

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

Upon call of the roll, the following Committee members were recorded present: Committeeman Anthony Ferrera, Committeewoman Gloria McCauley, Committeeman Suraci, Deputy Mayor Bob Wagner, and Mayor DelCore. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Deputy Clerk Brianne Skobo.

Following the 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 July 14, 2009.

PROCLAMATIONS

- *There are no proclamations at this time.*

APPOINTMENTS

RESOLUTION APPOINTING JOETTA CLARK DIGGS, JOHN DONNADIO, WILLIAM FOELSCH, GARY PALLAY, RICHARD RESAVY, ANTHONY SCHULZ AND STEVEN SIRECI, AS THE GSA DEPOT PARKS AND RECREATION ADVISORY COMMITTEE

WHEREAS, the Township of Hillsborough and the County of Somerset gained joint management control of the former federal property known as the Belle Mead GSA Depot, Block 175, Lots 39.01 and 39.03, Block 177, Lots 23.01, 23.03 and 23.04, as shown on the Hillsborough Tax Map, in April, 2009; and

WHEREAS, the Township adopted a redevelopment plan on December 9, 2008, calling for the property to be used primarily for parks and recreation; and

WHEREAS, the Township Committee desires to create an Advisory Committee of local residents to solicit public opinion, including input from the various parks, recreation, sports, and open space advocates in the Township, and to advise the Township Committee on the development of the site for parks and recreation use.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the following residents are appointed as members of the GSA Depot Parks and Recreation Advisory Committee for a term ending December 31, 2009:

Joetta Clark Diggs, John Donnadio, William Foelsch, Gary Pallay, Richard Resavy, Anthony Schulz and Steven Sireci.

BE IT FURTHER RESOLVED, that the Advisory Committee will hold public forums and report to the Township Committee on progress when appropriate.

Mayor DelCore stated that when the Township Committee finalized the federal property at the Belle Mead GSA Depot under joint management with the County, the Committee said they would want to gain input from residents on the parks and recreation development at the site.

Mayor DelCore stated that at this meeting the Township is taking the first step in the process through the appointment of a seven member GSA Depot Parks and Recreation Advisory Committee.

Mayor DelCore stated that the Advisory Committee will have the mission of soliciting suggestions and input from all of the various recreation groups, and parks and open space advocates in the Township, as well as the views of any interested citizens.

Mayor Delcore said that he envisions this group as holding several public forums which would include a design charette, and using various communication vehicles for soliciting input from the community.

Mayor DelCore also stated that the individuals that are being considered at the meeting have a wide range of knowledge and experience about parks, recreation, landscaping, sports, planning, the neighborhood near the GSA Depot, and, of course, our community.

Mayor DelCore noted that the Committee looked forward to their varied insights on potential uses at the property and are appreciative of their willingness to serve the community.

Committeeman Ferrera stated that he looked forward to working with everyone on this Committee and looked forward to the ideas of the GSA Depot.

Ms. Dianna Rhineheart proposed the idea of having a community garden within the GSA Depot sight. She stated that it would be economical and good for the town as it is a farming community.

Mayor DelCore stated that the Township is not in a position as of yet to decide what they would intend to do with this property. However, there will be public forums where there will be opportunities to share ideas with the other town members.

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

APPROVAL OF MINUTES

- *Approval of the June 23, 2009 Regular Session Minutes*

Upon motion by Committeeman Ferrera, Deputy Mayor Wagner, the minutes of the June 23, 2009 Regular 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 gave an update on the need for a Child Safety Zone law that had been discussed at previous meetings.

Committeeman Ferrera said that the State Supreme Court had ruled that the Legislature and Governor must enact a law giving municipalities the authority to establish child safety zones.

Committeeman Ferrera stated that when this ruling came out a few months ago, the Township Committee took a strong stance in support of this law.

Committeeman Ferrera said that the bill, Assembly bill 641 had been released by the Assembly Judiciary Committee and is in a position for a vote. He went on to say that the A-641 would give towns the authority to establish child safety zones within 500 feet of schools, playgrounds and day care centers, where convicted sex predators could not live.

Committeeman Ferrera stated that Assemblyman, Peter Biondi recognized the importance of the legislation and had joined in sponsorship of the bill. He thanked Assemblyman Biondi for his willingness to lead on this issue.

Committeeman Ferrera stated that unfortunately, the state Assembly had taken a recess for the summer so there are not any meetings scheduled at this time. He said that because of this, it is unknown as to when the bill can be voted on by the full Assembly.

Committeeman Ferrera stated that he had spoken to Assemblyman Biondi about this and he noted that he would be writing to the Speaker of the Assembly and will ask that the bill be listed for a vote as soon as the Assembly comes back into session.

Committeeman Ferrera stated that he would continue to track the legislation and keep everyone informed. He said that because this is about protecting the children, he hoped that the state Assembly would understand that there is an imperative for immediate action.

Committeeman Ferrera stated that there is now Music in the Park in AnnVan Middlesworth Park. He said it would be going on July 9th, 16th, 23rd and 30th as well as August 7th. He noted that the event is free of charge and goes on between the hours of 7-9p.m.

Committeeman Ferrera said that the bands will be playing on the night of the Township's Camp out and Fishing Derby on August 7th to August 8th. He said this event would start on August 7th at 5:00p.m. He stated that the event would cost ten dollars for the Camp Out which will include dinner and breakfast the next morning and twelve dollars for the fishing derby, camp out, dinner and breakfast.

Committeeman Ferrera also stated that coming up will be the Two Ball Basketball Tournament sponsored by the Hillsborough Police. He said this will take place on Thursday, August 20th from 6-9 p.m. at Mary Mother of God Church. He noted that people could sign up at the Hillsborough Police Department or on the Hillsborough Police website.

Committeewoman McCauley

Committeewoman McCauley stated that an EBDC member had gotten together with a member of the Mountain View Plaza and will be having an event on Sunday, July 19th from 4-8p.m. She stated that there will be free food and fun for everyone such as bands, face painting and more.

Committeewoman McCauley noted that there are still tables available and anyone interested should contact herself at the Township. She stated that each table is twenty five dollars.

Committeewoman McCauley stated that regarding Hillsborough Sustainability, the County has informed the town that the Energy Audit for the Township will begin at the end of August.

Committeewoman McCauley also said that there is an Idle Free Workshop that Sustainable Hillsborough and Montgomery Sustainability is working on together. She noted that the date for this would be on Thursday, August 20th from 7-9p.m at the Hillsborough Township's Municipal Building in the Multi-Purpose Room. She stated that there will be Environmental Speakers stating how to better improve the environment. She noted that the information will be posted on the website for those whom are interested.

Committeeman Suraci

Committeeman Suraci thanked Dick Meyer, Senior Chapter A's President, for inviting him to celebrate the Chapter's thirty fifth anniversary.

Deputy Mayor Wagner

Deputy Mayor Wagner stated that with the recent purchase of the 3M quarry by the Silvy Group it had been completed. He said that as part of the transfer ownership, Somerset County was able to secure the preservation of 30.8 acres of the former 3M property on LongHill Road. Deputy Mayor Wagner stated that it was Block 171 Lot 52. He stated that this property acquisition adds to the significant property acquisition by the County and the Township to the Sourland Mountains Area.

Deputy Mayor Wagner said that Hillsborough Township greatly appreciates Somerset County's help in the preservation of this area.

Deputy Mayor Wagner noted that he will keep the public informed.

Mayor DelCore

Mayor DelCore thanked Senior Chapter A as well as the Chapter A president, Dick Meyer, for the invitation in celebrating the Chapter's thirty fifth anniversary.

Mayor DelCore also noted that on Thursday, July 30th, the second annual Mayor's Softball Challenge between Montgomery and Hillsborough will be held in Montgomery. He stated that this event is used to collect canned goods for the community food bank.

Mayor DelCore announced that residents are now able to follow the Township on Twitter at Mayor DelCore. He stated that this will allow residents the ability to have up to date information on what is happening around town.

NEW BUSINESS

- *There is no new business at this time.*

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Ms. Jane Faulker, Williamsburg Square, emphasized once again, the idea of the Community Gardens within the township.

Mayor DelCore stated that the residents will be informed as to when there will be public forums being held where residents are able to voice their opinions on what they feel would be of best interest to the Township.

PUBLIC HEARINGS

Public hearing on pre-qualification regulations for potential bidders for the Phase 1 Exterior Repair and Restoration of the Van der Veer-Harris Historic Home located in Hillsborough Township, pursuant, N.J.S.A. 40A:11-25.

Committeeman Suraci moved to open the public hearing. Said motion was seconded by Committeewoman McCauley and carried unanimously upon the call of the roll.

Mayor DelCore stated that the Town had been trying for several months to create new regulations that will permit alternative wind turbine energy systems in the Township.

Mayor DelCore said that it seemed as though this ordinance had been on the agenda on a regular basis. He noted that he had been advised the appropriate amendment had been made.

Mayor DelCore introduced Mr. Ringelheim for a review of the ordinance.

Mr. Ringelheim stated that the pre-qualification regulations sets forth the general scope of work that's broken down into eight major categories that include the following: scaffolding and building protection, selective demolition, structural improvement, masonry, repair and restoration of the exterior wood work, window and door restoration and repair and mechanical, plumbing and electrical work.

Mr. Ringelheim stated that all work on this project must conform to all standards of the historic properties and is subject to review by the New Jersey Historic Trust.

Mr. Ringelheim stated that in order to have a contractor perform this work, they must go through the pre-qualification process with the NJ Historic Trust which is the point of this hearing. He stated that these qualifications are put into place for evaluating perspective bidders.

Mr. Ringelheim stated that perspective bidders are encouraged to visit the site. He said that the County does require the contractor to submit completed qualification statements from all perspective bidders. He said that only bids from qualified bidders would be opened.

Mr. Wayne Brushe, Owner of a Business within the Township, asked Mr. Ringelheim if he has any advice on the specifications that would make a bidder qualified.

Mr. Ringelheim stated that he would have them for him in his office and ready for pick up.

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

Mayor DelCore asked that with the agreement of the other members of the Committee, he would like to take up consideration #4 at this time, in order to complete this action.

- 1. Resolution adopting the pre-qualification regulations and questionnaire for Phase 1 Repair and Restoration of the Van der Veer Harris House.**

WHEREAS, the Township of Hillsborough desires to preserve the Township's Historic Van der Veer-Harris House; and

WHEREAS, funding for the project is provided in part by the Somerset County Historic Preservation Grant Program; and

WHEREAS, Municipal governments receiving grants over \$100,000 must follow specific procedures when selecting contractors and subcontractors, as well as soliciting bids for their projects, and are subject to the New Jersey Historic Trust's programmatic requirements including the application of Local Public Contracts Law (N.J.S.A. 40A:11-25), specifically as it pertains to prequalification procedures for potential bidders; and

WHEREAS, in accordance with these State laws, the Township of Hillsborough is required to adopt the prequalification regulations, statement of bidder's qualification, and bidder's questionnaire for the Van der Veer- Harris House restoration project; and

WHEREAS, said prequalification regulations, statement of bidder's qualification, and bidder's questionnaire have been prepared by Farewell Mills Gatsch Architects, LLC, the Township's Historic Architectural Consultant for the Van der Veer – Harris House and are attached hereto; and

WHEREAS, these documents have been reviewed by the State of New Jersey Division of Local Government Services Bureau of Local Management Services and final acceptance, by the Director of the Division of Local Government Services, shall be made pending review of all required documentation pursuant to N.J.S.A. 40A:11-25.

NOW, THEREFORE, BE IT RESOLVED by the Township of Hillsborough, County of Somerset, State of New Jersey that it does hereby adopt the prequalification regulations and questionnaire for Phase 1 Repair and Restoration of the Van der Veer Harris House.

Mayor DelCore stated that this resolution adopts the prequalification regulations and questionnaire for Phase I of the historic project

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

Ordinance 2009-19 An Ordinance amending Chapter 188 (Development Regulations) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to provide a definition of a "Vertical Axis Wind Turbine" and to revise the requirements for small energy wind systems to permit vertical wind turbine technology.

Committeewoman McCauley moved to open the public hearing on Ordinance 2009-19. Said motion was seconded by Committeeman Suraci and carried unanimously upon the call of the roll.

Mayor DelCore stated that the Town had been trying for several months to create new regulations that will permit alternative wind turbine energy systems in the Township.

Mayor DelCore noted that he had been advised that the appropriate amendment has been made.

Mayor DelCore introduced Mr. Ringelheim to review the ordinance.

Mr. Ringelheim stated that at the last meeting the Planning Board had recommended changes to be made. He stated that the change will eliminate a restriction on the use of the vertical access wind turbines in residential districts so that all residents could take advantage of this. He said

that the turbines would now be able to go in residential areas provided they follow the restrictions.

Ms. Debbie Bessle, 18 Deerpark Road, thanked the Township Committee for the vision and foresight in having this Ordinance and going through with this.

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

Committeeman Suraci moved to adopt Ordinance 2009-19. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon call of the roll.

Ordinance 2009-22 An Ordinance to amend the code of the Township of Hillsborough, County of Somerset, State of New Jersey, by adding a new Chapter 233 to regulate clothing donation bins.

Committeeman Suraci moved to open the public hearing on Ordinance 2009-22. Said motion was seconded by Committeewoman McCauley and carried unanimously upon the call of the roll.

Mayor DelCore stated that this ordinance will implement a new state law that will require the regulation of charitable clothing bins, in order to ensure that those who are responsible for the bin also take responsibility for keeping the area of the bin cleaned up and to provide charitable information for donors.

Mayor DelCore stated that the new regulation will require annual registration with the Zoning Office.

Mayor DelCore stated that at the June 23rd meeting, the ordinance had been amended to meet some issues that Committeeman Suraci had raised at an earlier meeting. He stated that he was advised that if there were no other suggestions after the public hearing that this ordinance would be finalized.

Mayor DelCore asked Committeeman Suraci if he had any further comments.

Committeeman Suraci stated that he did not have any further comments.

Committeeman Suraci moved to close the public hearing on Ordinance 2009-22. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2009-22. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon call of the roll.

**Ordinance 2009-26 Calendar Year 2009 Ordinance to Establish a Budget Cap Bank.
(N.J.S.A. 40A:4-45.14)**

Committeeman Suraci moved to open the public hearing on Ordinance 2009-26. Said motion was seconded by Committeewoman McCauley and carried unanimously upon the call of the roll.

Mayor DelCore stated that this ordinance had been routinely approved over the past seven years and this Ordinance will extend the budget cap to 3.5%.

Mayor DelCore stated that because the budget this year had not increased by 3.5%, it will allow the Township to reserve any unused part of the 2009 appropriation cap for future budgets.

