

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
November 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 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. **NOMINATION AND ELECTION OF NEW TOWNSHIP COMMITTEE MEMBER**

- 4-1. Deputy Mayor Dyer moved the nomination of Mark Conforti for the position of Township Committee member. The motion was seconded by Committeeman Trzaska and carried on the following:

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

5. **ADMINISTERING OF OATH OF OFFICE TO COMMITTEE MEMBER**

Mayor Mark Caliguire administered the Oath of Office to Committeeman Conforti.

6. **STORM UPDATE**

- 6-1. Administrator Nieman updated the Township Committee on the efforts of the Department of Public Works in the clean up after the storm. He explained that the Public Works Department was in at 3:00 p.m. on Saturday, worked until 1:00 a.m., then returned at 9:00 a.m. on Sunday and worked until 1:00 a.m. On Saturday, their biggest task was clearing trees from the roadways. They plowed snow Saturday night and into Sunday. On Sunday they removed the trees that were not entangled in power lines. Immediately after completing that on Sunday, they went home and commenced on Monday to clear trees from the sides of Township right-of-ways and roads. He explained that they combined the Parks crew and the Roads crew giving a total of 16 employees that manage over 150 miles of municipal roads. They are still clearing the trees that are damaged along the right-of-ways and the roads themselves. He estimated that there was an additional three (3) weeks of work just to do that. They are not clearing the storm basins of leaves and not putting up snow fencing at this time but as soon as they finish with the tree removal, they will complete those tasks. To accommodate the damage that was done on private property, the dump will be open this Saturday, next Saturday and it's regularly scheduled Saturday, November 19. That costs the Township, just in manpower approximately \$800.00 on any given Saturday. The Township does not have the ability or the manpower for a curbside pick up, although special circumstances will be on a case-by-case basis. He explained that there was concern that there was enough money in the 2011 budget for any snowstorms that might occur between now and the end of the year.

- 6-2. Michelle Parise, Dutchtown-Zion Road, spoke about her concerns about safety issues. During this storm, there were multiple trees down along Dutchtown-Zion Road and power lines were down. She explained that at 5:00 a.m. Monday morning she received a call from the schools transportation director who wanted to know if she could put Ms. Parise's daughters on one of the smaller busses because a big bus could not get up the road. She affirmed that the road was closed but the Police Department told the School's Transportation Department that small busses could navigate the road.

Police Director Palmer stated that he and Lieutenant Fillebrown consulted with the Schools on Dutchtown-Zion Road, and the schools proposed that concept of bypassing obstructions in the road and the Police Department told them that they did not endorse that.

Administrator Nieman stated that he would inform Mr. Venanzi that the schools were not to try to traverse roads which were not safe.

7. **PUBLIC COMMENT**

- 7-1. Nick Hladick, Woodview Drive and John Kumpf, Monroe Avenue, stated that Montgomery Connect, in conjunction with the Montgomery Tea Party, was filming the meeting.

- 7-2. Walter Beadling, Thornton Way, thanked Mayor Caliguire and Administrator Nieman for arranging the meeting with Comcast to discuss broadcasting Township Committee meetings on the Comcast Cable Network. There were some technical and budgetary issues to be worked out, but he was confident that beginning in 2012 the Township Committee meetings would be broadcast to all cable subscribers in Montgomery Township for the first time ever. Until the arrangements were finalized, the Montgomery Connect and the Montgomery Tea Party would continue to record the meetings and make them available on their website www.themontgomeryteaparty.org.

(Item #7-2 Cont.)

Mayor Caliguire explained that there had been a meeting with Mr. Clifton from Comcast. He stated he started off the meeting explaining that the Township wanted to broadcast the meetings but there was no money in the budget and the Township didn't have the equipment to do so. Mr. Clifton was quite helpful and he came up with some recommendations in terms of equipment and processes. One of these was to talk to an organization called JAG for information. There was also talk about Channel 29 as being available. Administrator Nieman explained that as part of the Patmedia contract, Channel 29 was supposed to be created and it would mirror the type of channel that the Board of Education has. Comcast realized that they had the obligation to install that channel and will do so. It will be a fiber optic link from the Municipal Building to the head end, which is the receiving center on Amwell Road in Hillsborough.

- 7-3. Donald Matthews, Rutland Road, congratulated Mark Conforti for his appointment to the Township Committee. He asked about former Committeeman Carter's appearance at meetings, and that it was his understanding that he was present in some way at meetings.

Attorney Hadinger explained that Mr. Carter had called in to some meetings and his voice and votes do appear on the audio tape of these meetings.

- 7-4. Donald Matthews, Rutland Road, spoke about the much needed repairs to Route 206.

Mayor Caliguire stated that the New Jersey Department of Transportation still claims that they will be making these repairs in November.

- 7-5. Donald Matthews, Rutland Road, explained that the gazebo on Harlingen Road is in desperate need of bracing and is full of carpenter ants.

Administrator Nieman stated that he would look into this situation.

8. **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 #11-11-267 - APPROVAL OF AN AGREEMENT FOR RESERVATION OF REMAINING SEWAGE CAPACITY - S.A.V.E. - A Friend to Homeless Animals (Block 25001, Lot 27.01)**

BE IT RESOLVED By the Montgomery Township Committee that the Mayor and Clerk are hereby authorized to execute an agreement for reservation of remaining sewage capacity with S.A.V.E. - A Friend to Homeless Animals related to remaining capacity in the Skillman Village Sewage Treatment Plant for Block 25001, Lot 27.01.

- B. **RESOLUTION #11-11-268 - APPROVAL OF SHARED SERVICES AGREEMENT BETWEEN MERCER COUNTY DIVISION OF PUBLIC HEALTH AND MONTGOMERY TOWNSHIP - PUBLIC HEALTH READINESS**

BE IT RESOLVED That the Mayor is authorized to execute a shared services agreement between the County of Mercer and the Township of Montgomery for public health preparedness and response to bioterrorism, outbreak of infectious disease, and other public health threats and emergencies for the period of September 1, 2011 to August 31, 2014.

- 8-1. Committeeman Trzaska moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeewoman Graham and carried on the following:

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

9. **RESOLUTION #11-11-269 - CHANGE ORDER #1 (Decrease) - Skillman Village Coal Ash Material Beneficial/Disposal Project - AWT Environmental Services, Inc.**

WHEREAS, On August 4, 2011 a contract for the Skillman Village Coal Ash Material Beneficial/Disposal Project was awarded to AWT Environmental Services, Inc. for \$283,500.00; and

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

WHEREAS, The work comprising Change Order No. 1 will result in a net decrease of the original contract amount by \$48,560.80; and

WHEREAS, The changes outlined in Change Order No. 1 are due to decreases in estimated contract quantities and Police man-hours; and

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

WHEREAS, A copy of the proposed change order is on file in the office of the Township Clerk.

(Item #9 Cont.)

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

1. Change Order No. 1 is hereby approved.
2. This Resolution, when counter-signed by AWT Environmental Services, Inc. shall serve as a contract amendment to the original contract for the purpose of decreasing the total contract price by \$48,560.80 for a total contract amount of \$234,939.20.

9-1. 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 - Conforti, Trzaska, Graham, Dyer, Caliguire
Nays - None

10. **ORDINANCE #11-1401 - Open Space Acquisition - Potter Tract - Public Hearing**

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

ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET
COUNTY, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF
LOT 20 IN BLOCK 10001, ON GRANDVIEW ROAD, IN THE TOWNSHIP
OF MONTGOMERY, AND PROVIDING FOR THE CONVEYANCE OF AN
INTEREST IN SAID PROPERTY

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

B-2. Donald Matthews, Rutland Road, asked that the location of the property be explained.

Attorney Hadinger explained that this was approximately 10¼ acres of vacant land located off of Grandview Road.

Clem Fiori, Open Space Committee Chair, stated that this property was adjacent to the Wengel property which the Township owns a Conservation Easement on.

B-3. Mary Penney, Montgomery Friends of Open Space, thanked the Township Committee for this. She stated that this was a beautiful area in the Sourlands and the Montgomery Friends of Open Space are hoping it will be a trailhead and a passive park. There had been some interest from the local corporation, Johnson & Johnson, that they may be willing to be a partner in stewarding the property as many of the employees walk there.

B-4. Clem Fiori, Open Space Committee Chair, stated that this was a project that was brought to the Township's attention by Ms. Penney when she was with the D&R Greenway. He explained that the Township had difficulty getting this project going on their own, and the Montgomery Friends of Open Space helped get this to where it is today.

B-5. Laurin Long, Grandview Road, thanked the Township Committee, professionals and staff, especially Lauren Wasilauski, Clem Fiori, Mary Penney, and the Potters. He was in favor of this ordinance.

B-6. Kenneth Young, Grandview Road, thought one of the strong points in favor of this property was the bridge. He was in support of this acquisition.

B-7. Mayor Caliguire inquired about the percentage of land in the Township being preserved as private and public open space.

Lauren Wasilauski, Open Space Coordinator, stated that she would look into that and get back to Township Committee with the number.

Clem Fiori, Open Space Committee Chair, spoke about a time in the 1980's when Township Planner Richard Coppola was giving a presentation to the Planning Board. He had a very crude map that showed all of the Township and it had everything that was in agriculture in green, which was a significant amount of land. The point Planner Coppola made after he explained that only 10% of the agricultural land was owned by the person who was farming it. He spoke about his thoughts for the future and preserving whatever land the Township could preserve.

B-8. The following people stated their support for this ordinance: Marvin Jacobsen, Grandview Road; Allen Bein, Hollow Road; Michelle Parise, Dutchtown-Zion Road; Shelley Jacobsen, Grandview Road; Peggy Riccardi, Grandview Road.

B-9. 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 3rd day of November, 2011 and that notice thereof be published in an official newspaper as required by law.

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

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

11. ORDINANCE #11-1402 - Flood Control Commission - Introduction

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

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY AUTHORIZING THE TOWNSHIP'S PARTICIPATION IN THE RARITAN AND MILLSTONE RIVERS FLOOD CONTROL COMMISSION AND AMENDING THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) ACCORDINGLY

B. BE IT RESOLVED By the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing December 1, 2011 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

11-1. 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 - Conforti, Trzaska, Graham, Dyer, Caliguire
Nays - None

12. APPROVAL OF MINUTES

October 20, 2011 - Regular Session

Minutes were approved as printed.

13. 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.

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

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

14. ENVIRONMENTAL COMMISSION

Committeewoman Graham spoke about a meeting the Environmental Commission was holding on November 22, 2011 at the Mary Jacobs Library at 6:00 p.m. She stated that at 7:00 p.m. that same evening there will be an event on the use of plastics and ways to minimize that usage. There will be a movie and a presentation by Princeton and Montgomery BYO Bag Campaign.

15. CLEM FIORI

Committeewoman Graham stated that Open Space Committee Chair Clem Fiori, who is also a pretty well-known photographer, was having a show at The Nassau Club from November 6, 2011 through January, 2012.

16. VETERANS MEMORIAL

Deputy Mayor Dyer reminded everyone that the Veterans Memorial will be dedicated on Friday, November 11. There will be an Open House from 12:00 to 4:00 p.m. at the site and a dinner at the Elks Lodge from 6:00 to 9:00 p.m.

17. SHARED COURT WITH HILLSBOROUGH TOWNSHIP

Mayor Caliguire spoke about the issue of a shared Court with Hillsborough Township. The two Townships had been working on this for approximately 1½ years. He explained that there will be a savings of approximately \$70,000.00 to \$80,000.00 per year.

18. 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:
 - Potential acquisition of lands (Howard Farm) with public funds for farmland, open space and/or other purposes, and negotiation of terms and conditions of an agreement therefore;
 - Negotiation of terms and conditions of Rocky Hill Sewer Agreement, and potential litigation over said terms and conditions.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. No agreements shall be authorized except by action of the Township Committee, and matters involving litigation may be announced upon the conclusion of any trial or settlement of that litigation.

18-1. Deputy Mayor Dyer moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Trzaska and carried unanimously.

19. The meeting reconvened in Open Session and ADJOURNMENT was at 8:20 p.m. on a motion by Committeeman Trzaska. The motion was seconded by Committeewoman Graham and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk