

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 Township Attorney Albert E. Cruz, Township Administrator/Clerk Kevin P. Davis and Assistant to the Administrator Dianne Borngesser. Committeeman Carl Suraci was on assignment with his full time employer and was unable to attend.

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 22, 2010.

PROCLAMATIONS/APPOINTMENTS

- *Proclamation honoring Diane Handwerk for her years of dedicated service to the Township of Hillsborough.*

WHEREAS, *Diane Handwerk is retiring as the Hillsborough Township Life Skills Coordinator after twenty-six years of dedicated service; and*

WHEREAS, *Ms. Handwerk began her career with the Hillsborough Township School District in 1984 by volunteering at the Hillsborough Middle School in a parent's grass roots tobacco, alcohol and drug prevention program; and*

WHEREAS, *throughout the years, Ms. Handwerk continued her education in prevention and, in 1985, brought the P.U.S.H. (Prevention Using Student Help) to Hillsborough High School and then coordinated the program for the Mental Health Association in Somerset County; and*

WHEREAS, *in 1988, Ms. Handwerk was appointed as the Township's Life Skills Coordinator, where she has continued to serve the community for the last twenty-two years; and*

WHEREAS, *Ms. Handwerk has served on the Township's Municipal Alliance, created subsequent to the legislation establishing the Governor's Council on Alcoholism and Drug Abuse, since its inception in 1989; and*

WHEREAS, *Ms. Handwerk has been recognized numerous times for her dedication to school children and the community at large in the field of drug and alcohol education and prevention; and*

WHEREAS, *in 2007, Ms. Handwerk was awarded for her contributions to social services by the Somerset County Commission on the Status of Women in celebration of Women's History Month; and*

WHEREAS, *for almost 26 years, Ms. Handwerk has directed countless programs, including the Life Skills Program, P.U.S.H. (Prevention Using Student Help), BABES (Beginning Alcohol Basic Education Studies), Red Ribbon Week and Safe Homes; and*

WHEREAS, Ms. Handwerk has work tirelessly over the years to combat the abuse of tobacco, alcohol and drugs among our youth and to encourage students to chose a healthy lifestyle.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, hereby recognize Diane Handwerk for her dedicated service to the community as the District Life Skills Program Coordinator, where she has worked assiduously to eradicate drug and alcohol abuse.

BE IT FURTHER PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, thank Ms. Handwerk for her years of devoted service and wish her the best of luck in her future endeavors.

- *Proclamation honoring Eagle Scout Colin White*

WHEREAS, Colin Andrew White, a member of Boy Scout Troop 489, has earned the status of Eagle Scout; and

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

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

WHEREAS, Colin's Eagle Scout Leadership Project involved researching, visiting and digitally capturing numerous historical sites throughout Bridgewater, New Jersey; and

WHEREAS, Colin's work was used to design a Bridgewater History Website that compares old historic drawings and photographs with their current state; and

WHEREAS, these historic sites are now easily located on a current map of Bridgewater because of Colin's hard work; and

WHEREAS Colin Andrew White 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 Colin is a member of our community.

NOW, THEREFORE, BE IT PROCLAIMED that we, the members of the Hillsborough Township Committee, do hereby recognize and extend our sincere congratulations to Colin Andrew White 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 25, 2010 Regular Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, the minutes of the May 25, 2010 Regular Session were unanimously approved upon the call of the roll.

- *Approval of the May 25, 2010 Executive Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, the minutes of the May 25, 2010 Executive Session were unanimously approved upon the call of the roll.

- *Approval of the June 7, 2010 Executive Session Minutes*

Upon motion by Committeeman Wagner, seconded by Deputy Mayor McCauley, the minutes of the June 7, 2010 Executive Session were unanimously approved upon the call of the roll.

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

Committeeman Ferrera

Committeeman Ferrera asked residents to please donate to our local food bank. Committeeman Ferrera said the Township's Social Services Department is open from 8:00 a.m. to 4:30 p.m., Monday through Friday.

Committeeman Wagner

- Nothing at this time.

Deputy Mayor McCauley

Deputy Mayor McCauley reported the curbing hunger food drive is being conducted throughout Somerset County June 7 through July 2 and residents are asked to place canned food donations at the curb on their regular recycling days using either the orange plastic bag or any plastic grocery bag.

Deputy Mayor McCauley reported there are about 400 children currently enrolled in the summer camp program which will begin on June 28, 2010. The ages range from four to fourteen. Deputy Mayor McCauley reported this year the Recreation Department has changed the start time from 8:00 a.m. to 7:00 a.m. to accommodate parents busy work schedules. Deputy Mayor McCauley said to enroll log on to the Township's website or come into the Recreation Department.

Deputy Mayor McCauley reported the Ann Van Middlesworth park summer camp outing and fishing derby will take place on Friday, August 6, 2010; see the online recreation brochure for more information.

Deputy Mayor McCauley said the fall soccer program is filling up earlier than usual; please register soon if interested in playing this fall.

Mayor DelCore

Mayor DelCore thanked Triangle and Hillsborough Elementary School's for conducting an assembly to celebrate Flag Day.

NEW BUSINESS

- *None at this time*

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

- *Proclamation honoring Eagle Scout Joe Caliguari*

WHEREAS, Joseph Peter Caliguari, a member of Boy Scout Troop 489, has earned the status of Eagle Scout; and

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

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

WHEREAS, Joseph's Eagle Scout Leadership Project involved building cedar benches at the Labyrinth at St. Joseph Church in Millstone, NJ and planting trees and shrubs around the church; and

WHEREAS, Joseph's project included constructing two cedar benches with fellow scouts, friends and adult leaders; and

WHEREAS, the benches not only allow for seating at the Labyrinth but also offer a private area for meditation for the parishioners of St. Joseph's; and

WHEREAS, Joseph Peter Caliguari serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Joseph is a member of our community.

***NOW, THEREFORE, BE IT PROCLAIMED** that we, the members of the Hillsborough Township Committee, do hereby recognize and extend our sincere congratulations to Joseph Peter Caliguari 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.*

PUBLIC HEARINGS

Ordinance 2010-16 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 permit free standing restaurants and restaurants in multi-use buildings to have drive through facilities with buffer requirements.

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 100 B(3) to read as follows:

- (3) Freestanding restaurants and restaurants located in multi-use buildings, which may contain drive-through facilities with buffer requirements pursuant to subsection E(4).

