

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 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.

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 September 8, 2009.

APPOINTMENTS/PROCLAMATIONS

- ***National Ovarian Cancer Awareness Month***

WHEREAS, Ovarian cancer is called the "silent disease" because its symptoms are often vague or subtle; and

WHEREAS, Ovarian cancer is the fifth leading cause of cancer deaths among women and the leading cause of gynecologic cancer death in the United States; each year more than 22,000 women are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, if detected in its early stages, survival from ovarian cancer is 90-95 percent, yet the five year survival rate for the disease is only 28 percent because it is so difficult to detect early; and;

WHEREAS, the Turn The Towns Teal campaign was launched by Gail MacNeil during her 10 year battle with ovarian cancer; and

WHEREAS, Kaleidoscope of Hope (KOH), the Atlantic Health System and the National Ovarian Cancer Coalition-Northern NJ (NOCC) are partnering to promote awareness of ovarian cancer through Turn The Towns Teal campaign.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, of the Township of Hillsborough hereby declare September 2009 as Ovarian cancer Awareness Month and vow to continue to support programs and research dedicated to ovarian cancer and support Turn The Towns Teal awareness campaign.

- ***Ragin' Cajuns Softball Intermediate League Champions***

WHEREAS, the Township Committee of the Township of Hillsborough is proud to recognize The Ragin' Cajuns of the Hillsborough Recreation Softball Intermediate League for winning the league championship tournament on June 10, 2009; and

WHEREAS, the Ragin' Cajuns also claimed the regular season Intermediate League Championship, posting an impressive 9-3-1 record; and

WHEREAS, the 14 girls of the Intermediate League Ragin' Cajuns won their final two games to clinch the number one seed in the playoffs; and

WHEREAS, The Ragin' Cajuns are part of a dynamic recreational league with five different divisions serving over 500 girls from first grade through twelfth grade; and

WHEREAS, The Intermediate League girls play a challenging eight week regular season and double elimination season-ending tournament; and

WHEREAS, The Ragin' Cajuns of the Intermediate League showed great improvement throughout the season in all aspects of pitching, hitting, fielding and base running; and

WHEREAS, The Ragin' Cajuns of the Intermediate League employed all their skills to earn a thrilling 10-6 win in the championship game; and

WHEREAS, this year the Ragin' Cajuns have achieved the outstanding accomplishments of winning both their regular season championship and the Intermediate league Playoffs.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Township Committee of the Township of Hillsborough, do hereby commend all the players, coaches and managers of The Ragin' Cajuns of the Intermediate League for their dedication and commitment to the sport and for all of the hard work put forth in order to achieve their goals.

BE IT FURTHER PROCLAIMED that we, the Township Committee of the Township of Hillsborough, further recognize and commend the Ragin' Cajuns of the Intermediate League for their outstanding accomplishments and for the honor that they have brought to themselves, their organization and our community.

APPROVAL OF MINUTES

- *Approval of the August 11, 2009 Executive Session Minutes*

Upon motion by Deputy Mayor Wagner, seconded by Committeewoman McCauley, the minutes of the August 11, 2009, Executive Session were approved upon the call of the roll.

Yes – Suraci, Wagner, DelCore

Abstain – Ferrera, McCauley

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

Committeeman Ferrera

Committeeman Ferrera thanked the residents for coming out for our point of distribution drill. Committeeman Ferrera announced there were over four hundred residents who drove through our point of distribution drill.

Committeeman Ferrera thanked the Police, Fire, Rescue and Health Department. Also thanked John Sheridan, Office of Emergency Management Coordinator.

Committeeman Ferrera spoke of the importance of the drill and its many benefits.

Committeeman Ferrera said he really appreciates the residents coming out and he thanked the businesses for donating coupons and food.

Committeeman Ferrera thanked Officer Jason Beverett and his team of police officers for running the two-ball basketball and bike rodeo. Committeeman Ferrera said these are great community events.

Committeeman Ferrera said the recreation brochure is available online. We have added new programs, girls lacrosse, hiking, ultimate Frisbee and Spanish explorers and at Hillsborough Country Club there is the youth golf school.

Committeeman Ferrera announced on Sunday, September 20, 2009 from 11:00 a.m. to 2:00 p.m. will be the third annual Autism Family Fun Day.

Committeewoman McCauley

Committeewoman McCauley said the Regulatory Oversight Working Group is continuing to examine Township regulations looking for changes that can help our business community. They are meeting again later this month and will consider several ordinance changes.

Committeewoman McCauley said that the Township has taken numerous steps to remove some of the bureaucratic hurdles for businesses. Committeewoman McCauley reported on the Economic Action Plan that outlines the sixteen ordinances currently acted on in 2009. A copy of this report can be obtained on the Township website at www.hillsborough-nj.org or from the Clerk's Office.

Committeewoman McCauley stated that as part of our "Shop Hillsborough First" effort by the Economic Business and Development Committee which encourages residents to use local businesses, we have created a new "Shop for Hillsborough First/Find a Hillsborough Business" section which is on the Township website. Committeewoman McCauley encourages residents to use local businesses.

Committeeman Suraci

Committeeman Suraci said in remembrance of the Somerset County residents who perished on September 11th there will be a Somerset County commemoration this Friday, September 11, 2009 at 8:46 a.m. at the County 911 Memorial, which is on the corner of Main & Bridge Street in Somerville. The public is invited to attend.

Committeeman Suraci said that Hillsborough Township has a 911 Memorial at Singley Park. The Memorial was constructed by Ernie Guaimano, a former Hillsborough Boy Scout. Ernie designed this memorial for his Eagle Scout project. Ernie is currently majoring in engineering at Stevens Institute of Technology. Committeeman Suraci thanked Ernie for doing such a wonderful job.

Committeeman Suraci encouraged residents to stop by Singley Park for a moment of reflection and remembrance.

Deputy Mayor Wagner

- Not at this time.

Mayor DelCore

Mayor DelCore announced there will be a presentation on the Revaluation process ordered by the Somerset County Tax Board, on Wednesday, September 16 at 7:00 p.m. in the Multi-Purpose Room. There will be a question and answer segment with the revaluation firm.

The Mayor encouraged the public to attend.

Mayor Delcore said if you cannot attend, the presentation is available on the Township's website and will be run on TV-25 at numerous times.

Mayor DelCore said there will be an open house at the Senior Citizen Activity Center, here at the municipal building, on October 14th from 10:00 a.m. to 2:00 p.m. that is open to all Hillsborough senior citizens.

The Mayor encourages senior citizens who have not yet had a chance to enjoy the center to stop by on October 14th. Mayor DelCore said residents do not have to belong to one of the senior groups to attend.

Mayor DelCore announced following the open house on October 14th, at 2:00 p.m. there will be a one anniversary celebration for the Senior Activity Center. All seniors are also invited to the celebration.

Mayor DelCore said as part of the Mayor's Wellness Program we will participate in the American Heart Association walk, held on September 27, 2009 at Duke Island Park. Anyone wishing to participate in the walk the website is www.centralparkwalk.org then look for Hillsborough Mayor's Wellness Campaign.

NEW BUSINESS

- *None at this time.*

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Mr. Gary Ward, 8 Ivy Lane, expressed his concerns about the current traffic on Ivy Lane, as well as the future traffic due to new development in the area.

Mayor DelCore encouraged Mr. Ward to attend the next Planning Board meeting this coming Thursday. The Mayor also told Mr. Ward he can set up a meeting with Mr. Kevin Davis to discuss this issue.

PUBLIC HEARINGS

Ordinance 2009-32 An Ordinance amending section 113-7 of the code of the Township of Hillsborough titled "Restrictions as to Hours."

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.

Deputy Mayor Wagner moved to open the public hearing on Ordinance 2009-32. Said motion was seconded by Committeeman Suraci and carried unanimously upon the call of the roll.

Mayor DelCore said this ordinance, as part of the economic action plan, is designed to give retail liquor stores and restaurants with liquor licenses the option to open at 10:00 a.m. on Sunday.

Mayor DelCore stated 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 11:00 a.m. opening time.

Mayor DelCore explained the ordinance does not change any other opening and closing times on any other days of the week. This change, based upon advice from some of the local business people, is one method for the Township to help local retailers. The change does not require opening at 10:00 a.m. on Sunday, it only creates an option for the retailer. It would also allow restaurants with licenses the same option.

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.

Committeeman Ferrera said this ordinance will benefit our residents and local businesses.

Committeeman Ferrera moved to close the public hearing on Ordinance 2009-32. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

Committeeman Suraci moved to adopt Ordinance 2009-32. Said motion was seconded by Committeeman Ferrera and carried unanimously upon the call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2009-33 **An Ordinance authorizing the Township of Hillsborough to acquire a Development Easement over Block 201, Lot 8; Block 202, Lot 7; and Block 202, Lot 11 from Ina Van Nuys and authorizing an appropriation in the total amount of \$3,700,000.00 from the Open Space Trust Fund and to acquire right-of-way along Hillsborough and Willow Roads in front of these lots with funding from the Capital Improvement Fund.** *Further consideration of this ordinance and public hearing will be held on October 13, 2009.*

EXPLANATION: This Ordinance authorizes the Township of Hillsborough to acquire a development easement over Block 201, Lot 8; Block 202, Lot 7; and Block 202, Lot 11 from Ina Van Nuys and authorizes an appropriation in the total amount of \$3,700,000.00 from the Open Space Trust Fund and to acquire Rights-of-Way along Hillsborough and Willow Roads in front of these lots with funding from the Capital Improvement Fund.

WHEREAS, the Township of Hillsborough negotiated with Ina Van Nuys to acquire a development easement over Block 201, Lot 8; Block 202, Lot 7; and Block 202, Lot 11, ("Property") for open space, conservation and recreational or similar uses as authorized in N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the negotiations resulted in an agreement being reached subject to the approval and ratification of the Township Committee; and

WHEREAS, the Township Attorney drafted an “Option Agreement” and “Agreement for the Purchase of the Property and a Development Easement” (“Agreements”) between Ina Van Nuys and the Township, which Agreements were reviewed, revised and approved by the attorney for Ina Van Nuys; and

WHEREAS, the Agreements have been executed by Ina Van Nuys; and

WHEREAS, the Agreements call for a total purchase price for the development easement of \$3,696,118.47 (\$990,400.00 for Lot 7, \$1,380,330.00 for Lot 8, and \$1,325,388.47 for Lot 11); and

WHEREAS, the Agreements are subject to certain contingencies which must be satisfied before closing of title; and

WHEREAS, the Township Committee reviewed the Agreements and discussed them with the Township Attorney and finds them acceptable; and

WHEREAS, the Township Committee desires to authorize the Mayor and Township Clerk to execute the Agreements on behalf of the Township; to authorize the Township Administrator and Township Attorney to take all required action to satisfy all contingencies contained in the Agreements; and to arrange to close within one hundred and eighty (180) days from the Effective Date of the Agreements; and

WHEREAS, the Open Space Advisory Committee recommended the acquisition of the Property for the purposes set forth hereinbefore and the funding of such acquisition through the Open Space Trust Fund (“Trust Fund”); and

WHEREAS, the Township will fund the purchase price through the said Trust Fund; and

WHEREAS, the Township intends to seek reimbursement for the acquisition of the Property from the Federal Farm and Ranchland Protection Program, the State Agriculture Development Committee and the Somerset County Agriculture Development Board; and

WHEREAS, the Township Committee desires to adopt this Ordinance to authorize the acquisition of the development easement, authorize the funding for the acquisition of the development easement, and authorize seeking reimbursement from the Federal Farm and Ranchland Protection Program, the State Agriculture Development Committee and the Somerset County Agriculture Development Board; and

WHEREAS, the Township Committee desires to authorize the Township Administrator and Attorney to obtain all necessary studies, including title searches, surveys and Phase I Environmental Audit; and

