

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
May 19, 2011

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 7:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Caliguire, Deputy Mayor Dyer, Committeemembers Carter, Graham and Trzaska

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Mayor Caliguire stated the following: "Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers."

3. Mayor Caliguire led the Salute to the Flag.

4. **FIRE PREVENTION FEES**

Administrator Nieman explained the background of this topic.

Roy Mondri, Fire Marshall, presented a proposal which would increase the Commercial Inspection fees by 40% to bring them up to the rest of Somerset County. He stated that there had been no increase in Fire Prevention fees in twelve (12) years and Montgomery's fees were the lowest in Somerset County. He explained what the Fire Prevention Department does. He explained that his department had to do inspections on vacant buildings, according to the United Fire Code. He proposed reducing the fee by 50% for these inspections. He explained that there was a bill at the State level which would have apartment building inspections done by State Inspectors, so he suggested that the Township wait on imposing fees for that until it is decided by the State.

5. **POLICE REPORT**

Police Lieutenant Curry reported on the following activities of the Police Department for the month of April, 2011:

- 47 motor vehicle accidents;
- 30 arrests;
- 13 thefts;
- 4 criminal mischief.

6. **PUBLIC COMMENT**

- 6-1. Michele Parise, Dutchtown-Zion Road, asked about an email she received recently from MontgomeryTaxpayer@gmail.com. She wondered if anyone knew who this was and why there was no name attached to this.

7. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request that an item be removed for separate consideration.

- A. **RESOLUTION #11-5-138 - REFUND UNUSED PORTION OF SPECIAL DUTY SERVICES MONIES**

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

Lambert Cable Splicing
48 Cherry Street
Lebanon, NJ 08833
\$170.00

- B. **RESOLUTION #11-5-139 - APPROVAL OF OUTDOOR ASSEMBLY/RODEO -**
Montgomery Rodeo Foundation

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Montgomery Rodeo Foundation has requested approval of the Township Committee to conduct an Outdoor Assembly/Championship Rodeo on the property of Frank and Noel Drift, Sunset Road, Block 16001, Lot 6Q on June 11 and 12, 2011.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
 - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Committee approval.
 - (b) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.

(CONSENT AGENDA Cont.)

3. The organizers will obtain the required approval from the Police Department regarding parking facilities, traffic plan and safety considerations and shall employ one (1) Private Duty Police Officer at each event.
4. The organizers will obtain the required health certificates from the Township Health Department.
5. The organizers have obtained the required construction permits and Fire Prevention inspections from the Township Code/Construction and Fire Prevention Departments.

C. **RESOLUTION #11-5-140 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF PRINCETON FOR CHERRY VALLEY ROAD CAPITAL IMPROVEMENT PROJECT**

WHEREAS, The Township of Princeton wishes to enter into a formal shared services agreement with the Township of Montgomery for Cherry Valley Road Capital Improvement Project.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, Somerset County that:

1. The Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Township of Princeton to jointly improve that section of Cherry Valley Road between Billie Ellis Lane and State Highway Route 206, an approximately linear distance of one thousand eight hundred (1,800') feet.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.

D. **RESOLUTION #11-5-141 - REDUCTION OF PERFORMANCE GUARANTEE - Tapestry at Montgomery, Force Main and Pump Station (2nd Reduction)**

WHEREAS, Gail Smith, Township Engineer, has certified on May 12, 2011 that a performance guarantee posted for Tapestry and Montgomery, Force Main and Pump Station may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a second reduced performance guarantee as specified in the Township Engineer's estimate dated May 12, 2011.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$269,649.00 reduced from \$458,825.00 (previously reduced amount) be posted as follows:

10% cash	\$ 26,965.00
90% cash, Letter of Credit, or Surety Bond	\$242,684.00

E. **RESOLUTION #11-5-142 - REDUCTION OF PERFORMANCE GUARANTEE - Tapestry at Montgomery, Phase 1B-1, Without Force Main and Pump Station (2nd Reduction)**

WHEREAS, Gail Smith, Township Engineer, has certified on May 12, 2011 that a performance guarantee posted for Tapestry and Montgomery, Phase 1B-1, Without Force Main and Pump Station may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a second reduced performance guarantee as specified in the Township Engineer's estimate dated May 12, 2011.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$1,751,764.26 reduced from \$2,077,352.00 (previously reduced amount) be posted as follows:

