

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, Deputy Mayor Gloria McCauley and Mayor Frank DelCore. Also, in attendance were Township Attorney Albert E. Cruz, Township Administrator/Clerk Kevin P. Davis and Assistant to the Administrator Dianne Borngesser. Committeeman Robert C. Wagner, Jr. was absent.

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 February 9, 2010.

#### PROCLAMATIONS

- *None at this time*

#### APPOINTMENTS

- *Appointment of Gene Strupinsky, Business Advocate, as Municipal Representative from Hillsborough Township to the Ride Wise Board for 2010*

Mayor DelCore reported that the Somerset County Ridewise Board of Directors has invited Hillsborough to name a representative to the Board. Ridewise is a volunteer organization that coordinates commuter issues in Somerset County. Gene Strupinsky, the Township's Business Advocate, will serve as Hillsborough's representative in 2010.

#### APPROVAL OF MINUTES

- *Approval of the January 5, 2010 Re-Organization Minutes*

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Suraci, the minutes of the January 5, 2010 Re-Organization Session were unanimously approved upon the call of the roll.

- *Approval of the January 26, 2010 Executive Session Minutes*

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Suraci, the minutes of the January 26, 2010 Executive 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 that the Historic Commission has elected George Redington as their Chairman, Greg Gillette, Vice Chairman and Tim Johnson as Secretary.

Committeeman Ferrera reminded residents who have a fire hydrant in front of their house to please clear the snow away from the hydrant. Also, due to the increasing amount of snow piled up around town, the Committeeman asked residents to please be careful and be aware of young children.

### **Committeeman Suraci**

Committeeman Suraci reported that the Credit Card Advisory Committee had their re-organization meeting. Don Simmons was named Chair of the committee, Marie Avolio, Vice Chair and Toni Natale, Recording Secretary. Committeeman Suraci said approximately one year ago we had reactivated this program. Committeeman Suraci said the Advisory Committee is planning on announcing the application process for submitting grant approvals later this year.

Committeeman Suraci and Deputy Mayor McCauley, as the Finance Committee met one week ago. Committeeman Suraci reported on their first budget meeting, and said the Township, like all municipalities, will not know whether state aid will be reduced any further until the Governor makes his budget speech on March 19<sup>th</sup>.

Committeeman Suraci said we have learned over the last few years, even with the Governor's announcement of aid figures, the amount can still change in the final budget approved by the state legislature in June. The aid figure is an integral part of our budget process, so we are quite a ways off from any type of budget document.

Committeeman Suraci reported the following facts; there are significant cost escalators beyond the control of municipal government again this year. Health insurance costs in the state health benefits program will be up \$350,000 over 2009 costs. This is a huge impact and we have directed that the Township's insurance advisors look at potential alternative plans to see if they can offer lower costs.

Committeeman Suraci said he believes that as the national health care debate has demonstrated, health costs are rising everywhere, so it is no sure bet that the consultant will find a lower cost program. The Township's overall insurance coverage is up \$50,000 over last year – driven primarily by workers' compensation costs, which in turn are again driven by health care costs.

Committeeman Suraci said while these costs are up, the Township is a member of two major shared services joint insurance funds: the Central Jersey Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund.

Committeeman Suraci said the cost for payments to the water company for fire hydrant service has increased and is always a sore point here. The perennial thorn in the taxpayers' side, pension costs, are up an additional \$65,000 this year.

Committeeman Suraci said the good news there is that Hillsborough which did not participate in the pension borrowing plan last year, is in a lot better shape than municipalities that went into pension debt last year – as we warned would be the case in 2009.

Committeeman Suraci said there are a number of other budget areas; disability and unemployment costs, social security, and utilities, to name a few, that will also have increases outside our control so the finance committee has our work cut out for us, because there will need to be major reductions in other budget areas, in order to meet the state cap law.

Committeeman Suraci said we will tackle this work with the same business like framework we have for the last few years and we are committed to debt reduction. It has proven to be a real source of savings for taxpayers and it remains a priority.

Committeeman Suraci said we will find opportunities to further savings within the personnel headcount and the payroll. Fewer full time employee's means less salary and benefit costs.

Committeeman Suraci said we will look towards any and all avenues of merging and sharing services where Hillsborough taxpayers can gain a savings, without significant reduction in services. And we will ensure that the basic services of municipal government that our residents rely upon will continue to be delivered efficiently and effectively.

