

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 Ferrera, Committeewoman McCauley, Committeeman Suraci, Deputy Mayor Wagner and Mayor Frank DelCore. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Administrative Assistant Lisa Strothers.

Following the Salute to the Flag, Mayor Ferrera 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 24, 2009.

PROCLAMATIONS

- *Proclamation honoring National Girl Scout Week*

WHEREAS, March 8-14, 2009 marks Girl Scout Week as designated by Girl Scouts of the USA, a movement founded in 1912 by Juliette Gordon Low In Savannah, Georgia; and

WHEREAS, throughout it's long and distinguished history, Girl Scouting has inspired more than 50 million girls and women to strive for the highest ideals of courage, confidence and character; and

WHEREAS, through Girl Scouts, girls grow strong, gain self confidence, develop leadership skills and learn the lifelong lesson of contributing back to their communities; and

WHEREAS, Girl Scouting helps girls achieve their potential by increasing awareness of opportunities which exist in the fields of math, science, sports, technology and other professional persuits; and

WHEREAS, the Girl Scouts Heart of New Jersey was formed in 2008 and is capably delivering the optimal Girl Scout experience to over 28,000 young women and adults in Essex, Hudson, Hunterdon, Middlesex, Somerset, Union and Warren counties

WHEREAS, more than 3.8 million Girl Scouts nationwide, including in excess of 100,000 in the state of New Jersey, join in celebrating and rejoicing in this great American tradition.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, do hereby proclaim March 8-14 as Girl Scout Week and commend and thank the members of the Girl Scouts, and their leaders, for their many hours of volunteerism and for their unwavering commitment to the community.

- *Proclamation honoring Tina Rear for being recognized by the Somerset County Commission on the Status of Women for her contributions in the category of Volunteerism.*

WHEREAS, Hillsborough Township residents Tina Rear will be recognized by the Somerset County Commission on the Status of Women in celebration of Women's History Month when they present their awards on Friday, March 6, 2009 at the Imperia; and

WHEREAS, Ms. Rear will be honored for her contributions in the category of Volunteerism; and

WHEREAS, upon learning that their son Kyle was on the autism spectrum, Ms. Rear and her husband Dave found very little in the way of support or information and instead founded the Care to Share Support Network, a non-profit organization committed to enhancing the lives of children with special needs; and

WHEREAS, Ms. Rear, the founder and president of the Care to Share Support Network, has dedicated her life to developing a large, local support network for the children and families of special needs; and

WHEREAS, the Care to Share Support Network began as a small local support group and has grown into a non-profit 501c (3) Corporation that helps numerous families obtain resources, services and support for their children with special needs; and

WHEREAS, Ms. Rear works tirelessly to provide the Care to Share community with support through grants for therapy, adaptive equipment and therapeutic supplies, medical services, camp, social skills training and relationship based services through circles of support, friendship facilitation and sibling support; and

WHEREAS, Ms. Rear's exceptional business, networking and event planning skills have been fundamental in enhancing the Care to Share program by aligning it with others, such as the MADE Volunteer Program; and

WHEREAS, through her leadership and dedication, Ms. Rear established a grant program to offset the financial hardships incurred by families of children with disabilities, worked with local police departments to ensure critical information regarding a child's special needs is available in the event of an emergency and established a respite program for parents of children with special needs.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Township Committee of the Township of Hillsborough that Tina Rear is hereby recognized for unwavering commitment to helping the special needs community and the community at large through her volunteer efforts.

BE IT FURTHER PROCLAIMED that we join the Somerset County Commission on the Status of Women in saluting Tina Rear for a job well done and wish her continued success in the future.

APPROVAL OF MINUTES

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

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

REPORTS AND NEW BUSINESS FROM COMMITTEE LIAISONS, RECEIPT OF REPORTS, PETITIONS OR COMMUNICATIONS

Committeeman Ferrera

Committeeman Ferrera stated that there will be a Motorcycle Ride at the Hillsborough Fire House Number Two. A donaltion of \$20 dollars will be appreciated and children under the age of 10 are free.

Committeeman Ferrera stated that this is a great cause to help Officer Wilson and everyone is encouraged to come out and support him.

Committeewoman McCauley

Committeewoman McCauley stated that the Business social went well.

Committeeman Suraci

Committeeman Suraci stated that Committeewoman McCauley and himself have been working on the 2009 budget and we were waiting to learn from the state about Hillsborough's state aid revenue for 2009.

Committeeman Suraci stated that two weeks ago the Committee heard that the Governor announced in his budget speech that municipal aid would be reduced by 2%. He stated that by the end of the week, Hillsborough's aid was cut by \$270,000 - a 38% reduction.

Committeeman Suraci stated that many residents were surprised to learn that the \$270,000 reduction in aid is on top of last year's \$569,000 cut in aid. He stated that since 2007, Hillsborough taxpayers had seen an \$842,000 reduction in state aid, which is more than two tax points.

Committeeman Suraci stated that within the last few years, Hillsborough we had made economies and have the lowest per capita budget in the area.

Committeeman Suraci said that the Township has less full time employees than the Township had seven years ago and had froze or reduced 57 line items last year.

Committeeman Suraci stated that the pay as you go capital improvement plan has saved hundred of thousands in interest payments. He also said that the township's debt reduction plan has also resulted in interest payment reductions.

Committeeman Suraci went on to state that because of these additional aid cuts, the Township will be looking to our municipal departments to continue to do their jobs in delivering services, but to do so with less funding.

Committeeman Suraci stated that he expected the budget will result in nearly every department operational line item being reduced.

Committeeman Suraci stated that the Committee is going to be giving very careful review to the capital improvement budget – some needed equipment just may not make the cut this year. He said that they will continue to look for economies for taxpayers.

Deputy Mayor Wagner

Deputy Mayor Wagner had nothing to state at this time.

Mayor DelCore

Mayor DelCore stated that when Governor Corzine announced his state budget two weeks ago, he had pointed out that the Governor's elimination of the property tax deduction on the state income tax was one of the most troubling aspects of the plan.

Mayor DelCore stated that it is an income tax increase for every property taxpaying family in New Jersey and since then, the Governor has backed off the plan, as the deduction will be eliminated for families earning \$150,000 or more.

Mayor DelCore said that by allowing property taxes to be deducted from the income tax, it assures that we are all not taxed twice on the same money by the state.

Mayor DelCore stated that the way the federal deduction works, is a person will pay the property tax bill, which is no longer available as income, and therefore a person should not have to pay income tax on that as well.

Mayor DelCore stated that under the Governor's budget, families earning over \$150,000 will be taxed twice on the same money, which is not a good policy for many Hillsborough taxpayers.

Mayor DelCore also stated that in addition to the reduction in state aid for the second year in a row, the Governor's budget also eliminates the property tax rebate for families earning over \$75,000.

Mayor DelCore stated that all taxpayers need to encourage the state legislature to reverse these bad policy decisions prior to the final approval of the state budget at the end of June.

NEW BUSINESS

- Sourland Comprehensive Management Plan
Representatives of the Sourland Planning Council are here this evening to make a presentation regarding the management plan for the Sourland mountain area.

Mayor DelCore stated that the Township appreciates the efforts of the members of the council in protecting and planning for the future of the Sourland Mountains which are an important natural area not just for our region, but for the entire state.

Mayor DelCore also stated that Hillsborough has always been supportive of the goals of the Sourland Council.

Ms. Angela Clerico showed a map that allowed the view of the Sourland Region and stated that it encompasses seven municipalities and three counties.

Ms. Clerico stated that through this project there have been three project partners. She went on to state that Phase One of the plan created a natural resources inventory of the area. The book of all of the data is located in the Township Library. It also includes the conservation and Open Space Plan.

Ms. Clerico stated that the new state plan will have the Sourland Mountains as a special resource area in the state. She is also asking the municipalities to look beyond the boundaries and think of this area as a region that needs protection. Recommending to the towns that they consider the Sourland Municipal Alliance. This will allow the Townships to go along with the plans and help implement them along with the ideas to protect the region.

Ms. Clerico stated that Phase Two was with the residence of the Townships. They were able to state where they thought the areas that needed to protection were located. It was agreed that these areas needed protection. Also stated that Planning Board members suggested that there be Regulatory Strategies for Ordinances as well as Non-Regulatory Strategies such as green design and historic and cultural resources. It was also stated that new infrastructures would not be built.

Ms. Clerico stated that the idea is to keep the Sourland Mountain folklore alive and keep it maintained as is. She also stated that the website allows the residence to upload videos, pictures and comments.

Ms. Clerico stated that the final plan will include model Ordinances for each of the different areas that have been identified in the plans.

Ms. Clerico stated that they are currently applying for an ANJEC grant for the Municipal Alliance. In April and May the Committee will come back to ask for endorsements for this project and plan. Will also be going to other governing bodies to ask the same.

- Tangarie Energy, LLC- Review of the existing Township Ordinance governing wind turbines.

Mayor DelCore stated that Debe Besold, the CEO of Tangarie Alternative Power, and a Hillsborough resident, was attending the meeting to discuss potential adjustments to Hillsborough's wind power ordinance and the potential for bringing the manufacturing of alternative wind power products to the Township.

Mayor DelCore stated that bringing a new business, particularly a clean energy business, to our community is always important to the Township's agenda.

Ms. Besold stated that Hillsborough was the first Township who had the wind power Ordinance in 2007. She stated that Hillsborough was at the forefront of this project, even by national standards.

Ms. Besold stated that they are also developing Hybrid sources for this as well.

Stated that birds and bats look at the Turbine as a solid object and therefore fly away from it.

Stated that it does not matter the direction of the wind because there is always one caption open to it and therefore will always be open to turn it. Stated that it is very quiet, allowing people to talk when around it, and can mount on almost anything. Stated that it can be mounted vertically or horizontally on exhaust systems.

Ms. Besold showed prototypes for different units that are done in Canada, US Fire Service, and other states.

Ms. Besold stated that this is a good project for both people and the environment.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Leslie Floram, Onka Drive

Thanked Mr. Davis, Committeeman Ferrera and Dr. Belnay for working hard on trying to find a different location for the pumping station in Claremont. Ms. Floram wanted to know if any news had come out of the recent Green Acre Meeting.

Mr. Davis stated that nothing had as of yet.

Ms. Floram stated that pictures do not do the site justice and would appreciate everyone of the Committee to come out and look.

Mayor DelCore stated that this would happen.

PUBLIC HEARINGS

Ordinance 2009-12

Ordinance amending Secions 188-14H(2)(b) and 259-4B of the Code of Hillsborough to allow the posting of Surety Bonds for site improvements.

Committeeman Suraci moved to open the public hearing on Ordinance 2009-12. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Mayor DelCore stated that this change is part of the Township's economic action plan and will reduce some start up costs for businesses by allowing a commercial entity to post a Bond, rather than cash, as a guarantee that required site improvements will be made.

Mayor DelCore said that the bond is similar to insurance where the business will pay a smaller fee for the bond relative to the cost of the outlay of cash, as is presently required.

Mayor DelCore stated that the goal of the monetary guarantee is to ensure that the improvements that are part of an approval are made in a timely fashion. He also said that the Township will remain protected because should the business fail to make the improvements, the Township can call the bond for financial coverage for making the improvements.

Mayor DelCore stated that the Township is advised by the Engineering Department that it is a rare case when improvements are not made and the cash is not returned, and we anticipate calling bonds to be just as rare.

Deputy Mayor Wagner moved to close the public hearing on Ordinance 2009-12. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2009-12. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

Ordinance 2009-14 Ordinance establishes the positions eligible for the Defined Contribution Retirement Program provided by the Pension Reform Act of 2007, N.J.S.A. 42:

Committeewoman McCauley moved to open the public hearing on Ordinance 2009-14. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

Mayor DelCore stated that this ordinance will put into place changes to the public pension plan as required by the pension reform enacted last year by the Legislature.

Mayor DelCore stated that the change will result in lower pension costs to the Township, in the future, for certain civilian employees.

Mayor DelCore said that under the requirements of the law, the change would impact new hires and does not impact current employees.

Deputy Mayor Wagner moved to close the public hearing on Ordinance 2009-14. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

Committeewoman McCauley moved to adopt Ordinance 2009-14. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2009-15 Ordinance providing for various road improvements and other related expenses in and for the Township of Hillsborough and appropriating \$1,900,00 therefor, and providing for the issuance of \$1,000,00 in bonds or notes of the Township of Hillsborough to finance the same. *Further consideration of this ordinance and public hearing will be held on April 28, 2009.*

Mayor DelCore stated that this bond ordinance will create the authorization for funding of the nearly 3 miles of road improvements that will be necessary in the Claremont area, at the conclusion of the sewer connection project.

Mayor DelCore stated that the Township has applied to the state Environmental Infrastructure Trust or EIT for funding for the project, seeking low cost or zero percent financing from the federal stimulus program, if the project qualifies.

Mayor DelCore went on to say that the bond ordinance must be put in place and approved by the state's Local Finance Board as part of the EIT application process.

Deputy Mayor 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 28, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

Ordinance 2009-16 Ordinance providing for the acquisition and construction of a salt storage facility and appropriating \$400,000 therefore, and providing for the issuance of \$400,000 in bonds or notes to

finance the same. *Further consideration of this ordinance and public hearing will be held on April 28, 2009.*

Mayor DelCore stated that this ordinance will create the authorization for funding of the construction of a 3000 ton winter salt storage facility at the DPW site.

Mayor DelCore stated that as in the previous ordinance, the Township has applied to the state EIT for funding for the project, seeking zero percent financing from the federal stimulus program, if the project qualifies.

Mayor DelCore also stated that this bond ordinance must be put in place and approved by the state's Local Finance Board as part of the EIT application process. He said that neither of these ordinances obligates the Township for any costs until a determination is made by the EIT, which we are advised is expected in June.

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 April 28, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2009-17 An Ordinance amending section 5-1 of the code of the Township of Hillsborough, titled "Establishment; Membership; Terms; Organization" of the Agricultural Advisory Committee by adding a new subparagraph B for the appointment of alternate members. *Further consideration of this ordinance and public hearing will be held on April 28, 2009.*

Mayor DelCore stated that this ordinance will add two alternate members to the Agricultural Advisory Committee.

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 28, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

Ordinance 2009-18 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 amend the zone designation for Block 177D, Lots 21A and 22C (Rear Portion) from R, Residential, to C-1, Retail Commercial. *Further consideration of this ordinance and public hearing will be held on April 28, 2009.*

Mayor DelCore stated that this zoning change is another component in the Township's continuing economic action plan, aimed at helping local businesses by removing bureaucratic impediments.

Mayor DelCore stated that the change has been recommended by the Regulatory Oversight Working Group and reviewed and approved by the Planning Board.

Mayor DelCore acknowledged the outstanding effort of the Working Group, whose members have moved in an expedited fashion in identifying rules and regulations that can be adjusted to help our local economy.

Mayor DelCore stated that the Committee will continue to be serious in their mission to move the bureaucracy out of the way, in order to help businesses during these difficult economic times.

Mayor DelCore stated that the ordinance will change the zone for a property fronting on route 206 near Stonewyck Drive from the residential zone to the Retail Commercial or C-1 zone which is a neighborhood shopping center district. He stated that this is the sixth regulatory change since the inception of the economic action plan in January and this will allow greater latitude for commercial development on the property which was originally recommended in the 2005 master plan phase 2 amendments.

Mayor DelCore stated that the new permitted uses in the new zone will include retail sales, offices, banks, restaurants, and child care centers, to name a few. He stated that any changes to the property would still require Planning Board approval of a site plan, with notification to any neighboring property owners.

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 April 28, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor Delcore offered the following resolutions:

1. **RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF THE TOWNSHIP OF HILLSBOROUGH TO EXECUTE AN ASSIGNMENT OF THE OPTION TO PURCHASE TO THE SOMERSET COUNTY IMPROVEMENT AUTHORITY.**

WHEREAS, on March 16, 2009, the United States of America, acting by and through the Administrator of the General Services Administration, the County of Somerset and the Township of Hillsborough, entered into an Offer to Purchase for the purchase of the real property commonly known as the Belle Mead Supply Depot, Block 175, Lots 39.01 and 39.03, and Block 177, Lots 23.01, 23.03 and 23.04, as shown on the Township of Hillsborough Tax Map; and

WHEREAS, the County of Somerset has or will assign its right in the Option to Purchase to the Somerset County Improvement Authority; and

WHEREAS, having the Somerset County Improvement Authority initially make the full payment for the property will permit the Township of Hillsborough the time necessary, after the transfer of ownership of the property to the Somerset County Improvement Authority, to seek a subdivision of the property from the Township Planning Board to establish a specific area of the property for uses other than parks and recreation, as described in the Redevelopment Plan adopted December 9, 2008; and

WHEREAS, it is in the best interests of the residents of the Township of Hillsborough for the Township to assign its right in the Option to Purchase to the Somerset County Improvement Authority.

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

1. That the Mayor and Clerk are hereby authorized to execute on behalf of the Township of Hillsborough an Assignment of the Option to Purchase to the Somerset County Improvement Authority.
2. That the Mayor and Clerk are hereby authorized to execute on behalf of the Township of Hillsborough any other documents necessary to effectuate the Assignment.
3. That this Resolution shall take effect immediately.

Deputy Mayor Wagner stated that Mayor DelCore is correct that Hillsborough is fortunate to have such a great working relationship with the Somerset County Freeholders, which allows for the Improvement Authority to initially put up the funds for the closing on the preservation of the GSA Depot.

Deputy Mayor Wagner stated that he is excited that the closing on the transfer of ownership of the Depot is perhaps less than a few weeks away. He went on to say that by having the Improvement Authority put up the funds at the closing, Hillsborough will have the time to more exactly identify the area for parks and recreation and the area for the R & D campus at the site.

Deputy Mayor Wagner stated that as we move toward the transfer, he believes it is important to remember that it has taken a great deal of cooperation and trust between many government levels to get this done.

Deputy Mayor Wagner stated that Hillsborough's Open Space Advisory Committee has long been supportive of this preservation project as a priority for our community.

Deputy Mayor Wagner said that Hillsborough would not have been able to preserve this property without the commitment of funding help from the Somerset County Freeholders.

Deputy Mayor Wagner stated that both the Township and the County needed the cooperation of the federal GSA in their agreement to return the purchase price into a clean up fund for the site. He stated that the Township needed the NJDEP's review and recommendation and Governor Corzine's approval of the early transfer.

Deputy Mayor Wagner stated that the transfer needed the approval of the U.S. House of Representatives Committee and the Township had Congressman Lance's help there.

Deputy Mayor Wagner went on to state that the Township has gained additional support from the County Freeholders in having the Improvement Authority willing to send in one big check, making the closing as easy as possible. He stated that this has been a real team effort and I look forward Mayor to your next report when the transfer has been completed

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

2. **Resolution amending the Management (Joint Purchase) Agreement with the County of Somerset, continuing the Township of Hillsborough's equal participation in the management of the Belle Mead GSA Depot, and authorizing the Mayor and Township Administrator to execute the amended Management (Joint Purchase Agreement).**

WHEREAS, the County of Somerset and the Township of Hillsborough agreed to enter into a Joint Purchase Agreement to acquire and develop the real property commonly known as the Belle Mead Supply Depot, Block 175, Lots 39.01 and 39.03, and Block 177, Lots 23.01, 23.03 and 23.04, as shown on the Township of Hillsborough Tax Map; and

WHEREAS, the Township of Hillsborough and County of Somerset have or will assign their right in the Joint Purchase Agreement to the Somerset County Improvement Authority; and

WHEREAS, having the Somerset County Improvement Authority initially make the full payment for the property will permit the Township of Hillsborough and the County of Somerset the time necessary, after the transfer of ownership of the property to the Somerset County Improvement Authority, to seek a subdivision of the property from the Township Planning Board to establish a specific area of the property for uses other than parks and recreation, as described in the Redevelopment Plan adopted December 9, 2008; and

WHEREAS, the Joint Management Agreement specifically discusses the management of the Belle Mead GSA Depot and the membership of the Administrative Committee; and

WHEREAS, it is in the best interests of the residents of the Township of Hillsborough for the Township to enter into a Joint Management Agreement with the Somerset County Improvement Authority and the County of Somerset, continuing the Township of Hillsborough's equal participation in the management of the Belle Mead GSA Depot.

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

1. That the Mayor and Clerk are hereby authorized to execute on behalf of the Township of Hillsborough a Joint Management Agreement with the Somerset County Improvement Authority and the County of Somerset, continuing the Township of Hillsborough's equal participation in the management of the Belle Mead GSA Depot.
2. That this Resolution shall take effect immediately.

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

3. **RESOLUTION APPOINTING ANGELO PACILLO, AS PLUMBING SUB-CODE OFFICIAL, IN THE CONSTRUCTION DEPARTMENT FOR A FOUR (4) YEAR TERM, TO FILL A VACANCY, AT AN ANNUAL SALARY OF \$70,000, AS REQUIRED BY N.J.A.C. 52:27D-126a AND N.J.A.C. 5:23-4.3**

WHEREAS, there exists the need for a Full-time Plumbing Sub-Code Official in the Construction Department; and

WHEREAS, Angelo Pacilio is currently a temporary plumbing inspector and Acting Plumbing Sub-Code Official in the Construction Department; and

WHEREAS, the Director of Building and the Construction Official recommend the hiring of Angelo Pacilio as Full-time Plumbing Sub-Code Official beginning March 31, 2009 at an annual salary of \$70,000.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Angelo Pacilio be appointed Plumbing Sub-code Official to a four (4) year term at an annual salary of \$70,000.

Committeeman Ferrera stated that Mr. Pacilio is a very good candidate for this position.

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

4. RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR/CLERK TO SOLICIT PROPOSALS FOR PROFESSIONAL SERVICES FOR TAX EQUALIZATION REVALUATION SERVICES THROUGH THE FAIR AND OPENPROCUREMENT PROCESS.

WHEREAS, on May 1, 2007, the Somerset County Board of Taxation, pursuant to N.J.S.A. 54:3-13, issued an Order requiring that the Township of Hillsborough undertake a revaluation of all property in the Township to be effective for the 2011 tax year; and

WHEREAS, the previous revaluation in Hillsborough Township occurred in 1983; and

WHEREAS, in order to facilitate the revaluation, the Township Administrator/Clerk requests permission to solicit for proposals for professional services for tax equalization revaluation services through the Fair and Open procurement process.

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 proposals professional services for Tax Equalization Revaluation Services through the Fair and Open procurement process.

Mayor DelCore stated that the Somerset County Tax Board ordered Hillsborough to complete a tax equalization property revaluation for the 2011 tax year. The tax board has the power of the court in ordering a revaluation and therefore Hillsborough has no choice but to comply.

Mayor DelCore stated that the Township is required to hire a property revaluation firm. He stated that in order to obtain the best price possible for these services, the Township will solicit competing proposals from the various firms that perform this work.

Mayor DelCore stated that the property revaluation process will take more than a year to complete, because there is an extensive amount of work to be accomplished in inspecting the 14,000+ properties in Hillsborough.

Mayor DelCore stated that the last change in property assessments occurred between 1998 and 2003 which was a rolling assessment program that proved to be unfair, because the five year spread between assessments of different properties around the community created inequities.

Mayor DelCore stated that because the last complete property revaluation took place in Hillsborough 1983, the Tax Board believes a revaluation is again in order. He stated that this is a key point to be stressed is that property revaluation alone does not result in tax increases. The tax rate is adjusted in proportion to changes in property values.

Mayor DelCore stated that the greater concern is the cost of the revaluation process which must be paid by Hillsborough, despite the revaluation order being made by the Tax Board. He stated that if the Tax Board is empowered by law to issue the order, it would seem that the Tax Board should be responsible for paying and overseeing the revaluation process.

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

5. RESOLUTION REJECTING THE BIDS RECEIVED FOR “30 CUBIC YARD CONTAINERS RENTAL AND HAULING FOR THE YEAR 2009” AND AWARDING A CONTRACT TO REPUBLIC SERVICES OF NEW JERSEY, LLC, IN AN AMOUNT LESS THAN THE BID THRESHOLD

WHEREAS, on March 4, 2009, the Township of Hillsborough received two (2) bids for “30 Cubic Yard Containers Rental and Hauling for the Year 2009” as follows:

<u>Bidder</u>	<u>Price Per Container</u>
RDR Carting	\$160.00
Republic Services of New Jersey, LLC	169.25

and

WHEREAS, the low bid of RDR Carting must be rejected because:

1. It failed to supply a Consent of Surety which was required by the Notice to Bidders and specifications; and
2. The Business Registration Certificate submitted, which was required by the Notice to Bidders and specifications, was issued to RDR Farms, Inc., and there is nothing in the bid submission to demonstrate that RDR Carting and RDR Farms, Inc., are the same;

and

WHEREAS, the Township Committee of the Township of Hillsborough notes that an entity known as RDR Farms, Inc., failed to comply with the Prevailing Wage Act and that on March 9, 2009, the Department of Labor and Workforce Development listed RDR Farms, Inc., as a contractor debarred from receiving public works contracts; and

WHEREAS, pursuant to N.J.S.A. 40A:11-22, the Local Public Contracts Law provides that when a municipality requires a Consent of Surety, which assures the Township that the successful bidder is able to post a Performance Bond, the submission of the Consent of Surety is mandatory; and

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2, failure to submit any one of the mandatory items is deemed a fatal defect and renders the bid proposal unresponsive and cannot be cured by the governing body; and

WHEREAS, the bid of Republic Services of NJ, LLC, conforms to the specifications but it exceeds the Department of Public Works prebid estimate and may be rejected on that basis at the discretion of the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3(a), the Township may consider an award to Republic Services of NJ, LLC, because the total anticipated contract amount is below the bid threshold of \$29,000.00; and

WHEREAS, the Department of Public Works solicited competitive quotes from Republic Services of NJ, LLC, in the amount of \$159.50 per container, and from Midco Waste Systems in the amount of \$170.00 per container, and recommends the contract award to Republic Services of NJ, LLC; and

WHEREAS, the quote of Republic Services of NJ, LLC, is higher than the Pay-to-Play requirements and lower than the bid threshold; and

WHEREAS, Republic Services of NJ, LLC, has complied with the Pay-to-Play requirements; and

WHEREAS, the Township Committee finds it in the best interest of the Township to award a contract for "30 Cubic Yard Containers Rental and Hauling for the Year 2009" at a price of \$159.50 per container.

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

1. That the bid submitted by RDR Carting is hereby rejected for the reasons stated above.
2. That the bid security of RDR Carting be returned to RDR Carting immediately.
3. That the proposal submitted by Republic Services of New Jersey, LLC, is hereby accepted at a price of \$159.50 per container.
4. That the Mayor and Township Clerk are hereby authorized to enter into a contract with Republic Services of New Jersey, LLC.
5. That this Resolution shall take effect immediately.

Mayor DelCore stated that the bids originally received were too high and one of the bidders failed to provide required documentation at the time of the bid.

Mayor DelCore stated that because the Township now owns 10 containers, it has been determined that less containers are needed for rental and that the total cost of rental of containers is below the bid threshold of \$29,000.

Mayor DelCore stated that the Department of Public Works have sought quotes and Republic has the lowest quote that is lower than either of the original bid prices.

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

6. RESOLUTION AUTHORIZING JENNIFER C. BEAHM, PP, AICP OF BIRDSALL ENGINEERING, INC. TO PROVIDE AFFORDABLE HOUSING PLANNING CONSULTING SERVICES FOR THIRD ROUND AFFORDABLE HOUSING REQUIREMENTS, PURSUANT TO THE PROFESSIONAL SERVICES CONTRACT AWARDED JANUARY 27, 2009, IN AN AMOUNT NOT TO EXCEED \$30,000.

WHEREAS, on November 28, 2006, the Township of Hillsborough awarded Jennifer C. Beahm, PP, AICP of Birdsall Engineering, Inc., a contract for professional planning services through the Fair and Open Procurement Process to prepare the Housing Element and Fair Share Plan required by the Council on Affordable Housing Third Round regulations; and

WHEREAS, said contract was predicated on the then existing Third Round regulations, much of which have since been invalidated by the Appellate Division; and

WHEREAS, COAH, in response to the Appellate Division decision, published revised Third Round regulations and those regulations became effective June 2, 2008; and

WHEREAS, because of changed legal circumstances since Birdsall Engineering, Inc., was awarded the contract, Birdsall's scope of services has also changed necessitating an extension and a modification to Birdsall Engineering, Inc.'s contract; and

WHEREAS, the Township Committee, with the assistance of Jennifer Beahm, approved on December 23, 2008 and filed with the New Jersey Superior Court on December 29, 2008, a Third Round Affordable Housing Plan in compliance with the mandate of the New Jersey Council on Affordable Housing; and

WHEREAS, the Township will continue to require affordable housing consulting services during the Court's consideration of the Township's Affordable Housing Plan and, because Jennifer Beahm has intimate knowledge of the Plan and the experience of having developed the Plan, Ms. Beahm is in the best position to continue to provide the needed professional planning consulting services; and

WHEREAS, because of the aforementioned circumstances, on January 27, 2009, the Township authorized through the "Non-Fair and Open" process, a professional services contract with Jennifer Beahm of Birdsall Engineering, Inc. to continue to provide Affordable Housing Consulting services; and

WHEREAS, it has been determined that the cost of these services, in an amount not to exceed \$30,000, is necessary; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Committee does authorize a sum not to exceed \$30,000.00, for Affordable Housing Consultant services, to be provided by Jennifer C. Beahm, PP, AICP, pursuant to the Birdsall Engineering proposal/budget dated March 5, 2009.

Mayor DelCore stated that Ms. Jennifer Beahm of Birdsall Engineering did a good job in helping to develop the Hillsborough affordable housing plan that was submitted to the court at the end of 2008.

Mayor DelCore stated that Hillsborough was obligated to submit an affordable housing plan in order to prevent the builder remedy lawsuits from breaking the Township's zoning and building thousands of market rate and affordable housing units. He stated that the court needs to approve Hillsborough's plan, which may take a long time.

Mayor DelCore stated that Ms. Beahm was re-appointed as the Township's affordable housing consultant a few weeks ago because her expertise and assistance with the plan is expected to continue to be needed, as the plan is considered by the court.

Mayor DelCore also stated that the funding for the affordable housing consultant comes from the affordable housing trust account.

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

7. RESOLUTION AUTHORIZING MASER CONSULTING, P.A. TO PROVIDE SERVICES, PURSUANT TO CONTRACT AWARD ON JANUARY 6, 2009 THROUGH THE "FAIR AND OPEN" PROCESS, AS PROFESSIONAL ENVIRONMENT ENGINEER FOR NEGOTIATIONS AND TRANSITION FOR THE PROPERTY TRANSFER OF THE BELLE MEAD GSA DEPOT (BLOCK 175, LOTS 39.01 AND 39.03 AND BLOCK 177, LOTS 23.01 AND 23.03) IN AN AMOUNT NOT TO EXCEED \$16,500

WHEREAS, in order to prepare for the Township of Hillsborough participation in the purchase and redevelopment of the Belle Mead GSA Depot, (Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01 and 23.03) it is necessary for the Township to obtain professional environmental engineering services; and

WHEREAS, pursuant to the contract for services awarded by the Township to Maser Consulting, P.A. through the Fair and Open procurement process (N.J.S.A. 19:44A-20.4-5 et. seq.), Maser Consulting, P.A. has prepared a proposal to provide professional environmental engineering services for the purchase and redevelopment of the Belle Mead GSA Depot; and

WHEREAS, Maser Consulting, P.A. has proposed to provide the services for the Belle Mead GSA Depot in an amount not to exceed \$16,500; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Maser Consulting, P.A. is authorized to perform professional environmental engineering services outlined in the firm's proposal letter of March 9, 2009 letter, in the amount not to exceed \$16,500 for the Belle Mead GSA Depot (Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01 and 23.03); and

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

1. The Mayor and Township Clerk are hereby authorized to execute Professional Services Contract with Maser Consulting, P.A. in an amount not to exceed \$16,500.
2. These contract is awarded, without competitive bidding, through the Fair and Open Selection Process as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law and the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44A-20.4-5 et. seq.) because these services will be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, the performance of which service requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instructions as distinguished from general academic instruction or apprenticeship and training.
3. The Mayor and Township Clerk are hereby authorized to execute the Township's standard form of agreement for "Professional Services" and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
4. A notice of these actions shall be printed once in the official Township newspaper.

Mayor DelCore stated that a closing on the transfer of the GSA depot is anticipated sometime in April.

Mayor DelCore stated that Mr. Robert Zelley, the Director of Environmental Services for Maser Consulting, the Township Engineer, has been instrumental as the Township's environmental engineering advisor on the project and his services will be important.

Mr. Robert Stye Millstone Township, at the meeting as a spokesperson for Hillsborough Township Properties, stated that he is seeking clarification as to why a certain Block and Lot were not mentioned in the Consideration.

Mayor DelCore stated that this will be corrected.

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

8. RESOLUTION AWARDED CONTRACT 2009-01 "2009 ROAD MAINTENANCE, CONSTRUCTION AND PAVING MATERIALS"

WHEREAS, the Assistant Township Engineer, has determined that there is a need for the acquisition of the following:

"2009 Road Maintenance, Construction and Paving Materials"; and

WHEREAS, sealed bids were opened and read on February 5, 2009, at 10:00 a.m. which was the time and place provided for in the Invitation to Bid entitled "2009 Road Maintenance, and Construction and Paving Materials"; and

WHEREAS, the Assistant Township Engineer has reviewed the bids, provided the Township Committee with his memorandum dated February 5, 2009, and has made the following recommendations for award, which are as follows:

Bid Item	Description	Recommend ed Vendor	Unit Price	Past 2008	Past 2007
1	#8 Broken Stone, FOB (3/8")	Stavola	16.60/ton*	16.00	14.25
2	#8 Broken Stone, FD (3/8")	Stavola	20.50/ton	20.65	18.65
3	#57 or #67 Broken Stone, FOB	Stavola	11.65/ton*	11.00	10.50
4	#57 or #67 Broken Stone, FD	Stavola	15.55/ton	15.65	14.90
5	#2 Clean Stone, FOB	Stavola	10.10/ton*	9.50	9.05
6	#2 Clean Broken Stone, FD	Stavola	14.00/ton	14.15	13.45
7	#3 or #4 Broken Stone, FOB	Stavola	10.10/ton*	9.50	9.05
8	#3 or #4 Broken Stone, FD	Stavola	14.00/ton	14.15	13.45
9	Dense Graded Aggregate, FOB	Stavola	10.10/ton*	8.00	8.00
10	Dense Graded Aggregate, FD	Stavola	14.00/ton	12.65	12.40
11	3/4" Road Stone, FOB	Stavola	8.50/ton*	7.00	7.00
12	3/4" Road Stone, FD	Trap Rock	11.65/ton	11.65	11.40
13	Core Stone (6"-12"), FD	Stavola	20.50/ton	20.15	16.80
14	Bit. Conc. Stab. Base I-2, FOB	Flemington Bit.	52.45/ton*	47.25	40.50
15	Bit. Conc. Surface I-3, FOB	Tilcon	55.00/ton	47.25	40.50
16	Bit. Conc. Surface I-4, FOB	Flemington Bit.	56.45/ton*	49.25	42.00
17	Bit. Conc. Surface I-5, FOB	Flemington Bit.	56.45/ton*	49.25	42.00
22	Bit. Conc. Winter Mix, FOB	Trap Rock	65.00/ton	50.00	45.00
23	Prime Coat, MC-70 or MC-30, FDA	Morris Asphalt	4.95/Gal	3.85	2.69
24	Seal Coat RS-3K, FDA	Morris Asphalt	2.95/Gal	2.15	1.89
25	Seal Coat CRS-2P, FDA	Morris Asphalt	3.35/Gal	2.49	2.20
26	Reflective Crack Control Material, FDA		No Bid	No Bid	No Bid
27	High Temperature Joint Sealing Compound	Micropave	0.85/Lb	0.66	0.51
28	Hot Mix Base Asphalt 19M64 FOB	Flemington Bit.	53.85/ton	52.20	40.50

WHEREAS, the Township Attorney has reviewed the bid packages of the recommended vendors set forth hereinabove and finds them to be in conformance with the Local Public Contracts Law and the Township Instruction to Bidders; and

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

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

1. Awards of contract are hereby made at the unit price for each bid item and to the lowest responsible bidder for each bid item, as set forth herein above with the understanding that the minimum quantity is zero and the maximum amount based upon the bid quantity as tabulated in the bid summary and as further adjusted as provided in the Township contract specifications.
2. The Mayor and Township Clerk are hereby authorized to execute the Township's standard form of contracts for goods, products and supplies and for services with each of the successful bidders in each of the various categories in accordance with the recommendations of the Assistant Township Engineer as set forth herein above.
3. A notice of this action shall be printed in the official Township newspaper.

Mayor DelCore stated that the contracts for various road maintenance materials such as stone, aggregate, and hot mix asphalt used by the Department of Public Works were sought through the bid process.

Mayor DelCore said that each contract is awarded to the lowest bidder and the materials are purchased on an as needed basis at the bid price.

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

9. RESOLUTION AUTHORIZING GROUPELMELVINDESIGN TO PROVIDE ADDITIONAL PLANNING SERVICES FOR THE COMPLETION OF THE TRANSFER OF DEVELOPMENT RIGHTS (TDR) STUDY, PURSUANT TO THE PROFESSIONAL SERVICES CONTRACT AWARDED THROUGH THE FAIR AND OPEN PROCESS, ON NOVEMBER 17, 2006, IN AN AMOUNT NOT TO EXCEED \$34,850.

WHEREAS, there exists a need for professional planning services for a Transfer of Development Rights (TDR) study; and

WHEREAS, as a result of the Fair and Open Selection Process, the Township Committee awarded the contract for "Professional Services" to GroupMelvinDesign, 3 South Broad Street, Suite 3C, Woodbury, New Jersey pursuant to the proposal dated November 17, 2006; and

WHEREAS, because of changes and additional information required by the State of New Jersey, additional services are required from GroupMelvinDesign to complete the TDR study; and

WHEREAS, because of the aforementioned circumstances the Township desires to authorize a sum in an amount not to exceed \$34,850.00, pursuant to the GroupMelvinDesign proposal/budget for additional services, dated February 23, 2009; and

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

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 modify the Professional Services Contract with GroupMelvinDesign, in a sum not to exceed \$34,850, pursuant to their proposal/budget dated February 23, 2009, in order to complete the TDR study.

Mayor DelCore stated that the Township received a \$90,000 grant for the TDR study with an obligation to provide matching funds for the study.

Mayor DelCore also stated that the funds allocated here will ensure the project's completion by the end of 2009.

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

10. RESOLUTION GRANTING A PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER FOR PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1810-44-013-003 FROM JOHN-LUCILLE ENTERPRISES, INC., TO PETROCK'S LIQUORS, A CORP., T/A PETROCK'S LIQUORS, INC., FOR THE LIQUOR STORE AT 419 AMWELL ROAD IN THE TOWNSHIP OF HILLSBOROUGH.

WHEREAS, Petrock's Liquors, A Corp., t/a Petrock's Liquors, Inc., submitted a complete and accurate application for a place-to-place and person-to-person transfer of Plenary Retail Distribution Liquor License No. 1810-44-013-003, from John-Lucille Enterprises, Inc., to Petrock's Liquors, A Corp., for the liquor store at 419 Amwell Road in the Township of Hillsborough; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees paid, and the license properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Township of Hillsborough Police Department conducted a thorough investigation of the applicant to insure that criminally disqualified and other unfit persons do not acquire or hold direct interest in Petrock's Liquors, A Corp.; and

WHEREAS, Notice of Transfer was properly published in the November 6 and November 13, 2008 editions of the Hillsborough Beacon; and

WHEREAS, no public objection was raised to granting such license transfer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that a place-to-place and person-to-person transfer of Plenary Retail Distribution License No. 1810-44-013-003 be granted from John-Lucille Enterprises, Inc., to Petrock's Liquors, A Corp., t/a Petrock's Liquors, Inc., for the liquor store at 419 Amwell Road in the Township of Hillsborough, County of Somerset, State of New Jersey, for the period January 1, 2009 to June 30, 2009; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

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

11. RESOLUTION GRANTING A PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER, INVOLVING AN EXPANSION OF PREMISES, FOR PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE LICENSE NUMBER 1810-32-010-002 FROM PETROCK'S LIQUOR, A CORP., HOUSING A BAR AND GRILL, TO WOODS TAVERN, LLC, T/A PETROCK'S BAR & GRILLE, AT 419 AMWELL ROAD IN THE TOWNSHIP OF HILLSBOROUGH, AND VOLUNTARY DELICENSURE OF THE PREMISES OF PETROCK'S LIQUORS, A CORP., T/A PETROCK'S LIQUORS, INC., A LIQUOR STORE AT 419 AMWELL ROAD IN THE TOWNSHIP OF HILLSBOROUGH.

WHEREAS, Woods Tavern, LLC, t/a Petrock's Bar & Grille, submitted a complete and accurate application for a person-to-person and place-to-place transfer, involving an expansion of premises from Petrock's Liquor, A Corp., housing a bar and grill, of Plenary Retail Consumption with Broad Package Privilege License Number 1810-32-010-002; and

WHEREAS, Petrock's Liquors, A Corp., t/a Petrock's Liquors, Inc., submitted a complete and accurate application for voluntary delicensure of the premises of Petrock's Liquors, A Corp., t/a Petrock's Liquors, Inc., a liquor store at 419 Amwell Road in the Township of Hillsborough, for Plenary Retail Consumption with Broad Package Privilege License Number 1810-32-010-002;

WHEREAS, the submitted application forms are complete in all respects, the transfer fees paid, and the licenses properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Hillsborough Township Police Department conducted thorough investigations of the licensees to insure that criminally disqualified and other unfit persons do not acquire or hold direct interest in Woods Tavern, LLC, and Petrock's Liquors, A Corp.; and

WHEREAS, Notices of Transfer were properly published in the November 6 and November 13, 2008 editions of the Hillsborough Beacon; and

WHEREAS, no public objection was raised to granting such license transfers.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that a person-to-person and place-to-place transfer, involving an expansion of premises, of Plenary Retail Consumption with Broad Package Privilege License Number 1810-32-010-002 be granted to Woods Tavern, LLC, t/a Petrock's Bar & Grille, for the bar and grill at 419 Amwell Road in the Township of Hillsborough, County of Somerset, State of New Jersey, for the period January 1, 2009 to June 30, 2009; and

BE IT FURTHER RESOLVED that voluntary delicensure be granted to Petrock's Liquors, A Corp., t/a Petrock's Liquors, Inc., of the premises of Petrock's Liquors, A Corp., t/a Petrock's Liquors, Inc., for a liquor store at 419 Amwell Road in the Township of Hillsborough, for Plenary Retail Consumption with Broad Package Privilege License Number 1810-32-010-002; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. **RESOLUTION APPROVING APPLICATIONS FOR RAFFLE LICENSE'S BY HSA WOODFERN ELEMENTARY SCHOOL**

WHEREAS, two applications for raffle license's have been filed by HSA Woodfern Elementary School for raffles being held on April 21, 2009; and

WHEREAS, the submitted application forms were 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 #1130 and #1131 to HSA Woodfern Elementary School for raffles being held on April 21, 2009.

2. **RESOLUTION APPROVING AN APPLICATION FOR A RAFFLE LICENSE BY SUMMIT SPEECH SCHOOL**

WHEREAS, an application for a raffle license has been filed by Summit Speech School for raffle being held on May 13, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the raffle application #1132 to Summit Speech School for raffle being held on May 13, 2009.

3. **RESOLUTION APPROVING AN APPLICATION FOR A RAFFLE LICENSE BY HILLSBOROUGH HIGH SCHOOL LACROSSE BOOSTER CLUB, INC.**

WHEREAS, an application for a raffle license has been filed by Hillsborough High School Lacrosse Booster Club, Inc. for raffle being held on May 18, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the raffle application #1133 to Hillsborough High School Lacrosse Booster Club, Inc. for raffle being held on May 18, 2009.

4. **RESOLUTION AUTHORIZING THE AMERICAN CANCER EDUCATIONAL SERVICES, INC. TO HOLD A CANCER CHARITY EDUCATION WALK STARTING AND ENDING AT THE HILLSBOROUGH TOWNSHIP MUNICIPAL BUILDING ON SATURDAY, JUNE 6, 2009, PURSUANT TO THE REQUIREMENTS OUTLINED BY CHIEF PAUL KAMINSKY**

WHEREAS, the American Cancer Educational Services, Inc. has requested to hold a cancer charity education walk on Saturday, June 6, 2009, in Hillsborough Township; and

WHEREAS, the organization has requested the walk to begin and end at the Hillsborough Township Municipal Building; 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 walkers.

NOW, THEREFORE, be it resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the American Cancer Educational Services, Inc. is hereby authorized to hold a walk in Hillsborough Township on June 6, 2009.

5. **RESOLUTION ACCEPTING RESIGNATION OF J. WILLIAM STADLER EFFECTIVE APRIL 30, 2009 AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR/CLERK TO POST FOR THE POSITION OF BUILDING SUB-CODE OFFICIAL, TO FILL A VACANCY, AS REQUIRED BY N.J.A.C 52:27D-126a AND N.J.A.C. 5:23-4.3**

WHEREAS, J. William Stadler submitted his resignation to the position of Building Sub-Code Official effective April 30, 2009; and

WHEREAS, the Director of Building has determined that this position needs to be filled as soon as possible and thereby requests authorization to post for the position of Building Sub-Code Official.

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 accept the resignation of J. William Stadler, effective April 30, 2009 and authorize the Township Administrator/Clerk to post for the position of Building Sub-Code Official, to fill a vacancy, as required by N.J.A.C 52:27D-126a and N.J.A.C. 5:23-4.3.

6. **RESOLUTION ACCEPTING THE RETIREMENT OF LIEUTENANT JAMES MCCONNELL, EFFECTIVE MAY 31, 2009, AND AUTHORIZING THE CHIEF OF POLICE TO BEGIN THE PROMOTIONAL PROCESS FOR LIEUTENANT.**

WHEREAS, James McConnell is retiring after a total of twenty-six years and ten months of dedicated service, as lieutenant in the Township of Hillsborough Police Department, effective May 31, 2009; and

WHEREAS, Police Chief Paul Kaminsky requested authorization to begin the promotional process for the replacement of Lieutenant McConnell.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby accepts the retirement of James McConnell, effective May 31, 2009, and authorizes Police Chief Kaminsky to begin the promotional process for the replacement of Lieutenant McConnell.

7. **RESOLUTION AUTHORIZING THE SALE OF EQUIPMENT AT THE 2009 SOMERSET COUNTY SEALED BID SALE OF SURPLUS**

BE IT RESOLVED by the Township Committee of the Township of Hillsborough that the following unneeded vehicles are authorized to be sold at the 2009 Somerset County Sealed Bid Sale of Surplus:

Year	Make	Model	Serial #
2003	Ford	Crown Vic	2FAFP71W3X137713
1999	Ford	Crown Vic	2FAFP71W7XX207987
1997	Ford	Crown Vic	2FALP71WXVX142763
1992	Chevrolet	Caprice	1G1B153E2NW150323
1992	Chevrolet	Caprice	1G1BL5379NW156735
1989	Chevrolet	Caprice	1G1B15171KR160565
1989	Ford	F-350 Truck	1FDKF37M8KNA35632
1989	Ford	F-350 Truck	1FDKF37M2KNB36147
1983	IH	Truck	IHTCA2551EHA19357

8. **RESOLUTION APPROVING THE REQUEST FROM THE AFL-CIO LOCAL 3697-COUNCIL #73, REPRESENTING CLERICAL AND PROFESSIONAL EMPLOYEES, TO PERMIT UNION AND NON-UNION EMPLOYEES, TO PARTICIPATE IN A SHARED LEAVE PROGRAM TO BENEFIT TECHNICAL ASSISTANT LOU WALAKONIS**

WHEREAS, the AFL-CIO Local 3697 – Council #73, which represents the Hillsborough Township Clerical and Professional Employees, due to the severe illness of it member, Lou Walakonis, a Technical Assistant in the Building Department, wishes to have the Township create a Shared Leave Program to allow members of the AFL-CIO Local 3697 – Council #73, representing Clerical and Professional Employees of Hillsborough Township, as well as non-union employees, to provide paid leave days for Lou Walakonis when Lou Walakonis exhausts his sick, personal and vacation time due to his illness and related treatment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it wishes to create a Shared Leave Program specifically as it relates to Technical Assistant Lou Walakonis which shall be subject to the following conditions:

1. All regular full time Hillsborough Township clerical and professional employees, both members of AFL-CIO Local 3697 – Council #73 and non-union Township employees, whether paid on an hourly basis or by salary, may be eligible to provide leave time to Lou Walakonis

2. Only accrued, unused sick, personal and/or vacation leave can be donated.

3. All donated leave must be voluntarily given. No employee shall be coerced, threatened, intimidated, and/or financially induced into donating leave for the purpose of this program.

4. Once donated and used, the time is not recoverable.

5. Donors must complete a written memorandum to the Township Administrator specifying the amount and source of hours to be donated.

6. Each eligible employee as to donation must have on the books, at the time of donation, at least one hundred (100) hours of total leave time and the donation of leave must not reduce the employee's total leave bank below the one hundred (100) hours total leave time requirement.

7. Lou Walakonis qualifies to be eligible for consideration for donated leave time because he meets all the criteria listed below:

- A. Lou Walakonis has completed at least one (1) year of continuous full time service/employment with the Township of Hillsborough.
- B. Lou Walakonis suffers from a health condition which is non-job related; is catastrophic in nature and which will cause Lou Walakonis to either: (1) go on unpaid leave; and/or, (2) terminate his employment with the Township.
- C. Lou Walakonis has submitted documentation from a licensed physician verifying that he suffers from an extraordinary or severe illness.
- D. Lou Walakonis has abided by all personnel rules regarding sick leave use.
- E. Lou Walakonis has completed all necessary paperwork/documentation for Family and Medical Leave Act, Family Leave Act and disability, where applicable.

8. Lou Walakonis has submitted a written request to the Township Administrator seeking approval for participation in this program. Said request includes a medical verification form from a physician concerning the nature of Lou Walakonis' condition and the anticipated duration of the disability resulting from the catastrophic illness in question. Said medical form(s) are filed in the Township's confidential medical files.

9. Any leave time donated will be converted to a dollar value based on the donor's straight time hourly rate at the time of the donation. Such dollar value will then be divided by Lou Walakonis' hourly rate, at the time of donation, to determine the actual number of hours to be received.

10. The officers of AFL-CIO Local 3697 – Council #73 recommend the adoption of this Resolution and ask that the provisions of this Resolution remain in effect up to and through December 31, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee approves this Resolution as per the conditions/requirements/recommendations set forth above for Technical Assistant Lou Walakonis and wish him well and hope for a speedy recovery.

CLAIMS LIST

Mayor Ferrera presented Claims List 2009-06.

Upon motion by Committeewoman McCauley, seconded by Committeeman Ferrera, Claims List 2009-06 was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Committeeman Ferrera, the meeting duly adjourned at 9:14 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC
Township Clerk