10% cash	\$ 175,176.00
90% cash, Letter of Credit, or Surety Bond	\$1,576,588.00

F. **RESOLUTION #11-5-143 - REDUCTION OF PERFORMANCE GUARANTEE - Tapestry at Montgomery, Phase 1B-2, Without Force Main and Pump Station**

WHEREAS, Gail Smith, Township Engineer, has certified on May 12, 2011 that a performance guarantee posted for Tapestry and Montgomery, Phase 1B-2, Without Force Main and Pump Station may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a reduced performance guarantee as specified in the Township Engineer's estimate dated May 12, 2011.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$177,592.62 reduced from \$367,107.00 be posted as follows:

10% cash	\$ 17,759.26
90% cash, Letter of Credit, or Surety Bond	\$159,833.36

(CONSENT AGENDA Cont.)

G. **RESOLUTION #11-5-144 - REDUCTION OF PERFORMANCE GUARANTEE - Tapestry at Montgomery, Phase 1B-3, Without Force Main and Pump Station**

WHEREAS, Gail Smith, Township Engineer, has certified on May 12, 2011 that a performance guarantee posted for Tapestry and Montgomery, Phase 1B-3, Without Force Main and Pump Station may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a reduced performance guarantee as specified in the Township Engineer's estimate dated May 12, 2011.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$407,796.48 reduced from \$691,239.60 be posted as follows:

10% cash	\$ 40,779.65
90% cash, Letter of Credit, or Surety Bond	\$367,016.83

H. **RESOLUTION #11-5-145 - REDUCTION OF PERFORMANCE GUARANTEE - Tapestry at Montgomery, Phase 1B-4, Without Force Main and Pump Station**

WHEREAS, Gail Smith, Township Engineer, has certified on May 12, 2011 that a performance guarantee posted for Tapestry and Montgomery, Phase 1B-4, Without Force Main and Pump Station may be reduced; and

WHEREAS, The remaining and partially completed improvements will be adequately covered by a reduced performance guarantee as specified in the Township Engineer's estimate dated May 12, 2011.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a reduced performance guarantee amounting to \$263,026.62 reduced from \$470,436.00 be posted as follows:

10% cash	\$ 26,302.66
90% cash, Letter of Credit, or Surety Bond	\$236,723.96

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

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

8. **RESOLUTION #11-5-146 - 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 10, 2011 AND ENDING ON FEBRUARY 18, 2012**

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; 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:

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 10, 2011 to February 18, 2011 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 2011-2012, 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:

(Item #8 Cont.)

Fall bow: September 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012
Permit shotgun: November 30 - December 2, 2011
December 5 - December 10, 2011
December 14 - December 16, 2011
January 7 - February 11, 2012
Permit muzzle-loader: November 28 - December 2, 2011
December 5 - December 10, 2011
December 12 - December 13, 2011
December 17 - December 24, 2011
December 26 - December 31, 2011
January 2 - February 11, 2012
Six-day firearm: December 5 - December 10, 2011

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

Other restrictions: Hunting on Sundays shall be strictly prohibited.

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 2011-2012, 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 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012
Permit shotgun: November 30 - December 2, 2011
December 5 - December 10, 2011
December 14 - December 16, 2011
January 7 - February 11, 2012
Permit muzzle-loader: November 28 - December 2, 2011
December 5 - December 10, 2011
December 12 - December 13, 2011
December 17 - December 24, 2011
December 26 - December 31, 2011
January 2 - February 11, 2012
Six-day firearm: December 5 - December 10, 2011

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.

Hunting on Sundays shall be strictly prohibited.

C. Dead Tree Run

Designation: Block 18026, Lot 27

Location: 69± 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 2011-2012, 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 #8 Cont.)

Fall bow: September 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012

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

Other Restrictions: Hunting on Sundays shall be strictly prohibited.

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 2011-2012, 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 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012

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

Other Restrictions: Hunting on Sundays shall be strictly prohibited.

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

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 2011-2012, 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 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012
Permit shotgun: November 30 - December 2, 2011
December 5 - December 10, 2011
December 14 - December 16, 2011
January 7 - February 11, 2012
Permit muzzle-loader: November 28 - December 2, 2011
December 5 - December 10, 2011
December 12 - December 13, 2011
December 17 - December 24, 2011
December 26 - December 31, 2011
January 2 - February 11, 2012
Six-day firearm: December 5 - December 10, 2011

Permits: No more than fourteen (14) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #8 Cont.)

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 2011-2012, 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 10 - October 28, 2011
Permit bow:	October 29 - December 24, 2011
	December 26 - December 31, 2011
Winter bow:	January 2 - February 18, 2012

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, 2011, whichever is earlier.

Hunting on Sundays shall be strictly prohibited.

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 2011-2012, 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 10 - October 28, 2011
Permit bow:	October 29 - December 24, 2011
	December 26 - December 31, 2011
Winter bow:	January 2 - February 18, 2012

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 24 to November 28, 2011, inclusive.

Hunting on Sundays shall be strictly prohibited.

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 2011-2012, 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 #8 Cont.)

Fall bow: September 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012

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

Other restrictions: Hunting on Sundays shall be strictly prohibited.

I. Bennett Tract

Designation: Block 31001, 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 2011-2012 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 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2010-2011 permittees who (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 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 2011-2012 Deer Management Program Map for this property.)

Hunting on Sundays shall be strictly prohibited.

J. Platz Tract

Designation: Block 15001, Lot 26 & Block 15004, Lot 9

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 2011-2012 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 10 - October 28, 2011
Permit bow: October 29 - December 24, 2011
December 26 - December 31, 2011
Winter bow: January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2010-2011 permittees who (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 season.

(Item #8 Cont.)

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.

Hunting on Sundays shall be strictly prohibited.

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 2011-2012 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 10 - October 28, 2011
Permit bow:	October 29 - December 24, 2011
	December 26 - December 31, 2011
Winter bow:	January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property. Permit eligibility for this property is restricted to 2010-2011 permittees who (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 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.

Hunting on Sundays shall be strictly prohibited.

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 2011-2012 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 10 - October 28, 2011
Permit bow:	October 29 - December 24, 2011
	December 26 - December 31, 2011
Winter bow:	January 2 - February 18, 2012

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 2010-2011 permittees who have (i) harvested at least two (2) deer during the 2010-2011 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 2011-2012 season.

(Item #8 Cont.)

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.

Hunting on Sundays shall be strictly prohibited.

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 2011-2012, 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 10 - October 28, 2011
Permit bow:	October 29 - December 24, 2011
	December 26 - December 31, 2011
Winter bow:	January 2 - February 18, 2012

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

Other restrictions: Hunting on Sundays shall be strictly prohibited.

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 2011-2012, 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 10 - October 28, 2011
Permit bow:	October 29 - December 24, 2011
	December 26 - December 31, 2011
Winter bow:	January 2 - February 18, 2012
Permit shotgun:	November 30 - December 2, 2011
	December 5 - December 10, 2011
	December 14 - December 16, 2011
	January 7 - February 11, 2012
Permit muzzle-loader:	November 28 - December 2, 2011
	December 5 - December 10, 2011
	December 12 - December 13, 2011
	December 17 - December 24, 2011
	December 26 - December 31, 2011
	January 2 - February 11, 2012
Six-day firearm:	December 5 - December 10, 2011

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

Other restrictions: Hunting on Sundays shall be strictly prohibited.

(Item #8 Cont.)

O. Montgomery Woods

Designation: Block 37002, Lot 2.01

Location: 6.064+ acres located on River 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 2011-2012, 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 10 - October 28, 2011
Permit bow:	October 29 - December 24, 2011
	December 26 - December 31, 2011
Winter bow:	January 2 - February 18, 2012

Permits: No more than two (2) municipal deer management permits shall be issued for this property.

Other restrictions: Hunting on Sundays shall be strictly prohibited.

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. The taking of a coyote while engaging in deer hunting on Township property is permissible, provided that hunters abide by all State regulations on coyote hunting. Coyote hunting on Township property shall be incidental to, and not separate from, deer hunting and shall conclude on the last day of the deer hunting season. The hunting of coyote at night is strictly prohibited. *The 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"). *Except for the provisions set forth hereinabove prohibiting hunting on Sundays, 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 a member of the Montgomery Township Wildlife Committee.

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.

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 2011-2012 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.

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

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

9. 2011 MUNICIPAL BUDGET

A. RESOLUTION #11-5-147 - REGARDING PUBLIC HEARING OF THE 2011 LOCAL MUNICIPAL BUDGET OF THE TOWNSHIP OF MONTGOMERY, STATEMENTS OF REVENUES AND APPROPRIATIONS

WHEREAS, For at least one week, the complete Municipal Budget as advertised, has been posted in a public place, in the Municipal Building; and

WHEREAS, The 2011 Budget has been made available to each and every person requesting the same for at least one week,

NOW, THEREFORE, BE IT RESOLVED By the Township Committee (not less than a majority of the full membership concurring) of the Township of Montgomery in Somerset County, that the Township Committee hereby determines that the 2011 Municipal Budget, Statements of Revenues and Appropriations shall be read by title, and that the conditions of N.J.S.A. 40A:4-8, Sections 1A and 1B, have been satisfied.

- A-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

B. 2011 MUNICIPAL BUDGET - Public Hearing

- 1a. Deputy Mayor Dyer moved that the hearing be opened to the public. The motion was seconded by Committeeman Trzaska and carried unanimously.
- 1b. Donald Matthews, Rutland Road, spoke about an email which went around to a certain number of people and he expressed his disturbance about it. He voiced his support of the Township Committee and the budget for 2011.
- 2a. Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

C. RESOLUTION #11-5-148 - ADOPTION OF THE 2011 MUNICIPAL BUDGET

BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of \$26,598,267.71 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(1)	GENERAL REVENUES	
	Surplus Anticipated	\$ 5,300,000.00
	Miscellaneous Revenue Anticipated	9,143,670.41
	Receipts from Delinquent Taxes	792,146.00
(2)	AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	<u>11,362,451.30</u>
	TOTAL REVENUES	\$26,598,267.71
(3)	GENERAL APPROPRIATIONS	
	Within "CAPS"	
	Operations Including contingent	\$16,091,435.00
	Deferred Charges and Statutory Expenditures - Municipal	1,995,048.00
	Excluded from "CAPS"	
	Operations - Total Operations	
	Excluded from "CAPS"	2,634,542.35
	Capital Improvements	94,774.25
	Municipal Debt Service	4,689,920.00
	Reserve for Uncollected Taxes	<u>1,092,548.11</u>
	TOTAL APPROPRIATIONS	\$26,598,267.71

- C-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

ROLL CALL - Ayes - Graham, Trzaska, Dyer, Caliguire
Nays - Carter

10. APPROVAL OF MINUTES

May 5, 2011 - Regular Session

Minutes were approved as printed.

Executive Session Minutes (January 20 to April 21, 2011)- APPROVAL OF CONTENT ONLY

Minutes were approved as printed.

11. 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.

11-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

12. HERRING BOND DEFERRAL REQUEST

Attorney Hadinger explained that the applicant, JER Herring, had previously, through his attorney, requested a waiver of the posting of the performance guarantee for the project at 23 Orchard Road. That proposal is not to waive the Performance Guarantee in its entirety but to defer its posting. She stated that this was a property that was going to be subdivided, one piece on the east side of the property will remain an office building and the piece on the west side will ultimately become a COAH 160 unit townhouse units. The Subdivision application and Site Plan approval, through the Board of Adjustment, also incorporated most recently a proposal for solar arrays on the office building side of the property. The Board required that the Subdivision be perfected prior to construction of the solar array. In order to perfect a Subdivision, performance guarantees need to be posted. The project, as the applicant has indicated, is not ready to go forward in terms of construction so the applicant feels that he is in a catch-22. He needs to sub-divide in order to do the solar arrays, but he is not ready to start to put in the parking and the other improvements and bonding costs a lot of money. She stated that she had spoken to the applicant's attorney and she had made a suggestion in terms of changing the proposal. The Land Use Law does allow the Township to take alternate forms of security, it says a bond or a Letter of Credit or other form that the Governing Body may accept. One suggestion was that, until the project is really ready to go forward, accept a mortgage on the property as an alternate form of security and then when the project is ready to go forward, before construction begins, convert that to a Letter of Credit or standard performance guarantee. It would come with a restriction that the work couldn't begin until it was converted.

Committeewoman Graham stated that what concerns her about a mortgage is that it is difficult to enforce. If the Township wanted to recover the amount of the mortgage, the Township would be in court and have substantial litigation expenses. The process would take a long time.

Richard Schatzman, Attorney for JER Herring, stated that his proposal was a restrictive covenant on all the lands, this way no one could ever do anything with it. This includes alienation of the land, encumbrance, construction, etc. The fear is that someone would buy the property and not know anything about the different restrictions and the resolution of memorialization for both projects. He stated that at this point this was just a minor subdivision and bonds are not posted for those. Once the improvements start, then he would be posting bonds.

Attorney Hadinger stated that her concern was if the property was sold, and even among the JER Herring company, that these restrictions would be violated.

Jamie Herring, JER Herring LLC principal, stated that he understood the intent of a bond is to protect the town if a developer cannot complete a project. He can't begin this project without the approval of the town, so no work can or is being done without the town approving it. The thought of putting up a large bond to sit has no connection with what the purpose is for.

Attorney Hadinger explained that it is not the common practice to say "I can't begin the work", because usually when you subdivide the property then you can begin to do what you need to do. The issue here is that you have a subdivision and a site plan in one piece. The site plan has certain bonding requirements attached to it and because the application was all together, it's essentially one project. If the Governing Body is going to entertain this request, it has to be tied up very carefully that the work can not be done on either side, save the solar panels, without a Letter of Credit or Bond being posted.

(Item #12 Cont.)

Mr. Herring clarified, from his perspective, they have a developer's agreement and it is very clear what they can and cannot do.

Attorney Hadinger explained that their's was not a traditional developer's agreement in Montgomery Township. This one relates to the COAH project, and does not address construction sequence.

Mr. Herring stated that agreement lays out what rights he has for the residential development. It also clearly states that he cannot get going on that residential development until he has site plan approval. If he cannot get going on site plan approval then he cannot do any site plan improvements and he cannot leave the town in the lurch for any unfinished work.

Attorney Hadinger stated that site work could absolutely be done before the residential is built. There was an amended site plan for the office, so the parking could be relocated soon.

Committeewoman Graham stated she would like to discuss this matter further.

Mayor Caliguire explained that this was something the Township Committee was not in a position to make a decision on at this meeting. There would be further discussion on this matter.

13. **BOARD OF HEALTH SHARED SERVICES**

Committeeman Trzaska stated at the last Board of Health meeting there was discussion about another shared services agreement they are working on with Branchburg for Health Education Services.

14. **MARY JACOBS LIBRARY**

Committeeman Carter spoke about a fund raiser that the Mary Jacobs Library is holding on Friday, May 20 at the Princeton Elks.

15. **ECONOMIC DEVELOPMENT COMMISSION**

Deputy Mayor Dyer stated that the Economic Development Commission would be meeting on May 24. Mike Kerwin from the Somerset County Business Partnership and the Montgomery Township Environmental Commission would be in attendance to discuss the Somerset County Master Plan Development which is focused on environmentally friendly development in town.

16. **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 sale of Skillman Village to Somerset County, terms and conditions of proposed amendment to agreement;
 - Advice of Special Counsel with respect to Rocky Hill Sewer Agreement.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreements shall be authorized except by action of the Township Committee. It is possible that at the conclusion of this closed session the Committee will reconvene in open session for the purpose of taking action.

16-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.

17. Meeting reconvened in Open Session.

18. Committeeman Trzaska moved to authorize a Special meeting on Friday, May 27 at 8:30 a.m. potentially to deal with an amendment to the Skillman Village/Skillman Park sale to the County and in addition a discussion about authorizing the closing to proceed and maybe have a closed session, if necessary, to discuss the amendment to an agreement and advice of counsel related thereto. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

ADJOURNMENT was at 8:30 p.m. on a motion by Deputy Mayor Dyer. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk