

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
May 15, 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 Caliguire
Committeeman Joye 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. Mayor Birge led the salute to the flag.

4. **RESOLUTION #08-5-134 - 2008 MUNICIPAL BUDGET INTRODUCTION**

BE IT RESOLVED That the statements of revenue and appropriations shall constitute the local budget for the year 2008.

BE IT FURTHER RESOLVED That a summary of said budget shall be published in an official newspaper in the issue of May 29, 2008, together with a notice fixing June 19, 2008 at approximately 7:00 p.m. as the date and time when said budget will be considered for final adoption.

NOW, THEREFORE, BE IT RESOLVED That the governing body of the Township of Montgomery does hereby approve the budget for the year 2008.

- 4-1. Administrator Nieman explained that the preparation of the budget was extremely painful, due to the restriction placed upon the Township and the fact there were no exceptions granted for the increases in energy costs or the like.

Temporary Chief Financial Officer Walter Sheppard and Township Auditor Bob Morrison discussed shared services, cuts for 2008 and projected cuts for 2009.

- 4-2. Mayor Birge thanked Mr. Sheppard for the tremendous amount of work.

- 4-3. Committeeman Caliguire suggested presenting an analysis at a public hearing.

- 4-4. 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, Birge
Nays - None
Absent - Joye

5. Mayor Birge stepped down from the dais.

6. **PROCLAMATION - National Public Works Week**

WHEREAS, Public works services provided in our community are an integral part of our citizens' every day lives; and

WHEREAS, The support of an understanding and informed citizenry is vital to the efficient operation of the public works systems and programs such as water, sewers, streets and highways, public buildings and solid waste collection; and

WHEREAS, The health, safety and comfort of this community greatly depends on the facilities and services; and

WHEREAS, The quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, The efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

(Item #6 Cont.)

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township does hereby proclaim the week of May 18 - 24 as "National Public Works Week" in the Township of Montgomery, and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

6-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried unanimously.

7. **PUBLIC COMMENT**

There being no comment, Deputy Mayor Fay closed the public comment portion of the meeting.

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 #08-5-135 - ACCEPTANCE OF DONATION - Volition Wellness**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donation for the Earth Day Fair '08.

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
Volition Wellness	\$100.00	0000005011

B. **RESOLUTION #08-5-136 - ACCEPTANCE OF DONATION - Trees Along Pathway/Boardwalk**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts \$800.00 worth of trees planted along the Pathway/Board from Maddens Nursery.

C. **RESOLUTION #08-5-137 - RAFFLE LICENSE #647 - Historical Society of Princeton**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for the Historical Society of Princeton to conduct a Raffle under License #647 on September 26, 2008 at 41 Airpark Road, Princeton, NJ. The time for this raffle will be from approximately 7:00 p.m. to 9:00 p.m.

D. **RESOLUTION #08-5-138 - RAFFLE LICENSE #648 - Reach for the Stars of the Princeton Montessori School**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for the Reach for the Stars of the Princeton Montessori School to conduct a Raffle under License #648 on June 5, 2008 at 487 Cherry Valley Road, Princeton, NJ. The time for this raffle will be approximately 7:00 p.m.

E. **RESOLUTION #08-5-139 - RAFFLE LICENSES #649 and #650 - Carrier Foundation Auxiliary**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for the Carrier Foundation Auxiliary to conduct Raffles under Licenses #649 and #650 on June 30, 2008 at Cherry Valley Country Club, Country Club Drive, Skillman, NJ. The time for these raffles will be approximately 7:00 p.m.

F. **RESOLUTION #08-5-140 - APPROVAL OF OUTDOOR ASSEMBLY - Reggie Foster**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Reggie Foster of Branchburg has requested approval of the Township Committee to conduct a Free Ice Cream Day at 1325 Route 206, Skillman on June 7, 2008.
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 Township Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
 - (c) The Montgomery Township Police Department, Health Department and Fire Official must review and approve the application and have no objection.

(CONSENT AGENDA Cont.)

