

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 reported earlier this month, a Hillsborough resident who was serving in the United States Army at Fort Carson, Colorado, Pawel Serafin, died as a result of a tragic car accident.

Mayor DelCore said our thoughts and prayers go out to his family during this very difficult time and he asked to please join him in a moment of silent prayer for the memory of Pawel Serafin and his family.

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 23, 2010.

PROCLAMATIONS

- *Proclamation honoring the 2009 Woods Road School Second Grade Classes for creating and sending Holiday cards to U.S. Troops serving overseas*

WHEREAS, the 2009 Woods Road School second grade classes support the United States Military both here and abroad; and

WHEREAS, the second grade classes understand that the military sacrifice their safety in order to protect the citizens of the United States; and

WHEREAS, the second grade classes wanted to show their appreciation in a tangible way; and

WHEREAS, the 2009 Woods Road School second grade classes rose to the challenge of being exemplary citizens of Hillsborough Township; and

WHEREAS, all students created beautiful holiday cards with supplies donated from the second grade parents; and

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 second grade classes, not only for the Holiday cards they made, but also for their compassion, gratitude, and good citizenship.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee, further commend the 2009 Woods Road School second grade classes for the honor that they have brought to themselves, their school and our community through their kindness and generosity.

APPOINTMENTS

- *Appointment of Craig Werner to seat #3, on the Cable Advisory Committee, with a term ending 12/31/10 (Mayoral Appointment)*
- *Appointment of Allison Kent to seat #11, on the Youth Services Commission, with a term ending 12/31/10*

Upon motion by Committeeman Suraci, seconded by Committeeman Ferrera, the appointment of Allison Kent to seat #11 on the Youth Services Commission was unanimously approved upon the call of the roll.

APPROVAL OF MINUTES

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

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Wagner, the minutes of the January 26, 2010 Regular Session were unanimously approved upon the call of the roll.

- *Approval of the February 9, 2010 Executive Session Minutes*

Upon motion by Committeeman Suraci, seconded by Deputy Mayor McCauley, the minutes of the February 9, 2010 Executive Session were approved upon the call of the roll.

Yes – Ferrera, Suraci, McCauley, DelCore

Abstain - Wagner

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

Committeeman Ferrera

Committeeman Ferrera wished Mayor DelCore a Happy Birthday.

Committeeman Ferrera congratulated Rich Norz for receiving the award of the “2010 National Outstanding Young Farmer”.

Committeeman Ferrera reminded residents again, if they have a fire hydrant in front of their house to please clear the snow away from the hydrants.

Committeeman Ferrera said he hopes by this weekend the blinking light at Roycefield and Dukes Parkway will be operable. Also, the light at Homestead Road and 206 should be working in a few weeks.

Committeeman Ferrera thanked the DPW employee's, Police and the OEM staff for doing an outstanding job during the storm. Committeeman Ferrera also thanked Hillsborough resident, Dennis Valcheck, owner of Valcheck Bus Company, for offering his services in case of an emergency.

Committeeman Suraci

Committeeman Suraci wished Mayor DeCore a Happy Birthday.

Committeeman Suraci reported on the Somerset County Tax Board ordered revaluation. Committeeman Suraci said the revaluation process has begun. The inspectors are visiting residential homes and commercial properties, collecting the data needed for the revaluation. The Committeeman said if residents would like more information please go to the Township website at www.hillsborough-nj.org.

Committeeman Wagner

Committeeman Wagner said, as the Veterans' Liaison, it is his honor to announce that Hillsborough's Memorial Day Commemoration program is scheduled for Saturday, May 29th. Committeeman Wagner said the key part of Hillsborough's Memorial Day program is that we ask our military veterans to lead us in remembering and honoring those who made the ultimate sacrifice in the defense of our nation.

Committeeman Wagner said we hold an early morning breakfast event saluting our veterans for providing that leadership on Memorial Day and for their service to our country.

Committeeman Wagner asked all Hillsborough veterans to mark their calendars now for May 29th, so they can join us for the 5th annual Salute to Veterans breakfast, the Memorial Day Parade and the Garden of Honor ceremonies.

Committeeman Wagner said each year we gain more and more veterans joining the Commemoration program and it is always a proud moment for our community. The residents who attend the parade and the ceremonies are most appreciative of our veterans' participation.

Committeeman Wagner said as the Committee Chairman for Public Works, he reported on the work done during the snow storm on February 10th and 11th. Committeeman Wagner reported on some statistics provided by Director Buck Sixt. The public works crew worked 37 hours straight through, from 1 am on Wednesday, February 10th to 2 pm on Thursday, February 11th. Committeeman Wagner said that is an amazingly demanding work schedule and we are very appreciative of the effort put in by all the public works employees during the storm.

Committeeman Wagner reported that over 562 tons of salt was used and 10,600 gallons of the special salt brine that helps to extend the effectiveness of the Department's salt stores.

Committeeman Wagner said we asked the Engineering Department to do some math to see just how much snow was moved over that period. Hillsborough has 220 miles of roads from which snow must be moved and there was a foot and one half of snow. It comes to 52 million cubic feet of snow which is calculated to be 784 million pounds of snow, and that translates into over 392,000 tons of snow removed from the roadways.

Committeeman Wagner said he gets just as frustrated as the next guy when he has to dig out the front of his driveway a second or third time after DPW has come down the street, he said we all have to step back and consider how difficult it is to move that volume of snow and to ultimately make the streets safe. Additionally, in the joint program with the School Board where sidewalks are made passable for students who have to walk to the Middle School and the High School, those sidewalks were cleared for the students in time for classes to resume on Friday, February 12th.

Committeeman Wagner again commended the DPW personnel for a job well done and he also thanked the Police Officers who were out there in the blizzard dealing with disabled vehicles and other safety issues.

Deputy Mayor McCauley

Deputy Mayor McCauley reported Somerset County, through the collaborative efforts of the Somerset County Cultural & Heritage Commission and Somerset County Planning Board, has also launched a promotional awareness campaign to remind residents how vital the U.S. Census 2010 survey is to our community.

Deputy Mayor McCauley said the County's awareness campaign is being promoted with the aid of a specially designed poster, brochure and art exhibition, which will be on display through April 30 at the County Administration Building, located at 20 Grove Street in Somerville. There is even artwork by a Hillsborough resident, Nicole Forsythe. Artists' participation in this initiative serves a vital role in attracting attention to and enhancing the public's awareness of the importance of the 2010 Census. For more information on the art exhibit call the Cultural & Heritage Commission office at (908) 231-7110.

Deputy Mayor McCauley announced the second Annual Sustainable Hillsborough Fair will be on May 1st from 1-5:00 pm. This year it will be an indoor/outdoor event and to participate residents can register on the Township's website or call Rebecca Marshal in the Planning Department at 908-369-4313 ext. 209.

Mayor DelCore

Mayor DelCore thanked everyone at the Department of Public Works for all their hard work.

Mayor DelCore reported the NJDOT has just notified Hillsborough that the Department has completed their inspection and approved the safety improvements at the Valley and Roycefield Road rail crossings. The Township will issue the required Notice of Establishment of Quiet Zones on February 24th. A copy of the Notice will be available on our website at www.hillsborough-nj.org. The 21 day transition period will begin February 24th, so we expect the end of sounding the train horns at the Valley and Roycefield crossings on March 16th.

Mayor DelCore said with quiet zones at those two crossings joining the quiet zones already in place at the Beekman Lane and Auten Road crossings, there will now be a complete quiet zone along the entire Norfolk Southern rail line in Hillsborough. The Mayor said quiet zones have been a long time coming.

Mayor DelCore said that he knows from conversations with homeowners living in proximity of the rail line that this will bring a real improvement in the quality of life. Additionally, the crossing improvements required by the Federal Railroad Administration and approved by the New Jersey Department of Transportation will add to crossing safety.

NEW BUSINESS

- *None at this time.*

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Tom O'Donnell, 33 Anne Street, gave Mayor DelCore a copy of the engineering analyses, conducted by Emerald Environmental Solutions, where they looked at the engineering proposal for the Claremont Sewer Project. Mr. O'Donnell said overall the proposal looks good, though there are a few details he would like to discuss with the Municipal Utilities Authority and the Township Committee.

Mr. O'Donnell questioned a newspaper article regarding the environmental asset inventory, and expressed the concerns of the Claremont community.

Mr. O'Donnell said residents in the Claremont community would like the claremontcommunity.org website to be a place where people can post questions and look at project timelines.

Mr. Davis said the Township will get a timeline from the contractor and the engineer. It can then be posted, along with other information, on the Claremont and Township websites. Mr. Davis said we do anticipate the project to begin sometime in March, weather permitting.

PUBLIC HEARINGS

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.

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 (\$100.000) 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 \$0.00334 per cubic foot of volume of new construction. The fee for all other construction shall be \$170 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.

Committeeman Wagner moved to open the public hearing on Ordinance 2010-01. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Mayor DelCore stated when this ordinance was introduced the Township continues to look for opportunities to reduce permit fees where it is possible and appropriate. The fee reductions proposed here, we are advised, will benefit both homeowners and businesses in Hillsborough. Mayor DelCore said Construction Official John Fiedler is here tonight to explain the building department fee reductions included in this ordinance.

Mr. Fiedler said we are trying to establish our fees for the raised patios based on the size of the patio, rather than the cost. Currently we can only assess the fees based on the cost, which would be \$24.00 per thousand of estimated cost of construction. Mr. Fiedler believes it is fair and reasonable to go by the size of the patio as we have done in the past with our decks.

Mr. Fiedler reported the second change would be the alteration fees, which the current fee is \$24.00 per thousand of estimated cost. Mr. Fiedler explained for example, if a business is having an interior alteration done, or a homeowner is finishing their basement, we have now created a scale so the fee declines as the cost of the project increases.

Mr. Fiedler reported the third change is mandated by the state of New Jersey, which is the state surcharge fee, which we are mandated to collect on their behalf. This change was enacted in 2009. It was already being collected and did not make it into our fee schedule, so we are adding this correction at this time.

Mr. Fiedler said he is hoping at this point the changes we are making will stimulate our own economy as previous changes have done in the past. Mr. Fiedler noted the Construction Department has seen an increase in permit activity because of these changes.

Committeeman Suraci moved to close the public hearing on Ordinance 2010-01. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Committeeman Suraci moved to adopt Ordinance 2010-01. Said motion was seconded by Deputy Mayor McCauley and carried unanimously 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.

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.

Committeeman Suraci moved to open the public hearing on Ordinance 2010-02. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor DelCore reported 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.

Deputy Mayor McCauley moved to close the public hearing on Ordinance 2010-02. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

Committeeman Suraci moved to adopt Ordinance 2010-02. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2010-05 An Ordinance Amending Chapter 188 (Development Regulations), Article V(Districts and Standards) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to permit commercial instructional activities in the C-1, OLC and P/R Districts. *Further consideration of this ordinance and public hearing will be held on March 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. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 B to include the following:

(8) Commercial instructional activities.

Section 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 101 B to include the following:

(7) Commercial instructional activities.

Section 3. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 102 B to include the following:

(6) Commercial instructional activities.

Section 4. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

Section 5. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Mayor DeCore said when the Township Committee approved the final of 17 economic action plan ordinances in December, the Regulatory Oversight Working Group would be continuing their work in 2010 by examining local regulations to find potential adjustments that could help local businesses and encourage economic growth.

Mayor DeCore said this dedicated group, including Building Department Director Ron Skobo, Construction Official John Fiedler, Planning Director Bob Ringelheim, Assistant Township Engineer Tom Belanger, and Business Advocate Gene Strupinsky, with Deputy Mayor McCauley serving as liaison, has continued their careful analysis of regulations during the first months of this year.

Mayor DeCore reported that they have made several recommendations which will be addressed tonight and in the coming weeks. The Mayor said he wants to make a point about our careful approach to the economic action plan and making regulatory changes.

Mayor DeCore reported the Working Group, the Planning Board, and the Township Committee have been extremely thoughtful and deliberative in this process, in order to ensure that the changes made are in the best interests of both the business community and our residential community. That approach is why the Somerset County Planning Board has recognized Hillsborough's Economic Action Plan for its excellence in land use planning.

Mayor DeCore said we appreciate that recognition, along with the Somerset County Business Partnership's designation of our Plan as a Best Practices Model.

Mayor DeCore reported tonight the Township Committee will consider two economic action recommendations in ordinances 2010-05 and 06. Ordinance 2010-05 will permit commercial instructional activities, such as Karate or dancing schools, in the C-1, OLC, and P/R zones. This change is expected to open up more business uses in buildings in these zones and, therefore, add to employment opportunities and economic growth. Mr. Ringelheim, the Township Planner, is with us this evening to further review this ordinance.

Mr. Ringelheim said when the Planning Board adopted the 2005 Master Plan amendment it introduced the concept of commercial instructional activities which we have since defined as businesses that provide instructional services, such as dance studios or karate schools.

Mr. Ringelheim explained these were first put into some of the new zones that we implemented, such as Town Center and the Gateway Zones. Now we have identified that there are commercial zones that have never got commercial instructional activities added as permitted uses. Mr. Ringelheim said we are now adding the C-1, OLC and P/R Commercial Districts, to include the commercial instructional activities as a permitted use. Mr. Ringelheim noted that the C-1 is retail commercial zone, the OLC is office like commercial and the P/R is professional retail.

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 23, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Wagner and unanimously approved upon call of the roll.

Ordinance 2010-06 An Ordinance Amending Chapter 188 (Development Regulations) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to revise the conditions to allow tenants in industrial buildings. *Further consideration of this ordinance and public hearing will be held on March 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. Chapter 188 of the Code of the Township of Hillsborough shall be amended be revising Section 74 to include Subsection C as follows:

C. Individual industrial buildings may contain more than one (1) principal permitted use provided that the required amount of off-street parking is provided on-site.

Section 2. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

Section 3. This Ordinance shall take effect upon its adoption, passage and publication according to law.

Mayor DelCore reported this second regulatory change is also designed to open up industrial building uses to create more business opportunities and, therefore, local job and economic growth. Mr. Ringelheim will also provide background on this proposed change.

Mr. Ringelheim said the current ordinance states that in any industrial building where there is vacant space, as long as there is a minimum of fifteen hundred square feet, it could be subleased. What we are proposing here is to make a slight change, to not go back to any minimum standard but rather to say that a vacant space could be leased subject to meeting the parking requirements. Mr. Ringelheim said this is significant as long as the tenants can all meet the total parking requirements for that property that will be permitted, subject to the review of the Planning Department, if we find that they don't then they would have to go back to the Planning Board and get an approval.

Deputy Mayor McCauley thanked the Mayor for his supportive words for the efforts of the Working Group. We are all proud of the recognition that Hillsborough has received due in large part to the hard work of the members of the Working Group.

Deputy Mayor McCauley reminded everyone that the goal of the economic action plan has been to identify areas where the Township can be as helpful to businesses as possible, in order to promote jobs and economic growth. Ordinance 2010-06, as well as the previous ordinance, is in line with that goal.

Deputy Mayor McCauley said the ordinances make some changes that are technical in nature, but they have real value for both the owners of industrial and commercial buildings and for our ultimate goal of bringing additional business opportunities to Hillsborough.

Deputy Mayor McCauley said 2010-06 really does cut through the bureaucracy. The Deputy Mayor said under this ordinance, if an industrial property owner has a prospective commercial tenant that meets the existing permitted uses for the zone, and there are no additional parking considerations, that owner and tenant are spared the extra costly step of appearing before the Planning Board for an approval.

Deputy Mayor McCauley reported they can now simply present their plan, pay their zoning permit fee that was reduced last year, and seek a Zoning Office approval. Deputy Mayor McCauley said this is easier, simpler, and more streamlined. This should encourage increased tenancies and, with those additional businesses, come jobs and positive economic impact in the Township. These are well thought out changes that will have a benefit for Hillsborough.

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 23, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2010-07 An Ordinance Amending Chapter 188 (Development Regulations), Article V (Districts and Standards) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to eliminate the bulk requirements for lots which are less than 3 acres in the AG District as contained in Section 188-99.3 I(2)(b). *Further consideration of this ordinance and public hearing will be held on March 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. Amend Chapter 188 of the Code of the Township of Hillsborough by eliminating Section 99.3 I(2)(b).

SECTION 2. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

SECTION 3. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Mayor DelCore reported this ordinance change is designed to clarify and protect the integrity of the current 10 acre development minimum in the Agricultural Zone. It is not part of the economic action plan.