WHEREAS, the Township Committee filed applications to participate in the Federal Farm and Ranchland Protection Program and the State of New Jersey Planning Incentive Grant Program; and

WHEREAS, these applications stated that the Property would be enrolled in these programs in exchange for partial reimbursement of the purchase price; and

WHEREAS, it is the intention of the Township to assign to the County of Somerset the Deeds of Easement for the Property to be enrolled in the PIG Program; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 40A:12-13.4, authorize the Township to transfer unneeded municipal interests in land to the County at a private sale provided that the property continues to serve a public purpose; namely, preserved as farmland; and

WHEREAS, the Township has also determined that there is a need to acquire Rights-of-Way along Hillsborough and Willow Roads with funding from the Capital Improvement Fund, along the frontage of Block 201, Lot 8, Block 202, Lot 7 and Block 202, Lot 11, as a capital improvement, and as shown on Boundary Surveys for each of these lots prepared by Maser Consulting, P.A.

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

1. This Ordinance, upon final adoption, shall authorize the Township of Hillsborough to acquire the development easement, authorize the funding for the acquisition of the development easement, authorize seeking reimbursement from the Federal Farm and Ranchland Protection Program, the State Agriculture Development Committee and the Somerset County Agriculture Development Committee, authorize all necessary studies, including title searches, surveys and Phase I Environmental Audit and expend money from the Trust Fund for these purposes.

2. The Township of Hillsborough Mayor and Clerk are hereby directed and authorized to utilize the Trust Fund for this purchase, to execute the "Option Agreements" and "Agreements for the Purchase of a Development Easement" for the purchase of Block 201, Lot 8; Block 202, Lot 7; and Block 202, Lot 11 for the total purchase price of \$3,696,118.47.

3. The Township Administrator and Township Attorney are hereby directed to take all action required to satisfy the contingencies contained in the Agreements.

4. The Township Administrator and Township Attorney are hereby directed to apply for reimbursement of all or a portion of the purchase price, and to take all action necessary to accomplish these goals.

5. There is hereby authorized an appropriation in the amount of \$3,700,000.00 from the Trust Fund for the acquisition of the development easement described in this Ordinance. The Township Chief Financial Officer shall, prior to the effective date of this Ordinance, file with the Township Clerk a statement certifying that sufficient funds are available in the Trust Fund to make this appropriation. The original certification shall be attached to the original of this Ordinance and shall be kept on file with the Township Clerk.

6. The Township Mayor, Clerk and Attorney are hereby authorized to take any action necessary to assign the PIG Deeds of Easement to the County of Somerset in exchange for partial reimbursement of the purchase price.

7. The Township Administrator and Attorney are hereby authorized to take all action required to acquire the Rights-of-Way along Hillsborough and Willow Roads as shown on the Boundary Surveys prepared by Maser Consulting, P.A.

8. This Ordinance shall take effect upon its final passage and publication according to law.

Kevin Davis said we need to amend this ordinance to acquire the right-of-way along Hillsborough and Willow Roads in front of the lots with funding from the Capital Improvement Fund.

Mayor DelCore stated that this ordinance authorizes the preservation of the development rights of 163 acres at the Van Nuys farm, on Hillsborough and Willow Roads.

The Mayor said by preserving the development rights, it means there can never be development at the property and that it will remain a farm for all time. In addition to the preservation of the farm, there is equally good news that over \$3 million of the \$3.696 million cost of the preservation will come from sources other than the Township's Open Space Fund.

Mayor DelCore congratulated the staff for the work done to gain over \$1.7 million in federal farm and ranchland protection funds. The first time the Township has gained that funding for farmland preservation.

Mayor DelCore again thanked the Somerset County Freeholders for coming to the plate with \$536,000 and the State Agriculture Development Committee for \$750,000 in Planned Incentive Grant funds for the project.

Mayor DelCore also extended the Township's thanks to Mrs. Van Nuys and her family for being willing to work with Hillsborough on the preservation of their farm.