G. **RESOLUTION #08-5-141 - APPROVAL OF OUTDOOR ASSEMBLY -
Montgomery Indian Ladies Association**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. Montgomery Indian Ladies Association has requested approval of the Township Committee to conduct a picnic at Montgomery Park on June 1, 2008.
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 Township Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
 - (c) The Montgomery Township Police Department, Health Department and Fire Official and must review and approve the application and have no objection.

H. **RESOLUTION #08-5-142 - APPROVAL OF OUTDOOR ASSEMBLY -
Montgomery Township Youth Development Soccer**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Montgomery Township Soccer - Youth Development Program has requested approval of the Township Committee to conduct an End of Season Celebration at the Mill Pond Soccer Fields on June 7, 2008.
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 Township Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
 - (c) The Montgomery Township Police Department, Health Department and Fire Official must review and approve the application and have no objection.

I. **RESOLUTION #08-5-143 - AUTHORIZING VARIOUS PROJECT AGREEMENTS FOR THE PRESERVATION
OF HISTORIC STRUCTURES IN MONTGOMERY TOWNSHIP**

WHEREAS, The preservation of historic structures within the Township of Montgomery (hereinafter "Township") is vital to the education of the Township's residents and to the continuity of the Township's rich heritage; and

WHEREAS, The Township established the Landmarks Preservation Grant Program (hereinafter "Program") to provide financial assistance to the property owners of historically significant properties for the repair and restoration of exterior historic features and significant structural elements of structures that have been designated as historic sites or included within historic districts; and

WHEREAS, The Township Landmarks Commission (hereinafter "Commission") received six applications for the 2007 Program; and

WHEREAS, The Commission has recommended the award of the following grants in the amounts specified:

1. The Blawenburg Reform Church of 424 Route 518 in the amount of one thousand seventy five dollars (\$1,075) for the purpose of completing exterior painting of the Church.
2. Georgia Cohen of 413 Route 518 in the amount of seven hundred twenty five dollars (\$725) for the purpose of refurbishing and painting the exterior of the house, including shutters and window frames.
3. William Evans of 570 Belle Mead Griggstown Road in the amount of two thousand three hundred dollars (\$2,300) for the purpose of window replacement.
4. Zenta Tsuchihashi & Heather Finlay of 363 Province Line Road in the amount of three thousand four hundred dollars (\$3,400) for the purpose of window and window frame replacement in the master bedroom; and

WHEREAS, The Township Committee has reviewed the recommendations of the Commission, and finds their implementation to be in the best interests of the Township and its residents.

NOW THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the Township is hereby authorized to enter into the grant agreements with the aforementioned parties in the specified amounts, and the Mayor and Clerk are authorized to sign the same.

(CONSENT AGENDA Cont.)

J. **RESOLUTION #08-5-144 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) - Block 34001, Lot 64 (North Princeton Professional Center)**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a sewer extension application to the New Jersey Department of Environmental Protection related to sewer capacity in the Stage II Sewage Treatment Plant for Block 34001, Lot 64.

K. **RESOLUTION #08-5-145 - RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION**

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 item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, The Director may also approve the insertion of an appropriation for the equal amount.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$15,000, which is now available as a revenue from the National Association of County and City Health Officials.

L. **RESOLUTION #08-5-146 - APPROVAL OF FIRST AMENDMENT TO DEVELOPER'S AGREEMENT - KBA Builders**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a first amendment to the Developer's Agreement with KBA Builders with respect to Dutchtown-Harlingen Road.

M. **RESOLUTION #08-5-147 - INTERLOCAL SERVICES AGREEMENT FOR MUTUAL AID**

BE IT RESOLVED That a certain "Mutual Police Aid Interlocal Services Agreement," by and between the Township of Bedminster, Township of Bernards, Borough of Bernardsville, Borough of Bound Brook, Township of Bridgewater, Township of Branchburg, Borough of Far Hills, Township of Franklin, Township of Green Brook, Township of Hillsborough, Borough of Manville, Township of Montgomery, Borough of North Plainfield, Borough of Peapack-Gladstone, Borough of Raritan, Borough of Somerville, Borough of South Bound Brook, Township of Warren, Borough of Watchung, Somerset County Prosecutor's Office and the Somerset County Sheriff's Department, "having a duration of ten years and providing for the rendering of supplemental police assistance in times of emergency among the participating local units is, pursuant to N.J.S.A. 40A:65-1, et seq., approved; and

BE IT FURTHER RESOLVED That the Mayor and Clerk are herewith authorized to sign the same.

N. **RESOLUTION #08-5-148 - AUTHORIZATION TO EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - Click It or Ticket 2008**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services enter into a grant agreement with the New Jersey Division of Highway Traffic Safety for Click It or Ticket 2008.

O. **RESOLUTION #08-5-149 - APPROVING PROFESSIONAL SERVICES AGREEMENT - Omni Environmental - Metals Translator Study and Water Effects Ratio Evaluation - Riverside Farms Sewage Treatment Plant (Remaining Tasks)**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional environmental consultant for assistance in completing a Metals Translator Study and Water Effects Ratio Evaluation for the Riverside Farms Sewage Treatment Plant; and

WHEREAS, The Township has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, The firm of Omni Environmental has submitted a proposal dated October 1, 2007 to provide the sought-after services to the Township for a not to exceed total cost of \$37,500.00 (for the base study assuming that the discharge will remain in the tributary) or \$68,500.00 (for the evaluation that would investigate the benefit to relocating the discharge to the Millstone River); and

WHEREAS, On October 18, 2007, the Township Committee determined that Omni Environmental will provide those services in stages and authorizes Omni Environmental to undertake Task I (Quality Assurance Sampling Plan) for a not to exceed cost of \$5,000.00; and

WHEREAS, Task I has been completed and the Township Committee seeks to have the remaining tasks completed for a not to exceed cost of \$63,500.00; and

(CONSENT AGENDA Item O Cont.)

WHEREAS, Omni Environmental has completed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 *et seq.* certifying that Omni Environmental has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A. 19:44A-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$5,000.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-to-Play Forms"); and

WHEREAS, The Township Administrator has determined and certified in writing that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

WHEREAS, The New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of this contract as "professional services" without competitive bidding; and

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

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

1. The Mayor and Clerk are authorized and directed to execute an agreement with Omni Environmental to provide professional environmental services with respect to assistance in completing a Metals Translator Study and Water Effects Ratio Evaluation for the Riverside Farms Sewage Treatment Plant.
2. Omni Environmental shall be paid a not to exceed total cost of \$63,500.00 to complete the remaining tasks. The contract amount may be amended by change order, as permitted by law. The term of the agreement shall terminate one year after its execution or upon completion of the services, whichever occurs sooner.
3. A copy of this Resolution, the Certification of Contract Value, the October 1, 2007 proposal, the Pay-to-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.
4. A notice of this action shall be published in the official newspaper as required by law.

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

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

8-2. Police Director Beltranena spoke about the Click It or Ticket 2008 Grant Agreement with the New Jersey Division of Highway Traffic Safety. He stated that this was a reimbursement grant.

9. **POLICE REPORT**

Police Director Beltranena reported on the following activities of the Police Department for the month of April, 2008:

- 1336 calls for service;
- 45 motor vehicle accidents;
- 33 arrests;
- 206 summonses were issued;
- 3 thefts;
- 10 assaults;
- 7 domestic violence;
- 3 burglaries.

10. **RESOLUTION #08-5-150 - DESIGNATING SPECIFIC TRACTS OF MUNICIPALLY-OWNED PARKS AND OPEN SPACES TO BE INCLUDED IN MONTGOMERY TOWNSHIP'S DEER MANAGEMENT PROGRAM PURSUANT TO CHAPTER IX, SECTION 9-9 OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) FOR THE HUNTING SEASON BEGINNING ON SEPTEMBER 13, 2008 AND ENDING ON FEBRUARY 21, 2009**

WHEREAS, as part of a comprehensive deer management plan and for the purpose of reducing the Township's white-tailed deer population, the Township Committee of the Township of Montgomery amended Chapter IX, "Parks and Recreation" of the Code of the Township of Montgomery (1984) ("Code") to allow limited hunting on the Township's parks and open spaces for the purpose of culling white-tailed deer only; and

WHEREAS, Section 9-9 of the Code authorizes the Township Committee to designate annually by resolution which parks and open spaces will be made available for hunting through the Township's municipal deer management program and during which dates;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY as follows:

(Item #10 Cont.)

1. Pursuant to Section 9-9 of the Code of the Township of Montgomery (1984), the hunting of white-tailed deer will be allowed from September 13, 2008 to February 21, 2009 on the properties listed below and subject to the restrictions and conditions set forth herein:

A. Folusiak

Designation: Block 11001, Lot 56

Location: 63± acres located on Hollow Road

Seasons/dates: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13 - October 31, 2008
<u>Permit bow:</u>	November 1 - December 24, 2008 December 26 - December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2008
<u>Permit shotgun:</u>	December 3 - December 5, 2008 December 8 - December 13, 2008 December 17 - December 19, 2008 January 10 - February 14, 2009
<u>Permit muzzle-loader:</u>	December 1 - December 5, 2008 December 8 - December 13, 2008 December 15 - December 16, 2008 December 20 - December 24, 2008 December 26 - December 31, 2008 January 1 - February 14, 2009
<u>Six-day firearm:</u>	December 8 - December 13, 2008

Permits: No more than six (6) municipal deer management permits shall be issued for this property.

Other restrictions: None.

B. Opatut and Adjacent Land

Designation: Block 34001, Lots 35, 35.01, 35.06, 38.02, 43.02, 43.03, and an 18± - acre portion of Block 34023, Lot 72

Location: 165± acres located off of County Route 518 and Pine Brae Drive

Seasons: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13- October 31, 2008
<u>Permit bow:</u>	November 1 - December 24, 2008 December 26- December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2008
<u>Permit shotgun:</u>	December 3 - December 5, 2008 December 8 - December 13, 2008 December 17- December 19, 2008 January 10 - February 14, 2008
<u>Permit muzzle-loader:</u>	December 1 - December 5, 2008 December 8 - December 13, 2008 December 15- December 16, 2008 December 20- December 24, 2008 December 26- December 31, 2008 January 1 - February 14, 2009
<u>Six-day firearm:</u>	December 8 - December 13, 2008

(Item #10 Cont.)

Permits: No more than eighteen (18) municipal deer management permits shall be issued for this property.

Other restrictions: Anyone with a permit for this property may also hunt on Lot 72, provided that said hunting on Lot 72 shall take place only from three (3) designated tree stand locations, and only bow hunting shall be permitted from said stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

C. Dead Tree Run

Designation: Block 18026, Lot 27

Location: 89± acres located on Dead Tree Run Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13- October 31, 2008
<u>Permit bow:</u>	November 1 - December 24, 2008
	December 26- December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2009

Permits: No more than five (5) municipal deer management permits shall be issued for this property.

Other Restrictions: None.

D. Ingersoll-Rand

Designation: Block 23001, Lot 13

Location: 151± acres located on Montgomery Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13- October 31, 2008
<u>Permit bow:</u>	November 1 - December 24, 2008
	December 26- December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2009

Permits: No more than sixteen (16) municipal deer management permits shall be issued for this property.

Other Restrictions: None.

E. Runyon Farm-Fox Brook-Tomenchok

Designation: Block 15001, Lots 31, 29, and 34

Location: 141± acres located on State Highway Route 206 and Sunset Road

(Item #10 Cont.)

Seasons: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13-October 31, 2008
<u>Permit bow:</u>	November 1- December 24, 2008
	December 26-December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2009
<u>Permit shotgun:</u>	December 3 - December 5, 2008
	December 8- December 13, 2008
	December 17-December 19, 2008
	January 10- February 14, 2009
<u>Permit muzzle-loader:</u>	December 1 - December 5, 2008
	December 8- December 13, 2008
	December 15-December 16, 2008
	December 20-December 24, 2008
	December 26-December 31, 2008
	January 1 - February 14, 2009
<u>Six-day firearm:</u>	December 8- December 13, 2008

Permits: No more than sixteen (16) municipal deer management permits shall be issued for this property.

Other restrictions: None.

F. Dale/Washington Well

Designation: Block 27001, Lot 6

Location: 63± acres located between County Route 518 and Burnt Hill Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13 - October 31, 2008
<u>Permit bow:</u>	November 1 - December 24, 2008
	December 26 - December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2009

Permits: No more than seven (7) municipal deer management permits shall be issued for this property.