Committeeman Suraci moved to close the public hearing on Ordinance 2009-26. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Committeewoman McCauley moved to adopt Ordinance 2009-26. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2009-27 **An Ordinance amending Chapter 169 of the code of the Township of Hillsborough, titled "Fire Zones", Section 5, titled "Fire Zones Designated" Further consideration of this ordinance and public hearing will be held on August 11, 2009.**

Mayor DelCore stated that this ordinance will change the fire zone designation at the Robin Road village, at the request of the Homeowners association and the recommendation of the Chief Fire Marshal.

Municipal Budget

RESOLUTION AUTHORIZING THE 2009 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

WHEREAS, pursuant to N.J.S.A. 40A:4-8, as amended by Chapter 78, P.L. 1964, the municipal budget as advertised and amended, may be read as its title at the public hearing, a complete copy of the approved budget, as advertised, shall be posted, in the principal municipal building, and is made available to each person requesting the same, during said week and during the public hearing; and

WHEREAS, the Township Committee of the Township of Hillsborough hereby determines that the above conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the 2009 municipal budget shall not be read in full, but by its title only.

Mayor DelCore stated that this resolution will allow the budget to be read by title, instead of having the entire document read prior to the public hearing, because of its public availability over the past month.

Mayor DelCore stated that the budget had been made available at the Township Clerk's office to any requestor free of charge, had been available in the Public Library, and had been advertised according to law in the Hillsborough Beacon.

Mayor DelCore said that for the first time, a budget summary and review has also been posted on the Township's website this year.

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

Public Hearing on 2009 Municipal Budget

Committeeman Suraci moved to open the public hearing on the 2009 Municipal Budget. Said motion was seconded by Committeewoman McCauley and carried unanimously upon the call of the roll

Mayor DelCore stated that the Township's Chief Finance Officer Nancy Haberle had a summary presentation on the budget that she would be presenting after he made his points.

Mayor DelCore stated that he believed this budget reflected the business approach expected by Hillsborough taxpayers and deals with the realities of the current economic situation.

Mayor DelCore stated that when the budget was introduced, funding for five full time positions has been cut. He noted that 34 appropriation line items had been reduced, the capital appropriation had been cut by nearly 30%, and the tax rate increase was 2.63% less than the rate of inflation which could have been avoided had the state not cut Hillsborough's aid by \$842,000.

Mayor DelCore stated that there had been a discussion about the unfairness of the state aid that had been cut. He also stated that the fact is Hillsborough's aid had gone from \$1,314,000 in the year 2007 to \$449,000 in 2009 which is an impact on taxpayers.

Mayor DelCore thanked the members of the Finance Committee as well as the staff for their work on the budget.

Mayor DelCore introduced the CFO, Nancy Haberle.

Ms. Haberle stated that compared to other area towns, Hillsborough Township has the lowest per capita spending of the four municipalities.

Ms. Haberle said that the 2009 Municipal Budget includes less spending on 34 line items for a savings of \$881, 123 as well as no increases on 28 other line items.

Ms. Haberle stated that one of the challenges faced are the continued state aid cuts. From the years 2007-2009 the Township's state aid had been reduced from \$842, 802. The 2009 Municipal Budget has a tax rate change of 1.1 points which, for the average home, would be an additional thirty six dollars. She said that this is a 2.63 increase which is below the 3.8 percent inflation rate determined by the US Department of Labor.

Mr. Haberle went on to say that the economic downturn has decreased several items of non tax revenue. She said that the loss of state aid resulted in a reduction of over 273,000 dollars. She said that interest on investments is lower and land use fees are down due to the decrease of applications being filed.

Ms. Haberle stated that the Township chose not to participate in the pension borrowing plan. She stated that participating in this plan would have had an immediate effect on the 2010 Municipal Budget.

Committeeman Suraci acknowledged that going over the budget is never an easy task.

Committeeman Suraci thanked his co- Finance committee member, Gloria McCauley, for her hard work and insights as well as her dedication to the taxpayers while working on the budget with him.

Committeeman Suraci also thanked Mr. Davis and Ms. Haberle for their efforts in completing the budget.

Committeeman Suraci stated that each year it becomes more challenging to ensure that there is sufficient funding to deliver services while also minimizing the impact on taxpayers through a business like approach.

Committeeman Suraci said that although the developing of the budget is difficult, the Township Committee is working at ensuring that the Departments deliver the services expected and demanded by the residents, despite the significant budget reductions.

Committeeman Suraci repeated that the largest factor is the state aid that had been cut to only \$842,000. He said that this cut on the state aid is directly responsible for the 1.1 cent tax increase.

Committeeman Suraci stated that the tax rate change had been kept below the rate of inflation thanks to the real economies for the taxpayers in this budget.

Committeeman Suraci also stated that the budget reduced 34 line items below the 2008 level and freezes 28 others with no increase. He also said that the capital budget was cut by nearly 30% and that the budget cuts the funding for five full time positions.

Committeeman Suraci also stated that the town is able to continue the business like philosophy of debt reduction that had helped to reduce interest cost impacts over the last few years. He also said that Hillsborough did not take on the added debt burden that would have resulted from the pension borrowing plan.

Committeeman Suraci stated that once this document is adopted, the attention will be to keep a close eye on the Departments in ensuring they are providing the necessary and expected services to the public.

Committeeman Suraci said that evening hours in key Departments will continue, as will Saturday inspections by the Building Department. He said that leaf pick up, street cleaning, open space maintenance and street repair programs will also continue. He noted that once the infra red paving equipment is purchased, the Township Committee will have an expectation of more effective and efficient street repair by DPW.

Committeeman Suraci stated once again that the budget reductions were necessary in order to minimize the tax impact of the cut in state aid. He said that these will not be used as an excuse by the Departments not to perform their duties.

Committeeman Suraci also stated that Committeewoman McCauley and himself will be holding monthly budget accountability meetings with Department heads during the rest of the year.

Committeewoman McCauley stated that when the budget was introduced she had had the opportunity to delve deeply into the functions of various departments.

Committeewoman McCauley said that this process helped her understand the demands that are placed on the Township departments and the costs associated with meeting the needs of the public.

Committeewoman McCauley noted that it had been a challenge in which she believed the Township had met. She went on to state that she had done some comparisons of the budget from the past few years and not only does the budget freeze 28 appropriation line items and reduce 34 line items below the 2008 level, but there had also been 38 budget lines that were reduced below the 2007 level.

Committeewoman McCauley also noted that there were 38 lines where the budget was lower than it was two years ago.

Committeewoman McCauley noted that as a member of the Finance Committee, she intends to continue monitor the spending closely and to raise questions that are appropriate regarding spending decisions.

Committeewoman McCauley will also be working closely with the Administrator and the township's CFO in developing more areas of cost savings for the taxpayers of the Township.

Committeewoman McCauley stated that she will join with Committeeman Suraci in monitoring the municipal departments through the monthly budget accountability meetings with department heads.

Committeewoman McCauley stated that she will ensure that the departments still perform to the level expected by the citizens, even though budget funds have been reduced. She stated that if there are issues, it would be best to know about them before they happen rather than after.

Committeewoman McCauley restated what she had said at the budget introduction. She stated that the state's plan for Hillsborough was not for the Township to cut spending, but instead to borrow \$800,000 for the annual pension payment and pay it back at 8.75% interest, which would double the original cost.

Committeewoman McCauley stated that in the fine print of the state's borrowing plan, it said the payback may be higher, depending on how the pension investments in the stock market go. Committeewoman McCauley said that this was the wrong policy for the taxpayers and she was proud that the Township Committee did not choose what looked like the easy way out at first.

Committeewoman McCauley stated that because of the business she is in, she understands firsthand how the economy has affected people. She said that she believed Hillsborough must continue to do all that I can to hold down the impact on the taxpayers.

Committeewoman McCauley also recognized Ms. Haberle's work during this process, thanked Mr. Davis for his guidance and also thanked Committeeman Suraci for his hard work on behalf of the taxpayers.

Deputy Mayor Wagner stated that in Hillsborough, the Township Committee had been and continues to be a parsimonious bunch.

Deputy Mayor Wagner stated that we have instituted several sound businesses like policies, such as paying down old debt and pay as you go capital expenditures, in order to avoid future debt.

Deputy Mayor Wagner stated that the Township was offered the enticement of paying less for pensions today, only to face interest payments that would be costly for Hillsborough's taxpayers in the future. He said that the Township did not take this offer in order to protect the taxpayers. He also went on to state that the Township Committee had also recognized that salaries drive budget costs.

Deputy Mayor Wagner said that the Township had combined positions such as the Administrator and Clerk as well as the Fire and Building Sub code Official and the Collector and Finance Collector. He went on to state that the Township had also decreased the number of full time employees, therefore decreasing salaries and benefits where possible.

Deputy Mayor Wagner stated that he believed Ms. Haberle's data comparing per capita spending was extremely fair and useful as a measurement.

Deputy Mayor Wagner stated that some neighboring towns have greater populations, which cause greater needs within the Township.

Deputy Mayor Wagner said that Hillsborough is larger geographically than some of the neighboring towns and therefore the Township may have more roads with greater maintenance responsibilities or more Police patrol areas.

Deputy Mayor Wagner stated that the data presented at the meeting shows that Hillsborough has the lowest per capita budget within all four communities that border Hillsborough and of similar composition.

Deputy Mayor Wagner believed that the data spoke to the rightness of the Township Committee's careful and business like approach to the use of the taxpayer dollars.

Deputy Mayor Wagner thanked Committee members Suraci and McCauley for their work this year on the budget. He acknowledged the extra time and real focus that they have put in.

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

Resolution adopting the 2009 Municipal Budget

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

CONSIDERATIONS

Mayor DelCore offered the following resolutions:

- 1. Resolution providing for the issuance and sale of Special Assessment Bonds of the Township of Hillsborough, in the County of Somerset, New Jersey and providing for other details of said bonds and related matters.**

WHEREAS, the Township Committee of the Township of Hillsborough, in the County of Somerset, New Jersey (the "Township") has finally adopted two bond ordinances authorizing the issuance of up to (a) \$570,000 in special assessment bonds in connection with the installation of sanitary sewer lines along Hiland Drive and Riverview Terrace ("Ordinance 2007-08"), and Township Line Road ("Ordinance 2008-09") in the Township and (b) \$500,000 in special assessment bonds in connection with the installation of sanitary sewer lines along Tara Drive, Arthur Road, Mountain View Road and Brook Drive in the Township ("Ordinance 2007-20", and together with Ordinance 2007-08 and 2008-09, the "Ordinances"); and

WHEREAS, the Township desires to issue and sell its bonds pursuant to the Ordinances and it is deemed advisable and in the best interests of the Township to issue an aggregate principal amount of \$765,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, in the County of Somerset, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), as follows:

SECTION 1. Authority for Resolution. Pursuant to the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the "Act"), the Township has previously adopted the Ordinances, which Ordinances authorized the issuance of bonds in the amounts indicated, and the Township has determined to issue at this time, pursuant to said Ordinances, the following amount of bonds:

<u>Ord. Number</u>	<u>Date Adopted</u>	<u>Purpose</u>	<u>Amount of Bonds Authorized</u>	<u>Period of Usefulness</u>	<u>Bonds to be Issued</u>
2007-08	April 10, 2007	Sewer improvements - Riverview	\$570,000	40	\$562,000
2008-09	May 13, 2008	Sewer improvements – Township Line Road	N/A	N/A	N/A
2007-20	July 10, 2007	Sewer improvements - Mountainview	\$500,000	40	\$203,000

SECTION 2. Authorization of Bonds. In accordance with the Act, there shall be issued bonds of the Township pursuant to the Ordinances set forth in Section 1 above, in the aggregate principal amount of \$203,000 of Special Assessment Bonds, Series 2009A (the "Series 2009A Bonds") and \$562,000 of Special Assessment Bonds, Series 2009B (the "Series 2009B Bonds", and collectively with the Series 2009A Bonds, the "Bonds"). The Bonds shall constitute two separate series and shall be designated "Special Assessment Bonds, Series 2009A" and "Special Assessment Bonds, Series 2009B", respectively, and are hereby issued and sold in accordance with the provisions of this Resolution.

SECTION 3. Description of the Bonds.

(a) Terms of the Bonds. The Bonds will be issued in fully registered form to TD Bank, N.A. (the "Purchaser") The Bonds shall be substantially in the form as provided in this Resolution, with such omissions, insertions and variations as are properly required. The Bonds shall be dated and shall bear interest from their date of delivery, at the rates, and shall mature, on June 1 in the year and in the principal amount set opposite such year in the following table:

Series 2009A Bonds		
<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2010	\$40,600	3.75%
2011	\$40,600	3.75%
2012	\$40,600	3.75%
2013	\$40,600	3.75%
2014	\$40,600	3.75%
Series 2009B Bonds		
<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>

2010	\$28,100	5.00%
2011	\$28,100	5.00%
2012	\$28,100	5.00%
2013	\$28,100	5.00%
2014	\$28,100	5.00%
2015	\$28,100	5.00%
2016	\$28,100	5.00%
2017	\$28,100	5.00%
2018	\$28,100	5.00%
2019	\$28,100	5.00%
2020	\$28,100	5.00%*
2021	\$28,100	5.00%*
2022	\$28,100	5.00%*
2023	\$28,100	5.00%*
2024	\$28,100	5.00%*
2025	\$28,100	5.00%*
2026	\$28,100	5.00%*
2027	\$28,100	5.00%*
2028	\$28,100	5.00%*
2029	\$28,100	5.00%*

* Effective June 1, 2019, the Series 2009B Bonds shall bear interest at a rate equal to 72% of the sum of (i) the Purchaser's then Cost of Funds for a loan of 10 years, plus (ii) 2.25%.

(b) Payment of the Bonds. Principal and interest on the Bonds shall be payable on the due date thereof at the address provided by the Purchaser.

(c) Interest Rate Per Annum and Interest Payment Date. The Bonds shall bear interest at the respective interest rates per annum which are set forth in the table above and such interest shall be payable on June 1 and December 1 of each year until maturity or earlier prepayment or tender, commencing December 1, 2009.

(d) If any payments are made more than 15 days late, a 5% charge shall be imposed on the late payment. Amounts payable following a Default shall bear interest at the Default Rate until paid. As used herein, (i) "Default" means (a) the default of any liability, obligation, covenant or undertaking of the Township to the Purchaser, under the Bonds or otherwise, including, without limitation, failure to pay in full and when due any installment of principal or interest or default of the Township under the Bonds or any other agreement with the Purchaser continuing for 30 days with respect to any default; or (b) the institution by or against the Township of any proceedings under the U.S. Bankruptcy Code, 11 USC §101 *et seq.*, N.J.S.A. 52:27-1 *et seq.* or any other law in which the Township is placed into receivership or is alleged to be unable to pay its debts as they come due; and (ii) "Default Rate" shall mean a rate per annum equal to the lower of (i) three percentage points above the interest rate then being charged, and (ii) the maximum interest rate allowed by law.

SECTION 4. Form of Bonds. Subject to the provisions of this Resolution, the Bonds shall be in substantially the form set forth in Exhibit A hereto, with such omissions, insertions, endorsements and variations as may be required by the circumstances and be required or permitted by this resolution or as may be consistent with this Resolution and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto.

SECTION 5.

Prepayment or Tender of the Bonds. The Bonds shall be subject to prepayment prior to their stated maturities in whole or in part at any time. The Series 2009B Bonds shall be subject to optional put by the holders thereof on June 1, 2019. Notice of such prepayment or optional tender shall be provided (i) in the case of prepayment, at least 30 and not more than 60 days prior to the date of such prepayment and (ii) in the case of put, at least 90 days prior to the date of such put.

SECTION 6.

Execution of Bonds. Said Bonds shall be executed in the name of the Township by the manual or facsimile signatures of the Mayor and the Chief Financial Officer and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

SECTION 7.

Determination of Average Period of Usefulness. It is hereby determined and stated that the average period of usefulness of the several purposes for which the Bonds are to be issued under the Ordinances described in Section 1 above, according to their respective lives, as determined in said Ordinances, taking into consideration the respective amounts of bonds to be issued for said several purposes, is a period of at least 40 years.

SECTION 8. Pledge of Township. The full faith and credit of the Township, in the County of Somerset, State of New Jersey is hereby pledged for the payment of the principal of and interest on the Bonds and said Bonds shall be general obligations of the Township payable as to principal and interest from *ad valorem* taxes which may be assessed on the taxable property within said Township without limitation as to rate or amount.

SECTION 9. Award of the Bonds. The Bonds are authorized to be sold and awarded to the Purchaser at a purchase price of \$765,000. The terms and conditions of such offer for each series of Bonds are set forth in the respective Terms and Conditions of the Purchaser, each dated June 30, 2009 (collectively, the "Terms and Conditions of Loan"), copies of which are attached hereto as Exhibit B and which by this reference is made a part hereof as if set forth in full herein. The Terms and Conditions of Loan shall control unless amended by this Resolution. Settlement for the Bonds shall be made in immediately available funds on July 22, 2009, or on such other date as may be agreed to by the Township and the Purchaser. This Resolution shall constitute acceptance of the Purchaser's offer to buy the Bonds pursuant to the Terms and Conditions.

SECTION 10. Upon the date of issue of the Bonds, the Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to the Purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended, and (b) an accompanying opinion of GluckWalrath LLP as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

SECTION 11. The proceeds of the Bonds shall be applied in the amounts and for the purposes provided in Section 1 hereof.

SECTION 12. The Mayor (Deputy Mayor) and the Chief Financial Officer are hereby authorized, as is the Township Clerk or Deputy Clerk, to execute all documents and certificates necessary for the sale and delivery of said Bonds.

SECTION 13. Additional Acts. On behalf of the Township, the appropriate representatives of the Township are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of this Resolution with respect to the issuance, sale and delivery of the Bonds, including, but not limited to, the execution of closing documentation.

SECTION 14.

Effective Date. This Resolution shall take effect upon adoption hereof. Effecti

The foregoing resolution was adopted by the following vote:

AYES: Delcore, Wagner, Suraci and McCauley

NAYES:

EXHIBIT A

(Form of Bond)

No.

\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF SOMERSET

TOWNSHIP OF HILLSBOROUGH
SPECIAL ASSESSMENT BOND, SERIES 2009[A][B]

DATE OF
ORIGINAL ISSUE:

TOWNSHIP OF HILLSBOROUGH, in the County of Somerset, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

TD BANK, NATIONAL ASSOCIATION
(the "Purchaser")

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Purchaser on each June 1 and December 1, respectively, commencing December 1, 2009. This bond as to principal will be payable on the due date therefor at the address provided by the Purchaser. If any payments are made more than 15 days late, a 5% charge shall be imposed on the late payment. Amounts payable following a Default shall bear interest at the Default Rate until paid. This Bond is otherwise subject to the terms and provisions set forth in the Resolution (as defined herein).

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, (i) "Default" means (a) the default of any liability, obligation, covenant or undertaking of the Township to the Purchaser, under the Bonds or otherwise, including, without limitation, failure to pay in full and when due any installment of principal or interest or default of the Township under the Bonds or any other agreement with the Purchaser continuing for 30 days with respect to any default; or (b) the institution by or against the Township of any proceedings under the U.S. Bankruptcy Code, 11 USC §101 *et seq.*, N.J.S.A. 52:27-1 *et seq.* or any other law in which the Township is placed into receivership or is alleged to be unable to pay its debts as they come due; and (ii) "Default Rate" shall mean a rate per annum equal to the lower of (i) three percentage points above the interest rate then being charged, and (ii) the maximum interest rate allowed by law.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Special Assessment Bonds referred to in a resolution of the Township of Hillsborough adopted on July 14, 2009 and entitled "RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF SPECIAL ASSESSMENT BONDS OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY AND PROVIDING FOR OTHER DETAILS OF SAID BONDS AND RELATED MATTERS" (the "Resolution") and the bond ordinances referred to therein, each in all respects duly approved and published as required by law.

The full faith and credit of the Township of Hillsborough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township of Hillsborough, is within every debt and other limit prescribed by such Constitution or statutes.

The Township of Hillsborough agrees to pay all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond.

BALANCE OF THIS PAGE IS BLANK

IN WITNESS WHEREOF, the Township of Hillsborough, in the County of Somerset, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Township Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

TOWNSHIP OF HILLSBOROUGH, IN
THE COUNTY OF SOMERSET, NEW
JERSEY

By: _____

Mayor

By: _____

Chief Financial Officer

ATTEST:

Clerk

(Assignment Provision on Back of Bond)

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby sells, assigns and transfers unto _____ . (Please Print or Type Name and Address of Assignee) the within bond and irrevocably appoints _____ as Attorney to transfer this bond on the registration books of the _____ with full power of substitution and revocation.

NOTICE

The signature of this assignment must correspond with the name as it appears on the face of the within bond in every particular.

Dated:

Signature of Guarantee:

SCHEDULE A

TOWNSHIP OF HILLSBOROUGH

SPECIAL ASSESSMENT BONDS, SERIES 2009[A][B]

Schedule of Principal and Interest Payments

Series 2009A Bonds

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2010	\$40,600	3.75%
2011	\$40,600	3.75%
2012	\$40,600	3.75%
2013	\$40,600	3.75%
2014	\$40,600	3.75%

Series 2009B Bonds

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2010	\$28,100	5.00%
2011	\$28,100	5.00%
2012	\$28,100	5.00%
2013	\$28,100	5.00%
2014	\$28,100	5.00%
2015	\$28,100	5.00%
2016	\$28,100	5.00%
2017	\$28,100	5.00%
2018	\$28,100	5.00%
2019	\$28,100	5.00%
2020	\$28,100	5.00%*
2021	\$28,100	5.00%*
2022	\$28,100	5.00%*
2023	\$28,100	5.00%*
2024	\$28,100	5.00%*
2025	\$28,100	5.00%*
2026	\$28,100	5.00%*
2027	\$28,100	5.00%*
2028	\$28,100	5.00%*
2029	\$28,100	5.00%*

* Effective June 1, 2019, the Series 2009B Bonds shall bear interest at a rate equal to 72% of the sum of (i) the Purchaser's then Cost of Funds for a loan of 10 years, plus (ii) 2.25%.

EXHIBIT B

Terms and Conditions of Sale

Mayor DelCore stated that this action will finalize the activity for these sewer projects.

Mayor DelCore stated that both the Mountainview and Riverview sewer projects were funded through a special assessment on the benefiting property owners and not the taxpayers.

Mayor DelCore stated that the Township's Chief Finance Officer sought competitive bids for the long term special assessment bonds for these projects. He also stated that TD Bank is the underwriter.

Mayor DelCore stated that the Mountainview project, with a bond cost of \$203,000, will be paid off over five years with interest at 3.75% interest.

Mayor DelCore also stated that the Mountainview area property owners benefited from a developer contribution from Beazer Homes which substantially reduced the total cost of the project to property owners.

Mayor DelCore said the Riverview project, with a bond cost of \$562,000, will be paid off over the first ten years with interest at 5.0%, with a possible recalculation of interest in 2019.

Mayor DelCore stated that the Township had been advised that the slightly higher interest rate results from the longer payback period, as does the interest recalculation.

Mayor DelCore noted that in both cases, the total cost of the sewer projects were below original estimated costs.

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

2. Resolution approving a Special Assessment for the Mountain View Road Sanitary Sewer Improvements.

WHEREAS, the Township Committee of the Township of Hillsborough previously authorized the installation of sanitary sewer lines along Mountain View and Arthur Roads, and Brook and Tara Drives (the "Mountain View Road Sanitary Sewer Improvements" or "Improvements"); and

WHEREAS, the Township Committee authorized the Improvements on the basis that the property owners benefiting from the installation of the sanitary sewer line would be responsible for the costs; and

WHEREAS, the construction has been completed at a total cost of \$784,651.00; and

WHEREAS, on September 8, 2005, the Township of Hillsborough Planning Board adopted a Resolution of Memorialization granting Beazer Homes Amended Preliminary Major Subdivision and Amended Final Major Subdivision approval for a portion of Block 180A, Lots 3 and 4 located along Mountain View and Pleasant View Roads; and

WHEREAS, Planning Board Resolution 99-PB-2-MJF requires that Beazer Homes contribute \$500,000.00 toward the sanitary sewers to be constructed for the Mountain View Road, Arthur Road, Brook Drive and Tara Drive area, and contribute any savings realized by a redesign of the sewer trunk main servicing the Beazer Homes development; and

WHEREAS, the savings realized by the redesign of the sewer trunk main are \$70,341.00, making Beazer Homes' total contribution for the Improvements \$570,341.00; and

WHEREAS, in addition to the Beazer Homes' contribution, Public Service Electric & Gas Company contributed \$5,416.00 as part of its community outreach program; and

WHEREAS, after the Beazer Homes and Public Service Electric & Gas Company contributions, the benefiting property owners will be responsible for \$209,000.00 of the \$784,651.00 project cost, which payments may be made, at the election of each property owner in one lump sum payment, with no interest, or paid over a five (5) year period, with annual interest at the rate of 3.75% added; and

WHEREAS, this results in each of the benefiting property owners being specially assessed a total of \$2,823.00, or \$564.60 annually for five (5) years, with interest added; and

WHEREAS, the Tax Collector of the Township of Hillsborough is empowered to deliver to the property owners benefiting from the Mountain View Road Sanitary Sewer Improvements a local improvement bill for the Special Assessment.

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

1. That a Special Assessment in the sum of \$2,823.00 is hereby approved and adopted as to each of the properties identified on Exhibit A.
2. That the owners of any real estate upon which a Special Assessment for the Improvements has been made may pay the assessment in one lump sum payment of \$2,823.00 or \$564.60 annually for five (5) years, with interest at the annual rate of 3.75% added.
3. That the Tax Collector of the Township of Hillsborough be and is hereby directed to mail or deliver to the owners of such real estate bills for the Special Assessment set forth in this Resolution.
4. That the first payment be made no later than September 1, 2009 with each annual payment thereafter on September of each year.
5. That this Resolution shall take effect immediately.

EXHIBIT A

Block	Lot	Street Address	Block	Lot	Street Address
		115 Mountain View Road			
177	24.07	Road	179	34.E	140 Mountain View Road
		107 Mountain View Road			
177	24.C	Road	179	34.F	Mountain View Road
		109 Mountain View Road			
177	24.D	Road	179	34.G	134 Mountain View Road
		111 Mountain View Road			
177	24.E	Road	179	34.H	136 Mountain View Road
		117 Mountain View Road			
177	24.G	Road	179	34.I	138 Mountain View Road
		119 Mountain View Road			
177	24.H	Road	179	35	21 Arthur Road
		121 Mountain View Road			
177	24.I	Road	179	36	29 Arthur Road
		123 Mountain View Road			
177	24.J	Road	179	37	33 Arthur Road
		125 Mountain View Road			
177	24.K	Road	179	38	35 Arthur Road
179	1.01	872 Route 206 South	179	39	37 Arthur Road
		104 Mountain View Road			
179	5	Road	179	40	39 Arthur Road
		106 Mountain View Road			
179	6	Road	179	41	41 Arthur Road
		108 Mountain View Road			
179	7	Road	179	42	43 Arthur Road
		110 Mountain View Road			
179	8	Road	179	43	45 Arthur Road
		112 Mountain View Road			
179	9	Road	179	44	47 Arthur Road
Block	Lot	Street Address	Block	Lot	Street Address
		114 Mountain View Road			
179	10	Road	179	45	46 Arthur Road
179	11	4 Brook Drive	179	46	3 Tara Drive
179	12	12 Brook Drive	179	47	5 Tara Drive

179	13	16 Brook Drive	179	48	7 Tara Drive
179	14	20 Brook Drive	179	49	9 Tara Drive
179	15	24 Brook Drive	179	50	Tara Drive
179	16	28 Brook Drive	179	51	Tara Drive
179	17	32 Brook Drive	179	52	8 Tara Drive
179	18	6 Arthur Road	179	53	6 Tara Drive
179	19	10 Arthur Road	179	54	4 Tara Drive
179	20	14 Arthur Road	179	55	2 Tara Drive
179	21	17 Arthur Road	179	56	42 Arthur Road
179	22	13 Arthur Road	179	57	38 Arthur Road
179	23	9 Arthur Road	179	58	34 Arthur Road
179	24	23 Brook Drive	179	59	32 Arthur Road
179	25	19 Brook Drive	179	60	26 Arthur Road
179	25.A	15 Brook Drive	179	61	22 Arthur Road
179	26	11 Brook Drive	177	24.L	113 Mountain View Road
		118 Mountain View			
179	27	Road	179	30	1 Mountain View Road
		120 Mountain View			
179	28	Road	179	34.A	Mountain View Road
		122 Mountain View			
179	29	Road	177	24.A	862 Route 206
		126 Mountain View			
179	31	Road	179	1	866 Route 206
		142 Mountain View			
179	34.D	Road			

Mayor DelCore said that this resolution, as well as the next one, would authorize the billings for the special assessments to the benefiting property owners.

Mayor DelCore stated that the Mountainview project payment schedule would be \$564.60 with interest on the declining balance annually for five years, beginning September 1, 2009.

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

3. Resolution approving a Special Assessment for the Hiland Drive Sanitary Sewer Improvements.

WHEREAS, the Township Committee of the Township of Hillsborough previously authorized the installation of sanitary sewer lines along Hiland Drive, Riverview Terrace and Township Line Road (the "Hiland Drive Sanitary Sewer Improvements" or "Improvements"); and

WHEREAS, the Township Committee authorized the Improvements on the basis that the property owners benefiting from the installation of the sanitary sewer lines would be responsible for the costs; and

WHEREAS, the construction of the Improvements has been completed at a total cost of \$568,157.00 Dollars; and

WHEREAS, the property owners along Hiland Drive and Riverview Terrace initially requested sanitary sewers and, thereafter, three (3) property owners along Township Line Road requested to be added to the Improvements; and

WHEREAS, as a result of this disparity, the property owners along Hiland Drive, and Riverview Terrace will be assessed for \$504,751.00 of the \$568,157.00 cost of the

Improvements, and the assessment for the property owners along Township Line Road will be on the basis of the total costs of the Improvements of \$568,157.00; and

WHEREAS, the property owners along Hiland Drive and Riverview Terrace will be assessed \$15,773.00 each; and

WHEREAS, the property owners along Hiland Drive and Riverview Terrace may, at their election, pay in one lump sum payment, with no interest, or pay over a period of twenty (20) years, payable in two (2) annual installments of \$394.50, with annual interest at the rate of 5% added; and

WHEREAS, the property owners along Township Line Road will be assessed \$21,135.00 each; and

WHEREAS, the Township Line Road property owners may, at their election, pay in one lump sum payment, with no interest, or pay over a period of twenty (20) years, payable in two (2) annual installments of \$528.00, with annual interest at the rate of 5%; and

WHEREAS, the 5% annual interest rate is fixed for the first ten (10) years but shall be reset effective June 1, 2009 to bear a rate equal to 72% of the sum of (i) TD Bank's then Cost of Funds for a loan of ten (10) years, plus (ii) 2.25%, and thereafter remain fixed; and

WHEREAS, the Tax Collector of the Township of Hillsborough is empowered to deliver to the owners of the property benefiting from the Hiland Drive Sanitary Sewer Improvements a local improvement bill for the Special Assessment.

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

6. That a Special Assessment in the sum of \$15,773 for the Hiland Drive and Riverview Terrace properties and \$21,135 for the Township Line Road properties is hereby approved and adopted as to each of the properties identified on Exhibit A.
7. That the owners of any real estate upon which a Special Assessment for the Improvements has been made may pay the assessment in one lump sum payment of \$15,773 for the Hiland Drive and Riverview Terrace properties or in two (2) annual installments of \$394.50 for twenty (20) years, with interest at the annual rate of 5.00% added.
8. That the owners of any real estate upon which a Special Assessment for the Improvements has been made may pay the assessment in one lump sum payment of \$21,135 for the Township Line Road properties or in two (2) annual installments of \$528.00 for twenty (20) years, with annual interest at the rate of 5% added.
9. That the 5% annual interest rate is fixed for the first ten (10) years but shall be reset effective June 1, 2009 to bear a rate equal to 72% of the sum of (i) TD Bank's then Cost of Funds for a loan of ten (10) years, plus (ii) 2.25%, and thereafter remain fixed.
10. That the Tax Collector of the Township of Hillsborough be and is hereby directed to mail or deliver to the owners of such real estate bills for the Special Assessment set forth in this Resolution.
11. That the first payment be made no later than September 1, 2009 with each annual payment thereafter on September of each year.

12. That this Resolution shall take effect immediately.

Exhibit A

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
		18 RIVERVIEW
207	47	TERRACE
		16 RIVERVIEW
207	48	TERRACE
		14 RIVERVIEW
207	49	TERRACE
		12 RIVERVIEW
207	50	TERRACE
		10 RIVERVIEW
207	51	TERRACE
		8 RIVERVIEW
207	52	TERRACE
		6 RIVERVIEW
207	53	TERRACE
		4 RIVERVIEW
207	54	TERRACE
		2 RIVERVIEW
207	55	TERRACE
207.01	100	2 HILAND DRIVE
207.01	101	4 HILAND DRIVE
207.01	102	6 HILAND DRIVE
207.01	103	8 HILAND DRIVE
207.01	104	10 HILAND DRIVE
207.01	105	12 HILAND DRIVE
207.01	120	18 HILAND DRIVE
207.01	121	20 HILAND DRIVE
207.01	122	22 HILAND DRIVE
207.01	123	15 HILAND DRIVE
207.01	124	13 HILAND DRIVE
207.01	125	11 HILAND DRIVE
207.01	126	9 HILAND DRIVE
207.01	127	7 HILAND DRIVE
207.01	128	5 HILAND DRIVE
207.01	129	3 HILAND DRIVE
		13 RIVERVIEW
207.01	130	TERRACE
		11 RIVERVIEW
207.01	131	TERRACE
		9 RIVERVIEW
207.01	132	TERRACE
		7 RIVERVIEW
207.01	133	TERRACE
		5 RIVERVIEW
207.01	134	TERRACE
		3 RIVERVIEW
207.01	135	TERRACE
		1 RIVERVIEW
207.01	136	TERRACE
		752 TOWNSHIP LINE
207.01	137	ROAD
		744 TOWNSHIP LINE
207.01	138	ROAD
		730 TOWNSHIP LINE
207.01	139	ROAD

Mayor DelCore stated that the payment schedule for the Riverview project would be \$394.50, with interest on the declining balance, semi annually for twenty years, beginning September 1, 2009.

Mayor Delcore stated that for the Township Line Road residents it would be \$528.50, with interest on the declining balance, semi annually for twenty years, beginning September 1, 2009

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

5. Resolution supporting the construction of a noise barrier along the westerly side of Old Somerville Road and creating two (2) cul-de-sacs on Old Somerville Road.

WHEREAS, the New Jersey Department of Transportation (NJDOT) recommends constructing a noise barrier between the proposed Route 206 Bypass and the existing residential houses along the westerly side of Old Somerville Road; and

WHEREAS, the property owners along this area have been informed of the potential noise barrier and are in favor of its construction; and

WHEREAS, before the proposed noise barrier can be incorporated into the Route 206 Bypass project, the NJDOT requires the Township of Hillsborough to provide a resolution of support endorsing the proposed construction; and

WHEREAS, the construction of the Route 206 Bypass and the noise barrier will create two (2) cul-de-sacs on Old Somerville Road, creating two (2) separate roadways which the Township will name at a later date; and

WHEREAS, the new roadways and cul-de-sacs will be public roadways owned and maintained by the Township of Hillsborough.

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 support the construction of a noise barrier between the proposed Route 206 Bypass and the existing residential houses along the westerly side of Old Somerville Road, as recommended by NJDOT.

Mayor DelCore stated that as the NJDOT edges closer to starting the Route 206 by-pass project, the Department requires action by the Township regarding noise barriers and road adjustments to benefit property owners on and near Old Somerville Road.

Mayor DelCore stated that the Township had been advised that the residents along the west side of Old Somerville Road are supportive of the proposed noise barriers which will be built by NJDOT as part of the by-pass project.

Mayor DelCore stated that the Township had been further advised that creating two cul de sacs at the on Old Somerville Road will be an improvement for the property owners there, as opposed to the original plan of long driveways out to Route 206.

Mayor DelCore stated that the NJDOT requires that the Township approve a resolution endorsing both projects prior to construction.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution approving request from Neil Vivian for the release of cash escrow for Road Opening Permit No. 2008-05, in the amount of \$150.00.

WHEREAS, a request has been received from Neil Vivian for release of cash escrow for Road Opening Permit No. 2008-05; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$150.00 cash escrow that was posted for the completion of the project.

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

2. Resolution authorizing the transfer of earned amounts, in an amount of \$8,245.23, from the Subdivision and Site Plan Engineering Trust Accounts to the Treasurer's Account.

WHEREAS, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$8,245.23 should be transferred from the Subdivision and Site Plan Engineering Trust Accounts into the Treasurer's Account as indicated; and

WHEREAS, each of the project line items has been verified against the Treasurer's Office account records through June 19, 2009, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$8,245.23 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Ace Copy Systems	500	-41.48
Colonial Square at Belle Mead	323	-77.04
Country Classics - 3B	326	- 77.04
Country Classics 3C	331	-488.88
East Hill Partnership	349	- 744.58
Hidden Forest Estates	372	-247.41
Hillsborough Chase	376	-447.06
Hillsborough Chase II	488	-307.98
Pleabeazin	477	-781.36
Pleasant View Estates III	490	-718.70
Roycebrook Meadows	489	-1,386.30
Wachovia Bank	448	0.00
Walgreen's Pharmacy	522	-471.10
Westmeade Development	450	-2,456.30
Grand Total		-8,245.23

3. Resolution approving request from PSE&G for a Continuation Certificate for Road Opening Bond No. 6225483.

WHEREAS, in accordance with the terms of the Code of the Township of Hillsborough Chapter 259 "Street and Sidewalks", sub-section 4-G, the utility company PSE&G has submitted a Continuation Certificate for Road Opening Bond No. 6225483, in the required amount of \$5,000; and

WHEREAS, this is a general performance guarantee for the continuous stream of road opening permits that are processed each year; and

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to accept the Continuation Certificate for the above referenced Road Opening Bond, subject to review of the Township Attorney.

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

4. Resolution approving the request from Ryan Homes - Westmeade Development for the release of cash escrows from Winter Certificates of Occupancy, in a total amount of \$5,500.00.

WHEREAS, a request has been received from Ryan Homes – Westmeade Development for release of cash escrows for Winter Certificates of Occupancy; and

WHEREAS, the Assistant Township Engineer certifies that all work, which was precluded by the winter season when the Certificates of Occupancy were issued, have since been satisfactorily completed; and

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the following cash escrows that were posted for the completion of the project:

	<u>Escrow Amount</u>	<u>Date Issued</u>
Block 140.03 - Lot 13	\$1,500.00	2/20/09
Block 140.01 – Lot 9	\$1,000.00	1/28/09
Block 140.01 – Lot 10	\$1,000.00	1/28/09
Block 140.01 – Lot 12	\$1,000.00	1/28/09
Block 140.01 – Lot 13	\$1,000.00	1/28/09

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

5. Resolution authorizing tuition reimbursement to Officer Christopher Kennedy for completion of the class "Criminological Theory" offered through Kaplan University in the amount of \$1459.42, pursuant to the collective bargaining agreement between PBA Local 205 and Hillsborough Township.

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

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

WHEREAS, Officer Kennedy has successfully completed the “Criminological Theory” course through Kaplan University; and

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

WHEREAS, the Chief of Police has requested favorable consideration of Officer Kennedy’s request for financial reimbursement of seventy-five percent (75%) of the \$1,945.90 cost incurred for a total of \$1,459.42; and

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.

6. Resolution authorizing the transfer from Planning/Board of Adjustment escrow to the treasurer’s account.

WHEREAS, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for April, May and June 2009, a total amount of \$3,303.05 should be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account as indicated; and

WHEREAS, that each of the project line items has been verified against the Treasurer’s Office account records for the period beginning 04/01/09 and ending 06/30/09 to ensure that sufficient funds are available for these transfers for unanticipated revenues.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$3,303.05 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Project No.</u>	<u>Amount</u>
Carrier Clinic	BA-09-04	\$ 86.52
Country Classics of Belle Mead (COUNDEV2PL)	08-PB-13-MJ	\$ 408.03
Doyle/Traphagen	BA-09-11	\$ 32.45
Kozik, Herbert	BA-09-13	\$ 43.26
Hillsborough 2 (HILLSB2PL)	BA-08-21	\$ 54.08
Interstate Development (Walgreens) (INTERSTAPB)	BA-09-10	\$ 376.36
JK Design (KPJPROPPL)	09-PB-04-MSRV	\$ 386.55
Jon-Cin Holding of Hillsborough, LLC	BA-09-12	\$ 43.26
Metro PCS NY, LLC (METROPCSPL)	BA-09-14	\$ 173.04
Metro PCS NY, LLC (METROPCSPL)	BA-09-07	\$ 343.60
MK Properties, LLC (MKPROPERPL)	BA-09-01	\$ 10.82
Omnipoint-Woods Road	BA-09-08	\$ 386.55
Pat Richard LLC (PATRICH9PB)	09-PB-02-SR	\$ 21.48

Platinum Developer Group (PLATINUMPL)	09-PB-03-MJF	\$	21.48
Prestige Landscape Designing, Inc.	BA-09-03	\$	10.82
Renner, Robert	BA-09-15	\$	32.45
Roth, Jeffrey	BA-06-43	\$	173.04
Scally, Michael	BA-09-05	\$	129.78
Seiwell, Patrick	BA-09-09	\$	43.26
Shanahan, Thomas	BA-08-23	\$	10.82
Worden, Kenneth	07-PB-15-MJ	\$	515.40

Total Transfer: \$ 3,303.05

7. Resolution approving an application for a Carnival License by Rosemary Toto.

WHEREAS, an application for a carnival license had been filed by Rosemary Toto for a "Summer Arts Festival" being held on July 19, 2009; 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 Rosemary Toto, for a "Summer Arts Festival" to be held on July 19, 2009.

8. Resolution authorizing the submission of the Application for the Local Government Greenhouse Gas Reduction Grant Program, funded by the New Jersey Department of Environmental Protection, and the Climate Showcase Communities Grant, funded by the U.S. Environmental Protection Agency.

WHEREAS, the Township of Hillsborough, strives to save tax dollars, reduce energy costs and usage and improve working and living environments through sustainable projects; and

WHEREAS, the Township of Hillsborough desires to apply for and obtain the Local Government Greenhouse Gas Reduction Grant, funded by the New Jersey Department of Environmental Protection (NJDEP), to conduct a carbon footprint inventory, which will help the Township seek potential energy-savings and alternative energy sources; and

WHEREAS, the Township also desires to apply for and obtain the Climate Showcase Communities Grant, funded by the U.S. Environmental Protection Agency (EPA), in an amount of \$108,900, to put towards the purchase of hybrid vehicles, reducing the Township's carbon emissions and providing the Township with fuel and energy cost savings.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, does hereby authorize the Township Zoning Officer to submit of the aforementioned Local Government Greenhouse Gas Reduction Grant application and the Climate Showcase Communities Grant application to the NJDEP and the EPA respectively.

CLAIMS LIST

Mayor DelCore presented Claims List 2009-13.

Upon motion by Committeeman Suraci, seconded by Committeewoman McCauley, Claims List 2009-13 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

Upon motion by Committeeman Suraci, seconded by Deputy Mayor 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 vs. The Township of Hillsborough*
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 8:46 p.m.

Committeewoman McCauley motioned to come out of executive session at 10:14 p.m.; said motion was seconded by Committeeman Suraci and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Deputy Mayor Wagner, seconded by Committeewoman McCauley, the meeting duly adjourned at 10:15 p.m. Said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC
Township Clerk