Mayor DelCore said it is the policy of the Township Committee to not only take advantage any time there is the opportunity to preserve one of our farms, but also to find alternate funding sources in order to minimize the impact on Hillsborough's Open Space fund.

Deputy Mayor Wagner displayed a map of the Van Nuys Farm property. He spoke of his commitment in preserving farmland and open space from development. The Deputy Mayor said the Open Space Advisory Committee made the preservation of these 163 acres a priority.

Deputy Mayor Wagner announced we are now succeeding in putting those acres beyond the reach of development and have secured another farm, helping to keep the farming quality in Hillsborough the very best.

Deputy Mayor Wagner thanked Chickie Haines, Open Space and Farmlands Coordinator, who serves as a Township volunteer for her role in identifying potential federal funding and to help with the project and her determination to see it through to completion.

Deputy Mayor Wagner thanked the Van Nuys family and the Township Attorney, Mr. Cruz for working with the Township on the preservation of the farm.

Deputy Mayor Wagner said that Hillsborough is able to gain outstanding funding to help with the cost of preservation projects and it makes the Township Open Space Fund that much more valuable to go further in the preservation of many more properties in the future.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading, the Deputy Mayor also motioned to amend the Ordinance to acquire the right-of-way along Hillsborough and Willow Roads and that the Ordinance be further considered at a public hearing held on October 13, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2009-34 **An Ordinance authorizing acceptance of a conservation easement on Block 199, Lot 50.01, and a detention basin easement on Block 199, Lot 49.** *Further consideration of this ordinance and public hearing will be held on September 22, 2009.*

EXPLANATION: This Ordinance authorizes the Township of Hillsborough to accept a Conservation Easement from Senior Living Solutions Realty, L.L.C., on Block 199, Lot 50.01, and a Detention Basin Easement from Pilgrim River, LLC, on Block 199, Lot 49.

WHEREAS, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept a Conservation Easement, dated July 23, 2009, conveyed to the Township by Senior Living Solutions realty, L.L.C., on Lot 50.01, Block 199; and

WHEREAS, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept a Detention Basin Easement, dated July 23, 2009, conveyed to the Township by Pilgrim River, LLC, on Lot 49, Block 199; and

WHEREAS, the purpose of this conveyance is to satisfy conditions of Site Plan approval, as set forth in a Resolution adopted by the Board of Adjustment of the Township of Hillsborough, dated June 16, 2004; and

WHEREAS, the Township Attorney for the Township of Hillsborough has reviewed the above Easements and finds them acceptable in all respects.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby authorizes acceptance of the above Easements attached hereto and directs its appropriate officials to execute and file such documents as may be necessary.

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

Mayor DelCore said this ordinance accepts a conservation and detention basin easement at the Avalon Assisted Living Center on Amwell Road. The conveyance of these easements on the Avalon property to the Township is required by a Board of Adjustment approval.

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 2009-35 **An Ordinance appropriating certain capital improvement monies held by the Township of Hillsborough, County of Somerset, State of New Jersey, for the purpose of acquiring right-of-way acreage at Block 201 Lot 8, Block 202 Lot 7 and Block 202 Lot 11. Further consideration of the ordinance and public hearing will be held on October 13, 2009.**

WHEREAS, the Hillsborough Township Committee has determined there is a need to acquire right-of-way acreage at Block 201 Lot 8, Block 202 Lot 7 and Block 202 Lot 11, and

WHEREAS, funding for the acquisition is available in the Hillsborough Township Capital Improvement Fund.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Ordinance 2009-35 hereby

appropriates the sum of \$10,431.00 from the Township's Capital Improvement Fund for the acquisition of right-of-way acreage.

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

Mayor DelCore said as part of the Van Nuys farm preservation, the Township will purchase outright about 4 tenths of an acre of property along side of Hillsborough and Willow Roads as roadway right of ways, in case there is ever a plan to widen either roadway.

Mayor DelCore stated that this ordinance provides capital funding in the amount of \$10,431 for the purpose of that right of way purchase.