Section 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 E(4) to read as follows:

- (4) For any freestanding restaurant or restaurant located in a multi-use building with a drive-through facility, 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 Wagner moved to open the public hearing on Ordinance 2010-16. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor Delcore stated this ordinance is a companion to ordinance 2010-15 that was adopted at the June 7th meeting, regarding buffer requirement for drive thru restaurants. Ordinance 2010-16 extends the permitted use of drive through facilities for both free standing and attached restaurants to the Commercial 1 or C-1 district and establishes the same enhanced buffer requirements that are established for drive through facilities in the Light Industrial and Highway Service districts in ordinance 2010-15.

Mayor DelCore reported the change is recommended by the Regulatory Oversight Working Group and, similar to many of the other regulatory changes implemented under the Economic Action plan, will extend business and job creation opportunities in commercial areas.

Deputy Mayor McCauley said these two ordinances, as well as ordinance 2010-21 all address the Township's continuing effort to create the flexibility, the value and the economic growth in the various commercial zones in Hillsborough. The Working Group continues to do a good job.

Deputy Mayor McCauley reported ordinance 2010-16 and 2010-17 are the twenty-fourth and twenty-fifth change since the program began in 2009. Each change has been targeted to make specific improvements, and taken as a whole the reforms have successfully helped to remove the bureaucratic hurdles for businesses. Deputy Mayor McCauley said our effort to improve the value of commercial property for the benefit of taxpayers, to encourage economic growth, and to make Hillsborough more business friendly will continue. Deputy Mayor McCauley thanked the Working Group.

Committeeman Wagner moved to close the public hearing on Ordinance 2010-16. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Committeeman Wagner moved to adopt Ordinance 2010-16. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Ordinance 2010-17 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 permit live/work dwelling units in the HS District.

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

Section 1. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.3 B to include the following:

(17) Live/work dwelling units.

Section 2. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

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

Committeeman Wagner moved to open the public hearing on Ordinance 2010-17. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor DelCore said also recommended by the Working group, this ordinance will give greater business use flexibility, within the framework of permitted uses, to owners of properties in the Highway Service zone, which is primarily along Route 206. The change will allow a greater portion of a building to be dedicated to business use than is presently allowed under the

home occupation regulations, while continuing to allow the business owner/operator to live on the premises.

Mayor DelCore said again, the change potentially increases the value of commercial properties and expands business opportunities which lead to economic and job growth. There is no expansion of the permitted uses in the Highway Service zone under this proposed change.

Deputy Mayor McCauley moved to close the public hearing on Ordinance 2010-17. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Committeeman Wagner moved to adopt Ordinance 2010-17. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Ordinance 2010-18 An Ordinance amending Chapter 188 (Development Regulations), Section 25 (Violations and Penalties) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to revise the penalties for violating the regulations governing the use of any land, building or structure or any provision of Chapter 188.

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 25A to read as follows:

- A. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) or of any ordinance or other regulation made under the authority conferred thereby, the proper local authorities of the Township or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, to prevent any illegal act, conduct, business or use in or about such premises. Any person convicted of such violations before a court of competent jurisdiction shall be subject to a penalty not to exceed a \$1,000 fine and/or a jail term not to exceed 90 (ninety) days and/or community service for a period not to exceed 90 (ninety) days and where each day and every act is considered a separate violation.

Section 2. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

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

Committeeman Wagner moved to open the public hearing on Ordinance 2010-18. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Mayor DelCore reported this ordinance establishes a more significant level of penalties for the enforcement of zoning regulations and is designed to deal with those few entities that ignore the rules and engage in a continued violation of regulations. Mayor DelCore said the overwhelming majority of Hillsborough business owners are good actors and follow the zoning rules. What is unfair to those who follow the rules, and to our residents, is when an entity engages in an activity that is not permitted in a particular zone, putting good businesses that follow the rules at a competitive disadvantage, and potentially having a negative impact on a residential neighborhood.

Mayor DelCore reported the ordinance changes the present \$500 fine for each violation to a new fine of up to \$1000 per day per violation for those long term violators of zoning regulations. This action is not designed as a revenue raiser. In fact, we hope it is never implemented.

Mayor DelCore said the Township is seeking to end a system where it may be profitable for the business to continue its violations because the fine is a relatively small penalty for most concerns. We believe that in instituting this type of stronger penalty schedule, the offending business will find it less financially feasible to continue to operate in violation of the code and will shut down the offending operation.

Mayor DelCore reported the Judge of the Municipal Court ultimately determines the final penalty; however, today the Judge is limited to just the \$500 maximum for each penalty. Under the change, the Judge will have greater latitude to penalize those who have thumbed their nose at the regulations that everyone else follows.

Mayor DelCore said this is not aimed at any specific entity at this time. However, the Township has put in place 25 changes to regulations over the past year and one half that are designed to broaden uses and opportunities for business owners and operators in commercial and industrial districts. The two earlier adopted ordinances are examples, as is one of the ordinances that will be considered for introduction later on this agenda.

Mayor DelCore stated given the wide scope of these changes, there is absolutely no need for any operation to be taking place outside of permitted uses and the new penalties reflect our zero tolerance for anyone who refuses to comply with the rules.

Deputy Mayor McCauley stated the Township's zoning enforcement process is not designed to gain monetary penalties, but instead it is designed to gain compliance with the Township code. In fact, the purpose of the penalty change is to compel compliance as much as possible. The Township goes to great lengths to help bring those in violation into compliance.

Deputy Mayor McCauley said the Zoning Officer sends out several warning notices to anyone who may be considered in violation. Usually the Zoning Officer or the Engineering Department staff will communicate directly with the owner or operator to explain the situation and seek voluntary compliance. Sometimes the Business Advocate will also be in contact with the business attempting to develop a strategy in order to rectify the problem.

Deputy Mayor McCauley said in almost all cases there is compliance and resolution without resorting to summonses, court appearances, or fines. Only those who consistently defy the regulations and disregard all of the reasonable attempts by the Township's staff to gain zoning compliance end up with summonses and face penalties.

Deputy Mayor McCauley said this change should encourage even the most unresponsive person to understand that compliance is a better business decision than defiance.

Committeeman Wagner moved to close the public hearing on Ordinance 2010-18. Said motion was seconded by Deputy Mayor McCauley and carried unanimously upon call of the roll.

