

MINUTES FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 1, 2009

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 Wilson, Deputy Mayor Birge, Committeemembers Fay and Dyer
Committeeman Caliguire was absent

Also present were:

TOWNSHIP ATTORNEY - Kristina P. Hadinger, Esq.

TOWNSHIP ADMINISTRATOR - Donato Nieman

TEMPORARY CHIEF FINANCIAL OFFICER - Walter Sheppard

TOWNSHIP CLERK - Donna Kukla

2. Deputy Mayor Birge 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 Birge led the Salute to the Flag.
4. Mayor Wilson arrived.
5. **VIDEO TAPING TO TOWNSHIP COMMITTEE MEETINGS**

Mayor Wilson discussed video taping and web casting of Township Committee meetings. She stated that Tammy Garaffa and Bill Pauwels have researched the question of how best to accomplish that objective on a very slim budget and have come up with excellent recommendations. She stated that if the Township doesn't have money in the budget this year then it could be built into next year's budget. The cost would be in the neighborhood of about \$3,000.00. This includes first year start-up costs for the camera, cost of the camera person, the equipment to make sure the audio is clear and connected directly to the camera, and the internet service to provide the link to access the video online. Tammy and Bill did a test run with a camera that was comparable to what was recommended. The cost of the camera is \$750 to \$800 but may be cheaper next year. Mayor Wilson wanted to make sure the Committee knew that work had proceeded and that all were in agreement about moving forward. Mayor Wilson explained that Tammy was looking into this at her request after Keith Hovey brought it up along with the possibility of moving from 4 to 6 newsletters.

6. **PROCLAMATION - BREAST CANCER AWARENESS MONTH OCTOBER, 2009**

WHEREAS, October is National Breast Cancer Awareness Month. Since the program began in 1985 mammography rates have more than doubled for women age 50 and older and breast cancer deaths have declined; and

WHEREAS, National Breast Cancer Awareness Month remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

WHEREAS, Many women still do not utilize mammography at regular intervals even though research indicates it is the best available method of detection; and

WHEREAS, The awareness campaign is sending out several key messages, most notably, the importance of early detection through annual mammography screening for women over 40; and

WHEREAS, The National Cancer Institute estimates in the United States, more than 180,000 new cases of breast cancer will be diagnosed this year and over 42,000 people will die; and

WHEREAS, In Somerset County, female breast cancer accounts for 16.2% of all cancer cases and 9.0% of all cancer deaths; and

WHEREAS, Taking advantage of early detection methods such as mammography and clinical breast exams could help the breast cancer death rate drop by approximately 30%; and

WHEREAS, The American Cancer Society has searched endlessly for a cure through vital research, and has the mammoth task of educating our community and all Americans of the risks of breast cancer. Its many volunteers offer support in the form of support groups, accommodations and transportation assistance, medical equipment and more.

NOW, THEREFORE, BE IT PROCLAIMED that the Township Committee of the Township of Montgomery do hereby recognize October, 2009 as Breast Cancer Awareness Month and urge all women and their families to get the facts about breast cancer and join us to celebrate successes and memorialize lost battles.

- 6-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried unanimously.

7. **PROCLAMATION - PUT THE BRAKES ON FATALITIES DAY**

WHEREAS, Across the nation, traffic crashes caused nearly 40,000 fatalities in 2008, and are the leading cause of death for young people ages 3 to 34; and

WHEREAS, In New Jersey, 591 individuals lost their lives in traffic crashes in 2008; and

WHEREAS, Alcohol-related crashes accounted for 26 percent of the State's traffic fatalities; and

WHEREAS, Unsafe speed was a factor in more than 22,000 crashes; and

WHEREAS, Motorcyclists, bicycle riders and pedestrian face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 78 motorcyclists, 21 bicyclists and 135 pedestrians were killed in New Jersey in traffic-related crashes in 2008; and

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; avoiding aggressive driving behaviors; never drinking and driving; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths on our roadways.

NOW, THEREFORE, BE IT RESOLVED That the Montgomery Township Committee hereby proclaims October 10, 2009, Put The Brakes On Fatalities Days, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the state.

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

8. **ROADWAY SYSTEM ASSESSMENT INVENTORY**

Bob Kress, Meadow Run Drive, asked if the Township had an assessment inventory of the roadway system. Meadow Run and Betsy Ross are 32 years old and Pheasant Run is 6 years younger. There is significant deterioration and some cracks are 3 inches wide. Mayor Wilson responded that she remembered that those roads were scheduled for repairs in the near future and asked Mr. Nieman to inquire with the Township Engineer.

9. **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 #09-10-293 - REFUND OVERPAID 2009 TAXES**

BE IT RESOLVED That a refund in the amount of \$151.86 be given to Wells Fargo Home Mortgage, 1 Home Campus, MAC #X2302-04D, Des Moines, IA, 50328, Attn: Financial Support Unit - Region 1 for the overpayment of 2009 taxes on Block 11004, Lot 2.

B. **RESOLUTION #09-10-294 - REFUND OVERPAID 2009 SEWER PAYMENT**

BE IT RESOLVED That a refund in the amount of \$819.20 be given to PSE&G Services Co. - Corp. Properties Dept., 6th Floor, 80 Park Plaza, Newark, NJ 07102 for the overpayment of a 2009 sewer payment on Block 34001, Lot 65. The refund is for incorrect billing of sewer for property on septic.

C. **RESOLUTION #09-10-295 - RAFFLE LICENSE #691 - Reach for the Stars of Princeton Montessori School**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Reach for the Stars of Princeton Montessori School to conduct a Raffle under Raffle License #691 on April 17, 2010 at Princeton Montessori School, 487 Cherry Valley Road, Princeton, NJ. The time for the event will be approximately 8:00 p.m.

D. **RESOLUTION #09-10-296 - RAFFLE LICENSE #692 and #693 - Rocky Hill Cooperative Nursery School**

BE IT RESOLVED By the Montgomery Township Committee that approval is hereby given for Rocky Hill Cooperative Nursery to conduct Raffles under Raffle Licenses #692 and #693 on November 19, 2009 and May 24, 2010 (respectively) at 803 Primrose Court, Belle Mead, NJ. The time for these events will be at approximately 5:00 p.m.

E. **RESOLUTION #09-10-297 - TO AMEND RAFFLE LICENSE #685 - Crawford House, Inc.**

BE IT RESOLVED That Raffle License #RL-685 issued to Crawford House, Inc., 362 Sunset Road, Skillman, NJ 08558 be hereby amended to reflect a change of date from September 29, 2009 to November 18, 2009.

F. **RESOLUTION #09-10-298 - AUTHORIZING ACCEPTANCE OF GRANT - New Jersey Department of Health and Senior Services - Local Public Health Response to H1N1**

BE IT RESOLVED That the Montgomery Township Committee authorizes acceptance of a Grant in the amount of \$63,738.00 from the New Jersey Department of Health and Senior Services for the Local Public Health Response to H1N1.

(CONSENT AGENDA Cont.)

G. **RESOLUTION #09-10-299 - AUTHORIZING ACCEPTANCE OF GRANT - New Jersey Center for Excellence in Public Health Mini-Collaborative - Quality Improvement and Addressing Preventable Risk Factors for Chronic Disease**

BE IT RESOLVED That the Montgomery Township Committee authorizes acceptance of a Grant in the amount of \$3,000.00 from the New Jersey Center for Excellence in Public Health Mini-Collaborative for Quality Improvement and Addressing Preventable Risk Factors for Chronic Disease.

H. **RESOLUTION #09-10-300 - PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) - 2010 State Health Services Grant**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Montgomery hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2009, in the amounts listed below, which item is now available as revenue from the New Jersey Department of Health and Senior Services;

2010 State Health Services Grant	\$63,738.00
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BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That two copies of this document with handwritten ink signature of the Clerk on certification be forwarded to the Division of Local Government Services.

I. **RESOLUTION #09-10-301 - 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

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.

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 October 1, 2009, and ending on or about December 31, 2009, 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 October 1, 2009, and December 31, 2009:

- Brophy Circle	- Lake (Lakeside) Drive	- Morrow Road
- Garrison Lane	- Maplewood Drive	- Strecker Road
- Doctor's Row	- Schley Drive	- Industrial Road
- Moosbrugger Way	- Fairview Road	- Wilson Drive
- Association Drive	- Green House Drive	- Dungan Drive
- Dodds Road		
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.

(CONSENT AGENDA Item I Cont.)

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.

J. **RESOLUTION #09-10-302 - ROAD CLOSURE - Fairview Road Reconstruction Project Phase I**

WHEREAS, The Fairview Road Reconstruction Project - Phase I is scheduled to commence on or about October 1, 2009; and

WHEREAS, The construction work will require Fairview Road to be closed within the construction area; from Grandview Road to approximately 1,200 feet south. In addition, Pine View Court is part of the construction project and requires closure during the construction period; and

WHEREAS, During the closure, the road will remain open to local traffic, emergency vehicles, school buses, mail and local deliveries and services. It is anticipated that the construction period will be from October 1, 2009 through the end of November, 2009.

K. **RESOLUTION #09-10-303 - AUTHORIZATION TO EXECUTE TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) - Westwind Farms (Block 16002, Lot 9)**

BE IT RESOLVED By the Montgomery Township Committee that Donato Nieman, Township Administrator, is hereby authorized to execute a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection related to Westwind Farms (Block 16002, Lot 9).

BE IT FURTHER RESOLVED That the subject of the TWA includes a Sanitary Sewer extension to serve the Upper Middle School, Lower Middle School and Orchard Hill School.

L. **RESOLUTION #09-10-304 - AMENDING RESOLUTION #06-2-65 - RELEASE OF PERFORMANCE GUARANTEE - St. Charles Borromeo Church - Parking Lot**

WHEREAS, The Montgomery Township Committee adopted Resolution #06-2-65 allowing the conditional release of the above referenced performance guarantee upon the posting of a maintenance guarantee; and

WHEREAS, The Maintenance Guarantee was never posted, therefore the performance guarantee was never released; and

WHEREAS, The Engineering Department conducted a maintenance inspection in February, 2009 because the end of the 2 year maintenance period was approaching and found no deficiencies on the project at that time; and

WHEREAS, Because there were no deficiencies found in the maintenance inspection, Gail Smith, Township Engineer, has recommended an unconditional release of the posted Performance Guarantee.

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that a performance guarantee in the amount of \$87,060.92 (Bond #H0IFSU0337398 in the amount of \$78,354.74 and \$8,706.08 cash) be released to St. Charles Borromeo Church and that no maintenance bond is required.

M. **RESOLUTION #09-10-305 - AWARD OF BID - Snow Plowing Services for 2009-10, 2010-11 and 2011-12 Snow Seasons**

WHEREAS, The following bids for Snow Plowing Services were received and publicly opened on September 11, 2009 and

<u>BIDDER</u>	<u>AMOUNT</u>
R. Grosso Trucking, Inc.	\$235/hour
L & S Contracting, Inc.	\$245/hour

WHEREAS, It is the recommendation of the Purchasing Agent that R. Grosso Trucking, Inc. be awarded the bid, it being the lowest responsible bidder; and

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

WHEREAS, There exists an account (01-201-26-290-2-067) which will fund this service; and

NOW, THEREFORE, BE IT RESOLVED By the Montgomery Township Committee that the contract for Snow Plowing Services is hereby awarded to R. Grosso Trucking, Inc., 406 Blawenburg Road, Belle Mead, NJ 08502 for 2009-10, 2010-11 and 2011-12 snow plowing seasons.

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

(CONSENT AGENDA Cont.)

N. RESOLUTION #09-10-306 - TO AUTHORIZE AUCTION OF USED TOWNSHIP VEHICLES

WHEREAS, The Township of Montgomery has determined that certain personal property as described below, is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40a:11-36 requires that such personal property be sold at public auction to the highest bidder.

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

1. The below listed schedule of Township property is declared surplus and no longer needed for public purposes;
2. The Purchasing Agent is hereby authorized and directed to advertise public sale of said personal property to be sold on GovDeals.com, a State of New Jersey authorized web based auction. Said sale shall commence within ten (10) days of approval by the Township Committee.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said sale shall be in the manner of a public auction and in accordance with the procedure to be announced.

VEHICLES

1997 Ford Ranger 4x4, white	1FTCR11U2VTA82975
1996 Dodge 3500 Mason Dump, yellow	1B6MF36C2TJ193533
1996 Ford F250 Ext Cab P/U, yellow	1FTHX26G2TEB47166
2004 Ford Crown Vic, tan	2FAHP71W44X116003
2005 Ford Crown Vic, white	2FAHP71W55X109655
2000 Ford F250 4x4 P/U, white	1FDNX21S1YEA48064
1996 Thomas 41 Passenger bus, blue	1T7HR2B22T1141995
2004 Ford E450 25 Passenger bus, white	1FDXE45P55HA19080
2005 Ford Crown Vic, white	2FAHP71W25X179344

O. TOWNSHIP COMMITTEE APPOINTMENT - Chief Financial Officer

BE IT RESOLVED That Walter Sheppard is hereby appointed Chief Financial Officer, 4 year term expiring December 31, 2012.

- 9-1. Deputy Mayor Birge moved the adoption of the **CONSENT AGENDA**. The motion was seconded by Committeeman Fay and carried on the following:

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

10. RESOLUTION #09-10-307 - AMENDING RESOLUTION #09-5-182 - AUTHORIZING EMPLOYEE EFFICIENCY INCENTIVE PROGRAM AWARD - Helene Lis

WHEREAS, The Montgomery Township Committee established an "Employee Efficiency Incentive Program" the purpose of which is to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Township and its taxpayers the maximum benefit from the conservation of Township resources; and

WHEREAS, The program recognizes that the employees of the Township represent an excellent source of ideas for better ways to serve the public; and

WHEREAS, Monetary awards are intended to offer a significant Efficiency Incentive for employees to become involved in the creative process and to amplify the capabilities of management; and

WHEREAS, The incentive program is designed such that employees whose suggestions result in actual dollar savings or costs avoidance of at least \$1,000 are eligible to receive 25%, and the department head is eligible to receive 20% of the actual dollar savings for that year providing that no award shall exceed \$20,000.00 or one-third of the award recipient's annual base salary; and

WHEREAS, Helene Lis suggested that Montgomery Township contract senior citizen transportation services to Somerset County Division of Transportation in order to provide more hours of service to seniors and a wider variety of transportation options, while relieving the township of the expense of owning and maintaining special busses; and

WHEREAS, The Employee Efficiency Incentive Committee reviewed Helene's suggestion and assessed the savings and other benefits associated with transferring senior citizen transportation to the County, which already provides such transportation for several other municipalities; and

WHEREAS, During the past three years the Township has incurred approximately \$133,671.00 in maintenance, gasoline and salary costs for an average cost of \$44,557.00 per year.

WHEREAS, Ms Lis requested that her award be calculated based on savings associated with maintenance and gasoline only and was awarded a monetary award of \$717.00; and

(Item #10 Cont.)

WHEREAS, Ms. Lis has withdrawn her earlier waiver, and is now requesting the total amount she is eligible to receive.

NOW, THEREFORE, BE IT RESOLVED That because of Ms. Lis assessment of the savings associated with the transfer of senior busing to Somerset County, the Montgomery Township Committee authorizes a monetary award of \$11,139.00 to Helene Lis for her suggestion. The Employee Efficiency Incentive Committee has no objection to this request.

10-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

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

11. **RESOLUTION #09-10-308 - ENDORSING THE "GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009"**

WHEREAS, Continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily in recent years to new development projects; and

WHEREAS, Protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

WHEREAS, The Garden State Preservation Trust, the financing authority for the Green Acres, Farmland Preservation, and Historic Preservation programs, is virtually depleted; and

WHEREAS, On November 3, 2009, the voters of New Jersey will be asked to approve the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," which authorizes the state to issue \$400 million in bonds to fund New Jersey's preservation programs; and

WHEREAS, Passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured.

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

1. We support the passage of the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009.
2. We encourage the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009, on November 3, 2009.
3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to Governor Jon Corzine, Senator Christopher Bateman, Assemblyman Peter Biondi, Assemblywoman Denise Coyle, New Jersey Conservation Foundation, Keep It Green c/o NJ Audubon Society, The Land Conservancy of New Jersey, D&R Greenway, and Montgomery Friends of Open Space.

11-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

12. **RESOLUTION #09-10-309 - PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF SEWER UTILITY BONDS, SERIES 2009 OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$35,000,000 IN PRINCIPAL AMOUNT.**

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Montgomery, in the County of Somerset, New Jersey (the "Township") authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Sewer Utility Bonds in the principal amount of \$35,000,000.

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$16,000,000	09-1321	Skillman Village Wastewater Treatment Plant Upgrade Project, finally adopted 6/18/09	40 years
\$19,000,000	09-1320	Upgrade and expansion of the existing Pike Brook Wastewater Treatment Plant, finally adopted 6/18/09	40 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

- a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 40 years.
- b. The Bonds of the combined issue shall be designated "Sewer Utility Bonds" and shall mature within the average period of usefulness herein determined.
- c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.
- b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

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

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

13. **RESOLUTION #09-10-310 - DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$35,000,000 SEWER UTILITY BONDS, SERIES 2009, OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.**

WHEREAS, The Township of Montgomery (the "Township"), in the County of Somerset, New Jersey, has determined that there exists a need within the Township to provide for the upgrade and expansion of the existing Pike Brook Wastewater Treatment Plant and the upgrade of the existing Skillman Village Wastewater Treatment Plant (the "Project") as defined in each of those certain Loan Agreements (each a "Trust Loan Agreement") to be entered into by and between the Township and the New Jersey Environmental Infrastructure Trust (the "Trust") and those certain Loan Agreements (each a "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, The Township has determined to finance the Project with the proceeds of one or more loans to be made by each of the Trust (each a "Trust Loan") and the State (each a "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, To evidence the Loans, each of the Trust and the State require the Township to authorize, execute, attest and deliver the Township's Sewer Utility Bonds, Series 2009, in an aggregate principal amount not to exceed \$35,000,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Township Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, In connection with the issuance of the Township Bonds to the Program, the governing body of the Township wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Township (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Township Clerk, Counsel to the Township, Project Engineer or Appraiser and/or Bond Counsel to the Township (collectively, the "Township Representatives") on or before the date when the Township is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Township authorizes release of the same.

NOW, THEREFORE, BE IT RESOLVED By a 2/3 vote of the full membership of the governing body of the Township as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Township hereby sells and awards its Township Bonds in an aggregate principal amount not to exceed \$35,000,000 in accordance with the provisions hereof. The Township Bonds have been referred to and are described in two bond ordinances of the Township, which bond ordinances are entitled "BOND ORDINANCE PROVIDING FOR THE UPGRADE AND EXPANSION OF THE EXISTING PIKE BROOK WASTEWATER TREATMENT PLANT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$19,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" and "BOND ORDINANCE PROVIDING FOR THE SKILLMAN VILLAGE WASTEWATER TREATMENT PLANT UPGRADE PROJECT IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$16,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$16,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" and were finally adopted by the Township at a meeting duly called and held on June 18, 2009, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Temporary Chief Financial Officer of the Township (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

(Item #13 Cont.)

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Township Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Township Bonds;
- (d) The interest rates of the Township Bonds;
- (e) The purchase price for the Township Bonds; and
- (f) The terms and conditions under which the Township Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Township Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Township hereby determines that certain terms of the Township Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Township Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Township Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon & Scotland, L.L.C. is hereby authorized to arrange for the printing of the Township Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Township auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Township Bonds. The Mayor, the Chief Financial Officer and the Township Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Township is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Township.

Section 7. The Township hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Committee as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Township Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Township Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

13-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

14. **RESOLUTION #09-10-311 - RESOLUTION OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, The Township of Montgomery, in the County of Somerset, New Jersey (the "Borrower") intends to acquire, construct, renovate and/or install the upgrade and expansion of the existing Pike Brook Wastewater Treatment Plant and the upgrade of the existing Skillman Village Wastewater Treatment Plant (the "Project");

WHEREAS, The Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, The Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, The Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED By the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$35,000,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

14-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

15. **RESOLUTION #09-10-312 - AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS IN CONNECTION WITH THE ISSUANCE BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY OF NOT EXCEEDING \$35,000,000 SEWER UTILITY BONDS, SERIES 2009, TO BE EXECUTED BY THE TOWNSHIP AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, The Township of Montgomery (the "Township"), in the County of Somerset, New Jersey, has determined that there exists a need within the Township to provide for the upgrade and expansion of the existing Pike Brook Wastewater Treatment Plant and the upgrade of the existing Skillman Village Wastewater Treatment Plant (the "Project") as defined in each of those certain Loan Agreements (each a "Trust Loan Agreement") to be entered into by and between the Township and the New Jersey Environmental Infrastructure Trust (the "Trust") and those certain Loan Agreements (each a "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, The Township has determined to finance the Project with the proceeds of one or more loans to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, To evidence the Loans, each of the Trust and the State require the Township to authorize, execute, attest and deliver the Township's Sewer Utility Bonds, Series 2009, in an aggregate principal amount not to exceed \$35,000,000, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Township Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, The Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Township Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Township and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED By the governing body of the Township as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Township by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Township (collectively, the "Township Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Township Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Township Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Township as determined hereunder and to affix the corporate seal of the Township to such Financing Documents.

Section 2. The Authorized Officers of the Township are hereby further severally authorized to (i) execute and deliver, and the Township Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Township to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Township Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Township, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

15-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

16. ORDINANCE #09-1335 - Bingo and Raffle - Public Hearing

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV OF
THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) REGARDING
THE LICENSING OF BINGO AND RAFFLE GAMES WITHIN
MONTGOMERY TOWNSHIP

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

C. BE IT RESOLVED By the Township Committee that the foregoing ordinance be hereby adopted this 1st day of October, 2009 and that notice thereof be published in an official newspaper as required by law.

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

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

17. ORDINANCE #09-1336 - Flood Certificate Fees - Introduction

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

AN ORDINANCE AMENDING SUBSECTION 16-6.4d.14(c) TO
INCREASE THE FEES FOR FLOOD HAZARD CERTIFICATES

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 October 15, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

17-1. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

18. ORDINANCE #09-1337 - Nicolaysen Tree Planting - Introduction

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

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE
ACQUISITION AND PLANTING OF TREES ON BLOCK 34001,
LOT 37.02 (NICOLAYSEN OPEN SPACE) BY THE TOWNSHIP OF
MONTGOMERY AND APPROPRIATING \$14,770.62 THEREFOR FROM THE
"CONTRIBUTIONS IN AID OF CONSTRUCTION FUND" OF SAID
TOWNSHIP.

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 October 15, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

18-1. Attorney Hadinger explained this money was posted by the developer in connection with the subdivision and earmarked for trees on the Nicolayson open space tract.

18-2. Deputy Mayor Birge moved the adoption of the foregoing resolution. The motion was seconded by Committeeman Fay and carried on the following:

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

19. **ORDINANCE #09-1338 - BOND** - Reappropriation of Funds From Other Capital Projects for the Reconstruction of Spring Hill Road - Introduction

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

ORDINANCE REAPPROPRIATING \$63,000 NOT NEEDED FOR THE ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE RECONSTRUCTION OF SPRINGHILL ROAD IN AND BY THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY.

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 October 15, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

19-1. Administrator Nieman explained that additional work needed to be performed in proximity to Viburnum Drive to stabilize the underlying roadbed before putting on the top course.

19-2. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

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

20. **ORDINANCE #09-1339** - Amending 2009 Salary and Wage Plan (To Reduce Township Committee Salaries) - Introduction

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

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2009.

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 October 15, 2009 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

20-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried on the following:

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

21. **PAYMENT OF BILLS**

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

WHEREAS, The Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

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

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

22. **EMPLOYEE EFFICIENCY INCENTIVE AWARDS** - Health Insurance Opt-Out

Mayor Wilson asked for an analysis that quantifies what the award will be to opt-out of the Township's health insurance plan. Attorney Hadinger stated that the Committee will have to decide that. The Governing Body has received an example from Clinton Township and Mr. Nieman will try to find information from other municipalities. He suggested postponing discussion to October 15.

23. RESOLUTION TO CLOSE MEETING TO THE PUBLIC

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

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subjects to be discussed in this session is as follows:
 - Negotiation of terms and conditions of Somerset County discussions regarding Skillman Village
 - Potential acquisition of lands (Block 34001, Lot 64) for Municipal purposes, negotiation of terms and conditions of agreements therefor.
3. It is unknown precisely when the matters discussed in this session will be disclosed to the public. Approval of agreements and acquisition of lands shall only be authorized by the Township Committee in a public session.

23-1. Committeeman Fay moved the adoption of the foregoing resolution. The motion was seconded by Deputy Mayor Birge and carried unanimously.

24. Meeting reconvened in Open Session and Adjournment was at 7:50 p.m. on a motion by Committeeman Fay, seconded by Deputy Mayor Birge and carried unanimously.

Date of Approval:

Donna Kukla, Township Clerk