Committeeman Ferrera moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on October 13, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolution:

- 1. Resolution authorizes the Township Committee to set forth specific information so that the State Agriculture Development Committee and County Agriculture Development Board are advised of and approve the conditions on the Van Nuys Farms.**

WHEREAS, the Township of Hillsborough and Ina Van Nuys entered into three (3) separate Option Agreements for the Sale of a Development Easement and three (3) separate Agreements for Purchase of a Development Easement; and

WHEREAS, the Van Nuys Farms are within the Township's Planning Incentive Grant Project Area; and

WHEREAS, the PIG program provides for an allocation of the cost of the certified market value of the easement, with the State of New Jersey Agriculture Development Committee usually contributing sixty (60%) percent, the County Agriculture Development Board contributing twenty (20%) percent, and the municipality contributing twenty (20%) percent; and

WHEREAS, both the Township and Mrs. Van Nuys desire to participate in the Federal Farm and Ranchland Protection Program; and

WHEREAS, the FRPP is a program managed by the United States Department of Agriculture, Natural Resources Conservation Service; and

WHEREAS, through the FRPP, the NRCS has provided the SADC with federal cost share grants for the preservation of farmland; and

WHEREAS, under the 2009 Round PIG program, the maximum funding that the Township is eligible to receive from the SADC is \$750,000.00; and

WHEREAS, the FRPP grant will significantly supplement the funds utilized from the Township's PIG funds to acquire the Van Nuys Farms development easements; and

WHEREAS, the Agreements with Mrs. Van Nuys are for the following properties:

<u>Farm Name</u>	<u>Block</u>	<u>Lot</u>	<u>Estimated Acres</u>
Van Nuys Farm I	201	8	65.730
Van Nuys Farm II	202	7	49.520
Van Nuys Farm III	202	11	47.693

and

WHEREAS, the negotiated purchase price of the development easement for each farm expressed as a per acre value and estimated total value for each farm are as follows:

<u>Farm Name</u>	<u>Per Acre Value</u>	<u>Estimated Acres</u>	<u>Estimated Total Value</u>
Van Nuys Farm I	\$21,000.00	65.730	\$1,380,330.00
Van Nuys Farm II	20,000.00	49.520	990,400.00
Van Nuys Farm III	27,790.00	<u>47.693</u>	<u>1,325,388.47</u>
		162.943	\$3,696,118.47

and

WHEREAS, the source of the Township funding for the easement acquisition is from the Township Open Space Trust Account, and FRLP, SADC, CADB and Township allocations are as follows:

<u>Farm Name</u>	<u>FRLP Allocation</u>
Van Nuys Farm I	\$ 640,867.50
Van Nuys Farm II	479,895.00
Van Nuys Farm III	<u>619,995.00</u>
	\$1,740,757.50

<u>Farm Name</u>	<u>SADC Allocation</u>
Van Nuys Farm I	\$ 384,790.50
Van Nuys Farm II	99,489.00
Van Nuys Farm III	<u>265,720.50</u>
	\$ 750,000.00

<u>Farm Name</u>	<u>CADB Allocation</u>
Van Nuys Farm I	\$ 123,747.00
Van Nuys Farm II	193,128.00
Van Nuys Farm III	<u>219,836.48</u>
	\$ 536,711.48

<u>Farm Name</u>	<u>Hillsborough Open Space Fund Share</u>
Van Nuys Farm I	\$ 226,768.50
Van Nuys Farm II	217,888.00
Van Nuys Farm III	<u>219,836.48</u>
	\$ 664,492.98

and

WHEREAS, this easement acquisition does not contemplate an installment payment schedule; and

WHEREAS, the number, type and size of all exception areas, including any proposed housing opportunities on each farm are as follows:

<u>Farm Name</u>	<u>Size of Ex-ception Area</u>	<u>Housing Opportunity</u>
Van Nuys Farm I	7.60 acres 2.0 acres	1 0
Van Nuys Farm II	2.0 acres	1
Van Nuys Farm III	2.0 acres	1

and

WHEREAS, there are no existing agricultural labor housing units on each farm; and

WHEREAS, there are no preexisting nonagricultural uses for each farm; and

WHEREAS, there are no preexisting or proposed trail or access easements for each farm; and

WHEREAS, Township Committee desires to set forth the above so that the State Agriculture Development Committee and County Agriculture Development Board are advised of and approve the conditions on the Van Nuys Farms.

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

1. This Resolution is adopted to advise the State Agriculture Development Committee and County Agriculture Development Board of the conditions on the Van Nuys Farms.
2. This Resolution be forwarded to the State Agriculture Development Committee and County Agriculture Development Board.
3. This Resolution shall take effect immediately.

Mayor DelCore stated this resolution required by the federal program, establishes the funding splits for the Van Nuys farm preservation between the federal farm and ranchland protection grant, the state Agriculture Development committee PIG funds, the Somerset County Freeholders contribution and Hillsborough's Open Space Trust fund. Mayor DelCore said of the total \$3,696,118 cost of the project, Hillsborough's share is \$664,492.98 or 17.9%.

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

2. **Resolution authorizing the Mayor and Township Clerk to sign a discharge of mortgage regarding Lot 33 in Block 65 on the tax map of the Township of Hillsborough.**

WHEREAS, on August 3, 2000, Darryl J. Bodo, the owner of property known as 22 Nottingham Way, Lot 33 in Block 65 on the Township of Hillsborough Tax Map ("Property"), executed a Property Rehabilitation Mortgage ("Mortgage") for a loan of \$7,035.00 from the Township of Hillsborough ("Township") for the rehabilitation of his dwelling; and

WHEREAS, because the terms of the Mortgage have been met, the Mortgage, by its terms, was automatically forgiven in full by the Township on September 1, 2006 and should be discharge of record; and

WHEREAS, the purpose of this Resolution is to authorize the Mayor and Clerk of the Township of Hillsborough to execute a Discharge of Mortgage which is to be filed with the Somerset County Clerk's office.

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 Clerk are hereby authorized to sign the Discharge of Mortgage which has been prepared by the Township Attorney; and
2. That the original Discharge of Mortgage be sent by the Township Attorney to the Somerset County Clerk's office, with a copy to Darryl J. Bodo.
3. This Resolution shall take effect immediately.

Mayor DelCore said this action discharges a \$7035 loan passed through the Township nine years ago from the federal Community Development Block grant housing program to a residential property owner.

Mayor DelCore explained that according to the agreement approved by the Township Committee in 2000, as part of the federal program, as long as the home was not sold prior to September 1, 2006, the loan would be considered satisfied. We are advised that the homeowner has met those conditions and is eligible for the mortgage to be discharged. The Mayor said we are also advised that there were no Township funds used in the loan program.

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

3. Resolution adopting a Sustainable Land Use Pledge.

WHEREAS, land-use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space and allow for continued use of vital natural resources; and

WHEREAS, Hillsborough Township has already begun to require levels of green building in newly created zones, such as Town Center; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that we do hereby resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Hillsborough Township a truly sustainable community. It is our intent to include these principles in the next master plan revision and to update our zoning accordingly.

I. Facilities Siting- *We pledge*, to the extent feasible, to take into consideration factors such as walkability, bikability, access to transit and proximity to other uses when siting new or relocated municipal facilities. The actions of a municipality when locating their own facilities can set a positive precedent and encourage other public and private sector entities to consider sustainable landuse considerations into account when locating their own facilities.

II. Housing Variety- *We pledge*, through the use of our zoning and revenue generation powers, to foster a diverse mix of housing types to meet the needs of people from all ages and walks of life. A variety of housing options, from single family homes to one-bedroom apartments, including housing affordable to all people, is vital to allow residents to live and work in a municipality through various stages of their lives.

III. Natural Resource Preservation- *We pledge* to preserve open space and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future. FURTHER, if feasible, *we pledge* to complete a Natural Resources Inventory to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis and land use planning and zoning.

IV. Transportation Choices- *We pledge* to create transportation choices within our municipality by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects. Given that emissions from transportation, mainly passenger cars, make up the largest share of the state's carbon footprint, creating transportation alternatives at the local level is critical to reducing the state's overall carbon footprint.