Deputy Mayor McCauley moved to adopt Ordinance 2010-18. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2010-21 An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards, of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to amend the zone designation for Block 66, Lot 1.0C and Block 67, Lots 1, 2, 3, and 4 from the HS, Highway Service Zone District, to the I-1, Light Industrial District. *Further consideration of this ordinance and public hearing will be held on July 13, 2010.*

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

SECTION 1. The Zoning Map of the Township of Hillsborough shall be hereby amended by changing the zone district designation for Block 66, Lot 1.0C and Block 67, Lots 1, 2, 3 and 4 from the HS, Highway Service District, to the I-1, Light Industrial District.

SECTION 2. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

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

Mayor DelCore said this ordinance, recommended by the Regulatory Oversight Working Group, will establish an industrial zone in an area on the intersection of Route 206 and Camplain Road. The Planning Board has reviewed and approved this proposed change and impacted residents were advised under what we now call the 'Ferrera Notice Doctrine,' prior to the Planning Board meeting, seeking their input.

Mayor DelCore reported the buildings in the area are primarily industrial, warehouse style structures and, we are advised, the uses in the Industrial zone are a better fit for the development of those businesses than the uses in the Highway Service zone.

Mayor DelCore stated this is yet another change designed to increase the opportunity for commercial uses in an area, perhaps improve property values and to encourage economic and job growth.

Mr. Cruz stated the only lots affected by this ordinance are Block 66, Lot 1.0C and Block 67, Lots 1, 2, 3 and 4.

Committeeman Ferrera moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on 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 2010-22 An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to create the ARW, Amwell Road West District. *Further consideration of this ordinance and public hearing will be held on July 27, 2010.*

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

SECTION 1. The Zoning Map of the Township of Hillsborough shall be hereby amended to create the ARW, Amwell Road West District designation for Block 163, Lots 8, 9, 10, 11 and 12.

SECTION 2. Amend Chapter 188 of the Code of the Township of Hillsborough by creating Section 99.7 to read as follows:

Section 188-99.7 ARW Amwell Road West District

A. Purpose.

The purpose of the Amwell Road West (ARW) District is to establish a mixed-use zone district that provides for multifamily affordable housing, and single-family and multi-family market rate housing. The standards are intended to offer maximum flexibility for site design and selection of dwelling unit types in order to offer a balanced housing pattern attractive to all income and age segments of the community as part of the Township's fair share housing plan for meeting the region's low- and moderate-income housing needs.

B. Permitted Principal Uses.

- (1) Detached, Single Family Dwellings
- (2) Townhouses
- (3) Multi-Family Dwellings/Affordable Housing
- (4) Special Needs and Alternative Living Arrangement Facilities/Affordable Housing.

C. Accessory Uses.

- (1) Garages, storage sheds, tennis courts, maintenance office & storage buildings, swimming pools and other community recreational facilities (non-commercial) associated with planned residential communities are allowed in all yards but the front yard.
- (2) Trash and garbage collection areas which are fully screened except for detached, Single Family Dwellings and Townhouses.
- (3) Utilities which are compatibly designed and/or screened, as appropriate.
- (4) Storm water basins
- (5) Recreational facilities, including tot lots and sitting and picnic areas with grills.
- (6) Signage
- (7) Retaining Walls
- (8) Other subordinate structures customarily incidental and subordinate to the principal building or use on the lot.

D. Minimum Tract Area and Location.

- (1) A minimum of 20 gross acres.

(2) A minimum of 700 feet of frontage on Somerset County Route 514 (Amwell Road).

E. Yard and Bulk Regulations for Detached, Single Family Dwellings.

(1) Maximum Tract Area – A maximum of 6.382 acres of the overall tract area for the entire mixed-use development may be utilized for the construction of detached, single family dwellings.

(2) Minimum Lot Size –4,500 square feet

(3) Minimum Lot Frontage –20 feet

(4) Minimum Lot Width –30 feet

(5) Minimum Lot Depth –90 feet

(6) Minimum Front Yard Setback –25 feet from public or private drive edge of pavement or curb, as appropriate.

(7) Minimum Rear Yard Setback –20 feet

(8) Minimum Side Yard Setback –6 feet

(9) Maximum Impervious Coverage –50%

(10) Maximum Building Coverage –35%

(11) Maximum Density - 7.06 dwelling units per acre for the portion of the overall tract utilized for the construction of detached, single family dwellings.

(12) Maximum Building Height - 35 ft or 2 ½ stories

F. Yard and Bulk Regulations for Townhouses.

(1) Maximum Tract Area – A maximum of 2.7109 acres of the overall tract area for the entire mixed-use development may be utilized for the construction of Townhouses.

(2) Maximum Lot Size – Maximum 3,000 square feet per dwelling unit

(3) Minimum Lot Depth –90 feet measured from public or private drive edge of pavement or curb, as appropriate.

(4) Minimum Front Yard Setback –25 feet from public or private drive edge of pavement or curb, as appropriate.

(5) Minimum Rear Yard Setback –25 feet

(6) Minimum Building to Building Distance –20 feet

(7) Maximum Impervious Coverage –55%

(8) Maximum Building Coverage –35%

(9) Maximum Density - 14.76 dwelling units per acre for the portion of the overall tract utilized for the construction of Townhouses

(10) Maximum Building Height –38 feet or 3 stories

G. Yard and Bulk Regulations for multi-family dwellings/affordable housing.

(1) Minimum Lot Size – 1.5 acres

(2) Minimum Lot Frontage - 200 feet

(3) Minimum Lot Width – 200 feet

(4) Minimum Lot Depth – 200 feet

(5) Minimum Front Yard Setback – 20 feet

(6) Minimum Rear Yard Setback – 20 feet

(7) Minimum Side Yard Setback – 20 feet

(8) Maximum Impervious Coverage – 55%

- (9) Maximum Building Coverage – 35%
- (10) Maximum Building Height – 35 ft or 2½ stories
- (11) Maximum Building Length – 230 ft
- (11) Maximum Density - 13.34 dwelling units per acre within the portion of the overall tract area utilized for the construction of Multi-Family dwellings/affordable housing.
- (13) Twenty (20) affordable multifamily units are required to be provided within the portion of the overall tract for the mixed-use development utilized for multi-family dwellings/affordable housing.

