

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, Committeewoman Gloria McCauley, Committeeman Carl Suraci, Deputy Mayor Bob Wagner and Mayor Frank DelCore. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Secretary to the Administrator/Clerk Dianne Borngesser.

Following the Salute to the Flag, Deputy 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 May 26, 2009.

APPROVAL OF MINUTES

- *Approval of the April 28, 2009 Regular Session Minutes.*

Upon motion by Committeewoman McCauley, seconded by Deputy Mayor Wagner, the minutes of the April 28, 2009 Regular Session Minutes were unanimously approved upon the call of the roll.

- *Approval of the May 12, 2009 Executive Session Minutes.*

Upon motion by Committeeman Ferrera, seconded by Deputy Mayor Wagner, the minutes of the May 12, 2009 Executive Session Minutes were unanimously approved upon the call of the roll.

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

Committeeman Ferrera

Committeeman Ferrera made an announcement that on Saturday, June 13th, a benefit for Office David Wilson will be held at Cryan's Ale House in North Branch from 8pm till closing. He stated that there will be a 20 dollar donation at the door and the benefit will run from 8pm until closing.

Committeeman Ferrera also made note that the Hillsborough Police Department is still following the Click it Or Ticket program through May 21st. He said that New Jersey has 92% of their drivers wearing seat belts and to remember that wearing a seat belt saves lives.

Committeeman Ferrera also announced that the Police Department had received a Live Scan fingerprint, mug shot computer system. He said the grant was offered by the state police, which saved the department approximately 30 thousand dollars. He said the system enables fingerprints to be taken electronically with the mug shot which will then be immediately sent to NJ State Police for identification purposes.

Committeeman Ferrera thanked the police chief for putting in the grant application and saving the department money.

Committeeman Ferrera also stated that several county projects along Amwell Road have now been completed and that the Zion and Amwell Road intersection is now open.

Committeewoman McCauley

Committeewoman McCauley stated that she does not have anything at this time.

Committeeman Suraci

Committeeman Suraci stated that the Department of Transportation regarding the Route 206 ByPass will have a public meeting on Wednesday June 3rd from 4-7pm at the Municipal Buildings Multi Purpose Room. Stated that the start date is for the Fall of 2009 or Winter of 2010. Committeeman Suraci encouraged the public to attend to learn more about the project.

Deputy Mayor Wagner

Deputy Mayor Wagner stated that the turn out for the Memorial Day Parade was extraordinary. He thanked all of the veterans that came out and shared their stories with the public. He stated that it was a very moving day.

Mayor DelCore

Mayor DelCore stated that there was a tremendous turn out at the Memorial Day Breakfast and Parade.

Mayor DelCore stated that there were over 200 veterans that had attended. He thanked Chief Bob Brock who served as the Grand Marshall for the day and gave a moving speech at the garden of honor. He also thanked everyone who came out for the celebration and remembrance.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

None at this time.

PUBLIC HEARINGS

Ordinance 2009-19

An Ordinance amending Chapter 188 (Development Regulations) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to provide a definition of a "Vertical Axis Wind Turbine" and to revise the requirements for small energy wind systems to permit vertical wind turbine technology.

Committeeman Suraci moved to open the public hearing on Ordinance 2009-19. Said motion was seconded by Deputy Mayor Wagner and carried unanimously by voice vote.

Mayor DelCore stated that Hillsborough had put itself in the forefront on green issues over the past few years, including creating a Sustainability Committee and program, and changing regulations to permit alternative energy sources by homeowners and businesses.

Mayor DelCore said that this ordinance will continue the process by permitting vertical wind mills in addition to the regular, more familiar style of windmill, in Hillsborough.

Mayor DelCore stated that this is another important part of the overall green program designed to help ensure a sustainable future for Hillsborough.

Mayor DelCore stated that there is a small change needed within this ordinance which is the reason for the public hearing. He said that after the public hearing it will have to be amended and will be scheduled for adoption, after a public hearing on the amendment on June 23rd.

Mayor DelCore introduced Mr. Bob Ringelheim, the Township's Planner, to review the specifics of this ordinance.

Mr. Ringelheim stated that after reviewing the Ordinance, the Planning Board recommended a revision to be done to eliminate a clause that would have restricted the use of the vertical axis wind turbines in the residential zones. The purpose of this Ordinance was to help businesses and homeowners to be green and more energy efficient and therefore this clause would have to be removed.

David Ward, 10 Pyne Court, asked if this Ordinance only addressed one particular kind of energy or just a roof mounted turbine.

Mayor DelCore stated that the older Ordinance did not allow for residence to have the new vertical wind turbines and so the revised one does not have these restrictions.

Mr. Ringelheim stated that this Ordinance is mainly for the vertical axis wind turbines which are more of a compact form of the typical wind turbine that tend to be over 100 feet high. This Ordinance would restrict the height requirements.

Committeeman Suraci moved to close the public hearing on Ordinance 2009-19. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Committeeman Ferrera moved to amend Ordinance 2009-19 at a public hearing on June 23, 2009. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

Ordinance 2009-20	An Ordinance appropriating certain monies held by and contributions to be received by the Township of Hillsborough, County of Somerset, State of New Jersey, for the purchase of various Capital Improvements in the amount of \$938,000.00, in and for the Township of Hillsborough.
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Committeeman Suraci moved to open the public hearing on Ordinance 2009-20. Said motion was seconded by Deputy Mayor Wagner and carried unanimously by voice vote.

Mayor DelCore stated that the reduction in state aid by more than \$840,000 over the last two years had resulted in cutbacks in what the Township can do by way of capital improvements in 2009. He said that the projects in the capital ordinance are for the bare minimum.

Mayor DelCore stated that the total capital ordinance this year is nearly \$300,000 or 27% less than last year's.

Mayor DelCore stated that the majority of the ordinance's \$938,000 in funding comes from grants or developer offsite contributions. He made note that there is no borrowing for routine capital improvements.

Mayor DelCore stated that the pay as you go program has helped to avoid debt and interest payments, at a significant savings for taxpayers over the past six years. He said the major capital improvement is the necessary road paving on Mountainview Road, Arthur Road, Brook Drive, Tara Drive, Hiland Drive and Riverview Terrace. He stated that these roads had been long overdue for paving and have been eroded even more by recent sewer connection projects.

Mayor DelCore stated that failure to provide an overlay now would result in the deterioration of the roadways to the point where more extensive and costly road reconstruction would be necessary.

Mayor DelCore said that in order to further protect Township roads prior to their repaving, and to create a more long lasting pothole and road crack repair system, the ordinance also provides \$50,000 in funding for the purchase of an infrared heat screen and black patch hot box equipment.

Mayor DelCore stated that the use of this equipment will reduce the man hours, equipment, and material needed for road repair work. He also said that the Township's Public Works Department should be able to repair more roads at a quicker pace, with less cost, that will provide better road surfaces and safety for the drivers.

Mayor DelCore stated that there is a \$10,000 allocation that does not come from tax dollars, but instead from developer contributions, that is needed in order to match a \$226,000 Somerset county historic preservation grant for the Vanderveer Harris house historic preservation project.

Mayor DelCore said that failure to provide the \$10,000 match would mean that Hillsborough would lose the \$226,000 county grant and be ineligible for future grants for the historic preservation project. He went on to say that the ordinance allocates \$75,000 from developer contributions for sidewalk improvements around the Township, providing funding for this on-going program.

Deputy Mayor Wagner stated that allocation for the infra red would be a solid investment for the township. He stated that it would give local roads a longer life. Stated that he spoke to Mr. Buck Sixt, Director of DPW, and he stated that one of the benefits would be a reduction of man hours.

Committeeman Ferrera stated that by the time this would be approved it would be time for the Township to start repairing the roads.

Committeeman Suraci stated that this would save the Township money.

Deputy Mayor Wagner moved to close the public hearing on Ordinance 2009-20. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

Committeewoman McCauley moved to adopt Ordinance 2009-20. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2009-23

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 new definitions in Section 188-3 and to revise principal permitted

uses and to provide specific conditions for conditional uses in the RA, RS, R, R1, R2, CR, AH, RCA, PD, C-1, OLC, P/R, GA, O-2, O-5, I-1, I-2, I-3, GI and CDZ districts and to revise the conditional use requirements for wireless telecommunications equipment and facilities. Further consideration of this ordinance and public hearing will be held on June 23, 2009.

Mayor DelCore commended the members of the Regulatory Oversight Working Group for their continued work in identifying bureaucratic regulations that can be adjusted or eliminated, in order to spur economic activity. He also commended Committeewoman McCauley, who acts as the liaison, for her continued support.

Mayor DelCore stated that this Ordinance changes conditional uses in various zones which would be beneficial to businesses.

Mayor DelCore stated that this ordinance meets the requirements that the New Jersey court established a few years ago which stated that the conditions must be specific or they no longer are permitted. He said that some conditions are expanded, some eliminated and some new conditions of use are created.

Mayor DelCore said that input had been received from the Business Advocate and the Planning Board Master Plan Sub Committee and had been reviewed and recommended by the Working Group as another positive change.

Mayor DelCore stated that where the conditional uses are established, property owners will benefit from a reduction in cost and time consuming nature of the use variance process.

Mr. Ringelheim stated that he had prepared a chart for the meeting that goes through each of the conditional uses that exist now in each zone and the recommendation for what the course of action is going to be in terms of how each conditional use is treated.

Mr. Ringelheim gave an example of residential areas that eliminates the use of hospital and medical centers for the reason that those are not reasonable uses within a residential zone as well as those uses should be encouraged in other zones if they are going to be built at all.

Mr. Ringelheim also stated that a prime example of how another area would be free standing restaurants that are permitted in a number of non residential zones. Mr. Ringelheim stated that they are made into Principal uses rather than conditional uses.

Mr. Ringelheim stated that when looking at auto body and repair shops within the Industrial districts, new conditionals under vehicle services have been implemented.

Mayor DelCore stated that the reason for eliminating the use of hospital and medical centers in some zones is because they would work better in another zone rather than that of a residential one.

Mr. Ringelheim stated that this is correct, as Medical Centers are now permitted in the Industrial and Commercial Districts.

Committeeman Ferrera thanked Mr. Ringelheim for putting this together.

Committeewoman McCauley moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on June 23, 2009 at 7:30 p.m. Said motion was seconded by Deputy Mayor Wagner and unanimously approved upon call of the roll.

Ordinance 2009-24

An Ordinance amending Chapter 188 (Development Regulations), of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to amend Section 188-74 in order to address multiple buildings and permitted uses on a lot, as well as mixed-

use buildings. Further consideration of this ordinance and public hearing will be held on June 23, 2009.

Mayor DelCore stated that this is another measure as to where the Township is seeking to move the bureaucracy out of the way of business, in order to stimulate economic action.

Mayor DelCore stated that although there are already established permitted uses in a zone, the regulations are changed to allow those uses in combination with other permitted uses, in non-residential zones.

Mayor DelCore explained that prior to this, property owners had to seek a use approval for an additional use in one of their buildings, even though the use was permitted in the zone. He said this change is recommended by the Working Group and the Planning Board.

Mr. Ringelheim stated that the Planning Board recommended this Ordinance at the May 7th meeting and has been reviewed by the Board of Adjustment Attorney, Mark Anderson.

Mr. Ringelheim stated that there are five sections of the proposed Ordinance. He said that existing section A refers to both permitted principal uses on our lot as well as the number of buildings on the lot. He stated that the new section A has been redrafted to address the building limit only.

Mr. Ringelheim stated that section B has been redrafted to address the number of permitted uses only.

Mr. Ringelheim stated that section C refers to small wind energy systems which have been dropped down to a new section E. It had been replaced with a new section that addresses the use of buildings that already exist. This will permit mixed use buildings. Buildings will not have to go through site plan review if the parking or building is not changed.

Mr. Ringelheim stated that existing section D, which is not being changed, regarded multiple uses for Industrial Buildings. The Township now allows a tenant to use a vacant building of 15,000 feet.

Committeewoman McCauley moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on June 23, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2009-25

An Ordinance amending Chapter 188 (Development Regulations), of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to revise the definition of automobile service facility in Section 188-3 and to revise the principal permitted uses in the I-1, I-2, GI and LI Districts. Further consideration of this ordinance and public hearing will be held on June 23, 2009.

Mayor DelCore stated that this ordinance is another change in regulations stemming from the economic action plan.

Mayor DelCore stated that this will clarify the definition of an automobile service facility which was not clear in the Township's regulations and will now permit SUV's, crossovers and light trucks to be serviced at such facilities in commercial zones.

Mayor DelCore stated that it will allow contractor facilities in industrial zones without limiting their operations to enclosed buildings. He said that as part of the economic action

plan, the Township had expanded the permitted use in the industrial zones to allow for outdoor storage with screening.

Mr. Ringelheim stated that the definition of automobile service facility is being changed because there are many different types of vehicles on the road. He stated that outdoor storage would now be permitted.

Committeewoman McCauley stated that these changes are being made to help businesses and residents. She also thanked Mr. Ringelheim for his hard work.

Committeewoman McCauley moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on June 23, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolutions:

- 1. Resolution accepting the resignation of Ron Zilinski, Certified Tax Collector and appointing Nancy Haberle, CFO, to the position of Certified Tax Collector, in addition to her other duties as Treasurer and Chief Finance Officer, effective June 1, 2009, for a term ending December 31, 2010, and authorizing a \$9,000 addition to base salary.**

WHEREAS, State Law (NJSA 40A:9-141) requires every municipality to have a Certified Tax Collector and the need exists to fill the position, in the Finance Office due to the resignation of Ron Zilinski effective May 31, 2009; and

WHEREAS, Nancy Haberle, Chief Finance Officer, passed the Certified Tax Collector's exam on April 1, 2009; and

WHEREAS, Mr. Ziliinski received an annual salary of \$9,000 for his services as Tax Collector; and

WHEREAS, the Township Administrator/Clerk recommends that Ms. Haberle be appointed to fill the position in addition to here other duties as Treasurer and Chief Finance Officer, with a \$9,000 addition to Ms. Haberle's base salary, beginning June 1, 2009.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the recommendation of the Township Administrator/Clerk hereby be accepted and approved, and that Nancy Haberle is hereby appointed as Certified Tax Collector in the Finance Office with a \$9,000 addition to Ms. Haberle's base salary, effective June 1, 2009.

Mayor DelCore stated that every municipality is required by law to have a certified tax collector.

Mayor DelCore also stated that the Committee would like to congratulate the Township's Chief Finance Officer, Nancy Haberle, on her successful completion of the programs and testing necessary to be certified as a Tax Collector by the state.

Mayor DelCore stated that with this appointment, Ms. Haberle will now be responsible for all three major finance positions, CFO, Treasurer, and Tax Collector.

Mayor DelCore stated that the Committee greatly appreciated Mr. Zilinski's service to the Township and his continuing to assist us in serving as Tax Collector for the past two years, in a part time capacity. He said that it is more efficient for the community to have the Tax Collector working and available on a full time basis, which will now be the case with Ms. Haberle in the position.

Mayor DelCore stated that Mr. Zilinski was receiving a salary of \$9000 per year as the part time certified Tax Collector and so there will be no increase in cost in having Ms. Haberle take over the position.

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

- 2. Resolution appointing Jack Daniels, Fire Sub-Code Official, to the additional position of Building Sub-Code Official, effective May 27, 2009, for a four (4) year term, as required by N.J.S.A. 52:27D-126a and authorizing a \$5,000 addition to base salary.**

WHEREAS, due to the retirement of William Stadler on April 30, 2009, there exists the need for a Building Sub-Code Official in the Construction Department pursuant to N.J.S.A. 52:27D-126a; and

WHEREAS, the Township Administrator/Clerk, Director of Building Department and the Construction Official recommend the hiring of Jack Daniels, Fire Sub-Code Official, to the additional position of Building Sub-Code Official, effective May 27, 2009 for a four (4) year term, with a \$5,000 addition to Mr. Daniels' base salary.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Jack Daniels be appointed Building Sub-code Official to a four (4) year term, with a \$5,000 addition to Mr. Daniels' base salary.

Mayor DelCore stated that with this appointment, the Township is taking steps to achieve a major cost savings for taxpayers in the area of personnel.

Mayor DelCore stated that the Committee would like to thank Jack Daniels, who is currently serving as the state mandated Fire Sub Code official in the Building Department, for his willingness to take on the additional state mandated role of Building Sub Code official.

Mayor DelCore stated that Mr. Daniels had proven to be a key player in the effort to make the Building Department more customer friendly over the past few years and the Township greatly appreciates his work in that area.

Mayor DelCore stated that by having one individual serve in both sub code positions, the Township is able to reduce the full time employee headcount.

Mayor DelCore also announced that the former sub code official had received a salary of \$85,000 per year, making it a considerable salary savings for taxpayers.

Mayor DelCore also stated that the costs of health benefits, pensions, and the other benefit costs of a full time employee are eliminated. He also said that the Township will gain an extremely knowledgeable and capable individual to serve as the Building Sub code official.

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

3. Resolution awarding 2009 Road Maintenance, Construction and Paving Materials contract to Tilcon New York, Inc. and Top Line Construction Corp. pursuant to bids received February 5, 2009.

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

“2009 Road Maintenance, Construction and Paving Materials”; and

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

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

<u>Bid Item</u>	<u>Description</u>	<u>Recommended Vendor</u>	<u>Unit Price</u>	<u>Past 2008</u>	<u>Past 2007</u>
18	Bit. Conc. Stone Base I-2, FDA	Tilcon	82.00/ton	70.00	57.25
19	Bit. Conc. Stone I-3, FDA	Tilcon	82.00/ton	70.00	57.25
20	Bit. Conc. Surface I-4, FDA, With Tack & Milling	Top Line	11.65/ton	11.00	10.50
21	Bit. Conc. Surface I-5, FDA, With Tack & Milling	Top Line	15.55/ton	15.65	14.90
29	Hot Mix Base Asphalt 19M64 FDA	Tilcon	82.00/ton	75.00	60.25
30	Hot Mix Surface Asphalt 9.5M64 FDA With Tack and Milling	Top Line	78.95/ton	86.36	79.75
31	Hot Mix Surface Asphalt 12.5M64 FDA	Top Line	78.95/ton	86.36	79.75

With Tack and Milling

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

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

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

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

A notice of this action shall be printed in the official Township newspaper.

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

4. Resolution awarding a contract for 2009 Sidewalk and Curbing Replacement to Jo-Med Contracting Corp., in amount not to exceed \$100,500.00.

WHEREAS, the Township Engineer has determined that there is a need for sidewalk and curb replacement; and

WHEREAS, sealed bids were opened and read on March 4, 2009 at 10:00 a.m., which was the time and place provided for in the Notice to Bidders entitled "2009 Sidewalk and Curbing Replacement"; and

WHEREAS, seven (7) bids were received from the following:

<u>Bidder</u>	<u>Total Amount</u>
Jo-Med Contracting Corp.	\$100,500.00
CMS Construction Inc.	\$101,500.00
A & A Curbing, Inc.	\$105,500.00
Jenicar Builders Contractors Co.	\$111,000.00
Cravo Enterprises, Inc.	\$118,800.00
Cedar Contracting Co., Inc.	\$131,940.00
Top Line Construction. Corp.	\$143,000.00

WHEREAS, Township Attorney Albert E. Cruz, Esq. has reviewed the bid and has provided his comments with respect to the same.

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

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Mayor and the Township Administrator/Clerk are hereby authorized to execute a Construction Contract with Jo-Med Contracting Corp. in an amount not to exceed \$100,500.00.

Mayor DelCore stated that the sidewalk repair contract was also publicly bid and the contract is again awarded to the lowest bidder.

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

5. Resolution authorizing the Mayor and the Township Administrator/Clerk to execute the FY2010 Local Aid Grant application roadway repaving and authorizing the Assistant Township Engineer to submit the grant application for Dukes Parkway West.

WHEREAS, in response to this year's request for applications and in consideration that New Jersey Department of Transportation has made available Roadway Repaving categories for Local Aid; and

WHEREAS, the New Jersey Department of Transportation will evaluate each project and encourages a submission for each, the Assistant Township Engineer; therefore, offers the following detailed explanation of the application:

1. ROADWAY REPAVING

Repaving of Dukes Parkway West

Includes repair of base pavement and installing a new 2" surface course pavement and striping.

The total estimated cost is \$359,000.00 and the application requests \$250,000.00.

WHEREAS, the Assistant Township Engineer requests authorization from the Township Committee to apply for Local Aid for the aforementioned project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the request of the Assistant Township Engineer is hereby granted and the Mayor and the Township Administrator/Clerk are hereby authorized to execute the FY2010 Local Aid Grant Applications for roadway repaving.

Mayor DelCore stated that the Township is seeking a state grant for the re-paving of 1.4 miles of Dukes Parkway West from Route 206 to the Roycefield Road intersection.

Mayor DelCore stated that anyone who had traveled the roadway knows that a re-paving job is due there.

Mayor DelCore stated that the re-paving should qualify for state help because it is a major feeder roadway.

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

Mayor DelCore stated that Consideration 6 and 7 pertain to the funding and award of contract for property revaluation services for the revaluation ordered by the Somerset County Tax Board. He said that these are being held for further work tonight.

Mayor DelCore stated that the Committee had hoped to award the contract tonight but the staff is still conducting its due diligence on the three firms who have submitted proposals through the Fair and Open process.

Mayor Delcore stated that the Committee is having each firms' performance checked in some of the municipalities where work has been performed in the past. He said this is a very important contract and not something to be rushed.

Mayor DelCore stated that the Committee wants to be sure the Township had the right firm and the best firm handling the revaluation.

- 8. Resolution authorizing Maser Consulting, P.A. to perform a Boundary Survey for Block 201, Lot 8 and Block 202, Lots 7 & 11, in an amount not to exceed \$27,200.00 and to perform an environmental assessment for Block 201, Lot 8 and Block 202, Lots 7 & 11 (Van Nuys Farm), in an amount not to exceed \$3,100.00.**

WHEREAS, on January 6, 2009, as a result of the fair and open procurement process, N.J.S.A. 19:44A-20.4-5 et seq., Maser Consulting, P.A., was awarded a professional services contract designating Maser Consulting, P.A., as the Township of Hillsborough Engineer; and

WHEREAS, there is now the necessity for professional survey services; namely, to provide professional surveying services for Block 201, Lot 8 and Block 202, Lots 7 & 11 in a sum not to exceed \$27,200.00, as described in a proposal from Maser Consulting, P.A., dated May 15, 2009; and

WHEREAS, there is now the necessity for professional environmental services; namely, to provide professional environmental services for Block 201, Lot 8 and Block 202, Lots 7 & 11 in a sum not to exceed \$3,100.00, as described in a proposal from Maser Consulting, P.A., dated May 15, 2009; and

WHEREAS, Maser Consulting, P.A. is able to provide these services pursuant to the contract award on January 6, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Maser Consulting, P.A., is authorized to provide consulting services outlined in their proposal, dated May 15, 2009, in an amount not to exceed \$30,300 for surveying and environmental services for Block 201, Lot 8 and Block 202, Lots 7 & 11 (Van Nuys Farm).

Mayor DelCore stated that as it had been discussed at a previous meeting, the Township is moving forward on the preservation of 162 acres of farmland at the Van Nuys farm.

Mayor DelCore stated that in preparation for that finalization of that preservation project a boundary survey and Phase I environmental analysis must be completed.

Mayor DelCore stated that Maser Consulting, the Township Engineer, will provide the services. He said the Township is seeking grant funding from the state, county and federal governments to provide for the majority of the overall purchase price of the development rights at the farm

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

9. Resolution authorizing the Township of Hillsborough the waiving of building, plumbing, and fire sub-code permit fees for Hillsborough participants in the Somerset County Housing Rehabilitation Program.

WHEREAS, the Township of Hillsborough received a Housing Rehabilitation Grant from the Somerset County Community Development Block Grant Office; and

WHEREAS, it is beneficial to waive the cost of building, plumbing, and fire sub-code permit fees for residents who have received grants.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that all building, plumbing, and fire sub-code permit fees be and are hereby waived for Housing Rehabilitation grantees.

BE IT FURTHER RESOLVED that due to State and contractual requirements, that Electrical sub-code permit fees and D.C.A. training fees cannot be waived.

FURTHERMORE, that a copy of this resolution be forwarded to the Construction office.

Mayor DelCore stated that Mr. Ron Skobo, the Director of the Building Department, advised that waiving the fees on the few home rehabilitation projects by the County's Housing program is a requirement, in order for Hillsborough residents to continue to be eligible for the program.

Mayor DelCore stated that this is a program funding by federal community development funds and administered by the county. He said that there is a low income eligibility qualification to be considered for the program.

Mayor DelCore stated that there are no more than two or three projects in Hillsborough each year.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution authorizing the transfer of \$22,447.92 from the Engineering Inspection Escrow Account to the Treasurers Account.

WHEREAS, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$22,447.92 should be transferred from the Subdivision and Site Plan Engineering Trust Accounts into the Treasurer’s Account as indicated; and

WHEREAS, each of the project line items has been verified against the Treasurer’s Office account records through April 30, 2009, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$22,447.92 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Belle Mead Physical Therapy	535	-488.90
Colonial Square at Belle Mead	323	-80.00
Country Classics – 3B	326	-77.04
Country Classics – 3C	331	-752.58
East Hill Partnership	349	-626.42
High Branch Land, Inc.	373	133.16
Hillsborough Chase	376	-1,569.36
Hillsborough Chase II	488	-937.35
Hillsborough Promenade/Krame	380	-278.52
Kosinski 2008 – 37	530	-147.10
Pleabeazin	477	-3,179.65
Pat Richard (DeMaio)	526	-118.52
Pleasant View Estates III	490	-1,206.99
Quick Chek	509	-154.08
Rd/Opening Permit #2008-07	517	-124.44
Roycebrook Meadows	489	-1,013.16
Stellar Academy	532	-3,703.38
Wiseman (Hills. Realty)	495	-2,019.23
Walgreen’s Pharmacy	522	-3,208.90
Westmeade Development	450	-2,305.14
Grand Total		-22,447.92

2. Resolution authorizing tuition reimbursement to Officer Christopher Kennedy for completion of the class “Critical Legal Issues in Criminal Justice” taken through Kaplan University in the amount of \$1470.54 and authorizing Office Christopher Kennedy to take “Criminological Theory” and authorizing Officer Christopher Kennedy to be eligible for tuition reimbursement of said course once it has been successfully completed.

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

WHEREAS, financial assistance for education is outlined in Article XVIII of the current P.B.A. contract; and

WHEREAS, Officer Kennedy has successfully completed the "Critical Legal Issues in Criminal Justice" course through Kaplan University; and

WHEREAS, Officer Kennedy has requested consideration under the Township's Educational Assistance provisions; and

WHEREAS, the Chief of Police has requested favorable consideration of Officer Kennedy's request for financial reimbursement of seventy-five percent (75%) of the \$1,960.73 cost incurred for a total of \$1,470.54; and

WHEREAS, Officer Kennedy is requesting authorization to take "Criminological Theory" towards his Master of Science degree in Criminal Justice; and

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

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

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

3. Resolution approving a request from Toll Brothers for reduction of Performance Bond in the amount of \$282,274.00 and for reduction of Cash Bond in the amount of \$31,363.00 at Roycebrook Meadows for a total of \$313,637.00.

WHEREAS, a request was received from Toll Brothers for a reduction of the Performance Bond and the Cash Bond for Roycebrook Meadows; and

WHEREAS, Assistant Township Engineer Thomas Belanger certifies that sufficient progress has been made at the Roycebrook Meadows project to warrant a reduction of the Performance Bond and Cash Bond; and

WHEREAS, Assistant Township Engineer Thomas Belanger recommends that the Township Committee take action to reduce the following Performance and Cash bonds:

1. Reduce Performance Bond No. 019-025-262 (site improvements) from \$839,047.00 to \$556,773.00, releasing \$282,274.00.
2. Reduce the Cash Bond (site improvements) from \$93,227.00 to \$61,864.00, releasing \$31,363.00.

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.

4. Resolution authorizing the Township Administrator/Clerk to solicit bids for an Infra Red Paving machine.
5. Resolution authorizing the Mayor and Township Administrator/Clerk to enter into a Conservation/Open Space Agreement to maintain a wildlife/bird habitat on Beekman Lane (Block 145, Lot 32) with Quick Farm at no cost.

WHEREAS, the Township of Hillsborough is required to maintain Beekman Lane (Block 145, Lot 32) as a wildlife/bird habitat by the NJDEP; and

WHEREAS, the Township Committee has decided to enter into a Conservation/Open Space agreement to maintain a Wildlife/Bird Habitat on Beekman Lane (Block 145, Lot 32) with Quick Farm at not cost; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/Clerk is hereby authorized to enter into a Conservation/Open Space Agreement with Quick Farm, for wildlife/bird habitat services, for Block 145, Lot 32, at no cost.

6. Resolution authorizing refund of tax overpayments in the amount of \$85,037.45.

WHEREAS, a real property tax payer overpaid their real property taxes and:

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

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Tax Collector is hereby authorized to refund said amount to the property owner. Total, \$85,037.45.

Block	Lot	Name	Amount	Qtr	Year
4	2.F	First American Tax Service	3,401.67	2 nd	2009
16	1	Countrywide Home Loans	1,530.11	2 nd	2009
58	72.59	Countrywide Home Loans	2,124.82	2 nd	2009
58	72.111	First American Tax Service	2,014.02	2 nd	2009
140.02	87	Countrywide Home Loans	1,578.35	2 nd	2009
145	41	Countrywide Home Loans	1,622.82	2 nd	2009
145	46	First American Tax Service	2,167.78	2 nd	2009
149.08	72	First American Tax Service	1,725.33	2 nd	2009
149.12	22	Wells Fargo Real Estate Tax Service	2,406.72	2 nd	2009
150.04	12	First American Tax Service	2,541.64	2 nd	2009
150.07	1	First American Tax Service	2,497.93	2 nd	2009
151.01	9	Wells Fargo Real Estate Tax Service	2,280.09	2 nd	2009
151.03	47	First American Tax Service	2,633.60	2 nd	2009
151.05	1	First American Tax Service	2,639.63	2 nd	2009
151.06	74	Countrywide Home Loans	2,278.50	2 nd	2009
151.07	3	Wells Fargo Real Estate Tax Service	2,241.65	2 nd	2009
151.13	12	First American Tax Service	2,683.35	2 nd	2009
151.20	4.4 Condo	First American Tax Service	1,172.08	2 nd	2009
151.20	16.4 Condo	Wells Fargo Real Estate Tax Service	1,221.83	2 nd	2009
151.20	19.9 Condo	First American Tax Service	1,193.94	2 nd	2009
153.05	22078	First American Tax Service	1,342.43	2 nd	2009
153.05	22087	First American Tax Service	1,355.24	2 nd	2009
Block	Lot	Name	Amount	Qtr	Year

153.08	10.150 Condo	First American Tax Service	595.46	2 nd	2009
155.01	62	Caswell, Linda	431.28	2 nd	2009
163.08	1102 Condo	First American Tax Service	1,052.30	2 nd	2009
163.06	1212 Condo	First American Tax Service	1,187.91	2 nd	2009
163.09	9.94 Condo	First American Tax Service	1,077.11	2 nd	2009
163.22	2534 Condo	First American Tax Service	1,361.27	2 nd	2009
163.22	2311 Condo	Wells Fargo Real Estate Tax Service	1,361.27	2 nd	2009
168	6.B	First American Tax Service	2,494.91	2 nd	2009
171	7.02	Wells Fargo Real Estate Tax Service	2,660.04	2 nd	2009
174	113	First American Tax Service	2,023.82	2 nd	2009
175.13	2.13	First American Tax Service	2,520.54	2 nd	2009
177.E	5	First American Tax Service	1,344.69	2 nd	2009
178.02	141	Wells Fargo Real Estate Tax Service	1,331.88	2 nd	2009
180.05	1	Beazer Homes	489.94	2 nd	2009
180.05	2	Beazer Homes	489.94	2 nd	2009
182	59	First American Tax Service	2,623.80	2 nd	2009
199	97	Wells Fargo Real Estate Tax Service	2,482.10	2 nd	2009
199	121	Wells Fargo Real Estate Tax Service	2,339.64	2 nd	2009
203	19.02	Land America Tax Service	1,817.29	2 nd	2009
203.07	19	First American Tax Service	3,799.65	2 nd	2009
205.31	44	Wells Fargo Real Estate Tax Service	603.00	2 nd	2009
207.01	38	First American Tax Service	2,326.83	2 nd	2009
207.10	15	First American Tax Service	3,969.25	2 nd	2009

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

CLAIMS LIST

Mayor DelCore presented Claims List 2009-10

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Ferrera, Claims List 2009-10 was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the meeting duly adjourned at 8:19 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC
Township Clerk

