

Minutes of the Regular Meeting of the Township Committee of the Township of Hillsborough, in the County of Somerset, State of New Jersey, held in the Municipal Complex at 7:30 p.m. on the above date.

Upon call of the roll, the following Committee members were recorded present: Committeeman Anthony Ferrera, Committeeman Carl Suraci, Committeeman Robert C. Wagner, Jr., Deputy Mayor Gloria McCauley and Mayor Frank DelCore. Also, in attendance were Township Attorney Albert E. Cruz, Township Administrator/Clerk Kevin P. Davis and Administrative Assistant Siobhan Weikel.

Following Roll Call and Salute to the Flag, Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on January 26, 2010.

### PROCLAMATIONS

- *Proclamation honoring Hillsborough High School (HHS) senior, Ashley Smolinka, for being awarded the Joetta Clark Diggs Genius Award*

*WHEREAS, Hillsborough High School (HHS) senior, Ashley Smolinka, was awarded the Joetta Clark Diggs Genius Award for her academic and athletic achievements as well as her community service contributions; and*

*WHEREAS, Ashley was awarded this honor due to her team leadership, leading the Hillsborough High School Girls' Cross Country team to a Somerset County Championship, a Skyland Conference Championship, a Central Jersey Sectional Championship, and a NJ State Championship, the first ever for Hillsborough High School; and*

*WHEREAS, Ashley, through her hard work and dedication, was a role model for the team and achieved individual athletic honors which included being the individual Somerset County Cross Country Champion and the individual Skyland Conference Cross Country Champion, being named Somerset County Runner of the Year and selected for the All-State First Team, finishing second at the Nike Northeast Regional Cross Country Championships which qualified her to compete at the Nike Cross Country National Championships in Portland, Oregon ; and*

*WHEREAS, Ashley was a recipient of the Joetta Clark Diggs Genius Award because of her willingness to donate her time to non-profit organizations such as the Hillsborough Education Foundation and the Joetta Clark Diggs Foundation, as well as serving as a member of the Hillsborough High School National Honor Society and contributing to that organization's service program; and*

*WHEREAS, Ashley was awarded the Joetta Clark Diggs Genius Award because of her outstanding academic achievements as demonstrated by her weighted GPA.*

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Township Committee of the Township of Hillsborough, do hereby commend Ashley Smolinka for her extraordinary achievements and the honor that she has brought to herself and our community, with best wishes for a bright future.

- Proclamation honoring the 2009 Hillsborough High School Girls Cross Country Team

**WHEREAS**, the 2009 Hillsborough High School Girls Cross Country Team, through their hard work and dedication to their sport, has had the most successful season in the history of Hillsborough High School; and

**WHEREAS**, the HHS Girls Cross Country Team was undefeated in their dual meets during the season earning the title of Delaware East Division Champions; and

**WHEREAS**, the HHS Girls Cross Country Team was crowned Somerset County Champions for the first time since 2000, performing better than all schools in the Somerset County Championship Meet with an average time of 19:38.4, the No. 2 time in the meet's 14-year history at Pleasant Valley Park; and

**WHEREAS**, the HHS Girls Cross Country Team won the Skyland Conference Championship by an overwhelming victory over the largest collection of the state's top teams in meet history; and

**WHEREAS**, the HHS Girls Cross Country Team continued their winning streak by placing first in the Central New Jersey Group IV Championship meet; and.

**WHEREAS**, the HHS Girls Cross Country Team won the New Jersey State Meet of Champions by a score of only 78, becoming the first Hillsborough team to earn the title of State Champion.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby commend all of the members of the Hillsborough High School Girls Cross Country Team, not only for the award and championships they have won, but also for their unwavering teamwork, dedication, and sportsmanship throughout the season.

**BE IT FURTHER PROCLAIMED** that we, the Mayor and the Township Committee, further commend the Girls Cross Country Team for the honor that they have brought to themselves, their team and our community through their many achievements.

- Proclamation honoring Dan Rapacki for earning the status of Eagle Scout

**WHEREAS**, Dan Rapacki, a member of Boy Scout Troop 186, has earned the status of Eagle Scout; and

**WHEREAS**, we, the Township Committee of the Township of Hillsborough, recognize the many hours Dan devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

**WHEREAS**, Dan has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

**WHEREAS**, Dan's Eagle Scout Leadership Project involved revitalizing dividers and planters in the parking lot of St. Joseph Church in Millstone, NJ; and

**WHEREAS**, Dan's project included removing old dirt and weeds while also adding new soil, plants, and mulch; and

**WHEREAS**, Dan's project resulted in creating the appearance of a parking lot area that is much more pleasant for the parishioners of St. Joseph's.

**WHEREAS**, Dan Rapacki serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Dan is a member of our community.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the members of the Hillsborough Township Committee, do hereby recognize and extend our sincere congratulations to Dan Rapacki for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

- Proclamation honoring the 2009 Hillsborough Dukes Junior Midget Cheerleaders

**WHEREAS;** The 2009 Hillsborough Dukes Junior Midget Cheerleaders are National Champions; and

**WHEREAS,** The 2009 Hillsborough Dukes Junior Midget Cheerleaders, after competing in a field which included 12 competitive teams, placed first in the Junior Midget Large Novice category at the Pop Warner National Cheerleading Championships in Disney World, Florida; and

**WHEREAS,** the squad consists of 34 young ladies in Grades 5 through 8 and is coached by Head Coach Kristen Mazuera, Assistant Coach Susan Van Pelt, Assistant Coach Linda Hudak, Assistant Coach Patty Leoonaitis, Team Commissioner Alicia Holmon and is instructed by Hillsborough High School students Jennifer Fedak, Lauren Roman, Alexandra Mazzaresse, and Amanda Maikisch; and

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Mayor and the Township Committee of the Township of Hillsborough, do hereby commend the Hillsborough Dukes, its players, coaches, parents and Board of Directors, not only for their victory, but for their hard work, dedication and commitment to the sport and to those principals of good sportsmanship, teamwork, and academic achievement which its organization endorses.

