

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
January 21, 2010

1. Montgomery Township Committee met at the Municipal Building, 2261 Van Horne Road, Belle Mead, NJ at 6:00 p.m. on the above date. Those present were:

TOWNSHIP COMMITTEE: Mayor Caliguire, Deputy Mayor Dyer, Committeemembers Wilson, Fay and Carter

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. **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:
 - Negotiation of terms and conditions of an agreement for the acquisition of an agricultural easement on the Rossmassler property;
 - Advice of Counsel with regard to the sale of 1860 House;
 - Advice of Counsel with regard to Weston Solutions;
 - Interview of Tax Assessor.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Approval of any agreements shall only be authorized by the Township Committee in a public session. It is possible that at the conclusion of this closed session, the Township Committee will reconvene in open session for the purpose of taking action.
- 3-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried unanimously.
4. Meeting reconvened in Open Session.
5. Mayor Caliguire led the Salute to the Flag.

6. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of December, 2009:

-- 69 motor vehicle accidents;
-- 13 arrests;
-- 2 thefts;
-- 1 assault;
-- 4 domestic violence;
-- 6 criminal mischief.

He also gave the following yearly comparison:

<u>Incident</u>	<u>2008</u>	<u>2009</u>
Rape	0	0
Robbery	4	0
Assault	57	54
Domestic Violence	87	55
Burglaries	44	14
Theft	160	126
Motor Vehicle Theft	7	6
Arson	1	1
Arrests	324	201
Motor Vehicle Accidents	726	779
Motor Vehicle Stops	5,579	4,948
Motor Vehicle Summons	2,275	2,314
Calls for Service	15,881	14,764

7. **ORCHARD ROAD COAH PLAN**

Bob Kress, Meadow Run Drive stated that there will be definite traffic issues if the Orchard Road COAH units are built before putting in the alternate bridge. The Township needs the Orchard Road connector bypass construction schedule from the County, hopefully by the time the Hillsborough Bypass is done.

8. **BUS INCIDENT**

Michel Parise, Dutchtown-Zion Road, spoke about an incident on a school bus where a child had an emergency and the only person on the bus to care for the child was the driver, who was not able to communicate because of a language barrier. A couple of states have laws where the driver must be able to speak or read English.

9. **PSE&G POLES**

Ed Silverman, Fairview Road, asked about the poles being placed by PSE&G

Mayor Caliguire updated Township Committee and the audience on meeting with PSE&G. They have stated that they won't do any work on Fairview Road, Grandview Road, Campmeeting Avenue and Hollow Road until they know what they can do on the CSX line and they are working with CSX for this purpose. PSE&G will be continuing their work on Route 601, the southern part of Hollow Road and Route 518.

10. **DUTCHTOWN-ZION ROAD**

Eric Weitze, Viburnum Drive, spoke about an agreement with Hillsborough Township to maintain 1,000 feet of Dutchtown-Zion Road. It is still a dirt road. He asked Mayor Caliguire to revisit this with the Hillsborough Mayor.

Lauren Long, Grandview Road, remarked how dangerous it is walking along Dutchtown-Zion Road. The Hillsborough Township road crew is constantly repairing the road with rocks that eventually run into the Rock Brook.

11. **2010 BUDGET OVERVIEW**

Administrator Nieman stated that they were working to get the budget under CAP. He spoke about proposals for shared services and will discuss staffing levels and levels of services. The CAP law, as constructed, is very inhibiting.

The budget subcommittee will include Mayor Caliguire and Committeewoman Wilson.

Mayor Caliguire stated that shared services is a constructive way to do things differently. He is trying for a zero tax increase budget.

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 #10-1-24 - REFUND OVERPAID 2009 TAXES - CORRECTED RESOLUTION #09-12-357**

BE IT RESOLVED That a refund in the amount of \$7,182.40 to Sands @ Montgomery Development, 276 Deans Hall Road, Monroe Township, NJ 08831 on Block 30001, Lot 8.02 be cancelled. The tax overbill, due to Appeal #13-090003, has been previously applied to open 2009 taxes.

B. **RESOLUTION #10-1-25 - REFUND OVERPAID 2009 TAXES**

BE IT RESOLVED That a refund in the amount of \$1,802.83 be given to the Law Office of Yuexin Li, LLC, 1031 Route 22 West, Suite 205, Bridgewater, NJ 08807 for the overpayment of 2009 taxes on Block 37002, Lot 1.128

C. **RESOLUTION #10-1-26 - OFFICIAL SIGNATURE - Assistant Chief Finance Officer**

BE IT RESOLVED That the Assistant Chief Finance Officer, Claire Higgins, is authorized to sign Township checks in the year 2010 in the absence of the Chief Finance Officer.

D. **RESOLUTION #10-1-27 - AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TOWNSHIP OF SOUTH BRUNSWICK FOR KENNEL SERVICES FOR 2010**

WHEREAS, Montgomery Township and South Brunswick Township each provide animal control services to their respective municipalities, which, at times, requires the impoundment and housing of animals at a kennel; and

WHEREAS, Montgomery maintains its own municipal facility for the impoundment and housing of animals; and

WHEREAS, Montgomery Township and South Brunswick Township wish to renew its Interlocal Services Agreement for 2010 to share the cost of said kennel, thereby allowing both to utilize the kennel for impoundment and housing of animals as the need arises.

NOW, THEREFORE, BE IT RESOLVED On this 21st day of January, 2010, by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that:

1. The Mayor and Township Clerk shall be and are hereby authorized to execute an Interlocal Services Agreement for 2010 with the Township of South Brunswick to share in the cost of said kennel services, thereby allowing both to utilize the kennel for impoundment and housing of animals as the need arises.
2. A copy of said agreement shall remain on file in the office of the Township Clerk.

(CONSENT AGENDA Cont.)

E. **RESOLUTION #10-1-28 - AUTHORIZING ACCESS AND USE AGREEMENT BETWEEN THE TOWNSHIP OF MONTGOMERY AND MONTGOMERY TOWNSHIP BOARD OF EDUCATION - Swimming Pool**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an Access and Use Agreement between the Township of Montgomery and the Montgomery Township Board of Education with respect to use of the swimming pool located at Montgomery High School.

F. **RESOLUTION #10-1-29 - AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE TOWNSHIP OF MONTGOMERY AND MONTGOMERY TOWNSHIP BOARD OF EDUCATION - Kid Connection**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an Interlocal Agreement with the Montgomery Township Board of Education for the use of five (5) classrooms for the purpose of conducting classes as part of the Kid Connection program and Kindergarten Enrichment.

G. **RESOLUTION #10-1-30 - AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SOMERSET MUNICIPAL BANC PROGRAM**

WHEREAS, Pursuant to the Somerset Municipal Banc Program ("Program"), the Somerset County Improvement Authority ("SCIA") may sublease to Somerset County ("County") and to various municipalities and school districts within the County various capital equipment and other personal property ("Equipment") from private vendors; and

WHEREAS, Pursuant to the Program, the SCIA entered into a Master Lease Agreement with TD Bank Commercial Leasing, LLC ("Lessor") for the lease of one (1) police vehicle("Equipment"); and

WHEREAS, The SCIA desires to sublease the Equipment the Township of Montgomery ("Township") pursuant to the terms of a "Sublease Purchase Agreement," ("Agreement"); and

WHEREAS, The Township desires to sublease the Equipment from the SCIA; and

WHEREAS, N.J.S.A. 40:37A-78 authorizes the Township to enter into such an agreement; and

WHEREAS, The Chief Finance Officer has certified the availability of funds.

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

1. Pursuant to N.J.S.A. 40:37A-78, the Mayor and the Township Clerk are hereby authorized and directed to enter into a sublease-purchase agreement with the SCIA for the lease or purchase of the Equipment. Subject to the approval of the Township Attorney, the Mayor and the Township Clerk are hereby authorized to execute the said Agreement with such additions, deletions or modifications as necessary in the best interests of the Township.
2. Subject to the prior approval of the Township Attorney, the Mayor Township Clerk and the Chief Finance Officer, are further authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the lease agreement and for effectuating all related transactions contemplated by this resolution.

H. **RESOLUTION #10-1-31 - APPROVAL OF 2010 RECYCLING AGREEMENT WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS**

WHEREAS, Pursuant to its duly approved Solid Waste Management Plan and amendments thereto, the County of Somerset has established a mandatory countywide recycling program; and

WHEREAS, The duly approved Solid Waste Management Plan and amendments thereto call for the execution of agreements by and between Somerset County and municipalities located within the County; and

WHEREAS, The Township of Montgomery desires to participate in the recycling program; and

WHEREAS, The execution of a contract with Somerset County for the provision of recycling services pursuant to N.J.S.A.13:1E-99.14 is, pursuant to N.J.S.A. 40A:11-5(2), an exception to the public bidding requirements established by the Local Public Contracts Law; and

WHEREAS, The Chief Finance Officer has certified the extent to which funds for this contract are available pursuant to the Temporary Budget (Somerset County Mandatory Recycling Program).

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery in Somerset County that the Mayor and Clerk are hereby authorized to execute an agreement with Somerset County for the provision of recycling services for a one-year term beginning January 1, 2010 through and including December 31, 2010.

(CONSENT AGENDA Cont.)

I. **RESOLUTION #10-1-32 - SHARED SERVICES WITH SOMERSET COUNTY - PARIS Grants Program**

WHEREAS, The State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, A top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, In the 2010-2011 grant cycle, priority funding will be given to County projects that serve the records management needs of the municipalities in their County; and

WHEREAS, The Montgomery Township Committee desires to collaborate with Somerset County in the performance of County run Records Management Projects including but not limited to EDMS Expansion, and Backfile Conversion; and

WHEREAS, The Montgomery Township Committee is acknowledging that their eligible funding of \$40,000.00 will be leveraged with Somerset County; and

WHEREAS, The Montgomery Township Committee is acknowledging that Somerset County would be the applicant, lead agency and project manager for such a proposal.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of Township of Montgomery, that the Montgomery Township Committee does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

J. **RESOLUTION #10-1-33 - PROFESSIONAL SERVICES RESOLUTION**

WHEREAS, There exists a need to acquire the following services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law"

- (1) Landscape Architect, and
- (2) Township Appraiser, and
- (3) Consulting Engineer, and
- (4) Township Physician (Workers Compensation & Medical Services).

WHEREAS, The Montgomery Township Purchasing Agent has determined and certified in writing that the value of the services over the course of the contracts is anticipated to exceed \$17,500.00.

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

- (1) The Mayor and Clerk are hereby authorized and directed to execute proper agreements with Richard Bartolone as Township Landscape Architect; Eugene Flaherty as Township Appraiser; Van Cleef Engineering as Consulting Engineer; and Dr. Joseph Pecora of Montgomery Medical Associates as Township Physician (Workers Compensation & Medical Services).
- (2) These contracts are awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law NJSA 40A:11-5(1)(a) as contracts for services to be performed by persons authorized by law to practice recognized professions that are regulated by law and because the services to be performed are not susceptible of quantifying in bid specifications.
- (3) These contractors must complete and file with Montgomery Township a Campaign Contributions Affidavit as required by N.J.S.A. 19:44A-20.2 et seq. certifying they have not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township.
- (4) A copy of this Resolution, the Certifications of Contract Value, the Campaign Contributions Affidavit, and the executed Agreements shall be placed on file in the office of the Township Clerk.
- (5) A notice of this action shall be published once in the official newspaper as required by law.
- (6) Performance of services under the terms of these contracts, and payment for the services, is subject to the certification of availability of funds by the Finance Director.

(CONSENT AGENDA Cont.)

K. RESOLUTION #10-1-34 - DECLARING CERTAIN TOWNSHIP RADAR EQUIPMENT AS SURPLUS

WHEREAS, The Township of Montgomery currently owns radar equipment ("surplus personal property") that the Police Director has determined is no longer needed for public use; and

WHEREAS, The Township desires to dispose of said surplus personal property by auctioning.

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

1. The radar equipment owned by the Township of Montgomery listed below is hereby declared surplus and no longer needed for public use.
2. The Purchasing Agent and Police Director are hereby authorized and directed to auction said surplus personal property.

	<u>Make and Model</u>	<u>Quantity</u>
	MPH K55 Radar Unit serial #25817 with antenna #25815	1
	MPH K55 Radar Unit serial #K55266003750 with antenna #K55097005036	1
	MPH K55 Radar Unit serial #29975 With antenna #29976	1

L. RESOLUTION #10-1-35 - RELEASE OF MAINTENANCE GUARANTEE - Fieldstone Glen

WHEREAS, Gail Smith, Township Engineer, has certified on January 5, 2010 that all public improvements in a project known as Fieldstone Glen 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 #0455907 in the amount of \$75,111.21 be released to Fieldstone Glen, LLC, 16 Microlab Road, Suite A, Livingston, NJ 07049.

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

M. RESOLUTION #10-1-36 - RELEASE OF MAINTENANCE GUARANTEE - Montgomery Hills 1-A

WHEREAS, Gail Smith, Township Engineer, has certified on January 11, 2010 that all public improvements in a project known as Montgomery Hills 1-A 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 #S02015-M in the amount of \$64,494.00 be released to Scribner Village LTD, P.O. Box 777, Oakhurst, NJ 07755.

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

N. RESOLUTION #10-1-37 - RELEASE OF MAINTENANCE GUARANTEE - Montgomery Hills 1-B

WHEREAS, Gail Smith, Township Engineer, has certified on January 11, 2010 that all public improvements in a project known as Montgomery Hills 1-B 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 #S04258-M in the amount of \$86,834.94 be released to Scribner Village LTD, P.O. Box 777, Oakhurst, NJ 07755.

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

O. RESOLUTION #10-1-38 - RELEASE OF MAINTENANCE GUARANTEE - Stonebridge at Montgomery

WHEREAS, Gail Smith, Township Engineer, has certified on January 11, 2010 that all public improvements in a project known as Stonebridge at Montgomery 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 #55408 in the amount of \$452,607.30 be released to Presbyterian Home at Montgomery, 13 Roszel Road, Suite C-120, Princeton, NJ 08543-2184

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

(CONSENT AGENDA Cont.)

P. **RESOLUTION #10-1-39 - PROVIDING FOR THE DEFERRAL OF LOCAL DISTRICT SCHOOL TAXES OF THE TOWNSHIP OF MONTGOMERY FOR THE YEAR 2009**

WHEREAS, The Township Committee of the Township of Montgomery, County of Somerset, under the provisions of statutes, wishes to defer Local District School Taxes for the year 2009, and

WHEREAS, The unpaid portion of the Local District School Tax on December 31, 2009 may be deferred to the extent of not more than 50% of the school year July 1, 2009 to June 30, 2010 levy, providing no requisition has been made for such amount or any portion of such amount, and

WHEREAS, The Deferred Local District School Taxes for the year 2009 may not exceed 50% of the school year July 1, 2009 to June 30, 2010 levy of \$66,843,584.00 resulting in a deferred amount not to exceed \$33,421,792.00. This amount represents an increase of \$776,845.00 over the maximum Deferred Local District School Taxes for the year 2009 of \$32,644,947.00.

NOW, THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery, County of Somerset, that Local District School Taxes unpaid at December 31, 2009 be deferred to the amount not exceeding \$33,421,792.00, and this amount representing an increase over the prior year maximum Deferred Local District School Taxes in the amount of \$776,845.00.

BE IT FURTHER RESOLVED, That two (2) certified copies of this resolution shall be forwarded to the Director of the Division of Local Government Services.

Q. **TOWNSHIP COMMITTEE APPOINTMENT - Prosecuting Attorney, Alternate; Zoning Board of Adjustment; Shade Tree Committee; Board of Health**

BE IT RESOLVED that Miles S. Winder III is hereby appointed Prosecuting Attorney, Alternate, 1 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Mark Conforti is hereby appointed Zoning Board of Adjustment Alternate III, replacing Steve Some, 2 year term expiring December 31, 2011.

BE IT FURTHER RESOLVED That Michelle Blane is hereby appointed Shade Tree Committee Regular Member, replacing Richard Epp, 1 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Keith Hovey is hereby appointed Board of Health Regular Member, 3 year term expiring December 31, 2012.

12-1. Committeeman Carter moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL - Ayes - Dyer, Wilson, Fay, Carter, Caliguire
Nays - None

13. **MAYORAL APPOINTMENTS - Planning Board, Landmarks Commission, Shade Tree Committee**

BE IT RESOLVED That Mark Conforti is hereby appointed Planning Board Class II member, replacing Steve Some, 1 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Steve Some is hereby appointed Planning Board Class IV member, replacing Mark Conforti, 4 year term expiring December 31, 2013.

BE IT FURTHER RESOLVED That Jessie Havens is hereby appointed Landmarks Commission Advisor, 1 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Peter Morgan is hereby appointed Landmarks Commission Advisor, 1 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Richard Epp is hereby appointed Shade Tree Committee Advisor, replacing Michelle Blane, 1 year term expiring December 31, 2010.

BE IT FURTHER RESOLVED That Mary Reece is hereby appointed Environmental Commission Chairperson, 3 year term expiring December 31, 2012.

14. **MAYORAL AD HOC COMMITTEE APPOINTMENT - Township Liaison to Library Advisory Board**

BE IT RESOLVED That Leonard Sigal is hereby appointed Township Liaison to Library Advisory Board.

15. **RESOLUTION #10-1-40 - AUTHORIZING CHANGE ORDER #1 - Fairview Road Reconstruction Project, Phase I - DeSantis Construction, Inc.**

WHEREAS, On August 6, 2009, a contract for the Fairview Road Reconstruction Project, Phase I was awarded to DeSantis Construction, Inc. for \$308,764.55; and

WHEREAS, The Township Engineer has requested the Committee's approval of a change order in connection with completion of the above project; and

WHEREAS, The work comprising Change Order No. 1 will result in a net increase in the original contract amount by \$2,625.90; and

WHEREAS, The changes outlined in Change Order No. 1 are due to a number of quantity adjustments beyond what was originally proposed in the scope of the work; and

WHEREAS, The Township Administrator has recommended approval of the change order; and

WHEREAS, A copy of the proposed change order is annexed hereto.

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

1. The attached Change Order No. 1 is hereby approved.
2. This Resolution, when counter-signed by DeSantis Construction, Inc., shall serve as a contract amendment to the original contract for the purpose of increasing the total contract price by \$2,625.90 for a total contract amount of \$311,390.45.

15-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried on the following:

ROLL CALL - Ayes - Dyer, Wilson, Fay, Carter, Caliguire
Nays - None

16. **RESOLUTION #10-1-41 - REDUCTION OF CONTRACT AMOUNT - Fleet Management and Maintenance**

WHEREAS, The Township Committee of the Township of Montgomery awarded the contract for Fleet Management and Maintenance to First Vehicle Services in the amount of \$2,424,081; and

WHEREAS, Said contract was awarded on December 18, 2008 with Resolution #08-12-360; and

WHEREAS, Said contract was awarded for a 5-year period; and

WHEREAS, Two transit buses were no longer needed by the Township; and

WHEREAS, Said buses were declared as surplus and were sold at auction; and

WHEREAS, The removal of said buses from the Township fleet necessitated a reduction in the contract amount to First Vehicle Services.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for Fleet Management and Maintenance is hereby reduced by \$29,700.00; and

BE IT FURTHER RESOLVED That the Chief Finance Officer is hereby authorized and directed to reduce the contract for Fleet Management and Maintenance from \$2,424,081 to \$2,394,381.

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

ROLL CALL - Ayes - Dyer, Wilson, Fay, Carter, Caliguire
Nays - None

17. **RESOLUTION #10-1-42 - 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 Chief Finance Officer to make the following transfers:

FROM	TO	AMOUNT
GIS (OE)		\$27,000.00
Streets and Roads (OE)		\$ 9,000.00
	Legal (OE)	\$27,000.00
	Vehicle Maintenance (OE)	\$ 9,000.00

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

ROLL CALL - Ayes - Dyer, Wilson, Fay, Carter, Caliguire
Nays - None

18. **ORDINANCE #10-1343 - CAPITAL** - Replacement of a Furnace at the Municipal Building - Introduction

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

ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY APPROPRIATING \$15,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE REPLACEMENT OF A FURNACE AT THE MUNICIPAL BUILDING.

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 February 4th, 2010 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

18-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Dyer, Wilson, Fay, Carter, Caliguire
Nays - None

19. **ORDINANCE #10-1344 - TO EXCEED INDEX RATE** - Introduction

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

ORDINANCE PROVIDING FOR A 3.5% "CAP" FOR THE 2010 BUDGET PURSUANT TO NJS 40A:4-45.14

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 February 4th, 2010 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

ROLL CALL - Ayes - Dyer, Wilson, Fay, Carter, Caliguire
Nays - None

20. **APPROVAL OF MINUTES**

20-1. Committeewoman Wilson moved the adoption of the Regular Session minutes of July 16, 2009, the Regular Session minutes of September 3, 2009, the Special Executive Session minutes of September 8, 2009, the Regular Session minutes of September 17, 2009 and the Special Session minutes of December 23, 2009. The motion was seconded by Deputy Mayor Dyer and carried on the following:

ROLL CALL - Ayes - Dyer, Wilson, Fay, Caliguire
Nays - None
Abstain - Carter

20-2. Deputy Mayor Dyer moved the adoption of the Regular Session minutes of August 6, 2009 and the Regular Session minutes of October 1, 2009. The motion was seconded by Committeewoman Wilson and carried on the following:

ROLL CALL - Ayes - Dyer, Wilson, Fay
Nays - None
Abstain - Carter, Caliguire

21. **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.

21-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

ROLL CALL - Ayes - Dyer, Wilson, Fay, Carter, Caliguire
Nays - None

22. **PAY-TO-PLAY ORDINANCE**

Committeewoman Wilson asked if there could be an amendment to the Township's Pay-To-Play Ordinance. It was decided that there would be future discussion on this topic.

23. **VIDEO TAPING OF MEETINGS**

Committeewoman Wilson asked about the future status of videotaping Township Committee meetings.

Mayor Caliguire responded that there needed to be more discussion of the full cost and ground rules.

Administrator Nieman will prepare a detailed cost estimate to be presented at an upcoming Township Committee meeting.

ADJOURNMENT was at 8:55 p.m. on a motion by Committeeman Carter, seconded by Committeeman Fay and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk