

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
March 17, 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. Eagle Scouts Samuel Windom and Tyler Drbal led the Salute to the Flag.

4. **PROCLAMATION - EAGLE SCOUTS - Alexander I.G. Savadelis, Samuel L. Windom, Tyler M. Drbal**

WHEREAS, The prestigious rank of Eagle Scout with the Boy Scouts of America has been earned by Alexander I.G. Savadelis, Samuel L. Windom and Tyler M. Drbal; and

WHEREAS, The standards established for this honor are high and very difficult to achieve;

WHEREAS, Those who have worked diligently to achieve this rank have exhibited excellence in leadership and a deep commitment to their community.

NOW, THEREFORE, BE IT RESOLVED That, with great pride, the Montgomery Township Committee congratulates Alexander I.G. Savadelis, Samuel L. Windom and Tyler M. Drbal on this remarkable achievement and extends its sincere wishes for continued success.

- 4-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.
- 4-2. Committeeman Carter spoke about the hard work and discipline involved in achieving the rank of Eagle Scout, not just by the young men but by their parents as well.
- 4-3. Tyler Drbal spoke about his project which was a seating and storage systems for Nassau Presbyterian Church in Princeton. He constructed 4 foot by 4 foot boxes that could be used for seating as well as storage.
- 4-4. Samuel Windom spoke about his project which was a 3 foot by 8 foot bridge in Montgomery Park over a small creek bed.

5. **PROCLAMATION HONORING MICHELLE WOOLF**

WHEREAS, Civic dedication is a measure by which achievement is attained and therefore a strength for every community; and

WHEREAS, The Somerset County Commission on the Status of Women is honoring seventeen women who have made significant contributions to their community; and

WHEREAS, Michelle Woolf has been selected to receive the Hometown Hero Award for her outstanding accomplishments and advocacy efforts through her leadership role in the Montgomery Special Olympics Program; and

WHEREAS, In the six years that Michelle has led the program, it has grown to over fifty athletes with special needs, ranging in age from toddler to adult; and

WHEREAS, In October 2010, Michelle received the coveted Special Olympics of New Jersey Outstanding Coach of the Year Award for 2010; and

WHEREAS, Because of Michelle's tireless dedication, Montgomery's special needs children benefit not only physically, but socially, emotionally, and in their overall fitness, and health levels.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the distinguished service and significant contributions made by Michelle Woolf on this 17<sup>th</sup> day of March, 2011.

- 5-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried unanimously.
- 5-2. Michelle Woolf thanked Montgomery Township and Montgomery Board of Education. She stated that the Board of Education makes her job easy because they are so willing to be supportive of the program and also they are very generous with the facilities that they provide.

6. **PROCLAMATION HONORING DR. CASEY CRABILL**

WHEREAS, The Somerset County Commission on the Status of Women is honoring seventeen women who have made significant contributions to women's causes either in their professional fields or in community endeavors; and

WHEREAS, Montgomery Township resident, Dr. Casey Crabill has been selected by the Commission on the Status of Women to receive an award in the Education category for her outstanding accomplishments in the field of higher education; and

WHEREAS, Dr. Crabill has more than twenty five years experience in higher education, and was appointed the first female president of Raritan Valley Community College in August 2006; and

WHEREAS, Her expertise in planning, budgeting and community building is an invaluable asset in her management of a \$44 million operating budget and a staff of 600 full and part-time employees, including 116 full-time faculty members; and

WHEREAS, Despite her various responsibilities, Dr. Crabill always finds the time to listen and respond to the needs of her students and their parents.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee recognizes the distinguished service and significant contributions made by Dr. Casey Crabill on this 17<sup>th</sup> day of March, 2011.

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

7. **PROCLAMATION - Arbor Day - April 8, 2011**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, This year marks the 139<sup>th</sup> Anniversary of Arbor Day; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Montgomery Township has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways;

NOW, THEREFORE, I, Mark Caliguire, Mayor of the Township of Montgomery, do hereby proclaim April 8, 2011 as ARBOR DAY in the Township of Montgomery, and I urge all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

7-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Graham and carried unanimously.

8. **POLICE REPORT**

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

-- 53 motor vehicle accidents;  
-- 15 arrests;  
-- 5 thefts;  
-- 1 motor vehicle theft;  
-- 1 burglary;  
-- 4 domestic violence;  
-- 5 criminal mischief.

Administrator Nieman acknowledged the receipt of a letter from the Board of Education thanking Captain Palmer and his staff for their response to the graffiti incident at the High School.

9. PUBLIC COMMENT

- 9-1. Montgomery Junior Girl Scouts from Troop #709 spoke about their Bronze Award project, which was to help Mary Jacobs Library. They had heard that the library might close and that is something they did not want to happen. They knew they, as Girl Scouts, could not raise money for the library so they researched how to develop a proper petition and then came up with a plan to reach Montgomery residents through local businesses and community events. Everyone who signed the petition wanted to let you know how much they support the library and they hope the Township keeps this in mind as they make decisions for the town. They collected approximately 1,000 signatures and they presented the Township with the petitions.

Mayor Caliguire thanked the girls. He stated how important it was for anybody, no matter how old or young, to know that you can make a difference and things you do on behalf of other people are probably the most rewarding things you will ever do in your life. The Township Committee recognizes how important the library is to the community and reading and literacy obviously are very important. He explained that because of budgeting constraints, the Township will support the library at the level the Township can afford.

Committeewoman Graham congratulated the girls. She asked how long they had been working on this project. It was explained that they had been working on this for approximately two years.

- 9-2. Walter Beadling, Thornton Way, spoke about televising the Township Committee meetings with the idea that it would be something that would increase access to the process.

Mayor Caliguire explained that Administrator Nieman researched the total cost and came up with the figures of approximately \$25,000.00 - \$35,000.00 for hardware to interface with Comcast, an estimated \$4,200.00 for labor to record Township Committee meetings and an estimated \$8,500.00 for labor to make the video cable-ready. These figures compare to the costs that other municipalities have experienced. He explained that Millstone Township in Monmouth County spent about \$35,000.00 to set up their system and they spend \$250.00 per month for archiving their videos. Once you create a video, it becomes a public record which must be kept in perpetuity. These costs are consistent with Brick Township, who spent about \$30,000.00 and spends the same \$250.00 per month for archiving. The Board of Education spent, many years ago, \$20,000.00 to interface with Comcast, paid students \$35.00 per hour to record the meeting. They used student labor to process the videos so they don't have a cost on that. The Township's estimated costs would not take into account a bill before the legislature which would remove the requirement for cable companies to provide PEG channels, meaning that the Township would have to buy access for the televising. Mr. Nieman estimated that the cost for video-taping could exceed \$40,000.00 the first year for setting it up and then the Township would periodically upgrade the servers.

Mr. Beadling asked, cost aside, what was the Township Committee's opinion of televising these meetings. Mayor Caliguire responded he really didn't have much of an opinion other than the cost at this point.

Committeeman Carter explained that he agreed with the Mayor. He thought it was hard to separate idea from cost, at this vantage point.

Mayor Caliguire agreed that it was hard to separate the idea from the cost. He explained that the Township Committee meetings were recorded in an audio form and anyone has access to these recordings.

Committeewoman Graham stated that it was impossible to determine the issue without considering the cost. She thought everyone on the Township Committee believes that the Committee meetings have to be open and want the public to be involved. The public, by its own choice, either can or cannot come to the meetings or access the documents. Even if the money was there, there would also be considerations of how is it done, should the money be spent on this or something else. No one is opposed to the idea of open meetings.

Mr. Beadling asked if the meetings were televised, the Committee would agree that it would be a more open meeting and give more people access to the meetings. Committeewoman Graham stated not more open, because these meeting were open to the public already.

Committeeman Trzaska stated that Township committee meetings are open and when there is an issue that the public finds important, residents attend in great numbers. For example, about 25 residents attended the March 15, 2011 Zoning Board meeting that focused on the Green Avenue cell phone tower application. These residents were engaged in the process and stayed until 11:30 p.m.

Mayor Caliguire stated that the Township meetings were all open and have always been open. He reiterated what Administrator Nieman said. At a time when the Township has laid off employees, some employees haven't gotten any raises, when the Township is struggling to keep taxes as low as they can possibly be, televising meeting was just not first on his agenda.

Mr. Beadling asked if televising the meetings could be done at no cost for the Township, would the Committee have any objection. Committeewoman Graham stated that there were other issues involved, such as editing.

Attorney Hadinger stated that there was a case that states that private citizens can come in and tape meetings. It has to be done in a way that is completely unobtrusive and doesn't affect the conduct of the meeting in any way. She pointed out that this would not be an official Township record if it was done this way.

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

A. **RESOLUTION #11-3-82 - 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>
5009	9	Chetan & Swati Khatri	\$ 198.75
11002	13	Lorin Benke	\$2,050.28
37002	5.179	Opportune Title Agency, LLC	\$ 142.80
37004	6.24	Li Zhu & May Yue Koo Otila	\$ 77.97

B. **RESOLUTION #11-3-83 - ACCEPTANCE OF DONATIONS - Earth Day Fair 2011 - Convatec, Inc.**

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

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
Convatec, Inc.	\$700.00	104904

C. **RESOLUTION #11-3-84 - APPROVING AMENDED SANITARY SEWER EASEMENT - Joel and Gayle Schindler - Riverside Farms**

BE IT RESOLVED That the Mayor and Clerk are hereby authorized to execute an amended Sanitary Sewer Easement with regard to the Joel and Gayle Schindler easement, subject to the Township Engineer's review and approval of Exhibit A to the easement.

E. **RESOLUTION #11-3-85 - AUTHORIZING EXECUTION OF GRANT APPLICATION WITH DIVISION OF HIGHWAY TRAFFIC SAFETY - Click It or Ticket**

BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services to enter into a grant application with the New Jersey Division of Highway Traffic Safety for Click It or Ticket Campaign from May 23 to June 5, 2011.

F. **RESOLUTION #11-3-86 - SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 23 - JUNE 5, 2011**

WHEREAS, A large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, The National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, The State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 23 - June 5, 2011 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, The Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the State from the current level of 92.67% to 100%; and

WHEREAS, A further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery declares it's support for the Click It or Ticket seat belt mobilization both locally and nationally from May 23 - June 5, 2011 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

G. **RESOLUTION #11-3-87 - RESOLUTION FOR PURCHASE OF POLICE TELECOMMUNICATIONS SOFTWARE FROM NJ STATE CONTRACT**

WHEREAS, There exists a need for Telecommunications Software for the Police Department of the Township of Montgomery; and

WHEREAS, Said Telecommunications Software is available through a contract of the State of New Jersey Purchase Bureau; and

WHEREAS, Said funds are available from the Capital Funds-#09-1314 account; and

WHEREAS, The Chief Financial Officer has certified the availability of said funds;

NOW THEREFORE, BE IT RESOLVED By the Township Committee of the Township of Montgomery that the Purchasing Agent is hereby authorized and directed to purchase Telecommunications Software from Queues Enforth Development Inc., 14 Summer St., Malden, MA 02148 from State Contract A69836 for an amount not to exceed \$40,600.00.

(CONSENT AGENDA Cont.)

H. **RESOLUTION #11-3-88 - AUTHORIZING THE TOWNSHIP OF MONTGOMERY TO MAKE AN APPLICATION FOR AN ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS SUSTAINABLE LAND USE PLANNING GRANT**

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WHEREAS, The Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, has recognized the need to develop a solar ordinance; and

WHEREAS, The Environmental Commission requests to make an application for grant funding; and

WHEREAS, The Association of New Jersey Environmental Commissions (ANJEC) provides fifty (50%) percent matching grants to municipalities for developing ordinances which will establish regulations for renewable energy sources such as solar; and

WHEREAS, The cost to draft the ordinance is estimated at \$7,500, and the Environmental Commission will make application to the ANJEC grant for 50% of the matching funds in the amount of \$3,750, and the Township will match the remaining 50% with funds and in-kind services pursuant to the budget guidelines established by ANJEC; and

WHEREAS, After due deliberation and consultation, the Township Committee has determined that it is in the interests of the Township to make such application.

NOW, THEREFORE, BE IT RESOLVED, By the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, that the Township Committee desires to further the public interest by submitting a grant application for the ANJEC Sustainable Land Use Planning Grant to fund the development of a solar ordinance.

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

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

11. **RESOLUTION #11-3-89 - ADOPTING AN AMENDMENT TO THE MEDICAL BENEFITS SECTION OF THE TOWNSHIP OF MONTGOMERY PERSONNEL POLICIES AND PROCEDURES MANUAL**

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WHEREAS, By Resolution #10-5-122, the Township Committee adopted an amendment to the medical benefits section of the Township of Montgomery Township Personnel Policies and Procedures Manual (originally adopted April 16, 1998 by Resolution #98-4-109); and

WHEREAS, The Township Committee has determined that it is in the best interests of the Township to further amend the MEDICAL BENEFITS provisions of the aforesaid Personnel Policies to clarify the circumstances under which an employee may elect to waive his/her medical benefits coverage.

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

The "Waiver of Coverage" portion of the MEDICAL BENEFITS section of the Township of Montgomery Personnel Policies and Procedures Manual is hereby replaced its entirety with the following:

Waiver of Coverage

Employees shall have the option of electing to waive all medical/hospitalization/prescription coverage as described herein upon providing proof to the Administrator of other adequate insurance coverage. If an employee elects to waive coverage, the employee will receive a reimbursement in the first pay period in December of the year waived, representing 25% (provided that such an amount is not greater than \$5,000 per year) of the savings resulting from the waiver of coverage during that year. If the election is for a period of less than a year, then the employee will receive a reimbursement in the first pay period in December of the year waived, representing 25% (provided that such an amount is not greater than \$5,000 per year) of the savings resulting from the waiver of coverage during that year; the savings calculation shall be based on the plan in which a new employee was enrolled or was eligible to be enrolled during the period of the election, pro-rated by month and calculated from the month of the acceptance of the waiver election to the end of that year.

An employee who waives coverage shall be permitted to resume coverage under the same terms and conditions as apply to initial coverage if the employee suffers the loss of other adequate coverage for any reason, including, but not limited to, the retirement or death of a spouse or civil union partner, or divorce. An application for reinstatement of coverage must be submitted to the Administrator within 60 days of the employee's loss of other adequate coverage. If the 60 day time limit has passed, the employee must wait until the next open enrollment period to re-enroll.

BE IT FURTHER RESOLVED that this amendment shall take effect immediately upon adoption of this Resolution.

11-1. 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

12. **RESOLUTION #11-3-90 - AUTHORIZING PARTIAL ASSIGNMENT OF INTERESTS IN CONSERVATION, AGRICULTURAL AND PUBLIC ACCESS EASEMENT IN KBA/GROSSO PROPERTY ON DUTCHTOWN-HARLINGEN ROAD TO MONTGOMERY FRIENDS OF OPEN SPACE AND APPROVAL OF AMENDED EASEMENT**

WHEREAS, The Township Committee adopted Ordinance No. 06-1240 and Resolution 07-1-26 providing for the acquisition of real property described as Block 15001, Lot 84 and located on Dutchtown-Harlingen Road ("KBA/Grosso Property") in concert with the Montgomery Friends of Open Space, Inc. ("MFOS") for conservation, agricultural, recreational, public pedestrian bikeway path and other municipal purposes; and

WHEREAS, Pursuant to the Local Lands and Buildings Law, "real property" includes, among other things, "development rights or easements"; and

WHEREAS, The KBA/Grosso Property possesses significant natural, scenic, forestry, agricultural and aesthetic attributes, open space, plant and wildlife habitat, wetland, watershed, and other environmentally sensitive features worthy of preservation and protection; and

WHEREAS, The Township and MFOS acquired a Conservation, Agricultural and Public Access easement ("Easement") on the KBA/Grosso property on January 17, 2007 which acquisition furthered the aforesaid purposes by, among other things, protecting natural resources, preserving lands for open space, including farmland preservation, providing pathway links and promoting passive recreational opportunities throughout the Township; and

WHEREAS, The purchase price for the KBA/Grosso easement was \$874,000.00 ("Purchase Price") and the Township's share of the Purchase Price was \$675,000.00; and

WHEREAS, MFOS contributed \$199,000.00 towards the Purchase Price of the KBA/Grosso Property, which contribution represents approximately twenty-three percent (23%) of the Purchase Price; and

WHEREAS, Ordinance No. 06-1240 and the contract for sale between Richard and Nancy Grosso, and Montgomery Township and MFOS allowed for future transfer of interest from the Township to MFOS upon MFOS's receipt of funds from the New Jersey Department of Environmental Protection, Green Acres Program ("NJDEP") and MFOS'S payment of said funds to the Township; and

WHEREAS, MFOS is a land conservation entity dedicated to regional land preservation qualified under Section 501(c)(3) of the Internal Revenue Code of 1986 as an organization which is exempt from federal income tax and also qualified under the Garden State Preservation Trust Act, N.J.S.A. 13:8C-42 as a "non-profit" eligible for grants from the State of New Jersey; and

WHEREAS, MFOS applied for funding through a grant from NJDEP, received \$275,000.00 and has offered to contribute said \$275,000.00 towards the Purchase Price of the KBA/Grosso Property, which contribution represents approximately thirty-one percent (31%) of the Purchase Price.

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

1. The Mayor, Clerk, Administrator, Chief Financial Officer and Township Attorney are authorized to prepare and execute documents as may be reasonably required to provide for Montgomery Township's conveyance of an undivided 31% interest in the Easement to MFOS, in consideration for MFOS's remittance of \$275,000.00 to the Township, and to effectuate closing in the normal course, subject to the Township Attorney's approval of the form and substance of said documents.
2. The Mayor and Clerk are also authorized to execute an amendment to the Easement confirming revised property descriptions and NJDEP restrictions against diversion of the Easement.

12-1. Committeewoman Graham 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

13. **RESOLUTION #11-3-92 - 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>
Street Lighting (O&E)		\$ 2,000.00
Electricity (O&E)		\$10,000.00
	Community Services Act (O&E)	\$12,000.00

13-1. Deputy Mayor Dyer 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

14. **RESOLUTION #11-3-93 - 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:

Sewer Utility		
Liability Insurance		
Other Expenses	\$143,900.00	
Workers Compensation Insurance		
Other Expenses	\$62,600.00	
Employee Group Insurance		
Other Expenses	\$165,000.00	
PERS		
Other Expenses	\$71,300.00	
Interest on BANS		
Other Expenses	(\$25,000.00)	
Current Fund		
Employee Group Insurance		
Other Expenses	\$380,000.00	
Liability Insurance		
Other Expenses	\$108,400.00	
Workers Compensation Insurance		
Other Expenses	\$72,000.00	
Fire Prevention		
Salaries and Wages	\$5,000.00	
Natural Gas		
Other Expenses	\$10,000.00	
Gasoline		
Other Expenses	\$50,000.00	
Street Lighting		
Other Expenses	\$10,000.00	
Water		
Other Expenses	\$5,000.00	
Telephone		
Other Expenses	\$10,000.00	
Electricity		
Other Expenses	\$40,000.00	
PFRS		
Other Expenses	\$553,028.00	
PERS		
Other Expenses	\$619,520.00	

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. ORDINANCE #11-1380 - Towing and Storage - Public Hearing

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CONCERNING LICENSES FOR TOWING AND STORING OF MOTOR VEHICLES, AND REPLACING CHAPTER IVA OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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

B-2. Police Director Palmer explained the background of this ordinance. He stated that it had been a long time since this had been revisited and there had been changes in the law. It was the objective to bring the municipal ordinance into and in compliance with the latest available bodies of law out there.

Committeewoman Graham stated that the ordinance says that there would light towing and heavy towing and there would be allowed up to six in each category. She questioned if one company could be in both categories. The answer was yes.

Committeewoman Graham spoke about her concerns with the geographic issue of the towing company. Attorney Hadinger explained that the ordinance had a two-fold protection in that regard. The ordinance also requires a maximum of a twenty minute response time. She stated that the statutes do not allow municipalities to use only towers who are within the boundaries of that municipality. The Police Department looked at the radius in terms of what made sense to be inclusionary and to provide for as many opportunities as possible for the Police Department to be backed up when towing is needed.

Police Director Palmer explained that the map that the Committee was looking at was provided by the GIS Department, and it represents the six current licensed towers in Montgomery. Administratively, the Police Department regulates towers to be "on call" on a weekly basis. He stated that the Police Department administrative remedy to some of the considerations of other towing vendors is, that instead of being a weekly "on call" rotation, that they change and modify the rotation to a "call by call" or "crash by crash" basis so that every one crash represents a call to one singular tower to remedy all of the needs of the department to clear the roadway of that crash. Moving on to the next crash, that may occur 10 minutes later, they would move along to another towing agency. That requires each towing agency to be prepared to respond 24/7/365, which puts a heavier oneness on them to be prepared and may cause some of the Township's more outlying vendors not to want to engage in licensing.

B-3. Deputy Mayor Dyer 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 17<sup>th</sup> day of March, 2011 and that notice thereof be published in an official newspaper as required by law.

15-1. 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

16. RESOLUTION #11-3-94 - APPROVING A SCHEDULE OF TOWING AND STORAGE RATES

WHEREAS, On March 17, 2011, the Township Committee adopted Ordinance No. 11-1380, which amended Chapter IVA of the Code of the Township of Montgomery (1984) concerning licenses for towing and storage of motor vehicles; and

WHEREAS, Ordinance No. 11-1380 authorizes the Township Committee to establish, via resolution, a schedule of towing and storage rates charged by towers operating in the Township; and

WHEREAS, The Township Committee now desires to establish a schedule of towing and storage rates charged by licensed towers; and

WHEREAS, Pursuant to §4A-7.1 and §4A-7.2 of the Township Code, the Police Director has recommended the attached towing and storage rate schedule.

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

The attached Schedule of Towing and Storage Rates is hereby approved and shall be effective April 1, 2011.

(Item #16 Cont.)

Township of Montgomery  
2011 Towing and Storage Rate Schedule

Towing Rates

1. Light-duty rate:
  - a. Days (8:00 a.m. to 6:00 p.m.)

1st mile or less	\$115.00
Each additional mile	\$3.50
  - b. Nights (6:00 p.m. to 8:00 a.m.), Weekends (Fri. 6:00 p.m. to Mon. 8:00 a.m.) & NJ State Holidays

1st mile	\$125.00
Each additional mile	\$3.50
2. Heavy-duty rate - determined by Gross Vehicle Weight Rating (by pounds):
  - a. 10,001 - 25,000 pounds

1st mile or less	\$175.00
Each additional mile	\$5.00
  - b. 25,001 - 55,000 pounds

1st mile or less	\$300.00
Each additional mile	\$5.00
  - c. 55,001 - 80,000 pounds

1st mile or less	\$425.00
Each additional mile	\$5.00

Storage Rates

1. Motor vehicles up to 10,000 pounds:
  - a. Outdoor Secured Storage Facility \$30.00 per unit
  - b. Indoor Secured Storage Facility \$35.00 per unit
2. Motor vehicles over 10,000 pounds:
  - a. Outdoor Secured Storage Facility \$80.00 per unit
  - b. Indoor Secured Storage Facility \$100.00 per unit
3. Township-owned or -operated vehicles: Storage fees to be charged to, or on account of, the Township for the storage of Township-owned or -operated vehicles shall not exceed those fees permitted by N.J.S.A. 40:48-2.50

Additional Services

1. No motor vehicle owner or operator shall be responsible to any tower licensed by the Township for any fees in excess of those authorized by this rate schedule, except for in unusual or unforeseen circumstances. An unusual or unforeseen circumstance that requires a special charge or additional billing outside the scope of this rate schedule must be documented by the tower and provided to the vehicle owner or operator, with a copy to the Chief of Police, within forty-eight (48) hours of the tow.
2. Light-duty services and fees:
  - a. Service Fee: This fee includes calls for such services as a motor vehicle jump-start, out of fuel, change tire or lockout, if such services are provided by a tower. This fee does not include any fees for parts or fuel, which shall be charged separately. This fee only applies when there is no tow being performed.

Days (8:00 a.m. to 6:00 p.m.)	\$75.00
Nights (6:00 p.m. to 8:00 a.m.), Weekends (Fri. 6:00 p.m. to Mon. 8:00 a.m.) & NJ State Holidays	\$85.00
  - b. Site clean-up: \$25.00 per bag of absorbent
  - c. Winching: \$150.00.
  - d. Material off-loading: This fee covers the off-loading of material or cargo from a motor vehicle that must be removed for health, safety, welfare or security reasons. This fee is \$100.00 per hour, billed in increments of one-fourth of an hour. This fee does not include any fee charged for the disposal of the material or cargo, which shall be charged separately.
  - e. Securing the vehicle: This fee is applicable when a motor vehicle cannot be safely towed without securing parts of the vehicle damaged or dislodged as a result of an accident. This fee is \$50.00 per hour excluding the costs of materials, if any.

(Item #16 Cont.)

3. Heavy-duty towing services and fees:

- a. Site clean-up: \$25.00 per bag of absorbent
- b. Winching: \$350.00
- c. Remove bumper: \$30.00
- d. Connect air line: \$25.00
- e. Remove axle: \$25.00 per axle
- f. Remove driveshaft: \$35.00
- g. Remove air scoop: \$45.00
- h. Remove exhaust pipe: \$30.00 per pipe
- i. Cage brake chambers: \$25.00 per hour
- j. Extra personnel: \$50.00 per hour, per person
- k. Material off-loading: This fee covers the off-loading of material or cargo from a motor vehicle that must be removed for health, safety, welfare or security reasons. This fee is \$100.00 per hour, billed in increments of one-fourth of an hour. This fee does not include any fee charged for the disposal of the material or cargo, which shall be charged separately.
- l. Securing the vehicle: This fee is applicable when a motor vehicle cannot be safely towed without securing parts of the vehicle damaged or dislodged as a result of an accident. This fee is \$100.00 per hour excluding the costs of materials, if any.

16-1. 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

17. **ORDINANCE #11-1381 - Leasing of Real Property (33 Reading Boulevard) - Public Hearing**

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

AN ORDINANCE AUTHORIZING, PURSUANT TO N.J.S.A. 40A:12-1 et seq., THE LEASING OF REAL PROPERTY BY THE TOWNSHIP OF MONTGOMERY FROM BONAVENTURE, LLC (33 READING BOULEVARD).

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

C. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby adopted this 17<sup>th</sup> day of March, 2011 and that notice thereof be published in an official newspaper as required by law.

17-1. 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

18. **APPROVAL OF MINUTES**

Committeeman Carter moved the adoption of the Regular Session minutes of March 2, 2011. The motion was seconded by Deputy Mayor Dyer and carried on the following:

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

19. **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.

19-1. 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

20. **TELEVISION TOWNSHIP COMMITTEE MEETINGS**

Mayor Caliguire noted that the gentleman who had appeared before the Governing Body tonight, as well as at other Township Committee meetings, to complain about not televising the meetings, does not stay to listen to the rest.

21. **ELECTRICITY SUPPLIER**

Administrator Nieman introduced Fred Luthy of Capable Communications, who would be available for any questions related to the Township going out to bid for electricity supplier. He asked the Township Committee for permission to go out to bid for electricity so that he would have a contract to sign the next morning. This would prove to be a significant savings for the Township.

21-1. **Motion #11-3-1** - Deputy Mayor Dyer moved that Township Administrator to pursue the bid for an electricity supplier and come back with a specific contract. The motion was seconded by Committeeman Carter and carried unanimously.

22. **BOARD OF HEALTH**

Committeeman Trzaska reported that the Board of Health had scheduled a "Meet Your Health Department" for April 13, 2011 from 7:00 to 8:30 p.m.

23. **COURT CONSOLIDATION**

Mayor Caliguire reported that he and Administrator Nieman met recently with the Mayor, Administrator and Attorney from Hillsborough Township regarding the consolidation of Court Offices. He stated that they would probably be pursuing the idea of a shared Court. At this point, based on a consultant's study, the estimated annual savings would be in the \$90,000.00 range. This will continued to be pursued.

24. **SHEPPARDS WAY**

Attorney Hadinger spoke about a property owner asking if he could use or buy a piece of the Township's right of way on Sheppards Way for access to property he would like to subdivide. The only other access to this property are too steep to use. She explained that he would have to go before the Zoning Board of Adjustment. She stated the question to the Township Committee was, if the Board of Adjustment accepts the application on the basis of zoning, would the Township Committee consider taking the steps to sell the easement on the right of way? Committee decided to wait on this topic.

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

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
  - Advice of counsel with regard to sale of Skillman Village.
3. It is unknown precisely when, if ever, the matters will be disclosed to the public. Approval of any agreements shall only be authorized by the Township Committee in a public session.

25-1. Committeewoman Graham moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried unanimously.

26. The meeting reconvened in Open Session and **ADJOURNMENT** was at 9:00 p.m. on a motion by Committeeman Carter. The motion was seconded by Committeeman Trzaska and carried unanimously.

Date of Approval:

\_\_\_\_\_  
Donna Kukla, Township Clerk