Mayor DelCore said we are advised that when the 10 acre Agricultural or AG zone was adopted in September, 2003, a section, section B, was added to the ordinance, in order to offer guidance to the Zoning Board of Adjustment for considering applications for variances.

Mayor DelCore said Section B can be confusing and it is the recommendation of the Planning Board and the Planning staff that it be removed, as it has no impact on the 10 acre zoning requirement. This ordinance removes Section B.

Mayor DelCore said this ordinance does not change or affect the 10 acre zoning minimum in the AG zone. Mayor DelCore said Mr. Ringelheim can provide additional information.

Mr. Ringelheim stated the AG zone has a minimum 10 acre lot size. In section I, under sub-section (a), there is a clause that permits grandfathering of lots between 3 and 10 acres, and under that section there are bulk standards that are lot size, setbacks, front yard, side yard, rear yard that pertain to lots between 3 and 10 acres. As long as the lot meets those bulk requirements it will be permitted.

Mr. Ringelheim said there is also a sub-section (b) provided which is the sub-section in question, which also provides bulk requirements for lots less than 3 acres. However, there is nothing in the ordinance that grandfathers those lots. Mr. Ringelheim said it was meant to guide the Board of Adjustment in the case of variances; however, all it does is confuses the issue because it looks like if anyone would like to develop a lot under 3 acres it appears it may be permitted because there are standards provided. Mr. Ringelheim said rather than having any confusion the proposal is to eliminate those standards because that was not the intent.

Committeeman Ferrera moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 23, 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 Jersey Professional Management to perform a Cost Benefit Analysis and Feasibility Study of combining the Municipal Court Services of Hillsborough Township and Montgomery Township, jointly with Montgomery Township, in an amount not to exceed \$2,500.

WHEREAS, Mayor Frank DelCore announced at Hillsborough Township's Re-organization meeting on January 5, 2010, that consideration will be given to all opportunities for saving tax dollars through the consolidation, merging, or sharing of government services; and

WHEREAS, the combining of municipal court services with Montgomery Township is one area where there could be the potential for saving tax dollars and, therefore, should be further examined; and

WHEREAS, the Township of Hillsborough and the Township of Montgomery have agreed to authorize Jersey Professional Management to perform a cost benefit analysis and feasibility study of combining their municipal court services, in an amount not to exceed \$2,500.; and

WHEREAS, Jersey Professional Management will conduct a feasibility study to determine the advisability, benefits and detriments of combining the municipal court services of the Township of Hillsborough and the Township of Montgomery; and

WHEREAS, the feasibility study shall include a comprehensive analysis of case volumes, staffing needs, equipment and facility requirements, project operating costs, potential savings and comparisons with similarly sized courts based on a combined operation of the courts on a pro-forma basis; and

WHEREAS, Jersey Professional Management will summarize the results of the feasibility study in a Final Report and prepare and submit recommendations as to whether the operations of the courts should or should not be combined; 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 it does hereby authorize Jersey Professional Management to perform a cost benefit analysis and feasibility study of combining the municipal court services of Hillsborough Township and Montgomery Township, jointly with Montgomery Township, in an amount not to exceed \$2,500.

Mayor DelCore said as he stated at the re-organization meeting in January, the Township Committee is going to be looking at any and all opportunities for regionalization, consolidation, merging or sharing services with other communities and other levels of government, in order to hold down the cost of government for our property taxpayers. Mayor DelCore said everything is on the table and nothing is off limits.

Mayor DelCore reported Hillsborough and Montgomery Townships are joining together to analyze the potential for cost savings through the combination of municipal court services.

Mayor DelCore said similar to our approach in the economic action plan, Hillsborough is going to be extremely diligent in examining this and all other potential sharing opportunities.

Mayor DelCore said Hillsborough's Township Committee has a solid philosophy of taking a business-like approach to government administration and the proper first step is a thorough examination of any major sharing opportunity.

Mayor DelCore stated that the study will include a comprehensive analysis of case volumes, staffing needs, equipment and facility requirements and an examination of the relevant state laws and Office of the Courts rules pertaining to the operation of the Municipal Court. No one is pre judging the outcome of the study.

Mayor DelCore explained that the ultimate result is ensuring that the court can continue to function according to law and to determine if there is a genuine savings in tax dollars. The firm being contracted with, Jersey Professional Management has extensive experience in shared

services and has produced successful shared service opportunities in Somerset County previously. The Mayor said we expect the study to take about 60 days.