H. Yard and Bulk Regulations for affordable special needs/alternative living arrangement facilities.

- (1) Minimum Lot Size – 1.79 acres
- (2) Minimum Lot Frontage – 200 feet
- (3) Minimum Lot Width – 200 feet
- (4) Minimum Lot Depth – 200 feet
- (5) Minimum Front Yard Setback – 20 feet
- (6) Minimum Rear Yard Setback – 20 feet
- (7) Minimum Side Yard Setback – 20 feet
- (8) Maximum Impervious Coverage – 55%
- (9) Maximum Building Coverage – 35%
- (10) Maximum Building Height – 35 ft or 2½ stories
- (11) Maximum Building Length – 230 ft
- (12) Maximum Density - 13.41 dwelling units per acre within the portion of the overall tract area utilized for the construction of affordable special needs/alternative living arrangement facilities.
- (14) Twenty-four (24) 2 bedroom affordable special needs/alternative living arrangement facilities units are required to be provided within the portion of the overall tract for the mixed-use development utilized for affordable special needs/alternative living arrangement facilities housing.

I. Site perimeter requirements.

- (1) Buffer requirements.

There shall be a minimum twenty (20) foot buffer adjacent to any residential district or existing residential use included as part of this requirement, unless otherwise indicated. Such buffer shall be reviewed by the proper approving Board to determine if the existing vegetation provides a sufficient year-round screen or if the existing vegetation needs to be enhanced by additional plantings and/or a fence or berm. Once all screening/landscaping improvements are completed, a conservation easement shall be established by the applicant for the buffer area.

- (2) Fencing Requirements.

Fencing may be included on the perimeter of the tract, or within the tract, provided the fencing is of an architecturally compatible design and consistent throughout the tract. No fence shall exceed a height of five (5) feet above finished grade.

J. Parking Requirements.

- (1) Detached, Single Family Dwellings: Three (3) bedroom units require 2.0 spaces per unit. An additional 0.5 parking spaces per single family dwelling are required.
- (2) Townhouses: Two (2) bedroom units require 2.3 spaces per unit.
- (3) Multi-family dwellings/affordable housing: One (1) bedroom units require 1.8 spaces per unit; two (2) bedroom units require 2.0 spaces per unit; three (3) bedroom units require 2.1 spaces per unit.
- (4) Affordable special needs/alternative living arrangement facilities: Two (2) bedroom units require 0.5 parking spaces per unit.

K. Supplemental Regulations.

- (1) Buildings and site improvements shall be designed to minimize changes to existing topography and mature vegetation.
- (2) Shared driveways that serve more than one (1) property may be provided where deemed appropriate by the Planning Board or Board of Adjustment. Cross access shall be required between adjoining properties.
- (3) A landscape plan shall be provided for the entire site and shall be prepared by a licensed Landscape Architect.
- (4) Exterior building design shall be coordinated with regard to color, types of materials, architectural form, and detailing. Multiple buildings on the same site shall be designed to create a cohesive relationship between the buildings.
- (5) Permanent entry sign shall be permitted with a maximum area of 20 square feet and shall not exceed a height of 6 feet. Permanent sign shall be located near entrance drive but shall not be located within any required sight triangles.
- (6) Phasing, if the applicant proposes to phase the development, shall be subject to approval of a phasing plan with the site plan application.
- (7) Recreation will be limited to only tot lots, picnic and sitting areas.
- (8) When other provisions in the Hillsborough Township Land Development Ordinance conflict with this ordinance, this ordinance will govern the development of this district.

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

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

Mayor DelCore reported the proposed Amwell Road West District, situated on the north side of Amwell Road just west of Pleasantview Road, is a zone change made necessary by the state mandated affordable housing plan. As has been discussed here on numerous occasions, the Township was required to submit an affordable housing plan by the end of 2008, in order to avoid having housing developers go into court to seek the so called builders' remedy. Mayor DelCore stated a court ordered builders' remedy could result in hundreds or even thousands of new market rate single family homes, along with affordable housing units. In order to protect the Township from builders' remedy lawsuits, an affordable housing plan was submitted in December, 2008 to the New Jersey Superior Court.

Mayor DelCore reported the designation of this area on Amwell Road for affordable housing, similar to the recently approved Green Village zone on Route 206, was part of that

plan. The affordable housing plan, which included this zone, was given public notice prior to public hearings by both the Planning Board and the Township Committee. Notice of this proposed zone change was provided prior to the Planning Board's consideration of the change at its June 10, 2010, meeting, including, again following the Ferrera Notice Doctrine, mail notice to nearby property owners.

Mayor DelCore said the Planning Board reviewed and approved this zone change, which will provide the opportunity for the construction of 20 affordable multi-family units and 24 affordable units for individuals with special needs.

Ms. Jennifer Beahm, Hillsborough's affordable housing consultant, spoke about the affordable housing plan that was approved in December 2008 and submitted to the court for review.

Committeeman Wagner thanked Ms. Beahm for her detailed analysis of this ordinance. Committeeman Wagner said when the Planning Board recommended this zone change at its June 10th meeting, the zone simply establishes a framework for uses in the designated area and is not an approval of a site plan or to start building. Because of the pre-notice for the Planning Board meeting, there were some neighbors of the property present, most of whom appeared satisfied with the explanation of the zone requirements.

Committeeman Wagner explained should the Amwell Road West district be adopted by the Township Committee the developer will then have to develop detailed plans and submit them to the Planning Board for site plan approval, so there are further checks in the system. Right now, as Ms. Beahm and the Mayor noted, the zone change is necessary to support the Township's state mandated affordable housing plan.

Mr. Davis reported we began with 650 units; that was the requirement from the state. Mr. Davis said our plan reduced that to 495 credits. Mr. Davis reported we reduced this to 291 actual units.

Deputy Mayor McCauley moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on July 27, 2010 at 7:30 p.m. Said motion was seconded by Committeeman Wagner and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolutions:

1. Presentation of the 2009-2010 Wildlife Management Commission's report and Resolution adopting a Wildlife Management Commission plan for the 2010-2011 season.

WHEREAS, Ordinance 2004-24, which established the Hillsborough Wildlife Management Commission, requires the Commission to report annually to the Township Committee, and recommend a Wildlife Management Plan for the upcoming year; and

WHEREAS, the Commission reports that the 2009-2010 deer hunting season on public properties in Hillsborough was again safe and successful; and

WHEREAS, Ordinance 2004-24 and Ordinance 2008-50 provides that the hunting, shooting, killing and removal of white-tailed deer and other wildlife, as approved by the State of New Jersey, on municipally-owned land shall be allowed for the purpose of reducing and managing the Township's deer and other wildlife population, but only with the possession of and under the provisions of a municipal game management permit for such activity; and

WHEREAS, the number of municipal game management permits issued each year for the culling of white-tailed deer and other wildlife, and the properties for which such permits shall be issued, shall be determined annually by resolution of the Township Committee; and

WHEREAS, the Wildlife Management Commission has recommended, in its proposed Wildlife Management Plan for the 2010-2011 hunting season, and the Police Chief has concurred, that sixteen (16) properties be made available for permitted hunting, with a total number of forty-eight (48) permits to be issued; and

WHEREAS, based upon the recommendation of the Township Health Department, the culling of coyote shall be permitted in this year's wildlife management program, as part of a pilot program designed to reduce the spread of mange and rabies throughout the Township; and

WHEREAS, the Wildlife Management Commission also recommends that in the lottery of available permits, preference be granted first to Hillsborough residents, next to Somerset County residents and finally to New Jersey residents and that three (3) alternate permits be allowed to create a substitute list if an original permit holder is unable to hunt; and

WHEREAS, the Commission further recommends that it be mandatory for all hunters to wear a safety harness while in their tree stands, that all hunters be limited to one (1) fixed style tree stand, that all hunters are to sign a consent form for a NJ Fish and Wildlife license check and that the program for processing and donating harvested deer be continued; and

WHEREAS, the Wildlife Management Commission also recommends that the limited number of days available to hunt with a firearm in Areas 1, 2, 3, 6, 8 (Buckshot only), and 16 coincide with all season dates set forth by the NJ Division of Fish and Wildlife; and

WHEREAS, the Commission further recommends that licensed hunters who were permitted to hunt on public properties for the 2009-2010 season be able to have, if desired, that permit extended on the same terms and conditions for the 2010 and 2011 seasons on the same property, without submitting to a lottery; and

WHEREAS, the Commission believes the permit extension privilege provides an added safety feature because continuity of hunters in hunting areas allows those hunters to become more familiar with the property and its boundaries, with deer habits, and with each other's habits, thereby increasing safety; and

WHEREAS, the Commission also recommends that additional steps be taken to provide non-lethal means of deer damage control.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that deer hunting, in accordance with New Jersey Laws, rules and regulations, Township rules and regulations, the provisions of Ordinance 2004-24, and as recommended by the Wildlife Management Commission in their proposed Wildlife Management Plan for the 2010-2011 season, is hereby authorized on the following public properties for the 2010-2011 season:

AREA 1-- MONTGOMERY RD. AND PSHORN LN
Block 169, Lots 27 & 30
7 permits

- AREA 2-- DAVIDS LANE
Block 171, Lots 14C, 14L, 14Z, &112.01
5 permits
- AREA 3-- WERTSVILLE RD.
Block 171, Lot 6
5 permits
- AREA 4-- AUTEN RD. (BOW HUNTING ONLY)
Block 151, Lot 1
4 permits
- AREA 5-- MONTGOMERY RD & AMWELL RD. (BOW HUNTING ONLY)
Block 166, Lots 1 & 3.01
Block 167, Lot 8
3 permits
- AREA 6-- DUTCHTOWN ZION RD.
Block 174, Lot 200
4 permits
- AREA 8-- BEEKMAN LANE (BOW HUNTING AND SHOTGUN HUNTING-
ONLY WITH BUCKSHOT)
Block 203, Lot 8; Block 150.04, Lot 6
3 permits
- AREA 9-- SCOTT DR. (BOW HUNTING ONLY)
Block 203, Lot 22 Block 203.05, Lot 1
2 permits
- AREA 10--RIVER ROAD (OLD MAIN ROAD)
(BOW HUNTING ONLY)
Block 8, Lot 9
2 permits
- AREA 11--SURREY DRIVE AND MULFORD LANE
(BOW HUNTING ONLY)
Block 13.01, Lot 36
2 permits
- AREA 12--RIVER ROAD AND NORZ DRIVE
(BOW HUNTING ONLY)
Block 13.01, Lot 14.18
1 permit
- AREA 13--HORSESHOE DRIVE
(BOW HUNTING ONLY)
Block 205.11, Lots 41 & 58
2 permits
- AREA 14--RADDEL COURT
(BOW HUNTING ONLY)
Block 205.15, Lot 38
2 permits
- AREA 15--BEEKMAN LANE (NORTH OF NEW CENTER RD.)
Block 145, Lot 32 (BOW HUNTING ONLY)

2 permits

AREA 16--MONTGOMERY RD. (BETWEEN WERTSVILLE RD &
AMWELL RD)

Block 167, Lots 9, 12.04, 13.01, 13.02, and 13.03

3 permits

AREA 17--SOUTH BRANCH ROAD
(BOW HUNTING ONLY)

Block 149.08, Lots 81, 82, 83

2 permits

BE IT FURTHER RESOLVED that, pursuant to the recommendation of the Wildlife Management Commission in its proposed 2010-2011 Wildlife Management Plan, the following steps be taken to provide non-lethal means of deer damage control:

- 1) Continue to plot all road killed deer from motor vehicle accidents on a map of the Township to locate where additional signage may be needed.
- 2) Continue the replacement of worn deer crossing road signs and/or an increase of signs at key points around the Township;
- 3) Continue the trimming of brush on public properties further back from the road to allow motorists improved vision of deer at the roadside;
- 4) Provide "Wildlife Tips" throughout year on the Township's website on such topics relating to deer such as deer resistant plants, leaving wildlife alone in the wild, driving tips during peak times when deer are most active and the negative issues of feeding deer and other wildlife issues;
- 5) Utilize magnetic "Watch for Deer" signs during peak mating season to warn motorists;
- 6) Mail informational brochures to residents;
- 7) Make available a detailed list that can be obtained at the Townships Clerk's office on landscape plants rated by deer resistance.

Mayor DelCore reported the reduction of the deer population is important in order to protect the safety of drivers and the public health and for the prevention of vegetation damage. For the last several years the Township has implemented the Wildlife Management Program to help with this effort.

Mayor DelCore reported the Township's Wildlife Management Commission in its report on the past hunting season has again reported that the program has been both safe and successful. We are pleased to be advised that the program, which concluded its 6th year, has again taken place without a single incident.

Mayor DelCore said Dr. Robert Matros, Chairman of the Wildlife Commission is here this evening to offer the Commission's report on the 2009-2010 season and its recommendations for the 2010-2011 season.

Dr. Matros gave a power-point presentation on the 2009-2010 Wildlife Management Commission report. Dr. Matros reported there has been a 100% safety record since the inception of deer hunting in the Township. Dr. Matros reviewed the rules and regulations that have been implemented, and also proposals and recommendations for the 2010/2011 hunting season.

Committeeman Wagner thanked all of those involved in this program for maintaining the outstanding safety record in Hillsborough. Committeeman Wagner said anyone who has participated in it knows that there are strict regulations in place with regards to the program. Each and every permitted hunter must conform to these regulations in order to be eligible to participate.

Dr. Matros said the hunters must attend a mandatory meeting reviewing the hunting program.

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

2. Resolution authorizing the award of a contract for short term disability insurance to Reliance Standard Life Insurance Company from July 1, 2010 to June 30, 2012 at a cost of \$.43 per \$10 of salary.

WHEREAS, The Township of Hillsborough, County of Somerset, State of New Jersey provides for each full-time employee short-term disability insurance for a term of six (6) months subject to a seven(7) day waiting period; and

WHEREAS, the current policy with Standard Insurance expires on June 30, 2010; and

WHEREAS, the Township's Risk Management Consultant, Conner Strong, sent marketing renewals out on April 19, 2010 requesting quotes on identical short-term disability coverage; and

WHEREAS, Reliance Standard Life Insurance Company responded with identical coverage at a cost of \$.43 per \$10 weekly benefit volume, which is a reduction to the current cost of \$.55 per \$10 weekly benefit volume; and

WHEREAS, the rate will remain in effect for 24 months, with a renewal date of July 1, 2012.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, hereby authorizes the Chief Finance Officer to execute a two-year agreement for short-term disability coverage with Reliance Standard Life Insurance Company for the period July 1, 2010 through June 30, 2012 at a cost of \$.43 per \$10 weekly benefit volume.

Mayor DelCore reported at the direction of the Township Committee, the Township staff is continuing to seek opportunities for tax savings, large and small. Mayor DelCore said earlier in the year we asked that the Township's Administrator and CFO work with the benefits management consultant, Conner Strong, to research opportunities to save benefit costs where possible.

Mayor DelCore said because so much of the cost of benefits is tied to upwardly spiraling health care costs; health benefits, workers compensation, and short term disability, are examples, it is rare to find savings in this area. However, by applying the business technique of seeking competitive quotes, the Township had ten companies competing, and Reliance Standard Life Insurance offered the lowest cost.

Mayor DelCore said the total new cost for short term disability insurance, which is mandated for employees by law, will be \$100,483 annually. There will be a cost savings of \$12,000 compared to the previous plan.

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

3. Resolution authorizing the award of a contract for an Energy Savings Improvement Program to Siemens Industry, Inc.

WHEREAS, the Township of Hillsborough is seeking opportunities to reduce municipal energy costs for the benefit of the taxpayers and to reduce the carbon footprint of municipal operations, as part of the Township's continuing sustainability program; and

WHEREAS, through the provisions of P.L. 2009, c. 4, energy service companies are, at no cost to local government, authorized to provide an analysis of the potential energy savings available to municipal governments and to develop a comprehensive plan that will save energy costs and reduce overall energy usage; and

WHEREAS, the Township solicited sealed proposals for the purpose of providing a performance based energy/operating cost reduction program from qualified Energy Service Companies (ESCO), through public advertisement published May 6, 2010, with proposals received and opened on May 27, 2010; and

WHEREAS, Siemens Industry, Inc., Building Technology Division, of Pine Brook, New Jersey (Siemens), was the sole respondent and the proposal and the company's qualifications have been reviewed and recommended by the Township's Architect of Record, Cornerstone Architectural Group, LLC, assisted by Becht Engineering; and

WHEREAS, pursuant to the proposal, Siemens will conduct an energy audit of Hillsborough facilities, create a recommended energy savings improvement plan for both the Hillsborough Municipal Building and the Sunnymeade Landfill site, and will develop a proposal for the replacement of the Municipal Building roof and HVAC system, at no cost to the Township of Hillsborough for these services; and

WHEREAS, pursuant to the proposal, the Township of Hillsborough has no obligation to accept, implement or expend funds for the recommended energy savings improvement plan unless a decision is made to do so by the Township Committee.

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

1. Siemens Industry, Inc, Building Technology Division, of Pine Brook, NJ, a qualified Energy Service Company under P.L. 2009, c. 4, is hereby authorized to perform an energy audit of the Hillsborough Municipal Building and to develop and submit an energy savings improvement plan for the Municipal Building at 379 South Branch Road and Sunnymeade Landfill, Block 182, Lot 7.B, at no cost to the Township of Hillsborough, pursuant to the proposal submitted May 27, 2010.
2. Pursuant to the Competitive Contracting process, N.J.S.A. 40A:11-4.1, notice of the recommendation of this award was posted on the Township bulletin board on June 18, 2010.
3. Notice of this action shall be placed in the newspaper of record for the Township of Hillsborough.

Mayor Delcore reported another area in which the Township is seeking potential savings for the taxpayers is with energy costs. Under a state law enacted in 2009, energy savings companies or ESCO's are able to examine the total energy picture of a municipality with an eye toward developing and implementing a cost saving plan.

Mayor DelCore reported the Township sought competitive proposals to see if there were companies interested in analyzing Hillsborough's energy situation and developing an energy improvement plan. Specifically, we are looking for proposals that can not only lower energy costs, but also help with the replacement of the municipal building roof, which is necessary for

the development of any kind of solar energy system, and the building's nearly 20 year old HVAC system that is energy inefficient and at the end of its useful life.

Mayor DelCore stated additionally, the Township is interested in proposals that could help to offset DEP mandated closure costs at the Sunnymead landfill.

Mayor DelCore said Siemens Industries submitted a proposal that was reviewed and recommended by the Township's architect, Cornerstone Architects. The company will perform an energy audit on the municipal building, examine the landfill for energy opportunities, and then develop and present an energy savings improvement plan. Mayor DelCore said there is no cost to the Township for the audit and the development of the plan.

Mayor DelCore said prior to engaging an ESCO to perform these services, the municipality must have an energy audit by an independent firm. We are advised that the energy audit performed by CHA, funded by the Somerset County Freeholders, and presented at the May 25th Township Committee meeting meets the requirement for an independent pre audit. Once the ESCO's plan is presented, the Township will have the ability to pick and choose those components that are most cost effective, or we can decline to implement any of the proposals.

Mayor DelCore said we are advised that the energy savings plan should be able to help reduce the costs of the other needed projects. However, there is no commitment on the Township's part to accept any of the proposed improvements nor is there any payment commitment.

Mayor DelCore stated in addition to reduced costs, reducing the carbon footprint of the municipal operation is a goal of the Township Committee and our Sustainable Hillsborough Committee, and we are looking forward to the report from Siemens.

Deputy Mayor McCauley reported the Township spends \$315,000 on electric bills, \$350,000 for street lighting, and \$70,000 for heating fuel, and these costs are continually rising.

Deputy Mayor McCauley stated it is vitally important for the Township to take advantage of every opportunity to create energy cost savings for our taxpayers.

Deputy Mayor McCauley said additionally, the Sustainable Hillsborough Committee is also very supportive of all efforts by the Township to find ways to reduce energy consumption and the municipal operation's carbon footprint.

Deputy Mayor McCauley reported Siemens is an international, extremely viable company that, according to their documentation, is on the leading edge of energy saving issues. Deputy Mayor McCauley said she looks forward to their analysis, its comparison to the CHA energy audit that was completed earlier this year and to see how an energy savings plan can be implemented.

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

4. Resolution to renew Township Liquor Licenses for the 2010-2011 license term.

WHEREAS, the Hillsborough Township Police Department has conducted a thorough investigation of each retail licensee and club licensee to insure that criminally disqualified and other unfit persons do not acquire or hold direct interests in the retail alcoholic beverage industry; and

WHEREAS, the Township Clerk has certified that each licensee has posted the required municipal fee of \$2,500 for a Plenary License and \$188 for the Club License together with the State fee of \$200; and

WHEREAS, the Township Clerk has further certified that each license holder has submitted the appropriate and complete renewal application, and each has been granted a New Jersey State Tax Clearance Certificate as required by law; and

WHEREAS, as a result of the aforementioned investigations, a report by the Hillsborough Police Department has been submitted confirming that the applicants are not subject to any of the disabilities set forth in Title 33 New Jersey Statutes; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough that Plenary Retail Consumption Licenses are hereby renewed to the following license holders for the year 2010-2011 effective July 1, 2010:

<u>Name</u>	<u>License Number</u>
Shree Maha Phrabhuji, Inc. 390 Route 206 South Hillsborough, NJ 08844 t/a Spirit World	#1810-32-002-006
Apple Food Services of Hillsborough, LLC 315 Route 206, Unit 300 Hillsborough, NJ 08844 t/a Applebee's Neighborhood Grill & Bar	#1810-33-005-004
Charlie Brown's of Hillsborough Inc. 381 Route 206 South Hillsborough, NJ 08844 t/a Charlie Brown's Steakhouse	#1810-33-007-008
Hillsborough Hospitality Inc. 284 Route 206 Hillsborough, NJ 08844 t/a Old Man Rafferty's Restaurant	#1810-33-008-008
Hillsborough Golf Club Inc. 146 Wertsville Road Hillsborough, NJ 08844 t/a Hillsborough Golf Club	#1810-33-009-007
Woods Tavern, LLC 419 Amwell Road Hillsborough, NJ 08844 t/a Petrock's Bar & Grille.	#1810-32-010-004
Manville BPOE Lodge 2119 1500 Brooks Blvd. Hillsborough, NJ 08844 t/a Manville-Hillsborough BPOE Lodge 2119	#1810-31-012-001
Hillsborough Bottle King Inc. 626 Route 206 Hillsborough, NJ 08844	#1810-44-014-001

t/a Bottle King Discount Wines and Liquors

Prime American Inns, Inc. #1810-36-016-002
118 Route 206 South
Hillsborough, NJ 08844
t/a Manhattan Drive Bar & Restaurant (Days Inn)

Royce Brook Beverage, LLC #1810-33-001-004
201 Hamilton Road
Hillsborough, NJ 08844
t/a Royce Brook Golf Club

NOW, BE IT FURTHER RESOLVED, that the liquor licenses for Hillsborough Convenience, Inc., Charbbie, Inc., Polish Falcons Camp, Inc. and 419 Amwell Road, LLC will not be renewed at this time due to the non issuance of the Renewal Clearance Certificate from the State of New Jersey, Department of the Treasury, Division of Taxation and Tamb 5, Inc. due to license transfer.

Mayor DelCore reported all of the holders of Township liquor licenses listed in the resolution have paid the requisite fees, have been reviewed by the Police Department, and have filed all the appropriate documentation to have their licenses renewed.

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

5. Resolution appointing William Cooper, III to represent the Township of Hillsborough in the tax appeal filed by Commerce Bank, N.A., at an hourly rate of \$135.00.

WHEREAS, the Township Attorney's Law Firm cannot represent the Township of Hillsborough in that tax appeal filed by Commerce Bank, N.A., because of a conflict; and

WHEREAS, in the past, under these circumstances, the Township has appointed William Cooper, III, who also serves as 2nd Public Defender, to handle the tax appeal, at an hourly rate of \$135.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey appoints William Cooper, III to represent the Township of Hillsborough in that tax appeal filed by Commerce Bank, N.A.

Mayor DelCore said the Township Attorney's Law Firm has a conflict in representing the Township on the tax appeal filed by Commerce Bank. Mr. Cooper has in the past provided these services as substitute counsel and is recommended by the Tax Assessor to do so again.

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

6. Resolution authorizing the transfer of April Crossen from the title of Clerk to the Tax Collector/Treasurer to Bookkeeper in the Finance Office and the transfer of Judy Matros from the title of Bookkeeper to Clerk to the Tax collector/Treasurer in the Finance Office, with no change in salary, effective July 1, 2010.

WHEREAS, the Chief Finance Officer has recommended a change in personnel titles for April Crossen from Clerk to the Tax Collector/Treasurer to Bookkeeper and Judy Matros from Bookkeeper to Clerk to the Tax Collector/Treasurer in the Finance Office to better reflect actual duties and to ensure effective and efficient operations, and

WHEREAS, both Ms. Crossen and Ms. Matros have agreed to the change in title, both titles are listed as Class I titles in the collective bargaining agreement between the Township of Hillsborough and AFSCME, AFL-CIO Local 3697, Council Number 73, Clerical and Professional Employees, and the change in title is recommended by the Township Administrator/Clerk, and

WHEREAS, neither employee is eligible for a change in salary pursuant to Article IX, Paragraph D, of the collective bargaining agreement and, therefore, there is no change in salary for either employee,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that effective July 1, 2010, April Crossen's title is changed to Bookkeeper in the Finance Office, and Judy Matros' title is changed to Clerk to the Tax Collector/Treasurer, with no change in salary.

Mayor DelCore reported these personnel adjustments are recommended by the Chief Finance Officer and Administrator in order to ensure the efficiency of operation in the Finance Department. Mayor DelCore said both individuals have agreed to the transfer of title; and there is no change in salary for either employee who will begin a 37.5 hour week on July 1.

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

7. Resolution authorizing the Mayor and Township Administrator/Clerk to execute a "Non Fair and Open" contract with All Decked Out, for the Park Lawn Maintenance Services, in accordance with the quote process, with a per unit cost of \$1,594.00, in an amount not to exceed \$20,722, for the period June 23, 2010 to November 30, 2010

WHEREAS, the Township Committee has decided to award a "Non Fair and Open" contract for lawn mowing services to All Decked Out, Inc. for lawn mowing at Township Park facilities, as a pilot project, with a per unit cost of \$1594, in an amount not to exceed \$20,722 pursuant to their proposal dated May 26, 2010; and

WHEREAS, the amount of the contract is below the Township of Hillsborough's bid threshold of \$29,000 and is therefore not required to publicly bid for this service (N.J.S.A. 40A:11-3 and 11-9); and

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

WHEREAS, All Decked Out has submitted the required Political Contribution Disclosure form and other forms as required by N.J.S.A. 19:44A-20.26.

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

1. The action of the Mayor and Township Administrator/Clerk to authorize and execute the agreement with All Decked Out, Inc. for lawn mowing at Township Park facilities, with a per unit cost of \$1594, in an amount not to exceed \$20,722 pursuant to their proposal dated May 26, 2010.
2. This contract is awarded without competitive bidding as a "Non Fair & Open Contract".
3. The Mayor and Township Administrator/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 the Departments of Parks and Recreation and Public Works have recommended that lawn maintenance at several open space and park areas be handled by an outside contractor, to make up for the recent loss of DPW personnel. This is a pilot project designed to determine the feasibility and cost effectiveness of using these services in the future.

Mayor DelCore reported the Department of Parks and Recreation sought competitive quotations for the services and five firms' submitted quotes. All Decked Out provided the lowest quote.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution approving the request from Omnipoint – Woods Road for the release of Development Review Escrow, in the amount of \$3,993.45.

WHEREAS, a request has been received from Omnipoint – Woods Road for the release of Development Review Escrow; and

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

WHEREAS, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$3,993.45 Development Review Escrow because the work has been completed.

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

2. Resolution approving the request from Kevin Keating for the release for the release of Development Review Escrow, in the amount of \$1,000.00 and refund of the application fee of \$250.00 and GIS fee of \$25.00.

WHEREAS, a request has been received from Kevin Keating for the release of Development Review Escrow and refund of application and GIS fees; and

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

WHEREAS, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$1,000.00 Development Review Escrow and application fee of \$250.00 and GIS fee of \$25.00 because the work has been completed.

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

3. Resolution authorizing tuition reimbursement to Officer Christopher Kennedy for completion of the class "Comparative Criminal Justice Systems" offered through Kaplan University, in the amount of \$1,431.72 pursuant to Article XVIII of the current PBA Contract.

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 PBA contract; and

WHEREAS, Officer Kennedy has successfully completed the "Comparative Criminal Justice Systems" 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 Christopher Kennedy's request for financial reimbursement of seventy-five percent (75%) of the \$1,908.96 cost incurred for a total of \$1,431.72.

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.

4. Resolution approving the request from Country Classics Phase 3B for the release of Engineering Inspection Fees, in the amount of \$1,000.00.

WHEREAS, a request has been received from Country Classics Phase 3B for the release of engineering inspection fees, in the amount of \$1,000.00; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release \$1,000.00 in engineering inspection fees to Country Classics Phase 3B.

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.

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

CLAIMS LIST

Mayor DeCore presented Claims List 2010-12

Upon motion by Committeeman Ferrera, seconded by Deputy Mayor McCauley, Claims List 2010-12 was unanimously approved upon call of the roll.

EXECUTIVE SESSION EXECUTIVE SESSION RESOLUTION

Upon motion by Committeeman Ferrera, 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. *Property Transfer: Block 176, Lot 14, (Pleasant View Road)*
 - b. *Personnel: Hans Warnebold, Plumbing Sub-Code Official*
 - c. *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 8:54 p.m.

Committeeman Ferrera motioned to come out of executive session at 9:18 p.m.; said motion was seconded by Committeeman Wagner and was unanimously adopted by voice vote.

Mayor DelCore asked for a motion to reconvene from Executive Session. Upon motion by Committeeman Ferrera, seconded by Deputy Mayor McCauley, meeting was reconvened and was unanimously approved upon call of the roll.

Mayor DelCore said we will report on the personnel portion of the Executive Session discussion. Mayor DelCore said we are adding a resolution appointing Hans Warnebold, as Plumbing Sub-Code Official/Building Inspector, in the Construction Department, for a four (4) year term, at an annual salary of \$68,000., for a 37 ½ hour work week effective July 1, 2010.

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

WHEREAS, Hans Warnebold is currently the part-time Plumbing Sub-Code Official in the Construction Department; and

WHEREAS, the Director of Building and the Construction Official recommend the hiring of Hans Warnebold as full-time Plumbing Sub-Code Official/Building Inspector beginning July 1, 2010 at an annual salary of \$68,000, for a 37 ½ hour work week.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Hans Warnebold be appointed Plumbing Sub-code Official/Building Inspector to a four (4) year term at an annual salary of \$68,000.

Mayor DelCore said the Plumbing Sub-Code Official is a mandated position by the State and we have had a vacancy in this position since last year which Mr. Warnebold has filled on a part time basis. Mayor DelCore stated we are recommending Hans Warnebold fill this position on a full time basis.

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

Mayor DelCore asked for a motion to return to Executive Session to discuss the PBA negotiations. Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, Executive Session meeting was reconvened at 9:21 p.m., and unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Ferrera, seconded by Committeeman Wagner, the meeting duly adjourned at 9:50 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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