Other restrictions: There shall be a 15+-acre "no hunting" zone erected around the sledding area located in the northern portion of the property. The boundaries of said "no hunting" zone shall be clearly marked and shall further be delineated with snow fencing. No hunting whatsoever shall take place in said zone after the first snowfall or November 15, 2008, whichever is earlier.

(Item #10 Cont.)

G. Broadway Area

Designation: Block 4007, Lot 12, Block 4008, Lot 13, Block 4009, Lot 14, Block 4010, Lots 1, 2 and 3, and Block 4011, Lot 1.

Location: 50± acres located on County Route 601 and Broadway Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13 - October 31, 2008
<u>Permit bow:</u>	November 1 - December 24, 2008 December 26 - December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2009

Permits: No more than six (6) municipal deer management permits shall be issued for this property.

Other restrictions: No hunting whatsoever shall take place from November 26 to November 30, 2008, inclusive.

H. Somerset Holdings/Bridgepoint Road Tract

Designation: Block 22001, Lots 10, 11, 12.02, 12.03, and a portion of Lot 5 excluding the northeastern portion between Mill Pond Road to the north and the southern lot line of Block 22024, Lot 5, as shown on the map on file in the office of the Township Clerk

Location: 35± acres located on Bridgepoint Road

Seasons: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

<u>Fall bow:</u>	September 13 - October 31, 2008
<u>Permit bow:</u>	November 1 - December 24, 2008 December 26 - December 31, 2008
<u>Winter bow:</u>	January 1 - February 21, 2009

Permits: No more than four (4) municipal deer management permits shall be issued for this property.

Other restrictions: None

I. Bennett Tract

Designation: Block 30001, Northern Portion of Lot 9.03

Location: 31± acres located on Provinceline Road

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

(Item #10 Cont.)

Fall bow: September 13 - October 31, 2008
Permit bow: November 1 - December 24, 2008
December 26 - December 31, 2008
Winter bow: January 1 - February 21, 2009

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2007-2008 permittees who (i) harvested at least two (2) deer during the 2007-2008 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2008-2009 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements. No hunting shall take place when there is snow on the property. No hunting whatsoever is permitted in the southern portion of Lot 9.03. (Consult the 2007-2008 Deer Management Program Map for this property.)

J. Platz Tract

Designation: Block 15001, Lots 9 and 26

Location: 39± acres located on Dutchtown-Harlingen Road

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 13 - October 31, 2008
Permit bow: November 1 - December 24, 2008
December 26 - December 31, 2008
Winter bow: January 1 - February 21, 2009

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2007-2008 permittees who (i) harvested at least two (2) deer during the 2007-2008 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2008-2009 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

K. Montgomery Meadows

Designation: Block 15001, Lot 43

Location: 16.4 acres located on Brandywine Road

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

(Item #10 Cont.)

Fall bow: September 13 - October 31, 2008
Permit bow: November 1 - December 24, 2008
December 26 - December 31, 2008
Winter bow: January 1 - February 21, 2009

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2007-2008 permittees who (i) harvested at least two (2) deer during the 2007-2008 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2008-2009 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements.

L. Saxon Ridge

Designation: Block 16012, Lots 1.02 and 1.03

Location: 17.4± acres located at the corner of Route 601 and Sunset Road, and on Saxon Way

Seasons: This property shall be open to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009 including fall bow, permit bow and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 13 - October 31, 2008
Permit bow: November 1 - December 24, 2008
December 26 - December 31, 2008
Winter bow: January 1 - February 21, 2009

Permits: No more than four (4) municipal deer management permits shall be issued for this property; however, only two (2) permits may be in use at the same time. Permit eligibility for this property is restricted to 2007-2008 permittees who have (i) harvested at least two (2) deer during the 2007-2008 season in accordance with the terms of their permit and (ii) are also taking a permit for another property in the Township's Deer Management Program for the 2008-2009 season.

Other Restrictions: Bow hunting on this property shall only take place from designated tree stand locations. Absolutely no ground hunting or stalking shall be permitted, and all hunting must be from elevated tree stands. The location of these designated tree stands shall be established by the Montgomery Township Police Department according to all applicable safety setbacks and requirements. No hunting shall take place when there is snow on the property. There shall be no hunting in areas south of the brook that traverses the property. Permittees shall be restricted to use of tree stands furnished by the Township.

