

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

Following Roll Call and Salute to the Flag, Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on April 27, 2010.

Mayor DelCore reported at the last Township Committee meeting the new Recreation and Parks Commission was established by Ordinance 2010-09. Mayor DelCore announced the appointment of the following individuals, effective May 1, 2010, for the stated terms:

APPOINTMENTS

• *Mayor's appointment of Recreation and Parks Commission members*

<i>Larry Yard</i>	<i>12/31/14</i>
<i>Ron Skobo</i>	<i>12/31/14</i>
<i>Lisa Nisivoccia</i>	<i>12/31/13</i>
<i>Rob Peason</i>	<i>12/31/13</i>
<i>Robert Ciano</i>	<i>12/31/12</i>
<i>Robert Hollingshead</i>	<i>12/31/12</i>
<i>Karyl Rucci</i>	<i>12/31/11</i>

Alternates

<i>Bill Bochinski</i>	<i>12/31/13</i>
<i>Pete Cipparulo</i>	<i>12/31/14</i>

Mayor DelCore asked for a motion to appoint Randy and Bonnie Coddington to the Sourland Municipal Alliance.

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, the appointment of Randy and Bonnie Coddington to the Sourland Municipal Alliance was unanimously approved upon the call of the roll.

PROCLAMATIONS

- Proclamation honoring Ms. Leigh Freeman's fundraising efforts for Interfaith Hospitality Network (IHN) of Somerset in its mission to help homeless families

WHEREAS, Jessica Freeman, a 10th grade student at Hillsborough High School, wanted her Sweet 16 birthday celebration to be significant and meaningful beyond a music and fun-filled celebration; and

WHEREAS, unable to think of a single gift she wanted or needed in celebration of her 16th birthday, Jessica decided to ask for charitable donations to a cause she supports in lieu of gifts; and

WHEREAS, having volunteered at the Interfaith Hospitality Network of Somerset County (IHN) for over seven years, Jessica chose IHN as the organization to donate to; and

WHEREAS, IHN provides emergency shelters, meals, and support services to homeless families in the county and is staffed by volunteers from local religious congregations; and

WHEREAS, during her time volunteering at IHN headquarters, Jessica has mentored young girls, redesigned the IHN newsletter, assisted with financial bookkeeping, organized supplies, supervised children as needed and assisted her mother, who coordinates Hillsborough's branch of the program; and

WHEREAS, Jessica's Sweet 16 birthday celebration, held this past January, raised over \$800 to help IHN continue its mission to help homeless families throughout Somerset County; and

WHEREAS, Jessica serves as an example to youth and adults alike through her generosity and volunteerism, and through the care and support she offers the families of IHN.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby recognize Ms. Jessica Freeman for her generous spirit, her charitable acts of kindness and for helping to make our community a better place for those less fortunate.

- Proclamation declaring April as National Multiple Birth Awareness Month

WHEREAS, the National Organization of Mothers of Twins Clubs, Inc., (NOMOTC) was founded in 1960 and has grown to be a network of more than 450 local clubs that represent over 25,000 individual parents of multiples; and

WHEREAS, in April the National Organization of Mothers of Twins Clubs, Inc., is partnering with The Fetal Hope Foundation and TWINS Magazine to launch the second annual National Multiple Birth Awareness Month; and

WHEREAS, the purpose of this is to use the local chapters from across the country to spread awareness and celebrate the wonderful world of multiple birth children and their families; and

WHEREAS, their focus is on educating the communities about the special challenges and needs that multiple birth children are faced with; while celebrating the joys they bring to the multiple birth families.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, of the Township of Hillsborough hereby declare April 2010 as National Multiple Birth Awareness Month and vow to continue to support programs and research dedicated to multiple birth children and their families in our community.

- *Proclamation declaring May as Somerset County Asian American Heritage Month*

WHEREAS, the people of Somerset County will recognize Asian-American Heritage Month during the month of May at a gala celebration on Sunday, May 23, 2010 at the Bridgewater-Raritan High School; and

WHEREAS, the event will showcase various aspects of Asian culture, featuring Asian art exhibits, group performances and an ethnic food reception; and

WHEREAS, the event will allow Asian groups to reach out to others, and to foster mutual understanding through the sharing of their rich culture and heritage; and

WHEREAS, the Asian-American Heritage Month celebration anticipates attendance of hundreds of guests, including community leaders, business executives, and government officials.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee, do hereby recognize May as Asian-American Heritage Month, and are grateful to the members of Somerset County's Asian-American Heritage Month Celebration Committee for planning a successful event celebrating the diversity that is so much a part of our community's culture.

APPROVAL OF MINUTES

- *Approval of the April 13, 2010 Regular Session Minutes*

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, the minutes of the April 13, 2010 Regular Session were unanimously approved upon the call of the roll.

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

Committeeman Wagner

Committeeman Wagner reported the Township's Memorial Day Commemoration program will be held on Saturday, May 29, 2010. Committeeman Wagner invited the public to attend the parade which begins at 10:15 a.m. and more importantly, the Garden of Honor Ceremony which follows the parade at the Municipal Complex.

Committeeman Wagner said Memorial Day is about remembering and honoring those who gave their lives in the service of our nation for our freedom and for our liberty. In Hillsborough we are honored to have our military veterans lead us in this remembrance.

Committeeman Wagner reported the Salute to Veteran's Breakfast will begin at 8:30 a.m., prior to the parade in the Municipal Building. All veterans are invited to join us for the

breakfast. Invitations will soon arrive in the mail. Veterans will also be able to sign up at the Township's website at www.hillsborough-nj.org.

Committeeman Wagner encouraged all veterans to attend. Committeeman Wagner said it is our most significant annual public event here in Hillsborough, and the veteran's participation always makes it special. More information will be posted on the Township website as we move closer to the date. Rain date for the parade and Garden of Honor Ceremony is Sunday, May 30th. The veteran's breakfast will take place on May 29th rain or shine.

Committeeman Wagner reported that the Township's service of providing residents with the clean-up/drop off at our Auten Road facility continues. This is an important service for our residents and will not be cut because of budgetary pressure. Committeeman Wagner said at the last meeting Deputy Mayor McCauley said that while the Township must reduce costs, we will continue to place a premium on the delivery of services for residents, and this is one of those services.

Committeeman Wagner stated that information on the rules for the drop off can be found on the Township's website or by calling DPW at 369-3950. The drop off is available on the first and last Saturdays of the month. Residents, however, must secure a coupon in order to use the drop off. Coupons are issued on a first come, first served basis and there are a limited number for each Saturday. Coupons are available at the DPW Office, on East Mountain Road between 7 am and 3 pm weekdays.

Committeeman Wagner said this year in order to make the program more convenient for residents we are also making coupons available at the Township Clerk's office during evening hours from 4:30 pm to 7 pm on Tuesdays. These coupons go fast, so if residents wish to take advantage of the program, please act soon.

Deputy Mayor McCauley

Deputy Mayor McCauley announced the second annual Sustainable Hillsborough Family Fair will be this Saturday from 1pm to 5 pm at the Municipal Building, near the soccer field. There will be games, prizes, live music, guest speakers and sustainable businesses. Deputy Mayor McCauley said this event is educational and invited residents to attend.

Deputy Mayor McCauley reported Hillsborough received a grant for \$73,800., for the Rescue Squad. A press conference was held last week at the Rescue Squad building, Congressman Lance, Assemblyman Biondi, other community leaders along with the Rescue Squad were in attendance. Deputy Mayor McCauley said she is very thankful for the grant money. Much of our emergency services in Hillsborough are operated through volunteers, which helps to reduce taxes.

Deputy Mayor McCauley said anytime the Township receives assistance through grants and federal funding it is beneficial. The Deputy Mayor thanked the Rescue Squad for staying apprised of grant monies available to Hillsborough.

Deputy Mayor McCauley stated anyone who did not mail back their 2010 census form can expect a visit from a census canvasser over the coming weeks. Door-to-door non-response follow-up will begin on May 1st. Census takers will have an ID badge. It is important to note that census takers who visit your home or call you will only ask the same ten questions that were included in the mailed out questionnaire. Deputy Mayor McCauley said for more information visit www.2010census.gov.

Mayor DelCore

Mayor DelCore congratulated and thanked the Hillsborough Education Foundation for the "Great Taste of Hillsborough" fundraising event last night held at Roycebrook Golf Club. Mayor DelCore said this was a great opportunity to taste some of the food from our local restaurants.

NEW BUSINESS

- *2010 – 2011 Hillsborough School Budget Presentation*

Mayor DelCore stated the School Budget was turned down at the April 20th school election and, as a result, the law requires the Township Committee now examine the budget. Mayor DelCore said that examination will continue to be a deliberate process, with the same business-like approach we bring to all issues here at the Township Committee.

Mayor DelCore said the first step in that process is to learn more about the school budget and to share that information with the public.

Mayor DelCore reported School Superintendent Ed Forsthoffer will be here tonight to review the school budget for the Township Committee. However, the Board of Education is meeting tonight at the Auten Road School to re-organize, swear in newly elected members and to select officers. The School Board changed its original date of the meeting from Monday to today, so that Board members could attend the Taste of Hillsborough fund raising event for the Education Foundation last night.

Mayor DelCore said Superintendent Forsthoffer has duties with the Board and when those duties are complete, he will join us here to present the school budget.

Mayor DelCore said in the interim we will move forward with the agenda at this point, and when Dr. Forsthoffer arrives, we will return to new business and the school budget.

Mayor DelCore reported because Hillsborough and Millstone's school district was merged last year, the Millstone Mayor, Ray Heck, and the Millstone Borough Council have an equal voice in determining any school budget changes. Mayor Heck and the members of the Council are here with us and, when we move to the school budget review, we will ask them to join us here on the dais, and they will open their own meeting, as required by the open public meetings law.

Mayor DelCore said we will postpone the presentation until Dr. Forsthoffer arrives.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Mayor DelCore asked if anyone in the audience would like to talk about the school budget to please hold their comments until after the presentation.

PUBLIC HEARINGS

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.

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.

Mayor DelCore asked for a motion to continue the public hearing on ordinance 2010-11 that originated on April 13th. Mr. Davis said we need a motion to open the public hearing.

Committeeman Wagner moved to open the public hearing on Ordinance 2010-11. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

A Hillsborough resident stated at the last Township Committee meeting Committeeman Wagner made a motion that this ordinance would not be voted on until the Gateway at Sunnymead resolution was resolved at the Planning Board. Mayor DelCore said we are going to continue to table this ordinance until that issue is resolved.

Mayor DelCore asked for a motion to continue the public hearing to May 11, 2010.

Committeeman Wagner motioned to continue the public hearing on Ordinance 2010-11 until May 11, 2010, said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Ordinance 2010-12 An Ordinance amends Chapter 177 of the Code of the Township of Hillsborough, titled "Games of Chance", by authorizing the Township Clerk to act as the issuing authority for bingo and raffle licenses and providing for suspension or revocation of licenses.

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

Section 1. Chapter 177 of the Code of the Township of Hillsborough, titled "Games of Chance", is amended to add a new Subsection 1 authorizing the Township Clerk to act as the issuing authority for bingo and raffle licenses as follows:¹

§ 177-1 Issuing authority.

The issuing authority for the Township of Hillsborough responsible for approving bingo and raffle licenses shall be the Township Clerk.

Section 2. Section 177-1 of the Code of the Township of Hillsborough titled "Bingo prohibited on Sundays" is renumbered Section 177-2.

Section 3. Section 177-2 of the Code of the Township of Hillsborough titled "Conduct of raffles on Sundays with special permission" is amended as follows:

§ 177-3 Conduct of raffles on Sundays with special permission.

Deleted: 2

A. No raffle or other game of chance in which cash or merchandise shall be offered as a prize shall be conducted on Sundays, unless it shall be specifically permitted in the license for the holding, operation and conducting of such raffle or game of chance issued by the Township of Hillsborough Clerk.

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B. The applicant for a license to conduct a raffle or other game of chance who desires permission to conduct such raffle or game of chance on Sundays must specifically request such permission in its application, must specify the type and nature of the game for which such permission is sought and must demonstrate good cause for the issuance of such special permission.

Deleted: the day commonly designated as

C. Any applicant who fails to specifically request such special permission or fails to demonstrate good cause for the issuance of such special permission shall not be permitted to conduct such games on Sundays.

D. The Township Clerk may, in his or her discretion and for good cause shown and subject to the conditions set forth in Subsection E below, issue a license to conduct raffles or other games of chance which would permit the conduct of raffles and other games of chance on Sundays.

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E. Licenses permitting raffles or other games of chance on Sundays may be issued only to qualified nonprofit organizations, and no organization may be granted permission to conduct such raffles or other games of chance on more than one Sunday in any calendar year.

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Section 4. Section 177-3 of the Code of the Township of Hillsborough, titled "Regulation under New jersey State Raffles Licensing Law", is renumbered Section 177-4.

Section 5. Section 177-4 of the Code of the Township of Hillsborough, titled "Licensing fees with respect to raffles", is renumbered Section 177-5.

Section 6. Section 177-5 of the Code of the Township of Hillsborough, titled "Senior citizen association exemption", is renumbered Section 177-6

¹ Editor's Note: The portions to be deleted are shown with strike-outs and will be deleted from the codified version of this Ordinance and the text of the underlined portions will remain in the codified version of this Ordinance.

Section 7. Chapter 177 of the Code of the Township of Hillsborough, titled "Games of Chance" is hereby amended by adding a new Section 177-7, titled "Suspension or revocation of license" as follows:

§ 177-7 Suspension or revocation of license.

The Township Committee, pursuant to N.J.S.A. 5:8-30 and N.J.S.A. 5:8-57, may suspend and revoke any issued bingo or raffle license, after a hearing, for any violation of this Ordinance or applicable law. The Township Committee may suspend the operation of a bingo or raffle pending hearing, in which case a hearing must be held within five (5) days after such action. Notice of a hearing shall be served personally upon an officer of the licensee or the member in charge of the conduct of the bingo or raffle or sent by registered mail or certified mail to the licensee at the address shown on the license. All decisions and findings by the governing body regarding the suspension or revocation of a bingo or raffle license shall be in writing.

Section 8. 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 9. Effective Date.

This Ordinance shall take effect as provided by law.

Committeeman Wagner moved to open the public hearing on Ordinance 2010-12. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor DelCore said this change is being made to better expedite bingo and raffle license approvals for school, church, and other non-profit groups in Hillsborough. Presently, all applications for games of chance must be approved by the Township Committee on an agenda, after review by the Police Department and the State Legalized Games of Chance Commission.

Mayor DelCore stated this often causes delays for the groups which are trying to raise charitable funds for worthy causes through games of chance, most notably the age old 50/50. State law permits the Township Clerk to approve these applications and this ordinance permits the Clerk do to so here for our non-profit groups.

Mayor Delcore said groups who apply for game of chance license must still meet the statutory criteria, be reviewed by the Police Department, and obtain a Legalized Game of Chance certification approval from the State Commission, before the Clerk can grant approval. By removing one step in this process we hope to be helping the fund raising activities by PTO's, Churches, and other non-profits.

Committeeman Wagner moved to close the public hearing on Ordinance 2010-12. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Committeeman Wagner moved to adopt Ordinance 2010-12. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Mayor DelCore said the next two ordinances to be introduced are recommended by the Regulatory Working Group, which continues to work diligently to find ways in which we can help the local business community during these tough economic times.

Mayor DelCore thanked the members of the Working Group for their continued effort to help local businesses promote jobs and economic growth within the community.

Ordinance 2010-14 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 add the definition of Personal Service Establishments in Section 188-3 and to permit Personal Service Establishment in the C-1, OLC, P/R, O2, GA, GB and HS Districts. *Further consideration of this ordinance and public hearing will be held on June 7, 2010.*

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

Section 1. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 3 to include the following:

PERSONAL SERVICE ESTABLISHMENTS- Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel such as barber shops, beauty salons and spas, laundromats, personal laundry and dry cleaning establishments, janitorial and domestic services, shoe repair, tailoring, psychic readers, tanning salons and massage facilities. These uses may also include accessory retail sales of products related to the services provided.

Section 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 B(1) to read as follows:

(1) Retail sales of goods and personal service establishments.

Section 3. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 101 B(1) to read as follows:

(1) Retail sales of goods and personal service establishments.

Section 4. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 102 B(1) to read as follows:

(1) Retail sales of goods and personal service establishments.

Section 5. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 103 B(9) to read as follows:

(9) Community shopping center including retail sales of goods and **personal service establishments**, freestanding restaurants, outdoor garden centers, theaters, dinner theaters, theatrical play houses for live performances, bowling alleys, ice and roller

skating rinks, gymnasiums, juvenile exercise facilities, offices, catering and banquet facilities, public facilities including, but not limited to government offices, auditoriums, meeting halls, libraries, museums, cultural facilities, parks, and park and ride facilities provided that the development meets the bulk and design standards set forth in Subsection F.

Section 6. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.1 B(1) to read as follows:

(1) Retail sales of goods and personal service establishments.

Section 7. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.2 B to include the following:

(15) Personal service establishments.

Section 8. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.3 B to include the following:

(17) Personal service establishments.

Section 9. 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 10. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Mayor DeCore reported currently, personal service establishments are only permitted in commercial districts where retail sales (goods and services) are allowed. As it stands currently, the Highway Services (HS) and Gateway B (GB) Districts do not permit retail sales, including personal services.

Mayor DeCore said this ordinance will allow personal service establishments in the HS and GB Districts, opening up the potential of more business opportunities in these two districts, while leaving the retail sale of goods predominantly in Town Center and other districts that permit retail sales, in accordance with the Master Plan.

Mayor DeCore said Township Planner Bob Ringelheim is with us tonight to provide more information.

Mr. Ringelheim stated the existing personal service establishments are tied to the retail sale uses and they are not permitted in the Gateway B or the HS Highway Service districts. The 2005 Master Plan amendment recommends concentrating future retail services in Town Center and the other commercial districts.

Mr. Ringelheim said from a planning standpoint it would be appropriate to treat retail uses separately from personal service establishments. This would create opportunities for personal service establishments in those districts where retail uses are not permitted or contemplated and, therefore, it is recommended that personal service establishments be permitted in the Gateway B and the Highway Service Districts.

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 June 7, 2010 at 7:30 p.m. Said motion was seconded by Deputy Mayor McCauley and unanimously approved upon call of the roll.

Ordinance 2010-15 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 provide buffer requirements for drive through facilities as conditional uses in the LI and HS Districts. *Further consideration of this ordinance and public hearing will be held on June 7, 2010.*

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

Section 1. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 107.1 D(8)(b) to read as follows:

- (b) There shall be a minimum sixty (60) foot buffer adjacent to any residential zone boundary or residential lot line, unless otherwise indicated. Such buffer shall be reviewed by the appropriate Board to determine if the existing vegetation is sufficient to provide a year-round screen or if the existing vegetation needs to be enhance by additional plantings and/or fencing, and/or a berm, as appropriate. A conservation easement shall be established by the applicant to include the required buffer area subject to the approval of the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.

Section 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.3 D(2)(d) to read as follows:

- (d) There shall be a minimum sixty (60) foot buffer adjacent to any residential zone boundary or residential lot line, unless otherwise indicated. Such buffer shall be reviewed by the appropriate Board to determine if the existing vegetation is sufficient to provide a year-round screen or if the existing vegetation needs to be enhance by additional plantings and/or fencing, and/or a berm, as appropriate. A conservation easement shall be established by the applicant to include the required buffer area subject to the approval of the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.

Section 3. 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 4. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Mayor DelCore reported the intent of this ordinance is to better preserve the privacy of residential dwellings, which are in the vicinity of drive through businesses, through improved buffers, while enhancing the development potential of commercial properties.

Mayor DelCore said the proposed ordinance establishes a minimum 60 foot year round specific vegetation buffer, such as fencing, landscaping or berms that are not now required. This means that the owner of a property with a drive through business will have more usable area on the property, but with an enhanced buffer for nearby residents. Approval will still require a site plan approval by the appropriate land use board. Mr. Ringelheim will provide a further overview.

Mr. Ringelheim said right now the way drive through facilities are regulated the setback to any residents is 100 feet, but there is no stipulation that there will be any type of screening, fencing or landscaping in that 100 feet. Mr. Ringelheim said this ordinance will create a formal buffer requirement where in any combination of fencing, berming and landscaping would be required in a formal permanent buffer that would be established at a setback of 60 feet, and this will provide more of a usable area for businesses and a permanent buffer for residents.

Committeeman Wagner questioned whether this was for existing or for new businesses. Mr. Ringelheim said this is for new.

Deputy Mayor McCauley thanked the Mayor for recognizing the continued efforts of the Working Group.

Deputy Mayor McCauley said Hillsborough's Economic Action Plan has been instrumental in helping the local business community survive and thrive in the current economy, and the Working Group deserves our thanks for giving us guidance on that.

Deputy Mayor McCauley said ordinances 2010-14 and 15 perpetuate the goal of the economic action plan, which is to move the bureaucracy out of the way of local business, in order to help stimulate the local economy. 2010-14 allows for additional business opportunities in areas where they previously were not permitted.

Deputy Mayor McCauley said under this ordinance, personal service establishments, such as beauty salons, or dry cleaners, will now be allowed in the Highway Service and Gateway B districts. This is in line with our ultimate goal of bringing additional business opportunities to Hillsborough.

Deputy Mayor McCauley said this change will likely encourage new businesses in these zones and, with those additional businesses, come jobs and positive economic impact in the Township.

Deputy Mayor McCauley explained these ordinances are just two more ways in which Hillsborough is working to streamline the potential for growth of business operations within the Township.

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 June 7, 2010 at 7:30 p.m. Said motion was seconded by Deputy Mayor McCauley and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolution:

1. Resolution approving a no salary increase for civilian department heads and non union employees for the Township of Hillsborough for 2010.

WHEREAS, Hillsborough Township faces significant budget issues in 2010, resulting from hundreds of thousands of dollars in mandated cost increases and the loss of \$261,000 in consolidated municipal aid from the state and the withholding of \$623,000 in energy tax receipts funds due from the state; and

WHEREAS, the Township's civilian Department Heads and non-union employees have traditionally received an annual salary increase, based upon performance, similar to that which is awarded to AFSCME and/or Public Works Association members through collective bargaining; and

WHEREAS, the Department Heads and non-union employees, in recognition of the severe budget issues and the impact of the overall economy on taxpayers, have voluntarily agreed to forgo an increase in base salary for 2010.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey approves no salary increase for Department Heads and non union employees for the Township of Hillsborough for 2010.

Mayor DelCore said how proud he is of those Township employees and groups, starting with our civilian Department Heads and non-union people, for stepping up to the plate and voluntarily agreeing to a help reduce personnel costs. These employees recognize that the taxpayers need relief and that there are tough times out there for other people.

Mayor DelCore said their voluntary actions speak very loudly about the obligation and responsibility of government employees to do the right thing. The taxpayers save \$50,000 from this action. The Mayor said it is more than that, it demonstrates leadership, particularly by Mr. Davis and all the Department Heads for their willingness in this matter.

Mayor DelCore said the Township Committee appreciates these employees stepping forward and being counted when the Township and taxpayers have needed it.

Committeeman Wagner stated in reviewing the memo that the Department Heads sent to the Township Committee, there is one paragraph Committeeman Wagner read aloud; "It is our hope that the savings generated from the salary freeze will help the Township Committee to avoid some of its potential employee reductions."

Committeeman Wagner thanked the employees for their effort.

Deputy Mayor McCauley also thanked all the employees who did step forward and willingly agreed to help reduce personnel costs.

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

2. Resolution approving, and authorizing the Mayor and Clerk to sign, Memorandum of Agreement (MOA) to Collective Bargaining Agreement between the Township of Hillsborough and the Hillsborough Township Public Works Employees Association, incorporating no salary increase for 2010 and rescinding authorization for layoff notices.

WHEREAS, Hillsborough Township faces significant budget issues in 2010, resulting from hundreds of thousands of dollars in mandated cost increases and the loss of \$261,000 in consolidated municipal aid from the state and the withholding of \$623,000 in energy tax receipts funds due from the state; and

WHEREAS, the Township's Public Works Employees Association collective bargaining agreement with the Township expired on December 31, 2009, and the union is presently engaged in contract negotiations with the Township; and

WHEREAS, the budget savings that can be derived by an agreement to no increase in base salary for members covered by the Public Works Employees Association contract in 2010, will prevent the layoff of any union members in 2010; and

WHEREAS, the Public Works Employees Association members, in recognition of the severe budget issues and the impact of the overall economy on taxpayers, have voluntarily agreed to forgo an increase in base salary for 2010.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the attached Memorandum of Agreement to Collective Bargaining Agreement between the Township of Hillsborough and the Hillsborough Township Public Works Employees Association, incorporating no salary increase for 2010 and rescinding authorization for layoff notices.

Mayor DelCore reported the Memorandum of Agreement with the Public Works Employees Association, is being held at this time. The union's attorney was in court proceedings on other unrelated, non-Hillsborough matters today and has not yet had the opportunity to advise the union on the memorandum. Mayor DelCore said we will now move to consideration number three.

3. Resolution approving, and authorizing the Mayor and Clerk to sign, Memorandum of Agreement (MOA) to Collective Bargaining Agreement between the Township of Hillsborough and the American Federation of State, County and Municipal Employees (AFSME), AFL-CIO Local 3697, Council No. 73, incorporating a salary reduction based on a thirty seven and one half hour (37 ½) work week effective July 1, 2010 and rescinding authorization for layoff notices.

WHEREAS, Hillsborough Township faces significant budget issues in 2010, resulting from hundreds of thousands of dollars in mandated cost increases and the loss of \$261,000 in consolidated municipal aid from the state and the withholding of \$623,000 in energy tax receipts funds due from the state; and

WHEREAS, the Township's AFSCME employees received a 3.5% salary increase on January 1, 2010 and, by contract, are scheduled to receive a 3.5% salary increase in the next two years; and

WHEREAS, the AFSCME employees, in recognition of the severe budget issues and the impact of the overall economy on taxpayers, have voluntarily agreed to reduce their contractual base salaries from a 40 hour work week basis to a 37.5 hour work week basis, effective July 1,

2010 through December 31, 2012, resulting in a significant savings for taxpayers and avoiding the layoff of members of the union.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the attached Memorandum of Agreement to Collective Bargaining Agreement between the Township of Hillsborough and the American Federation of State, County and Municipal Employees (AFSME), AFL-CIO Local 3697, Council No. 73, incorporating a salary reduction based on thirty seven and one half hour (37 ½) work week effective July 1, 2010 and rescinding authorization for layoff notices.

Mayor DelCore reported this group of employees, the municipal building workers, the clerical people and the various building, engineering, health, assessment and zoning inspectors who deal face to face with residents on a daily basis, and the recreation assistants who make the outstanding recreation programs run so smoothly, will help bring down personnel costs through a cut in their pay effective July 1st.

Mayor DelCore said they will work 2 and one half hours less per week, but that translates into a 6.6% reduction in their salary effective July 1. This savings has long term value for the taxpayers. There is a \$77,000 savings this year and more than double that figure in each of the next two years, resulting in a \$300,000 savings through 2012.

Mayor DelCore stated while the workers will now be working a 37.5 hour work week, through their agreement to stagger the hours the Municipal Building will remain open from 8 am to 4:30 pm five days a week to serve our residents. There will be no loss of service to the public. This is a pay cut that impacts take home pay and these employees' families.

Mayor DelCore said the senior union people could have let their junior colleagues face the music of layoffs, but Hillsborough's building employees did the right thing. The Mayor said they did so in an overwhelming vote of the union.

Mayor DelCore said he could not be prouder or more appreciative of our municipal building employees, and he said he knows his colleagues join him in those thoughts.

Committeeman Wagner thanked the members of the union for helping out during these difficult times. Committeeman Wagner said he truly appreciates their efforts.

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

Mayor DelCore said at this point we have our Board of Education representatives here. Mayor DelCore invited the Mayor and Council members from Millstone to join the Township Committee on the dais to open their meeting.

Gregory Bonin, Clerk of the Borough of Millstone, stated the special meeting of the Borough Council of the Borough of Millstone will please come to order. Adequate notice of this meeting has been noticed to the Hillsborough Beacon and Courier News; any member of this body who believes that this meeting is being held in violation of the Open Public Meetings Act please state your views at this time; hearing none we proceed to the next item on the agenda.

Upon call of the roll, the following members of the Borough of Millstone were recorded present: Councilman Ciurleo, Councilwoman De Voti, Councilwoman Dorschner, Councilman Kidd, Councilwoman Smerdon, Council President Ross and Mayor Heck.

Mayor DelCore reported this is a first time for all of us dealing with a defeated school budget and working together with regard to the merged school district. Mayor DelCore asked the public for a little latitude as we find our way in this process. Both the Hillsborough

Township Committee and Mayor Heck and the Millstone Council take our responsibility to review the school budget very seriously.

Mayor DelCore said defeated budgets do not occur very often in Hillsborough, so we have to consider that the voters were sending a message. We will approach this issue with the same judiciousness we approach all issues. Mayor Delcore said because of the importance of this issue, we have asked the Township's Auditor, Bob Swisher of Suplee Clooney, to join us and advise us in this matter.

Mayor DelCore stated Mr. Swisher has a great deal of experience in preparing, auditing, and reviewing school budgets and we expect his guidance to be most valuable.

Mayor DelCore reported under state law, the School Board has an obligation to provide the Township Committee and Millstone Council with an extensive amount of budget documentation. The law requires the provision of the information by April 28th.

Mayor DelCore said in the spirit of cooperation, the School administration provided the information to us last Friday, so we could have a head start on the process. In effect they gave us some homework for this past weekend. The Mayor thanked Dr. Forsthoffer for doing so.

Mayor DelCore said that he and Mayor Heck have agreed that the agenda for this meeting will proceed as follows; Mr. Cruz, the Township Attorney, will review the requirements of the law and the facts and timetable for consideration of a defeated school budget. Superintendent Forsthoffer will then make a presentation on the school budget. We will then have questions or comments from the members of the Township Committee and the Millstone Council. At that point we will invite questions and comments from the public. There will be no budget decisions tonight, this is the learning phase, the information gathering phase of the process.

Mr. Cruz said there are several timelines that must be met by both governing bodies in revealing the defeated school budget. The first timeline is that the budget supporting information must be submitted by April 29th, and that has been done. The second key date is May 19th. By May 19th you must strike the municipal tax levy for the schools by adopting a resolution indicating what the budget will be, as you see it. These are both statutory dates which must be met.

Mr. Cruz said right now the County Superintendent of Schools has indicated that the minimum tax levy is \$65,430,084. If the municipalities determine that they want to go below that amount they have to adopt a detailed resolution explaining the rationale of those reductions. Mr. Cruz said this is a cooperative process and at this point it would be appropriate for the board members to make their presentation.

Mayor DelCore introduced Superintendent Ed Forsthoffer.

Dr. Forsthoffer provided a detailed power-point presentation on the Hillsborough Township Schools 2010-11 Budget. Dr. Forsthoffer said when the budgetary process began they realized this would be a very difficult year, with rising costs, negotiated agreements and rising health care costs we were beginning at a deficit. Dr. Forsthoffer said if we had received flat state aid we would be working with a \$3.9 million dollar deficit. Dr. Forsthoffer said he was recommending the district apply for a \$2.2 million dollar cap adjustment and we make \$1.7 million dollars in cuts to the budget at that time. Dr. Forsthoffer reviewed what was eliminated from the budget with the \$1.7 million dollar reduction if we had received flat state aid, and this equaled a 7.3% tax levy for Hillsborough and a 25.9% increase for Millstone.

Dr. Forsthoffer said less than a month before the Governor's Budget Address Governor Christie advised school districts to prepare for up to a 15% reduction in state aid. Dr. Forsthoffer said this will directly affect our ability to maintain the type of program we have in Hillsborough. Dr. Forsthoffer said in mid March the Governor gave his address and Governor Christie's budget is going to withhold state aid in the amount equal to 5% of our entire budget.

Dr. Forsthoffer reported on additional reductions made after working closely with the Administration, Mr. Gillette and the Finance Committee and the remaining members of the Board of Education. Dr. Forsthoffer also reported on comparative spending.

Mayor Delcore thanked the Superintendent for taking the time to make this presentation tonight. The Mayor said the school budget presents a significant tax increase for property taxpayers. He believes that the message from the voters on April 20, first and foremost, was to see that tax increase reduced. Mayor DelCore stated our job is to do so without negatively impacting on children's education.

Mayor DelCore said clearly, the best way to do that is for various employee groups to help reduce employee costs, without reducing the quality of programs for our children, and that can be accomplished. There are people in our community who have lost their jobs, cannot find jobs, who worry every day they may lose their job and/or whose homes are in foreclosure. Current public employees must take note this.

Mayor DelCore said here at the Township, our employees have and they have given up their raises or agreed to a reduction in pay. The first thing he suggests is that the School Board seek agreement from the non-affiliated employees, to voluntarily give up their projected raise in the upcoming school year. According to the documentation provided to me that is 27 people and the taxpayers' savings would be close to \$80,000. That group is similar to the Township's Department Heads and non-union personnel who have voluntarily given up their pay raise. Our public employees are leading and so should the school employees.

Mayor Delcore noted that Dr. Forsthoffer is also leading by example, as he has given up his raise for the forthcoming year. We thank you and we hope the other non-affiliated will also lead the way.

Mayor DelCore said next, given the outcome of the school budget vote, he would recommend to the School Board that they request that the teachers' union leadership bring up for a vote with their membership to adjust the salary increase budgeted for the next school year. That increase has a cost of \$2.5 million to the taxpayers according to the documents provided by the Board. We are aware that the teachers have already agreed to an \$800,000 concession. We appreciate that gesture, but would encourage the Board to seek more help with costs from the teachers.

Mayor Delcore said one area which must be very closely examined is administration. The 32 Principals and supervisors carry a total cost of \$2.2 million in salaries. The costs of that group, along with the administrators in the central office, must be closely examined.

Mayor DelCore stated the Township Committee takes our role here very seriously. Whatever budget changes are made, we will ensure they do not impact on our children's education. We are aware that when employees don't take salary increases it has an impact on them and their families, but the Township's employees have been willing to do it and we look to others to do so also. The Mayor said he does not look forward to this process; however, all of us will do our best to deal with the school budget in a thoughtful and deliberate way.

Millstone Councilwoman asked if the Teachers Union agreed to a salary freeze, how many teaching positions would be saved. Dr. Forsthoffer said if everyone agreed to a salary freeze that would equal approximately 1.7 million; and he said it would be about 27 teachers based on an average salary.

Mayor Heck questioned the Capital Project; has it been reflected upon since the defeated budget. Dr. Forsthoffer gave examples of certain projects throughout the district and said it has not been revisited since the defeated budget.

Mayor DelCore asked Dr. Forsthoffer for an approximate Capital Budget figure for this year. Dr. Forsthoffer said it is about \$530,000, last year it was \$500,000 and the year before that

he believes it was approximately 1.6 million. Dr. Forsthoffer said it has not been below one million in the past six years.

Mayor DelCore asked about the requirements for the reserves or surplus.

Dr. Forsthoffer explained that the surplus is a line item for the Board of Education; and 2% of their total budget is what they can put in surplus. Dr. Forsthoffer explained that excess reserves are basically being efficient; the superintendent gave some examples.

Millstone Councilwoman expressed her opinions on how to lower costs.

Deputy Mayor McCauley stated she was thankful for all the budget information the Township received.

Mr. John McMaster, 29 Wertzville Road, questioned the tax rate of Hillsborough and Millstone. Dr. Forsthoffer said the tax rate comes from assessed evaluations of various houses and is broken down by the state. Mr. McMaster and Mr. Steve Sloan, 10 Wolf Drive, had various questions about the budget which the Superintendent answered.

Mayor Heck said we are sympathetic and we will do our due diligence.

Millstone adjourned.

Mayor DelCore thanked the Superintendent and the Millstone Council and said we will now return to our regular agenda.

4. Resolution adopting the revised Hillsborough Township Employee Handbook of Personnel Policies and Procedures.

WHEREAS, it is the policy of the Township of Hillsborough to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act and the Open Public Meetings Act; and

WHEREAS, the Township of Hillsborough has been advised by the Township's Risk Consultant and the Central Jersey Joint Insurance Fund (JIF) determined that there is a need to revise the personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

NOW THEREFORE, BE IT RESOLVED by the Township of Hillsborough, County of Somerset, State of New Jersey that the revised Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township of Hillsborough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, federal or state law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township of Hillsborough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township of Hillsborough.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Hillsborough shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that Township Administrator and all department heads are responsible for these employment practices. The Township Administrator and Township and/or Labor Attorney shall assist the Township Administrator in the implementation of the policies and procedures in this manual.

Mayor DelCore said the Municipal Excess Liability Joint Insurance Fund or MELJIF, of which Hillsborough is a member, has recommended updates to the Township's Employee Handbook to protect the Township in the area of employment practices liability. The Township will save \$3500 in employer liability insurance costs this year, through the approval of the updated handbook, along with various Supervisor and employee training courses and the civil rights resolution scheduled later on the agenda.

Mayor DelCore reported new additions to the handbook include incorporation of the identity theft policy enacted here last year and a new whistleblower protection section. Updates to the computer usage, complaint, anti-discrimination, drug and alcohol and workplace harassment policies, as recommended by the insurance consultant and the Personnel Counsel, are also included. The handbook was last updated in December, 2004.

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

5. Resolution authorizing the extension of the probationary employment of Public Works Worker I Michael Larish in the Department of Public Works from April 21, 2010 to May 12, 2010 and ending his employment with the Township of Hillsborough, effective May 12, 2010.

WHEREAS, Michael Larish was hired as a Public Works Worker I, in the Department of Public Works, on a probationary basis on October 21, 2009; and

WHEREAS, there is a six month probation period for Public Works Workers with a Township option to extend the probation period for up to an additional six months, pursuant to Article VI, Paragraph B of the collective bargaining between the Township of Hillsborough and the Hillsborough Public Works Employees Association; and

WHEREAS, it is the recommendation of the Director of the Department of Public Works that Mr. Larish not continue in employment with the Township and, through the extension of the probationary period to May 12, 2010, Mr. Larish will be afforded two weeks' notice.

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 hereby authorize the extension of the probationary employment of Michael Larish as Public Works Worker, from April 21 to May 12, 2010, and to accept the recommendation of the Director of Public Works to end Mr. Larish's employment with the Township on May 12, 2010.

Mayor DelCore reported Mr. Larish's probationary employment with the Department of Public Works will not be continued.

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

6. Resolution amending the resolution joining the County of Somerset in the preservation of the Maple Lane Farm known as Block 202, Lot 20 of the tax map of the Township of Hillsborough.

WHEREAS, on June 23, 2009, the Township Committee of the Township of Hillsborough adopted a Resolution joining the County of Somerset in the preservation of the Maple Lane Farm (owned by Madelyn Belliveau, in her capacity as the sole Trustee of the Maple Lane Farms Trust) and committed to contribute \$200,000.00 from the Open Space Trust Fund toward the purchase of the development easement over the Maple Lane Farm known as Block 202, Lot 20 on the Tax Map of the Township of Hillsborough ("Property"); and

WHEREAS, the New Jersey Conservation Foundation ("NJCF") has secured grant funds from the Federal Farm and Ranchland Protection Program which may be used to partner cost-share the total cost of the easement over the Property; and

WHEREAS, the Somerset County Agriculture Development Board ("CADB") approved the partner cost-share funding to include use of the grant funds from the Federal Farm and Ranchland Protection Program ("FRPP"); and

WHEREAS, NJCF has committed \$530,000, up to a maximum of fifty (50%) percent of the Certified Market Value, of federal funding from its Federal Farm and Ranchland Protection Program Grant, which funding requires that additional restrictions be placed on the Property, including an impervious coverage restriction of three (3%) percent; and

WHEREAS, partner cost-share for the total cost of the easement of \$1,111,500 is as follows: the State Agriculture Development Committee will contribute approximately \$581,500 or fifty-two (52%) percent; New Jersey Conservation Foundation, using a grant from the Federal Farm and Ranchland Protection Program, will contribute approximately forty-eight (48%) percent or \$530,000, but not to exceed fifty (50%) percent of the fair market value as determined by the federal review of the appraisal or appraisals; and Somerset County will contribute associated costs in an amount not to exceed five (5%) percent of the purchase price of \$1,111,500.00; and

WHEREAS, in order to access NJCF's FRPP grant, the closing must take place by June 30, 2010; and

WHEREAS, if the closing is delayed beyond June 30, 2010, and NJCF cannot secure an extension for the use of the funding, the partner cost-share of the easement will revert back to that outlined in the CADB's June 8, 2009 Resolution and the County Freeholder's June 16, 2009 Resolution and the Township's June 23, 2009 Resolution.

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hillsborough amends its prior Resolution, endorses and recommends participation in the funding of the purchase of the development easement rights over the Maple Lane Farm, and will participate subject to the following conditions:

1. The grant application has been approved by the SADC and said approval still remains in full force and effect.
2. The acreage of the development easement to be funded by the County of Somerset shall not exceed the acreage approved for funding by the SADC.
3. Full funding of the State's share of the grant has been or will be available from the Garden State Preservation Trust Fund.
4. The amount of funding provided by Somerset County will remain fixed at no greater than the associated costs, up to a maximum of five (5%) percent of the purchase price.

5. All conditions regarding the restriction of the property to agricultural use are satisfied.
6. The Deed of Easement for the Property is assigned to and held by the County of Somerset.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the County of Somerset, the Somerset County Agriculture Development Board, the State Agriculture Development Committee and the Township Open Space Advisory Committee.

Mayor DeCore said the preservation of farmland and open space remains a priority for the Township Committee and we have some good news from Somerset County on their efforts to help preserve the Maple Lane farm on Township Line Road. The County has sought several funding sources for the preservation of the farm, including federal grant funds.

Mayor DeCore reported Hillsborough previously committed \$200,000 from the Open Space Fund toward the over \$1 million cost of preserving the development rights on the property. But because of the County's success in gaining other commitments, the Township may not have to provide any funding toward the preservation of this farm if the closing can be completed by the end of June.

Mayor DeCore reported this resolution limits the impervious cover allowed on the property to 3%, as required by federal grant regulations, and helps the County to move forward in closing on the transfer of the development rights in a timely fashion. This represents an additional 57 acres of farmland that will bring the farmland preserved in the area between Township Line Road and Homestead Road over the years to well over 800 acres.

Committeeman Wagner reported the preservation from development of the 57 acre Maple Lane farm has been a priority for the Open Space Advisory Committee and he is pleased to see it moving toward conclusion. The preservation is being coordinated by Somerset County and we thank the Freeholders for their leadership on this issue. The total cost of preserving the development rights is \$1,111,500.

Committeeman Wagner said the good news is that the acreage can be preserved from development and the better news is that Hillsborough may not have to contribute any funds toward that preservation. The county has sought funding partnership from the Federal Farm and Ranchland Protection program and the New Jersey Conservation Foundation. The Township initially committed \$200,000 from the open space trust fund towards the preservation of the farm. We are advised, however, that if the closing on the development rights purchase and transfer can be completed by June 30, 2010, because of the other funding sources, the Township would be able to save our \$200,000. This resolution will help to expedite that closing.

Committeeman Wagner said this is one of those win-win situations for the Township and it is refreshing good news compared with the many other issues we are currently dealing with.

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

7. Resolution to affirm the Township of Hillsborough Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with Municipal employees, officials and volunteers.

WHEREAS, it is the policy of the Township of Hillsborough to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the governing body of the Township of Hillsborough has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Hillsborough Township Committee that:

Section 1: No official, employee, appointee or volunteer of the Township of Hillsborough by whatever title known, or any entity that is in any way a part of the Township of Hillsborough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Hillsborough's business or using the facilities or property of the Township.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township Committee to provide services that otherwise could be performed by the Township of Hillsborough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Hillsborough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township Committee. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Hillsborough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Hillsborough in order for the public to be made aware of this policy and the Township Committee's commitment to the implementation and enforcement of this policy.

Mayor DelCore said approval of this resolution is a recommendation of the Municipal Excess Liability JIF and is one of the components of the Employment Practices Risk Control Program that is necessary for the Township to gain a \$3500 reduction in liability costs. The Resolution re-confirms Hillsborough Township's continuing commitment against discrimination in all forms.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution approving the request from Scott Lutzky for the release of cash escrow, in the amount of \$3,815.00, for Road Opening Permit No. 2008-41.

WHEREAS, a request has been received from Scott Lutzky for the release of cash escrow for Road Opening Permit No. 2008-41; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$3,815.00 cash escrow that was posted for the completion of the project.

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 is hereby accepted and approved.

2. Resolution approving the request from the estate of Helen Mary Kosinski for the release of cash escrow, in the amount of \$40,970.00, for Road Opening Permit No. 2008-37.

WHEREAS, a request has been received from the estate of Helen Mary Kosinski, for the release of cash escrow for Road Opening Permit No. 2008-37; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$40,970.00 cash escrow that was posted for the completion of the project.

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 is hereby accepted and approved.

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

CLAIMS LIST

Mayor DelCore presented Claims List 2010-08

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, Claims List 2010-08 was unanimously approved upon call of the roll.

EXECUTIVE SESSION *EXECUTIVE SESSION RESOLUTION*

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. *Personnel: Ed Krachun, Public Works Worker, Department of Public Works*
 - b. *Negotiations: Hillsborough Township Police Dispatchers Teamsters Local 701
Hillsborough Township Public Works Employees Association*
3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

Executive Session commenced at 9:28 p.m.

Committeeman Wagner motioned to come out of executive session at 10:40p.m.; said motion was seconded by Deputy Mayor McCauley and was unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Wagner, the meeting duly adjourned at 10:41 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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