

Minutes of the Regular Meeting of the Township Committee of the Township of Hillsborough, in the County of Somerset, State of New Jersey, held in the Municipal Complex at 7:30 p.m. on the above date.

Upon call of the roll, the following Committee members were recorded present: Committeeman Anthony Ferrera, Committeeman Carl Suraci, Committeeman Robert C. Wagner, Jr. and Deputy Mayor Gloria McCauley. Also, in attendance were Township Attorney Albert E. Cruz, Township Administrator/Clerk Kevin P. Davis and Administrative Assistant Lisa Strothers. Mayor Frank DelCore was absent.

Following Roll Call and Salute to the Flag, Deputy Mayor McCauley advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on May 11, 2010.

#### PROCLAMATIONS/APPOINTMENTS

- *None at this time.*

#### APPROVAL OF MINUTES

- *None at this time.*

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

##### Committeeman Ferrera

Committeeman Ferrera thanked the volunteers and residents who attended the Wilson 33 Foundation Event.

##### Committeeman Suraci

Committeeman Suraci reported Governor Chris Christie unveiled his various proposals to control property taxes on Monday. The proposals that are most important to Hillsborough are binding arbitration reform for contract negotiations with the PBA. Under the system right now, when a municipality and a PBA are at a negotiation impasse, an arbitrator is brought in who has the authority to make the final decisions on a contract. This has almost always resulted in salary and benefit increases, as the arbitrator compares raises in other towns in making his or her decision. It is a system of upward spiraling of salary and benefit costs.

Committeeman Suraci reported Governor Christie has proposed the following: Reform in selection of arbitrators for union contracts. Arbitrators are mandated to consider impact of union contracts on property taxes, there is no such requirement in current law. Arbitrators are barred from making contract awards that exceed 2.5% cap, inclusive of all salary, benefit and other economic contract provisions. These are changes that will level the playing field in collective bargaining and bring about relief to property taxpayers, and these are changes that must be enacted by the legislature before or simultaneously with setting a 2.5% tax cap.

Committeeman Suraci said if the binding arbitration reforms are not enacted prior to the 2.5% tax cap being enacted, then we will continue to see arbitrator awards of salary and benefit packages that increase by 4, 5, and 6%, while towns are prohibited from raising revenues to account for those decisions. This will mean reductions in the number of Police Officers along with a steep reduction in all municipal services. So, we say to the Legislature, first give taxpayers binding arbitration reform before considering the 2.5% tax cap.

### Committeeman Wagner

Committeeman Wagner gave an update on the Route 206 bypass construction project. The Committeeman said the NJDOT will be receiving bids for construction of section A of the route 206 by pass on May 13<sup>th</sup>. He is advised that the contract could be awarded by the end of June.

Committeeman Wagner reported Section A is the construction of the by-pass between Amwell Road and Hillsborough Road. The fact that there is real progress is good news. There has also been additional good news on the funding end of the project.

Committeeman Wagner reported the North Jersey Transportation Planning Authority Draft capital plan that was approved last month, proposes \$60 million for the 206 bypass construction project in fiscal year 2010-2011. That funding, along with the nearly \$20 million allocated for section A construction in 2009-2010, gives complete full funding for the critical first leg of the project.

Committeeman Wagner said the tree removal that is a necessary prelude to the construction of the roadway The NJDOT has a tree mitigation plan that will replace removed trees by the planting of a significant number of trees in the buffer areas. Committeeman Wagner said he is not one to usually take credit; however, he did say a few years ago, just build the dam road. He said he guesses they have finally listened to him. Committeeman Wagner said these are very positive developments for this long awaited project.

Committeeman Wagner reminded residents of the Salute to Veteran's Breakfast and Memorial Day Parade on May 29<sup>th</sup>. The commemoration will kick off with our fifth annual Salute to Veteran's Breakfast at the Municipal Building at 8:30 a.m.; followed by the Memorial Day Parade which begins at 10:30 a.m. at the intersection of Auten and Triangle Roads.

Committeeman Wagner said for those of you who have attended in the past the Veteran's Breakfast has become a key part of the Hillsborough Memorial Day program. There is no group more fitting than our military veteran's to lead us in remembering and honoring those who made the ultimate sacrifice in the defense of our nation.

Committeeman Wagner strongly encouraged all veteran's to provide their leadership and join us on May 29<sup>th</sup> in commemorating this very important day.

### Deputy Mayor McCauley

Deputy Mayor McCauley thanked everyone who attended the second annual Sustainable Fair. Deputy Mayor McCauley thanked all the members for doing a great job.

Deputy Mayor McCauley reported on Sunday there were reports that 170,000 pounds of jet fuel was released over Somerset County by a Continental Airlines flight that was forced to make an emergency landing, and the fuel release may have impacted on Hillsborough. The New Jersey DEP has a hotline number for residents who have a concern 877 WARN DEP or 877-927-6337.

Deputy Mayor McCauley said we have asked Dr. Glen Belnay, the Township's Health Officer, to give the public an update on that situation.

Dr. Belnay reported on Sunday, May 9<sup>th</sup>, a Continental Boeing 777 airplane experienced a mechanical problem and it was necessary to return to Newark Airport. The jet had to release fuel on its return trip to reduce the weight of the plane in order to land. About 170,000 pounds of fuel oil was released at about 11:30 a.m. above the Somerset County area at an altitude of about 4500 feet, according to representatives of Continental.

Dr. Belnay reported at the time of this occurrence all Office of Emergency management personnel and fire companies throughout the County were advised and put on standby. Residents were directed to contact the NJDEP hotline at 1-877-WARN DEP is they noticed anything unusual.

Dr. Belnay said some residents of Somerset and Middlesex Counties smelled fuel and contacted NJDEP. The NJDEP determined it was not necessary to visit Somerset County, and that there weren't any health concerns.

Dr. Belnay reported, according to the FAA regulations, fuel is only released from a plane in an emergency and it must be done at altitudes over 2000 feet. At altitudes of 5000 feet the fuel which is mainly kerosene is dispersed as a mist and evaporates without reaching the ground. Dr. Belnay said according to the DEP there is no reason to be concerned about any health hazards from this release.

Dr. Belnay reported the plane made the return trip and was taken out of service.

Committeeman Ferrera thanked Dr. Belnay for his report and also thanked Hillsborough's emergency services.

Deputy Mayor McCauley said she is not happy to report that the Township's Independence Day Celebration, Family Fun Day, and Fireworks will not be held this year because of budget considerations. In making the announcement yesterday, Mayor DelCore said that given the budget realities as we try to maintain necessary and expected services for our residents, and the financial sacrifices we have asked of our municipal employees, the Township cannot in good conscience allocate tax dollars for this program this year. The Deputy Mayor agreed. Deputy Mayor McCauley said it is our hope that the Township can gain some type of private sponsorship help for the program, so we can bring it back next year.

Deputy Mayor McCauley said before we go to New Business and discuss the defeated school budget, she asked the concurrence of the other members of the Committee to move to consideration #1. This item was left over from the last meeting and it is important to move it forward now.

- (1) Resolution approving, and authorizing the Mayor and Clerk to sign, Memorandum of Agreement (MOA) to the 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.

Deputy Mayor McCauley reported two weeks ago, when the Township Committee took action on accepting the voluntary no pay increase agreement from the Township's civilian Department Heads and non-union workers, and approved an agreement with the white collar union that reduced their pay, Mayor DelCore said those employees' voluntary action spoke very loudly about the obligation and responsibility of government employees to do the right thing. Deputy Mayor McCauley said again tonight, here is a group, the Public Works Workers, who have voluntarily agreed to forgo a salary increase in 2010.

Deputy Mayor McCauley said we recognize it was not an easy decision for the employees. These workers are not highly paid, for most the starting salary is \$30,000 and after several years on the job the top salary is not quite \$50,000. The pay raise is very meaningful to their families, but the Deputy Mayor said she understands from Mr. Davis that the vote was overwhelming in support of giving up the salary increase.

Deputy Mayor McCauley reported that the savings for the taxpayers is \$73,000 this year. The Deputy Mayor said the true measurement here is the real character of these workers. The senior people could have let the junior people hang and be laid off. They didn't.

Deputy Mayor McCauley said we are extremely appreciative of the Public Works workers for stepping forward for the good of their own membership, the Township and our taxpayers. There are reasons why Hillsborough is one of the best places to live and it could not be clearer that the character of our municipal employees is one of those reasons.

Committeeman Suraci stated, as the Finance Chairman, working with Deputy Mayor McCauley who is also on the Finance Committee, we have had the most difficult budget situation in any of my seven years on the Township Committee. The key for us has been to gain the assistance of the municipal employees in helping to reduce personnel costs.

Committeeman Suraci said the civilian Department heads and non-union employee's agreement to no 2010 salary increase saves \$50,000. The agreement by the municipal building AFSCME union employees to reduce their pay by 6.2% by cutting work hours by 2.5 hours per week saves \$77,000 this year and several hundred thousand more over the next two years. Now the DPW workers have approved their agreement to no salary increase in 2010 for a savings of \$73,000 for taxpayers.

Committeeman Suraci said he is very proud to be associated with these government employees who have selflessly put the interest of their co-workers, the taxpayers, and the people of Hillsborough first, before their own interest. Committeeman Suraci thanked them.

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

## NEW BUSINESS

- *2010-11 Hillsborough-Millstone School Budget  
Discussion and Public Comment*

Deputy Mayor McCauley said a number of residents have approached members of the Township Committee expressing interest in providing input on the defeated school budget. Tonight is another opportunity to offer advice and/or provide comments.

Deputy Mayor McCauley said later on the agenda, the Township Committee will consider setting a special meeting for final action on the school tax levy and school budget on May 17<sup>th</sup>. There will be an opportunity for public comment at that meeting as well.

Deputy Mayor McCauley said as discussed here before, because the Hillsborough and Millstone school district was merged last year, both the Township Committee and the Millstone Mayor and Council must agree on the school budget decision. As Mayor DelCore has previously noted, we take this responsibility very seriously and approach it in the same thoughtful and deliberative way we do with all issues.

Deputy Mayor McCauley reported Millstone's Mayor and Council joined us at the April 27<sup>th</sup> meeting for a joint meeting to receive a presentation by Dr. Ed Forsthoffer, the Superintendent of Schools, and to hear public comment. Both governing bodies noted at the April 27<sup>th</sup> meeting that the goal is to determine a level of property tax reduction that does not negatively impact on school children in the classroom. Subsequently, a Finance sub-committee of the two governing bodies met with the Hillsborough Township Auditor to review the school budget in further detail. Additionally, a finance subcommittee of both governing bodies met with a finance subcommittee of the School Board, along with the Superintendent and Business Administrator, to gain more budget details and to discuss the ramifications of potential additional budget changes.

Deputy Mayor McCauley said the Township's Auditor and Administrator will continue further discussions with the Superintendent and the school Business Administrator, as part of the in-depth review we, and the public, desire.

Deputy Mayor McCauley said tonight we have asked the Township's Auditor, Robert Swisher of the auditing firm Suplee Clooney, to give a public briefing. After Mr. Swisher's presentation, we will open the floor for any questions, suggestions or comments. There will be no action by the Township Committee tonight on the school tax levy or budget.

Mr. Swisher reported the school budget was defeated and it is required by the governing bodies to review whether or not the tax levy should be reduced or remain the way it is. Mr. Swisher said both councils have spent many hours reviewing the budget and as the auditor he was hired to provide some assistance in this review.

Mr. Swisher reported the defeated budget had an increase in the tax levy of \$5,164,000 which is approximately 7 percent based on a tax point of \$378,000 in Hillsborough, about a 13.6 increase. The school tax rate would increase from 2.009 to 2.145.

Mr. Swisher said the School Board was required to provide the Township with information, and they provided a six inch thick binder of information. Mr. Swisher reported the

binder contained information about revenues, expenditures, per pupil costs and supporting documentation for various increases and decreases in the budget. Mr. Swisher said the School Board has been very cooperative.

Mr. Swisher stated the Board of Education had done quite a bit of cutting from last year's budget before it was presented for the vote. While the budget was over the 4 percent cap there were reasons for that, such as health benefits and loss of state aid. The budget as defeated was \$500,000 less than the budget from last year, the largest cause being the reduction in state aid of 4.9 million.

Mr. Swisher said all these facts made it very difficult to find any significant savings in this budget. Mr. Swisher said the Committee left no stone unturned, and then listed some of the areas which were reviewed. Mr. Swisher said these items were reviewed with the Board of Education and it became very obvious in order to have any significant reduction to the tax levy there would have to be a further reduction of personnel costs.

Several residents and teachers expressed their opinions on school budget reductions, as well as their concerns about the well-being of the students and the importance of the Hillsborough School system.

Committeeman Wagner thanked everyone for taking the time to attend this meeting and voice their opinions. Committee Wagner said four out of the five Committee members have children in Hillsborough's school system; and that this Committee is taking this very serious and with the utmost importance.

Committeeman Ferrera thanked Dr. Forsthoffer and said how much he appreciates all of the teachers.

Deputy Mayor McCauley thanked Mr. Swisher for his report.

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

### **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.

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

Deputy Mayor McCauley stated the Green Village district, in a fifty acre area fronting on Route 206, is a key piece of the Township's affordable housing plan that was submitted to the Court in December, 2008. Hillsborough was mandated by the state to submit an affordable housing plan by the end of 2008 or face the potential of a builders' remedy lawsuit. Such litigation could result in hundreds or even thousands of more residential houses being built in Hillsborough. The Green Village zone is a key component of that plan.

Deputy Mayor McCauley said in addition to the mandated affordable housing, the zone permits a hotel and allows for 20,000 square feet of potential retail space. The retail and hotel component of the plan represents a double opportunity for Hillsborough within the Green Village Zone. An opportunity to add significant commercial taxpayers to help offset taxes for homeowners and an opportunity to reduce the number of affordable units from what was originally proposed in the Township's plan for the Green Village from 138 units to 117 units. The number of market rate residential apartments has also been reduced in this ordinance, from what was originally proposed.

Deputy Mayor McCauley said having an affordable housing plan protects our local neighborhoods from builders' remedy lawsuits that can disrupt local zoning and result in thousands of market rate and affordable housing units being built in a community by court order.

The Deputy Mayor reviewed the record of hearings on this proposal. The Township's affordable housing plan including this zone, was reviewed at advertised public hearings by both the Planning Board and the Township Committee in November and December, 2008. This zone change was reviewed and approved by the Planning Board at an advertised public hearing on March 4th, this year. Under Hillsborough's unique public notice program, established by former Mayor Ferrera several years ago, mail notices were sent to nearby property owners prior to the March 4th Planning Board meeting, in order to give those owners the opportunity to have input on the zone at the initial drafting stage before the Planning Board. The introduction of this ordinance was noticed by the Township Committee's agenda prior to the March 9th meeting. A public hearing on this ordinance was publicly advertised and mail notices were sent, as the law requires, to nearby property owners prior to the April 13th public hearing. There was opportunity for public comment on April 13th, that public hearing was then continued to April 27th and notices were again sent out. On April 27th the public had an opportunity to be heard and the hearing was again continued to tonight, with notice in the Township's public agenda.

Deputy Mayor McCauley reported Township Planner Bob Ringelheim and the Township's Affordable Housing Consultant Jennifer Beahm of Birdsall Engineering are with us tonight to further review the details of the proposed zone.

Mr. Ringelheim reported the Green Village zone is an outgrowth of our Affordable Housing Plan and there are several advantages of this particular plan. The first one includes a non residential component to offset potential tax liability due to the residential component. The other issue is because of this project and the other projects in our plan the actual number of affordable units going forward is greatly reduced.

Ms. Beahm reported we had presented the approved Housing Element and Fair Share Plan to the court that was approved by the Planning Board and the Township Committee.

Ms. Beahm stated this plan is before the court and we have been working with the Court Master throughout the course of 2009, and in the early stages of 2010. In working with the Court Master we were able to reduce our third round obligation from 650 units to 475 units and that court process is still underway.

Ms. Beahm said this action by the Township Committee will go a long way in giving our plan validity and strengthening our position before the court. Ms. Beahm said we have had some objectors to our plan which we will handle in the coming weeks. Mr. Beahm stated action on this matter would go a long way in solidifying our position with the court.

Committeeman Wagner said he previously asked the Township Committee to hold off action on the Green Village zone in order to see what action would be taken by the Planning Board on the Gateway at Sunnymead conversion application, as the Gateway project borders on the proposed Green Village zone. However, the Gateway applicant has asked for a further delay in consideration of the conversion application.

Committeeman Wagner stated as we have heard from Ms. Beahm, the Township needs to act on the Green Village in order to demonstrate the validity of the affordable housing plan to the court that is considering the plan. Committeeman Wagner said in his opinion, given that this zone ordinance reduces the number of affordable units and is a key part of the plan, it should be finalized tonight.

Deputy Mayor McCauley stated we have all read recent news accounts regarding potential changes in the state's affordable housing requirements and the Deputy Mayor asked the Township Attorney, Mr. Cruz, to provide some guidance on the Township's responsibility with regard to the present law and any coming changes.

Mr. Cruz reported there are various bills pending in the New Jersey Legislature that could potentially change the COAH regulations and how affordable housing is administered in New Jersey. However, currently this proposal and the plan that the Township has presented to the court complies with the current law. Mr. Cruz said his advice is to follow the laws that exist today; and that is the recommendation that the Planners are making to the Township Committee, to do otherwise would be speculation.

Bob Kwietniak, 17 Grouse Road, asked who wrote the Green Village ordinance. Mr. Ringelheim said the Township's Affordable Housing Consultants and Ms. Beahm is part of that team.

Mr. Kwietniak said regarding this ordinance, how many tracts of land in Hillsborough does this ordinance apply to. Mr. Ringelheim said this ordinance applies to one tract of land.

Mr. Kwietniak questioned spot zoning. Ms. Beahm explained that this is an implementing ordinance, implementing an affordable housing site that was approved by the Planning Board and endorsed by the Committee. Ms. Beahm said there are requirements that zoning be put in place specifically for these projects. Ms. Beahm explained that spot zoning will not apply because of the provisions of affordable housing, and pursuant to the regulations promulgated by COAH.

Mr. Kwietniak questioned the landscape project. Ms. Beahm explained that the landscape project is a GIS data layer that is utilized by the NJDEP, those are regulated by the state and any development, including this one would have to go through site plan approval. Ms. Beahm said it is really not taken into consideration for zoning provisions. Ms. Beahm reported that her office did look at the DEP data layers because the site has to be considered developable in order for it to qualify for credits. Ms. Beahm

said her office looked at it and the Master looked at it, and the site was determined to be appropriate for development, and meets the requirements.

Ms. Beahm further explained that this ordinance is creating zoning provisions from which a project would be created.

Mr. Kwietniak questioned contracts and agreements relating to this ordinance. Mr. Davis said once there is an application before the Planning Board for this site and it goes through the normal process then there would be a developer's agreement. Mr. Davis further explained that we need the ordinance because we have to get our affordable housing plan approved or else one of these objectors may build any number of units. Mr. Davis said we need to get our plan approved, and we need to adopt the ordinance in order to get our plan approved.

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

Committeeman Wagner moved to adopt Ordinance 2010-11. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

#### INTRODUCTION OF NEW ORDINANCES

- *None at this time.*

#### CONSIDERATIONS

Deputy Mayor McCauley offered the following resolution:

(Considered earlier in the meeting)

1. 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.
2. Resolution requesting approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for Sustainable Hillsborough.

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider; and

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

1. The Township of Hillsborough will be receiving monies to be used for the purchase of supplies and materials for distribution as well as the sponsorship of events specifically promoting the Sustainable Hillsborough Program;
2. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Sustainable Hillsborough as per N.J.S.A. 40A:4-39; and
3. The Municipal Clerk of the Township of Hillsborough is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Deputy Mayor McCauley said our sustainable Hillsborough program continues to grow, however, in these difficult economic times it is hard for the Township to allocate tax dollars to this relatively new program. Some people have come forward to suggest that there are potential private contributions that can help to fund the various sustainable programs.

Deputy Mayor McCauley said this resolution sets up a fund that permits the Township to receive those contributions and hold them in a trust account for the specific purpose of supporting the sustainable committee's activities. We are advised that contributions to the Township for a specific public purpose are tax deductible under section 170(c) (1) of the Internal Revenue Code.

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

3. Resolution to hire summer employees: Robert Slovik, Charles Johnson, Andrew Buckner, Michael Malko and Ryan Buerkle, for the Department of Public Works with a start date on or about May 12, 2010, at a salary of \$10.00 per hour funded through the Clean Communities Grant.

**WHEREAS**, there is a need for temporary summer employment in the Department of Public Works in the Township of Hillsborough; and

**WHEREAS**, the Township of Hillsborough will receive \$69,201.76 from the Clean Communities Grant Fund, said monies to be used to cover the cost of the summer help in the Department of Public Works; and

**WHEREAS**, the Director of Public Works has determined that the following five (5) applicants are the most qualified candidates and has recommended their appointment as summer employees with a start date on or about May 12, 2010, at a salary of \$10.00 per hour, for a period of up to seventeen weeks, 40 hours per week:

1. Robert Slovik
2. Charles Johnson
3. Andrew Buckner
4. Michael Malko
5. Ryan Buerkle

**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 Director of Public Works hereby be accepted and approved.

Deputy Mayor McCauley reported the Clean Communities grant annually provides funding for summer temporary help in the Public Works Department. The mission is to help DPW keep the Township clean and to maintain various public areas of the community.

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

4. Resolution appointing Mark Anderson as Special Litigation Counsel in the matter of Jeffrey Roth v. the Board of Adjustment of the Township of Hillsborough and Township of Hillsborough, and Special Prosecutor for zoning matters before the Municipal Court, and the execution of a professional services contract in accordance with the Fair and Open Selection Process (N.J.S.A. 19:44A-20.4-5 et.seq.), at a rate of \$135.00 per hour.

**WHEREAS**, there exists a need for a consulting attorney in regard to special litigation in the matter of Jeffrey Roth v. the Board of Adjustment of the Township of Hillsborough and Township of Hillsborough, and Special Prosecutor for zoning matters before the Municipal Court, at a rate of \$135.00 per hour; and

**WHEREAS**, Mark Anderson, Esq. was designated the Special Prosecutor on zoning matters before the Municipal Court through the Fair and Open Selection Process (N.J.S.A. 19:44A-20.4-5 et.seq.), on May 4, 2010, including the prosecution of several zoning violations against Jeffrey Roth; and

**WHEREAS**, Mark Anderson is familiar with the application filed by Mr. Roth with the Board of Adjustment of the Township of Hillsborough and Township of Hillsborough, and with the zoning violations against Mr. Roth; and

**WHEREAS**, the filing of the complaint by Mr. Roth arises from the Township's prosecution of the zoning violations; and

**WHEREAS**, funds are available and have been certified as such by the Chief Finance Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Mark Anderson is authorized to perform special litigation services in the matter of Jeffrey Roth v. the Board of Adjustment of the Township of Hillsborough and Township of Hillsborough, and special prosecutor for zoning matters before the Municipal Court, and the execution of a professional services contract in accordance with the Fair and Open Selection Process (N.J.S.A. 19:44A-20.4-5 et.seq.), at a rate of \$135.00 per hour.

Deputy Mayor McCauley reported the Township and the Township's Zoning Board of Adjustment face litigation over a zoning board decision. Additionally, the Township is pursuing prosecution for zoning violations by the litigant in municipal court. The Township sought sealed proposals through the Fair and Open process to determine a qualified attorney to handle these matters. Mark Anderson is the attorney for the Zoning Board of Adjustment, is most familiar with these matters, and is best positioned to represent the Township's interests here.

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

5. Resolution awarding Photocopy Machine Contract for 48 month period to Kyocera Mita America Inc., under GSA State Contract T437A and A64048.

**WHEREAS**, there is a need to obtain upgraded copiers for the Township of Hillsborough, in the County of Somerset, State of New Jersey; and

**WHEREAS**, the maximum amount of the four (4) year lease is not to exceed \$92,643.36 and funds are available as evidenced by the Chief Finance Officer's Certification; and

**WHEREAS**, the contract award represents a savings of \$24,753.60 in comparison to the 48 month period of the previous contract; and

**WHEREAS**, public bids are not required when the vendor is under a state contract in accordance with N.J.S.A. 40A:11-12.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough in the County of Somerset that the Township Administrator is hereby authorized and directed to approve and forward a Purchase Order as follows:

<b>State Contract Vendor</b>	<b>Contract Number</b>	<b>Purpose</b>	<b>Approximate Cost</b>
Kyocera Mita America Inc.	T437A and A64048	11 copiers	\$92,643.36 For 48 month lease contract

Deputy Mayor McCauley said we often speak about how this Township Committee applies business like methods to the operations of government for the benefit of taxpayers. Here is a case in point. In order to renew the lease on photocopy equipment, the Township, sought competitive price quotes through a sealed proposal process.

Deputy Mayor McCauley reported ten different vendors submitted price quotes under the state contract to provide this service to the Township. Kyocera Mita America had the lowest quote for the four year lease at \$23,160 per year.

Deputy Mayor McCauley reported taxpayers will save nearly \$25,000 in the new four year contract, compared to the previous four year lease period. That's what a little competition will do.

Deputy Mayor McCauley congratulated our CFO Nancy Haberle for doing an excellent job in this regard.

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

**6. Resolution increasing the 2010 Temporary Emergency Budget.**

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

**WHEREAS**, the amount of said increase is not to exceed \$904,715;

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

Elections:	
Other Expenses	9,500.00
Information Technology	
Other Expenses	14,000.00
Annual Audit	10,000.00
Public Meeting Recording	2,000.00
Planning Board	
Other Expenses	12,000.00
Environmental Commission	
Other Expenses	400.00
Code Enforcement	
Other Expenses	20,000.00

Police	
Other Expenses	125,000.00
Office of Emergency Management	
Other Expenses	500.00
Municipal Court	
Other Expenses	5,000.00
Special Duty Court Officers	5,000.00
Public Buildings and Grounds	
Other Expenses:	15,000.00
Recycling	
Other Expenses	100,000.00
Annual Clean-Up	
Salaries & Wages	15,000.00
Other Expenses	42,000.00
Condominium Act Payments	18,000.00
Board of Health	
Other Expenses	7,500.00
Social Services	
Salaries and Wages	12,000.00
Recreation Department	
Other Expense	2,740.00
Cultural Arts	
Other Expenses	3,200.00
Fire Protection Charges	25,000.00
Electricity	57,500.00
Street Lighting	15,000.00
Telephone	9,375.00
Water	21,000.00
Sewer	500.00
Gasoline	32,000.00
Diesel Fuel	25,500.00
Employee Group Insurance	250,000.00
SUBTOTAL APPROPRIATIONS: INSIDE CAP	854,715.00
OPERATIONS – EXCLUDED FROM CAP	
DPW Stormwater Regulation	
Salaries & Wages	40,000.00
Other Expenses	10,000.00
TOTAL APPROPRIATIONS	904,715.00

Deputy Mayor McCauley reported the Temporary budget sets temporary appropriations and allows the Township to operate, while the final budget is developed. As we work through negotiations with employee groups and the Finance Committee continues to look for budget savings, prior to the finalization of the 2010 budget, it is necessary to amend the temporary budget.

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

7. Resolution authorizing a Special Meeting of the Hillsborough Township Committee on Monday, May 17, 2010 at 7:30 pm, for the purposes of considering and taking action on the 2010-2011 school tax levy and the defeated 2010-2011 Hillsborough-Millstone School Budget.

**WHEREAS**, The 2010-2011 Hillsborough-Millstone School Budget was defeated at public referendum on April 20, 2010; and

**WHEREAS**, N.J.S.A. 18A-22-37 requires that the municipal governing body review the defeated school budget and certify the tax levy to the County Board of Taxation by May 19, 2010; and

**WHEREAS**, N.J.S.A. 10:4-8 permits the Township Committee to hold a Special Meeting provided that adequate notice is given; and

**WHEREAS**, The Hillsborough Township Committee desires to hold a Special Meeting for the purposes of considering and taking action on the 2010-2011 school tax levy on May 17, 2010, at 7:30 pm, at the Hillsborough Municipal Complex, 379 South Branch Road, Hillsborough, N.J.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that a Special Meeting of the Township Committee will be held on May 17, 2010, at 7:30 pm, at the Hillsborough Municipal Complex, 379 South Branch Road, Hillsborough, N.J, for the purposes of considering and taking action on the 2010-2011 school tax levy.

Deputy Mayor McCauley reported State law requires the Township Committee to certify the school tax levy by May 19<sup>th</sup>. Whatever changes to the school budget, and how those changes impact on the tax levy, will be considered at a Special Meeting on Monday, May 17<sup>th</sup>.

Deputy Mayor McCauley said a Monday meeting is unusual for the Township Committee, but that is the only date available to the Township Committee prior to May 19<sup>th</sup> at which a quorum can be present, because of various employment related travel plans of some of our members.

The Deputy Mayor stated that Mayor DelCore will have returned from his assignment for his full time employer and will be in attendance at the May 17<sup>th</sup> meeting.

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

## CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution authorizing Somerset Medical Center to hold their annual Steeplechase Run in Hillsborough Township on Sunday, October 3, 2010, pursuant to the requirements outlined by Chief Paul Kaminsky.

**WHEREAS**, Somerset Medical Center has requested to hold their annual Steeplechase Run on Sunday, October 3, 2010, in Hillsborough Township; and

**WHEREAS**, prior to October 3, 2010, Somerset Medical Center will produce a certificate of insurance naming the Township of Hillsborough as an insured; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Somerset Medical Center is hereby authorized to hold a race in Hillsborough Township on Sunday, October 3, 2010.

2. Resolution authorizing the submission of the 2011 Hillsborough-Millstone Municipal Alliance Grant application to the Governor's Council on alcoholism and drug abuse.

**WHEREAS**, the Township of Hillsborough is eligible to receive grant funding up to \$30,954.00 from the Governor's Council on Alcoholism and Drug Abuse through the County of Somerset 2011 Municipal Alliance Program in Hillsborough/Millstone; and

**WHEREAS**, the Hillsborough/Millstone Municipal Alliance is desirous of applying for the grant funds available from the County of Somerset to continue to provide alcoholism, drug abuse and tobacco prevention/education programs and awareness activities to the residents of Hillsborough/Millstone; and

**WHEREAS**, in order to receive said grant the Township must match funds, 25% in cash (\$7,739) and 75% in kind services (\$23,215) to be eligible; and

**WHEREAS**, these services provide a significant benefit to the residents of the Township by providing primary prevention and early intervention services to those at risk of developing lifelong addictions or struggling to overcome them, and educating our children to help them avoid falling into the traps of alcoholism, smoking, and drug abuse.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, that the Hillsborough/Millstone Municipal Alliance is authorized to develop and file a grant application with the County of Somerset; the County of Somerset be requested to accept said application of behalf of the Township of Hillsborough; the appropriate fiscal officer will accept the funds in connection with said project from the County of Somerset and make disbursements in accordance with said application; and the Mayor and Township Administrator/Clerk are hereby authorized to file the necessary applications and to enter into agreements and contracts with the County of Somerset and other agencies and corporations for funding and implementation of this Municipal Alliance Grant Program.

3. Resolution approving request from the Chief of Police allowing Lt. Victor Kubisch Family and Medical Leave, beginning May 6, 2010 through August 7, 2010.

**WHEREAS**, Lt. Victor Kubisch has requested Family and Medical Leave, beginning May 6, 2010 through August 7, 2010, due to his illness; and

**WHEREAS**, Police Chief Paul Kaminsky has recommended Lt. Kubisch's request be approved.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the request for Family and Medical Leave, beginning May 6, 2010 through August 7, 2010 be granted to Lt. Victor Kubisch.

4. Resolution authorizing the submission of the Hillsborough Township 2009 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection.

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

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

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

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

**WHEREAS**, a resolution authorizing this municipality to apply for the 2009 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Hillsborough Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby endorses the submission of the 2009 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Dr. Glen Belnay to ensure that the application is properly filed.

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

5. Resolution authorizing the New Jersey Ride against Aids bicycle ride to travel through a portion of Hillsborough Township, pursuant to the requirements outlined by Chief Paul Kaminsky.

**WHEREAS**, New Jersey Ride against Aids wishes to hold a bicycle ride, on Saturday, September 25, 2010, through portions of Hillsborough; and

**WHEREAS**, prior to September 25, 2010, the New Jersey Ride against Aids will produce a certificate of insurance naming the Township of Hillsborough as an insured; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the New Jersey Ride against Aids is hereby authorized to hold a bicycle ride through portions of Hillsborough Township on Saturday, September 25, 2010.

6. Resolution approving the request from Frank and Denise Parrotto for the release of development review escrow, in the amount of \$275.36.

**WHEREAS**, a request has been received from Frank and Denise Parrotto for the release of Development Review Escrow; and

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

**WHEREAS**, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$275.36 Development Review Escrow because the work has been completed.

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

7. Resolution supporting the *Click It or Ticket* Mobilization of May 24 – June 6, 2010.

**WHEREAS**, there were 586 motor vehicles fatalities in New Jersey in 2009; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975 – 2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 24 – June 6, 2010 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 92.67% to 100%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that they hereby support the *Click It or Ticket* seat belt mobilization both locally and nationally from May 24 – June 6, 2010 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

8. Resolution approving two (2) applications for raffle licenses by the Rotary Club of Hillsborough for raffles being held July 19, 2010 through July 24, 2010.

**WHEREAS**, two (2) applications for raffle licenses have been filed by the Rotary Club of Hillsborough for raffles being held July 19, 2010 through July 24, 2010; 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 #1178 and #1179 submitted by the Rotary Club of Hillsborough for raffles being held July 19, 2010 through July 24, 2010.

9. Resolution approving the request from the Hillsborough Rotary Club to use the Township's tent for the Third Annual Hillsborough Rotary Fair to be held July 19, 2010 through July 24, 2010.

**WHEREAS**, the Rotary Club of Hillsborough has requested the Township of Hillsborough's assistance for the Third Annual Hillsborough Rotary Fair on July 19<sup>th</sup> thru July 24, 2010 including the use of the Township tent and the Township's property located at the Hillsborough Promenade, shown as Block 182, Lot 50.02, on the Township of Hillsborough Tax Map; and

**WHEREAS**, the Rotary Club of Hillsborough has signed the Township of Hillsborough's standard agreement form for the use of the tent and has provided the Township with a Certificate of Liability naming the Township as an additional insured; and

**WHEREAS**, the Department of Parks and Recreation and the Recreation Commission recommend that the Rotary Club of Hillsborough's request be approved for use of the tent because they have always taken good care of the tent in the past.

**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 Rotary Club of Hillsborough's request for assistance for the Third Annual Hillsborough Rotary Fair on July 19<sup>th</sup> thru July 24, 2010.

10. Resolution approving the application for Special Permit for Social Affair for the Manville-Hillsborough Elks #2119 to be held on May 22, 2010.

**WHEREAS**, an application for a Special Permit for Social Affair has been filed by the Manville-Hillsborough Elks #2119 for an event to be held on May 22, 2010; and

**WHEREAS**, the submitted application form is complete in all respects.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the application for Special Permit for Social Affair for the Manville-Hillsborough Elks #2119. for event to be held on May 22, 2010.

11. Resolution approving the request from Karen Haby for the release of cash escrow, in the amount of \$660.00, for the installation of trees on Block 205.30, Lot 29.

**WHEREAS**, a request has been received from Karen Haby, for the release of cash escrow for the installation of trees on Block 205.30, Lot 29; 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 \$660.00 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.

12. Resolution approving the request from County Classics Phase 3C for the release of cash escrows from Winter Certificates of Occupancy, in a total amount of \$1,000.00.

**WHEREAS**, a request has been received from Country Classics Phase 3C for the release of Cash Escrows from Winter Certificates of Occupancy; 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 following cash escrow from winter bonds that were posted for the completion of the project:

	<u>Bond Amount</u>
Block 205.31 – Lot 55	\$ 500.00
Block 205.31 – Lot 56	\$ 500.00

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

13. Resolution approving the application for a Carnival License by the Rotary Club of Hillsborough for the Third Annual Hillsborough Rotary Fair to be held July 19, 2010 through July 24, 2010.

**WHEREAS**, an application for a carnival license has been filed by the Rotary Club of Hillsborough for the Third Annual Hillsborough Rotary Fair to be held July 19, 2010 through July 24, 2010; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the carnival application submitted by the Rotary Club of Hillsborough for the Third Annual Hillsborough Rotary Fair to be held July 19, 2010 through July 24, 2010.

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

**CLAIMS LIST**

Deputy Mayor McCauley presented Claims List 2010-09

Upon motion by Committeeman Wagner, seconded by Committeeman Ferrera, Claims List 2010-09 was unanimously approved upon call of the roll.

**ADJOURNMENT**

Upon motion by Committeeman Suraci, seconded by Committeeman Wagner, the meeting duly adjourned at 9:32 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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