

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

Following Roll Call and Salute to the Flag, Deputy Mayor McCauley 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 March 9, 2010.

Deputy Mayor McCauley reported since our last Township Committee meeting, the world has seen some horrific natural events, including both a record earthquake and a devastating tsunami in Chile on February 27th and than an earthquake in Turkey this past Monday, which has resulted in great loss of life.

Deputy Mayor McCauley said all of this coming on the heels of the earthquake that destroyed so much of Haiti earlier in January. Our thoughts and prayers go out to the many thousands of people impacted by these disasters.

Deputy Mayor McCauley said we know that many Hillsborough residents have or may wish to contribute to relief and humanitarian aid to the people of these nations. In order to help those who wish to contribute, the Township website will now contain a link to the Red Cross, where individuals can choose where they wish to contribute or to just contribute generally.

Deputy Mayor McCauley said in these economic times, it is difficult for some people to participate, but every little bit will help these people who have encountered devastation of their lives first hand. If you can, please check out the link on the Township's website.

PROCLAMATIONS

- *Honoring Triangle School for supporting our servicemen and women overseas.*

WHEREAS, Triangle School held its first Veterans Day celebration on November 11, 2009, honoring all who served; and

WHEREAS, the Triangle School community decided to do more to help support our servicemen and women overseas and initiated a school-wide service project; and

WHEREAS, the students of Triangle School donated nearly 2,000 items which were included in care packages for our soldiers; and

WHEREAS, the Triangle School students used technology by accessing the Xerox website and creating postcards to send to our troops while also purchasing additional products to include from Pathmark in Hillsborough; and

WHEREAS, the students illustrated their appreciation by writing personal messages expressing their heartfelt thanks and then partnering with Operation Jersey Cares to ship the care packages to Afghanistan; and

WHEREAS, Triangle School, along with community volunteers, veterans, and active-duty soldiers packed nearly 450 military care kits on January 22, 2010; and

WHEREAS, Triangle School classes will participate in United We Read, United We Serve, by reading 50 books before May 5th to help Scholastic Books donate 250,000 books to children on military bases; and

WHEREAS, Triangle School will continue its mission to support our veterans and active-duty soldiers by repeating these activities next year.

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 Triangle School community, not only for their compassion, but also for their continuing generosity and hard work.

Committeeman Ferrera stated that we have a program that will soon begin for military women and it is the first of its kind. There is no cost and it begins on March 30th. It is being presented by EmPower Somerset and the Somerset Veterans Association. This is for women currently serving in the military, as well as, veterans of the military.

Committeeman Ferrera said there will be a free dinner on Tuesday nights from 6-8. It is an eight week program about achieving balance and coping with stress. Massage Envy is holding a free spa night for the ladies on the last night. More information will be available on the Township website.

APPOINTMENTS

- *Appointment of Jay Bekus, Seat #4, Wildlife Management Commission, term ending 12/31/11.*

Upon motion by Committeeman Suraci, seconded by Committeeman Wagner, the appointment of Jay Bekus to seat #4 on the Wildlife Management Commission was unanimously approved upon the call of the roll.

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

Committeeman Ferrera

Committeeman Ferrera thanked the residents for their cooperation in clearing the snow away from the fire hydrants in front of their homes.

Committeeman Ferrera reported that the light on Roycefield Road is in working order.

Committeeman Suraci

Committeeman Suraci reported on the Somerset County Tax Board's revaluation process in Hillsborough. Presently, revaluation inspectors are visiting properties. There are over 14,000 properties in Hillsborough to be inspected. It is important to note that these are inspectors, not appraisers. The inspectors will only be collecting data on the property. The actual valuation will be made later in the year by professionally licensed property appraisers, when the inspections are complete.

Committeeman Suraci said there are also photographers from the revaluation firm, Appraisal Systems, Inc., who will be taking photos of the front and back of every property, as required by the process. Prior to the start of these inspections, the Township Committee required that each inspector and photographer be fingerprinted and background checked by the Police Department. All inspectors are required to wear their photo ID badge in full view during inspections. Residents are able to check on when inspectors will be in your neighborhood through a web link on the Township website or by going to asinj.com.

Committeeman Suraci said this link will also be available in the Township's weekly e-newsletter for updates. In order to make residents more aware of the inspections, the Township is now requiring the company to send out additional mail notices to property owners, letting you know that an inspector will be in your area within the next two weeks.

Committeeman Suraci reported under the inspection system in place throughout New Jersey, the inspectors will stop at a property. If someone is home you can let the inspector in to do the inspection or make an appointment. The Township Committee required ASI to make their inspectors available for evening and weekend appointments, for the convenience of residents. If a resident is not home, the inspector will leave a card noting when he or she will return for an inspection and giving the option to call ASI to set up a convenient appointment. The inspector will inspect and measure the exterior of a property at that time.

Committeeman Suraci reported there have been some concerns raised about inspectors coming onto properties to measure the exterior when the owner is not home. Anyone with that concern can call ASI at 800 994-1999, tell them you do not want the inspector on your property when you are not home and make an appointment for an interior and exterior inspection when you are home. ASI's phone number and additional information is also available on the revaluation page on the Township website.

Committeeman Suraci said the Township recognizes that the inspection process can be bothersome and intrusive for residents. That is why we have placed significant requirements and restrictions on the revaluation firm to minimize those inconveniences. The best way to avoid inconvenience is to call the firm and make an inspection appointment.

Committeeman Suraci reminded everyone that this is not a Hillsborough requirement it is a state mandate, through the County Tax Board. The whole revaluation process is actually an unfunded mandate by the state. The rules and regulations that govern the work of the revaluation firm are set by the state and by case law, not by Hillsborough. So it is bothersome to all of us. However, the Township appreciates everyone's cooperation in this process.

Committeeman Wagner

Committeeman Wagner reported that the Hillsborough DPW has announced that coupons for the Township's Annual Clean up will be available beginning on March 18th, at the DPW office 21 East Mountain Road, Monday through Friday 7 am to 3 pm. As an added service for the convenience of residents this year, coupons will also be available at the Township Clerk's Office during evening hours on Tuesdays from 4:30 to 7 pm. A coupon is needed for the

drop off at the Auten Road facility. Coupons will be issued on a first come, first serve basis for the first or last Saturday of the Month beginning in May through October. The drop off site is open rain or shine. You can contact DPW at 369-3950.

Committeeman Wagner said the curbside pick-up for senior citizens, 65 years of age and older, and the disabled will begin the first week of May this year. In order for DPW to better assist the Parks unit in bringing our numerous playing fields into service during April, the curbside pick-up program has been moved to May.

Committeeman Wagner said stickers are issued by DPW to qualified residents for the curbside program. Your curbside materials must have stickers in order for it to be picked up. The schedule of when and where curbside pickup will take place, and the rules and regulations regarding both curbside pickup and the dropoff at the Auten Road facility, are available on the Township's website, at the Township Clerk's Office, Police Headquarters, or by calling DPW at 369-3950.

