

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 6, 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, Committeewoman Graham
Committeeman Trzaska was absent

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. **COMMITTEEMAN CARTER**

Township Clerk Donna Kukla explained that earlier on October 6 a letter of resignation from Committeeman Carter was received.

5. **PROCLAMATION - Put The Brakes On Fatalities Day - October 10, 2011**

WHEREAS, Across the nation, traffic crashes caused 32,788 fatalities in 2010, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, In New Jersey, 556 individuals lost their lives in traffic crashes in 2010; and

WHEREAS, Alcohol-related crashes accounted for 20 percent of the State's traffic fatalities, while speed related crashes for 2010 climbed to 35,039 from 23,011 recorded in 2009; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 72 motorcyclists, 13 bicyclists and 141 pedestrians were killed in New Jersey in traffic-related crashes in 2010; and

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing, solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths.

NOW THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, in Somerset County, New Jersey hereby proclaims October 10, 2011, Put The Brakes On Fatalities Day, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

- 5-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

6. **PUBLIC COMMENT**

- 6-1. John Kumpf, Monroe Avenue, announced that he was video-taping the meeting and it would be available on the www.themontgomeryteaparty.org website.

- 6-2. Nick Hladick, Woodview Drive, asked about the cones that are on Route 206, from Covert Drive to Griggstown Road.

Administrator Nieman explained that this was the redirection of traffic for the new routing at the new CSX Bridge and Route 601 intersection.

- 6-3. Robert Kress, Meadow Run Drive, asked when the last time was that there was a full quorum of the Township Committee.

Mayor Caliguire explained that it had been a while because Committeeman Carter has been gone for some time.

Committeewoman Graham stated that Mr. Carter had been teleconferencing into the meeting, so technically he had been in attendance.

Mayor Caliguire stated that Mr. Carter sent a letter to the Township Committee in June explaining that he had a temporary job in Australia. He stated that Mr. Carter had sent a letter earlier today resigning his position on the Township Committee as his job in Australia had become permanent.

Mr. Kress inquired if Mr. Carter's position was going to be handled by special election or appointment.

(Item #6-3 Cont.)

Attorney Hadinger explained that State Statute provides the procedure by which it is handled. Because he was a member of a political party, the Republican Committee will nominate three individuals within 15 days. The Governing Body then convenes and must choose from among those three people, within 30 days of the date of the vacancy. In the event the Committee fails to meet and supply three names, then the Governing Body may choose.

6-4. Walter Beadling, Thornton Way, announced that the Montgomery Tea Party would be holding a Candidate's Night for the Township Committee on October 13 at the Otto Kaufman Community Center at 7:15 p.m.

6-5. Mr. Beadling asked about Resolution #11-9-243 which was introduced at the September 15 meeting, regarding an emergency appropriation. Administrator Nieman explained that it was tabled at the last meeting, put on the agenda for this meeting, and would be tabled until the next meeting as there was not a quorum to be able to vote.

Mr. Beadling questioned the \$30,000.00 for gasoline and other expenses. He asked how the Township spent that much extra on gasoline during the period of the hurricane and what other expenses went into that figure. Chief Financial Officer Walter Sheppard responded that this figure was an estimate and the Township did not spend that much money. That estimate was high to reflect the possibility of running gas generators to keep the facilities operating in the septic system if the Township could not get replacement generators fast enough.

Administrator Nieman stated that at the time the estimate was created, which was September 15, the emergency resolution that was on for tonight was more accurate because the Township eliminated a number of the estimates. He explained that every Sewage Treatment Plant has a diesel generator and the pump stations have diesel back-ups, so it is not just vehicles involved in the calculations.

6-6. John Kumpf, Monroe Avenue, inquired about Item E on the Consent Agenda, the Garden State Green Acres Trust Grant for Vartan Acquisition. Chief Financial Officer Walter Sheppard explained that this was a refund for a piece of property that was purchased a number of years ago by the Township. The Garden State Green Acres Trust Grant is now reimbursing for a portion of the land costs that were incurred at the time. He explained that this money goes 100% for debt reduction.

Mr. Kumpf stated that most of the time, these grants come with "strings attached". Attorney Hadinger stated that the "strings attached" to a Green Acres Grant is that the land be restricted for Open Space conservation and recreational purposes.

Committeewoman Graham asked that if it was the Green Acres Trust and were tax dollars put into a special trust for only this type of expenditure. It was explained that it was.

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 #11-10-246 - REFUND OVERPAID 2011 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2011 taxes:

Block	Lot	Name	Amount
31008	22	Cartus Financial Corp.	\$3,431.08
34001	42.21	Naijun Wu & Haiyan Bian	\$ 88.07

B. **RESOLUTION #11-10-247 - REFUND UNUSED PORTION OF SPECIAL DUTY MONEY**

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:

Communications Construction Group
13 New Brooklyn Road, Unit D
Edison, NJ 08817
\$1,045.00

C. **RESOLUTION #11-10-248 - IN SUPPORT OF MONTGOMERY TOWNSHIP ANIMAL CONTROL AND SOUTH BRUNSWICK ANIMAL CONTROL COLLABORATIVE APPLICATION FOR "SUSTAINABLE NEW JERSEY ANIMALS IN THE COMMUNITY PILOT PROGRAM GRANT"**

WHEREAS, The Township of Montgomery is participating in a Shared Services Agreement for Animal Control and Sheltering Services with the Township of South Brunswick; and

WHEREAS, Montgomery Township supports the development and dissemination of Municipal Animal Control Best Practices; and

WHEREAS, Montgomery Township Animal Control, in cooperation with South Brunswick Animal Control, is seeking grant funding in order to promote the adoption of Best Practices throughout its service areas.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery, Somerset County, New Jersey, hereby adopts this resolution in support of the Township's application for the "Sustainable New Jersey Animals in the Community Pilot Program" grant.

(CONSENT AGENDA Cont.)

D. **RESOLUTION #11-10-249 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2011 Drunk Driving Enforcement Grant**

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

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2011, in the amounts listed below, which item is now available as a revenue form the Division of Highway Traffic Safety, State of New Jersey;

2011 Drunk Driving Enforcement Grant	\$6,190.08
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BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That two copies of this document with handwritten ink signature of the Clerk on certification be forwarded to the Division of Local Government Services.

E. **RESOLUTION #11-10-250 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Garden State Green Acres Trust Grant - Vartan Acquisition**

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

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2011, in the amounts listed below, which item is now available as a revenue from the Department of Environmental Protection, State of New Jersey;

Garden State Green Acres Trust Grant - Vartan Acquisition	\$35,126.38
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BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That two copies of this document with handwritten ink signature of the Clerk on the certification and shall be forwarded to the Division of Local Government Services.

F. **RESOLUTION #11-10-251 - DECLARING CERTAIN TOWNSHIP EQUIPMENT AS SALVAGE**

WHEREAS, The Township of Montgomery currently owns pieces of equipment (Exhibit A) that the Police Department has determined are no longer needed for public use; and

WHEREAS, The Township desires to dispose of said personal property; and

WHEREAS, The Township hereby declares said pieces of equipment as salvage.

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

The Purchasing Agent is hereby authorized and directed to dispose of the following equipment:

3 AD model AD190 CCTV monitors
1 PC HP serial # US90556498

G. **RESOLUTION #11-10-252 - APPROVAL OF CONSTRUCTION SEQUENCE AGREEMENT FOR THE BLOOMBERG SOLAR ARRAY WITH BLOOMBERG, LP AND AUTHORIZING MAYOR AND CLERK TO EXECUTE SAME**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a Construction Sequence Agreement with Bloomberg, LP for the Bloomberg Solar Array.

H. **RESOLUTION #11-10-253 - APPROVAL OF SEWER PARTICIPATION AGREEMENT FOR ADDITIONAL CAPACITY - Village Shopper III, LLC (Shopping Center Expansion) Block 28005, Lot 65**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute a Sewer Participation Agreement with Village Shopper III, LLC related to additional capacity in the Stage II Sewage Treatment Plant for Block 28005, Lot 65.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #11-10-254 - APPROVAL OF AN AGREEMENT FOR PLACEMENT ON WAITING LIST FOR ALLOCATION OF ANTICIPATED CAPACITY IN PIKE BROOK SEWAGE TREATMENT - Handler Estates (Block 6001 Lot 8)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement for placement on waiting list for allocation of anticipated capacity in the Pike Brook Sewage Treatment Plant with Richard Grosso for Block 6001, Lot 8 (Handler Estates).

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

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

8. **RESOLUTION #11-10-256 - AWARD OF BID - Dumping Stake & Platform Body with Direct Power Liftgate**

WHEREAS, After proper notice and advertisement, the following bids for a Dumping Stake & Platform Body with Direct Power Liftgate were received and publicly opened on September 27, 2011:

<u>BIDDERS</u>	<u>AMOUNT</u>
Dejana Truck Equipment of Greater Philadelphia	\$ 9,505.00
Bristol Donald Co.Inc.	\$12,735.00
Trius Equipment, Inc.	\$11,454.00
Cliffside Body Corp.	\$11,618.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Road Foreman that Dejana Truck Equipment of Greater Philadelphia be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, There exists an account 04-216-55-901-1387D, which will fund this item; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for a Dumping Stake & Platform Body with Direct Power Liftgate be awarded to Dejana Truck Equipment of Greater Philadelphia, 2502 Route 130 North, Cinnaminson, NJ 08077 in the amount of \$9,505.00,

BE IT FURTHER RESOLVED That the Purchasing Agent is authorized to sign said Purchase Order.

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

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

9. **RESOLUTION #11-10-257 - AWARD OF BID - 2011 or Newer Wheel Loader Backhoe**

WHEREAS, After Proper notice and advertisement, the following bid for a 2011 or Newer Wheel Loader Backhoe was received and publicly opened on September 28, 2011:

<u>BIDDER</u>	<u>AMOUNT</u>
JESCO, Inc.	\$89,248.00

WHEREAS, It is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that JESCO, Inc. be awarded the bid; it being the lowest responsible bidder; and

WHEREAS, There exists an account 08-216-55-901-1388B which will fund this item; and

WHEREAS, A certificate as to the availability of funds has been signed by the Chief Financial Officer and is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the order for the 2011 or Newer Wheel Loader Backhoe is hereby awarded to JESCO, Inc., 118 St. Nicholas Avenue, South Plainfield, NJ 07080 in the amount of \$89,248.00.

BE IT FURTHER RESOLVED That the Purchasing Agent is hereby authorized to sign said Purchase Order.

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

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

10. **RESOLUTION #11-10-258 - AUTHORIZING THE EXECUTION OF VARIOUS PROJECT AGREEMENTS FOR THE PRESERVATION OF HISTORIC STRUCTURES IN MONTGOMERY TOWNSHIP**

WHEREAS, The preservation of historic structures within the Township of Montgomery 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 ("Program") to provide financial assistance to 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 ("Commission") received four applications for the 2011 Program; and

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

1. Mount Zion A.M.E. Church of 189 Hollow Road in the amount of one thousand eight hundred dollars (\$1,800.00) for the purpose of painting and repairing windows and replacing the rear door of the Church.
2. William Evans of 570 Bellemead Griggstown Road in the amount of one thousand eight hundred dollars (\$1,800.00) for the purpose of window replacement.
3. Stephen and Rebecca Smith of 360 Route 518 in the amount of two thousand dollars (\$2,000.00) for the purpose of installing siding on the carriage house located on the property.

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 grant agreements with the aforementioned parties in the amounts specified above, and the Mayor and Clerk are authorized to sign the same.

- 10-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried on the following:

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

11. **ORDINANCE #11-1399 - LDO - Planned Behavioral Health Complex - Public Hearing**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI, "LAND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTIONS 16-3.3 REGARDING THE ZONING MAP, 16-3.2 & 16-6.5 REGARDING OPTIONAL DEVELOPMENT ALTERNATIVES, AND 16-4.2 REGARDING "PRINCIPAL PERMITTED USES" IN THE "MR" MOUNTAIN RESIDENTIAL DISTRICT, ALL TO ESTABLISH AN OPTIONAL DEVELOPMENT ALTERNATIVE FOR A "PLANNED BEHAVIORAL HEALTH COMPLEX" IN RECOGNITION OF THE EXISTING CARRIER CLINIC FACILITIES

- B. The Clerk read the following report from Planning Board:

"At the September 19, 2011 Planning Board meeting, the Board found the above referenced Ordinance consistent with the Master Plan and recommended adoption as written."

- C-1. Mayor Caliguire opened the hearing to the public.

- C-2. Attorney Hadinger stated that generally, in the realm of Municipal Land Use Law, use variances are disfavored, so that this was recognizing a very long-standing, existing use in the Township. She further stated that this ordinance, because it does affect the zone plan for a district and the boundaries for a district, was submitted by notice to property owners within 200 feet of the tract.

- C-3. John Kumpf, Monroe Avenue, asked if it was reducing governing regulations so that there could be expansion.

Mayor Caliguire explained that it wasn't so they could specifically expand, but if they need to make changes or expand and that doesn't affect the property in a significant way, they can do it without a variance.

Attorney Hadinger further explained that this was a government regulation that reduces the burden of non-regulation.

(Item #11 Cont.)

- C-4. Robert Kress, Meadow Run Avenue, stated that he fully understood the reasoning. He observed that when the Township gets down to making optional uses for 65 acres of land, in many cases it would be easier to zone that area on its own rather than taking the optional zoning route.

Attorney Hadinger explained that if the Township were to go the route that Mr. Kress was suggesting then the only use that would be allowed on that property would be a Behavioral Health Complex. In any zone, in large part, whether it is residential, commercial or industrial, more than one use is generally permitted.

- C-5. Deputy Mayor Dyer moved that the public hearing be closed. The motion was seconded by Committeewoman Graham and carried unanimously.
- D. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 6th day of October, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

12. **ORDINANCE #11-1400 - Marriage & Civil Union Fees - Introduction**

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

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH A FEE FOR THE SOLEMNIZATION OF MARRIAGES OR CIVIL UNIONS BY THE MAYOR OR DEPUTY MAYOR

- 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 October 20, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. **APPROVAL OF MINUTES**

September 15, 2011 - Regular Session

Minutes were approved as printed.

14. **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.

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

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

15. **ROUTE 206**

Mayor Caliguire stated that he received quite a few inquiries about Route 206, especially in front of the Municipal Building and other places where there were huge potholes. He explained that the Township had been in touch with the New Jersey Department of Transportation and they will be repairing the road this fall.

Committeewoman Graham spoke about Mr. Hladick's complaint, at the September 15 meeting, about a large pothole on Red Oak Way. She stated that that Administrator Nieman and the Public Works Department were able to get it repaired right away.

16. **MONTGOMERY EMS**

Mayor Caliguire stated that he had received an email from John Connach, President of the Montgomery EMS. They are applying for a \$28,000.00 Assistance to Firefighters Grant to acquire a 30-watt back-up generator. They lost power during Hurricane Irene and realized that they really need to have this. Mr. Connach asked Mayor Caliguire to write a letter advocating for that grant.

- 16-1. **Motion #11-10-1** - Committeewoman Graham moved that Mayor Caliguire write a letter in favor of the Montgomery EMS's grant. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

16. **COURT CONSOLIDATION**

Administrator Nieman reported that Attorney Hadinger, Deputy Court Administrator Judy Norris and he would be meeting with the Hillsborough representatives and the Administrative Office of the Courts in the near future to discuss the planned merger of Court. The goal is to start that merger January 1, 2012.

17. **SKILLMAN VILLAGE**

Attorney Hadinger updated the Township Committee on the sale of Skillman Park to Somerset County. She stated that the goal was a closing during the week of October 17. The Township representatives have met with the surveyor to review everything. The surveyor reached out to the Township because the job is a bit more complicated and time-consuming than anticipated, particularly in terms of delineating the courses for the easements. There are a number of descriptions because of various easements and because 140 acres has to be restricted. There is a right-of-way on the outbound property on Route 601 that the County doesn't want to have restricted for possible expansion of Route 601. She reported that the ash had been removed and all that remains to be done on that project is some paperwork.

18. **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 regard to the terms and conditions of NPDC (Skillman Village) agreement of sale;
 - Advice of Labor Counsel regarding SOA Collective Bargaining negotiations.
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.

- 18-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

19. The meeting reconvened in Open Session.

20. **SKILLMAN PARK**

Attorney Hadinger, reviewed a couple items with respect to the anticipated closing with Somerset County on the sale of Skillman Park. The first is that the Township, in accordance with the contract, will be assigning the protections under the ELTA to the Somerset County Improvement Authority. As part of that, the County has made a determination in its judgment that it does not want to own a dam and so the assignment agreement is reflective of the County's decision that once it takes ownership of the property the dam is going to come down. The second is that when the contract was amended earlier this summer, the contract called for the demolition work and the ash work to be completed. She reported that they were completed in the physical sense, but there was some remaining paperwork that needed to be done as well as some clearing of the property that needed to be finished. She stated that there would be a hold-back on the County's payment of approximately \$1,100,000.00. Receipt of that money by the Township would come when the paperwork is closed out.

ADJOURNMENT was at 8:10 p.m. on a motion by Committeewoman Graham. The motion was seconded by Deputy Mayor Dyer and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk