

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 Carl Suraci, Deputy Mayor Robert C. Wagner, Jr., and Mayor Frank DelCore. Also, in attendance were Township Attorney Albert E. Cruz, Township Administrator/Clerk Kevin P. Davis and Assistant to the Administrator Dianne Borngesser. Committeeman Anthony Ferrera and Committeewoman Gloria McCauley were not present.

Following Roll Call and Salute to the Flag, Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on August 11, 2009.

APPOINTMENTS/PROCLAMATIONS

- *None at this time.*

APPROVAL OF MINUTES

- *Approval of the July 14, 2009 Regular Session Minutes*

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Suraci, the minutes of the July 14, 2009, regular session were unanimously approved upon the call of the roll.

- *Approval of the July 28, 2009 Regular Session Minutes*

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Wagner, the minutes of the July 28, 2009, regular session were unanimously approved upon the call of the roll.

- *Approval of the July 14, 2009 Executive Session Minutes*

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Suraci, the minutes of the July 14, 2009, executive session were unanimously approved upon the call of the roll.

- *Approval of the July 28, 2009 Executive Session Minutes*

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Wagner, the minutes of the July 28, 2009, executive session were unanimously approved upon the call of the roll.

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

Committeeman Suraci

Committeeman Suraci stated that on August 7th he and Committeewoman McCauley conducted the Budget Accountability Meeting with the Department Heads. He said this was the first of these meetings. Committeeman Suraci said they discussed the cost challenges of each department. They spoke about maintaining the same level of excellent service that our residents have come to expect, despite some of the budget reductions.

Committeeman Suraci also stated that the meeting had gone extremely well. He noted that these budget accountability meetings will be held throughout the year and he will provide updates in the future meetings.

Deputy Mayor Wagner

Deputy Mayor Wagner noted that Committeeman Ferrera, liaison to the Township's emergency services, asked him to announce that Hillsborough's Office of Emergency Management and Health Department will be conducting a Point of Distribution (POD) Drill on August 27, 2009.

Deputy Mayor Wagner stated that it would take place at the Veterans Administration Depot, located at 152 Route 206 South from 11:30a.m to 1:00p.m.

Deputy Mayor Wagner stated that the drill had been designed to test the Township's plan for the mass distribution of materials and supplies that would be needed during an emergency, such as the H1N1 pandemic. He stated that this would be a practice drill and therefore there would not be actual medication distributed during this time.

Deputy Mayor Wagner noted that participants would receive various coupons from local businesses as a thank you for participating.

Deputy Mayor Wagner encouraged anyone who would be around on Thursday, August 27th, to drive through the POD at any time between 11:30a.m. and 1:00p.m. He noted that if anyone would like more information they should call the Township Health Department at 908-369-4313.

Deputy Mayor Wagner also noted that the Hillsborough GSA Parks and Recreation Advisory Committee had a meeting on August 5th to begin the process for developing plans for the property. Deputy Mayor Wagner stated that Hillsborough is most appreciative to the County Freeholders for providing their services for the firms that will be working with us. The RBA group, a top New Jersey Firm, and Brandstetter Carol, Inc. is a nationally recognized consulting company. RBA has been involved in the Neshanic Valley Golf Course as well as the Somerset County Vocational School Sports Complex in the past. Brandstetter was the consultant for the development of the County's twenty year Recreation Capital Program in 2005.

Deputy Mayor Wagner also stated that the Williams Company has completed the remediation on the Pipeline area within the GSA property.

Deputy Mayor Wagner noted that this is a great help to Hillsborough. He stated that the Williams Company had started clearing the roadway and had installed stilt fences and construction entrances and the pipe will be installed by the beginning of September. The Deputy Mayor noted that Bob Zelle of Maser Consulting, the Township Engineer and

Environmental Consultant, had stated that the pipeline will not interfere with any future plans on that particular site.

Deputy Mayor Wager concluded that Hillsborough has been awarded 1.7 million dollar grant for the preservation for the Van Nuys Farm which is 163 acres. He noted that the approval means that we will receive 1.7 million from the Federal Farms and Ranchland Protection Program. This means that 83% of the funding for the preservation of the Van Nuys Farm from development will come from sources other than the Hillsborough Open Space Fund. The Deputy Mayor said this is a big win for Hillsborough.

Deputy Mayor Wagner said by preserving the development rights, this helps to maintain Hillsborough's special farm qualities. The Deputy Mayor noted it is important to our farmers and residents in keeping Hillsborough as one of the greatest places to live. The state preservation fund is nearly empty so it is important for Hillsborough to leverage federal land protection funds into our successful farmland preservation program to benefit all of our taxpayers.

Mayor DelCore

Mayor DelCore stated that on behalf of the Sustainability Committee, he wanted to remind everyone that there would be a kick off of the Anti Vehicle Idling campaign with a workshop on August 20th at 7 pm, located at the municipal building.

Mayor DelCore stated that this event is co-sponsored by the Hillsborough and Montgomery Sustainability Committees.

Mayor DelCore also announced that a substantial amount of food and other items were collected as part of the annual Mayor's Trophy softball game for charity between Hillsborough and Montgomery that took place on July 29th at Lubas field in Montgomery.

Mayor DelCore noted that the event turned out great and he thanked everyone who came out to support Hillsborough Township as well as those who contributed to the food drive.

Mayor DelCore also extended his thanks to the players on teams, elected officials and employees for making this event memorable. He also concluded that Hillsborough did win this year with a score of 20 to 4.

Mayor DelCore stated that the Hillsborough Summer Camp Out at Ann Van Middlesworth Park was a success.

Mayor DelCore thanked Hillsborough's Recreation Department and the Recreation Director, Rich Resavy, for the hard work that went into the planning. He went on to thank Catered Affair, Plaza Deli and Bagel Bop for their support as well.

NEW BUSINESS

- *Presentation regarding Somerset County Tax Board ordered revaluation in Hillsborough Township by Appraisal Systems, Inc.*

Mayor DelCore stated that there would be a presentation regarding Somerset County Tax Board ordered revaluation in Hillsborough Township by Appraisal System, Inc.

Mayor DelCore stated that because of the importance and length of the presentation he would like to hold off on the presentation, until the completion of the agenda's regular business.

Mayor DelCore received agreement from the other Committee members to put this on hold.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Ms. Leslie Torak, Onka Drive thanked the Mayor, Dr. Glen Belnay and Assemblyman Biondi for coming to her home regarding the pump station.

PUBLIC HEARINGS

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."

EXPLANATION: This Ordinance amends Chapter 169 of the Code of the Township of Hillsborough, titled "Fire Zones", Section 5, titled "Fire Zones Designated."

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 169 of the Code of the Township of Hillsborough, titled "Fire Zones", Section 5, titled "Fire Zones Designated", is hereby amended as follows:

Section 1. Section 169-5 is hereby amended by adding the following:
169-5 Fire Zones Designated

(72) Robin Road Village (Block 153.13)

- (a) Driveway area located forty two (42) feet from the south east corner of 1094 Robin Road and proceeding around the circular driveway one hundred forty nine (149) feet.
- (b) Driveway area located thirty four (34) feet from the south east corner of 994 Robin Road and proceeding around the circular driveway one hundred forty (140) feet.
- (c) Beginning at a point fifty five (55) feet from the south east corner of 980 Robin Road and proceeding seventy (70) feet south east, along the curb line.
- (d) Beginning at the dumpster enclosure directly across from 899 Robin Road and proceeding one hundred fifty two (152) feet east and north, along the curb line.
- (e) Beginning at the northwest corner of 907 Robin Road and proceeding one hundred and two (102) feet northwest, along the curb line.

- (f) Beginning at the southeast corner of 985 Robin Road and proceeding one hundred forty six (146) feet west, along the curb line.
- (g) Driveway area located fifty five (55) feet from the south east corner of 997 Robin Road and proceeding around the circular driveway one hundred fifty four (154) feet.

Section 2. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 3. Effective Date.

This Ordinance shall take effect as provided by law.

Committeeman Suraci moved to open the public hearing on Ordinance 2009-27. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon the call of the roll.

Mayor DelCore stated that this ordinance would 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.

Committeeman Suraci moved to close the public hearing on Ordinance 2009-27. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon call of the roll.

Committeeman Suraci moved to adopt Ordinance 2009-27. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon the call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2009-28 **An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards), of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to amend the zone designation for Block 200B, Lots 20, 32 and 32.01 from CDZ, Corporate Development, to LI, Light Industrial. *Further consideration of this ordinance and public hearing will be held on September 22, 2009.***

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

SECTION 1. The Zoning Map of the Township of Hillsborough shall hereby be amended by changing the zone district designation for Block 200B, Lots 20, 32 and 32.01 from CDZ, Corporate Development, to LI, Light Industrial, as indicated on the accompanying Revised Zoning Map.

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

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

Mayor DelCore stated that each of the next five ordinances are components of the Township's continuing economic action plan designed to help promote economic growth and business opportunity in Hillsborough.

Mayor DelCore stated that the Township could not offer stimulus packages, bailout funds or cash for clunkers. He noted that the local government could help by moving bureaucracy out of the way of business.

Mayor DelCore stated that the next several ordinances would make changes to various commercial zone designations or uses within some of the commercial and industrial zones.

Mayor DelCore said that the changes had come at the recommendation of the Regulatory Oversight Working Group which had been formed at the beginning of the year.

Mayor DelCore went on to say that this group, which was comprised of the Township's Business Advocate and the Department leaders that had been involved in regulatory matters, had done work in identifying regulatory changes that can have a positive impact for business, without compromising the Township's responsibility to protect the quality of our community.

Mayor DelCore noted that this ordinance would continue a zone designation change in the area surrounding the CSX rail line to a Light Industrial zone. He said that the properties addressed here would be the east of the rail line. He stated that earlier this year the area west of the rail line bordered by Route 206 was changed to Light Industrial. He said that these properties are contiguous to the new Light Industrial zone.

Mayor DelCore said that the zone designation change would afford the property owners more commercial development opportunities which would generate economic growth and job opportunities within Hillsborough.

Mayor DelCore noted that the zone designation change had been reviewed and recommended by the Planning Board. He introduced Mr. Bob Ringelheim, Township Planner and a member of the Working Group, to explain the uses that would be permitted within the new zone designation and to provide other insights.

Mr. Ringelheim noted at the July 16, 2009 Planning Board meeting, it was an informal hearing conducted to determine the feasibility of changing the zone designation of Block 200B, Lot 32 from the existing CDZ Corporate Zone to the LI Light Industrial Zone. Mr. Ringelheim said the LI zone is a relatively new zone.

Mr. Ringelheim stated that the surrounding property owners within 200 feet of Lot 32 were noticed pursuant to Township policy. Upon hearing the testimony from a representative of the owner of Lot 20 it was decided to include that lot as well. Lot 32.01, which was previously part of Lot 32 and was recently purchased by the New Jersey Department of Transportation as part of the Route 206 Bypass was also included, even though it can no longer be developed.

Mr. Ringelheim said the Planning Board has recommended that all three lots be included in the proposed zone change. Mr. Ringelheim said this will now be a zone that will permit more commercial development.

A representative from the office of Francis P. Linnus spoke on behalf of John and Linda Shockley, requesting that their property be included in this ordinance. The Shockley property is located in Block 200B, Lot 33. The Township Committee decided to amend Ordinance 2009-28 to include Lot 33.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading, the Deputy Mayor also motioned to amend the Ordinance to include Lot 33 and that the Ordinance be further considered at a public hearing held on September 22, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

Ordinance 2009-29 **An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards), of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to add a new definition for Dispatch Services in section 188-3 and to revise the conditional uses in the I-1, I-3, LI and HS Districts. Further consideration of this ordinance and public hearing will be held on September 22, 2009.**

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

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

DISPATCH SERVICES- A privately-owned facility that houses motor vehicles to provide transportation-related services, such as, but not limited to, taxis, buses, limousines and ambulances on an as-needed basis involving direct customer contact at the time the service is required.

SECTION 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 106 D, pertaining to conditional uses in the I-1 and I-3 Districts, In order to add subsection (4) to read as follows:

- (4) Dispatch Services.
 - (a) Minimum Lot Size- 2 acres.
 - (b) Minimum Lot Width- 200 feet.
 - (c) Minimum Front Yard- 50 feet.
 - (d) Minimum Side Yard- 25 feet.
 - (e) Minimum Rear Yard- 150 feet.
 - (f) Maximum Impervious Coverage- 60%
 - (g) Maximum Building Height- 35 feet
 - (h) Minimum Buffer- 20 feet, except that a minimum 50 foot buffer is required where located adjacent to a residential zone boundary or to an existing residence lot line
 - (j) The minimum number of off-street parking spaces for dispatch services shall be 3.5 spaces per 1,000 square feet of usable floor

area.

SECTION 3. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 107.1 D, pertaining to conditional uses in the LI District, In order to add subsection (9) to read as follows:

(9) Dispatch Services.

- (a) Minimum Lot Size- 2 acres.
- (b) Minimum Lot Width- 200 feet.
- (c) Minimum Front Yard- 50 feet.
- (d) Minimum Side Yard- 25 feet.
- (e) Minimum Rear Yard- 150 feet.
- (f) Maximum Impervious Coverage- 60%
- (g) Maximum Building Height- 35 feet
- (h) Minimum Buffer- 20 feet, except that a minimum 50 foot buffer is required where located adjacent to a residential zone boundary or to an existing residence lot line
- (j) The minimum number of off-street parking spaces for dispatch services shall be 3.5 spaces per 1,000 square feet of usable floor area.

SECTION 4. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.1 D(2), pertaining to conditional uses in the HS District, In order to add subsection (g) to read as follows:

(g) Dispatch Services.

- (1) Minimum Lot Size- 2 acres.
- (2) Minimum Lot Width- 200 feet.
- (3) Minimum Front Yard- 50 feet.
- (4) Minimum Side Yard- 25 feet.
- (5) Minimum Rear Yard- 150 feet.
- (6) Maximum Impervious Coverage- 60%
- (7) Maximum Building Height- 35 feet
- (8) Minimum Buffer- 20 feet, except that a minimum 50 foot buffer is required where located adjacent to a residential zone boundary or

to an existing residence lot line

- (9) The minimum number of off-street parking spaces for dispatch services shall be 3.5 spaces per 1,000 square feet of usable floor area.

Section 5. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

Section 6. This ordinance shall take effect immediately upon passage and publication according to law.

Mayor DelCore stated that this change would permit services such as taxis or limousines to operate out of various industrial and commercial zones.

Mayor DelCore stated that this will expand opportunities for commercial and industrial property owners to find tenants. He noted that the changes would not impact residential areas.

Mr. Ringelheim said this is a use we do not permit at this time. Mr. Ringelheim stated that through the office of the Business Advocate there is some interest indicating and establishing uses like this. It has been determined that commercial and industrial districts are the best places to put them, not close to residential areas.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on September 22, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

Ordinance 2009-30 **An Ordinance amending Chapter 188 (Development Regulations), Article II (Administrative Provisions) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to add a new definition for Architectural Element in Section 3 and to revise when site plan approval is required in Section 23. Further consideration of this ordinance and public hearing will be held on September 22, 2009.**

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

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

ARCHITECTURAL ELEMENT- A part, portion or projection that contributes to the overall appearance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building or structure or to make said building or structure habitable **and does not contain usable floor area.**

SECTION 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 23 to read as follows:

188-23. Site plan approval required.

A site plan approval is required for all developments, except: (1) single-family and two-family dwellings, (2) accessory buildings to agricultural and horticultural uses **and (3) for an architectural element, which meets the impervious coverage, building height and setback requirements.**

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

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

Mayor DelCore stated that this ordinance would be a major elimination of bureaucracy which will allow zoning permits to be issued by the Zoning Office for certain minor architectural appearance changes, without an expensive site plan approval by the Planning Board.

Mayor DelCore noted that this is a significant change for businesses. He noted that right now businesses that proposed to make appearance changes to their buildings that do not impact on the structural integrity of the building or expand the floor space must still appear at the Planning Board for site plan approval. The Mayor stated that it is time consuming and costly for businesses and truly a burdensome requirement.

Mayor DelCore said under the change proposed, some of the minor alterations will be eligible for Zoning Office approval, rather than Planning Board approval.

Mr. Ringelheim said right now site plans are presently required for all development except one and two family dwellings and accessory buildings to agricultural and horticultural uses. When an applicant or a business wants to make an architectural improvement to their building, this would trigger a site plan approval from the Planning Board.

Mr. Ringelheim explained that this ordinance defines and exempts architectural elements that do not contain useable interior space from site plan review as long as they meet the zoning requirements. This creates a much better situation in terms of an applicant's ability to improve their properties without having to go to the planning board.

Deputy Mayor Wagner stated this ordinance really makes sense. He said the Township should not require businesses to spend several thousands of dollars to go through the Planning Board for cosmetic changes to their buildings.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on September 22, 2009 at 7:30 p.m. Said motion was seconded by Deputy Mayor Wagner and unanimously approved upon call of the roll.

Ordinance 2009-31 An Ordinance amending Chapter 188 (Development Regulations) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to add the definition of Adult Day-Care Center in section 188-3 and to permit Adult Day-Care Centers in the C-1, OLC, P/R, O-2, HOO, O-5, I-1, I-2, I-3, GI, LI, ED, CDZ, GB and HS districts.

*Further consideration of this ordinance and public hearing will be held on
September 22, 2009.*

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

SECTION 1. Chapter 188 of the Code of the Township of Hillsborough shall be amended by adding the definition of Adult Day-Care Center in Section 3 to read as follows:

ADULT DAY-CARE CENTER- A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24-hour day.

SECTION 2. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 100 B(7) to read as follows:

- (7) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 3. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 101 B(6) to read as follows:

- (6) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site Plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 4. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 102 B(4) to read as follows:

- (4) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 5. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 103 B(8) to read as follows:

- (8) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 6. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 104 B(4) to read as follows:

- (4) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 7. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 105 B(10) to read as follows:

- (10) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 8. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 106 B(8) to read as follows:

- (8) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 9. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 107 B(9) to read as follows:

- (9) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 10. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 107.1 B(9) to read as follows:

- (9) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 11. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 112 B(10) to read as follows:

- (10) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site

plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 12. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 113 B(10) to read as follows:

- (10) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 13. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 113.2 B(10) to read as follows:

- (10) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 14. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 113.3 B(8) to read as follows:

- (8) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan does not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall be issued for modification of all or part of the premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.

SECTION 15. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

SECTION 16. Effective Date. This Ordinance shall take effect upon its adoption, passage and publication according to law.

Mayor DelCore stated that this is another regulatory change that will help property owners in commercial and industrial zones, by allowing Adult Day Care Centers as a permitted use in those zones.

The Mayor said right now child day care is a permitted use in these zones. Given the growing demand for Adult Day Care, it is only common sense to allow that use in the same zones. Again, with the growth of these types of businesses, there should be economic expansion and an increase in job opportunities in the community.

Mr. Ringelhiem said adult day-care has become an increasingly important use. More people want to provide their parents with adult care and when this ordinance is adopted Adult Day-Care Centers will be permitted in the same zones as Child Day-Care Centers.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on September 22, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

Ordinance 2009-32 **An Ordinance amending section 113-7 of the code of the Township of Hillsborough, titled, "Restrictions as to Hours." Further consideration of this ordinance and public hearing will be held on September 8, 2009.**

EXPLANATION: This Ordinance amends Section 113-7 of the Code of the Township of Hillsborough, titled "Restrictions as to hours."

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Section 113-7 of the Code of the Township of Hillsborough is amended as follows:

Section 1. Purpose.

The purpose of this Ordinance is to amend Section 113-7A of the Code of the Township of Hillsborough by changing the hours of restriction "on New Year's Day when it is a Sunday between the hours of 4:00 a.m. and 12:00 noon" to read:

...on New Year's Day when it is a Sunday between the hours of 4:00 a.m. and 10:00 a.m.

and "on other Sundays between the hours of 2:00 a.m. and 12:00 noon" to read:

...and on other Sundays between the hours of 2:00 a.m. and 10:00 a.m.

Section 2. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 3. Effective Date.

This Ordinance shall take effect as provided by law.

Mayor DelCore stated that this ordinance, as part of the economic action plan, gives the option to retail liquor stores and restaurants with liquor licenses to open at 10 am on Sunday. Right now these local businesses are restricted to a 12 noon opening time on Sunday, putting them at a disadvantage with similar businesses in Bridgewater and Manville that have an 11 am opening time. There are not too many methods for the Township to help local retail businesses, but, with advice from some of the local retailers, this is one change we are told can help.

The Mayor said change does not require opening at 10 am on Sunday, it only creates an option for the retailer. It would also allow restaurants with an interest in offering a champagne brunch to do so.

Mayor DelCore said of course the liquor license holder would have to be in good standing, having paid all required fees to the state ABC and the Township, and have had their license approved by the Police Department. The ordinance does not change closing times and does not change opening times during the week or on Saturday.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on September 8, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolution:

1. Resolution authorizing the Township Administrator/Clerk to issue a ninety (90) day notice to withdraw from the Central Jersey Joint Insurance Fund (J.I.F.) in accordance with the bylaws of the Central Jersey Joint Insurance Fund in the event the Township wishes to change insurance carriers.

WHEREAS, The Township's three year membership to the Central Jersey Joint Insurance Fund will expire on December 1, 2009; and

WHEREAS, if the Township wishes to change insurance carriers at that date in accordance with the bylaws of the Central Jersey Joint Insurance Fund, the Township must give the Central Jersey Joint Insurance Fund ninety (90) days notice prior to any possible withdrawal from the Joint Insurance Fund; and

WHEREAS, if the Township does not give such notice to the Central Jersey Joint Insurance Fund the Township's membership will be automatically renewed for another three years; and

WHEREAS, the Township will be exploring insurance options to determine the best cost alternative for taxpayers.

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 Administrator/Clerk to give the required ninety (90) days notice the Central Jersey Joint Insurance Fund in case the Township wishes to change insurance carriers or Joint Insurance Funds on or before December 1, 2009.

Mayor DelCore announced the Township's three year term with the Central Jersey Joint Insurance Fund expires in December. We want to implement the sound business practice of soliciting insurance cost quotes from the various available joint insurance funds in the state, in order to determine the best cost for Hillsborough taxpayers. The Mayor said Hillsborough must give official notification to the Central Jersey fund 90 days in advance of the termination date, so we can shop around on the behalf of taxpayers.

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

2. Resolution authorizing the closure of Beekman Lane at the railroad crossing to all thru traffic beginning on or about August 17, 2009 for approximately one (1) week to allow for construction and Norfolk Southern Rail Line improvements, and authorizing the detour approved by the Hillsborough Police Department.

WHEREAS, because of construction at the Beekman Lane railroad crossing, the Police Department recommends the closure of Beekman Lane at the railroad crossing to thru traffic on or about August 17, 2009 for approximately one (1) week; and

WHEREAS, the Chief of Police declares an emergent or temporary condition that dictates the adoption of a special traffic regulation pursuant to N.J.S.A. 39:4-197.3 and finds it in the interest of public safety that Beekman Lane should be closed to all thru traffic during the construction, and a detour put into effect; and

WHEREAS, the Chief of Police advises the road should be closed to all thru traffic, a detour warranted, and the appropriate signs and barricades are to be set in place; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey does hereby authorize the closure of Beekman Lane to all thru traffic and that a detour be put into effect beginning on or about August 17, 2009 for approximately one (1) week.

BE IT FURTHER RESOLVED by the Township Committee that the required barricades and signs shall be installed according to the Manual of Uniform Traffic Control Devices.

Mayor DelCore stated that Norfolk Southern will be making improvements at the Beekman Lane crossing requiring the crossing to be closed next week.

Mayor DelCore said the Township has no choice in whether or not the improvements are implemented, as the rail road is regulated by the Federal Railroad Administration.

The Mayor said the Police Department has approved the detour.

Mayor Delcore said it will be an unavoidable inconvenience and I have asked the Township staff to monitor the improvements to ensure they are completed as quickly as possible.

Mayor DelCore said a map of the detour is available on the Township's website.

Deputy Mayor Wagner questioned the unevenness of the road at the crossing. Mr. Davis informed him that there will be rubberized material installed to smooth it out

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

3. Resolution authorizing F.X. Browne, Inc. to prepare a Natural Resources Inventory (NRI), in an amount not to exceed \$10,540.00.

WHEREAS, it has been determined that there is a need for an updated Natural Resources Inventory (NRI) using a grant from ANJEC; and

WHEREAS, two (2) quotes were received from the following vendors:

<u>Vendor</u>	<u>Amount</u>
F.X. Browne, Inc.	\$10,540.00
Amy S. Greene Environmental Consultants	\$16,000.00

WHEREAS, the Township Committee desires to award a contract to F.X. Browne, Inc., in an amount not to exceed \$10,540.00 to perform these services, pursuant to their proposal dated March 31, 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.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that F.X. Browne, Inc. is authorized to prepare a Natural Resources Inventory (NRI) using a grant from ANJEC, pursuant to their proposal dated March 31, 2009, in an amount not to exceed \$10,540.00.

Mayor DelCore said the Natural Resources Inventory is valuable because it identifies the environmental and natural features that could affect future development potential in the Township.

Mayor DelCore said it is a tool that the Planning Board and Planning Department can use in determining future long range planning in Hillsborough. It is also valuable for identifying future open space preservation opportunities and potential future environmental grant requests.

The Mayor stated that the cost of the plan is 50% funded through a grant from the Association of New Jersey Environmental Commissions. It is recommended by Hillsborough's Environmental Commission.

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

4. Resolution acknowledging the annual audit for the year 2008 of Hillsborough Township, Somerset County.

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Township of Hillsborough's Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance

Mayor DelCore stated that the Audit for 2008 has been completed and the Township Committee is required to acknowledge receipt and review of the Audit. The Auditors found all accounts in order. An audit summary will be posted on the Township's website.

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

5. Resolution accepting and approving the Corrective Action Plan for the 2008 Audit.

WHEREAS, in accordance with Local Finance Notice 92-15, Hillsborough Township must submit a Corrective Action Plan for 2009 to the Division of Local Government Services in regards to the Township Audit of 2008; and

BE IT RESOLVED that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby accepts and approves the attached "2008 Corrective Action Plan for the Township of Hillsborough" as submitted by Chief Finance Officer Nancy Haberle.

Mayor DelCore said the required corrective action plan for the Audit addresses the minor administrative concerns raised by the Audit.

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

6. Resolution awarding a contract, effective November 19, 2009 through November 18, 2010, to the Somerset County Coalition on Affordable Housing (SCCOAH), and authorizing the Mayor and the Township Administrator/Clerk to enter into an Affordable Housing Independent Agreement for Hillsborough Point with SCCOAH in an amount not to exceed \$8,400.00.

WHEREAS, the Somerset County Coalition on Affordable Housing (SCCOAH) submitted a proposal for an Affordable Housing Independent Agreement; and

WHEREAS, said proposal is for the administration of the affordable housing units at Hillsborough Point, in an amount not to exceed \$8,400.00; and

WHEREAS, the Township Planner has recommended that the Township approve said contract to ensure continued compliance with the applicable affordable housing requirements; and

WHEREAS, funds are available and have been certified as such by the Chief Finance 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 the Mayor and the Township Administrator/Clerk are hereby authorized to enter into Affordable Housing Independent Agreement for Hillsborough Point with SCCOAH, in an amount not to exceed \$8,400.00.

Mayor DelCore said Hillsborough is required by state law to provide for the administration of the Township's existing affordable housing units.

Mayor DelCore noted the non-profit Somerset County Council on Affordable Housing provides those required services for the affordable units at Hillsborough Point and the Hearthstone development, as well as the other existing affordable units in various places around the community.

Mayor DelCore stated this and the next consideration authorize the annual contract for the administrative services with SCCOAH.

Mayor DelCore explained that the costs are paid not from tax dollars, but from the Township's Affordable Housing Trust Account, which are funds provided by developers who have contributed to the affordable housing need in the community.

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

7. Resolution awarding a contract, effective September 16, 2009 through September 15, 2010, to the Somerset County Coalition on Affordable Housing (SCCOAH), and authorizing the Mayor and the Township Administrator/Clerk to enter into an Affordable Housing Independent Agreement for Hearthstone at Hillsborough with SCCOAH, in an amount not to exceed \$6,000.00.

WHEREAS, the Somerset County Coalition on Affordable Housing (SCCOAH) submitted a proposal for an Affordable Housing Independent Agreement; and

WHEREAS, said proposal is for the administration of the affordable housing units at Hearthstone at Hillsborough, in an amount not to exceed \$6,000.00; and

WHEREAS, the Township Planner has recommended that the Township approve said contract to ensure continued compliance with the applicable affordable housing requirements; and

WHEREAS, funds are available and have been certified as such by the Chief Finance 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 the Mayor and the Township Administrator/Clerk are hereby authorized to enter into Affordable Housing Independent Agreement for Hearthstone at Hillsborough with SCCOAH, in an amount not to exceed \$6,000.00.

Committeeman Suraci said if residents are interested in this they should contact Somerset County Coalition on Affordable Housing regarding the application process.

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

8. Resolution authorizing the appointment of Michael Krupsky as part-time Acting Plumbing Sub-Code Official in the Construction Department for not more than 29 hours per week, at a rate of \$28.00 per hour.

WHEREAS, there exists a vacancy in the Construction Department for the position of part-time Acting Plumbing Sub-code Official; and

WHEREAS, the Director of Building and Construction recommends the hiring of Michael Krupsky as part-time Acting Plumbing Sub-code Official in the Construction Department for not more than 29 hours per week, at a rate of \$28.00 per hour.

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

Mayor DelCore said the Township's Plumbing Sub-code official is leaving his position with the Township and moving out of state. State law requires each community to have a designated Plumbing Sub-code official. While the process for a replacement is followed, a temporary appointment is necessary.

Mayor DelCore stated that Mr. Krupsky is the Plumbing sub-code official in Montgomery.

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

9. Resolution requesting approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for the establishment of a Universal Playground.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Township of Hillsborough will be receiving monies to be used for the Establishment of a Universal Playground as per N.J.S.A. 40A:5-29.
2. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for the Establishment of a Universal Playground as per N.J.S.A. 40A:4-39; and
3. The Municipal Clerk of the Township of Hillsborough is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Mayor DelCore said as part of the effort to seek contributions for the development of a universal playground for all children at Ann Van Middlesworth Park, the Township must establish a dedicated trust by rider to ensure the proper accounting for any fund raising.

Mayor DelCore said the universal playground will be a great addition to the recreational facilities at AVM. It will enable all children, including those with disabilities, to enjoy recreation equipment.

Mayor DelCore stated that Committeeman Anthony Ferrera announced the kick off of the fund raising campaign during the Recreation Camp out last Friday night, and it was well received.

The Mayor explained the state's Division of Local Government must approve the dedication by rider to establish the Trust account.

Upon motion by Deputy Mayor Wagner, 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 Township Administrator/Clerk to solicit bids for the Phase 1 repair and restoration of the Van der Veer- Harris House.

WHEREAS, the Township Administrator/Clerk has determined there is a need to solicit bids for the Phase 1 Repair and Restoration of the Van der Veer-Harris House.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/Clerk is hereby authorized to solicit bids for the Phase 1 Repair and Restoration of the Van der Veer-Harris House.

2. Resolution supporting the Over the Limit, Under Arrest 2009 Statewide Crackdown.

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of summer is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2009 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby declare its support for the Over the Limit Under Arrest 2009 Statewide Crackdown from August 21 through September 7, 2009 and pledges to increase awareness of the dangers of drinking and driving.

3. Resolution accepting the resignation of Angelo Pacilio effective August 8, 2009 and authorizing the Township Administrator/Clerk to post for the position of Plumbing Sub-Code Official to fill a vacancy, as required by N.J.S.A. 52:27D-126a and N.J.A.C. 5:23-4.3.

WHEREAS, Angelo Pacilio submitted his resignation to the position of Plumbing Sub-Code Official effective August 8, 2009; and

WHEREAS, the Director of Building has determined that this position needs to be filled as soon as possible and thereby requests authorization to post for the position of Plumbing Sub-Code Official.

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 accept the resignation of Angelo Pacilio, effective August 8, 2009, and authorize the Township Administrator/Clerk to post for the position of Plumbing Sub-Code Official, to fill a vacancy, as required by N.J.A.C. 52:27D-126a and N.J.A.C. 5:23-4.3.

4. Resolution approving the application for special Permit for Social Affair for Temple Beth El to be held on November 14, 2009.

WHEREAS, an application for a Special Permit for Social Affair has been filed by Temple Beth El for an event to be held on November 14, 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 application for Special Permit for Social Affair for Temple Beth El for an event to be held on November 14, 2009.

5. Resolution approving the application of Special Permit for Social Affair for Manville-Hillsborough Elks Lodge #2119 to be held on September 12, 2009.

WHEREAS, an application for a Special Permit for Social Affair has been filed by Manville – Hillsborough Elks Lodge #2119 for an event to be held on September 12, 2009; and

WHEREAS, the submitted application form is complete in all respects.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the application for Special Permit for Social Affair for Manville – Hillsborough Elks Lodge #2119 for an event to be held on September 12, 2009.