Committeeman Wagner asked Mr. Davis to have information flyers made and available at the Senior Citizen Activity Center. This is a service that the Township is still able to provide for residents because of the careful management of it by DPW personnel. We ask that anyone who participates to please abide by the rules of the program.

Deputy Mayor McCauley

Deputy Mayor McCauley reminded residents once again that the 2010 Census form will be arriving in the mail within the next week or so, and it is imperative that everyone fills out the form and sends it back by April 1. The form is just 10 short non invasive questions. A copy of the questions that will appear on the census form is available on our website, www.hillsborough-nj.org, under 2010 Census on the left-hand side. We cannot stress enough how important it is for every Hillsborough resident to complete the form and be counted.

Deputy Mayor McCauley said federal and state aid programs are often determined by population. The new legislative district maps will be based on the 2010 census and New Jersey is in danger of losing a congressional representative, unless the state has an accurate count of all the people who live here.

Deputy Mayor McCauley explained these are important issues based on your return of the census form. The forms are being mailed out to every residence in the United States in the coming week and if they are not returned by early April, the Census Bureau will send out census takers to make personal visits to the homes of those who did not send back the form. So make sure you send the form back using the postage-paid envelope provided or else expect a visit from a census taker.

Deputy Mayor McCauley said according to the U.S. Census website, the government will send out census takers to all households that did not reply sometime between April and July. The Census Bureau is aware that some citizens are concerned about their privacy. That is why the Bureau advises that all of the information provided is kept confidential. It is prohibited by law to publish personal information. All Census Bureau workers are subject to severe penalties, including large fines and imprisonment for violating the prohibitions on release of information. The Census Bureau has issued a statement that the information is intended to produce statistics only; it cannot be used against individuals by any government agency or court. So again, fill out the form and return it. Save the federal government the expense and yourself the inconvenience of having a census taker come to your home. Let's all be counted. If you are interested in more census information, you can find it at www.census.gov.

Deputy Mayor McCauley encouraged and invited residents to stop by the Municipal Building to view the artwork of many very talented Hillsborough students. March is "Youth Art Month" and, in honor of this, the hallways of the municipal building have been turned into an art gallery, displaying numerous works of art created by Hillsborough students.

The artwork will be on display until the end of the month, so if you are stopping by the Library or have other business in the municipal building, please take a few moments to walk down Monet Lane, Warhol Way, or any of the other hallways that have been re-designated for Youth Art Month, and appreciate the outstanding artwork of so many Hillsborough students.

Deputy Mayor McCauley said the Parks and Recreation spring brochure will be available online on Monday and registration will be open this Thursday. There is a new summer camp program that is now offering an optional 7am. drop off time to accommodate parents busy work schedules.

Deputy Mayor McCauley said there are a few new children's programs, during work hours, for children ages 3 to 5.

Committeeman Ferrera stated how important it is for seniors and the disabled to have the DPW pick-up service. Committeeman Ferrera thanked the DPW employees for their hard work in taking care of this.

APPROVAL OF MINUTES

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

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, the minutes of the February 9, 2010 Regular Session were approved upon the call of the roll.

Yes – Ferrera, Suraci, McCauley

Abstain - Wagner

NEW BUSINESS

- *None at this time.*

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

PUBLIC HEARINGS

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.

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.

Committeeman Wagner moved to open the public hearing on Ordinance 2010-03. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

Deputy Mayor McCauley reported this is the public hearing on ordinance 2010-03, which is an acceptance by Hillsborough of 42 acres, at block 148, lot 1, on New Centre Road, from Toll Brothers.

Deputy Mayor McCauley reported this acceptance completes the transfer of five open space parcels, totaling about 150 acres that were to be dedicated to the Township as a result of the terms of the Planning Board's approval of Toll Brother's Hillsborough Chase non-contiguous cluster development in 2003.

Deputy Mayor McCauley said Block 148, Lot 1 required environmental remediation by Toll Brothers, which has been completed and approved by the New Jersey Department of Environmental Protection.

Deputy Mayor McCauley said the Township staff has recommended that the farm property be added to the Township's farm lease program and actively farmed. Therefore, a solicitation for farm lease bids will be made in the near future.

Committeeman Suraci moved to close the public hearing on Ordinance 2010-03. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Committeeman Wagner moved to adopt Ordinance 2010-03. Said motion was seconded by Committeeman Suraci and carried unanimously 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.

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.

Committeeman Wagner moved to open the public hearing on Ordinance 2010-04. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

Deputy Mayor McCauley said under the terms of the same Planning Board approval in 2003, the Township was given the option of not accepting a 2 acre property at the corner of New Centre Road and Beekman Lane and leaving the property with the developer. The Township is not obligated to accept the property. The Planning Board wisely left that determination for the future, so a decision could be made based upon the Township's available resources at the time.

Deputy Mayor McCauley said that was a wise decision because, unlike seven years ago, the Township, and all municipalities and all levels of government, face serious restrictions on both finances and the ability to expand levels of service. The staff has advised that the landscaping demands of this parcel will be an added cost to taxpayers and, therefore, the property is best left in private hands.

Committeeman Suraci said this is not really about this property alone, it is about what the future policy will be regarding the taxpayers being made responsible for small properties that are not part of larger contiguous and easily maintained open space parcels.

Committeeman Suraci said often in the past if a developer would give the Township a small parcel of open space in a residential development that was not useful to the developer, thus passing the maintenance costs to the taxpayers. We are advised that while these types of properties, because of the location provide aesthetic quality for a private neighborhood, they do not usually provide park or recreational opportunities for all Hillsborough residents, and the maintenance is costly due to the inefficiencies involved.

Committeeman Suraci said in discussions with staff the recommendation is that the Planning Board and Board of Adjustments reexamine the policy of taking on these small parcels of open space from developers that end up the responsibility of the taxpayers.

Committeeman Suraci stated that the cost of labor, time and equipment for these small areas is a significant burden on the land maintenance budget with little or no benefit for taxpayers. The Township's Park Unit and DPW will continue to maintain those pocket parks, and small open space areas that have already been deeded to Hillsborough in the past.

Committeeman Suraci said currently we have eight pocket parks that are maintained and twenty-five, of what would be considered small lots of open space that require maintenance. This is in addition to all of our ball fields that our Parks Unit and DPW maintain on a regular basis.

Committeeman Suraci said, in his opinion, taking on additional small properties should be seriously examined with taxpayer costs in mind, by the Land Use Boards in the future.

Prasant Shah, 8 Frey Road, said in a recent article it was stated that one of the reasons why this parcel was in question, and was rejected, was due to the landscaping requirements on the site that it would be costly to taxpayers. Mr. Shah said what he has been told is that this property is currently dedicated as open space. Therefore, if the landscaping is required then why can't the Township ask Toll NJ III, L.P. to bring the property in compliance before the ordinance is voted upon? Mr. Shah said once this ordinance passes the burden will shift to the homeowners association of Hillsborough Chase.