Committeeman Suraci said this Thursday, Governor Christie will address a Joint Session of the State Legislature and will offer his plans to deal with the state's current budget deficit situation.

Committeeman Suraci said he is eagerly awaiting his speech and hoping we will get some hints as to where he may alleviate some of the cost burdens local government is facing with their budgets this year.

### Deputy Mayor McCauley

Deputy Mayor McCauley reminded residents about the census. Residents will receive a letter in March. Deputy Mayor McCauley asked when residents receive this letter, to answer the questions and mail the form back in the postage paid envelope. Residents who do not return the form may receive a visit from a census taker.

Deputy Mayor McCauley informed residents that the Census Bureau is hiring census takers and information is available on the Township website, as well as, the census website.

Deputy Mayor McCauley reported there is a nationwide non-profit organization called SCORE. They are counselors to America's small businesses and they will start offering free consultations to Hillsborough's small businesses beginning this Thursday.

The Deputy Mayor reported there will be a two hour session, one at 7:00 p.m. and one at 8:00 p.m., in the Municipal Building's Side Multi-Purpose Room. Through 2010 they will be at the same location on the second Tuesday of every month at 7:00 and 8:00 p.m., and the fourth Tuesday at 1:00 and 2:00 p.m. In February the first afternoon session will be on the 25<sup>th</sup>. Deputy Mayor McCauley said to schedule an appointment log onto the Township website or [www.score.org](http://www.score.org).

Mayor DelCore

Mayor DelCore said last night the Boy Scouts of America celebrated their 100<sup>th</sup> Anniversary. There were a number of celebrations throughout the country. Mayor DelCore said he had the opportunity to attend a celebration at the Route 206 Firehouse.

Mayor DelCore thanked the scout leaders in town for inviting him and Freeholder Ciattarelli to the event. Mayor DelCore presented the Scouts organization with a proclamation in honor of their 100<sup>th</sup> Anniversary.

Mayor DelCore said each meeting he has additional good news on the establishment of the quiet zones.

Mayor DelCore said tonight, he is pleased to report that the Norfolk Southern Railroad company has completed the safety improvements at both the Valley and Roycefield Road crossings, paving the way for the quiet zones at those crossings.

Mayor DelCore reported the state DOT needs to inspect the crossings to ensure they meet all requirements which would have happened this week, except for the weather. So we expect that to be completed next week.

Mayor DelCore said as soon as we have the DOT approval, the Township will issue the Notice of Establishment with a 21 day transition period. At the conclusion of the 21 day period, the quiet zones will be established and the train horn soundings should end.

Mayor DelCore reported on another project on the verge of completion is the traffic light being installed by Somerset County at the intersection of Roycefield and New Centre Roads. The Mayor said he is advised the light is ready to go and that PSE&G needs to connect the light to the power source. This is another work activity that is being impacted by the bad weather. Once the power source is connected, the traffic light will be put on in flashing mode for a week or so, to give roadway users a chance to adjust to a traffic light in that location.

Mayor DelCore said the flashing light will be changed to a permanent traffic light which the Police Department has indicated is vitally needed for safety at that intersection.

Mayor DelCore said these types of public improvements by other agencies and entities require continued attention by the Township's staff and the Mayor thanked all of those who have been involved in moving these projects to their completion.

Mayor DelCore said earlier today Governor Christie announced that he was providing an executive order that would set up a five member housing opportunity task force that will examine New Jersey's Affordable Housing requirements. The Governor also ordered a freeze on all work done by the Council On Affordable Housing (COAH).

Mayor DelCore said we applaud the strong steps taken by the Governor. State mandated affordable housing is a problem for each municipality and taxpayers. We have asked the Township's Affordable Housing Attorney, Andy Bayer, of Gluck Walrath to examine the executive order and report back on how it impacts our community.

Mayor DelCore stated that we did submit our plan that was required. The plan reduced the Township's affordable housing mandate from 650 to 491 units. The Mayor said we submitted that to the court, not to the COAH Board.

Mayor DelCore said we are not sure what this new executive order will mean in relation to the current plan, but certainly we will keep you posted.

### NEW BUSINESS

- *None at this time.*

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

Tom O'Donnell, 33 Anne Street, thanked the Township Committee and Mr. Davis for the hard work they have put into the Claremont Area Sanitary Sewer Extension and Road Paving Project. Mr. O'Donnell said the residents in the Claremont area are excited about the low costs of the bid and believe this will save the homeowners some money. Mr. O'Donnell said the residents are going to have an engineer take a look at the engineering documents and design, just to make sure that everything is consistent.

Mayor DelCore thanked Mr. O'Donnell for his comments and said the Committee is very pleased with the costs, and is also pleased with the interaction of the residents in the Claremont area.

### PUBLIC HEARINGS

- None at this time.

### INTRODUCTION OF NEW ORDINANCES

Ordinance 2010-03     An Ordinance authorizing acceptance of a deed of dedication for Block 148, Lot 1 (Hillsborough Chase) from Toll NJ III, L.P., as shown 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 March 9, 2010.*

**WHEREAS**, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept a Deed of Dedication, dated August 18, 2005 for Block 148, Lot 1 as shown on the Township of Hillsborough Tax Map, conveyed unto the Township by Toll NJ III, L.P.; and

**WHEREAS**, this Deed of Dedication was recorded in the Somerset County Clerk's office on September 19, 2005, in Deed Book 577, Page 3311, but was not accepted by the Township; and

**WHEREAS**, the purpose of this conveyance is to satisfy a condition of that subdivision approval, as set forth in a resolution adopted by the Planning Board of the Township of Hillsborough, memorialized on September 11, 2003; and

**WHEREAS**, the Township Attorney for the Township of Hillsborough has reviewed the abovementioned Deed 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 aforementioned Deed and conveyance attached hereto and directs its appropriate officials to execute and file such documents as may be necessary.

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

Mayor DelCore said under the terms of the Planning Board's 2003 approval of Toll Brother's Hillsborough Chase non-contiguous cluster development, five open space parcels were to be dedicated to the Township. The 42 acre block 148, lot 1 on New Centre Road, is the final of these properties to be accepted by the Township.

Mayor DelCore said the property required environmental remediation by Toll Brothers, which has been completed and approved by the New Jersey Department of Environmental Protection. The property can be either preserved as open space or can be added to the Township's farm lease program and be actively farmed. Either way, the property is now preserved from development. The staff has been directed to determine if there is an interest in farming the property

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 9, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2010-04     An Ordinance authorizing the Township of Hillsborough to reject the offer to dedicate to the Township Block 145.04, Lot 27, as shown on the tax map of the Township of Hillsborough, county of Somerset, State of New Jersey, thereby releasing the offer to dedicate the property by Toll NJ III, L.P. *Further consideration of this ordinance and public hearing will be held on March 9, 2010.*

**WHEREAS**, one (1) of the conditions of the Planning Board Resolution of Memorialization for Application No. 01-PB-25-MJ required the dedication of Block 145.04, Lot 27, as shown on the Tax Map of the Township of Hillsborough, to the Township of Hillsborough; and

**WHEREAS**, the Resolution also required that the Township had five (5) years to decide whether to accept or reject the dedication of Block 145.04, Lot 27; and

**WHEREAS**, the Township Committee of the Township of Hillsborough wishes to reject the dedication from Toll NJ III, L.P., by Deed, dated August 18, 2005, conveying Block 145.04, Lot 27 to the Township and release the offer to dedicate the property by Toll NJ III, L.P.; and

**WHEREAS**, the rejection is based upon the property not being contiguous to any other property owned by the Township, is isolated and presents an undue burden, expense and risk to the Township.

**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 rejection and release of the dedication and directs that the original Deed, dated August 18, 2005, be returned to Toll NJ III, L.P.

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

Mayor DelCore stated that under the terms of the same Planning Board approval, there is a requirement to determine the disposition of the 2 acre property at the corner of New Centre Road and Beekman Lane. The Township is not obligated to accept the property. Given the landscaping demands of such a parcel and the potential added costs to taxpayers, it is the recommendation of the Township staff that the property remain with Toll Brothers.

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 March 9, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

#### CONSIDERATIONS

Mayor DelCore offered the following resolution:

1. Resolution authorizing the Administrator/Clerk to sign the Partner Agreement with the Hillsborough Board of Education for the Readiness and Emergency Management Grant.

**WHEREAS**, it is the desire of the Hillsborough Board of Education to improve and strengthen school emergency response and crisis management; and

**WHEREAS**, the United States Department of Education, Office of Safe and Drug Free Schools is offering grants to provide funds to local educational agencies to create, strengthen, or improve emergency management plans; and

**WHEREAS**, the Hillsborough Board of Education will be seeking a \$150,000 federal grant that is endorsed by the Hillsborough Police Department, Office of Emergency Management, the Rescue Squad and the Fire Safety Office; and

**WHEREAS**, the grant application process requires that the Township approve a Partner Agreement with the Board of Education.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, agree to provide the services outlined in the Partner Agreement and hereby authorizes the Township Administrator/Clerk to sign the Partner Agreement.

Mayor DelCore reported the School District is seeking a \$150,000 federal readiness and emergency management grant. The grant has been endorsed by the Police Department, the Office of Fire Safety, the Office of Emergency Management and the Rescue Squad.

The grant application process requires the Township to approve a Partner Agreement with the School District. Mayor DelCore said this is a great example of governmental units working together and we are happy to support the Board in their pursuit of this grant.

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

2. Resolution authorizing the submission of the Hillsborough Township Tonnage Grant Application to the New Jersey Department of Environmental Protection.

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, C. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing the municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Hillsborough Township Committee to the efforts and undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Dr. Glen Belnay to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Mayor DelCore reported that the Department of Health will submit the annual recycling tonnage grant for 2009. This is a report on both the residential and commercial recycling activities in Hillsborough. A total of 30,000 plus tons of materials were recycling in the previous year. Last year Hillsborough received \$36,319 in recycling grant funds.

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

3. Resolution to hire Michael A. Pineno as Information Technology Manager, in the Police Department, effective April 1, 2010.

**WHEREAS**, Police Chief Paul Kaminsky has determined that the demands of the Police Department's information technology requirements have grown to the point where a full time Information Technology Manager for the Police Department is a necessity in order to ensure the continued efficient and effective operations of the Department; and

**WHEREAS**, formerly the Police Department operated with a sworn Officer serving in a dual capacity as Police Officer and Information Technology Manager; and

**WHEREAS**, the Police Officer filling that role, Corporal Michael A. Pineno, will retire from the Hillsborough Police Department on March 31, 2010, thereby creating a need to fill the information technology role in the Department; and

**WHEREAS**, the Police Chief recommends that given Mr. Pineno's technical skills and experience with the Police Department's systems network, it is in the interest of the Township to hire Mr. Pineno as the full time Information Technology Manager in the Hillsborough Police Department, at an annual salary of \$89,000, effective April 1, 2010; and

**WHEREAS**, at this time the Chief does not recommend filling the vacancy in the uniformed Police Officer ranks that will result from Mr. Pineno's retirement.

**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 Chief of Police Paul A. Kaminsky hereby is accepted and approved, and Michael A. Pineno is hereby hired as Information Technology Manager, at an annual salary of \$89,000, effective April 1, 2010.

Mayor DelCore reported as policing functions become more technologically reliant, the role of the Information Technology Manager in the Department has expanded, both in workload and in the demand of knowledge.

Mayor DelCore said the Police Chief advises the Township Committee that the Police IT position requires not only highly technical knowledge of computer hardware and software systems, and the ability to maintain a large network of users, but also the ability and experience to manage the interaction of the specific electronic functions of the various public safety record keeping requirements, data maintenance, and radio and emergency communications.

Mayor DelCore said until this point, Hillsborough's Police Department has managed the system using the exceptional skills of a Police Officer, Corporal Michael Pineno, who has served in a dual capacity. The demands of the system are such at this point, we are advised, that having an individual perform both sworn Police duties and IT responsibilities is no longer workable or in the public interest.

Mayor DelCore said in order to ensure the continuation of effective and efficient IT services in the Police Department, Mr. Pineno will retire at the end of March and is appointed as IT Manager in the Police Department effective April 1, where he can devote full time to the vital electronic support of Police Officers and the Department.

Mayor DelCore reported that Mr. Pineno's position in the Police Table of Organization of uniformed personnel will not be filled, so there is no increase in the municipal full time headcount. Additionally, Mr. Pineno's new salary and benefits in the IT Manager position, will represent a savings of over \$50,000 to the Township from his Police position.

Mayor DelCore said also, the Police Chief has estimated that the cost of the IT Manager's salary and benefits will be substantially less than if the Department had to bring in hardware, software, and electronic hourly basis consultants, to deal with the maintenance of the information technology system in the Police Department.

Committeeman Ferrera agreed with the Mayor and believes this is cost effective and beneficial to the Township.

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

4. Resolution approving the purchase of five (5) Mobile Video Recorders for Patrol cars, for the Hillsborough Township Police Department, from L3 Communications, through the Morris County Purchasing Cooperative, in an amount not to exceed \$49,465.25.

**WHEREAS**, Hillsborough Township Police Department has established a need to replace the current out of date Mobile Video Recording (MVR) equipment in Patrol Cars; and

**WHEREAS**, the Hillsborough Capital Planning Committee rated the MVR equipment replacement as a high priority in 2009; and

**WHEREAS**, the Police Chief recommends the purchase of five (5) MVRs from L3 Communications, through the Morris County Purchasing Cooperative (Co-op), at a cost of \$49,465.25 resulting in a cost savings of \$5166.50 due to the discounted price available through the Co-op; and

**WHEREAS**, funds are available and have been certified as such by the Chief Finance Officer and 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 it hereby approves the purchase of five (5) Mobile Video Recorder units from L3 Communications, through the Morris County Purchasing Cooperative, for Patrol Cars, for the Hillsborough Township Police Department, in an amount not to exceed \$49,465.25.

Mayor DelCore said the replacement of Mobile Video Recorders, or MVR's, in Police patrol vehicles was identified as a high priority by the Capital Planning Committee last year. As was discussed when the capital ordinance providing for the funding for the MVR's was approved last year; the MVR's provide audio and visual recording of police contacts from the police vehicle. Chief Kaminsky advises they are an effective tool in investigations and prosecutions of criminal offenses and traffic violations.

Mayor DelCore reported the equipment also assists with any citizen complaints of Police actions and internal affairs investigations. The Police Department must replace the MVR's in police vehicles, due to the fact that most of the units have reached their expected service life, are no longer covered under warranty, and are ineligible for extended coverage because of age. Ultimately the MVR's must be replaced in a total of 18 patrol vehicles. These are the first five.

The Mayor said the good news is that originally the five MVR's were expected to cost about \$55,000, however, through the Department's identification of the availability of the equipment through the Morris County Purchasing Cooperative, of which Hillsborough is a member, there will be a \$5000 cost savings in the purchase. That is good work which we all commend.

Committeeman Ferrera said keeping up with technology and making sure these units work is critical to the job function of the police department.

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

5. Resolution approving 2009 appropriation reserve transfers.

**WHEREAS**, N.J.S.A. 40A:4-58 allows for appropriation transfers during the first 3 months of a budget fiscal year where there is a need for these transfers; and

**WHEREAS**, there is a need to transfer Health Benefits, Sick & Vacation Pay and Snow Removal budget balances to the Miscellaneous Trust for use in future years;

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough that the Chief Finance Officer be authorized to make the transfer from following appropriations in the 2009 Reserve Budget to the Miscellaneous Trust Fund:

FROM:	Group Insurance		
	Other Expenses	9-01-23-733-020	\$19,120.61
	Sick & Vacation Pay	9-01-30-850-012	\$27,088.56
	Snow Removal		
	Salaries and Wages	9-01-26-769-010	<u>\$19,958.36</u>
	Total		<u>\$66,167.53</u>
TO:	Health Benefits Reserve	T-12-56-860-027	\$19,120.61
	Sick & Vacation Reserve	T-12-56-860-060	\$27,088.56
	Snow Removal Reserve	T-12-56-860-061	<u>\$19,958.36</u>
	Total		<u>\$66,167.53</u>

Mayor DelCore reported there are \$66,167.53 in surplus funds in the Health insurance, snow removal, and sick and vacation reserve line items from the 2009 budget which state law permits to be transferred to specific reserve accounts.

Mayor DelCore reported funds from these reserve accounts can be used in the future to protect taxpayers by offsetting emergency, unanticipated, or unusual cost impacts for those three specific purposes.

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

6. Resolution authorizing the Tax Assessor and the Township Attorney to respond to tax appeals.

**WHEREAS**, from time to time there is and has been a need for the Township Tax Assessor, with the assistance of the Township Attorney, in order to revise and correct assessments, to file tax appeals and settle those appeals at the County Tax Board; and

**WHEREAS**, the Township Committee has consulted with the Township Attorney, and has reviewed the recommendations of the Township Tax Assessor, that the filing of appeals and settlements for the 2010 tax year with the County Tax Board to revise and correct assessments, are in the best interests of the Township of Hillsborough; and

**WHEREAS**, the Township Committee has authorized the filing of tax appeals and the settlement of those appeals at the County Tax Board by the Township Attorney in consultation with the Township Tax Assessor, and reaffirms and ratifies those petitions of appeal and settlements made to date.

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

1. The Township Attorney is hereby authorized to file petitions of tax appeals for the 2010 tax year with the Somerset County Tax Board, and settle those appeals, all in consultation with the Township Tax Assessor; and the filing of appeals and settlements to date are hereby reaffirmed and ratified by this Resolution.

Mayor DelCore reported State regulations require the Township to authorize the Tax Appeal Attorney, in consultation with the Tax Assessor to file or settle tax appeals. This resolution grants the Attorney the authority to negotiate tax appeal settlements on the Township's behalf. All settlements, however, must be approved by a public vote of the Township Committee.

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

7. Resolution authorizing the appointment of Cornerstone Architectural Group as Architect of Record and the execution of a Professional Services Contract in accordance with the Fair and Open Selection Process (N.J.S.A. 19:44a-20.4-5 et. seq.), for the year 2010.

**WHEREAS**, there exists a need for an Architect of Record for the year 2010; and

**WHEREAS**, based upon the recommendation of the Evaluation Committee and as a result of the Fair and Open Selection Process, the Township Committee wishes to award a contract for "Professional Services" for Architect of Record to Cornerstone Architectural Group, LLC, 202 Hamilton Boulevard, South Plainfield, New Jersey, at rates listed in the fee schedule attached to their proposal dated December 15, 2009 for the year 2010; and

**WHEREAS**, a certification of availability of funds shall be made in connection with each purchase order in accordance with N.J.A.C 5:34-5.3(b)(2); and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44A-20.4-5 et. seq.) requires that the resolution

authorizing the award of contracts for "Professional Services" without competitive bid but through the Fair and Open Selection Process must be publicly advertised.

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

1. The Mayor and Township Clerk are hereby authorized to execute Professional Services Contracts with the aforementioned individuals at the rates indicated for the year 2010.
2. This contract is awarded, without competitive bidding, through the Fair and Open Selection Process as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law and the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44A-20.4-5 et. seq.) because these services will be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, the performance of which service requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instructions as distinguished from general academic instruction or apprenticeship and training.
3. The Mayor and Township Clerk are hereby authorized to execute the Township's standard form of agreement for "Professional Services" and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
4. A notice of these action shall be printed once in the official Township newspaper.

Mayor DelCore said we are authorizing Cornerstone as the Architect of Record for the Township.

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

#### CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution authorizing the moving the June 8, 2010 Township Committee meeting to June 7, 2010 due to the Primary Election to be held on June 8, 2010.

**WHEREAS**, the Township Committee of the Township of Hillsborough established the 2010 regular public meetings of the Township Committee at its annual reorganization meeting held on January 5, 2010; and

**WHEREAS**, due to the June 8<sup>th</sup> Primary Election, it has become necessary to reschedule the Tuesday, June 8, 2010 regular public meeting to Monday, June 7, 2010.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby changes the 2010 Township Committee Meeting Schedule as follows:

**CANCEL:**

**ADD:**

Tuesday, June 8 2010 regular public meeting at 7:30 pm      Monday, June 7, 2010 regular public meeting at 7:30 pm

2. Resolution authorizing the Somerset Valley YMCA, Hillsborough Branch, to hold their annual 5K Road Race in Hillsborough Township on Saturday, June 5, 2010, pursuant to the requirements outlined by Chief Paul Kaminsky.

**WHEREAS**, the Somerset Valley YMCA Hillsborough Branch has requested to hold their annual 5K road race on Saturday, June 5, 2010, in Hillsborough Township; and

**WHEREAS**, prior to June 5, 2010, the Somerset Valley YMCA Hillsborough Branch will produce a certificate of insurance naming the Township of Hillsborough as an insured; and

**WHEREAS**, Chief Kaminsky and Hillsborough Township Police Department's Traffic Safety Bureau have determined that the planned route will provide an acceptable level of safety for the runners.

**NOW, THEREFORE**, be it resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Somerset Valley YMCA Hillsborough Branch is hereby authorized to hold a race in Hillsborough Township on June 5, 2010.

3. Resolution approving the request from Belvior Barn, LLC for the release of Development Review Escrow, in the amount of \$11,086.41.

**WHEREAS**, a request has been received from Belvior Barn for the release of Development Review Escrow; and

**WHEREAS**, the Hillsborough Township Planner certifies that the request for a wedding reception facility has been withdrawn; and

**WHEREAS**, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$11,086.41 Development Review Escrow because the request has been withdrawn.

**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 Hillsborough Township Planner be and hereby is accepted and approved.

4. Resolution approving the request from Wilson's 10-33 Foundation, Inc. to use the Township's tent for a motorcycle ride and picnic, a fundraising event on May 2, 2010, in memory of Officer David F. Wilson.

**WHEREAS**, Wilson's 10-33 Foundation, Inc. request the use of the Township's Celebration Tent for a motorcycle ride and picnic to be held on May 2, 2010 to benefit Wilson's 10-33 Foundation, Inc.; and

**WHEREAS**, the Department of Parks and Recreation and the Recreation Commission has recommended that Wilson's 10-33 Foundation, Inc. request be approved.

**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 Wilson's 10-33 Foundation, Inc. request to use the Township's Celebration Tent for the motorcycle ride and picnic to be held on May 2, 2010 to benefit Wilson's 10-33 Foundation, Inc.

5. Resolution approving the request from Mills Real Estate for the release of Development Review Escrow, in the amount of \$128.72.

**WHEREAS**, a request has been received from Mills Real Estate for the release of Development Review Escrow; and

**WHEREAS**, the Hillsborough Township Planner certifies that all work related to the review of the above has been completed; and

**WHEREAS**, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$128.72 Development Review Escrow because the work has been completed.

**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 Hillsborough Township Planner be and hereby is accepted and approved.

6. Resolution approving the request from Duke Farms for the release of Development Review Escrow, in the amount of \$3,225.02.

**WHEREAS**, a request has been received from Duke Farms for the release of Development Review Escrow; and

**WHEREAS**, the Hillsborough Township Planner certifies that all work related to the review of the above has been completed; and

**WHEREAS**, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$3,225.02 Development Review Escrow because the work has been completed.

**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 Hillsborough Township Planner be and hereby is accepted and approved.

7. Resolution approving the request from Country Classics III & IV, LLC for the release of engineering inspection fees of \$9,846.31 for Country Classics Section 3B.

**WHEREAS**, a request has been received Country Classics III & IV for the release of engineering inspection fees, in the amount of \$9,846.31; 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 release \$9,846.31 in engineering inspection fees to Country Classics III & IV.

**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.

8. Resolution accepting Maintenance Bond No. 3-25-92-83 from The Great American Insurance Company for road repaving.

**WHEREAS**, Assistant Township Engineer Thomas Belanger certifies that all roadway repaving has been satisfactorily completed and recommends that the Township Committee, subject to the review and report of the Township Attorney, take action on the following:

1. Accept Maintenance Bond No. 3-25-92-83 from The Great American Insurance Company.
2. Pay final invoice dated 11/30/09 (payment No. 2) in the amount of \$13,954.45.

**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.

9. Resolution authorizing refund of Tax Overpayment in the amount of \$2,720.94.

**WHEREAS**, a real property tax payer overpaid their real property taxes and:

**WHEREAS**, the Tax Collector has received proof of such payment after correspondence with said property owner:

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Tax Collector is hereby authorized to refund said amount to the property owner. Total, \$2,720.94 properties, 1.

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Block	Lot	Name	Amount	Qtr	Year
150.03	4	Wells Fargo Home Mortgage	2,720.94	1st	2010

Mr. Davis said for public consumption and also for the media that is here, one of the items is moving the June 8<sup>th</sup> Township Committee meeting to June 7<sup>th</sup>, due to the New Jersey primary election day.

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

### CLAIMS LIST

Mayor DelCore presented Claims List 2010-03

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Ferrera, Claims List 2010-03 was unanimously approved upon call of the roll.

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

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, 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. *Litigation: Hillsborough Properties v. Hillsborough Township*
  - b. *Personnel: Ed Krachun, Public Works Worker, Department of Public Works*
  - c. *Negotiations: Dispatchers Local 701*
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 8:14 p.m.

Committeeman Ferrera motioned to come out of executive session at 10:25p.m.; said motion was seconded by Committeeman Suraci and was unanimously adopted by voice vote.

### **ADJOURNMENT**

Upon motion by Committeeman Suraci, seconded by Deputy Mayor McCauley, the meeting duly adjourned at 10:26 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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