

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

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

Following the Salute to the Flag, Mayor Ferrera 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 28, 2009.

PROCLAMATIONS

- *Genevieve Rausch, WWI Aviator, awarded the Congressional Gold Medal*

WHEREAS, Genevieve Rausch is among the first Women Air Force Service Pilots (WASP) of World War II to receive a Congressional Gold Medal, the highest honor Congress can give for time served; and

WHEREAS, Mrs. Rausch was working as a stenographer and secretary for the Air Training Command Headquarters at Chanute Army Air Base when she heard Amelia Earhart speak, inspiring her to earn a private pilot's license in 1944 and apply to the WASP program; and

WHEREAS, out of the 25,000 women who initially applied to the program, Mrs. Rausch was one of just 1,074 women to complete the demanding training course and be accepted into the WASP program, which provided noncombat military missions across the U.S. - test-flying planes, instructing male pilots and towing targets for artillery practice- so that male pilots could be deployed for combat; and

WHEREAS, members of the WASP were trained in navigation, meteorology, Morse Code and firearms; flew various types of planes, including the North American AT6, the PT17 Open Cockpit Biplane and the BT13; provided invaluable service toward the war effort; and supported the men fighting in combat; and

WHEREAS, Mrs. Rausch was recently recognized by United States Congressman Leonard Lance, with a ceremony in her honor, where she received the Congressional Gold Medal for her service to our nation as a member of the WASP; and

WHEREAS, after being discharged when the WASP program was disbanded in 1944, Mrs. Rausch continued to make history as one of the first female aviation writers for "Skyways" magazine in New York, where she would fly civilian aircraft and report on their performances; and

WHEREAS, throughout the years, Mrs. Rausch continued with her immeasurable contributions to her community by actively supporting Sarasota County's Meals on Wheels program for 27 years and becoming the southern Illinois UNICEF coordinator; and

WHEREAS, Mrs. Rausch excelled personally as an amateur golfer, winning many local and regional Championships in Central Illinois and the Sarasota County area of Florida.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and the Township Committee of the Township of Hillsborough that we do hereby recognize Genevieve Rausch for her invaluable service to

the United States as a member of the WASP and for making history as one of the first women to fly with the U.S. Army.

BE IT FURTHER PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, thank Mrs. Rausch for her sacrifices and extend our sincerest respect and admiration for her tremendous accomplishments.

Mayor DelCore stated Mrs. Rausch is an honor to the country as well as to all women. He stated that the Congressional gold medal that had been given to her by Congressman Lance had been long awaited had been approved and delivered at the ceremony.

Mayor DelCore stated that the Township is very proud to have Mrs. Rausch as an individual within the Township.

APPROVAL OF MINUTES

- *There are none at this time.*

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

Committeeman Ferrera

Committeeman Ferrera noted that Thursday, July 30th at 6:00p.m. in Ann Van Park would be the last of the Music in the Park. He stated that August 7th will be the final Music in the Park which is also the same date at the Camp Out.

Committeeman Ferrera noted again that the Camp Out costs ten dollars and will be held at AVM Park as well. He stated that the ten dollars includes music, breakfast, dinner and games for the kids. He noted that for another two dollars, participants will be able to par take in the fishing derby as well.

Committeeman Ferrera stated that the Hillsborough Police Department will have their Two Ball Basketball Tournament. He made note that residents can sign up online at HillsboroughPolice.org or directly at the Hillsborough Police Department. He stated that that there is a limit of fifty teams and encouraged people to sign up early.

Committeeman Ferrera stated that he had asked the Office of Emergency Management to put together a point of distribution in town on Thursday, August 27th. He said that as of current, the times will be from 11:30 a.m. to 1:00 p.m. He said that he would like all residents in town to participate as this will help in a real situation where medication or vaccines for any emergency has to be given out.

Committeeman Ferrera said that there will be more information on this as soon as possible and he appreciates the residents supporting this.

Committeewoman McCauley

Committeewoman McCauley did not have anything to report during this time.

Committeeman Suraci

Committeeman Suraci did not have anything to report during this time.

Deputy Mayor Wagner

Deputy Mayor Wagner stated that two weeks ago the Township had appointed an Advisory Committee to the GSA Depot.

Mayor DelCore

Mayor DelCore thanked the Hillsborough Little League who allowed him the opportunity to throw the first pitch at their two day tournament that was being held for Babe Ruth at the Willow Road Complex.

Mayor DelCore announced the Softball Challenge against Montgomery on July 30th starting at 6:00 in Loubas Field in Montgomery. He asked that everyone who comes out to support Hillsborough Township bring a canned food to help support the local food bank.

NEW BUSINESS

- *There are none at this time.*

PUBLIC HEARINGS

- *There are none at this time.*

INTRODUCTION OF NEW ORDINANCES

- *There are none at this time.*

CONSIDERATIONS

Mayor DelCore offered the following resolutions:

- 1. Resolution promoting Sergeant Darren Powell to Lieutenant in the Hillsborough Police Department at an annual salary of \$120,755.00, effective July 1, 2009.**

WHEREAS, the promotional process conducted in accordance with Hillsborough Township Ordinance 93-17 to select the most suitable candidate for promotion to the position of Lieutenant in the Hillsborough Police Department has been completed; and

WHEREAS, the highest rated candidate for the position of Lieutenant was determined to be Sergeant Darren Powell; and

WHEREAS, Chief of Police Paul A. Kaminsky has recommended the appointment of Sergeant Darren Powell to the position of Lieutenant effective July 1, 2009 at an annual salary of \$120,755.00.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the recommendation of Chief of Police Paul A. Kaminsky is hereby accepted and approved, and Sergeant Darren Powell shall

be promoted to the position of Lieutenant in the Hillsborough Police Department effective July 1, 2009.

Mayor DelCore stated that Lieutenant Powell is a distinguished 15 year veteran of Hillsborough's Police Department, who had earned promotion through the Department's rigorous Superior Officer promotion process.

Mayor DelCore noted that he would be filling an existing vacancy created through the retirement of Lieutenant McConnell earlier this year.

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

2. Resolution promoting Corporal Brian Besser to Sergeant in the Hillsborough Police Department at an annual salary of \$99,829.00, effective July 1, 2009.

WHEREAS, the promotional process conducted in accordance with Hillsborough Township Ordinance 93-17 to select the most suitable candidate for promotion to the position of Sergeant in the Hillsborough Police Department has been completed; and

WHEREAS, the highest rated candidate for the position was determined to be Corporal Brian Besser; and

WHEREAS, Chief of Police Paul Kaminsky has recommended the appointment of Corporal Brian Besser to the position of Sergeant effective July 1, 2009 at an annual salary of \$99,829.00 pursuant to the current P.B.A. Contract.

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 Chief of Police Paul Kaminsky be and hereby is accepted and approved, and Corporal Brian Besser shall be promoted to the position of Sergeant in the Hillsborough Police Department effective July 1, 2009.

Mayor DelCore stated that Sergeant Besser is a 13 year member of the Police Department who is recognized as an exceptional Police Officer.

Mayor DelCore noted that he had also earned promotion through the Department's rigorous and competitive Sergeant's test and promotion process

Mayor DelCore stated that Sergeant Besser would be filling the vacancy created through the promotion of Lt. Powell.

Committeeman Ferrera said how rigorous the test is and complimented each officer that took the time to take it. He noted that it was a difficult decision as Hillsborough is fortunate enough to have many qualified officers.

Deputy Mayor Wagner wished both Sergeant Besser and Lieutenant Powell the best of luck.

Committeewoman McCauley congratulated Sergeant Besser and Lieutenant Powell as well.

Mayor DelCore wished Sergeant Besser and Lieutenant Powell all the best for their well deserved promotion.

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

3. Resolution appointing Dale Melville as Deputy Treasurer in the Finance Department at an annual salary of \$46,544.00, effective July 29, 2009.

WHEREAS, there exists a vacancy in the position of Deputy Treasurer in the Finance Department due to the promotion of Nancy Haberle to Chief Finance Officer; and

WHEREAS, the Chief Finance Officer and the Personnel Committee recommend the appointment of Dale Melville to the position of Deputy Treasurer effective July 29, 2009 at an annual salary of \$46,544.00.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the recommendation of Chief Finance Officer Nancy Haberle is hereby accepted and approved, and Dale Melville be appointed to the position of Deputy Treasurer effective July 29, 2009 at an annual salary of \$46,544.00.

Mayor DelCore stated that Mr. Melville would be joining the Township from the accounting firm of Suplee Clooney. He stated that he would be filling the vacancy that had been created by the promotion of Ms. Haberle to Chief Finance Officer.

Mayor DelCore noted that there were two vacancies in the Finance Department. He noted that the funding for the other vacancy had been cut from the 2009 budget. He stated that Mr. Melville will be expected to take on more than the usual responsibilities because of this.

Mayor DelCore stated that Mr. Melville was a Rutgers graduate with a degree in accounting.

Mayor DelCore said that Mr. Melville has had several years experience in the municipal accounting field.

Mayor DelCore stated that the Deputy Treasurer position had been advertised through the League of Municipalities professional job line.

Mayor DelCore noted that Mr. Melville was recommended by Ms. Haberle and by the Township Committee's personnel committee after an extensive interview process that involved several potential candidates.

Committeeman Ferrera congratulated and wished Mr. Melville luck in joining the Hillsborough Township team.

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

4. Resolution authorizing Cornerstone Architectural Group, LLC to provide owner representative services for the Township of Hillsborough Municipal Building's Energy Improvements in an amount not to exceed \$28,000.

WHEREAS, on January 6, 2009, as a result of the fair and open procurement process, N.J.S.A. 19:44A-20.4-5 et seq., Cornerstone Architectural Group, LLC was awarded a professional services contract designating Cornerstone Architectural Group, LLC as the Township of Hillsborough Architect of Record; and

WHEREAS, there is now the necessity for professional architectural services; namely, to provide owner representative services for the Township of Hillsborough Municipal Building's Energy Improvements in a sum not to exceed \$28,000.00, as described in a proposal from Cornerstone Architectural Group, LLC, dated June 17, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Cornerstone Architectural Group, LLC, is authorized to perform professional architectural services outlined in their proposal, dated June 17, 2009, in an amount not to exceed \$28,000.00 for representative services for the Township of Hillsborough Municipal Building's Energy Improvement.

Mayor DelCore stated that the Township is taking the first step on the road to potentially creating a solar energy system, in conjunction with a roof and HVAC replacement project at the Municipal Building

Mayor DelCore said that he believed that a solar energy system would be the right move environmentally; however, first and foremost there is a business decision to be made.

Mayor DelCore also stated the fact that deriving cost savings from a solar energy system is the only way the roof and HVAC project can proceed.

Mayor DelCore said that the Cornerstone Architectural Group is the Township's Architect of Record selected through the fair and open process. He noted that among other noteworthy achievements, the firm provided a successful design and construction management of the Senior Citizen Activity Center in Hillsborough last year.

Mayor DelCore said the Township is asking the firm to take responsibility for oversight of the complex issue of energy improvements and coordination with roof and HVAC replacement at the municipal building.

Mayor DelCore stated that the combination of replacing the nearly 20 year old roof and HVAC system at the municipal building that achieved greater energy cost savings, and developing a solar energy system to be placed on the roof, had the potential of being a multi million dollar capital project.

Mayor DelCore also noted that there are numerous proposals under new alternative energy laws and regulations that may help the Township significantly offset those costs through the use of an alternative energy system.

Mayor DelCore said the Cornerstone Group will have the responsibility to wade through all the competing proposals and claims and make recommendations of various options to the Township Committee.

Mayor DelCore stated that if the Township reached the point of seeking an alternative energy system, Cornerstone will have the responsibility to develop specifications for the desired option and to oversee the process of the solicitation of proposals which would include vetting the various respondents to the proposals.

Committeewoman McCauley stated that this is a strong recommendation from both herself and the Sustainability Committee. She stated that by working with the County on the Energy Audit and seeking better energy conservation will help with the cost of making everything more Energy Efficient.

Committeewoman McCauley stated that she had been advised that the Energy Audit is a necessary process under a new state law on energy credits that is potentially beneficial to the tax payers.

Committeewoman McCauley said that being advised that the original roof of the Municipal Building from 1991 must be replaced due to age as well as to accommodate solar panels.

Committeewoman McCauley also noted that the HVAC system is dated and in need of repair and is also not energy efficient.

Committeeman McCauley stated that these two projects together could cost 1.2 million dollars depending on which options are chosen according to the architect. She stated that there are grant funds available for the improvements. She also noted that there are numerous business offering competitive prices to the Township.

Committeewoman McCauley stated that the Township should be moving forward with this. She also said that the Township would be finding the best price available. She said that the Township had been looking into a new roof for three years but had been careful in trying to find the most cost efficient and energy efficient way.

Committeewoman McCauley said that herself and the Sustainability Committee would be interested in Cornerstone's findings and hopefully will move forward with the project.

Committeeman Ferrera stated that he agreed with Committeewoman McCauley and noted that this is a nature process. He noted that the Township is leading the way and looking into the future with the idea of becoming more energy efficient.

Deputy Mayor Wagner said that he agreed with both Committeeman Ferrera and Committeewoman McCauley. He went on to say that because the Municipal Building roof is flat, it may be a good idea to put the solar panels on, especially since it needs to be replaced as it is.

Mayor DelCore said that this would not only be energy efficient but would also help offset the cost by utilizing the environment.

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

5. Resolution accepting the Association of New Jersey Environmental Commissions' (ANJEC) Grant for the preparation of a Natural Resource Inventory (NRI) in the amount of \$8,000 and authorizing the Mayor and the Township Administrator/Clerk to execute said grant agreement.

WHEREAS, the Association of New Jersey Environmental Commissions (ANJEC) has approved the 2009 grant application for the preparation of a Natural Resources Inventory (NRI) updating the existing 1975 study; and

WHEREAS, the Hillsborough Township Environmental Committee has recognized a need to update the NRI; and

WHEREAS, the Hillsborough Township Environmental Committee will review the NRI every five year and make recommendations to update accordingly; and

WHEREAS, the Township Committee supports this update; and

WHEREAS, the Township Committee understands that the 2009 ANJEC Grant is for a matching, reimbursement amount of \$8,000; and

WHEREAS, the Township Committee guarantees its support of this grant with a matching amount of \$8,000.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby accepts 2009 ANJEC Grant in the amount of \$8,000 for the preparation of a Natural Resource Inventory and the Mayor and the Township Administrator/Clerk are hereby authorized to execute said grant agreement and any other documents necessary in connection therewith.

Mayor DelCore stated that the Township would need to prepare a Natural Resources Inventory or NRI for submission to the New Jersey DEP.

Mayor DelCore noted that this extensive review and summary of the various environmental conditions in Hillsborough would place the Township in the position of eligibility for grants in the future.

Mayor DelCore stated that the Township had received an \$8000 grant from the Association of New Jersey Environmental Commissions to complete the NRI.

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

6. Resolution authorizing John Cilo, Jr. Associates, Inc. to provide additional services, pursuant to contract award on January 6, 2009 through the "Fair and Open" process, as professional Planner and Engineer for Hillsborough Properties, LLC v the Township of Hillsborough litigation, in an amount not to exceed \$15,500.

WHEREAS, on January 6, 2009, as a result of the fair and open procurement process, N.J.S.A. 19:44A-20.4-5 et seq., John Cilo, Jr. Associates was awarded a professional services contract and John Cilo, Jr. Associates has prepared a proposal to provide additional professional planning and engineering services for the Hillsborough Properties LLC litigation; and

WHEREAS, there is now the necessity for professional planning and engineering services; namely, for Hillsborough Properties, LLC v the Township of Hillsborough litigation, in a sum not to exceed \$15,500, as described in a proposal from John Cilo, Jr. Associates, dated June 16, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that John Cilo, Jr. Associates is authorized to perform additional professional planning and engineering services outlined in the firm's proposal letter of June 16, 2009, in the amount not to exceed \$15,500 for Hillsborough Properties LLC v the Township of Hillsborough litigation.

Mayor DelCore stated that as part of the continuing litigation where Hillsborough Properties is challenging Township zoning, the Township must provide a planning and engineering expert for the litigation process.

Mayor DelCore noted that John Cilo Associates had the requisite expertise to assist the Township in this matter.

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

7. Resolution authorizing Shropshire Associates, LLC to provide Traffic Engineering services for Hillsborough Properties, LLC v the Township of Hillsborough litigation, in an amount not to exceed \$3,200.

WHEREAS, it has been determined that there is a need for traffic engineering services for Hillsborough Properties, LLC v the Township of Hillsborough litigation; and

WHEREAS, the Township Committee desires to award a contract to Shropshire Associates, LLC, in an amount not to exceed \$3,200.00 to perform these services, pursuant to their proposal dated June 22, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Shropshire Associate, LLC is authorized to provide traffic engineering services for Hillsborough Properties, LLC v Hillsborough Litigation, pursuant to proposal dated June 22, 2009, in an amount not to exceed \$3,200.00.