James Ruocco, 191 South Branch Road, said now that these properties have been accepted by the Township, Mr. Ruocco asked when he can expect to see the preserved farmland signs. Deputy Mayor McCauley asked him to leave his contact information and said she will have someone from the Township get back to him.

Committeeman Ferrera moved to close the public hearing on Ordinance 2010-04. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Committeeman Suraci moved to adopt Ordinance 2010-04. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2010-08 An Ordinance authorizing the adoption of the manual on Uniform Traffic Control Devices for streets and highways in the Township of Hillsborough. *Further consideration of this ordinance and public hearing will be held on April 13, 2010.*

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

Section 1. **FINDINGS, PURPOSE, ADOPTION OF MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS**

(a) The Township Committee of the Township of Hillsborough hereby finds and declares that traffic control problems may occur when traffic must be moved through or around street construction, maintenance operations, or utility work, above or below ground which

requires blocking the roadway and obstructing the normal flow of traffic; and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work force performing these operations.

(b) The Township of Hillsborough in the County of Somerset, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices for Streets and Highways, hereafter known as M.U.T.C.D., as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic.

(c) Any person, contractor, or utility who fails to comply with the provisions of the M.U.T.C.D. while performing such work is in violation of this Ordinance.

Section 2. **PRE-CONSTRUCTION MEETINGS**

It shall be the responsibility of the person, contractor, or public utility wishing to conduct work on, under, or above the roadway to contact the Chief of Police and Traffic Safety Unit of the Township of Hillsborough Police Department in order to arrange a pre-construction meeting to submit plans for the safe movement of traffic during such period of construction activity.

Section 3. **HAZARDOUS CONDITIONS**

The person, contractor, or utility, prior to the start of any work, shall provide the Chief of Police and Traffic Safety Unit with at least two (2) emergency contact phone numbers to be called in case of emergencies at the construction or maintenance site. If for any reason emergency contacts cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct such hazardous conditions within one (1) hour of notification, the Township may respond to correct such hazardous conditions. The reasonable fees for such emergency service by the Township shall be charged to the person, contractor, or utility responsible for such hazardous conditions.

Section 4. **HOURS**

(a) There shall be no construction, maintenance operations, or utility work on any roadway in the Township before the hour of 9:00 A.M. or after 4:00 P.M. This time limit may be adjusted to permit work prior to 9:00 A.M. or after 4:00 P.M. by the Chief of Police and/or the Director of Public Works. If it is determined by either that the construction or maintenance operations prior to 9:00 A.M. or after 4:00 P.M. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 A.M. and 4:00 P.M.

(b) If work is being conducted on a County of Somerset or State of New Jersey Department of Transportation maintained roadway, that respective authority may authorize work hours outside of the hours set by this Ordinance at their discretion.

Section 5. **ROAD CLOSINGS AND DETOURS**

Road closing and/or traffic detours shall not be permitted unless approved by the Chief of Police. Road closure and/or traffic detour plans shall be submitted to the Chief of Police and Traffic Safety Unit at least two (2) weeks prior to the anticipated road closure/detour. Road closures on Township roads which will last more than forty eight (48) consecutive hours require the passing of a Resolution by the Township Committee pursuant N.J.S.A. 39:4-197.3. Road closures and/or traffic detour plans shall include the posting of "On or about" signs one (1) week prior to the anticipated road closure/detour to advise motorists of the upcoming work. This is not necessary if the Chief of Police or the Traffic Safety Unit determine the work to be emergent.

Section 6. **TRAFFIC DIRECTORS**

Traffic directors shall be posted at all construction or maintenance sites when determined by the Police Department Traffic Safety Unit that same is necessary to provide for the safe and expeditious movement of traffic. The hiring of Police Officers does not exempt the person, contractor or utility from any other provision in this Ordinance. The Police Officers are there to facilitate the smooth, efficient and safe movement of traffic. The Chief of Police or his designee has the ultimate authority in determining whether or not Police Officers are required to control traffic at the site.

Section 7. **STOP WORK**

The Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, backfilling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this Ordinance.

Section 8. **SITE PREPARATION AND MAINTENANCE**

It is to be expressly understood that no materials, vehicles or equipment are to be placed in a roadway or sidewalk area until all construction, signs, lights, devices and pavement markings are installed. All construction signs which do not currently apply must be bagged or removed from view of the motorists (i.e.; Flagman Ahead signs after workmen have finished for the day).

Section 9. **VIOLATIONS AND PENALTIES**

(a) Any person, contractor or utility who commits a violation of this Ordinance shall, upon conviction thereof, be subject to imprisonment in the County of Somerset Jail or in any other place provided for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding \$2,000.00; or by a period of community service not exceeding ninety (90) days.

(b) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 10. **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 11. **EFFECTIVE DATE**

This Ordinance shall take effect as provided by law.

Deputy Mayor McCauley reported Police Chief Paul Kaminsky has recommended this ordinance that requires all contractors to meet the roadway construction work safety standards set in the manual on uniform traffic control devices. The proposed ordinance has been reviewed and approved by the Township Engineering Department and the Director of Public Works. We are advised, in fact, that the Township's Public Works' crews have long abided by these roadway safety requirements. The Deputy Mayor said the ordinance provides the Police Department with a mechanism for enforcement of the rules, in order to protect the safety of those using Hillsborough roadways.

Committeeman Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on April 13, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2010-09 An Ordinance repealing Chapter 8, titled "Parks Commission" and Chapter 95, titled "Recreation Commission", and replacing Chapter 95 with a new Chapter 95, titled "Parks and Recreation Commission", of the code of the Township of Hillsborough. *Further consideration of this ordinance and public hearing will be held on April 13, 2010.*

WHEREAS, in order to achieve greater efficiency in the coordination of the use of the Township of Hillsborough parks for recreation; and

WHEREAS, in order to avoid duplicity of services between the Parks Commission and the Recreation Commission; and

WHEREAS, the Township Committee of the Township of Hillsborough believes that these goals will be achieved by dissolving the Parks Commission and merging the functions, powers and duties of the Parks Commission with the Recreation Commission, with a new Commission to be known as the "Recreation and Parks Commission."

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough as follows:

Section 1. Chapter 81, titled "Parks Commission", of the Code of the Township of Hillsborough is hereby repealed.

Section 2. Chapter 95, titled "Recreation Commission", of the Code of the Township of Hillsborough is hereby repealed and replaced with a new Chapter 95 as follows:

Chapter 95

RECREATION AND PARKS COMMISSION

Section 1. **Statutory authority; establishment.**

Pursuant to the provisions of N.J.S.A. 40:12-1 et seq., the Township of Hillsborough hereby establishes a Recreation and Parks Commission.

Section 2. **Membership.**

- A. The Recreation and Parks Commission shall consist of seven (7) regular members and two (2) alternate members who shall be residents of the Township.
- B. The members of the Commission shall be appointed by the Mayor of the Township.
- C. One (1) member of the Planning Board may be a regular member of the Recreation and Parks Commission.
- D. All appointments shall be staggered in accordance with N.J.S.A. 40:12-1 for a term of five (5) years. Vacancies shall be filled for unexpired terms only.

- E. The membership of the Recreation and Parks Commission shall annually elect a chairperson and other such officers as may be provided by the bylaws of the Commission. Such officers shall hold office for a one (1) year term expiring annually on December 31.
- F. Alternate members shall be designated at the time of their appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

Section 3. Powers, duties and responsibilities.

- A. The Recreation and Parks Commission shall hold regular meetings and shall designate the time and place thereof pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It shall have the power to adopt rules and regulations for the conduct of all recreation and park business within its jurisdiction. It shall keep a record of all its proceedings. Attendance of a majority of the Commissioners shall constitute a quorum.
- B. The powers and duties of the Recreation and Parks Commission shall be as follows:
 - (1) Maintain a full-time Recreation Office and staff to serve as the focal point of all recreation program activity in the Township.
 - (2) Properly staff recreation programs with appropriately trained supervisors.
 - (3) Schedule the use of all Township owned playing fields, recreation centers, other recreational and parks activities, and recreation vehicles.
 - (4) In conjunction with the Board of Education, schedule the use of Board of Education facilities needed for recreation programs.
 - (5) Provide transportation to recreation programs as required.
 - (6) Develop new and innovative recreation programs.
 - (7) Publish and distribute recreation program brochures.
 - (8) Conduct recreation program registrations.
 - (9) Collect and administer the distribution of all recreation program registration fees and such money as may be provided by the Township Committee.
 - (10) Provide a monthly report on financial operations to the Township Chief Financial Officer.
 - (11) Formulate plans for the development and improvement of public parks, playgrounds and recreational facilities in the Township.

- (12) Propose methods or arrangements for the proper maintenance and care of such parks, playgrounds and recreational facilities and equipment and the improvements thereon.
 - (13) Propose methods or arrangements for the safety and security of such parks, playgrounds and recreational facilities and the improvements thereon.
 - (14) Formulate rules and regulations for the public use of such parks, playgrounds and recreational facilities and the improvements thereon.
 - (15) Explore the need for various types of new facilities in new and existing parks, playgrounds and recreational facilities for the benefit of both the youth and adults of the Township.
 - (16) In furtherance of the purposes delineated herein-above, the Recreation and Parks Commission shall have the following duties (by way of example, not limitation): It shall be charged with planning, control, development, management, operation, maintenance and security in conjunction with the Public Works Department of a system of public parks, forestry, recreational areas and facilities and shall be charged with the supervision and maintenance in conjunction with the Public Works Department of Township owned playing fields, recreation centers and other recreational and parks activities, areas and facilities and shall have the power to expend for this purpose any funds appropriated by the Township Committee for such purposes, field maintenance fees collected, and any funds donated or bequeathed for recreation areas or park purposes by private individuals or organizations. It may also recommend the institution of condemnation proceedings whenever private property would be taken into the name of the Township for the purpose of parks and recreation. It shall advise the Planning Board in all matters relating to the development of parks and recreation areas.
 - (17) Such other duties and responsibilities as are consistent with and help to carry out an effective recreation program and schedule for the Township of Hillsborough.
- C. The Township Committee shall consider recommendations from the Recreation and Parks Commission for the position of Director of Recreation who shall be the executive officer of the Commission and may be elected as Secretary to the Commission.
- D. The Recreation and Parks Commission shall periodically file with the Township Committee a report giving the complete account of all financial transactions, and a statement of activities together with an annual forecast of programmed activities, showing the expenditures of public funds and the receipts and expenditures of fees and charges collected, as provided by N.J.S.A. 40A:4-39. A separate budget account shall be maintained to record money and tangible personal property donated for current purposes and for long term capital improvements. The Recreation and Parks Commission shall keep adequate records of all funds handled by it, and shall turn over to the Township Treasurer all cash receipts for deposit in a Special Activities Account. It shall establish separate special accounts for receipts donated or solicited and collected for special activities or for particular purposes, and such monies shall not be mingled with public funds. The Recreation and Parks Commission shall have no power to incur indebtedness. Expenditures of such donated funds shall not exceed the amount

thereof on hand at the time when the expenditure is authorized. The Director shall be the Recreation and Parks Commission's certifying agent. The Recreation and Parks Commission shall approve all vouchers for the expenditure of funds of any character. Vouchers for the expenditures of public funds, after Recreation and Parks Commission approval, shall be delivered to the Township Clerk who shall present the same to the Township Committee for payment in accordance with the usual procedures established for the payment of other Township bills.

Section 3. Ordinance 2009-36 adopted on December 8, 2009, titled "An Ordinance Amending Chapter 221, Titled 'Parks and Recreation Areas' of the Code of the Township of Hillsborough, by Adding Article III, Titled 'Enforcement of Somerset County Park Commission Rules and Regulations'" remains in full force and effect.

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 be effective as of May 1, 2010.

Deputy Mayor McCauley said this ordinance brings together the efforts to advise and oversee parks and recreation into one Board; a seven member body with two alternates, appointed by the Mayor, where each member serves a five year term, to be known as the Recreation and Parks Commission.

Deputy Mayor McCauley said as the members of the Township Committee stated previously, we are examining the Boards, Commissions, and Advisory Committees of the Township, in an effort to streamline, to eliminate duplication, ensure active participation by those volunteers appointed to the various Commissions, and to save some costs where possible.

Deputy Mayor McCauley stated, several years ago, the Township merged the operational functions of parks and recreation into one Department and that has been a success. It seems to make sense, as we look to streamline, to join those functions together again at the Commission level.

Committeeman Ferrera said he agrees with the Deputy Mayor that it makes sense to bring together the efforts of parks and recreation into one Board.

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 April 13, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Wagner and unanimously approved upon call of the roll.

Ordinance 2010-10 An Ordinance authorizing the Township of Hillsborough Construction Department to waive enforcing agency fees for Non-Profit Organizations engaged in constructing or rehabilitating Affordable Housing units. *Further consideration of this ordinance and public hearing will be held on April 13, 2010.*

WHEREAS, N.J.S.A. 52:27D-126(d) allows the waiver of enforcing agency fees for non-profit organizations actively engaged in constructing or rehabilitating affordable housing units as defined in N.J.S.A. 52:27D-126(d); and

WHEREAS, the Township Committee of the Township of Hillsborough desires to make this waiver available by the adoption of this Ordinance; and

WHEREAS, this waiver will not apply to Department of Community Affairs training fees unless so qualified by N.J.A.C. 5:23-4.19.

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

Section 1. The Construction Department is authorized to waive enforcing agency fees for non-profit organizations engaged in constructing or rehabilitating affordable housing units as defined in N.J.S.A. 52:27D-126(d) but not Department of Community Affairs training fees, unless so qualified by N.J.A.C. 5:23-4.19.

Section 2. 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 3. Effective Date

This Ordinance shall take effect as provided by law.

Deputy Mayor McCauley said the Township is advised by the Somerset County Community Development Office that for homes in Hillsborough to remain eligible for community development home rehabilitation funding, Hillsborough must establish a waiver of building permit fees for the work on these homes by non-profit agencies.

Deputy Mayor McCauley reported there is an income limit to qualify for the federally funded program and when homes are improved through the non-profit housing rehabilitation program, those units count toward the Township's affordable housing obligation, without having to build new affordable housing units.

Committeeman Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on April 13, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2010-11 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 create the Green Village (GV) District. *Further consideration of this ordinance and public hearing will be held on April 13, 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 adding Section 113.4 to read as follows:

Section 113.4
GV Green Village District

A. Purpose.

The purpose of the Green Village (GV) Zone District is to establish a mixed-use zone that provides for affordable housing, multi-family housing, hotel, retail, office and restaurant uses at a location that provides access to employment areas through adjacency to major roadways and/or public transportation. The standards are intended to offer maximum flexibility for site design and selection of dwelling unit types in order to offer a balanced housing pattern attractive to all income and age segments of the community as part of the Township's fair share housing plan for meeting the region's low- and moderate-income housing needs.

B. Permitted Principle Uses.

- (1) Multi-Family Dwellings/Affordable Housing
- (2) Retail
- (3) Hotel
- (4) Office
- (5) Restaurants, freestanding or attached (drive through restaurants are prohibited)
- (6) Fiduciary Institutions, including drive through banks

C. Accessory Uses.

- (1) Garages, storage sheds, tennis courts, maintenance office and storage buildings, swimming pools and other community recreational facilities (non-commercial) associated with planned residential communities are allowed in all yards but the front yard.
- (2) Restaurants accessory to a hotel use.
- (3) Trash and garbage collection areas which are fully screened.
- (4) Loading areas which are fully screened.
- (5) Utilities which are compatibly designed and/or screened, as appropriate.

D. Minimum Tract Area and Location.

- (1) A minimum of 40 acres and frontage on New Jersey State Highway Route 206.

E. Yard and Bulk Regulations for Village Residential District Development.

- (1) Lot Frontage – Minimum of 300 feet on a major arterial roadway
- (2) Front Yard Setback– Minimum of 100 feet from Route 206
- (3) Side Yard Setback – Minimum of 50 feet from tract boundary
- (4) Rear Yard Setback – Minimum of 50 feet from the tract boundary
- (5) Building Coverage – Maximum of 40%
- (6) Total Impervious Coverage – Maximum of 65%
- (7) Building Height
 - (a) Hotel – Maximum of 55 feet
 - (b) Multi-Family Dwellings/Affordable Housing - Maximum of 48 feet
 - (c) Retail Uses - Maximum of 35 feet
 - (d) Office Uses - Maximum of 55 feet
 - (e) Restaurant Uses - Maximum of 35 feet

- (f) Fiduciary Institutions - Maximum of 35 feet
 - (g) Accessory Uses - Maximum of 35 feet
- (8) Building-to-Building Distance Requirements – Minimum of 25 feet
- F. Site perimeter requirements.
- (1) Buffer requirements.
There shall be a minimum twenty-five (25) foot buffer adjacent to any residential district or existing residential use included as part of this requirement, unless otherwise indicated. Such buffer shall be reviewed by the appropriate Board to determine if the existing vegetation provides a sufficient year-round screen or if the existing vegetation needs to be enhanced by additional plantings and/or a fence or berm. Once all screening/landscaping improvements are completed, a conservation easement shall be established by the applicant for the buffer area.
 - (2) Fencing Requirements.
Fencing may be included on the perimeter of the tract, or within the tract, provided the fencing is of an architecturally compatible design and consistent throughout the tract. No fence shall exceed a height of five (5) feet above finished grade.
- G. Density.
- (1) A maximum residential density of 9.38 units per acre of gross tract area is permitted – provided that a minimum of 24.9% of the dwelling units are to be low- and moderate-income units in accordance with applicable affordable housing regulations.
 - (2) Hotel – Not to exceed 130 guest units.
 - (3) Retail, Office, Restaurants and Fiduciary Institutions - not to exceed a combined total of 20,000 square feet.
- H. Parking Requirements.
- (1) Residential – As per the R.S.I.S.
 - (2) Retail – 3.5 spaces/1,000 sf of gross floor area
 - (3) Office – 3 spaces/1000 sf of useable floor area
 - (4) Restaurant – 4 spaces/1000 sf of useable floor area
 - (5) Fiduciary/Banks – 3 spaces/1000 sf of useable floor area
 - (6) Hotel
 - (a) 1 space/guest unit
 - (b) 1 space/employee
 - (c) 4 spaces/1000 sf of restaurant/bar/conference center
 - (7) Shared parking among non-residential uses is permitted in accordance with the following standards, subject to approval by the Planning Board or Board of Adjustment, as appropriate:
 - (a) If a hotel shares parking with any combination of retail, restaurant, office or fiduciary uses, the parking requirements for the retail, restaurant, office and fiduciary uses may be reduced by a total of 20 percent.
 - (b) The establishments for which the application is being made for shared parking shall be located within 500 feet of the parking facility.
 - (c) Any application that includes shared parking must provide a shared parking plan. Such a plan shall be included as an addendum to a site plan and shall be drawn to the same scale. The shared parking plan must include the following:

1. A site plan showing parking spaces intended for shared parking and their proximity to the uses they will serve.
2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses, if such distinctions can be made.
3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses.

I. Supplemental Regulations.

- (1) Buildings and site improvements shall be designed to minimize changes to existing topography and mature vegetation.
- (2) Shared driveways that serve more than one (1) property may be provided where deemed appropriate by the Planning Board or Board of Adjustment. Cross access shall be required between adjoining properties.
- (3) A landscape plan shall be provided for the entire site and shall be prepared by a licensed Landscape Architect.
- (4) Where loading, outdoor storage, and service areas are located within 50 feet of residential uses or public rights-of-way, an earthen berm, no less than six (6) feet in height, containing at a minimum, evergreen trees planted at intervals of twenty (20) feet on center and seven (7) evergreen shrubs per tree, shall be provided.
- (5) Exterior building design shall be coordinated with regard to color, types of materials, architectural form, and detailing. Multiple buildings on the same site shall be designed to create a cohesive relationship between the buildings. The requirements in the Architectural and Site Design (ASD) Overlay Zone contained in Sections 188-167 to 175.12 shall apply, except as otherwise provided in the GV District requirements, as indicated herein.
- (6) Requirements for establishments with drive-through facilities.
 - (a) A drive-through facility shall be architecturally integrated into the principal building.
 - (b) A drive-through facility shall not be located on the street side of the building nor in front of the front building line.
 - (c) A drive-through facility shall be limited to a maximum of three (3) service lanes and a required by-pass lane.
 - (d) A drive-through facility, accompanying driveway and associated signage shall be set back a minimum distance of 50 feet from any land zoned for residential development.
 - (e) A drive-through facility shall not adversely impede or conflict with pedestrian and/or vehicular circulation in the area.
 - (f) The Planning Board or Board of Adjustment shall be satisfied that the on-site and off-tract traffic circulation is accommodating the proposed traffic volume associated with such facility, particularly during peak hours. The stacking driveway for the drive-through window shall provide room for no more than three (3) lanes for patrons plus a bypass lane and shall be separated from any off-street parking areas and their access aisles, loading areas or trash enclosures.
- (7) Signs. A signage program shall be established as part of the development review and approval process pursuant to the requirements contained in Section 188-83 J.
 - (a) There shall be a consistent sign design theme throughout the development. A unifying design theme shall include style of lettering, method of attachment, construction, material, size proportion, lighting, position and day/night impacts. Color of letters and background shall be carefully considered in

relation to the color of the material of the building(s) or where the signs are proposed to be located. Signs shall be a subordinate rather than predominant feature of any building. The lettering and sign shall be compatible with the architecture of the building.