M. Nicolaysen

Designation: Block 34001, Lot 37.02

Location: 95± acres located on Cherry Valley Road

Seasons/dates: This property shall be open only to bow hunters during the dates established for bow hunting by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, and winter bow. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

(Item #10 Cont.)

Fall bow: September 13 - October 31, 2008
Permit bow: November 1 - December 24, 2008
December 26 - December 31, 2008
Winter bow: January 1 - February 21, 2009

Permits: No more than seven (7) municipal deer management permits shall be issued for this property.

Other restrictions: None

N. Zeloof

Designation: Block 15001, Lot 1

Location: 29.73± acres located on Belle Mead Blawenburg Road

Seasons/dates: This property shall be open to bow and firearm hunters during all regular deer hunting seasons established by the State of New Jersey for deer management zones 12 and 14 for 2008-2009, including fall bow, permit bow, winter bow, permit muzzleloader, six-day firearm, and permit shotgun. The specific dates on which hunting will be permitted are as follows, except that in the event any of the dates set forth below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Montgomery in accordance with paragraph 2 of this Resolution:

Fall bow: September 13 - October 31, 2008
Permit bow: November 1 - December 24, 2008
December 26 - December 31, 2008
Winter bow: January 1 - February 21, 2009
Permit shotgun: December 3 - December 5, 2008
December 8 - December 13, 2008
December 17 - December 19, 2008
January 10 - February 14, 2009
Permit muzzle-loader: December 1 - December 5, 2008
December 8 - December 13, 2008
December 15 - December 16, 2008
December 20 - December 24, 2008
December 26 - December 31, 2008
January 1 - February 14, 2009
Six-day firearm: December 8 - December 13, 2008

Permits: No more than five (5) municipal deer management permits shall be issued for this property.

Other restrictions: None

2. Except as otherwise set forth, hunting shall be allowed only during the dates designated by the State of New Jersey Department of Environmental Protection, Division of Fish and Wildlife for the applicable seasons listed above. The specific dates shall be set forth on each permit. Any dates set forth on the permits notwithstanding, the Township may make it a condition of any permit that hunting not take place on certain days as may be necessary to protect the health and safety of the public.
3. Only white-tailed deer may be hunted; hunting, shooting or killing any other game is strictly prohibited.
4. Hunting may take place only pursuant to the requirements set forth in Section 9-9 of the Code of the Township of Montgomery (1984) ("Code"). All applicable State and local regulations shall remain in effect and nothing herein shall be construed to abrogate same.
5. Pursuant to Section 9-9 of the Code, every permittee shall be required to participate in a hunter orientation and safety course to be conducted by an agent of the New Jersey Division of Fish and Wildlife, as well as in a property-specific hunter orientation and safety course to be conducted by Montgomery resident and member of the Montgomery Township Wildlife Committee Bruce Perone.
6. Warning signs shall be posted at the entrances to the properties designated above and in the vicinity of tree stands; in addition, the properties shall be posted in accordance with any specific terms and conditions of the individual permits.
7. All permittees shall be required to check in with the Police Dispatcher prior to hunting any property. This procedure shall be required each time the permittee intends to hunt.

(Item #10 Cont.)

8. A press release and a legal notice in a form approved by the Township Attorney notifying the public of the above designated dates and locations shall be published on the Township's website and in the Township's newsletter and shall be submitted to the Township's officially-designated newspapers as well as such others newspaper or newspapers as may be deemed advisable to publicize the above-referenced dates and locations as widely as possible. In addition, individual notices shall be sent to all property owners situated within two hundred feet of the properties set forth above.
9. The Township reserves the right to modify the conditions and restrictions set forth above *at any time, including after issuance of 2008-2009 permits*, in the interests of the public health, safety and welfare of Township residents.
10. Permittees are limited to use of one portable tree stand per permittee, except on properties where the tree stand has been furnished by the Township in which instance(s), the permittee shall be required to use the stand furnished by the Township.

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

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

11. **ORDINANCE #08-1282 - To Exceed Index Rate - Public Hearing**

A. Deputy Mayor Fay read the title of the ordinance as follows:

AN ORDINANCE PROVIDING FOR A 3.5% "CAP" FOR THE 2008
BUDGET PURSUANT TO NJSA 40A:4-45.14

B. Deputy Mayor Fay 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 15th day of May, 2008 and that notice thereof be published in an official newspaper as required by law.

11-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

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

12. **ORDINANCE #08-1283 - Police Department Authorized Strength - Public Hearing**

A. Deputy Mayor Fay read the title of the ordinance as follows:

AN ORDINANCE AMENDING SUBSECTION 2-3.1 OF THE CODE OF THE
TOWNSHIP OF MONTGOMERY, IN SOMERSET COUNTY, NEW JERSEY
(1984) REGARDING THE AUTHORIZED STRENGTH OF THE POLICE
DEPARTMENT

B-1. Deputy Mayor Fay opened the hearing to the public.

B-2. Mohammed Kilany, Spring Hill Road, voiced his displeasure and disagreement with this ordinance.

B-3. Committeeman Caliguire 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 15th day of May, 2008 and that notice thereof be published in an official newspaper as required by law.

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

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

13. ORDINANCE #08-1284 - 2008 Salary & Wages - Public Hearing

A. Deputy Mayor Fay read the title of the ordinance as follows:

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2008.

B-1. Deputy Mayor Fay opened the hearing to the public.

B-2. Mohammed Kilany, Spring Hill Road, asked about the salary of the Township Administrator. Administrator Nieman stated his approximate salary for 2007.

B-3. Committeewoman Wilson moved that the public hearing be closed. The motion was seconded by Committeeman Caliguire and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 15th day of May, 2008 and that notice thereof be published in an official newspaper as required by law.

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

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

14. ORDINANCE #08-1285 - Animal Control - Public Hearing

A. Deputy Mayor Fay read the title of the ordinance as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) REGARDING ANIMAL CONTROL.

B. Deputy Mayor Fay 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 Caliguire and carried unanimously.

C. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be hereby adopted this 15th day of May, 2008 and that notice thereof be published in an official newspaper as required by law.

14-1. Attorney Hadinger reported that she had discussed this ordinance with the Municipal Prosecutor and he was comfortable with the ordinance as proposed.

14-2. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

15. ORDINANCE #08-1286 - Spring Hill Road Reconstruction Property Acquisition - Introduction

A. Deputy Mayor Fay read the title of the ordinance as follows:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY REQUIRED TO FACILITATE THE RECONSTRUCTION OF SPRING HILL ROAD IN THE TOWNSHIP OF MONTGOMERY.

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 June 5, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

15-2. Attorney Hadinger updated the Township Committee on the Spring Hill Road acquisition.

15-3. Mohammed Kilany, Spring Hill Road, stated that he was going to be impacted by this ordinance and he wanted to know if all the people affected by the project on Spring Hill Road had been approached. He voiced his concern that not all of the residents of Spring Hill Road were presented the final plan for that road and he felt that this should happen before the public hearing on this ordinance.

Attorney Hadinger explained that the people who's property and interests in their property is required for the completion of the project had been approached.

Committeewoman Wilson stated that she did not want to see another mailing or another public meeting on this unless there were changes to the plan that people did not know about.

15-4. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

16. **ORDINANCE #08-1287 - Defining Eligibility for Defined Contribution Retirement Program (DCRP) - Introduction**

A. Deputy Mayor Fay read the title of the ordinance as follows:

AN ORDINANCE TO SET FORTH THE DETERMINATION OF THE GOVERNING BODY CONCERNING ELIGIBILITY FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP) PURSUANT TO CHAPTER 92 OF THE LAWS OF 2007.

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 June 5, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

16-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Caliguire and carried on the following:

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

17. **ORDINANCE #08-1288 - Container Facility Fee - Introduction**

A. Deputy Mayor Fay read the title of the ordinance as follows:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH CONTAINER FACILITY 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 June 5, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

18. **ORDINANCE #08-1289 - BOND - Spring Hill Road Reconstruction Project - Introduction**

A. Deputy Mayor Fay read the title of the ordinance as follows:

BOND ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR THE SPRING HILL ROAD RECONSTRUCTION PROJECT TO BE UNDERTAKE JOINTLY WITH THE TOWNSHIP OF EAST AMWELL, APPROPRIATING \$2,184,413 THEREFOR, INCLUDING \$200,000 EXPECTED TO BE RECEIVED BY THE TOWNSHIP OF MONTGOMERY AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT AND \$260,360 TO BE PROVIDED BY THE TOWNSHIP OF EAST AMWELL, (INCLUDING THEIR \$120,000 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT), AND AUTHORIZING THE ISSUANCE OF \$2,184,413 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST 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 June 5, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

19. **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.

19-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

20. **POLICE PROMOTIONAL PROCESS**

Administrator Nieman asked for Township Committee approval and it was the consensus of the Township Committee for the appointment of Committeemembers Caliguire and Wilson to the subcommittee.

21. **WAIVER OF WORK HOURS**

Administrator Nieman stated there was a request for a movie shoot on the Wengel Cabin on the first or last week in June. Committee agreed to allow the filming.

22. **3-M AND DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Committeewoman Wilson reported on a meeting she and Township Engineer Gail Smith attended with 3-M and the New Jersey Department of Environmental Protection regarding the ongoing problems with water chalkiness off-site. 3-M was not willing to disclose who they are negotiating with to purchase the property until the sale is complete.

23. **SHARED SERVICES FOR DISPATCHING SERVICES**

Administrator Nieman reported on a meeting he attended at the County regarding Shared Services for Dispatching Services. He stated that there was a proposal that the County would operate as a server for all municipalities and they would provide the computer. They would upgrade their dispatching capabilities to meet the Township's standards.

24. **PRINCETON HILL APARTMENTS**

Administrator Nieman reported that he had attended a Board of Health meeting regarding the quality of maintenance of the units which were damaged by a fire at Princeton Hill Apartments. He explained that he was going to work with the Board of Health and Health Officer Stephanie Carey on the situation.

25. **UNDERAGE DRINKING ORDINANCE**

Police Director Beltranena stated that the Municipal Alliance would like to see an ordinance be adopted with regard to underage drinking. He explained that the State Legislature passed a law prohibiting underage drinking on public schools, public roadways and public property, but excluded private property. Once the State Legislature realized the omission, they allowed municipalities to adopt an ordinance which would apply a sanction under municipal ordinance. This would not circumvent Fourth Amendment rights, and it would not allow the Police to enter a private home without probable cause.

Committeeman Caliguire asked about Fraternity Houses. Director Beltranena stated that most Universities have regulations regarding that.

Keith Hovey, Scarlet Oak Drive, stated that most fraternities were seen as private residences and so nothing could actually be done.

Deputy Mayor Fay asked that the Municipal Alliance review the sample ordinances from Hillsborough and East Brunswick and make any changes and/or suggestions for Montgomery's introduction.

Mohammed Kilany, Spring Hill Road, stated that two years ago there was an attempt to introduce such an ordinance and it died at that time.

26. **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.
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. It is possible that, at the conclusion of the Closed Session, the Township Committee will reconvene in Open Session for the purpose of taking action.

26-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried unanimously.

27. Meeting reconvened in Open Session.

28. **RESOLUTION #08-5-151 - RESOLUTION OF INTENT TO APPEAL COAH REGULATIONS**

WHEREAS, The New Jersey Council on Affordable Housing ("COAH") has adopted new Third Round Affordable Housing Regulations; and

WHEREAS, The regulations will impose and unreasonable burden upon Montgomery Township, which will adversely affect the taxpayers of the Township; and

WHEREAS, Various municipalities have gathered together for the purpose of exploring common litigation challenging the validity of the regulations.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, in Somerset County does hereby express its intent to join in such litigation for the common welfare, subject to entry into an inter-local services agreement for such purpose.

28-1. Committeeman Caliguire moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

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

ADJOURNMENT was at 11:45 p.m. on a motion by Committeewoman Wilson, seconded by Committeeman Caliguire and carried unanimously.

Date of approval:

Donna Kukla, Township Clerk