Mayor DelCore stated that the Township must provide a traffic engineering expert. He said that the Township had been advised that Shropshire Associates has the background to be of assistance.

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

8. Resolution awarding a contract for the purchase of a "KASI Infrared Heat Screen and Blackpatch Hot Box or equivalent" to KASI Infrared Corporation in the amount of \$49,900.00.

WHEREAS, the Director of Public Works has determined that there is a need for the acquisition of the following:

"KASI INFRARED HEAT SCREEN AND BLACKPATCH HOT BOX OR EQUIVALENT"; and

WHEREAS, a notice of advertisement for bids and an Invitation to Bid were prepared and advertised on June 25, 2009; and

WHEREAS, sealed bids were opened and read on July 15, 2009 at 10:00 AM, which was the time and place as provided for in the Invitation to Bid entitled "Kasi Infrared Heat Screen and Blackpatch Hot Box or Equivalent" in accordance with the Local Public Contracts Law; and

WHEREAS, one (1) bid was received from the following vendor:

<u>Vendor</u>	<u>Amount</u>
Kasi Infrared Corporation	\$49,900.00

WHEREAS, the specifications provide that the award of the contract shall be made to the lowest responsible bidder for the base bid, exclusive of Special Items; and

WHEREAS, pursuant to N.J.S.A. 40A:11-2(27) "The lowest responsible bidder is the one who conforms to all requirements of a specification and applicable statutory provisions"; and

WHEREAS, the Township Administrator/Clerk has determined that the lowest responsible bidder is Kasi Infrared Corporation.; and

WHEREAS, the Township Attorney has reviewed the proposal and has provided the Township Committee with his comments with respect to same; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Kasi Infrared Corporation is

authorized to provide a Kasi Infrared Heat Screen and Blackpatch Hot Box or equivalent, pursuant to their bid dated July 15, 2009 in the amount of \$49,900.00.

Mayor DelCore stated that this piece of equipment was the only equipment included in the year's scaled down capital improvement plan.

Mayor DelCore noted that it would be expected that with the Infrared equipment, road repairs would be handled by the Department of Public Works more effectively and efficiently. He noted that this would include creating patches that can better withstand winter weather.

Mayor DelCore stated that the contract would be awarded through the competitive sealed bid process.

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

- 9. Resolution authorizing Maser Consulting, P.A. to prepare an application seeking grant funds from the New Jersey Hazardous Discharge Site Remediation Fund (HDSRF) for the development of a Remedial Investigation Work Plan (RIWP), on the behalf of Hillsborough Township, Somerset County and the Somerset County Improvement Authority, in connection with ongoing environmental investigation and site remediation activities being conducted on the GSA Depot, in an amount not to exceed \$5,800.**

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

WHEREAS, there is now the necessity for professional engineering services; namely, to provide consulting services on the Brownfields Funding Remedial Investigation Work Plan Grant for the Belle Mead GSA Depot in a sum not to exceed \$5,800.00, as described in a proposal from Maser Consulting, P.A., dated July 7, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Maser Consulting, P.A., is authorized to provide consulting services outlined in their proposal, dated July 7, 2009, in an amount not to exceed \$5,800.00 for the Brownfields Funding Remedial Investigation Work Plan Grant for the Belle Mead GSA Depot.

Mayor DelCore stated that the Township had previously approved requests from the PBA and the white collar union to allow employees to donate sick time to other union employees who may need it because of longer term illness.

Mayor DelCore noted that this resolution would extend that policy to all employees, so that donations of time can be made between unions and also non union employees.

Mayor DelCore stated that it had been advised that the policy is currently in place for state employees.

Mayor DelCore also noted that there is no cost to the Township in establishing this policy which will be reviewed on an annual basis.

Committeeman Ferrera stated that the Township is moving forward with this sight. He noted that although there has not been much press on the GSA Depot, things are moving forward. He said that this is one of the biggest things that are happening in the Township and this is an exciting time for the Township.

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

10. Resolution authorizing the Township of Hillsborough to enter into an agreement with the County of Somerset for the installation of a traffic control signal at the intersection of New Centre Road, County Route 627 and Roycefield Road in the Township of Hillsborough and to authorize the Mayor and Township Administrator/Clerk to execute the agreement on the behalf of the Township.

WHEREAS, a traffic condition exists at the intersection of New Centre Road, County Route 627 and Roycefield Road, in the Township of Hillsborough, Somerset County which requires the installation of a traffic control signal in order to minimize accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the County of Somerset has indicated its willingness to install and maintain a traffic control signal at said intersection; and

WHEREAS, the County of Somerset has proposed a form of agreement, pertaining to the maintenance of said traffic control signal.

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

1. That the Mayor and Township Administrator/Clerk are hereby authorized to enter into an agreement with the County of Somerset for the purpose aforesaid, a copy of said agreement being attached hereto and made part hereof.
2. That certified copies of this resolution shall be transmitted to the County of Somerset together with the original and three (3) copies of agreement.

Mayor DelCore noted that as part of the ongoing cleanup activities at the Belle Mead GSA Depot, the Township has been advised that Brownfields grant funds may be available to cover 100% of the cost of any additional remedial investigation work at the property.

Mayor DelCore stated that Maser Consulting is being engaged by the Township to prepare and submit a grant application for such funding.

Mr. Kevin Davis noted that the agreement only requires Hillsborough to pay for the electric cost. He stated that the maintenance equipment would be paid for by the County.

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

11. Resolution authorizing a Township wide Shared Leave Program to allow all full time employees to provide paid leave days for other full time employees who are suffering from a severe illness.

WHEREAS, the Township Committee and Township Administrator, due to the severe illness of several Township employees, over a recent period wish to have created a Township wide Shared Leave Program to allow full time employees of the Hillsborough Township to provide paid leave days for other full time employees who are suffering from several illnesses and are without paid leave time and in desperate need of such paid leave due to the illness and related treatment; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it wishes to create a Township Shared Leave program for all eligible full-time Hillsborough employees who are suffering from several illnesses under the following conditions:

1. All regular full time Hillsborough Township employees, whether paid on an hourly basis or by salary, may be eligible to provide leave time and/or eligible to receive paid leave time. Full time is defined as working at least thirty five (35) hours or more per week.
2. Only accrued, unused sick and/ or personal leave can be donated.
3. All donated leave must be voluntarily given. No employee shall be coerced, threatened, intimidated and/or financially induced into donating leave for the purpose of this program.
4. Once donated to the program, the time is not recoverable.
5. Donors must complete a written memorandum to the Township Administrator specifying the amount and source of hours to be donated to the program.
6. In order to be eligible to donate to the program, the employee must have on the books, at the time of donation, at least one hundred (100) hours of total leave (sick and/or personal whichever is donated) time and the donation of leave must not reduce the employee's total leave bank (sick and/or personal whichever is donated) below the one hundred (100) hours total leave time (sick and/or personal whichever is donated) requirement.
7. In order to qualify to be eligible for consideration to receive donated leave time, an eligible employee must meet all the criteria listed below:

- A. The employee has completed at least one (1) year of continuous full time service/employment with the Township.
- B. The eligible employee must suffer from a health condition which is non-job related; is catastrophic in nature and which will cause the eligible employee to either: (1) go on unpaid leave; and/or, (2) terminate his/ her employment with the Township.
- C. The eligible employee shall submit documentation from a licensed treating physician verifying that he/she suffers from an extraordinary and/or severe illness.
- D. The eligible employee has abided by all of the Township's personnel rules regarding sick leave use.
- E. The eligible employee has completed all necessary paperwork/ documentation for Family and Medical Leave Act, Family Leave Act and/or disability, where applicable.

8. The eligible employee must submit a written request to the Township Administrator seeking approval for participation in this program. Said request includes a medical verification form from the treating physician concerning the nature of the eligible employee's condition and the anticipated duration of the disability resulting from the catastrophic illness in question. Said medical form(s) are filed in the Township's confidential medical files.

9. Any leave time donated will be converted to a dollar value based on the donor's straight time hourly rate at the time of the donation. Such dollar value will then be divided by the eligible employee's hourly rate, at the time of donation, to determine the actual number of hours to be received.

10. Kevin Davis, Township Administrator, recommends the adoption of this Resolution and asks that the provisions of this Resolution remain in effect up to and through December 31, 2010.

BE IT FURTHER RESOLVED that the Township Committee approves this Resolution as per the conditions/requirements/recommendations set forth above for eligible Township employees and wish them well and hope for a speedy recovery.

Mayor DelCore stated that for several years the Hillsborough Police Department has recommended that a traffic signal be installed by Somerset County at the intersection of Roycefield Road and New Centre Road where New Centre becomes Dukes Parkway West for safety reasons.

Mayor DelCore noted that there had been a number of bad accidents at this intersection in the recent past and stated that having a traffic control device would help make the intersection safer.

Mayor DelCore also added that this area had been a problem area for using Roycefield Road to travel onto Dukes Parkway West and out to Route 206. He said that adding the traffic signal would be of help in that regard.

Mayor DelCore also added that Somerset County will bare the expense of the installation of the traffic signal. He said that the Township would agree to maintain the signal and pay for the associated electric costs through this resolution.

Committeeman Ferrera stated that this is an important idea and applauds the employees for doing this.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution authorizing the posting of Public Works Worker I.

WHEREAS, there exists a vacancy in the Department of Public Works for the position of Public Works Worker I; and

WHEREAS, the Director of Public Works has determined that this position needs to be filled as soon as possible, in order to meet the demand for service, and thereby requests authorization to post for the position of Public Works Worker I.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it does hereby authorize the Director of Public Works to post for the position of Public Works Worker I.

2. Resolution requesting an extension of the Planning Assistance Grant from the New Jersey Transfer of Development Rights Bank Board in order to continue preparation of the Transfer of Development Rights Feasibility Study.

WHEREAS, the Township of Hillsborough received a \$40,000 planning assistance grant from the New Jersey Transfer of Development Rights Bank Board in order to prepare a Transfer of Development Rights (TDR) Feasibility Study; and

WHEREAS, the New Jersey Transfer of Development Rights Bank Board has indicated that the township must apply for a grant extension since it has been three (3) years since the grant was approved, or the remaining unspent grant funds will be returned to the Board; and

WHEREAS, the TDR Feasibility Study is proceeding at a slower pace than anticipated due to the program requirements and the complexity of the subject matter; and

WHEREAS, the Township continues to be interested in completing the TDR Feasibility Study.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that an extension request is hereby authorized to be submitted to the New Jersey Transfer of Development Rights Bank Board for

an extension of the planning assistance grant deadline in order to complete the preparation of the TDR Feasibility Study.

3. Resolution authorizing the submission of the 2010 Hillsborough-Millstone Municipal Alliance Grant application to the Governor's Council on Alcoholism and Drug Abuse.

WHEREAS, the Township of Hillsborough is eligible to receive grant funding up to \$30,954.00 from the Governor's Council on Alcoholism and Drug Abuse through the County of Somerset 2010 Municipal Alliance Program in Hillsborough/Millstone; and

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

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

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

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

4. Resolution designating a Public Officer to receive notice of Intention to Foreclose, and to implement the provisions of the Mortgage Stabilization and Relief Act.

WHEREAS, on January 9, 2009, Governor Corzine signed into law the "Mortgage Stabilization and Relief Act," P.L.2008, C.127 (C.55: 14K-84 et seq.) ("the Act") to stem the rising tide of foreclosures being filed in this State, to give municipalities the power to hold creditors liable for nuisances created by vacant properties and to help homeowners who are having difficulty keeping up with their mortgage payments; and

WHEREAS, a creditor serving a notice of intention to foreclose on a mortgage on residential property in this State shall serve the public officer of the municipality in which the property is located who is hereby designated as Kevin P. Davis, Township Administrator/Clerk, with a copy of the notice at the same time it is served on the owner of the property; and

WHEREAS, in the event that the property being foreclosed is an affordable unit pursuant to the "Fair Housing Act," then the creditor shall identify that the property is subject to the "Fair Housing Act." The copy served on the public officer shall include the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor; and

WHEREAS, if a residential property becomes vacant at any point subsequent to the creditor's filing the notice of intention to foreclose, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by the public officer; and

WHEREAS, if the municipality expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to the provisions of Act but failed to abate the nuisance or correct the violation as directed, the public officer shall have the same recourse against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under section 23 of P.L.2003, c.210 (C.55:19-100).P.L.2008, c.127, s.17.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, that we do hereby designate Kevin P. Davis, Township Administrator/Clerk, as the public officer to receive Notices of Intention to Foreclose, and to implement the provisions of the Mortgage Stabilization and Relief Act in the Township of Hillsborough.

- 5. Resolution authorizing tuition reimbursement to Captain Merkler for completion of the class "Computer Essentials" taken through Columbia Southern University in the amount of \$438.75 and authorizing Captain Merkler to take "Technical Writing" and authorizing Captain Merkler to be eligible for tuition reimbursement of said course once it has been successfully completed.**

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

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

WHEREAS, Captain Merkler has successfully completed the "Computer Essentials" course through Columbia Southern University; and

WHEREAS, Captain Merkler has requested consideration under the Township's Educational Assistance provisions; and

WHEREAS, the Chief of Police has requested favorable consideration of Captain Merkler's request for financial reimbursement of seventy-five percent (75%) of the \$585.00 cost incurred for a total of \$438.75; and

WHEREAS, Captain Merkler is requesting authorization to take "Technical Writing" towards his Bachelor's Degree in Administration of Criminal Justice; and

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

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

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

6. Resolution approving request from Abramovitz Development Corp. - Colonial Square at Belle Meade for the release of cash escrows from Winter Certificates of Occupancy, Block 208, Lots 77.06 and 77.12, in the amount of \$2,000.

WHEREAS, a request has been received from Abramovitz Development Corp. – Colonial Square at Belle Meade for release of cash escrows from Winter Certificates of Occupancy, Block 208, Lots 77.06 and 77.12; 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 208 - Lot 77.06	\$1,000.00	2/16/07
Block 208 – Lot 77.12	\$1,000.00	3/26/06

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.

7. Resolution authorizing the submission of the 2009 Somerset County Youth Athletic and Recreation Facility Grant Application.

WHEREAS, Somerset County has made grant monies available for Youth Athletics and Recreation Facilities; and

WHEREAS, since the year 2000, the County of Somerset has provided funding and support to individual Somerset County municipalities through this annual Youth Athletic and Recreational Facility Grant program; and

WHEREAS, over the years the Township of Hillsborough has benefited from this grant program, which has helped to provide numerous improvements to Hillsborough park and recreational facilities; and

WHEREAS, the Director of Parks and Recreation has requested authorization from the Township Committee to apply for the aforementioned grant to replace the Ann Van Middlesworth Park dock, which is in need of major repairs and replacement of sections.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that is does hereby authorize the Director of Parks and Recreation to submit the 2009 Somerset County Youth Athletic and Recreation Facility Grant application.

8. Resolution granting permanent employee status to Police Officers David Brown and Scott McCarty and Police Dispatcher Toni Gushue.

WHEREAS, Police Officer David Brown and Police Officer Scott McCarty were appointed to these respective positions on July 1, 2008 for a one-year probationary period; and

WHEREAS, Police Dispatcher Toni Gushue was appointed on August 19, 2008 for a six-month probationary period; and

WHEREAS, the Chief of Police Paul Kaminsky has certified that Police Officer David Brown and Police Officer Scott McCarty and Police Dispatcher Toni Gushue have successfully completed their probationary periods; and

WHEREAS, Chief of Police Paul Kaminsky highly recommends that permanent status be conferred upon Officers Brown and McCarty and Police Dispatcher Gushue as of July 1, 2009, and February 19, 2009 respectively.

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 Chief of Police Paul Kaminsky be and hereby is accepted and approved, and Officers Brown and McCarty and Police Dispatcher Gushue are granted Permanent Employee Status in their respective positions as of July 1, 2009 and February 19, 2009 respectively.

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the consent agenda was unanimously approved upon call of the roll.

CLAIMS LIST

Mayor DelCore presented Claims List 2009-14

Upon motion by Deputy Mayor Wagner seconded by Committeewoman McCauley, Claims List 2009-14 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

Upon motion by Committeeman Suraci, seconded by Committeeman Ferrera, 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:
 - *Property Acquisition: Block 201, Lot 7 and Block 183.01, Lot 40*
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 8:27 p.m.

Committeeman Ferrera motioned to come out of executive session at 9:05 p.m.; said motion was seconded by Committeeman Suraci and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Ferrera, the meeting duly adjourned at 9:06 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC
Township Clerk