- (b) A comprehensive signage plan shall be provided which covers overall project identification, window signage and lettering, individual building/tenant identification, traffic regulations, pedestrian crossing, street identification, parking and directional instructions. A signage hierarchy shall be established governing the above signage categories.
- (c) All permanent signage shall be affixed to a building façade, canopy or arcade; and be visible to both pedestrians and drivers.

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.

Deputy Mayor McCauley said this ordinance establishes a Green Village zone on 50 acres fronting on Route 206, as required by Hillsborough's affordable housing plan that was submitted to the court in December, 2008.

Deputy Mayor McCauley said just to review, Hillsborough was mandated by the state to submit an affordable housing plan to the state by the end of 2008 or face the potential of a builders' remedy lawsuit, which could result in hundreds or even thousands of more residential houses being built in Hillsborough.

Deputy Mayor McCauley said to protect our community an affordable housing plan was submitted to the Superior Court, as Hillsborough is considered a so-called court town. The plan not only met the requirements of the state mandate, it actually reduced the number of affordable units in Hillsborough from the state's original 650 unit mandate to 491 units, to be constructed over a period through 2018.

Deputy Mayor McCauley said under the plan, the affordable units would be built by builders, so that no property tax dollars would be used. In order to implement the plan, Hillsborough must adopt this zone. The Planning Board held a public hearing, noticed area residents, reviewed, and approved the ordinance. Mr. Bob Ringelheim, our Township Planner, is with us tonight to review the details of the ordinance.

Mr. Ringelheim said the subject property which contains approximately 50 acres is located on the east side of Route 206 across from the intersection with Valley Road. The existing zoning for the subject property is the HS Highway Service District which provides for a wide variety of permitted uses including banks, restaurants, garden centers, child and adult daycare, offices, medical offices and veterinary hospitals.

Mr. Ringelheim said the proposed Green Village, GV District, will implement the recommendations contained in the 2008 Hillsborough Township Housing Plan Element and Fair Share Plan. This master plan sub-section is intended to address the round three affordable housing requirements in Hillsborough.

Mr. Ringelheim said the ordinance was prepared by the Township's Affordable Housing Consultant, Birdsall Engineering. The proposed GV District ordinance will permit a mix of uses of residential and commercial development, including affordable housing. The proposed

density in the GV District is 9.38 dwellings per acre and there are a total of 117 dwelling units that will be affordable. In addition, a hotel not to exceed 130 guest rooms, and retail office space which shall not exceed another 20,000 square feet will be permitted.

Mr. Ringelheim said the GV District will actually decrease the density that was proposed in the housing plan element by 21 units and decrease the number of affordable units that was proposed by 21 units as well.

Committeeman Wagner said he appreciated Mr. Ringelheim's in depth review of the details of the zone.

Committeeman Wagner stated that he believes the members of the Township Committee, the public here in attendance, and those viewing at home always benefit from the analysis Mr. Ringelheim provides.

Committeeman Wagner said as the Township Committee's designated Planning Board member, he attended the Planning Board meeting last week where this zoning ordinance was reviewed. It is part of the Township's affordable housing plan, so we have little choice in moving it forward. However, there is good news too.

Committeeman Wagner explained originally, the Green Village property was expected to produce 138 affordable units, however, under the zone proposed in this ordinance, the Planning Board was advised that the density allowed will cut that number to 117 affordable units. So anytime Hillsborough can benefit from a reduction in the number of affordable units, there is a positive impact.

Committeeman Wagner said he would like to comment on the process. Under the public notice plan put in place by our former Mayor Anthony Ferrera, notice of the Planning Board's consideration of this zone change was mailed to all bordering and potentially impacted property owners. This is not required by law. It is something Hillsborough does that is different from most other municipalities, because we encourage public input early in the process. In that way, input from the public and understanding of the zone change can take place at the Planning Board level, where changes can be made prior to coming to the final public hearing of the Township Committee. This public notification process continues to work successfully for our community and he thanked our former Mayor and current Committeeman Ferrera for his foresight and leadership in putting this plan in place back in 2008.

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 April 13, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Wagner and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolution:

1. Resolution ratifying and confirming the action of the Mayor in executing the Notice of Establishment of Quiet Zones at Valley Road and Roycefield Road Grade Crossings on February 24, 2010.

WHEREAS, the Township of Hillsborough has been working with the New Jersey Department of Transportation (NJDOT), the Norfolk Southern Corporation, and the Federal Rail Road Administration to establish a quiet zone along the Norfolk Southern rail line in Hillsborough Township; and

WHEREAS, the Norfolk Southern rail line in Hillsborough Township has grade crossings at Roycefield Road, Valley Road, Auten Road and Beekman Lane; and

WHEREAS, in 2008, Hillsborough Township issued the Notice of Establishment for quiet zones to be implemented at the Auten Road and Beekman Lane grade crossings; and

WHEREAS, it is the Township's desire to complete the quiet zone along the rest of the rail line by establishing the quiet zone along the other two grade-crossings at Roycefield Road and Valley Road; and

WHEREAS, the NJDOT has certified that all work at Roycefield Road and Valley Road is complete, operational and sufficient; and

WHEREAS, in the interest of time, the Mayor has issued the Notice of Establishment for Roycefield and Valley Roads to the Federal Railroad Administration on February 24, 2010;

WHEREAS, upon issuing the Notice of Establishment, there is a twenty-one (21) day transition period, after which the train horns at Valley Road and Roycefield Road are expected to stop; and

WHEREAS, the twenty-one (21) day period concludes on March 16, 2010.

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 ratify and confirm the action of the Mayor in issuing the Notice of Establishment for quiet zones along the Norfolk Southern rail line at Roycefield Road and Valley Road.

Deputy Mayor McCauley stated in order to expedite the 21 day transition period for the quiet zones at Valley and Roycefield Roads, Mayor DelCore signed the Notice of Establishment and it was distributed on February 24, 2010. A copy of the notice is available on the Township's website. The 21 day period is expected to end on March 16, 2010, one week from now.

Deputy Mayor McCauley said a great deal of work has gone into the effort to bring an improvement to the quality of life for the thousands of residents along the Norfolk Southern rail line and with this Notice, we are just days away from ending the train horns.

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

2. Resolution endorsing the Somerset County Business Partnership's Reform Agenda for an Affordable New Jersey.

WHEREAS, the Somerset County Business Partnership has developed a Reform Agenda for an Affordable New Jersey; and

WHEREAS, the agenda is a consensus document, developed with public input during a public policy forum jointly sponsored with the Courier News in October, 2009; and

WHEREAS, the goal of the Business Partnership's Agenda is to take the necessary steps toward keeping residents and businesses in New Jersey; and

WHEREAS, the Agenda's four principles are reform of the New Jersey tax structure to keep business and residents in New Jersey, reform of the public employees' pension system to make it affordable and sustainable, reform of the public sector bargaining system to reflect the public's ability to pay, and reform of New Jersey's dependence on local property taxes.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Committee hereby endorses and agrees to provide support to the Somerset County Business Partnership for the "Making NJ More Affordable Campaign" and the Reform Agenda for an Affordable New Jersey; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Chris Christie, the Somerset County Business Partnership, the Somerset County Board of Chosen Freeholders, and the 16th District State Legislators for their consideration.

Deputy Mayor McCauley said following the very successful public policy forum on making New Jersey Affordable for Businesses and Residents, last October, sponsored by the Courier News and the Somerset County Business Partnership, the participants have developed what they are calling a Reform Agenda for an Affordable New Jersey.

Deputy Mayor McCauley reported the platform calls for reform of the tax structure and a change in reliance on the property tax, and reforming public pensions and the rules of collective bargaining in the public sector. These components go right to the heart of New Jersey's government fiscal problems and the platform is very much in line with our thinking here.

Deputy Mayor McCauley said the Township Committee has been working to improve the business climate in our community, while simultaneously applying a business like philosophy to the operation of municipal government.

Deputy Mayor McCauley said Committeeman Ferrera and our Administrator/Clerk, Mr. Davis, as well as Hillsborough School Board member John Donnadio, participated in the public policy forum last October and that, subsequent to that gathering, both Mr. Davis and Mr. Donnadio have further worked with the Partnership's subcommittee on turning those discussions into a platform.

Deputy Mayor McCauley reported that there has been considerable opportunity for Hillsborough to have input on these issues and, therefore, it is appropriate to consider endorsing the Reform Agenda at this time.

Committeeman Ferrera reported several hundred business and government leaders, as well as interested citizens, gathered at Raritan Valley College to discuss concerns about impact of high taxes on the economy in New Jersey and the need for reform of the present public finance system to make New Jersey more affordable. Hillsborough had a strong presence at the forum.

Committeeman Ferrera said in addition to my attending, Assemblyman Peter Biondi and Freeholder Jack Ciattarelli were in attendance. Mr. Davis served as a Panelist, and Hillsborough School Board member John Donnadio was a moderator for one of the panel discussions.

Committeeman Ferrera said from that forum and subsequent meetings of a subcommittee, the Partnership developed a Reform Agenda for an Affordable New Jersey. Residents can learn more about it on the web at MakeNJAffordable.com. There will also be a link on the Township's website.

Committeeman Ferrera said one of the agenda's principles, reforming the public employees' pension system to make it affordable and sustainable, has already received the

attention of the Governor and Legislature and some issues are now moving through the Trenton process.

Committeeman Ferrera said of particular importance to our Township Committee is the principle that calls for a reform of the tax structure to keep businesses in New Jersey. We have been doing our part here in Hillsborough, by reducing the bureaucracy through the Economic Action Plan, but the state can do so much more to help business and job growth by reducing the tax and regulatory burden on businesses. Committeeman Ferrera said he knows the Freeholders' have endorsed the Reform Agenda and believes it is important for us to do so also.

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

3. Resolution ratifying and confirming the action of the Township Administrator/Clerk submitting the Somerset County Improvement Authority Renewable Energy Program Feasibility Survey.

WHEREAS, the Somerset County Improvement Authority (SCIA) is undertaking a countywide Renewable Energy Program which will be offered to interested municipalities, school districts and local authorities; and

WHEREAS, this program will permit the Township of Hillsborough to partner with Somerset County and go "green", reduce a portion of retail electricity cost, and require no "out of pocket" costs.

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 authorized to submit the Somerset County Improvement Authority Renewable Energy Program feasibility survey.

Deputy Mayor McCauley said Somerset County has asked municipalities to submit a survey expressing interest in the development of solar energy systems on local public buildings.

Deputy Mayor McCauley said Hillsborough is extremely interested in this idea and the Township Administrator, Mr. Davis, submitted the survey outlining three places of interest for the municipality; the municipal building, the DPW garage, and the Sunnymeade Landfill.

Deputy Mayor McCauley said saving energy costs from solar power at our public buildings and reducing our overall carbon footprint are the goals of the Township Committee, the Sustainable Hillsborough Committee and our Environmental Commission.

Deputy Mayor McCauley said the Township is also researching the cost, benefits, and feasibility of directly contracting with a solar power company. Ultimately, if the County determines one or more of Hillsborough's solar opportunities as feasible, we will compare the options between going with the County or contracting directly.

Deputy Mayor McCauley said we will be seeking the best opportunity for our taxpayers.

Committeeman Ferrera said he agrees with Deputy Mayor McCauley, and believes we are going in the right direction.

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

4. Resolution ratifying and confirming the action of the Township Administrator/Clerk in executing an amendment to the Non-Fair and Open Professional Services Agreement for Farewell Mills Gatsch Architects, LLC for repair and restoration of the Van der Veer Harris House in an amount not to exceed \$3,000.00.

WHEREAS, the Township of Hillsborough is desirous to preserve the Township's Historic Van der Veer-Harris House; and

WHEREAS, the Township Committee awarded a "Non Fair and Open" contract for Professional Services to Farewell Mills Gatsch Architects, LLC., to provide construction documents, bidding and construction administration for the Van der Veer-Harris House on May 12, 2009; and

WHEREAS, it has determined that there is a need for the installation of structural shoring, a signed and sealed architectural design plan must be submitted in order for the Van der Veer-Harris House to qualify for building permits; and

WHEREAS, Farewell Mills Gatsch Architects, LLC. prepared a proposal for the installation of structural shoring, a signed and sealed architectural design plan on behalf of the Township, at a cost not to exceed \$3,000.00; 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 Farewell Mills Gatsch Architects, LLC is authorized to provide structural shoring, a signed and sealed architectural design plan on behalf of the Township, as outlined in the firm's proposal, dated February 12, 2010, in an amount not to exceed \$3,000.00.

