

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE
December 4, 2008

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

TOWNSHIP COMMITTEE: Mayor Birge, Deputy Mayor Fay, Committeemembers Wilson and Joye
Committeeman Caliguire was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

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

3. Mayor Birge led the Salute to the Flag.

4. **TOUR OF SKILLMAN VILLAGE**

Administrator Nieman stated that he had set up a tour of the Skillman Village property for Freeholder Director Fontana for Friday, December 12.

5. **BUDGET**

Temporary Chief Financial Officer Sheppard reported on a meeting he attended regarding future State Aid. It was believed that the COMPTRA grants will be phased out in 2009. There was discussion that by 2010 towns should expect to see even deeper cuts in the energy tax monies received. There was discussion regarding the mandatory pension deferral, that 50% will be deferred for the next three (3) years.

6. **ENVIRONMENTAL COMMISSION**

Committeeman Joye stated that the Environmental Commission questioned the appropriateness of the affordable housing units planned for the 1860 House property.

7. **RESOLUTION #08-12-328 - AUTHORIZING EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD - Dial-Up Internet Service**

WHEREAS, The Montgomery Township Committee has established an "Employee Efficiency Incentive Program" the purpose of which is to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Township and its taxpayers the maximum benefit from the conservation of Township resources; and

WHEREAS, The program recognizes that the employees of the Township represent an unlimited source of ideas for better ways to serve the public; and

WHEREAS, Monetary awards are intended to offer a significant Efficiency Incentive for employees to become involved in the creative process and to amplify the capabilities of management; and

WHEREAS, Employees whose suggestions result in actual dollar savings or costs avoidance of at least \$1,000 shall receive 25%, and the department head shall receive 20% of the actual dollar savings for that year providing that no award shall exceed \$20,000.00 or one-third of the award recipient's annual base salary; and

WHEREAS, Lee Horner reported that dial-up service is no longer required as staff with laptops already have access to faster forms of internet access; and

WHEREAS, The Employee Efficiency Incentive Committee reviewed Lee's suggestion and assessed the savings associated with the elimination of dial-up service; and

WHEREAS, The elimination of this service will save the Township \$5,266.00 per year.

NOW, THEREFORE, BE IT RESOLVED That because of Ms. Horner's assessment of the savings associated with the elimination of dial-up service, the Montgomery Township Committee authorizes monetary awards of \$1,316.00 to Lee Horner for her suggestion and \$1,053.00 to Bill Pauwels as Department Head.

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

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

8. **RESOLUTION #08-12-329 - AUTHORIZING EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD -**
Reducing Number of Paper Newsletters

WHEREAS, The Montgomery Township Committee has established an "Employee Efficiency Incentive Program" the purpose of which is to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Township and its taxpayers the maximum benefit from the conservation of Township resources; and

WHEREAS, The program recognizes that the employees of the Township represent an unlimited source of ideas for better ways to serve the public; and

WHEREAS, Monetary awards are intended to offer a significant Efficiency Incentive for employees to become involved in the creative process and to amplify the capabilities of management; and

WHEREAS, Employees whose suggestions result in actual dollar savings or costs avoidance of at least \$1,000 shall receive 25%, and the department head shall receive 20% of the actual dollar savings for that year providing that no award shall exceed \$20,000.00 or one-third of the award recipient's annual base salary; and

WHEREAS, Sue Smith suggested that the number of paper newsletters be reduced in favor of electronic newsletters. The partial move to electronic newsletters has become feasible with increased access to technology among residents, but the remaining paper newsletters will be reduced from ten (10) per year to four (4) per year; and

WHEREAS, The Employee Efficiency Incentive Committee reviewed Sue's suggestion and assessed the savings associated with the elimination of six (6) issues of paper newsletters; and

WHEREAS, The elimination of this service will save the Township \$25,384.00 per year, based on a monthly average over the last three (3) years.

NOW, THEREFORE, BE IT RESOLVED That because of Ms. Smith's assessment of the savings associated with the elimination of six (6) issues of paper newsletters, the Montgomery Township Committee authorizes monetary awards of \$6,346.00 to Sue Smith for her suggestion and \$5,076.00 to Donna Kukla as Department Head.

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

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

9. **RESOLUTION #08-12-330 - AUTHORIZING EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD -**
Suspending Free Newsletters to Rocky Hill

WHEREAS, The Montgomery Township Committee has established an "Employee Efficiency Incentive Program" the purpose of which is to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Township and its taxpayers the maximum benefit from the conservation of Township resources; and

WHEREAS, The program recognizes that the employees of the Township represent an unlimited source of ideas for better ways to serve the public; and

WHEREAS, Monetary awards are intended to offer a significant Efficiency Incentive for employees to become involved in the creative process and to amplify the capabilities of management; and

WHEREAS, Employees whose suggestions result in actual dollar savings or costs avoidance of at least \$1,000 shall receive 25%, and the department head shall receive 20% of the actual dollar savings for that year providing that no award shall exceed \$20,000.00 or one-third of the award recipient's annual base salary; and

WHEREAS, Tammy Garaffa reported that Montgomery Township is supplying free newsletters to Rocky Hill; and

WHEREAS, The Employee Efficiency Incentive Committee reviewed Tammy's suggestion and assessed the savings associated with the elimination of newsletters to Rocky Hill; and

WHEREAS, The elimination of this service will save the Township \$2,175.00 per year based on a monthly average over the last 3 years.

NOW, THEREFORE, BE IT RESOLVED That because of Ms. Garaffa's assessment of the savings associated with the elimination of free newsletters to Rocky Hill, the Montgomery Township Committee authorizes monetary awards of \$543.00 to Tammy Garaffa for her suggestion and \$435.00 to Donna Kukla as Department Head.

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

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

10. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of October, 2008:

- 1324 calls for service;
- 82 motor vehicle accidents;
- 21 arrests;
- 15 thefts;
- 1 motor vehicle theft;
- 5 domestic violence;
- 12 criminal mischief;
- 7 burglaries.

Police Director Palmer reported on the following activities of the Police Department for the month of November, 2008:

- 1179 calls for service;
- 74 motor vehicle accidents;
- 33 arrests;
- 25 thefts;
- 12 domestic violence;
- 26 criminal mischief;
- 4 burglaries.

11. **PUBLIC COMMENT**

11-1. Liz Palius, River Road, thanked the Township Committee for their continuing support for the Millstone Valley Byway over the many years it has taken to reach this point and hopes that support will continue in the future.

Committeewoman Wilson thanked Ms. Palius for all of her hard work and dedication over the years.

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

A. **RESOLUTION #08-12-331 - REFUND OVERPAID 2006 AND 2008 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2006 and 2008 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>
13001	5	M&T Bank, Outsourcing Department	\$13,064.02	2006
4064	6	Marchese, Fred & Angela	\$ 250.00	2008
4066	14	Barnes, Audruban & Susan	\$ 500.00	2008
11001	79	Sovereign Bank	\$ 3,790.63	2008
25001	42	Jaschke, Michael & Marie Ophelie	\$ 151.33	2008
34001	57	Madison Marquette	\$15,522.31	2008
34003	13	Villaverde, Francisco & Annette	\$ 250.00	2008
34023	16	Su, Xiaoh Ang & Huang, Yafei	\$ 2,798.92	2008
11001	42	First American Real Estate Tax Service	\$ 2,046.08	2008
12001	12	First American Real Estate Tax Service	\$ 2.86	2008
4001	8.01Q	Farm First American Real Estate Tax Service	\$ 11.89	2008
31001	143	First American Real Estate Tax Service	\$ 4,038.72	2008
21009	1	First American Real Estate Tax Service	\$ 142.80	2008

B. **RESOLUTION #08-12-332 - TO CANCEL CHECKS FROM THE MUNICIPAL COURT BAIL FUND**

WHEREAS, There exists outstanding unpaid checks on the books for the Municipal Court Bail Fund account; and

WHEREAS, The checks are all over one year old and should be cancelled.

NOW, THEREFORE, BE IT RESOLVED By the auditors of the Township and the Temporary Chief Financial Officer that the following checks be cancelled from the current fund account:

<u>Check #</u>	<u>Amount</u>
4099	\$225.00
4208	27.00
4248	11.00

C. **RESOLUTION #08-12-333 - AUTHORIZING THE SALE BY ASSIGNMENT OF TAX SALE CERTIFICATE 2007-07 HELD BY THE TOWNSHIP OF MONTGOMERY TO NANCY DENAGEL**

WHEREAS, Montgomery Township is the holder of certain tax sale certificates acquired under and by virtue of N.J.S.A. 54:5-34; and

WHEREAS, It is deemed financially beneficial to and in the best interests of Montgomery to sell such Tax Sale Certificate; and

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey on this 4th day of December, 2008 that it does hereby authorize the sale by assignment of the Tax Sale Certificate 2007-07 held by it to Nancy DeNagel, 71 Catskill Court, Belle Mead, New Jersey, 08502-4528, for the consideration of twelve thousand two hundred eighty eight dollars and thirty one cents (\$12,288.31), which sum includes the lien and all unpaid subsequent taxes through the second quarter of 2008, all as provided for and permitted under N.J.S.A. 54:5-113,

(CONSENT AGENDA Item Cont.)

BE IT FURTHER RESOLVED, That the Mayor and Township Clerk be and are hereby authorized and empowered to make, execute and deliver any and all assignment forms or other legal document which may be necessary or desired to effectuate the various sales permitted by this resolution.

D. **RESOLUTION #08-12-334 - ACCEPTANCE OF DONATION** - Purchase and Planting of Trees Near the Baseball Fields at Montgomery Park

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation by The Brickman Group, Ltd. of the purchase and planting of five (5) ash trees and seven (7) viburnum shrubs near the Baseball Field at Montgomery Park.

BE IT FURTHER RESOLVED That the Township expresses appreciation to the Brickman Group for this most generous gift.

E. **RESOLUTION #08-12-335 - RAFFLE LICENSE #661** - Association for Advancement of Mental Health

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for the Association for Advancement of Mental Health to conduct a Raffle under License #661 on February 6, 2009 at the Cherry Valley Country Club, 125 Country Club Drive, Skillman, NJ. The time for this Raffle will be from approximately 6:00 p.m. to 11:00 p.m.

F. **RESOLUTION #08-12-336 - SUPPORTING THE "OVER THE LIMIT UNDER ARREST 2008 YEAR END CRACKDOWN"**

WHEREAS, Impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 28% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, An enforcement crackdown is planned to combat impaired driving; and

WHEREAS, The season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, The State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the "Over the Limit Under Arrest 2008 Year End Crackdown"; and

WHEREAS, The project will involve increased impaired driving enforcement from December 8, 2008 through January 2, 2009; and

WHEREAS, An increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery declares its support for the "Over the Limit Under Arrest 2008 Year End Crackdown" from December 8, 2008 through January 2, 2009 and pledges to increase awareness of the dangers of drinking and driving.

G. **RESOLUTION # 08-12-337 - PURSUANT TO N.J.S.A. 40A:4-87** (Chapter 159, P.L. 1948) - Body Armor Replacement Fund Program 2008

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 2008, in the amounts listed below, which item is now available as a revenue from the State of New Jersey;

Body Armor Replacement Fund Program 2008	\$2,914.52
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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.

(CONSENT AGENDA Cont.)

H. **RESOLUTION # 08-12-338 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - Alcohol Education, Rehabilitation, and Enforcement Fund**

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 2008, in the amounts listed below, which item is now available as a revenue from the State of New Jersey;

Alcohol Education, Rehabilitation, and Enforcement Fund \$160.64

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.

I. **RESOLUTION #08-12-339 - INTERLOCAL GOVERNMENT SERVICE AGREEMENT - Kid Connection**

WHEREAS, The Township of Montgomery ("Township") operates Montgomery Kid Connection, which is a private, non-profit school program sponsored by the Township; and

WHEREAS, It has been determined that the most cost effective and convenient method for conducting classes was through the use of shared services with the Township's Board of Education ("Board") by using an Interlocal Agreement; and

WHEREAS, The Uniform Shared Services and Consolidation Act (N.J.S.A.40A:65-1, et seq.) authorizes and empowers the Township and the Board to enter into this agreement; and

WHEREAS, The Township desires to utilize five (5) classrooms of the Board, in addition to other facilities, free of charge, in exchange for providing the Board with In-Class Support ("ICS") placements and

WHEREAS, The classrooms are to be used for conducting classes as part of the Kid Connection Program; and

WHEREAS, The Township and the Board have each adopted Resolutions authorizing the execution of this Interlocal Government Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, That for and in consideration of the promises and agreement hereinafter contained, the parties agree as follows:

1. The Board agrees to provide to the Township with the use of five (5) classrooms for the purpose of conducting classes as part of the Kid Connection Program and Kindergarten Enrichment
2. The Board agrees to provide such facilities at no cost to the Township.
3. At the outset of each program period the Township shall provide names and addresses of all Kid Connection staff to the Board of Education.
4. The Township agrees to provide ICS placements to the Board in exchange for the use of the Board's facilities, including but not limited to, classrooms, cafeteria, playground, passageways in the buildings, as well as parking areas and drop-off/pick-up areas, as may be reasonably necessary to accommodate the operation of the program.
5. The supervisors of the Kid Connection Program are authorized to send students to the school nurse in emergency situations, including but not limited to, when the student has been seriously injured, or is in pain, or when the child is bleeding profusely.
6. The parties shall mutually indemnify and hold harmless each other and all representatives thereof, including the school nurses, from and against any and all claims, damages, losses and expenses to the extent caused by the parties negligent acts, errors, intentional acts or omissions in the performance of its professional services under this Agreement.
7. The parties shall not assign, transfer, sublet, or otherwise dispose of this Agreement or any right or responsibility hereunder, without previous consent in writing by the Township and the Board. Consent by the Township and the Board of an assignment of this Agreement shall not, in any way, release the parties from their covenants, conditions and terms of this Agreement and the duties imposed hereunder.

(CONSENT AGENDA Item I Cont.)

8. Either party to this Agreement may terminate this Agreement by written notice to the other party. Upon receipt of such notice, this Agreement shall remain in effect through the completion of the current school year in which the notice is given and the completion of the subsequent school year for which children are registered. Thereafter, this Agreement shall be deemed terminated and of no further force and effect.

J. **RESOLUTION #08-12-340 - APPROVING PROFESSIONAL SERVICES AGREEMENT - Preparation and Implementation of a General Ledger System - Carr, Daley, Sullivan & Weir, PC**

WHEREAS, The Township of Montgomery seeks to retain the services of a professional Certified Public Accountant for the preparation of a General Ledger System; and

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

WHEREAS, The firm of Carr, Daley, Sullivan & Weir, PC has submitted a proposal dated November 13, 2008 to provide the sought-after services to the Township for the lump sum cost of \$25,000; and

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

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

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

WHEREAS, The Acting 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 Carr, Daley, Sullivan & Weir, PC to provide professional accounting services with respect to the preparation and implementation of a General Ledger System.
2. Carr, Daley, Sullivan & Weir, PC shall be paid a total lump sum fee not to exceed \$25,000 for its professional services. The contract amount may be amended by change order, as permitted by law. The term of the agreement shall terminate one year after its execution or upon completion of the services, whichever occurs sooner.
3. A copy of this Resolution, the Certification of Contract Value, the proposal dated November 13, 2008, 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.

K. **RESOLUTION #08-12-341 - SUPPORTING THE MILLSTONE VALLEY SCENIC BYWAY CORRIDOR APPLICATION FOR NATIONAL SCENIC BYWAY STATUS**

WHEREAS, In accordance with the New Jersey Scenic Byway Program, Route 27 between Laurel Avenue/Heathcote Brook Road (Franklin/South Brunswick Townships) and River Road (Princeton Township), River Road (Princeton and Montgomery Townships), Bridge Street, Crescent Street between Bridge and Reeves Streets, Reeves Street and Montgomery Avenue (Rocky Hill Borough), Montgomery Avenue, Route 206 between Montgomery Avenue and Orchard Road, Orchard Road between Route 206 and River Road/Bridgepoint Road, Bridgepoint Road between River Road and Route 206 and River Road (Montgomery Township), Millstone River Road (Hillsborough Township), Main Street south of Amwell Road and Amwell Road east of Main Street (Millstone Borough), Amwell Road west of Market Street, Market Street, Griggstown Canal Road, Route 603 (Franklin Township), the Blackwells Mill Causeway, the Griggstown Causeway and Route 518 between Route 603 (Franklin Township) and Reeves Street (Montgomery Township) are designated as a New Jersey State Scenic Byway; and

WHEREAS, The byway has been named as the Millstone Valley Scenic Byway; and

WHEREAS, The roadways provide the base of the corridor and connect the many historic districts and sites that make up the Millstone Valley Scenic Byway; and

(CONSENT AGENDA Item K Cont.)

WHEREAS, The Millstone Valley Scenic Byway and its Corridor will reinforce the existing D&R Canal and Millstone River Corridor with its many historic, environmental and recreational resources; and

WHEREAS, The Millstone Valley Preservation Coalition, in partnership with the New Jersey Department of Transportation, are making application to the United States Federal Highway Administration for National Scenic Byway status; and

WHEREAS, Montgomery Township wishes to express its support for the concept of a National Scenic Byway.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery of the County of Somerset of the State of New Jersey, that it supports the application to designate the Millstone Valley Scenic Byway as a National Scenic Byway and supports the Millstone Valley Preservation Coalition in its efforts to gain National Scenic Byway status.

BE IT FURTHER RESOLVED By the Township of Montgomery of the County of Somerset of the State of New Jersey that a certified copy of this resolution shall be sent to the New Jersey Department of Transportation's Scenic Byways Coordinator and the Millstone Valley Preservation Coalition President.

L. **RESOLUTION #08-12-342 - AUTHORIZING THE ADOPTION OF A SPECIAL TRAFFIC REGULATION PURSUANT TO N.J.S.A. 39:4-197.3 AFFECTING THE STREETS WITHIN SKILLMAN VILLAGE DUE TO A TEMPORARY CONDITION**

WHEREAS, the Township of Montgomery purchased property from the State of New Jersey known as Skillman Village, formerly known as the North Princeton Developmental Center, also known as Lot 1, Block 26001 and Lots 1 & 1.01, Block 27001 (Tax Assessment Maps rev. ed. 2005); and

WHEREAS, within Skillman Village there is continuing environmental remediation, construction, and redevelopment, as well as the presence of buildings in an unsafe condition; and

WHEREAS, it is in the interests of the public safety, health, and welfare that certain streets within Skillman Village, to the extent they were ever opened for public passage, be temporarily closed to public passage during the continuing environmental remediation, construction, and redevelopment; and

WHEREAS, pursuant to N.J.S.A. 39:4-197.3, the Township is authorized to adopt special traffic regulations, including regulations closing streets, in response to a temporary or emergent condition for a period not exceeding three (3) months; and

WHEREAS, pursuant to N.J.S.A. 39:4-197.3 the Township is responsible for posting signs to inform the public of the temporary special traffic regulation; and

WHEREAS, pursuant to N.J.S.A. 39:4-94.2, the Township has the authority to provide for penalties for the violation of a temporary street closing regulation; and

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

1. A temporary condition, within the meaning of N.J.S.A. 39:4-197.3, will exist within Skillman Village beginning on or about January 1, 2009, and ending on or about March 31, 2009, due to continuing environmental remediation, construction, and redevelopment.
2. To the extent any or all of the following streets within Skillman Village could be deemed to have ever been opened to public passage they shall be closed to public passage during the period between January 1, 2009, and March 31, 2009:

- Brophy Circle	- Lake (Lakeside) Drive	- Morrow Road
- Garrison Lane	- Maplewood Drive	- Strecker Road
- Doctor's Row	- Schley Drive	- Industrial Road
- Moosbrugger Way	- Fairview Road	- Wilson Drive
- Association Drive	- Green House Drive	- Dungan Drive
- Dodds Road		
3. Signs notifying the public of the temporary street closings and barricades prohibiting public passage will be placed at the intersections for the above mentioned streets.
4. Any person found on any of the above streets without authorization from the Police Director or his designee during the period in which they are closed to the public shall be subject, in accordance with N.J.S.A. 39:4-94.2, to a fine of not more than \$100.00.
5. This regulation shall take effect upon approval of the Commissioner of the Department of Transportation.

(CONSENT AGENDA Cont.)

M. RESOLUTION #08-12-343 - TO AUTHORIZE AUCTION OF UNUSED TOWNSHIP EQUIPMENT

WHEREAS, The Township of Montgomery has determined that certain personal property, as described below, is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that such personal property be sold at public auction to the highest bidder.

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

1. The below listed schedule of Township property is declared surplus and no longer needed for public purposes;
2. The Purchasing Agent is hereby authorized and directed to advertise public sale of said personal property to be sold on a Law Enforcement Agency web based auction. Said sale shall commence within ten days of approval by the Township Committee.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction and in accordance with the procedures to be announced.

ITEMS TO BE AUCTIONED

- 21 PR-24S Batons
- 22 PR-23 Expandable Control Batons

N. RESOLUTION #08-12-344 - RELEASE OF PERFORMANCE GUARANTEE - Kyle Floersch, Street Opening Permit 08-R-06

WHEREAS, On November 12, 2008, Gail Smith, Township Engineer, recommended the release of the cash Performance Guarantee to Kyle Floersch because all work has been satisfactorily completed with respect to 30 Wiggins Lane street opening permit.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Performance Guarantee in the amount of \$264.00 be released to Kyle Floersch, 30 Wiggins Lane, Belle Mead, NJ 08502.

BE IT FURTHER RESOLVED That a Maintenance Guarantee is not required.

O. RESOLUTION #08-12-345 - RELEASE OF PERFORMANCE GUARANTEE - Volunteer Fire Co. #2 Landscaping - Block 33001, Lots 14 & 15

WHEREAS, On November 12, 2008, Gail Smith, Township Engineer, recommended the release of the cash Performance Guarantee to Volunteer Fire Co. #2 because all work has been satisfactorily completed with respect to landscaping for Block 33001, Lots 14 and 15.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Performance Guarantee in the amount of \$18,535.00 be released to Volunteer Fire Co. #2, 529 Route 518, Blawenburg, NJ 08504.

BE IT FURTHER RESOLVED That a Maintenance Guarantee is not required.

P. RESOLUTION #08-12-346 - RELEASE OF PERFORMANCE BOND - Bedens Brook Valley

WHEREAS, Gail Smith, Township Engineer, has certified on November 17, 2008 that all public improvements in a project known as Bedens Brook Valley have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$110,826.00 (Bond #3-621-926 in the amount of \$99,743.40 and \$11,082.60 cash) be released to Esther Fried and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$110,826.00
15% Maintenance Guarantee	\$ 16,623.90

BE IT FURTHER RESOLVED That upon the posting of a maintenance guarantee in the form and amount called for by this resolution and Section 16-9 of the Montgomery Township Code (1984) the following improvements shall be deemed accepted and the performance guarantee may be released.

Sunnyside Lane.

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

(CONSENT AGENDA Item P Cont.)

BE IT FURTHER RESOLVED That the driveway apron has not been constructed and landscaping has not been installed on Block 31001, Lot 11.06. The dwelling has not been constructed on that lot, therefore it is acceptable to defer this work until such time as the dwelling is constructed. The Engineering Department recommends that a guarantee in the amount of \$900.00 be posted to ensure the completion of the driveway apron and a guarantee in the amount of \$4,400.00 be posted to ensure completion of the landscaping in accordance with the Planning Board approved plans.

The detention basin and appurtenances will be maintained by the owners of Block 31001, Lot 11 and Block 31001, Lot 11.06 as described in an indenture dated October 8, 2002.

Q. **RESOLUTION #08-12-347 - RELEASE OF PERFORMANCE BOND - Tapestry at Montgomery, 1B - Portion of Vreeland Drive**

WHEREAS, Gail Smith, Township Engineer, has certified on November 20, 2008 that all public improvements in a project known as Tapestry at Montgomery, 1B - Portion of Vreeland Drive have been completed in accordance with the approved plans and the code of the Township of Montgomery and therefore recommends that the Performance Guarantee be released.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$83,523.84 (Bond #SM225323W in the amount of \$75,171.46 and \$8,352.38 cash) be released to Sharbell Plainsboro, Inc. and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$83,523.84
15% Maintenance Guarantee	\$12,528.58

BE IT FURTHER RESOLVED That upon the posting of a maintenance guarantee in the form and amount called for by this resolution and Section 16-9 of the Montgomery Township Code (1984) the performance guarantee may be released.

BE IT FURTHER RESOLVED That the effective date of acceptance of the improvements shall be the date the Township Attorney confirms in writing that the maintenance guarantee is in the proper amount and acceptable legal format.

BE IT FURTHER RESOLVED That the release of the Performance Guarantee shall also be conditioned upon the posting of adequate escrow funds.

There are no detention basins associated with this section of the project.

R. **RESOLUTION #08-12-348 - RELEASE OF MAINTENANCE GUARANTEE - Pike Run, Phase IX, Tract 2**

WHEREAS, Gail Smith, Township Engineer, has certified on December 4, 2008 that all public improvements in a project known as Pike Run, Phase IX, Tract 2 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 Maintenance Bond #S03177-M in the amount of \$150,453.39 be released to Pike Run, LLC., 90 Woodbridge Center Drive, Woodbridge, NJ 07095-0457.

BE IT FURTHER RESOLVED That the release of the Maintenance Bonds shall be conditioned upon the posting of adequate escrow funds.

S. **RESOLUTION #08-12-349 - AUTHORIZING AMENDMENT TO INTERLOCAL SERVICES AGREEMENT WITH EAST AMWELL TOWNSHIP FOR RECONSTRUCTION OF SPRING HILL ROAD WITH INSTALLATION OF DRAINAGE IMPROVEMENTS**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an amendment to an Interlocal Services Agreement with East Amwell Township for the reconstruction of Spring Hill Road with the installation of drainage improvements.

T. **RESOLUTION #08-12-350 - AUTHORIZING EXECUTION OF REVISED SOMERSET COUNTY HOLD HARMLESS AGREEMENT WITH SOMERSET COUNTY PROSECUTOR'S OFFICE FOR SPECIAL POLICE SERVICES**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute a revised Hold Harmless Agreement with the Somerset County Prosecutor's office for special police services.

U. **RESOLUTION #08-12-351 - AUTHORIZING EXECUTION OF 2008 SOMERSET COUNTY/MUNICIPAL OPEN SPACE PARTNERSHIP GRANT AGREEMENT - Rossmassler**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute the 2008 Somerset County/Municipal Open Space Partnership Grant Agreement for the Rossmassler Property.

12-1. Committeewoman Wilson moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Deputy Mayor Fay and carried on the following:

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

13. **RESOLUTION #08-12-352 - TRANSFER OF FUNDS**

WHEREAS, There is a need to transfer funds to areas where there are insufficient funds to meet the demands of the Township, and

WHEREAS, There are sufficient funds to be transferred to those accounts as stated to meet the needs of the Township,

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Temporary Chief Finance Officer to make the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Committee Expenses (OE)		\$141,600.00
Salary Adjustments (SW)		38,000.00
	Municipal Clerk (OE)	1,600.00
	Tax Assessor (OE)	2,500.00
	Municipal Clerk (OE)	6,000.00
	Natural Gas (OE)	17,000.00
	Kid Connection Pre School (SW)	38,000.00
	Electricity (OE)	40,000.00
	Master Plan (OE)	74,500.00

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

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

14. **RESOLUTION #08-12-353 - ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, The Township of Montgomery has applied for and has been awarded a grant in the amount of \$1,517,521.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the remedial investigation along with report preparation of the North Princeton Development Center property;

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Montgomery.

BE IT FURTHER RESOLVED That a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

14-1. Committeeman Joye moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Fay and carried on the following:

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

15. **ORDINANCE #08-1306 - Development Fees - Public Hearing (continued to December 18)**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV, "THE AFFORDABLE HOUSING ORDINANCE", OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) COUNTY OF SOMERSET, STATE OF NEW JERSEY WITH REFERENCE TO SATISFYING THE REQUIREMENTS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) AND SPECIFICALLY BY AMENDING SECTION 15-15, ENTITLED "DEVELOPMENT FEES"

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

"On November 24, 2008, the Planning Board reviewed the abovereferenced ordinance. The Board found the ordinance consistent with the Master Plan and recommended adoption."

C. Mayor Birge opened the hearing to the public. There being no comment, Committeewoman Wilson moved that the public hearing be closed. The motion was seconded by Deputy Mayor Fay and carried unanimously.

D. BE IT RESOLVED By the Montgomery Township Committee that the foregoing ordinance be continued to the 18th day of December, 2008.

15-1. Deputy Mayor Fay moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Joye and carried on the following:

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

16. ORDINANCE #08-1307 - LDO - Landscaping - Introduction

A. Mayor Birge 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 SUBSECTION 16-5.5.6 d. REGARDING "LANDSCAPING"

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 December 18, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

17. ORDINANCE #08-1305 - Noise, Permits for Events - Introduction

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

: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III, "POLICE REGULATIONS," OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984), COUNTY OF SOMERSET, STATE OF NEW JERSEY (NOISE).

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 December 18, 2008 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

18. APPROVAL OF MINUTES

18-1. Deputy Mayor Fay moved the Regular Session minutes of September 4, 2008. The motion was seconded by Committeewoman Wilson and carried on the following:

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

18-2. Committeewoman Wilson moved the adoption of the Regular Session minutes of September 18, 2008, October 16, 2008 and November 6, 2008. The motion was seconded by Deputy Mayor Fay and carried on the following:

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

18-3. Committeeman Joye moved the adoption of the Regular Session minutes of October 2, 2008. The motion was seconded by Committeewoman Wilson and carried on the following:

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

19. **PAYMENT OF BILLS**

WHEREAS, The Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, The Temporary Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills;

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

19-1. Committeewoman Wilson moved the adoption of the foregoing resolution, with the exception of Check #049392. The motion was seconded by Committeeman Joye and carried on the following:

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

19-2. Committeewoman Wilson moved the adoption of the Check #049392. The motion was seconded by Committeeman Joye and carried on the following:

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

20. **MAPLEWOOD HOUSE GRANT**

Administrator Nieman explained that this was a \$71,500.00 historic preservation grant that the Township was applying for through Somerset County. Committee agreed that this application should move forward.

21. **CHERRY VALLEY ROAD AND SKILLMAN VILLAGE**

Deputy Mayor Fay reported on a letter received from the New Jersey Department of Transportation turning the Township down for municipal aid for Cherry Valley Road improvements and Skillman Village Bridge repair project. It raised the question of anticipating that the Federal government was going to soon be involved in providing funding for infrastructure.

22. **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:
 - Acquisition of land (Fenton/Safro) Block 12001, Lot 20 with public funds for farmland, open space and other purposes, and negotiation of terms and conditions of agreements therefor;
 - Advice of Counsel with respect to potential litigation regarding collection of fees.
3. It is unknown precisely when, if ever, the matters discussed in this session may be disclosed to the public. Approval of agreements and acquisition of land shall only be authorized by the Township Committee in a public session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of that litigation.

22-1. Committeeman Joye moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Fay and carried unanimously.

23. The meeting reconvened in Open Session and **ADJOURNMENT** was at 8:03 p.m. on a motion by Committeewoman Wilson, seconded by Deputy Mayor Fay and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk