

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
June 16, 2011

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 6:30 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Deputy Mayor Dyer, Committeemembers Graham and Trzaska
Mayor Caliguire (by phone for Items #1-8)
Committeeman Carter was absent
Committeewoman Graham (was absent for Items #1-3)

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

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

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
 2. The general nature of the subject to be discussed in this session is as follows:
 - Advice of counsel with respect to County Club Meadows litigation;
 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.
- 3-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Mayor Caliguire and carried unanimously.

4. The meeting reconvened in Open Session and Deputy Mayor Dyer led the Salute to the Flag.

5. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of May, 2011:

-- 53 motor vehicle accidents;
-- 25 arrests;
-- 22 thefts;
-- 2 burglaries;
-- 6 domestic violence;
-- 15 criminal mischief.

6. **PUBLIC COMMENT**

- 6-1. Maxine Baicker, Cherry Hill Road, spoke about the construction at 904 Cherry Hill Road. She stated that she had lived in her home for 42 years and has seen a lot of changes in the Township, but it still retained much of the charm and rural atmosphere that attracted her and her family all those years ago. She thanked the various Governing Bodies for this. She stated that they have tried to protect the good in the Township while accommodating growth. She suggested that this is one of those times when the Township Committee needs to re-evaluate the zoning laws to protect the residents. She urged them to adopt an ordinance similar to the one Bridgewater Township put into effect in April, requiring schools, churches and some other types of uses to have access to a State or County road.

Mayor Caliguire responded that the Township did not have an ordinance like Bridgewater's at the moment and stated that since the applicant had already submitted his application, the Township might not be able to pass and enforce an ordinance for this property.

Ms. Baicker stated that she had called someone who was a Zoning Board Attorney and he said that since nothing has been accepted, it's not too late.

Attorney Hadinger replied that she didn't know the exact status of this application but the laws changed in the State of New Jersey. The legislature adopted a new law that essentially changes what Land Use Lawyers referred to as the "Time of Decision" rule. This change happened last year and what that law says is that the zoning that is in affect at the time the application is made is what controls, even if it is an incomplete application. This law was adopted in 2010, but did not go into effect until April, 2011.

(Item #6-1 Cont.)

Betty Lies, Cherry Hill Road, spoke about her concerns with regard to the traffic on Cherry Hill Road, which has already become extremely heavy from the Waldorf School, and stated that if the church is built there will be even more traffic. She also stated her concerns about signage, aesthetics, etc.

Marc Schwarzman, Cherry Hill Road, spoke of his concern about the parking. He explained that the road was a narrow, two lane road and the property was very wooded. He asked that the Township not allow the applicant to cut down all the trees.

Linda Popper, Cherry Hill Road, spoke of her concerns with the building near her home, such as traffic, safety, aesthetics, etc.

- 6-2. Robert Kress, Meadow Run Drive, spoke about Resolution #11-6-172 and asked if it was just referencing changing center line designations from broken lines to a solid line. He asked if there was a way that there could be a dedicated left turn lane made southbound at Griggstown Road.

Administrator Nieman stated that he believed that Engineer Gail Smith had addressed this with the New Jersey Department of Transportation and he could not recall what the answer was. He would look into this and get back to Mr. Kress.

Mr. Kress also asked if they could request a dedicated right turn lane northbound at Devon Drive and a dedicated right turn lane southbound at Sunset Road.

- 6-3. Tom Jushchuk, Cherry Hill Road, stated that the biggest charm for the neighborhood is the bicycle riders riding on Cherry Hill Road. He stated that if there is more traffic, those riders will be in serious danger. He asked if there were plans for the road to be widened.

- 6-4. Committeewoman Graham arrived on the dais.

- 6-5. Walt Beadling, Thornton Way, stated that he had been recording the Township Committee and posting them to themontgomeryteaparty.org web-site, and they also post the documentation. One of the things that was brought to their attention is that there are often gaps in the check register. He asked why that might be.

Finance Officer Walter Sheppard stated that the bill list was run on a "per fund" basis and if there are no checks issued for a certain fund then the pages for those are not reflected and/or printed.

Attorney Hadinger explained that the only checks being approved and issued by the Township Committee are the ones on the bill list that everyone has.

Mr. Beadling asked if the Township Committee had thought about the subject he brought up at the May 19 meeting regarding Sandy Springs, Georgia and how they privatized some of their services and had managed to save a considerable amount of money by doing this. He had done a little more research and discovered that Governor Christie had commissioned a Task Force on this subject.

Administrator Nieman stated that there has been a movement afoot for a number of years to look at privatization.

Mr. Beadling asked if the Governing Body could consider or is considering forming a Task Force to consider privatizing some or all of the services in Montgomery. He spoke about his concerns with the idea of consolidation, especially when it comes to the Police. He felt the Police should be as closely connected to the community as possible.

7. **ORDINANCE #11-1387 - BOND - Various Capital Improvements - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$951,485 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$903,911 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

- B. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.

- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of June, 2011 and that the ordinance summary and proper 20-day statement be published in an official newspaper as required by law.

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

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

8. ORDINANCE #11-1388 - BOND - Various Sewer Utility Improvements - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING \$5,095,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,095,000 IN BONDS OR NOTES OF THE TOWNSHIP OF MONTGOMERY TO FINANCE THE SAME.

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

B-2. Walter Beadling, Thornton Way, asked about the Riverside upgrades and other improvements that are covered by this Ordinance and approximately how long those improvements will take.

Administrator Nieman stated that this is partially because of State Department of Environmental Protection unfunded mandates and part because the plants are failing.

Mr. Beadling stated that his question really had to do with the listed backhoe, and why that was attached to the funding as a separate item.

Administrator Nieman stated that it had to be identified separately, but it is a piece of equipment used by the Sewer Utility only.

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of June, 2011 and that the ordinance summary and proper 20-day statement be published in an official newspaper as required by law.

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

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

9. Mayor Caliguire left the meeting.

10. 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 #11-6-167 - REFUND UNUSED PORTION OF SPECIAL DUTY

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:

N.J. American Water Co.
120 Raider Boulevard
Hillsborough, NJ 08844
\$510.00

B. RESOLUTION #11-6-168 - ACCEPTANCE OF DONATION - Earth Day Fair 2011 - PNC Bank

BE IT RESOLVED that the Montgomery Township Committee hereby accepts the following donation for the Earth Day Fair 2011.

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
PNC Bank	\$300.00	1610665

C. RESOLUTION #11-6-169 - APPROVAL OF SHARED SERVICES PARTNERSHIP AGREEMENT BETWEEN MERCER COUNTY, DIVISION OF PUBLIC HEALTH AND MONTGOMERY TOWNSHIP HEALTH DEPARTMENT

BE IT RESOLVED That the Mayor is authorized to execute a public health shared services partnership agreement between the County of Mercer, Department of Human Services and the Montgomery Township Health Department on behalf of Hopewell Borough and Pennington Borough.

D. RESOLUTION #11-6-170 - RELEASE OF MAINTENANCE GUARANTEE - Riverside Farms Section II

WHEREAS, Gail Smith, Township Engineer, has certified on June 8, 2011 that all public improvements in a project known as Riverside Farms Section II have been in satisfactory continuous use for a period greater than two years and therefore recommends the release of the posted maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a Maintenance Bond in the amount of \$83,197.00 (\$74,877.00 Bond #C13334 and \$8,320.00 cash) be released to Atlantic Realty, 90 Woodbridge Center Drive, Woodbridge, NJ 07095.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #11-6-171 - AUTHORIZING THE MONTGOMERY TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c. 72**

WHEREAS. The Montgomery Township Tax Collector will be unable to mail the Township's 2011 tax bills on a timely basis.

WHEREAS, the Montgomery Township Chief Finance Officer/Tax Collector have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, in the County of Somerset and State of New Jersey on this 16th day of June, 2011, as follows:

1. The Montgomery Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2011 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2011 is hereby set at \$99,906,479.89.
3. In accordance with law the third installment of 2011 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

F. **RESOLUTION #11-6-172 - ESTABLISHING A NO PASSING ZONE ALONG STATE HIGHWAY ROUTE 206**

WHEREAS, Upon investigation by the NJ Department of Transportation's Bureau of Traffic Engineering and Investigations, it has been recommend to revise the centerline pavement markings to a "No Passing Zone" along Route US 206 throughout the entire length of Montgomery Township.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee supports the recommendation of the Bureau of Traffic Engineering and Investigations to establish a "No Passing Zone" along the entire length of Route 206 in Montgomery Township.

- 10-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Graham and carried on the following:

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

11. Attorney Hadinger stepped down from the dais.

12. **RESOLUTION #11-6-173 - CONCURRING WITH PRINCETON TOWNSHIP'S AWARD OF BID FOR CHERRY VALLEY ROAD**

WHEREAS, Princeton and Montgomery share a common boundary line along Cherry Valley Road; and

WHEREAS, Princeton and Montgomery have determined that improvements are necessary to Cherry Valley Road between Billie Ellis Lane and State Highway Route 206 and Hillside Avenue' and

WHEREAS, Princeton agrees to be the lead agency for the Cherry Valley Road Capital Improvement Project; and

WHEREAS, Following the review of the two (2) bids received by Princeton Township on June 7, 2011, it has been determined that the lowest responsible bidder for said capital project is Integrated Construction and Utilities of New Jersey in the amount of \$1,352,866.09; and

WHEREAS, The Cherry Valley Road Improvements are being jointly completed with the Township of Princeton in accordance with a Shared Services Agreement dated May 9, 2011; and

WHEREAS, The New Jersey Department of Transportation has made funding available to Montgomery Township in the amount of \$215,000 and Princeton Township in the amount of \$300,000 to assist with the cost of the Cherry Valley Road Improvements; and

WHEREAS, Princeton Township awarded said bid on June 13, 2011.

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

(Item #12 Cont.)

1. The Montgomery Township Committee concurs with Princeton Township's award of bid for a contract to Integrated Construction and Utilities of New Jersey, in the amount of \$1,352,866.09 to undertake and complete the Improvements to Cherry Valley Road and Hillside Avenue as set forth in the Specifications, Instructions to Bidders and the contract documents for this capital project.
2. Montgomery Township shall pay its share of the cost in the amount of \$439,651.14.

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

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

13. Attorney Hadinger returned to the dais.

14. **RESOLUTION #11-6-174 - PROFESSIONAL SERVICES RESOLUTION - Wastewater Treatment Plant Consolidation Master Plan Study - Omni Environmental**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional engineering services to conduct a Wastewater Treatment Plant Consolidation Master Plan Study; 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 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 firm of Omni Environmental has submitted a proposal dated June 9, 2011 to provide the sought-after services to the Township for a not to exceed cost of \$67,450.00; 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 engineering services to conduct a Wastewater Treatment Plant Consolidation Master Plan Study.
2. Omni Environmental shall be paid a not to exceed fee of \$67,450.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the June 9, 2011 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.

14-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

15. RESOLUTION #11-6-175 - ABC LICENSE #1813-31-004-001 - Bedens Brook Country Club

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-004-001 for Bedens Brook Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-004-001 is hereby granted for the year 2011-2012.

- 15-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

16. RESOLUTION #11-6-176 - ABC LICENSE #1813-31-008-001 - Cherry Valley Country Club

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-008-001 for Cherry Valley Country Club:

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-008-001 is hereby granted for the year 2011-2012.

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

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

17. RESOLUTION #11-6-177 - ABC LICENSE #1813-31-006-001 - Montgomery Tennis Patrons Association (Nassau Racquet & Tennis Club)

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-006-001 for Nassau Racquet & Tennis Club

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-006-001 is hereby granted for the year 2011-2012.

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

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

18. Deputy Mayor Dyer stepped down from the dais and Mayor Caliguire returned via telephone.

19. RESOLUTION #11-6-178 - ABC LICENSE #1813-31-005-001 - Princeton BPO Elks #2129

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-31-005-001 for Princeton BPO Elks #2129.

- a. The submitted application form is complete in all respects, including the submission of the club member list;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The club maintains all records required by N.J.A.C. 13:2-8.8 (special events open to non-club members) and N.J.A.C. 13:2-8.12 (true books of account for receipts and disbursement);
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-31-005-001 is hereby granted for the year 2011-2012.

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

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

20. Deputy Mayor Dyer returned to the dais and Mayor Caliguire left the meeting.

21. RESOLUTION #11-6-179 - ABC LICENSE #1813-44-001-009 - Steele Built LLC
(Steele's Wine Cellar)

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-44-001-009 for Steele's Wine Cellar:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-44-001-009 is hereby granted for the year 2011-2012.

21-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

22. Committeewoman Graham asked that it be noted that there have been no reports of any complaints or violations on any of these liquor license applications

23. RESOLUTION #11-6-180 - ABC LICENSE #1813-33-011-001 - MTC Restaurant I, LLC

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-009-001 for MTC Restaurant I, LLC:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-009-001 is hereby granted for the year 2011-2012.

23-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

24. **RESOLUTION #11-6-181 - ABC LICENSE #1813-33-003-004 - Princeton Innkeepers, Inc. (Tiger's Tale)**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-003-004 for Tiger's Tale:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-003-004 is hereby granted for the year 2011-2012.

- 24-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

25. **RESOLUTION #11-6-182 - ABC LICENSE #1813-33-002-015 - Tusk, LLC**

WHEREAS, Based on the following information regarding the renewal of ABC License #1813-33-002-015 for Tusk, LLC:

- a. The submitted application form is complete in all aspects;
- b. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or division-approved conditions; and
- c. The applicant previously disclosed and the Township Committee from the authority previously reviewed the source of funds used in connection with the initial purchase of the license and licensed business and additional financing obtained in connection with the licensed business;
- d. No reports of violations have been filed by the Health Officer, Police Department and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that a renewal of Alcoholic Beverage Control License #1813-33-002-015 is hereby granted for the year 2011-2012.

- 25-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

26. **ORDINANCE #11-1383 - Thompson and TSC 1 Land Donations - Public Hearing**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY AUTHORIZING, PURSUANT TO N.J.S.A. 40A:12-5, THE ACQUISITION BY GIFT OF BLOCK 11001, LOT 38.01 AND BLOCK 12001, LOT 11 (SERVIS AND HOLLOW ROADS/THOMPSON) AND BLOCK 14001, LOT 11.02 (FAIRVIEW ROAD/TSC 1) LOCATED IN THE TOWNSHIP OF MONTGOMERY.

- B. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeewoman Graham moved that the public hearing be closed. The motion was seconded by Committeeman Trzaska and carried unanimously.
- C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of June, 2011 and that notice thereof be published in an official newspaper as required by law.

- 26-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

27. **ORDINANCE #11-1384** - Capital-Acquisition of Various Equipment by the Sewer Utility -
Public Hearing

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT
THE ACQUISITION OF CERTAIN EQUIPMENT BY THE
TOWNSHIP OF MONTGOMERY SEWER UTILITY AND
APPROPRIATING \$100,000.00 THEREFOR FROM THE "SEWER
CAPITAL IMPROVEMENT FUND" OF SAID TOWNSHIP.

A. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of June, 2011 and that notice thereof be published in an official newspaper as required by law.

27-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

28. **ORDINANCE #11-1385** - Capital-Acquisition of Various Equipment and Improvements -
Public Hearing

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

AN ORDINANCE AUTHORIZING AS A GENERAL
IMPROVEMENT THE ACQUISITION OF CERTAIN EQUIPMENT
BY THE TOWNSHIP OF MONTGOMERY AND APPROPRIATING
\$47,200.00 THEREFOR FROM THE "CAPITAL IMPROVEMENT
FUND" OF SAID TOWNSHIP.

B. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeewoman Graham moved that the public hearing be closed. The motion was seconded by Committeeman Trzaska and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of June, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

29. **ORDINANCE #11-1386** - Deer Management - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN
SOMERSET COUNTY, NEW JERSEY CONCERNING THE DEER
MANAGEMENT PROGRAM AND AMENDING CHAPTER IX OF THE
CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

B. Deputy Mayor Dyer opened the hearing to the public. There being no comment, Committeeman Trzaska moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 16th day of June, 2011 and that notice thereof be published in an official newspaper as required by law.

29-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

30. ORDINANCE #11-1389 - Fire Prevention Fees - Introduction

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

AN ORDINANCE AMENDING CHAPTERS XIII, FIRE PREVENTION AND VIII, BUILDING, HOUSING AND FARMING, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH NEW FEE SCHEDULES FOR FIRE PREVENTION REGISTRATION, INSPECTION, PERMIT FEES AND SMOKE-SENSITIVE ALARM DEVICES

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 July 7, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

30-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

31. APPROVAL OF MINUTES

June 2, 2011 - Regular Session

Minutes were approved as printed.

32. 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.

32-1. Committeeman Trzaska moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

33. TOWNSHIP COMMITTEE SUMMER SCHEDULE

Administrator Nieman stated that in past years, the Township Committee has reduced the summer meeting schedule. In 2010 one meeting in July and one meeting August were eliminated. He asked the Township Committee to think about this and let Township Clerk Donna Kukla know.

Committeewoman Graham suggested that everyone email their schedules to the Clerk and asked for information on what needed to be discussed at meetings before making any decisions on whether to have a meeting or not.

34. SOMERSET COUNTY BUSINESS PARTNERSHIP MEMBERSHIP RENEWAL

Administrator Nieman stated he had received the bill for renewal of the Township's membership in the Somerset County Business Partnership. He reported that it was several thousand dollars and he wondered if the Governing Body was interested in renewing it membership.

It was decided that this should be the subject for further discussion.

35. OPEN SPACE COMMITTEE

Committeewoman Graham reported that the Open Space Committee is sponsoring a series of walks on public lands throughout the Township. She asked that the schedule of these walks be posted on the Township's web-site.

36. TAX SALE

Administrator Nieman reported on the tax sale which was held this week. There were 44 properties with liens, 37 of which were sold at this tax sale and 7 were suspended for one week and will be put up for sale again. He explained the procedure for a tax sale.

ADJOURNMENT was at 8:27 p.m. on a motion by Committeewoman Graham. The motion was seconded by Committeeman Trzaska and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk