

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
February 3, 2011

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

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

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

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

3. Mayor Caliguire led the Salute to the Flag.

4. **PUBLIC COMMENT**

Mayor Caliguire opened the public comment portion of the meeting. There being no public comment, Mayor Caliguire closed this portion of the meeting.

5. **WILDLIFE MANAGEMENT PRESENTATION**

Bruce Perone, Wildlife Management Committee Chair, reported that the hunting program was in its ninth season. He asked for the annual resolution to be passed. He reported that there has been a 100% safety record to date. So far to date, approximately 2,300 deer have been taken from Montgomery Township properties over the nine years. The program consists of fourteen (14) properties. Deer/car collisions have gone from 426 in 2002 down to about a stable 220. One of the things that has helped in 2010/2011 is that the State has reduced the buffer zone from 450 feet to 150 feet for bow only properties. He stated that the Wildlife Management Committee had suggested reducing the cost on the Supplemental Properties only. Supplemental properties are only sold to hunters who have been in the program and have a permit on one of the other properties. He asked Open Space Coordinator Lauren Wasilauski if there were any new open space properties this year, and there is really only one that would be appropriate for this program and that would be the land-locked piece on the Opatut property. He asked if that could be tagged "when available" on the resolution, and it be bow only.

Attorney Hadinger stated that either they would tag it such or add it at a later date.

Committeewoman Graham suggested it be considered once the property is purchased, and hold off any consideration until that time.

Attorney Hadinger asked if that should be a discreet property or should it have another hunter or two on the other part of Nicolaysen.

Mr. Perone said that the Wildlife Management Committee had talked about it and felt they could add at least two hunters, but they wanted to walk the piece and make sure that it is adequate for two hunters. It would not be an additional property, it would be added to the Nicolaysen tract. He stated that there was one other little piece by the Masonic Lodge on Kingston-River Road by Blue Spring Road. He walked the property and suggested adding this property to the program as a Supplemental Property.

Committeewoman Graham asked how many more deer would be taken if the suggested properties were added to the program. Mr. Perone responded that he didn't think it would be that many, but there are definitely deer there.

Mr. Perone spoke about the coyote problem in the Township. He explained the three day coyote hunting season which the State of New Jersey started this year. It was not that successful because coyotes are smarter and faster than they are given credit for. He stated that the State has recently implemented an "Incidental Coyote Hunting" program which gives any hunter that has a deer permit permission to kill any coyote they see while hunting deer. He explained that a person can get a "fur trappers" or "varmint" permit that allows hunting coyotes at night with lights and calling devices. He stated that the Wildlife Management Committee is interested in allowing the hunters in the Township program to be allowed to take any coyotes they see while they are deer hunting on their property. He stated that Hillsborough had adopted that into their hunting program. He explained that the Township would have to institute this allowance into their hunting ordinance for it to be allowed on the Open Space properties.

Mr. Perone asked that the Township re-look at stopping people from feeding deer in residential neighborhoods. He has had numerous complaints about this.

It was the consensus of the Township Committee to add coyote hunting to the deer hunting program and to have further discussion on this.

6. **PROCLAMATION - Read Across America Day - March 2, 2011**

WHEREAS, The citizens of Montgomery Township stand firmly committed to promoting reading as a catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Montgomery Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted on March 2, 2011, which would have been the 106th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee calls on the citizens of Montgomery Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2011; and

BE IT FURTHER RESOLVED That this body enthusiastically endorses NEA's Read Across America and Read Across America-NJ, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

6-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

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 #11-2-47 - REFUND OVERPAID 2010 TAXES**

BE IT RESOLVED That refunds be given to the following for the overpayment of 2010 taxes:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Amount</u>
5008	96	Bobby P. & Reena A. Mathew	\$2,824.03
5009	11	Gene & Elena Mitelman	\$ 130.29
5024	26	Thirai & Nadine Kugan	\$ 232.89
7004	27	Chaneshwar Shahi & Rajana Thakur	\$ 776.73
7019	61.22	Cortes & Hay, Inc.	\$ 187.66
16003	3	Trident Land Transfer Co. of NJ	\$ 925.37
16012	1.08	Allied Title, LLC	\$ 777.34
21012	2	Yongxian Chen & Jianghong Luo	\$ 183.08
30002	62	Christopher Law & Ru-Fong Cheng	\$4,457.24
32001	25	Vincent E. Gentile & Patricia Pickrel	\$6,391.31
34001	42.07	Allied Title, LLC	\$ 187.71

B. **RESOLUTION #11-2-48 - AWARD OF BID - Chemicals for Wastewater Treatment for 2011**

WHEREAS, The following bids for Chemicals for Wastewater Treatment were received and publicly opened on January 18, 2011:

BIDDERS

Main Pool & Chemical Co., Inc.	General Performance Chemical
Miracle Chemical Co.	Coyne Chemical Co., Inc.
Siemens Water Technologies	Hibrett-Puratex
Basic Chemical Solutions	

WHEREAS, It is the recommendation of the Purchasing Agent and the Chief Sewer Plant Operator that Main Pool & Chemical Co., Inc., Miracle Chemical Co., Basic Chemical Solutions, LLC, Hibrett-Puratex and Siemens Water Technologies be awarded the bid; they being the lowest responsible bidders on the various line item chemicals; and

WHEREAS, There exists the following accounts 07-201-55-542-2-032, 07-201-55-543-2-032, 07-201-55-545-2-032, 07-201-55-546-2-032, 07-201-55-547-2-032, 07-201-55-548-2-032, which will fund these goods; 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 contract for the Chemicals for Wastewater Treatment for 2011 is hereby awarded to:

Main Pool & Chemical Co., Inc., 110 Commerce Rd., Dupont, PA in the amount of \$48,901.25
Miracle Chemical Co., 1151B Highway 33. Farmingdale, NJ 07727 in the amount of \$9,800.00
Basic Chemical Solutions, 5 Steel Rd. East, Morrisville, PA 19067 in the amount of \$52,178.00
Siemens Water Technologies, 2650 Tallevast Rd. Sarasota, FL 34243 in the amount of \$6,912.00
Hibrett-Puratex. 7001 Westfield Avenue, Pennsauken, NJ 08110 in the amount of \$437.50

BE IT FURTHER RESOLVED That the Township Administrator and Purchasing Agent are authorized to sign said Contracts.

(CONSENT AGENDA Cont.)

C. **RESOLUTION #11-2-49 - AUTHORIZING A SHARED SERVICES AGREEMENT FOR PUBLIC HEALTH MUTUAL AID - Princeton Regional Health Commission**

WHEREAS, The Township Committee of the Township of Montgomery has been given the opportunity to enter into a Shared Services Agreement for Public Health Mutual Aid with the Princeton Regional Health Commission pursuant to N.J.S.A. 40A:65.1, et seq.; and

WHEREAS, The Township Committee believes that it is in the best interest of the residents of Montgomery Township to enter into such an agreement.

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

1. The Mayor and Clerk are hereby authorized to execute a Shared Services Agreement with the Princeton Regional Health Commission for Public Health Mutual Aid.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

D. **RESOLUTION #11-2-50 - AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF PENNINGTON FOR PUBLIC HEALTH SERVICES**

WHEREAS, The Borough of Pennington wishes to enter into a formal shared services agreement with the Township of Montgomery for public health services.

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

1. The Mayor and Clerk shall be and are hereby authorized to execute a Shared Services Agreement with the Borough of Pennington for public health services for a 2 year, 9 month period, beginning April 1, 2011 and ending December 31, 2013.
2. A copy of said agreement shall be kept on file with the Township Clerk and available for public inspection during normal business hours.
3. This agreement is contingent upon both parties executing a resolution authorizing the agreement.

E. **RESOLUTION #11-2-51 - AUTHORIZATION TO EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY HEALTH OFFICERS' ASSOCIATION - H1N1 Action Report Funding**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Health Officer to enter into a grant agreement with the New Jersey Health Officer's Association to accept a grant in the amount of \$10,000.00 to address areas of need identified in the after-action report completed by the Health Officer as a requirement of the H1N1 funding previously received by the Township.

F. **RESOLUTION #11-2-52 - RELEASE OF PERFORMANCE GUARANTEE - Grosso Subdivision**

WHEREAS, Gail Smith, Township Engineer, has certified on January 25, 2011 that all public improvements in a project known as the Grosso Subdivision 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 \$19,260.00 (cash) be released to KBA Developers, LLC. and a maintenance guarantee be posted as follows:

Construction Cost Estimate	\$19,260.00
15% Maintenance Guarantee	\$ 2,889.00

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 roads or detention basins to be accepted by the Township for this project. The access road and Bio-basin will be maintained by the homeowners of the lots.

(CONSENT AGENDA Cont.)

G. **RESOLUTION #11-2-53 - EXTENSION OF TIME TO COMPLETE IMPROVEMENTS -
Various Projects**

WHEREAS, Gail Smith, Township Engineer, has certified on January 7 and January 31, 2011 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements:

<u>Development</u>	<u>New Completion Date</u>
Pike Run, Phase 7	July 29, 2011
Montgomery Promenade, Temporary Parking	November 14, 2011
Tapestry at Montgomery, Temporary Trailer Restoration	December 31, 2011
3M Storm Water Management System	March 17, 2012
Bedens Brook Valley Landscaping (Lot 11.06)	March 20, 2012
Cianfrocca Builders	March 21, 2012
Dutchtown-Harlingen Road Subdivision, Phase II	March 30, 2012
Cummings	April 16, 2012
Pleasant View Road Improvements	April 20, 2012

H. **RESOLUTION #11-2-54 - AUTHORIZATION TO EXECUTE AMENDMENT TO CONSTRUCTION SEQUENCE AGREEMENT - Westwinds Construction - East Country Development Corp.**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an amendment to the construction sequence agreement with East Country Development Corp. for the Westwinds Construction project.

I. **RESOLUTION #11-2-55 - PROFESSIONAL SERVICES RESOLUTION**

WHEREAS, There exists a need to acquire the following professional services for 2011 without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law":

- (1) Consulting Engineer.

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; and

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

WHEREAS, The Chief Financial Officer has certified that sufficient funds are available for the aforesaid services in accordance with the amounts set forth in the 2011 Temporary Budget, with performance of said services after March 31, 2011 being subject to the Township's amendment of the 2011 Temporary Budget, and/or adoption of the final 2011 Budget.

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 Malick & Scherer as Township Consulting Engineer.
- (2) These contracts are awarded for a period of one year, for the amounts set forth in each contract, and without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law N.J.S.A. 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 have completed and filed 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, after March 31, 2011 is subject to the amendment of the 2011 Temporary Budget and/or adoption of the final 2011 Budget, and certification of availability of funds by the Chief Financial Officer

(CONSENT AGENDA Cont.)

J. **MAYORAL APPOINTMENT WITH TOWNSHIP COMMITTEE CONSENT - Economic Development Commission**

BE IT RESOLVED That James Laskey be hereby appointment Economic Development Commission Advisor, 1 year term expiring December 31, 2011.

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

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

8. **MAYORAL APPOINTMENT - Efficiency Incentive Committee**

BE IT RESOLVED That Mark Caliguire is hereby appointed Efficiency Incentive Committee, Township Committee Representative, replacing Louise Wilson, 3 yr term expiring December 31, 2012.

9. **RESOLUTION #11-2-56 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2011 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2011 Budget being adopted, in order to maintain operations until such time as the Township Budget is in place; and

WHEREAS, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Municipal Budget being adopted, by a confirming vote of two-thirds of the full governing body;

NOW, THEREFORE, BE IT RESOLVED, By confirmation of two-thirds of the full governing body, that the Temporary Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

Road Repairs & Maintenance	
Other Expenses	\$125,000.00

9-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

10. **RESOLUTION #11-2-57 - 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:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Municipal Clerk (OE)		\$ 1,000.00
Master Plan (OE)		\$10,000.00
Streets and Roads (SW)		\$35,000.00
Data Processing (OE)		\$30,000.00
GIS (OE)		\$10,000.00
	Streets and Roads (OE)	\$75,000.00
	Committee Expenses (OE)	\$ 1,000.00
	Legal (OE)	\$10,000.00

10-1. 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 - Graham, Trzaska, Dyer, Carter, Caliguire
Nays - None

11. ORDINANCE #11-1377 - Providing for a 3.5% CAP for the 2011 Budget - Public Hearing

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

ORDINANCE PROVIDING FOR A 3.5% "CAP" FOR THE 2011 BUDGET
PURSUANT TO NJS 40A:4-45.14

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 3rd day of February, 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 Committeeman Carter and carried on the following:

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

12. ORDINANCE #11-1378 - Sewer User Rates 2011 - Introduction

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

AN ORDINANCE AMENDING CHAPTER XII SEWER AND WATER OF THE
CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ESTABLISH
2011 SEWER USER RATES

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 17, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

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

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

13. APPROVAL OF MINUTES

Deputy Mayor Dyer moved the adoption of the Regular Session minutes of January 20, 2011. The motion was seconded by Committeeman Carter and carried unanimously.

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. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

15. FIREWORKS PROGRAM

Mayor Caliguire spoke about an email that was forwarded from the subcommittee of the Economic Development Commission trying the raise money for the fireworks. They are working out the details and things are going well. They asked if the Township could send out an E-Blast to let people know who is out there raising money and what they are doing it for, so that when they approach businesses and individuals in town at least they will be aware.

Walter Geslak, Economic Development Commission Chair, stated that he had started conversations with Johnson & Johnson and a few other companies, but really couldn't do much until a letter went out to explain the program. He needed the Township Committee's approval of this letter.

The Township Committee will need more time to go over the information and will add this topic to the agenda of the Special Session of February 9, 2011.

16. ENVIRONMENTAL COMMISSION

Committeewoman Graham reported that the Environmental Commission was working on plans for the Earth Day event in April.

17. MONTGOMERY NIGHT OFF

Committeeman Carter reminded Committee that Montgomery Night Off is coming soon and requested a resolution be put on the agenda of February 17.

18. SNOW BLOWER

Administrator Nieman stated that the Township has spent approximately \$15,000.00 for four days by hiring a contractor to remove snow from cul-de-sacs and neighborhoods. There was an item in the Capital Budget for a snow blower for \$12,240.00. Superintendent of Public Works Villano would like to enter into a lease/purchase for \$4,080.00 per month with an agreement to buy the snow blower. He explained that it would be cheaper to rent this and would like permission to do so.

It was the consensus of the Committee to rent this piece of equipment.

19. POLICE VEHICLES

Administrator Nieman explained that Ford is no longer making the Crown Victoria which makes up the Township's Police force. He stated that Police Director Palmer has found two Crown Victorias and would like to ask the dealer to put on hold for the Township for when the budget is approved.

It was the consensus of the Committee to allow Director Palmer to ask the dealer to put these vehicles on hold.

20. 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:
 - Advise of counsel with respect to Tax Appeals;
 - Advice of counsel with respect to County Club Meadows litigation.
3. It is unknown precisely when, if ever, the matters will be disclosed to the public. No agreement shall be approved except by action of the Township Committee in open session. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. It is possible that at the conclusion of the closed session, the Township Committee will reconvene in open session for the purpose of taking action.

20-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.

21. Meeting reconvened in Open Session.

22. RESOLUTION #11-2-58 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY AUTHORIZING THE SETTLEMENT OF A RESIDENTIAL TAX APPEAL (PETER AND LESLIE TILLES V. TOWNSHIP OF MONTGOMERY; BLOCK 25004, LOT 11; 138 VAN ZANDT ROAD)

WHEREAS, Peter and Leslie Tilles, the owners of 138 Van Zandt Road, Block 25004, Lot 11 in the Township of Montgomery ("the Property") have filed an appeal of their 2010 real property taxes in the New Jersey Tax Court, Tilles v. Township of Montgomery, Tax Court Docket No. 010918-2010; and

WHEREAS, the parties have reached a settlement of the tax appeal, subject to approval by the Township's governing body, as follows:

<u>CURRENT ASSESSMENT (2010)</u>		<u>REQUESTED ASSESSMENT (2010)</u>	
LAND	\$ 350,100	LAND	\$ 350,100
IMPROVEMENT	\$ 691,800	IMPROVEMENT	\$ 551,900
TOTAL	\$1,041,900	TOTAL	\$ 902,000

together with a credit to be applied to the Property's 2011 taxes resulting from any overpayment in 2010, and other salient terms; and

WHEREAS, the Township's Tax Assessor has reviewed the proposed terms of settlement, and find that same will result in the assessment of the Property at the fair assessable value consistent with assessing practices generally applicable in the taxing district as required by law; and

WHEREAS, it is equitable and just, and in the best interest of the citizens of the Township, to authorize the settlement of the tax appeal;

(Item #22 Cont.)

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Montgomery, in Somerset County, in the State of New Jersey, that the Township's attorney be and hereby is authorized to formalize the settlement of the subject tax appeal pursuant to the parties' agreed terms, and execute and file with the Tax Court any and all documents necessary to accomplish said settlement.

22-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried on the following:

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

ADJOURNMENT was at 8:10 p.m. on a motion by Deputy Mayor Dyer, seconded by Committeeman Carter and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk