

MINUTES FOR  
MONTGOMERY TOWNSHIP COMMITTEE MEETING  
March 18, 2010

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: Deputy Mayor Dyer, Committeemembers Wilson and Carter  
Mayor Caliguire (after Item #10)  
Committeeman Fay was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Deputy Mayor Dyer 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. Deputy Mayor Dyer led the Salute to the Flag.

4. **PROCLAMATION - Honoring Jessie Havens - "Outstanding Woman in Somerset County"**

WHEREAS, A community possesses no greater treasure than the dedicated service of its people, and

WHEREAS, For 25 years, Jessie Havens has been a leader in promoting awareness and knowledge of Somerset County through her writings in her weekly column, Hindsight, in the Somerset Messenger Gazette, and her two books on Somerset County history and another on Somerville history; and

WHEREAS, As a member of Montgomery Township's Landmarks Commission, Van Harlingen Society and other State and local history organizations, Jessie has originated many a history program to bring history alive for the young and old alike through exhibits, lectures, bus and walking tours, brochures and re-enactments; and

WHEREAS, Jessie has lived in the Belle Mead section of Montgomery since 1974 and is ranked as an authority on local history as well as a tireless, determined and staunch advocate for the preservation of building structures and lands of historic value; and

WHEREAS, Jessie spearheaded the now-annual celebration of the Battle of Bound Brook and currently is involved in the Crossroads of the American Revolution National Heritage Area; and

WHEREAS, During decades of faithful service Jessie has earned the respect and affection of so many who have come to know her, and have benefited by her knowledge and love for Montgomery Township, Somerset County and the State of New Jersey.

NOW, THEREFORE BE IT RESOLVED, That the Montgomery Township Committee hereby recognizes Jessie Havens as an Outstanding Woman in Somerset County for her significant contribution to Journalism and expresses its gratitude and sincere best wishes on this 18<sup>th</sup> day of March, 2010.

- 4-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried unanimously.

- 4-2. Jessie Havens thanked the Township Committee for honoring her, but she didn't feel she deserved it any more than a great many other, very talented and dedicated people in the community.

5. **PROCLAMATION - 50<sup>th</sup> Wedding Anniversary of Serge and Virginia Trosko**

WHEREAS, Serge and Virginia Trosko celebrated their 50<sup>th</sup> Wedding Anniversary on February 20, 2010, having lived 49 of those years in Montgomery Township in the home Serge built himself; and

WHEREAS, Serge and Virginia continue to live in the Montgomery home they love where they raised four sons, Greg, Alex, John and Paul; and

WHEREAS, Serge and Virginia were blessed with a grandson Adam whom they adore; and

WHEREAS, Serge supported his family as a skilled carpenter employed by Princeton University until his retirement after 23 years; and

WHEREAS, Virginia, a devoted wife and mother, was also employed by the State of New Jersey as an Administrative Assistant at the North Princeton Developmental Center; and

WHEREAS, Serge and Virginia are a testament to how a marriage can remain strong regardless of life's circumstances if two people have a deep love and respect for one another.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee, on behalf of all the family and friends of Serge and Virginia, takes great pride in extending its best wishes for many more years of continued happiness to this wonderful couple.

- 5-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried unanimously.

6. **PROCLAMATION - Arbor Day - April 16, 2010**

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 138<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, BE IT RESOLVED That the Township Committee of the Township of Montgomery, does hereby proclaim April 16, 2010 as ARBOR DAY in the Township of Montgomery, and does urge all citizens to support efforts to protect our trees and woodlands and to support our Township's urban forestry program; and

FURTHER, The Township Committee urges all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

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

7. **POLICE REPORT**

Police Director Palmer reported on the following activities of the Police Department for the month of February, 2010:

- 1479 calls for service;
- 49 motor vehicle accidents;
- 12 arrests;
- 9 thefts;
- 2 burglaries;
- 8 domestic violence;
- 2 criminal mischief.

Police Director Palmer reported on the situation after the storm. Three road systems remained closed: Township Line Road, between Route 206 and Willow Road; County Route 533 (River Road) just north of the Griggstown Causeway; County Route 605 (Kingston-River Road), between Blue Spring Road and the Princeton County line. The Public Works Department, PSE&G and the Telephone Company have been working diligently to remedy the situation. He stated that the Pike Brook Sewage Treatment Plant, the Mill Pond Park Parking Lot, the Municipal Building and the Sylvan Lake Dam area at Skillman Village each sustained some damage from the storm. He reported that the Somerset County Office of Emergency Management felt that it has met its threshold for a Federal Declaration. Step 1 has been accomplished with the State Declaration. Preliminary Damage Assessments are being conducted with State Police, Office of Emergency Management and FEMA officials.

Sergeant Kurt Rock further updated Committee on the storm and its aftermath. He stated that PSE&G was going to have a crew on Township Line Road this evening to get that road opened. PSE&G and County Public Works will work on River Road during the day as there was limited space to work and various other conditions that precluded the working in the evening or at night.

8. **SYLVAN LAKE DAM**

Bill Forbes, Griggstown Road, stated how glad he was that the Sylvan Lake Dam was not torn down years ago. He reported that there had been talk about tearing it down many years ago after a hurricane damaged it.

9. **HARLINGEN ROAD BROOK**

Mr. Forbes remarked how foolish some people were who tried to drive through the brook on Harlingen Road by the Park during the storm. He was glad drivers were being issued summonses for ignoring and going around "Road Closed" signs.

10. ORDINANCE #10-1345 - Rossmassler Acquisition - Public Hearing

A. Deputy Mayor Dyer read the title of the ordinance as follows:

ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF INTERESTS IN LOTS 24 AND 32 IN BLOCK 33001, "ROSSMASSLER TRACT", ON MOUNTAIN VIEW ROAD IN THE TOWNSHIP OF MONTGOMERY.

B-1. Deputy Mayor Dyer opened the hearing to the public.

B-2. Clem Fiori, Open Space Committee Chairman, described the property and expressed his thanks to the Township Committee for this ordinance.

B-3. Committeeman Carter moved that the public hearing be closed. The motion was seconded by Committeewoman Wilson and carried unanimously.

C. BE IT RESOLVED By the Township Committee that the foregoing ordinance be hereby adopted this 18<sup>th</sup> day of March, 2010 and that notice thereof be published in an official newspaper as required by law.

10-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Carter and carried on the following:

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

11. Mayor Caliguire arrived on the dais.

12. 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:

- Personnel Issue - Interviews of Tax Assessor Candidates;
- Possible acquisition of lands (Jefferson Tract on Cherry Valley Road and Opatut landlocked parcel, Block 34001 Lot 36) with public funds for farmland, open space and/or other purposes, and negotiation of terms and conditions of an agreement therefore;
- Advice of counsel with regard to alleged NJDEP violations for Skillman Village and Cherry Valley Sewage Treatment Plants and potential litigation thereof;
- Advice of counsel with regard to agreements for extension of waterlines and potential litigation relating thereto.

3. It is unknown precisely when, if ever, the matters will be disclosed to the public. No appointments shall be approved except by action of the Township Committee in open session. Any agreement shall be authorized 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 end of the closed session, the Township Committee will reconvene in open session for the purpose of taking action.

12-1. Committeeman Carter moved the adoption of the foregoing resolution. The motion was seconded by Committeewoman Wilson and carried unanimously.

13. Meeting reconvened in Open Session.

14. 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 #10-3-64 - REFUND OVERPAID 2010 TAXES

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

Block	Lot	Name	Amount	Year
12002	2	Wells Fargo Home Mortgage	\$2,637.11	2010
37003	2.20	Hushour, Evan M. & Ruth D.	\$2,265.05	2010

(CONSENT AGENDA Cont.)

**B. RESOLUTION #10-3-65 - REFUND OVERPAID 2009 AND 2010 SEWER UTILITY PAYMENTS FOR WELL CUSTOMERS**

BE IT RESOLVED That the following properties served by private wells be given a refund for overpaid 2009 and 2010 sewer utility charges. Overpayment is a result of a credit on future sewer bills given to private well owners, based on reported water usage from meters installed in 2009.

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Location</u>	<u>Amount</u>	<u>Year</u>
7003	18	Willis	72 Knickerbocker Drive	\$282.08	2009
7003	21	Vanzino	54 Knickerbocker Drive	\$282.08	2009
7004	15	Lamb	64 Catskill Court	\$213.28	2009
7006	3	D'Allegro	435 Township Line Road	\$399.04	2009
7006	17	Rudolph	37 Belle Glades Lanes	\$426.56	2009
7006	17	Rudolph	37 Belle Glades Lane	\$ 12.56	2010
7006	21	Reinson	27 Rollin Drive	\$433.44	2009
7006	21	Reinson	27 Rollin Drive	\$ 26.44	2010
7007	1	Nilsen	467 Township Line Road	\$536.64	2009
7007	1	Nilsen	467 Township Line Road	\$234.64	2010
7007	6	Dupree-Leonard	15 Willow Run Lane	\$220.16	2009
7009	2	Rebert	71 Knickerbocker Drive	\$440.32	2009
7009	2	Rebert	71 Knickerbocker Drive	\$ 40.32	2010
7009	6	Martin	12 Whispering Lane	\$185.76	2009
7009	14	Woolley	49 Knickerbocker Drive	\$144.48	2009
7010	7	Juelke	14 Sleepy Hollow Lane	\$247.68	2009
7010	15	Ulrich-Sanders	101 Willow Road	\$185.76	2009
7011	10	Paterno	25 Tarrytown Terrace	\$165.12	2009
7012	4	Van Syckel	21 Sleepy Hollow lane	\$192.64	2009
37001	2	Stockton	192 Princeton Avenue	\$233.92	2009
38001	2	Wiechnik	511 River Road	\$488.48	2009
38001	2	Wiechnik	511 Route 605	\$137.48	2010

**C. RESOLUTION #10-3-66 - ACCEPTANCE OF DONATION - Earth Day Fair 2010 - Robinson's Candies**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts the following donation for the Earth Day Fair 2010.

<u>Name</u>	<u>Amount</u>	<u>Check #</u>
Robinson's Candies	\$50.00	511

**D. RESOLUTION #10-3-67 - ACCEPTANCE OF DONATION - Plants and Shrubs from Girl Scout Troop 949 for the Otto Kaufmann Senior Center**

BE IT RESOLVED That the Montgomery Township Committee hereby accepts a donation by Girl Scout Troop 949 of \$250.00 for trees and shrubs for the Otto Kaufmann Senior Center.

**E. RESOLUTION #10-3-68 - APPROVAL OF USE OF TENT - Run with Rotary 2010**

BE IT RESOLVED That the Montgomery Township Committee hereby approves the use of the Township tent for the Run with Rotary 2010 road race as the Township Recreation Department will be one of the sponsors of the event and the advertising will be provided to the Township. The event will be held on Sunday, April 25, 2010.

**F. RESOLUTION #10-3-69 - APPROVAL OF OUTDOOR ASSEMBLY - Run with Rotary 2010**

BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Rotary Club of Montgomery/Rocky Hill has requested approval of the Township Committee to conduct a 5-K race and 1-mile fun walk on April 25, 2010. The events will start and finish at the Montgomery Upper Middle School parking lot.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Township Committee approval.
  - (b) Portions of Burnt Hill, Sunset, Acorn, Fieldcrest, Brandywine, Kildee Roads and Westbury Court will be closed to vehicular traffic on Sunday, April 25, 2010 beginning at 10:00 a.m.
  - (c) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The Montgomery Township Police Department has reviewed and approved the application and has no objection to the road closings provided that the race takes the same route as in years past and four officers on private duty are utilized to control traffic.
4. Township Fire Marshall, Roy Mondri has approved the required tent permit.
5. The organizers have obtained the required health certificates from the Township Health Officer, Stephanie Carey.

(CONSENT AGENDA Cont.)

G. **RESOLUTION #10-3-70 - APPROVAL OF OUTDOOR ASSEMBLY - Princeton University Cycling Team**

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BE IT RESOLVED By the Montgomery Township Committee as follows:

1. The Princeton University Cycling Team has requested approval of the Township Committee to conduct a Bicycle Race on March 28, 2010.
2. The Township Committee has considered the application and hereby grants the same subject to the following conditions:
  - (a) This approval is for the period specified and is not to be considered approval to conduct similar events without Township Committee approval.
  - (b) Portions of Grandview Road, Pin Oak Road, Dutchtown-Zion road and County Route 601 will be closed to vehicular traffic on Sunday, March 28, 2010 beginning at 7:30 a.m.
  - (c) This event shall be held subject to the provisions of the Montgomery Township Code, Outdoor Assembly, Chapter 4-2.1.
3. The Montgomery Township Police Department has reviewed and approved the application and has no objection to the road closings provided that six officers on private duty are utilized to control traffic.
4. The organizers have obtained the required health certificates from the Township Health Officer, Stephanie Carey.

H. **RESOLUTION #10-3-71 - AUTHORIZING PAYMENT FOR NEW JERSEY AMERICAN WATER SERVICE CONNECTION AT THE SKILLMAN VILLAGE SEWAGE TREATMENT PLANT AND THE SKILLMAN FARM - NPDC Wastewater Treatment Plant Waterline Extension Project**

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BE IT RESOLVED By the Montgomery Township Committee that, in accordance with paragraph 24.B.6(c) of the Purchase and Sale Agreement for the former North Princeton Developmental Center property, payment to Ernest Renda Contracting Co. Inc. for a NJ American Water service connection at the Skillman Village Sewage Treatment Plant and the Skillman Farm in the amount of \$22,050.00 should be paid from the escrow account held by Mason, Griffin & Pierson.

I. **RESOLUTION #10-3-72 - AUTHORIZING INTERLOCAL SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET FOR RADIO DISPATCHING SERVICES**

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WHEREAS, The Township of Montgomery had a need for radio dispatching services and the County of Somerset has the ability to make the service available.

NOW, THEREFORE, BE IT RESOLVED That Somerset County has been providing radio dispatching services to Montgomery Township in a continuous 24-hour a day basis effective July 6, 2009 as reflected in an Interlocal Services Agreement filed in the office of the Township Clerk.

J. **RESOLUTION #10-3-73 - AUTHORIZING OPEN SPACE PARTNERSHIP GRANT APPLICATION - Somerset County**

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BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the execution of a grant application for the Somerset County Board of Chosen Freeholders 2010 County/Municipal Open Space Partnership Grant.

K. **RESOLUTION #10-3-74 - AUTHORIZING SUBMISSION OF THE YEAR 2010 MUNICIPAL ALLIANCE GRANT UPDATE**

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WHEREAS, The County of Somerset has prepared a contract which would provide \$20,418 to the Township of Montgomery for the provision of Municipal Alliance activities for prevention of alcoholism and drug abuse, and the Township would provide a 75% match of \$15,313.00 in in-kind services. A 25% cash match of \$5,105.00 will be raised by the Municipal Alliance Committee or provided by the municipality. A copy of the proposed agreement is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Mayor and Clerk to sign the original of this agreement.

L. **RESOLUTION #10-3-75 - AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - Driving with Hand Held Cell Phone Enforcement**

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BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services to submit a Driving with Hand Held Cell Phone Enforcement grant application to the New Jersey Division of Highway Traffic Safety.

M. **RESOLUTION #10-3-76 - AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY - FY2011 Child Passenger Safety**

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BE IT RESOLVED That the Montgomery Township Committee hereby authorizes the Montgomery Township Department of Police Services to submit a FY2011 Child Passenger Safety grant application to the New Jersey Division of Highway Traffic Safety.

(CONSENT AGENDA Cont.)

N. **RESOLUTION #10-3-77 - RELEASE OF ESCROW FEE - Allen Edgar -  
Street Opening Permit - 09-R-32**

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WHEREAS, George Remboske, Assistant to the Township Engineer, recommended the release of the cash Escrow Fee to Allen Edgar because all work has been satisfactorily completed with respect to a driveway opening permit at Block 22031, Lot 11 (65 Updikes Mill Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Escrow Fee in the amount of \$495.00 be released to Allen Edgar, 12 Gallo Court, Lawrenceville, NJ 08648.

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

O. **RESOLUTION #10-3-78 - RELEASE OF ESCROW FEE - Lewis Tsai -  
Street Opening Permit - 09-R-24**

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WHEREAS, George Remboske, Assistant to the Township Engineer, recommended the release of the cash Escrow Fee to Lewis Tsai because all work has been satisfactorily completed with respect to a driveway opening permit at Block 26002, Lot 31 (23 Schoolhouse Corner Road).

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the cash Escrow Fee in the amount of \$1081.00 be released to Lewis Tsai, 23 Schoolhouse Corner Road, Skillman, New Jersey.

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

P. **RESOLUTION #10-3-79 - RELEASE OF REMAINING CASH PERFORMANCE GUARANTEE -  
Pike Run Phase VII (Tract 7) - Privacy Fence**

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WHEREAS, As a condition of Resolution #08-9-251, releasing the Performance Guarantee for Phase VII of the Pike Run Development, the developer was required to post a Performance bond for the unresolved privacy fence issues. The fence was constructed in two storm sewer easements which involve (6) six lots in Block 5014; and

WHEREAS, The developer obtained Cross Easement Agreements from all (6) six lot owners and the Cross Easement Agreements for the privacy fence on all (6) six lots #7, #8, #12, #13, #18 and #22 have all been filed in the Somerset County Clerk's office.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a Performance Guarantee in the amount of \$12,000.00 (cash), posted on 2/23/09 and previously withheld from the cash portion of Guarantee #S04846, may be released.

Q. **RESOLUTION #10-3-80 - AWARD OF BID - Chemicals for Wastewater Treatment for 2010**

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WHEREAS, The following bids for Chemicals for Wastewater Treatment were received and publicly opened on February 19, 2010:

BIDDERS

Main Pool & Chemical Co., Inc.	Buckman's
Miracle Chemical Co.	General Performance Chemical
Coyne Chemical Co., Inc.	Siemens Water Technologies
Basic Chemical Solutions	PVS Technologies

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

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.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for the Chemicals for Wastewater Treatment for 2010 is hereby awarded to:

Main Pool & Chemical Co., Inc., 110 Commerce Rd., Dupont, PA in the amount of \$118,303.00  
Coyne Chemicals Co., Inc., 3015 State Rd., Croydon, PA in the amount of \$3,017.85  
Basic Chemical Solutions, 5 Steel Rd. East, Morrisville, PA in the amount of \$19,620.00  
Siemens Water Technologies, 2650 Tallevast Road, Sarasota, FL in the amount of \$6,777.00.

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

(CONSENT AGENDA Cont.)

R. **RESOLUTION #10-3-81 - AWARD OF BID - Dry Cleaning Services**

WHEREAS, The following bids for Montgomery Township Police Department Dry Cleaning of Police and Civilian Clothing were received and publicly opened on February 26, 2010, and

<u>BIDDER</u>	<u>AMOUNT</u>
Best Cleaners	Various Prices by Article
Belle Mead Cleaners	Various Prices by Article

WHEREAS, It is the recommendation of the Purchasing Agent and the Police Director that Belle Mead Cleaners they being the lowest responsible bidder; and

WHEREAS, There exists an account 01-201-240-2-015 which will fund this service; and

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

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for Montgomery Township Police Department Dry Cleaning of Police and Civilian Clothing is hereby awarded to Belle Mead Cleaners, Route 206 Belle Mead, NJ 08502.

BE IT FURTHER RESOLVED That the Mayor and Township Clerk are hereby authorized to sign said contracts.

- 14-1. Attorney Hadinger noted that she had no involvement in any discussion of any of the Resolutions involving the Montgomery/Rocky Hill Rotary.
- 14-2. Committeeman Carter moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Wilson and carried on the following:

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

15. **RESOLUTION #10-3-82 - AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, The 2010 Municipal Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2010 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:

Gasoline	
Other Expenses	\$25,000.00
Water	
Other Expenses	\$5,000.00

- 15-1. 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 - Dyer, Wilson, Carter, Caliguire  
Nays - None  
Absent - Fay

16. **RESOLUTION #10-3-83 - ADOPTING A SPECIAL TRAFFIC REGULATION, PURSUANT TO N.J.S.A. 39:4-197.3, CLOSING CERTAIN STREETS WITHIN SKILLMAN VILLAGE DUE TO A TEMPORARY CONDITION**

WHEREAS, The Township of Montgomery purchased property from the State of New Jersey known as Skillman Village, formerly known as the North Princeton Developmental Center, also known as Lot 1, Block 26001 and Lots 1 & 1.01, Block 27001 (Tax Assessment Maps rev. ed. 2008); and

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

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

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

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

(Item #16 Cont.)

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

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

1. A temporary condition, within the meaning of *N.J.S.A. 39:4-197.3*, will exist within Skillman Village beginning on or about April 1, 2010, and ending on or about June 30, 2010, due to continuing environmental remediation, construction, and redevelopment.
2. To the extent any or all of the following streets within Skillman Village could be deemed to have ever been opened to public passage they shall be closed to public passage during the period between April 1, 2010, and June 30, 2010:
  - Brophy Circle
  - Garrison Lane
  - Doctor's Row
  - Moosbrugger Way
  - Association Drive
  - Dodds Road
  - Lake (Lakeside) Drive
  - Maplewood Drive
  - Schley Drive
  - Fairview Road
  - Green House Drive
  - Morrow Road
  - Strecker Road
  - Industrial Road
  - Wilson Drive
  - Dungan Drive
3. Signs notifying the public of the temporary street closings and barricades prohibiting public passage will be placed at the intersections for the above mentioned streets.
4. Any person found on any of the above streets without authorization from the Police Director or his designee during the period in which they are closed to the public shall be subject, in accordance with *N.J.S.A. 39:4-94.2*, to a fine of not more than \$100.00.
5. This regulation shall take effect upon final adoption and publication in accordance with the law.

16-1. 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, Carter, Caliguire  
Nays - None  
Absent - Fay

17. **APPROVAL OF MINUTES**

17-1. Committeewoman Wilson moved the Reorganization Meeting minutes of January 7, 2010, the Regular Session minutes of January 21, 2010, the Regular Session minutes of February 4, 2010, the Regular Session minutes of February 18, 2010 and the Regular Session minutes of March 2, 2010. The motion was seconded by Committeeman Carter and carried unanimously.

18. **ORDINANCE #10-1353 - Administration-Township Checks - Introduction**

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY CONCERNING CHECKS ISSUED BY THE TOWNSHIP AND AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984).

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 April 1<sup>st</sup>, 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, Carter, Caliguire  
Nays - None  
Absent - Fay

19. **PAYMENT OF BILLS**

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

WHEREAS, The 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 Deputy Mayor Dyer and carried on the following:

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

20. **MUNICIPAL ALLIANCE**

Attorney Hadinger stated that there had been a meeting between herself, the Mayor and members of the Municipal Alliance discuss the need to clean up the by-laws and review the division of responsibilities of the Municipal Alliance and Youth Services Commission.

21. **ORCHARD ROAD**

Committeewoman Wilson stated that she thought it was imperative that the Township put money in the budget for an overlay of the section of Orchard Road that is already in bad shape and getting worse.

Mayor Caliguire pointed out that funding for this project was already in the proposed budget.

22. **STONEBRIDGE SIGN**

Committeewoman Wilson reported that a couple of years prior, the Township had a dialog going with some residents and the management of Stonebridge about placing a sign at the end of Montgomery Road. She asked for a formal green light or affirmative vote to work with the New Jersey Department of Transportation on this.

Attorney Hadinger stated that the Renwood Princeton Self Storage wants to put a sign at the Airport. The Township owns both of those pieces of property, and the Township would have to approve them. She explained the possibility of approving a Concession under the Local Public Contracts Law by which the Township would issue a license to use the Township's property. The applicant would pay the Township for it.

Mayor Caliguire stated his concern that if the Township say yes to Stonebridge, how then can the Township refuse anyone else. Attorney Hadinger explained that the Township would have to craft the rationale very carefully.

Committeewoman Wilson asked if the Committee was willing to move ahead and help to make the placing of the sign happen.

Committee decided to wait and see if it would be possible without having any issues with not granting the same request for Renwood Princeton Self Storage or any other requestor.

**Motion #10-3-3** - Committeewoman Wilson moved to affirmatively move forward to assist with helping to get a sign for Stonebridge to be placed at the corner of Montgomery Road and Route 206. The motion died due to a lack of a second.

**Motion #10-3-4** - Committeeman Carter moved to direct the Attorney to study the effect or opportunity to provide this service. The motion was seconded by Mayor Caliguire and carried unanimously.

23. **PROVINCELINE ROAD RAILROAD CROSSING**

Committeewoman Wilson asked if a letter had been sent or could be sent to the new Commissioner of the Department of Transportation about the installation of certain electronic safety upgrades at the Provinceline Road Railroad Crossing. It was the consensus of the Committee to send such a letter if it had not yet been sent. It was also the consensus of the Committee to set up a meeting with the Freeholders regarding the Quiet Zone and the safety upgrades to the railroad crossings in Montgomery.

24. **SCHOOL AID CUTS**

Attorney Hadinger stepped down from the dais.

Committeewoman Wilson spoke about the massive cuts to School Aid. She asked if a letter could go to the Governor and the legislature requesting the reinstatement of the State aid for Montgomery Township schools.

25. **RESOLUTION #10-3-84 - URGING THE GOVERNOR AND LEGISLATURE TO RECONSIDER THE CUTS TO MONTGOMERY TOWNSHIP'S SCHOOL AID**

WHEREAS, The Montgomery Township Committee agrees with elected officials and policy makers who assert that the state should reward excellence in education, and hold schools accountable; and

WHEREAS, Montgomery Township Schools are among the finest in New Jersey, with excellent outcomes as measured by the state's School Report Cards and by the long-term success of its graduates; and

WHEREAS, The per-pupil costs of education in Montgomery, at \$11,234 per pupil, are well below the state average of \$13,601 per pupil and are also the lowest in Somerset County; and

WHEREAS, Montgomery Township School District spends significantly less than the state-calculated "adequacy budget" and receives far less state aid than the state's School Funding Formula calls for; and

WHEREAS, Despite the School District's good efforts as evidenced in the statistics cited above, Montgomery taxpayers bear an extremely high tax burden because state aid to Montgomery schools is among the lowest in New Jersey; and

WHEREAS, Montgomery's Board of Education froze spending in November 2008 so that it could set aside funds to provide tax relief in future years; and

WHEREAS, By Executive Order of the Governor, the state has impounded those funds intended for tax relief - funds that belong to the taxpayers of Montgomery and Rocky Hill - by cutting aid to Montgomery Township Schools by \$1.9 million, or 35% in the current fiscal year; and

WHEREAS, The Governor's budget contains an additional \$3.7 million cut to the schools' funding for the upcoming fiscal year, for a total of \$5.6 million lost -- such that Montgomery Township schools will lose 68 percent of their annual State Aid, and

WHEREAS, This cut is excessive, unwarranted, unfair and entirely at odds with the Governor's expressed intention to reward districts that demonstrate excellence and fiscal accountability;

NOW, THEREFORE BE IT RESOLVED That the Montgomery Township Committee urges the Governor and Legislature to reconsider this severe cut to Montgomery's school Aid; and

BE IT FURTHER RESOLVED That the Township Committee implores the Governor, the NJ Commissioner of Education and the NJ State Legislature to restore aid to Montgomery Schools to at least approach the amount owed our district under the Supreme Court-approved school funding formula, or by the amount our district is under its state-calculated "adequacy budget."

25-1. Committeewoman Wilson moved the adoption of the foregoing resolution. The motion was seconded by Mayor Caliguire and carried on the following:

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

26. Attorney Hadinger returned to the dais.

27. **STATE AID**

Administrator Nieman explained the recent State Aid cuts. He stated that the State Aid reduction, based on the current Municipal Tax Rate, would be \$421,886.00 from a total of \$1,796,766.00. The final State Aid number this year will be \$1,374,880.00.

28. **SALE OF RETAIL DISTRIBUTION LIQUOR LICENSE**

Township Clerk Kukla gave an overview of the information she received from other towns regarding the sale of retail distribution liquor licenses. She stated that no town has sold a retail distribution license since 2004. Most towns are waiting for the updated Census information. She reported that Franklin Township sold one distribution license in 2004 for \$275,000.00; Bernards Township sold one distribution license in 2004 for \$276,000.00 and Montgomery Township sold one in 2008 for \$303,000.00.

29. Meeting reconvened in Open Session and Adjournment was at 9:15 p.m. on a motion by Committeewoman Wilson, seconded by Committeeman Carter and carried unanimously.

Date of Approval: