

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 Robert C. Wagner, Jr., Deputy Mayor Gloria McCauley and Mayor DelCore. Also, in attendance were substitute Township Attorney William Willard, Township Administrator/Clerk Kevin P. Davis and Assistant to the Administrator Dianne Borngesser. Committeeman Carl Suraci arrived at 8:00 p.m.

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

Mayor DelCore reported we have been advised that the Central Jersey Transportation Forum is seeking a representative from Hillsborough to serve on that Committee. The group meets to develop and lobby for transportation projects in the central New Jersey area, and Mayor DelCore said he believes having representation from Hillsborough will help to keep our issues, such as the 206 by pass and widening projects, in the forefront of discussions.

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, the appointment of Deputy Mayor Gloria McCauley as the Hillsborough representative to the Central Jersey Transportation Forum was unanimously approved upon call of the roll.

PROCLAMATIONS/APPOINTMENTS

- *Proclamation honoring Hillsborough resident Wayne Forrest for his service as Somerset County Prosecutor from December 19, 1997 to May 1, 2010.*

WHEREAS, Wayne J. Forrest, a distinguished resident of Hillsborough, took the oath of office to become the 22nd Prosecutor for Somerset County on December 19, 1997, having been nominated by Governor Christie Whitman, and continued to serve as Somerset County Prosecutor through several gubernatorial administrations, until retiring from the Office on May 1, 2010; and

WHEREAS, Wayne Forrest brought integrity, professionalism, and a commitment to excellence to the Somerset County Prosecutor's position when it was needed most by the people and law enforcement community of Somerset County; and

WHEREAS,, throughout his tenure as Prosecutor, Mr. Forrest was the moving force behind many innovative crime prevention, victims assistance, and law enforcement programs that protected and benefited the people of Somerset County, while also providing valuable assistance to Police Departments throughout the county; and

WHEREAS, under Wayne Forrest's leadership, the Somerset County Prosecutor's Office trial teams have achieved 100-percent jury trial conviction rates, created a Countywide Dive-Rescue Team, established a Gangs and Guns Task Force, developed the S.T.A.N.D. anti drug program, and created a multi-disciplinary county-wide Arson Investigation Task Force; and

WHEREAS, Prosecutor Forrest implemented a county-wide criminal intelligence system utilizing the state-of-the-art "CrimeNtel" software which has proven to be an important component in the success of Somerset County's narcotics and burglary enforcement efforts, instituted an Annual Law Enforcement Award for Outstanding Crime Victim Advocacy, and acquired the ADT A.W.A.R.E. (Abused Women's Active Response Emergency) system for domestic violence victims in Somerset County; and

WHEREAS, Mr. Forrest, a U.S. Army veteran, has a prominent career in law enforcement and the legal profession, having served in the New Jersey Attorney General's Office, originally in 1979 as an investigator, and then, after gaining his law degree from Seton Hall University, as a Deputy Attorney General, including heading the Major Fraud and Securities Section prior to his appointment as Somerset County Prosecutor.

NOW, THEREFORE, BE IT PROCLAIMED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township Committee thanks and commends Wayne Forrest for bringing integrity, professionalism, and national stature to Somerset County's chief law enforcement agency, and for his leadership, dedication, and service, both while serving as the County Prosecutor and in his long distinguished career in the legal profession and law enforcement.

Mr. Forrest thanked the Mayor and Township Committee for his proclamation.

- *Proclamation honoring Eagle Scout David Elisha Curry-Bryan*

WHEREAS, David Elisha Curry-Bryan, a member of Boy Scout Troop 193, has earned the status of Eagle Scout; and

WHEREAS, we, the Township Committee of the Township of Hillsborough, recognize the many hours David devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, David has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, David's Eagle Scout Leadership Project involved designing and constructing a lakeside bench, and erecting over one hundred feet of split-rail fencing along the Red Trail within Cheesequake State Park of Matawan, NJ; and

WHEREAS, David's project resulted in a comfortable resting place at the lakefront; and

WHEREAS, David's project resulted in fencing along the Red Trail that aids hikers ascending an incline while protecting the wildlife in the stream below; and

WHEREAS David Elisha Curry-Bryan serves as an example to youth through his high level of personal and academic achievement, leadership, and community service, and we are very proud that David is a member of our greater community.

NOW, THEREFORE, BE IT PROCLAIMED that we, the members of the Hillsborough Township Committee, do hereby recognize and extend our sincere congratulations to David Elisha Curry-Bryan for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

APPROVAL OF MINUTES

- *Approval of the May 17, 2010 Special Session Minutes*

Upon motion by Deputy Mayor McCauley, seconded by Committeeman Ferrera, the minutes of the May 17, 2010 Special Session were approved upon the call of the roll.

Yes – Ferrera, McCauley, DelCore

Abstain – Wagner

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

Committeeman Ferrera

Committeeman Ferrera encouraged residents, during this difficult economic time, to donate to the local food bank in Hillsborough.

Committeeman Ferrera reported on June 6th about twenty members of the Hillsborough Republican Club, along with Senator Kip Bateman, worked together in cleaning up the Dumont Burial Ground on River Road; the burial site of Peter Dumont Vroom, the Ninth Governor of New Jersey. Committeeman Ferrera thanked Skip Krals for leading this effort, as well as, Mike and Marie Avolio for donating the food and refreshments. Committeeman Ferrera also thanked Duke Farms for cooperating with the Township.

Committeeman Wagner

Committeeman Wagner thanked everyone who participated in this year's Memorial Day Commemoration program, including our Grand Marshal Ted Dima. Committeeman Wagner said we had over 200 veterans attend our Salute to Veteran's Breakfast, along with their spouses and the spouses of deceased veterans.

Committeeman Wagner thanked the Parks and Recreation Department, the Public Works Department, the employees in the Administration Office, the veterans and civic organizations that marched in the parade, and all the residents who attended.

Committeeman Wagner said a slide show of the 2010 Memorial Day Commemoration parade and ceremonies can be viewed on the Township website at www.hillsborough-nj.org.

Committeeman Wagner reported the Somerset County Freeholder's will provide 50% of the shared cost of the preservation of the nearly 20 acre Anri Farm located on Willow Road. At their May 25th meeting the Freeholders approved a resolution authorizing funding for half of the \$365,000 cost to preserve the development rights at that farm.

Committeeman Wagner stated the preservation of this property has been recommended by the Open Space Advisory Committee and is one of the few farms in that area not yet under preservation. Committeeman Wagner said he has been advised that Mr. Cruz is working on the

final details and paperwork for the preservation contract. Committeeman Wagner said Hillsborough appreciates the support of the Freeholder's.

Committeeman Ferrera

Committeeman Ferrera reported the Primary Election is tomorrow. Residents who usually vote at Mary Mother of God Church, districts 2, 13, 14 and 19, the polling location is changed to vote at the Municipal Building.

Deputy Mayor McCauley

- Nothing at this time.

Mayor DelCore

Mayor DelCore said it was an honor to be a part of Hillsborough's Memorial Day Commemoration. Mayor DelCore thanked everyone involved in coordinating the Memorial Day ceremonies.

NEW BUSINESS

- *None at this time*

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

PUBLIC HEARINGS

Ordinance 2010-14 An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to add the definition of Personal Service Establishments in Section 188-3 and to permit Personal Service Establishment in the C-1, OLC, P/R, O2, GA, GB and HS Districts.

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

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

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

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

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

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

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

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

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

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

- (9) Community shopping center including retail sales of goods and **personal service establishments**, freestanding restaurants, outdoor garden centers, theaters, dinner theaters, theatrical play houses for live performances, bowling alleys, ice and roller skating rinks, gymnasiums, juvenile exercise facilities, offices, catering and banquet facilities, public facilities including, but not limited to government offices, auditoriums, meeting halls, libraries, museums, cultural facilities, parks, and park and ride facilities provided that the development meets the bulk and design standards set forth in Subsection F.

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

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

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

- (15) Personal service establishments.

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

- (17) Personal service establishments.

Section 9. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

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

Committeeman Wagner moved to open the public hearing on Ordinance 2010-14. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor DelCore stated this ordinance, which is recommended by the Regulatory Oversight Working Group and is a component of the Township's continuing economic action plan, will allow personal service establishments in the Highway Service and Gateway B Districts.

Mayor DelCore said this change, we are advised, opens up the potential of more business opportunities in these two districts, while leaving the retail sale of goods predominantly in Town Center and other districts that permit retail sales, in accordance with the Master Plan. Mayor DelCore reported the change was reviewed and recommended by the Planning Board. Township Planner Bob Ringelheim is with us tonight to provide more information.

Mr. Ringelheim stated currently as the ordinance reads retail uses are tied to personal service establishments. Any zone where retail is permitted personal service establishments is permitted. Mr. Ringelheim explained this ordinance defines personal service establishments, so we can now separate retail out and make this use permitted in zones that retail uses are not currently permitted. The zones we are proposing are the Highway Service and the Gateway B. Mr. Ringelheim said this will add to those zones in terms of the allowable uses.

Committeeman Wagner moved to close the public hearing on Ordinance 2010-14. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Committeeman Wagner moved to adopt Ordinance 2010-14. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Ordinance 2010-15 An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to provide buffer requirements for drive through facilities as conditional uses in the LI and HS Districts.

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

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

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

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

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

Section 3. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

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

Committeeman Ferrera moved to open the public hearing on Ordinance 2010-15. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

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

Mayor DelCore reported the proposed ordinance establishes a minimum 60 foot year round specific vegetation buffer, such as fencing, landscaping or berms that are not now required. This means that the owner of a property with a drive through business will have more usable area on the property, there will, however, be a more substantial buffer for any nearby residents.

Mayor DelCore explained approval will still require a site plan approval by the appropriate land use board. The Planning Board also reviewed and approved this change.

Mr. Ringelheim stated currently the drive through facilities require a 100 foot setback to any residential zone or use. Mr. Ringelheim explained within that setback there is nothing in the ordinance that says that any sort of buffering has to be provided. However, this ordinance will change that by formally requiring a buffer to be established with a conservation easement, which means the developer cannot take it down, it will have to remain in place. Mr. Ringelheim said this protects the residents while reducing the actual area that is reserved from 100 to 60 feet.

Deputy Mayor McCauley reported the two ordinances are the 22nd and 23rd changes implemented under Hillsborough's Economic Action Plan which was initiated nearly 18 months ago in January, 2009, in response to the downturn in the economy. The Working Group continues to uncover various rules and regulations that, when adjusted, can have a positive impact on Hillsborough's economic vitality.

Deputy Mayor McCauley said she has asked them to keep speaking with our business community, as we all do, to determine how else business can be helped, and to keep examining the rules in the administrative code to determine where change can be positive.

Deputy Mayor McCauley thanked Mr. Ringelheim for his input this evening.

Committeeman Wagner moved to close the public hearing on Ordinance 2010-15. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Committeeman Wagner moved to adopt Ordinance 2010-15. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2010-19 Calendar Year 2010 Ordinance to Establish a Budget Cap Bank.
(N.J.S.A. 40A:4-45.14) *Further consideration of this ordinance and public hearing will be held on July 13, 2010.*

WHEREAS, the Local Government Cap Law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Hillsborough, County of Somerset, finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$807,104.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, advisable and necessary; and

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as a cap exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Hillsborough, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2010 budget year, the final appropriations of the Township of Hillsborough shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$807,104.38 and that the CY 2010 municipal budget for the Township of Hillsborough be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor DelCore reported under the state budget law the unused portion of the appropriations cap, which is different than the tax levy cap, may be reserved to be available in the next two years. Each year since 2002 Hillsborough has been able reserve some appropriation authorization in the cap bank. Mayor DelCore said the cap bank has no impact on taxes.

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

Ordinance 2010-20 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 \$753,625.00, funded by Grants and Developer contributions, not tax dollars, in and for the Township of Hillsborough. *Further consideration of this ordinance and public hearing will be held on July 13, 2010.*

WHEREAS, the following off-site contributions of \$453,625.00 have been received from various developers to be utilized for general improvements throughout the Township in accordance with Planning Board resolutions of approval, and

C-04-54-000-008	Brentwood Hills	100,000.00
C-04-54-000-028	Hillsboro Industrial Park	13,000.00
C-04-54-000-060	Raider Blvd.	19,000.00
C-04-54-000-075	Southgate	79,000.00
C-04-54-000-085	Willows Landing	242,625.00
Total		<u>453,625.00</u>

WHEREAS, a grant has been awarded to the Township of Hillsborough from the New Jersey Department of Transportation, Transportation Trust Fund for road paving in the amount of \$200,000.00, and

WHEREAS, the following off-site contributions of \$100,000.00 have been received from various developers to be utilized for sidewalk improvements throughout the Township in accordance with Planning Board resolutions of approval, and

C-04-53-000-023	Paddocks	15,000.00
	Pleasantview	
C-04-53-000-025	Farms	10,000.00
C-04-53-000-027	Raritan Hills	11,000.00
C-04-53-000-031	Rolling Meadows	22,000.00
C-04-53-000-035	Southgate III	21,000.00
C-04-53-000-040	Willows Landing	13,000.00
C-04-53-000-050	Kindercare	8,000.00
Total		<u>100,000.00</u>

WHEREAS, the Hillsborough Township Committee has determined there is a need to appropriate the aforesaid developer contribution Capital funds for the following purposes and amounts:

	Road Overlays – including, but not limited to, Dukes Parkway West, Taurus Drive, and	
1.	Camplain Road	653,625.00
2.	Sidewalk Improvements	100,000.00

753,625.00

WHEREAS, this Capital Ordinance is funded exclusively with grants and developer contribution funds, without taxpayer monies or Township Budget appropriations;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the aforementioned sums are hereby appropriated.

This ordinance shall take effect upon final adoption and publication according to law.

Mayor DelCore reported this ordinance will create the funding needed to move ahead with a road paving and sidewalk replacement program this year. The full \$753,000 is funded by a state road aid grant and developer offsite contributions. \$653,000 is allocated for road paving, including Dukes Parkway West, for which there is a \$200,000 grant, and Camplain Road and Taurus Drive, and \$100,000 is allocated for sidewalks. Mayor DelCore said no tax dollars are allocated for these purposes.

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

INTRODUCTION OF MUNICIPAL BUDGET

Mayor DelCore moved to considerations, due to the fact that Committeeman Suraci has not arrived because of a family engagement, and would like to participate in the budget discussion.

CONSIDERATIONS

Mayor DelCore offered the following resolutions:

1. Resolution rescinding authorization for layoff notices to the members of Hillsborough Township Police Dispatchers Local #701.

WHEREAS, on March 13, 2010, the Hillsborough Township Committee authorized the issuance of layoff notices to all Hillsborough Township employees covered by collective bargaining agreements including members of the Police Dispatchers Local #701 for reasons of economy; and

WHEREAS, the Hillsborough Township Police Dispatchers Local #701 and the Township of Hillsborough have approved a Memorandum of Agreement which includes a 0% salary increase 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 authorization for the issuance of layoff notices to members of Dispatchers Local #701 is rescinded.

Mayor DelCore reported at the last Township Committee meeting the Township approved an agreement with the Dispatchers for a contract covering the period 2009 – 2010. As a result of the group agreeing to a zero increase in 2010, the Township Committee agrees to rescind the authorization for layoff notices to the Dispatchers.

Mayor DelCore reported the Dispatchers are the fifth group to agree to no increase or a reduction in 2010. Mayor DelCore said we again thank them for their cooperation.

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

2. Resolution authorizing the cancellation of Capital Account balances.

WHEREAS, certain General Capital Improvement Authorization balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said improvement authorization balances so that the unexpended balances may be canceled and be returned to their respective accounts as summarized below;

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the following unexpended and dedicated balances of General Capital Ordinances be canceled in an amount totaling \$274,649.41, with their respective balances being returned to the appropriate General Capital Accounts from which the initial authorizations were funded.

<u>Account Description</u>	<u>Account Number</u>	<u>Balance Canceled</u>
Ambulance	C-04-55-234-550	1,345.01 CIF
Replace V-Plow	C-04-55-234-570	1,600.00 CIF
NCIC Upgrades	C-04-55-234-582	1,205.00 CIF
Hillsboro Rd Overlay	C-04-55-234-903	2,728.67 CIF
Stormwater Control Plan	C-04-55-417-815	25,000.00 CIF
Water E. Mountain & So Branch	C-04-55-432-810	8,328.22 CIF
Right of Way Township Line	C-04-55-432-880	350.00 CIF
Recreation Master Plan	C-04-55-517-530	50,000.00 Offsite
Dredge Claremont Pond	C-04-55-517-800	195.82 CIF
Upgrade Municipal Complex Security	C-04-55-715-501	364.00 CIF
Purchase Digital Recording System	C-04-55-715-503	5,493.00 CIF
Replace 1977 JD544 Rubber Tire Loader	C-04-55-715-571	1,180.00 CIF
Pole-Style Storage Bldg.	C-04-55-817-530	18,465.69 CIF
Replace 2 Ford Mason Dump Trucks	C-04-55-818-572	5,680.00 CIF
Road Overlays	C-04-55-920-900	152,714.00 Offsite
Total Balances Canceled		<u>274,649.41</u>

Break down of balances

Developer Contributions	202,714.00 Offsite
Capital Improvement Fund	<u>71,935.41 CIF</u>
Total Balances Cancelled	<u>274,649.41</u>

Mayor DelCore reported this resolution cancels \$274,649.41 from previously approved capital ordinances and returns the cancelled funds to the Capital Improvement Fund or to the appropriate developer offsite contribution fund for future allocation. The cancellation of these accounts assisted in the development of the 2010 budget by allowing for a lower appropriation to the capital improvement fund for needed infrastructure improvements this year.

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

3. Resolution accepting the Recreation Opportunities for Individuals with Disabilities Grant from the New Jersey Department of Community Affairs, in the amount of \$15,000, and authorizing the Mayor and the Township Administrator/Clerk to execute said grant agreement.

WHEREAS, the Township Committee, by resolution dated June 23, 2009, authorized the submission of a Recreation Opportunities for Individuals with Disabilities (ROID) Grant Application to the New Jersey Department of Community Affairs (NJDCA) to help offset costs associated with Inclusive Recreation Specialist position; and

WHEREAS, the NJDCA has awarded the Township of Hillsborough the aforementioned Grant in the amount of \$15,000.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Recreation Opportunities for Individuals with Disabilities (ROID) Grant of \$15,000 is hereby accepted and Mayor Frank DelCore and Township Administrator/Clerk Kevin P. Davis are hereby authorized to execute said grant agreement and any other documents necessary in connection therewith.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that upon receipt of the fully executed agreement from the DCA, it does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Hillsborough and the New Jersey Department of Community Affairs.

Mayor DelCore reported the recreation opportunities for individuals with disabilities grant provides funding help for the Township's inclusive recreation summer programs. This is the third year that Hillsborough has received this grant.

Mayor DelCore congratulated Rich Resavy, the Parks and Recreation Director, for his success in once again obtaining approval for this grant.

Mayor DelCore thanked Beth Baldwin, the volunteer grant writer who helped to initially obtain this grant for our inclusive programs.

Committeeman Ferrera thanked Rich Resavy, Beth Baldwin and Vanessa Fowler for their hard work and dedication in acquiring this grant for special needs children which helps funding for the recreation programs in town.

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

4. Resolution awarding a contract to East Coast Media, LLC, for Printing Service for the period from June 1, 2010 to May 31, 2012, based upon prices set forth in their bid opened on June 3, 2010.

WHEREAS, the Township Administrator/Clerk determined that there is a need for printing services for the period from June 1, 2010 to May 31, 2012; and

WHEREAS, a notice of advertisement for bids, and an Invitation to Bid were prepared and advertised on April 22, 2010; and

WHEREAS, eight (8) sealed bids were received, opened and read on June 3, 2010, at 10:00 a.m., which was the time and place as provided for in the Invitation to Bid; and

WHEREAS, the three (3) lowest bids are as follows:

<u>BIDDER</u>	<u>TOTAL AMOUNT OF BID</u>
East Coast Media, LLC	\$17,993.60
LFS Printing Company, LLC	18,509.75
Mariano Press	18,327.04

WHEREAS, East Cost Media, LLC, bid on all of the items in the quantities requested; and

WHEREAS, an award of contract is made to East Coast Media, LLC; and

WHEREAS, the Township Attorney has reviewed the proposal and has provided the Township Committee with his comments regarding same; 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. An award of contract for Printing Services for the Period from June 1, 2010 to May 31, 2012 is granted to East Coast Media, LLC.
2. The Mayor and Township Clerk are hereby authorized to execute the Township's standard form of agreement for goods and services and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.

Mayor DelCore reported through the sealed bid purchasing process, the Township received eight bids for the two year printing contract. That competition helped to drive down prices and East Coast Media had the lowest bid.

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

5. Resolution authorizing the appointment of Helga Leash as a part time, substitute, temporary assistant in the Engineering Department at an hourly rate of \$14.50 per hour, not to exceed 29 hours per week, for a period ending December 31, 2010.

WHEREAS, there is the need for a part time, substitute, temporary Assistant in the Engineering Department due to extend sick leave; and

WHEREAS, the Assistant Engineer recommends the appointment of Helga Leash to the position of part time, substitute, temporary Assistant in the Engineering Department at an hourly rate of \$14.50 per hour, not to exceed 29 hours per week, for a period ending December 31, 2010.

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 Engineer is hereby accepted and approved, and Helga Leash be appointed to the position of part time, substitute, temporary Assistant in the Engineering Department at an hourly rate of \$14.50 per hour, not to exceed 29 hours per week, for a period ending December 31, 2010.

Mayor DelCore reported due to disability and health issues impacting on the attendance of clerical staff in the Engineering Office, there is a need to have someone on call to substitute on an as needed basis, in order to ensure that the public is served in that Department. Ms. Leash, a retired Hillsborough employee, has valuable experience in Engineering, having formerly worked in the Department, and has volunteered to fill in when needed. Mayor DelCore said we appreciate her helping out in this situation.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution approving request from the Alzheimer's Association for a letter of no objection for the launch of hot air balloons on June 19, 2010 with a rain date of June 26, 2010 at the Hillsborough Country Club.

WHEREAS, the Alzheimer's Association is seeking permits from the Federal Aviation Administration (FAA) to launch hot air balloons from the Hillsborough Country Club, 146 Wertsville Road; and

WHEREAS, in order to obtain said permits, the Alzheimer's Association is required to have a letter of no objection signed by the Township Administrator; and

WHEREAS, the Chief of Police does not object to the launching of hot air balloons from the Hillsborough Country Club upon them having the proper permits from the FAA.

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 is authorized to send a Letter of No Objection to the Alzheimer's Association for the launch of hot air balloons on June 19, 2010 with a rain date of June 26, 2010.

2. Resolution approving request from Somerset County for the waiver of application and escrow fees for Minor Subdivision-Open Space application.

WHEREAS, Somerset County has filed a Minor Subdivision application to create perpetual open space within the Township of Hillsborough has asked that application and escrow fees be waived.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the application and escrow fees in connection with the above be and are hereby waived.

3. Resolution authorizing the Hillsborough Township Tax Collector to prepare and mail estimated tax bills in accordance with P.L. 1994, c. 72.

WHEREAS, The Hillsborough Township Finance Office will be unable to mail the Township's 2010 tax bills on a timely basis due to unforeseen budget issues;

WHEREAS, the Hillsborough Township Chief Finance Officer/Tax Collector has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, in the County of Somerset and State of New Jersey on this 7th day of June, 2010, as follows:

1. The Hillsborough Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2010 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2010 is hereby set at \$119,303,759.90.
3. In accordance with law the third installment of 2010 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.
4. Resolution approving the application for Special Permit for Social Affair for the Manville-Hillsborough Elks to be held on June 19, 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 June 19, 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 June 19, 2010.

5. Resolution approving the application for a Carnival License for Mary Mother of God Church for a carnival to be held on June 11, 2010.

WHEREAS, an application for a carnival license has been filed by Mary Mother God Church for a carnival to be held on June 11, 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 Mary Mother of God Church for a carnival to be held on June 11, 2010.

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

CLAIMS LIST

Mayor DelCore presented Claims List 2010-11

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, Claims List 2010-11 was unanimously approved upon call of the roll.

Mayor DelCore announced the arrival of Committeeman Suraci.

INTRODUCTION OF MUNICIPAL BUDGET

- Resolution authorizing the introduction of the 2010 Municipal Budget and setting the public hearing for July 13, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it does hereby authorize the introduction of the 2010 Municipal Budget and sets the public hearing for July 13, 2010.

Mayor DelCore said fashioning a budget this year created a severe challenge to the Township Committee's goals of minimizing the impact on taxpayers, while providing Department Heads with the funds necessary to deliver needed and expected services for our residents. Mayor DelCore said he believes this budget successfully achieves both of those goals.

Mayor DelCore reported the most significant fiscal issue that the Township faces are the twin pressures of the reduction of hundreds of thousands of dollars in revenue and the increase by hundreds of thousands of dollars in mandated costs. These conflicting pressures are greater than Hillsborough has ever faced before and both are outside the control of the Township Committee.

Mayor DelCore said our CFO, Nancy Haberle, will be making a presentation on the budget details in a few moments. The Mayor reported the 2010 Hillsborough budget spends less money than the 2009 Hillsborough budget. Because of the savings that has been developed

by the Finance Committee, and the sacrifices of most of the Township's employees, the 2010 budget is lower than the 2009 budget.

Mayor DelCore reported there is over \$218,000 in salary savings in the budget that results from the voluntary pay freeze or reductions agreed to by our municipal employees. Mayor DelCore again thanked those employees for stepping forward and doing the right thing for the taxpayers, during this difficult economic period.

Mayor DelCore said the Township is also continuing discussions with the PBA to gain an agreement to reduce personnel salary and benefit costs, in order to avoid the layoff of Police Officers. Mayor DelCore stated because there are nearly \$800,000 in increased costs beyond local control, there has been a concerted effort to drive down every other cost over which the Township does have control.

Mayor DelCore reported 60 budget appropriation line items are reduced below the level of 2009 appropriations, at a savings of \$1.2 million. Mayor DelCore explained despite these spending cuts, we believe the budget still gives Department Heads the funding necessary to continue to deliver services that are expected by our residents, but on a much tighter and shorter financial leash than ever before. It will present a challenge for the Department Heads to hold up the level of service, but the Township Committee's expectation is that it will still be accomplished. They will have to do more with less. That is the challenge right now in the business world and it is the challenge here in Hillsborough to the Department Heads.

Mayor DelCore reported another key point in our fiscal philosophy is to minimize tax impacts by keeping any tax increase at or below the state cap. Under the state cap law there are exception loopholes to the 4% tax cap that can be used to allow for more spending. But that also means more taxes and we recognize that taxpayers should not be asked to bear even more of the burden. We said no to use the exception loopholes to raise taxes above the 4% cap.

Mayor DelCore said the significant budget cuts that have been made will hold the tax increase to 1.2 cents per \$100 of assessed property value or \$42 for the average homeowner. The fact is, because of the budget cuts, staff reductions, and salary concessions there would have been no tax increase at all had the state not withheld the \$620,000 in energy tax receipts that rightfully belong to Hillsborough.

Mayor DelCore said the development of this budget document has been a challenge. The Mayor thanked Finance Committee members Carl Suraci and Gloria McCauley for their hard work, along with our Administrator, Mr. Davis, and Ms. Haberle.

Ms. Haberle reported the 2010 Municipal Budget totals \$28,049,900. Through many budget line item reductions and several employee voluntary reduction agreements the Township was able to reduce this budget below the 2009 level.

Ms. Haberle reported there are 60 line items reduced in the 2010 budget, lower than the 2009, for a total savings of \$1,278,224., additionally there are 17 line items that are frozen at their 2009 spending levels. The 2010 budget appropriations also reflect 50 line items at spending levels lower than they were in the 2008 budget, and 48 line items at spending levels lower than they were in the 2007 budget.

Ms. Haberle reported on the many individual line items that have been reduced in 2010. These reductions reflect the Township's ongoing commitment of working with less while continuing to provide the same level of service to the taxpayers. Ms. Haberle explained this has been accomplished through position attrition, a reduction of 10% for non priority line items, reductions in capital spending and employee voluntary reduction agreements.

Ms. Haberle said the Township worked with municipal employees and successfully entered into voluntary agreements that have provided for the budget reductions in 2010 totaling \$218,237. These include salary freezes for non union and Department Head employees, as well as the Public Works Department and the Dispatchers. Ms. Haberle stated the White

Collar Union has agreed to a reduction in hours from a 40 hour work week to a 37 ½ hour work week, which will be staggered by each department in order to maintain the municipal complex hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. Ms. Haberle said in addition, those departments with extended evening hours will remain open.

Ms. Haberle reported the Township continues to see an annual reduction in state aid. This year each of the three elements of state aid, comprehensive municipal property tax relief, energy tax receipts distribution and garden state trust were each reduced, for a total decrease of \$838,759. While the Township was able to reduce 60 line items and freeze 17 others there were still mandatory cost increases which are beyond local control. Health benefits while now being subsidized by 1 ½ % of the employee salary contributions, continue to rise, as well as annual pension contributions.

Ms. Haberle stated the mandatory revaluation will be budgeted over a five year period with the first \$170,000., budgeted in 2010. This year fire protection costs have increased and the unforeseen snow storms of early 2010 required budgeting an additional \$125,000.

Ms. Haberle explained how the budget dollars are spent. Ms. Haberle said the 2010 municipal tax rate will increase 1.2 cents for one hundred dollars of property value, which for the average home with an assessed value of \$350,000., will mean a change of \$42.00 this year.

Ms. Haberle reported the estimated tax rate for 2010 is \$3.11 for one hundred dollars of assessed value, almost 66% of the total property tax bill is for school taxes and over 17½% is for county taxes. The municipal portion is less than 14% for 2010, as it was in 2009.

Ms. Haberle reported the public hearing on the 2010 municipal budget will be held on July 13, 2010. A summary of the 2010 budget will be available on the Township website www.hillsborough-nj.org.

Committeeman Suraci thanked Ms. Haberle for the presentation, and for all her help in constructing this budget. Committeeman Suraci also acknowledged the hard work of my Finance Committee colleague, Deputy Mayor McCauley, and also Administrator, Mr. Davis.

Committeeman Suraci said this is my fourth year on the Finance Committee and, far and away, this is the most difficult budget situation presented to us. The total budget for 2010 is lower than the total budget for 2009. There is less spending. Committeeman Suraci said this results from a \$2 million reduction in costs from the initial levels first presented to the Finance Committee. This reduction came with help from the employees who agreed to salary freezes or reductions, and a reduction in Police salaries that will be gained from either an agreement on salary and benefit reductions or layoffs.

Committeeman Suraci said it is the Township Committee's sincere hope that like the other municipal employees, and Hillsborough's school teachers, the PBA will come to an agreement to save jobs. The lower 2010 budget also results from reducing nearly all of the appropriations over which we do have control, some to levels of as low as three years ago, and those few not reduced have been frozen at last year's level.

Committeeman Suraci reported Hillsborough also continues to have substantially less full time employees today than eight years ago. Something you will not find in many other local governments. However, there are monumental increases in just few line items we do not control, as Ms. Haberle pointed out; pensions, health benefits, fire hydrants, snow removal, and revaluation costs.

Committeeman Suraci stated the withholding of energy tax receipts, along with the cut in state aid, that reduced revenues in total by \$838,000, created a situation where just getting the budget down to the 4% tax cap required sharp reductions and hard decisions.

Committeeman Suraci said we believe that Department Heads can continue to ensure the delivery of services within the budget that has been put together. They will face the same

challenges that managers in the private sector have been facing for the past three years. The Committeeman said with all of that, the budget document continues to reflect the importance we place on controlling debt. It is simple; debt control and reduction prevents future property tax increases. It is one of the basic tenets of our fiscal philosophy, and again, not something you will find in most communities.

Committeeman Suraci reported last year, Hillsborough gave a resounding no to then Governor Corzine's plan to borrow to pay pensions. It was a costly plan where current costs were put off to the future at high interest payments. The towns that made that mistake last year are in far greater fiscal distress today.

Committeeman Suraci reported Hillsborough's debt reduction plan remains in place for 2010, with no increase in the debt service costs. Debt reduction means minimizing the growth of debt, avoiding high, long term interest, and paying down old debt more quickly, in order to create room for any necessary financing without an increase in overall costs. Committeeman Suraci said that program, in place since 2006, has been a success.

Committeeman Suraci said he would like to take a moment to reflect on another success, which are the agreements reached with the civilian employee groups to have no pay increases this year. Each group could have told us they would not take a pay cut, to go ahead and layoff the bottom, least senior people, as the contracts call for. They did not. Their sacrifice is real.

Committeeman Suraci said in the most difficult financial period this community has ever faced, our civilian employees stood tall. Committeeman Suraci said the Township Committee appreciates it and believes the taxpayers of Hillsborough also appreciate that sacrifice.

Deputy Mayor McCauley said she appreciates Committeeman Suraci's comments on her participation in the budget development and she thanked him for bringing his business-like approach to the process.

Deputy Mayor McCauley also thanked Ms. Haberle and Mr. Davis for their attention to detail and support on the budget.

Deputy Mayor McCauley said as the Mayor noted, making do with less, tighter spending controls, pay freezes and cuts, and staffing level reductions have been going on in the private sector for a number of years now, because of the economic conditions. It should be no surprise to municipal Department Heads and employees that these cost savings and severe belt tightening elements must also be employed at the local government level.

Deputy Mayor McCauley stated last year, after making significant cuts in operating accounts, Committeeman Suraci and I participated in the budget accountability meetings on a monthly basis with Department Heads, in order to ensure the continued delivery of services. Deputy Mayor McCauley said it was very instructional and she was able to gain a greater first hand understanding of the service delivery requirements in the Departments and the costs associated with those requirements. The Deputy Mayor said it was also instructional, perhaps surprising, and maybe for some even uncomfortable, for Department Heads to have a member of the Township Committee right there with them, ensuring that there was no fallback in services.

Deputy Mayor McCauley assured the public that we will continue that practice this year, because the 2010 budget is even leaner than in 2009. Deputy Mayor McCauley again thanked the civilian employees for their sacrifice that has helped prevent layoffs from their ranks and also benefited the taxpayers.

Committeeman Ferrera expressed his appreciation to Carl, Gloria, Ms. Haberle and Mr. Davis and the staff for their work on the budget, and also expressed appreciation to our employees who have agreed to freeze their salaries.

Committeeman Ferrera said wherever he goes, not just around town but also outside of town, people are aware and are really appreciative of the sacrifice made by Hillsborough's employees. Committeeman Ferrera said he thinks what they have done is important and should be respected by everyone.

Committeeman Ferrera said on the budget itself, the fact that the budget spends less this year than last year is a testament to the tough decisions that went into creating it. It is also unusual for a government budget to go down in spending, so he did a little research. The last time a Hillsborough budget had lower spending than the year before was the 1990 budget, and that was twenty years ago. Committeeman Ferrera said the mayor then was none other than Peter J. Biondi.

Committeeman Ferrera stated putting together a budget that spends less is an outstanding achievement for the taxpayers.

Committeeman Wagner expressed his appreciation to the employees, and thanked Committeeman Suraci, Deputy Mayor McCauley, Ms. Haberle and Mr. Davis for their time and countless hours.

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

EXECUTIVE SESSION **EXECUTIVE SESSION RESOLUTION**

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. *Litigation: Hillsborough Properties v. Hillsborough Township*
 - b. *Negotiations: PBA Local 205*
3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.

4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

Executive Session commenced at 8:30 p.m.

Committeeman Ferrera motioned to come out of executive session at 9:10 p.m.; said motion was seconded by Committeeman Wagner and was unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Committeeman Wagner, the meeting duly adjourned at 9:11 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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