Deputy Mayor McCauley reported the Historic Architect for the Van der veer Harris House, Farewell Mills, is preparing to go out for bids for the phase one restoration at the historic home, which should begin in the spring. In order to shore up the building interior prior to restoration work, the Township's Building Department must review the plans, approve permits and do inspections. The Deputy Mayor said Hillsborough Township, just like everyone else, has to deal with the Building Department.

Deputy Mayor McCauley said like anyone else seeking a permit, the Township's architect must draw up the plans and sign and seal them for submission. The cost for these services is provided through the historic grant.

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

5. Resolution authorizing the execution of a contract between Somerset County Board of Chosen Freeholders and the Township of Hillsborough for the Hillsborough-Millstone Municipal Alliance Program in the amount of \$30,954.00.

WHEREAS, the County of Somerset has prepared a contract which will provide \$30,954.00 to the Township of Hillsborough for the provision of municipal alliance activities for prevention of alcoholism and drug abuse, and the Township will provide a 75% match of \$23,215.00 in in-kind services and a 25% cash match of \$7,739.00 will be raised by the Municipal Alliance Committee or provided by the municipality; and

WHEREAS, a copy of this agreement is on file in the office of the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby authorizes the Mayor and Township Administrator/Clerk to execute the 2010 Municipal Alliance Contract with the County of Somerset.

Deputy Mayor McCauley said this is an approval of the annual grant contract with the County for the drug and alcohol prevention and awareness programs run by the Municipal Alliance. The funding comes from the 2010 Governor's Council on Alcoholism and Drug Abuse, Drug Enforcement Demand Reduction program. The Township provides a \$7,739 cash match for the \$30,954 grant.

Deputy Mayor McCauley reported that the Municipal Alliance efforts include many outstanding and very successful programs such as the Life Skills program, Girls on Track, the PRIDE (Peers Respecting Individual Differences Everyday) program, Student Leadership Corps, PUSH (Prevention Using Student Help), STAND (Students Together for Awareness N Diversity) program services, Parents United, the BABES (Beginning Alcohol Basics Education Studies -3rd grade) program, and many more. Deputy Mayor McCauley said it appears that Hillsborough receives a pretty good bang for the buck with this grant.

Committeeman Ferrera said the Municipal Alliance does an excellent job, and he reported that Diane Handwerk is retiring and he commended her for all the work she has done.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution releasing Performance Bond No. 1050116519 and accepting Maintenance Bond No. 105345674 from Traveler's Casualty and Surety Company of America for Walgreens.

WHEREAS, a request has been received from Walgreens for the release of Performance Bond No. 105116519 and accept Maintenance Bond No. 105345674 for right-of-way improvements along Raider Boulevard project; and

WHEREAS, Assistant Township Engineer Thomas Belanger certifies that all right-of-way improvements along Raider Boulevard 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. Release Performance Bond No. 105116519 from Traveler's Casualty and Surety Company of America.
2. Accept Maintenance Bond No. 105345674 Traveler's Casualty and Surety Company of America.

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.

2. Resolution authorizing tuition reimbursement to Registered Environmental Health Specialist Michael Carr for completion of the classes "Principles of Occupational Health" and "Public Health Preparedness", offered through UMDNJ, in the amount of \$2,693.25 and authorizing Michael Carr to enroll in "Environmental and Occupational Toxicology", "Fieldwork I", "Fieldwork II", and "Protecting Public Health" and authorizing Registered Environmental Health Specialist Michael Carr to be eligible for tuition reimbursement of said courses once they have been successfully completed pursuant to Article XXXIII of the current AFSCME contract.

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

WHEREAS, financial assistance for education is outlined in Article XXXIII of the current AFSCME contract; and

WHEREAS, Health Specialist Carr has successfully completed the "Principles of Occupational Health" and "Public Health Preparedness" courses through UMDNJ; and

WHEREAS, Health Specialist Carr has requested consideration under the Township's Educational Assistance provisions; and

WHEREAS, the Township Health Officer has requested favorable consideration of Health Specialist Carr's request for financial reimbursement of seventy-five percent (75%) of the \$3,591.00 cost incurred for a total of \$2,693.25; and

WHEREAS, Health Specialist Carr is requesting authorization to take "Environmental and Occupational Toxicology", "Fieldwork I", "Fieldwork II", and "Protecting Public Health" to complete his Master's Degree in Public Health; and

WHEREAS, Health Specialist Carr has requested consideration under the Township's Educational Assistance provision upon successful completion of the aforementioned courses; and

WHEREAS, the Township Health Officer has requested favorable consideration of Health Specialist Carr's request for financial reimbursement of seventy-five percent (75%) of the cost incurred upon successful completion of the afore mentioned classes.

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 Township Health Officer is hereby accepted and approved.

3. Resolution authorizing the Township Administrator/Clerk to advertise for bids for the purchase of a salt storage facility and renewal of the Recreation Department's uniform contract.

WHEREAS, it has determined that there is a need for a salt storage facility and for renewal of the Recreation Department's Uniform contract; and

WHEREAS The Township Administrator/Clerk is hereby authorized to solicit bids for the purchase of a salt storage facility and for renewal of the Recreation Department's uniform contract.

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 advertise for bids for the purchase of a salt storage facility and renewal of the Recreation Department's uniform contract.

4. Resolution authorizing the U.S. Bicycling Hall of Fame seventy-five (75) mile road race to travel through a portion of Hillsborough Township, pursuant to the requirements outlined by Chief Paul Kaminsky.

WHEREAS, the U.S. Bicycling Hall of Fame wishes to hold a seventy-five (75) mile road race, on Saturday, May 29, 2010, through portions of Hillsborough; and

WHEREAS, prior to May 29, 2010, the U.S. Bicycling Hall of Fame 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 cyclers.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the U.S. Bicycling Hall of Fame is hereby authorized to hold a seventy-five (75) mile road race through portions of Hillsborough Township on May 29, 2010.

5. Resolution authorizing refund of tax overpayment in the amount \$1,722.06, pursuant to NJSA 54:51A-7.

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, \$1,722.06 properties, 1.

Block	Lot	Name	Amount
203.05	50	Dorothy Martinetti	\$1,722.06

6. Resolution authorizing Officer Chris Kennedy to enroll in "Comparative Criminal Justice Systems" and authorizing Office Kennedy to be eligible for tuition reimbursement of said course once it has been successfully completed pursuant to Article XVIII of the current PBA contract.

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

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

WHEREAS, Officer Chris Kennedy is requesting authorization to take "Comparative Criminal Justice Systems" towards his Master of Science in Criminal Justice; and

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

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

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

7. Resolution approving the application for Special Permit for Social Affair for Wilson's 10-33 Foundation, Inc. to be held on May 2, 2010.

WHEREAS, an application for a Special Permit for Social Affair has been filed by Wilson's 10-33 Foundation, Inc. for an event to be held on May 2, 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 Wilson's 10-33 Foundation, Inc. for event to be held on May 2, 2010.

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

CLAIMS LIST

Deputy Mayor McCauley presented Claims List 2010-05

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, Claims List 2010-05 was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, the meeting duly adjourned at 8:28 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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