6. Resolution approving an application for a raffle license by Manville – Hillsborough Elks #2119 to be held on September 12, 2009.

WHEREAS, an application for a raffle license has been filed by the Manville-Hillsborough Elks #2119 for raffle being held September 12, 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 raffle application #1139 to Manville-Hillsborough Elks #2119 for raffle being held September 12, 2009

7. Resolution approving an application for a raffle license by Hillsborough Boys Football Association.

WHEREAS, an application for a raffle license has been filed by Hillsborough Boys Football Association for a calendar raffle to be held from October 1, 2009 through December 31, 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 raffle application #1142 to Hillsborough Boys Football Association for a calendar raffle to be held from October 1, 2009 through December 31, 2009.

8. Resolution approving an application for a raffle license by Hillsborough Hustle to be held on December 1, 2009.

WHEREAS, an application for a raffle license has been filed by Hillsborough Hustle for a raffle to be held on December 1, 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 raffle application #1143 to Hillsborough Hustle for a raffle being held on December 1, 2009.

9. Resolution approving an application for a raffle license by Clover Hill Reformed Church to be held on October 3, 2009.

WHEREAS, an application for a raffle license has been filed by Clover Hill Reformed Church for a raffle to be held on October 3, 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 raffle application #1140 to Clover Hill Reformed Church for a raffle being held on October 3, 2009.

10. Resolution approving an application for a raffle license by Hillsborough Bandwagon Association.

WHEREAS, an application for a raffle license has been filed by Hillsborough Bandwagon Association for raffles to be held once daily from October 1, 2009 through November 30, 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 raffle application #1141 to Hillsborough Hustle for raffles being held daily from October 1, 2009 through November 30, 2009.

11. Resolution ratifying and confirming the action of the Township Administrator/Clerk authorizing the use of Department of Public Works equipment to assist at the Somerset County 4-H Fair.

WHEREAS, the Somerset County 4-H Go-Kart Club has requested the use of Department of Public Works equipment to rebuild the Somerset County 4-H Go-Kart area that has been damaged by recent heavy rains; and

WHEREAS, the Department of Public Works recommends that the Somerset County 4-H Go-Kart Club's request be approved.

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 Somerset County 4-H Go-Kart Club's request to use the equipment to rebuild the Somerset County 4-H Go-Kart area so members of the Go-Kart club are able to participate in the 4-H Fair.

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

CLAIMS LIST

Mayor DelCore presented Claims List 2009-15.

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Suraci, Claims List 2009-15 was unanimously approved upon call of the roll.

A five minute recess was taken.

Mayor DelCore introduced Mr. Ernie Del Guercio, President of Appraisal Systems, Inc., to conduct the presentation regarding Somerset County Tax Board ordered revaluation in Hillsborough Township.

Mr. Del Guercio gave a power-point presentation on the revaluation process. Mr. Del Guercio explained in detail the rules and regulations of the revaluation process.

Mayor DelCore thanked Mr. Del Guercio for his presentation.

Deputy Mayor Wagner asked if the inspectors will determine the value of a home.

Mr. Del Guercio explained that the inspectors do not determine the value, they collect information for all of the properties and other appraisers, who are state licensed, will do the appraisals.

The Deputy Mayor asked Mr. Del Guercio, what happens if a resident does not allow an inspector into their home?

Mr. Del Guercio said if a resident does not allow an inspector into their home the inspector has no legal right to access, but there is an obligation to estimate the interior at its highest most reasonable potential and case law supports that notion.

Committeeman Suraci thanked Mr. Del Guercio for all the information he provided.

Mayor DelCore questioned when will the initial notices be mailed?

Mr. Del Guercio said once they get the Division of Taxation's signature the letters will be sent out and the process will begin.

Kevin Davis, Township Administrator/Clerk asked Mr. Del Guercio to comment on the "suburban myth", why the city of Newark doesn't have to revalue?

Mr. Del Guercio stated that the city of Newark was revalued in 1954 and not again until 2004. He said for some reason they were able to avoid revaluation.

Mr. Del Guercio explained there is a new county board and the county got tough. There will be another revaluation, now there will be two revaluations in a short period of time.

Mayor DelCore announced that on September 16, 2009 at 7:00 p.m. there will be a presentation on the revaluation process. All residents are welcome to attend. The presentation will be held in the multi-purpose room in the municipal building.

Mayor DelCore thanked Mr. Del Guercio again for his presentation.

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*
- b. *Litigation: Hillsborough vs. U.S. Department of Defense, et als.*

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 9:36 p.m.

Committeeman Suraci motioned to come out of executive session at 10:45 p.m.; said motion was seconded by Deputy Mayor Wagner and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Suraci meeting duly adjourned at 10:46 p.m. Said motion carried unanimously upon voice vote.

Attested:

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