**BE IT FURTHER PROCLAIMED** that we, the Mayor and the Township Committee, further commend the Hillsborough Dukes Junior Midget Cheerleaders for the honor they have brought to themselves, their organization, and our community.

#### APPOINTMENTS

- **Mayoral Appointments:**

Emergency Management Deputy Coordinator's - Sergeant Sean Carolan and Nicholas Speciale

Local Emergency Planning Committee;

OEM Coordinator – John Sheridan

Deputy Coordinator – Sean Carolan

Chief of Police – Paul Kaminsky

Police Liaison – Lt. P.W. Geary

Township Fire Official – Christopher Weniger

Township Emergency Medical Services – Chief C. David Gwin

Fire Chief, Unit 36 – Michael Wesolowski

Fire Chief, Unit 37 – Patrick Buckley

Fire Chief, Unit 38 – Charlie Nuara

Fire Chief, Unit 48 – William Iden

Township Fire Commissioner – Matthew DeCicco

Assistant Township Engineer – Tom Belanger

Social Services Director – Tomas Ormosi

Township Health Officer – Glen Belnay

Environmental/SARA III Liaison – Gordon Sammis

Mayor DelCore reported these appointments are effective as of January 1, 2010 through December 31, 2010.

Mayor DelCore said he was remiss in not announcing the Mayor's appointments to the Sustainable Hillsborough Steering Committee at the Re-organization Meeting. The following residents have been named to the Committee and we appreciate their volunteer service:

Sustainable Hillsborough Steering Committee - Greg Traina to seat #3 and Dr. Nikhil Saha as alternate #4, for terms ending 12/31/2010

**Mayor DelCore said the following appointments require the consent of the Township Committee:**

- Appointment of Scott Grollman to seat #5, on the Youth Service Commission, with a term ending 12/31/10

Upon motion by Committeeman Suraci, seconded by Committeeman Wagner, the appointment of Scott Grollman to Seat #5 on the Youth Service Commission was unanimously approved upon the call of the roll.

- Appointment of Frank Herbert to Alternate Seat #1, on the Board of Adjustment, with a term ending 12/31/11
- Appointment of Mike Volpe to Alternate Seat #4, on the Board of Adjustment, with a term ending 12/31/10

Upon motion by Committeeman Wagner, seconded by Committeeman Suraci, the appointments of Frank Herbert to Alternate Seat #1, on the Board of Adjustment and Mike Volpe to Alternate Seat #4, on the Board of Adjustment was unanimously approved upon the call of the roll.

Mayor DelCore announced that Deputy Mayor Gloria McCauley has agreed to serve as the Township Committee's census liaison this year. The census is coming in March and there will be a significant public information campaign conducted by the U. S. Census Bureau over the next few months. We want to ensure that everyone in Hillsborough is counted in the census. The Mayor said he appreciates the Deputy Mayor volunteering for this role.

#### **APPROVAL OF MINUTES**

- Approval of the November 10, 2009 Regular Session Minutes

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, the minutes of the November 10, 2009 Regular Session were approved upon the call of the roll.

Yes – Ferrera, Wagner, McCauley, DelCore

Abstain – Suraci

- *Approval of the December 22, 2009 Executive Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, the minutes of the December 22, 2009 Executive Session were unanimously approved upon the call of the roll.

- *Approval of the November 24, 2009 Regular Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, the minutes of the November 24, 2009 Regular Session were unanimously approved upon the call of the roll.

- *Approval of the December 8, 2009 Regular Session Minutes*

Upon motion by Committeeman Suraci, seconded by Committeeman Wagner, the minutes of the December 8, 2009 Regular Session were unanimously approved upon the call of the roll.

- *Approval of the December 22, 2009 Regular Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, the minutes of the December 22, 2009 Regular Session were unanimously approved upon the call of the roll.

## **REPORTS FROM COMMITTEE LIAISONS, AND RECEIPT OR REPORTS, PETITIONS OR COMMUNICATIONS**

### **Committeeman Ferrera**

Committeeman Ferrera announced the first phase of the clean-up for the GSA Depot will be this Wednesday, weather permitting.

Committeeman Ferrera announced that the Cultural and Arts Commission met last Thursday and elected Greg Gillette as their Chair, Kevin Murphy as their Vice Chair, Marie Hankins as their treasurer and Linda Anderson as their secretary. Committeeman Ferrera welcomed new members, Donetta Johnson, Vanessa Fowler and Kathy Dietz to the commission.

Committeeman Suraci

Committeeman Suraci reported on the Gloucester County pilot project, which is the county regionalization of tax assessor services. Committeeman Suraci submitted a letter to the Somerset County Tax Board and also to the Freeholders, asking them to closely monitor this pilot project in Gloucester County. The Committeeman believes there are cost saving benefits, not only to the residents of Hillsborough but to all residents in Somerset County.

Committeeman Suraci said at the County level the regionalization of this service makes a lot of sense because the County Tax Board already supersedes the municipal government in almost all tax assessor matters. The only area where municipalities are made responsible is having our taxpayers pay for the tax assessor staff and also the expenses required to meet mandates, such as the revaluation.

Committeeman Suraci said inspectors have already started to visit properties of residents and commercial entities. This is the beginning phase and information will be collected and passed along to assessors. Property owners may have received a notice that an inspector has tried to visit a residence, the property owner can reschedule by contacting the contracted firm Appraisal Systems, Inc. at 973-285-9940.

Committeeman Suraci urged residents to go to the Township website to see a copy of the revaluation notice letter.

Committeeman Suraci asked residents not to be alarmed if they see photographers taking photos of their property because it is part of the revaluation process and is required by law. Committeeman Suraci said the Township required that the revaluation firm do a fingerprint/background check on all their inspectors and photographers which was done through the Police Department and State Police. Residents can see pictures of inspectors and photographers on Appraisal Systems' website at [www.asinj.com](http://www.asinj.com) or on the Township website. Also, inspectors and photographers are required to wear badges.

Committeeman Wagner

Committeeman Wagner reported that Hillsborough Township's five year Community Forestry Management Plan has been approved by the New Jersey Department of Environmental Protection's Division of Parks and Forestry Forest Service. The Management Plan, completed by the Director of Parks and Recreation, Rich Resavy, must meet the criteria laid out in the New Jersey Shade Tree and Community Forestry Assistance Act. Committeeman Wagner said this approval qualifies the Township for liability protection under the Act and for the potential Forestry Grants that may become available. Committeeman Wagner stated that we did receive our certificate of approval.

Committeeman Wagner also reported that progress is being made on the 206 Bypass Project and the 206 Widening Project. The Department of Transportation's (DOT) pre-construction meeting for the tree clearing necessary for the construction of the Route 206 Bypass was held January 25<sup>th</sup>, with that work expected to start very soon. The tree clearing must be completed by March 30<sup>th</sup> under the construction plan. There is a substantial tree replacement plan in place to be undertaken by the DOT to make up for the trees that must be removed for the roadway construction.

Committeeman Wagner said additionally, there was a pre-construction meeting January 19<sup>th</sup> by the DOT, regarding the demolition of the old Columbia Lumber building on Route 206. That demolition, which is expected to take place in the coming weeks, is part of an initial phase of the Route 206 widening plan from Brown Avenue down to the start of the by-pass at Old Somerville Road. Ultimately the Columbia lumber site, now owned by the state, will be used

for a construction staging area and for the complex work that is needed for the railroad bridge improvements.

Committeeman Wagner said in his opinion, important steps demonstrating progress on both projects.

#### Deputy Mayor McCauley

Deputy Mayor McCauley said she had the honor of representing the Township Committee at the Somerset County Planning Board's award ceremony on January 19<sup>th</sup>, where the Township was presented with the Excellence in Planning award for our economic action plan. Deputy Mayor McCauley said this award is very meaningful. It recognizes that while the Township Committee, the Planning Board, and the staff working with us, identified regulatory changes that could encourage business and economic development in Hillsborough during 2009, the changes we made are also noted for their attention to proper land use planning. And, of course, this recognition comes on the heels of the Somerset County Business Partnership's designation of the Hillsborough Economic Action Plan as a best practices model.

Deputy Mayor McCauley again thanked the members of the Regulatory Oversight Working Group; Ron Skobo, the Building Department Director, Gene Strupinsky, the Business Advocate, Bob Ringelheim, our Township Planner, Tom Belanger, the Assistant Township Engineer, and Construction Official John Fiedler, for their efforts in making the Economic Action Plan a success. In fact, the Somerset County Planning Board also issued a specific award to our Working Group, which is well deserved.

Deputy Mayor McCauley said the census forms will be mailed out in the beginning of March and it is absolutely critical that this is filled out and returned promptly. The census is information that determines how federal funding is allocated and spent on infrastructure and services; such as hospitals, schools, senior centers, emergency services, and public works projects.

Deputy Mayor McCauley reported that the EBDC met in January. Deputy Mayor said they just campaigned and came up with a "Dine Hillsborough First", and now you can visit the website at [www.hillsboroughbusiness.org](http://www.hillsboroughbusiness.org) and look at local restaurants.

#### Mayor DelCore

Mayor DelCore reported at the re-organization meeting on January 5<sup>th</sup>, he made a commitment to those residents who live near the Norfolk Southern rail line that finalizing the railroad quiet zones at Valley and Roycefield Roads would be a priority this year. The Mayor reported that Norfolk Southern is now completing the safety redundancies that are required to be put in place at each of the crossings.

Mayor DelCore said the Township also has already completed all the safety improvements that are our responsibility. The New Jersey Department of Transportation is tasked with the responsibility to inspect the crossings, once Norfolk Southern has completed their safety improvements, to ensure all of the required safety improvements are in place and operational. This inspection should happen fairly quickly and once satisfied, the NJDOT will issue an approval.

Mayor DelCore explained at that point the Township must issue a Notice of Establishment of the quiet zone to all parties; the Federal Railroad Administration, Norfolk

Southern, and the NJDOT, where there is a 21 day notification period for the transition. The impacted public is welcome to comment at that time also. At the conclusion of the notification period the quiet zones will be in place and the crossings will have improved safety features. This will be a great improvement in the quality of life for thousands of homeowners who live along the rail line.

Mayor DelCore thanked Mr. Davis and Deputy Clerk Brianne Skobo for their diligence in continuing to push this matter towards resolution.

Mayor DelCore said regarding flooding on Sunnymead, last month he asked the staff to examine roadways in the Township where there appeared to be abnormal flooding, to determine if there were any structural or blockage issues. An area of concern is Sunnymead Road which has always had some flooding in a bad rain storm, but which recently has taken far too long to recede.

Mayor DelCore said the Public Works Department has determined that there is an old stone culvert running under the rail line that has substantial blockage deep in the culvert. In fact the blockage is so deep inside the culvert it cannot be observed without the aid of the Department's sewer pipe TV camera.

Mayor DelCore said our Engineering and Public Works Departments believes that if this substantial blockage is removed, along with some ditch clearing outside the culvert, the runoff from Sunnymead Road will be much quicker and will result in significantly less flooding, if any at all. The Township is in contact with the CSX Railroad Company, as the property belongs to the company, to get the culvert cleared out.

Mayor DelCore said he knows the flooding on Sunnymead is a concern, as it interferes with many residents' commute to and from work. His goal is to get CSX to clear the obstruction without delay.

Mayor DelCore reported last week the state had the inauguration of a new Governor. Mayor DelCore wished Governor Christie well and said he hopes he is successful in fixing some of the economic issues we are facing.

#### **NEW BUSINESS**

- *None at this time.*

#### **PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA**

Mr. & Mrs. Stauder, 310 East Mountain Road, voiced their concerns about flooding in front of their home on East Mountain Road. Mayor DelCore said he will have the Engineering Department visit this area.

#### **PUBLIC HEARINGS**

- None at this time.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2010-01 An Ordinance to amend section 145-3B(1)(a) of the code of the Township of Hillsborough to add a new subsection [4] establishing construction fees for raised patios; amend section 145-3B(1)(b) establishing a declining construction fee schedule for renovations, alterations and repairs; and amend section 145-3J(1) to revise the state of New Jersey permit fees. Further consideration of this ordinance and public hearing will be held on February 23, 2010.

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Section 145-3B(1)(a) of the Code of the Township of Hillsborough is amended to add a new subsection [4] establishing construction fees for raised patios as follows:¹

[4] Raised patios shall be charged fees based on the square foot area of the patio as follows:

[a] The first one hundred (100) square feet = one hundred (\$100.00) dollars.

[b] One hundred one through two hundred (101 – 200) square feet = one hundred fifty (\$150.00) dollars.

[c] Two hundred one through three hundred (201 – 300) square feet = two hundred (\$200.00) dollars.

[d] Three hundred one through four hundred (301 – 400) square feet = two hundred fifty (\$250.00) dollars.

[e] Four hundred one through five hundred (401 – 500) square feet = three hundred (\$300.00) dollars.

[f] Five hundred one through six hundred (501 – 600) square feet = three hundred fifty (\$350.00) dollars.

[g] Six hundred one through seven hundred (601 – 700) square feet = four hundred (\$400.00) dollars.

[h] Over seven hundred (700) square feet = four hundred fifty (\$450.00) dollars.

Section 2. Section 145-3B(1)(b) of the Code of the Township of Hillsborough is amended establishing a declining construction fee schedule for renovations, alterations, and repairs as follows:

(b) Renovations, alterations, and repairs. Fees for renovations, alterations, and repairs shall be based upon the estimated cost of the work. (The applicant shall submit cost data by an architect or engineer of record, a recognized estimating firm or by contractor bid. The Department will review the construction cost for acceptability.) The fees shall be as follows:

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\$1.00 - \$100,000.00 of estimated cost = \$24.00 per \$1,000.00.

\$100,001.00 - \$200,000.00 of estimated cost = \$22.00 per \$1,000.00.

\$200,001.00 - \$300,000.00 of estimated cost = \$20.00 per \$1,000.00.

All estimated costs over \$300,000.00 = \$18.00 per \$1,000.

Section 3. Section 145-3J(1) of the Code of the Township of Hillsborough is amended to revise the State of New Jersey permit fees as follows:

(1) In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act, the enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee of \$0.00~~334~~ per cubic foot of volume of new construction. The fee for all other construction shall be \$1.~~70~~ per one thousand dollars (\$1,000.00) of value of construction. The minimum permit surcharge fee shall be \$1.00. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending March 31, June 30, September 30 and December 31 and not later than one (1) month next succeeding the end of the quarter for which it is due.

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Section 4. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Effective Date.

This Ordinance shall take effect as provided by law.

Mayor DelCore reported as part of the Township's continuing effort to reduce permit fees where it is possible and appropriate, Construction Official John Fiedler has identified some additional building department fees that can be reduced. These proposed fee reductions, we are advised, will benefit both homeowners and businesses in Hillsborough.

Mayor DelCore said we also look to encourage these types of projects that put contractors to work, as part of the Township continuing economic action plan. Mayor DelCore said this is the fourth building department permit fee reduction ordinance proposed by the Township Committee since October, 2007.

Mayor DelCore said our staff continues to do a good job searching for these opportunities to save residents and our businesses money. Mr. Fiedler is here tonight to explain the proposed fee reductions.

John Fiedler said that there have been situations where we are required to take permits for raised patios. We do not have a mechanism in place to charge a fair fee, which helps the homeowner and covers the Construction Department's expenses. Mr. Fiedler said we are proposing to base the fee on the size, rather than the cost.

Mr. Fiedler said the second area would be to amend our current alteration fees, which are based again on the estimated cost of construction. We have come up with a scale to be equitable toward businesses. Mr. Fiedler said basically we have a reducing scale, based on the cost of the project. Mr. Fiedler explained that when the costs increase our fees come down.

Mr. Fiedler said the third change is a correction to Section J, which as mandated by the State of New Jersey last year, the state had changed the alteration fees that they charge and we have to collect the fees and pass it along to the state, to the Department of Community Affairs. Mr. Fiedler said we are putting those corrections in as per the state mandate.

Mr. Fiedler said our goal is to stimulate our own economy and help the homeowners.

Committeeman Ferrera said he appreciates the hard work Mr. Fiedler and the Construction Department have done.

Deputy Mayor McCauley thanked Mr. Fiedler for continuing to look at cost savings.

Deputy Mayor McCauley moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on February 23, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

Ordinance 2010-02    An Ordinance authorizing acceptance of a sidewalk easement from Hillsborough Lawn and Garden Equipment, Inc., for a variable width right-of-way over a portion of Lot 20 in Block 178 on the tax map of the Township of Hillsborough, County of Somerset, State of New Jersey. *Further consideration of this ordinance and public hearing will be held on February 23, 2010.*

**WHEREAS**, on September 27, 2006, Interstate Development Services, Inc. ("Developer"), received Preliminary and Final Site Plan approval, including bulk variances and design waivers, from the Township of Hillsborough's Zoning Board of Adjustment ("Board") for a 13,013 square foot pharmacy and a 6,000 square foot retail building, which approval was memorialized on October 25, 2006; and

**WHEREAS**, the approval was granted subject to, among other things, the execution of a sidewalk easement between the Township of Hillsborough and Hillsborough Lawn and Garden Equipment, Inc., for a variable width right-of-way; and

**WHEREAS**, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept a sidewalk easement conveyed to the Township by Hillsborough Lawn and Garden Equipment, Inc. over a portion of Lot 20 in Block 178; and

**WHEREAS**, the purpose of this conveyance is to satisfy conditions of Preliminary and Final Site Plan approval, as set forth in the Resolution adopted by the Township of Hillsborough's Zoning Board, dated October 25, 2006; and

**WHEREAS**, the Township Attorney for the Township of Hillsborough reviewed the above sidewalk easement and finds it acceptable in all respects.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby authorizes acceptance of the sidewalk easement attached hereto and directs its appropriate officials to execute and file such documents as may be necessary.

This Ordinance shall take effect upon adoption and publication according to law.

Mayor DelCore reported that this ordinance accepts the sidewalk easement at the new Walgreens by the Township, now that the businesses there are operational. This is required by the Board of Adjustment approval resolution.

Committeeman Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on February 23, 2010 at 7:30 p.m. Said motion was seconded by Deputy Mayor McCauley and unanimously approved upon call of the roll.

### CONSIDERATIONS

Mayor DelCore offered the following resolution:

1. Resolution authorizing the following personnel actions:
  - a) Appointing Donna Alessi, as temporary part-time Technical Assistant to fill a vacancy in the Construction Department, for the period of January 27, 2010 to June 30, 2010, not to exceed twenty-nine (29) hours at a rate of \$14.50 per hour.
  - b) Appointing Siobhan Weikel, as temporary part-time Assistant to fill a vacancy in the Administrator/Clerk's Office, for the period of January 27, 2010 to June 30, 2010, not to exceed twenty-nine (29) hours at a rate of \$15.40 per hour.
  - c) Awarding a one-time non-base pay stipend, in the amount of \$1,000., pursuant to Article 33, Section J of the AFSCME, AFL-CIO, Local 3697-Council No. 73 Collective Bargaining Agreement, to Karen Sowden, Administrative Assistant to the Health Officer, for performing the duties of Municipal Registrar.

**WHEREAS**, there will be a vacancy in the position of Control Person in the Construction Department, due to the retirement of Cynthia Cassebaum; and

**WHEREAS**, it has been determined by the Director of Building and Construction to hire a temporary part-time Technical Assistant to fill this vacancy; and

**WHEREAS**, the Director of Building and Construction recommends the appointment of Donna Alessi as temporary part-time Technical Assistant in the Construction Department not to exceed twenty-nine (29) hours per week for the period of January 27, 2010 to June 30, 2010, at a rate of \$14.50 per hour; and

**WHEREAS**, the Township Administrator/Clerk recommends the appointment of Siobhan Weikel as temporary part-time Assistant in the Administrator/Clerk's Office not to exceed twenty-nine (29) hours per week for the period of January 27, 2010 to June 30, 2010, at a rate of \$15.40 per hour; and

**WHEREAS**, pursuant to Article 33, Section J of the AFSCME, AFL-CIO, Local 3697-Council No. 73 Collective Bargaining Agreement, Karen Sowden, Administrative Assistant to the Health Officer, is eligible for a one-time non-base pay stipend, in the amount of \$1,000.00 for performing the duties of Municipal Registrar.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the recommendations of the Director of Building and Construction and the Township Administrator/Clerk are hereby accepted and approved, and Donna Alessi be appointed to the position of temporary part-time Technical Assistant in the Construction Department, and Siobhan Weikel be appointed to the position of temporary part-time Assistant in the Administrator/Clerk's Office for the period of January 27, 2010 to June 30, 2010, at a rate of \$15.40 per hour.

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a one-time non-base stipend, in the amount of \$1,000.00 is awarded to Karen Sowden, Registrar in the Health Department.

Mayor DeCore noted Ms. Alessi and Ms. Weikel are filling vacancies on a part time temporary basis. Ms. Sowden is entitled to the stipend, per the White Collar contract, due to holding the Registrar of Vital Statistics certification for the benefit of the Township.

Upon motion by Deputy Mayor McCauley seconded by Committeeman Suraci, the aforesaid resolution was unanimously approved upon call of the roll.

2. Resolution awarding a contract for the "Claremont Area Sanitary Sewer Extension and Road Paving Project" to P&A Construction, Inc., in the amount of \$4,286,108.90, conditional upon approval of NJDEP and NJEIT.

**WHEREAS**, the Township Committee of the Township of Hillsborough determined to protect the environment and public health it is necessary to construct a new sewer extension in the Claremont Area which will be paid through a special assessment on the benefiting property owners ; and

**WHEREAS**, the Township Committee has also determined that the Township roadways within the Claremont sanitary sewer project area, many of which have not been re-surfaced since the 1960's, are in need of paving, at the completion of the sewer project; and

**WHEREAS**, sealed bids were opened and read on January 13, 2010 at 10:00 a.m. at the Township of Hillsborough Municipal Building, which was the time and place provided for in the Notice to Bidders titled "Claremont Area Sanitary Sewer Project"; and

**WHEREAS**, the Township Consulting Engineer, Maser Consulting, P.A., reviewed the bids, and recommends that an award be made to P&A Construction, Inc.; and

**WHEREAS**, sixteen (16) bids were received, of which the three (3) lowest bids received are outlined as follows:

<b>Bid Tally - Three (3) Low Bids</b>	<b>P &amp; A Construction</b>	<b>MSP Construction</b>	<b>TOMCO Construction</b>
<b>Claremont Area Sanitary Sewer Project</b>			
BASE BID	\$3,294,753.90	\$3,653,352.00	\$3,875,555.00
ALTERNATE "A" - PAVING SURFACE COURSE	\$1,208,570.00	\$1,346,600.00	\$1,296,370.00
ALTERNATE "B" - FORCE MAIN PIPE MATERIAL	<b>(\$223,215.00)</b>	<b>(\$103,520.00)</b>	<b>(\$210,275.00)</b>
ALTERNATE "C" - INCREASE IN GENERATOR SIZE	\$6,000.00	\$8,280.00	\$5,900.00
<b>Total Amount, Base Bid, Plus Alternates A, B &amp; C</b>	<b>\$4,286,108.90</b>	<b>\$4,904,712.00</b>	<b>\$4,967,550.00</b>

**WHEREAS**, P&A Construction, Inc. is the lowest numeric bidder; and

**WHEREAS**, the Township Attorney has reviewed the bids and has provided his comments regarding same; and

**WHEREAS**, funds are available and have been certified as such by the Chief Finance Officer, said certification is attached to this resolution.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Mayor and the Township Administrator/Clerk are hereby authorized to execute a contract with P&A Construction, Inc. in the amount of \$4,286,108.90.

Mayor DelCore said this contract award is additional good news for the Claremont area property owners who will be funding the sewer project through a special assessment. A few weeks ago, the Township Committee approved financing for the project through the Environmental Infrastructure Trust with an interest rate of under 2% - a significant benefit for the special assessment payers.

Mayor DelCore stated now, the lowest bid received by the Township for the construction of the Sewer project is in the amount of \$3,077,538, nearly one million below anticipated estimates. The more economical bid results from three factors; in the present economy construction firms are competing fiercely and sharpening their bid numbers. In this case, the Township received 12 bids, creating competition and lower costs.

Mayor DelCore reported that the Township's Engineering firm, Maser Consulting, recommended a bid option that provides for less expensive pipe material for the force main. This resulted in lowering the already low base bid price by another \$223,000. The Township Engineer also recommended a strategy of seeking bids for both the sewer construction and road paving projects together, creating an economy of scale for the bidding firms and resulting in a total lower bid than originally projected.

Mayor DelCore said the road re-paving bid is nearly \$500,000 below the initial estimate thanks to this strategy.

Mayor DelCore explained the \$4,286,108.90 total contract represents two components; the sewer construction at \$3,077,538.90 to be financed by the Special Assessment on

benefiting property owners, and the road re-paving at \$1,208,570, to be financed through the EIT. The Mayor said we are looking forward to the sewer construction beginning soon.

Mayor DeCore congratulated and thanked Maser Consulting for their sound advice on the bidding strategy, the Hillsborough MUA for their continuing cooperation, and Mr. Davis for his role in shepherding this through.

Committeeman Ferrera said back in 2004 there were residents in Claremont that said this would never happen, and now we are about a month away. Committeeman Ferrera said it is under our projected cost and we have qualified for a low interest rate.

Committeeman Ferrera also said he was told the GSA clean-up and the 206 Bypass would never happen, and they are both expected to begin very soon.

Upon motion by Committeeman Wagner seconded by Committeeman Ferrera, the aforesaid resolution was unanimously approved upon call of the roll.

3. Resolution authorizing the Mayor and the Township Administrator/Clerk to execute the 2010/2011 Shared Services Health Agreement between Hillsborough Township and Millstone Borough.

**WHEREAS**, N.J.S.A. 40A:65-1 et. seq., the Uniform Shared Services and Consolidation Act, authorizes any local unit to enter into a contract with another local unit for the joint provision within their several jurisdictions of any services which any party to the agreement is empowered to render within it's own jurisdiction; and

**WHEREAS**, the Township of Hillsborough and the Borough of Millstone are desirous to contract for the furnishing of health services of a technical and professional nature.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby authorizes the Mayor and Township Administrator/Clerk to enter into and execute the attached Agreement between the Borough of Millstone and the Township of Hillsborough pursuant to N.J.S.A. 26:3A-2-1 et seq. and N.J.S.A. 40A:65-1 et. seq. for the furnishing of health services of a technical and professional nature, effective January 1, 2010 through December 31, 2011.

Mayor DeCore said long before shared services became a buzz word, Hillsborough and Millstone have been sharing public health services. This is a renewal of an Interlocal agreement between the two communities whereby Millstone pays Hillsborough \$15,000 for public health services, and Hillsborough provides a Health Officer, the Township's Deputy Health Officer Siobhan Spano, to Millstone which is required by law to have a designated Health Officer.

Upon motion by Deputy Mayor McCauley seconded by Committeeman Suraci, the aforesaid resolution was unanimously approved upon call of the roll.

**CONSENTS**

Mayor DeCore offered the following consent agenda:

1. Resolution authorizing the transfer from Planning/Board of Adjustment Escrow to the Treasurers Account.

**WHEREAS**, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for October, November and December 2009, a total of \$1,001.16 should be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account as indicated; and

**WHEREAS**, that each of the project line items has been verified against the Treasurer's Office account records for the period beginning 10/01/09 and ending 12/31/09 to ensure that sufficient funds are available for these transfers for unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$1,001.16 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Project No.</u>	<u>Amount</u>
Country Classics at Belle Mead -Final	09-PB-09-MJF	\$ 107.38
GC Landmarks, LLC	BA-06-10	\$ 42.93
Jon-Cin Holding of Hillsborough, LLC	BA-09-12	\$ 173.04
Mills Real Estate Venture, LLC	09-PB-05-MSR	\$ 193.28
MK Properties, LLC	BA-09-01	\$ 108.15
Prestige Landcape Designing, Inc.	BA-09-03	\$ 32.45
Roth, Jeffrey	BA-06-43	\$ 257.70
Seiwell, Patrick	BA-09-09	\$ 10.82
Tecumseh Associates II	07-PB-04-MJF	\$ 21.48
TJC Development, LLC	09-PB-07-INF	\$ 21.48
T-Mobile Northeast, LLC - 574 Auten Road	BA-09-17	\$ 32.45
	<b>Total Transfer</b>	<b>\$ 1,001.16</b>

2. Resolution authorizing the following actions for Hidden Forest Estates (Cornerstone), Fox & Foxx Development, LLC: accepting Maintenance Bond No. 5036756, in the amount of \$51,320; releasing Performance Bond No. 5014973; releasing cash bond, in the amount of \$35,283; and accepting the project, including Lanning Way into the Public Roadway System.

**WHEREAS**, a request has been received from Hidden Forest Estates (Cornerstone), Fox & Foxx Development, LLC. for the acceptance of Maintenance Bond No. 5036756 , in the amount of \$51,320.; releasing Performance Bond No. 5014973, releasing cash bond, in the amount of \$35,283.; and accepting the project, including Lanning Way into the public roadway system; and

**WHEREAS**, the Assistant Township Engineer certifies that all work has been satisfactorily completed; and

**WHEREAS**, the Assistant Township Engineer recommends that the Township Committee take action to accept the Maintenance Bond, release of the Performance Bond, release the cash bond and accept the project, including Lanning Way into the public roadway system.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the recommendation of the Assistant Township Engineer be and hereby is accepted and approved.

3. Resolution authorizing tuition reimbursement to Captain Paul Merkler for completion of the class "English Composition I" offered through Columbia Southern University, in the amount of \$438.75 and authorizing Captain Paul Merkler to enroll in "English Composition II" and authorizing Captain Paul Merkler to be eligible for tuition reimbursement of said course once it has been successfully completed.

**WHEREAS**, it is the policy of the Township of Hillsborough to encourage continuing education on the part of full-time employees for the purpose of enabling them to better perform in their jobs and to better prepare them in the event of an opportunity for advancement and promotion within the Township; and

**WHEREAS**, financial assistance for education is outlined in Article XVIII of the current PBA contract; and

**WHEREAS**, Captain Merkler has successfully completed the "English Composition I" course through Columbia Southern University; and

**WHEREAS**, Captain Merkler has requested consideration under the Township's Educational Assistance provisions; and

**WHEREAS**, the Chief of Police has requested favorable consideration of Captain Paul Merkler's request for financial reimbursement of seventy-five percent (75%) of the \$585.00 cost incurred for a total of \$438.75; and

**WHEREAS**, Captain Merkler is requesting authorization to take "English Composition II" towards his Bachelor's Degree in the Administration of Criminal Justice; and

**WHEREAS**, Captain Merkler has requested consideration under the Township's Educational Assistance provision upon successful completion of the aforementioned course; and

**WHEREAS**, the Chief of Police has requested favorable consideration of Captain Paul Merkler's request for financial reimbursement of seventy-five percent (75%) of the cost incurred upon successful completion of the class.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the recommendation of the Chief of Police is hereby accepted and approved.

4. Resolution approving proposed fire hydrant installation. *Blackpoint Road Watermain Extension.*

**WHEREAS**, as part of the Blackpoint Road Watermain Extension Project, New Jersey American Water Company is proposing to install nine (9) public fire hydrants; and

**WHEREAS**, the Fire Official has determined that the installation of nine (9) public fire hydrants are required to properly serve this project; and

**WHEREAS**, the fire hydrants must be installed at the same time the water mains are being installed because the pipe connections to the hydrants are installed in the water mains.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the installation of nine (9) public fire hydrants as determined to be required by the Fire Official, at the Blackpoint Road Watermain Extension Project.

5. Resolution authorizing the Mayor and Township Administrator/Clerk to execute the renewal of a License Agreement between the Township of Hillsborough and the American Society of Composers, Authors and Publishers, not to exceed \$307.75.

**WHEREAS**, the Township desires to renew the License Agreement with the American Society of Composers, Authors and Publishers for the playing of music in Township buildings and at Township events; and

**WHEREAS**, because there may be an admission charge at a Township sponsored event where music is played or payment made to a music performer for performing at a Township event, it is necessary for the Township to comply with the Copyright Law and avoid legal action by ASCAP, thereby resulting in a savings to the Township of legal fees and costs.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Mayor and Township Administrator/Clerk are hereby authorized to renew the License Agreement with the American Society of Composers, Authors and Publishers for the playing of music in Township buildings and at Township events, at a cost not to exceed \$307.75 for the period of April 1, 2010 through March 31, 2011.

6. Resolution authorizing the transfer of earned amounts, in an amount of \$4,805.34, from the Subdivision and Site Plan Engineering Trust Accounts to the Treasurer's Account.

**WHEREAS**, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$4,805.34 should be transferred from the Subdivision and Site Plan Engineering Trust Accounts into the Treasurer's Account as indicated; and

**WHEREAS**, each of the project line items has been verified against the Treasurer's Office account records through January 11, 2010, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$4,805.34 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Christian Community Chapel	322	0.00
Churco 2009-36	557	-429.62
Community Options Enterprises	540	-485.58
Country Classics 3C	331	-490.10
High Branch Land, Inc.	373	-183.70
Hillsborough Chase II	488	-133.16
Kiddie Academy	542	-66.58
Pleabeazin	477	-858.40
PSE&G 2009-11	537	-41.48
Pleasant View Estates III	490	-199.74
Rd opening 2009-25 Canica	555	-284.44
Rd opening 2009-29 NJ American	554	-577.76
Rd opening 2009-35 PSE&G	556	-515.54
Roycebrook Meadows	489	-165.92
Weidel Realty	543	-82.96
Westmeade Development	450	-290.36
Grand Total		-4,805.34

7. Resolution authorizing Hillsborough Township Public School Visual and Performing Arts Department to display student art work in the municipal building from March 1, 2010 to April 2, 2010.

**WHEREAS**, March has been designated "Youth Art Month" across the nation; and

**WHEREAS**, a request has been made from the Hillsborough Township Public School District Supervisor for Visual & Performing Arts to display student artwork in the Municipal Building from March 1, 2010 – April 2, 2010 in order to celebrate Youth Art.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Hillsborough Township Visual and Performing Arts Department is hereby authorized to display student artwork in the Municipal Building from March 1, 2010 through April 2, 2010.

8. Resolution approving an application for a raffle license by the Rotary Club of Hillsborough.

**WHEREAS**, an application for a raffle license has been filed by the Rotary Club of Hillsborough for raffles being held on February 13, 2010; and

**WHEREAS**, the submitted application form was complete in all respects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the raffle application #1161 submitted by the Rotary Club of Hillsborough for raffles being held on February 13, 2010.

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, the consent agenda was unanimously approved upon call of the roll.

### **CLAIMS LIST**

Mayor DelCore presented Claims List 2010-01

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Wagner, Claims List 2010-01 was unanimously approved upon call of the roll.

Mayor DelCore presented Claims List 2010-02

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, Claims List 2010-02 was unanimously approved upon call of the roll.

### **EXECUTIVE SESSION EXECUTIVE SESSION RESOLUTION**

Upon motion by Committeeman Suraci, seconded by Deputy Mayor McCauley, the following resolution was unanimously adopted upon call of the roll.

**WHEREAS**, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee is of the opinion that such circumstances exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough in the County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - a. *Property Acquisition: Block 175, Lot 26, (Amwell Road)*
  - b. *Litigation: Hillsborough Properties v. Hillsborough Township*
  - c. *Personnel: Ed Krachun, Public Works Worker, Department of Public Works*

3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

Executive Session commenced at 8:36 p.m.

Committeeman Ferrera motioned to come out of executive session at 10:35p.m.; said motion was seconded by Committeeman Wagner and was unanimously adopted by voice vote.

#### ADJOURNMENT

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Suraci, the meeting duly adjourned at 10:36 p.m. Said motion was carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC, QPA  
Township Administrator/Clerk