mediation.

NOW THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County, New Jersey that the following persons shall constitute the representatives of the Township of Montgomery in Somerset County, New Jersey and are authorized to act on the Township's behalf and to attend, as deemed necessary and prudent, the mediation sessions:

1. Township Committee (Governing Body) member - Louise Wilson
2. Planning Board member - Mark Caliguire
3. Member at Large - Richard T. Coppola
4. Member at Large - Kristina P. Hadinger
5. Member at Large - Lori Savron

BE IT FURTHER RESOLVED That the aforesaid individuals are authorized to negotiate on behalf of the Township of Montgomery; and

BE IT FURTHER RESOLVED That Mark Caliguire is authorized to execute any written agreements reached during the mediation process; and

BE IT FURTHER RESOLVED That a copy of this resolution, certified by the Township Clerk to be a true copy, shall be forwarded to the individuals named on the Township's most recent COAH service list.

B. **RESOLUTION #10-3-60 - AUTHORIZING PAYMENT FOR CONSTRUCTION STAKEOUT SERVICES - NPDC Wastewater Treatment Plant Waterline Extension Project**

BE IT RESOLVED By the Montgomery Township Committee that, in accordance with paragraph 24.B.6(c) of the Purchase and Sale Agreement for the former North Princeton Developmental Center property, payment to Van Note Harvey Associates for surveying services in the amount of \$800.00 should be paid from the escrow account held by Mason, Griffin & Pierson.

C. **RESOLUTION #10-3-61 - AUTHORIZING PAYMENT FOR NEW JERSEY AMERICAN WATER SERVICE CONNECTION AT PINE KNOLL - NPDC Wastewater Treatment Plant Waterline Extension Project**

BE IT RESOLVED By the Montgomery Township Committee that, in accordance with paragraph 24.B.6( c) of the Purchase and Sale Agreement for the former North Princeton Developmental Center property, payment for a NJ American Water service connection at Pine Knoll in the amount of \$2,811.00 should be paid from the escrow account held by Mason, Griffin & Pierson.

D. **RESOLUTION #10-3-62 - AUTHORIZING APPLICATION FOR A SUPPLEMENTAL LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM - Pike Brook Wastewater Treatment Plant Upgrade and Expansion Project**

WHEREAS, Montgomery Township intends to file a supplement loan application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Pike Brook Wastewater Treatment Plant Upgrade and Expansion Project.

NOW, THEREFORE, BE IT RESOLVED, That Donato Nieman, Township Administrator, be authorized to act as the Authorized Representative to represent Montgomery Township in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at: Montgomery Township Municipal Offices, 2261 Van Horne Road - Route 206 North, Belle Mead, NJ 08502; (908) 359-8211.

E. **TOWNSHIP COMMITTEE APPOINTMENT - Board of Fire Prevention**

BE IT RESOLVED That Sherman Smith is hereby appointed Board of Fire Prevention, Business Representative, 1 year term expiring December 31, 2010.

6-1. Deputy Mayor Dyer moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Carter and carried on the following:

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

7. **RESOLUTION #10-3-63 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2010 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2010 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body;

NOW, THEREFORE, BE IT RESOLVED, By confirmation of two-thirds of the full governing body, that the Temporary Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Road Repairs & Maintenance	
Salaries and Wages	\$100,000.00
Other Expenses	\$100,000.00

7-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried on the following:

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

8. **ORDINANCE #10-1350 - Sewer User Rates 2010 - Public Hearing**

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

AN ORDINANCE AMENDING CHAPTER XII SEWER AND WATER  
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)  
TO ESTABLISH 2010 SEWER USER RATES

B. Mayor Caliguire 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 Carter and carried unanimously.

C. BE IT RESOLVED By the Township Committee that the foregoing ordinance be hereby adopted this 2<sup>nd</sup> day of March, 2010 and that notice thereof be published in an official newspaper as required by law.

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

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

9. **ORDINANCE #10-1351 - Provinceline Road Speed Limit - Public Hearing**

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

AN ORDINANCE AMENDING SCHEDULE XVII OF CHAPTER VII  
OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984)  
TO REDUCE THE SPEED LIMIT ON CERTAIN SECTIONS OF  
PROVINCE LINE ROAD.

B. Mayor Caliguire opened the hearing to the public. There being no comment, Committeeman Carter moved that the public hearing be closed. The motion was seconded by Committeeman Fay and carried unanimously.

C. BE IT RESOLVED By the Township Committee that the foregoing ordinance be hereby adopted this 2<sup>nd</sup> day of March, 2010 and that notice thereof be published in an official newspaper as required by law.

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

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

10. ORDINANCE #10-1352 - Administration - Recreation Fees - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CONCERNING NON-RESIDENT REGISTRATION FEES FOR RECREATION PROGRAMS AND ACTIVITIES AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

B. Mayor Caliguire 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 Carter and carried unanimously.

C. BE IT RESOLVED By the Township Committee that the foregoing ordinance be hereby adopted this 2<sup>nd</sup> day of March, 2010 and that notice thereof be published in an official newspaper as required by law.

10-1. Committeewoman Wilson 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

11. APPROVAL OF MINUTES

Committeewoman Wilson moved the adoption of the Regular Session minutes of October 15, 2009 and the Regular Session minutes of December 17, 2009. The motion was seconded by Deputy Mayor Dyer and carried on the following:

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

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 Fay 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 #052840)

13. UNFUNDED MANDATES

Committeewoman Wilson reported on the League of Municipalities' information about the Lieutenant Governor's Red Tape Review. She stated the one session on Tuesday, March 9 was about eliminating unfunded local mandates. She asked Administrator Nieman to send information to the League about what Montgomery had done and has been doing in regard to this.

14. TIME OF DECISION LEGISLATION

Attorney Hadinger spoke about the Time of Decision Legislation letter from the League of Municipalities.

14-1. Motion #10-3-2 - Committeewoman Wilson moved that a letter be sent from the Mayor to the Governor and Legislature opposing the Time of Decision Legislation. The motion was seconded by Committeeman Carter and carried unanimously.

15. 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 regarding legal strategy concerning the Township's COAH plan, COAH mediation and developer agreements with affordable housing developers;
  - Advice of counsel regarding Pike Brook Sewage Treatment Plant expansion agreement;
  - Negotiations of terms and conditions of the sale of municipal property to Board of Education.
3. It is unknown precisely when, if ever, the matters will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open session. Any matters concerning mediation may be announced upon the conclusion of any resolution of that mediation.

15-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried unanimously.

16. Meeting reconvened in Open Session and Adjournment was at 10:03 pm on a motion by Committeeman Fay, seconded by Committeewoman Wilson and carried unanimously.

Date of Approval:

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Donna Kukla, Township Clerk