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

2. Resolution authorizing the execution of a service contract to Shane Doyle Farms, L.L.C., in an amount not to exceed \$18,620.00, for brush management services, the restoration of habitat in cleared areas and tree/shrub establishment at Otto Park known as Block 171, Lots 1 and 2, in accordance with Wildlife Habitat Incentives Program. (75% funded by Federal Grant)

WHEREAS, the Township of Hillsborough received a Wildlife Habitat Incentives Program Grant to provide brush management services, restoration of habitat in cleared areas and tree/shrub establishment at Otto Park known as Block 171, Lots 1 and 2; and

WHEREAS, part of the Year 2 WHIP Grant requirements is to provide brush management services to control invasive vegetation on the remaining fifteen (15) acres at Otto Park not addressed in Year 1, as well as the restoration of habitat in cleared areas and tree/shrub establishment at Otto Park; and

WHEREAS, a Request for Proposals was prepared and distributed to interested parties; and

WHEREAS, only one (1) proposal was received in response to the RFP that was sent to three (3) contractors recommended by the Natural Resource Conservation Services (NRCS); and

WHEREAS, the proposal from Shane Doyle Farms, L.L.C., has been revised to a total of \$18,620.00, based on a review of the necessary items with the NRCS and also based on use of the Township Tree Mitigation Fund; and

WHEREAS, the Township Committee has decided to award a service contract to Shane Doyle Farms, L.L.C, to perform brush management services, as well as the restoration of habitat in cleared areas and tree/shrub establishment at Otto Park known as Block 171, Lots 1 and 2, in an amount not to exceed \$18,620.00; and

WHEREAS, the Township will be required to pay \$5,232.00 of the total cost because the NRCS will reimburse the Township \$13,388.00 under the WHIP Grant; and

WHEREAS, funds are available and have been certified as such by the Chief Finance Officer and the 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 Township Administrator/Clerk is hereby authorized to execute a service contract with Shane Doyle Farms, L.L.C for brush management services to control invasive vegetation on the remaining fifteen (15) acres at Otto Park not addressed in Year 1, as well as the restoration of habitat in cleared areas and tree/shrub establishment for Block 171, Lots 1 and 2, in an amount not to exceed \$18,620.00.

Mayor DeCore reported the Township will be moving ahead with phase 2 of the Natural Resource Conservation Services approved restoration of wildlife habitat program at Otto Park. The work to be done will be clearing and restoration of the wildlife habitat of a 15 acre area at Otto Park which will include the planting of trees native to the area.

Mayor DelCore said the goal of the approved 4 phase program is to eliminate invasive plant species at Otto Park and restore the area, in order to encourage the development of grassland birds and other wildlife. Ultimately, we would like to see the area brought back to its appropriate native form.

Mayor DelCore reported that the project is 75% funded through a federal grant from the Wildlife Habitat Incentives Program.

Mayor DelCore said a map of the area where the restoration will take place is available on the Township's website.

Committeeman Wagner stated when phase one was started last year there were some residents near the area who were concerned because brush was being cut away. There is no reason for anyone to be concerned. This program is designed to remove invasive plant species, multa flora rose, and to bring the area back to its native form.

Committeeman Wagner said part of this approval includes re-planting the phase one area that was cleared last year. It is designed to enhance the area for grassland birds and to create a better wildlife habitat. That is why the federal program is called the Wildlife Habitat Incentive Program.

Committeeman Wagner said the program is approved by the Natural Resource Conservation Service and is endorsed by Hillsborough's Open Space Advisory Committee. At the program's conclusion, Otto Park will be regrown, rehabilitated, and planted extensively with native trees. Committeeman Wagner said we are fortunate to have a grant that provides 75% of the funding for this project.

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

3. Resolution authorizing the Chief Finance Officer to process a salary based on the rate of \$24.18 per hour for the Fire Safety Office Administrator Dianne Riccardo, effective March 1, 2010, as established and approved by the Hillsborough Township Board of Fire Commissioners on February 9, 2010.

WHEREAS, the Office of Fire Safety is governed by the Hillsborough Township Board of Fire Commissioners, an autonomous group elected by the voters; and

WHEREAS, at their February 9, 2010 meeting, the Board of Fire Commissioners approved a salary based on the rate of \$24.18 per hour for Dianne Riccardo, Office Administrator, beginning March 1, 2010; and

WHEREAS, the Chairman of the Board of Fire Commissioners has submitted the Commission's approval to the Township Administrator/Clerk and the Township Chief Finance Officer.

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 Chief Finance Officer to process the salary for Office Administrator Dianne Riccardo at the rate of \$24.18 per hour, effective March 1, 2010, as approved by the Hillsborough Township Board of Fire Commissioners.

Mayor DelCore said as part of a long running shared service with the Hillsborough Fire Commission, the Township provides payroll services. Decisions regarding pay and benefits for Fire Commission employees are made by the independently elected Commission. This action simply authorizes the Township's CFO to process the salary for the Fire Safety Office Administrator.

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

4. Resolution increasing the 2010 Temporary Emergency Budget.

WHEREAS, there is a need to increase the 2010 Temporary Emergency Budget for unforeseen expenditures prior to the adoption of the 2010 Budget; and

WHEREAS, the amount of said increase is not to exceed \$183,100.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough that the following increase to the appropriation be made and that a certified copy of this Resolution be given to the Chief Finance Officer for his records:

Snow Removal	
Salaries and Wages:	73,000.00
Other Expenses:	<u>105,100.00</u>
SUBTOTAL APPROPRIATIONS: INSIDE CAP	178,100.00
OPERATIONS - EXCLUDED FROM CAP	
Shared Services	<u>5,000.00</u>
SUBTOTAL APPROPRIATIONS: OUTSIDE CAP	5,000.00
TOTAL APPROPRIATIONS	183,100.00

Mayor DelCore said this amendment of the temporary budget makes \$178,000 in additional funding available for snow removal this year. Winter is far from over and the DPW must have the funds available to deal with any future storms. Any funds not used during this period are available for the winter months at the end of the year.

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

CONSENTS

Mayor DeCore offered the following consent agenda:

1. Resolution authorizing collaboration with the County of Somerset in the performance of the 2010-2011 Paris Grant Program.

THE STATE OF NEW JERSEY
Department of State
Division of Archives and Records Management

PARIS Grants Program Shared Services with County

Be it resolved by the Mayor and Township Committee of the Township of Hillsborough THAT:

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-11 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Hillsborough desires to collaborate with the County of Somerset in the performance of the PARIS Grants Program; and

WHEREAS, the Township of Hillsborough is acknowledging that their eligible funding of \$40,000.00 will be leveraged with County of Somerset; and

WHEREAS, the Township of Hillsborough is acknowledging that the County of Somerset would be both the lead agency and the applicant for such a proposal.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the Township of Hillsborough, that it does hereby support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

ADOPTED by the Mayor and the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey at a meeting held on February 23, 2010.

2. Resolution authorizing the Township of Hillsborough to purchase office supplies, by New Jersey State Contract #A74337, from Staples.

WHEREAS, there is a need to purchase office supplies in the Township of Hillsborough, County of Somerset, State of New Jersey; and

WHEREAS, Staples currently holds contract #A74337 with the State of New Jersey; and

WHEREAS, the Township of Hillsborough would like to purchase office supplies through Staples for the year 2010.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township of Hillsborough is hereby authorized to purchase office supplies, by New Jersey state contract #A74337, from Staples.

3. Resolution authorizing the transfer of earned amounts, in an amount of \$4,169.09, 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 \$4,169.09 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 February 12, 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 \$4,169.09 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Country Classics 3C	331	-465.18
High Branch Land, Inc.	373	-66.58
Hillsborough Chase II	488	-420.40
Hillsborough Estates	539	-77.04
Pleabeazin	477	-1,459.03
Pleasant View Estates III	490	-486.98
Rd opening 2009-29 NJ American	554	-714.06
Roycebrook Meadows	489	-133.16
Westmeade Development	450	-346.66
Grand Total		-4,169.09

4. Resolution approving an application for a Carnival License by Kenneth Zaentz.

WHEREAS, an application for a carnival license had been filed by the Kenneth Zaentz for the Alzheimer's Disease & Related Disorders Association polo match being held on June 19, 2010 with a rain date of June 26, 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 carnival application submitted by Kenneth Zaentz, for the Alzheimer's Disease & Related Disorders Association polo match to be held on June 19, 2010 with a rain date of June 26, 2010.

5. Resolution approving Raffle License application for Woods Road Home and School Association to be held on March 13, 2010.

WHEREAS, an application for a raffle license has been filed by Woods Road Home and School Association for a raffle being held on March 13, 2010; and

WHEREAS, the submitted application form is 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 raffle application #1166 to Woods Road Home and School Association for a raffle being held on March 13, 2010.

6. Resolution approving the application for Special Permit for Social Affair for St. Mary's Byzantine Catholic Church to be held on March 13, 2010.

WHEREAS, an application for a Special Permit for Social Affair has been filed by St. Mary's Byzantine Catholic Church for an event to be held on March 13, 2010; and

WHEREAS, the submitted application forms are 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 application for Special Permit for Social Affair for St. Mary's Byzantine Catholic Church for event to be held on March 13, 2010.

7. Resolution approving an application for a Carnival License by Lori A. Shotyk.

WHEREAS, an application for a carnival license had been filed by the Lori A. Shotyk for the Wilson's 10-33 Foundation, Inc. Motorcycle Ride and Picnic being held on May 2, 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 carnival application submitted by Lori A. Shotyk, for the Wilson's 10-33 Foundation, Inc. Motorcycle Ride and Picnic being held on May 2, 2010.

8. Resolution authorizing refund of tax overpayments in the amount of \$45,529.65.

**RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS IN THE
AMOUNT OF \$45,529.65
(total properties 30)**

WHEREAS, real property tax payers overpaid their real property taxes and:

WHEREAS, the Tax Collector has received proof of such payments after correspondence with said property owners:

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 amounts to the property owners. Total, \$45,529.65, properties, 30.

Block	Lot	Name	Amount	Qtr	Year
23	5	Mleczko, Zefiryn F & Veronica	3,402.63	4 th	2009
140	1	S.K.P. Land Inc.	636.30	1 st	2010
140.03	18	BAC Tax Services Corp.	1,455.16	1 st	2010
151	12.10	First American	2,496.72	1 st	2010
151.02	30	Wells Fargo Home Mortgage	2,666.41	1 st	2010
151.20	6.7 Condo	Wells Fargo Home Mortgage	784.77	1 st	2010
151.20	13.4 Condo	First American	1,199.88	1 st	2010
152.F	10	First American	171.20	1 st	2010
153.05	22043	BAC Tax Services Corp.	1,164.28	1 st	2010
153.05	22238	First American	1,164.28	1 st	2010
153.09	3408 Condo	Wells Fargo Home Mortgage	1,063.53	1 st	2010
153.12	1601 Condo	Chase Home Finance	1,030.20	1 st	2010
153.13	1308 Condo	First American	1,034.75	1 st	2010
163.06	2234 Condo	First American	1,192.31	1 st	2010
174	27	Wells Fargo Home Mortgage	1,485.46	1 st	2010
174	113	First American	2,033.89	1 st	2010
175.C	4	First American	211.35	1 st	2010
177.02	28	ZC Sterling	1,000.00	1 st	2010
178.02	31	BAC Tax Services Corp.	1,094.59	1 st	2010
180.04	7	BAC Tax Services Corp.	492.38	1 st	2010
204	1.14	Magyar Bank	5,108.58	1 st	2010
204.B	7	BAC Tax Services Corp.	2,091.46	1 st	2010
204.G	7	First American	124.99	1 st	2010
204.07	47	Chase Home Finance	3,817.05	1 st	2010
205.11	43	Hudson City Savings	436.32	1 st	2010
205.11	45	Clifton Savings Bank	1,030.96	1 st	2010
205.30	41	Wells Fargo Home Mortgage	606.00	1 st	2010
205.31	26	Wells Fargo Home Mortgage	606.00	1 st	2010
207.Q	7	Wells Fargo Home Mortgage	2,764.88	1 st	2010
207.01	92	Wells Fargo Home Mortgage	3,163.32	1 st	2010

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

CLAIMS LIST

Mayor DelCore presented Claims List 2010-04

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Suraci, Claims List 2010-04 was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Deputy Mayor McCauley, the meeting duly adjourned at 8:30 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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