V. Mix of Uses- *We pledge* to use our zoning power to allow for a mix of uses in areas that make the most sense for our municipality and the region. Development is not needed in every municipality. But where development makes sense, land-use patterns that segregate uses such as commercial and residential create an environment where the only feasible mode of transportation is the automobile. Allowing for a mix of compatible land uses, residential units above retail stores for example, can help reduce the necessity of driving by allowing people to walk to various destinations.

VI. Green Design- *We pledge* to incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements. Green design strategies not only improve the environmental performance of buildings but lessen the impact of those buildings on the surrounding environment. Such strategies include energy efficiency, water conservation, indoor environmental quality, use of recycled renewable materials,

construction waste reduction, reduced auto use, tree preservation, native planting, and avoidance of environmentally sensitive features.

VII. Regional Cooperation- *We pledge* to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration their concerns when making regional level land-use decisions. Local land-use decisions can often have regional impacts, even though they are decided exclusively by one municipality. For example, a large mall built in one municipality can affect traffic and retail opportunities in neighboring towns.

VIII. Parking Regulations- *We pledge* to reevaluate our parking requirements with the goal of limiting the amount of required parking spaces and promoting shared parking. In areas where walking, biking, and transit are possible, stringent parking requirements can hinder the goal of creating vibrant centers that have a critical mass or people to support local arts, shopping, and other services. Flexible parking requirements decrease the amount of land dedicated to parking lots, storm water

runoff, land clearing, and heat island effects, while promoting transportation alternatives to individual automobile use. Evaluate areas to install safe and secure bicycle parking. Evaluate parking revenues, where fee for parking may be implemented or needs to be implemented.

Mayor DelCore said as the Township continues to work toward certification as a Sustainable Community we are advised by the Sustainability Committee that a Sustainable Land Use Pledge must be approved.

Mayor DelCore stated upon approval of the Pledge, Hillsborough will be qualified for certification as a Sustainable community, which qualified the Township for certain grant opportunities and keeps us in the forefront of green issues.

Committeewoman McCauley said one of the keys to the sustainability movement is to balance both the environmental and the economic goals of a community.

Committeewoman McCauley said sustainability stresses green issues and environmental protection, but also recognizes that for a community to thrive in the future there must be sound economic base, and this pledge by the Township encapsulates those ideas.

Committeewoman McCauley reported that Hillsborough is working on an economic action plan that benefits businesses in the community today and will also do so in the future.

Committeewoman McCauley said Hillsborough already encourages and rewards green design in several building requirements. The Township is moving forward on the potential of alternative energy sources at the municipal building.

Committeewoman McCauley reported that the pledge calls for regional cooperation between municipalities, earlier this year Hillsborough joined with other communities in the Sourland Mountains, Municipal Alliance and last month Hillsborough joined with Montgomery in hosting an anti vehicle island conference that was very successful. Committeewoman McCauley said we recently approved the creation of a natural resources inventory of our community's environmentally valuable areas which is called for in the pledge as well.

Committeewoman McCauley said we can rightfully challenge any community in the state for the long standing effort of this and past Township Committees preservation of open space and farmland.

Committeewoman McCauley said with the plans being developed in the former GSA Depot we will also lead in the development of expanded recreational opportunities as the pledge calls for.

Committeewoman McCauley said in order to move forward in Hillsborough with certification as a sustainable community the Township has taken numerous actions and has met rigorous criteria.

Committeewoman McCauley said we have an outstanding group of citizens serving on the Sustainable Committee. The Committeewoman thanked Rebecca Marshal, Zoning Officer/Assistant Planner, for taking on added responsibilities by staffing the Sustainability Committee and ensuring the Township's qualification as a sustainable community.

Committeewoman McCauley said she is looking forward to working with the Sustainable Committee in balancing the environmental, social and economic goals of Hillsborough's future.

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

4. Resolution authorizing Accredited Environmental Technologies, Inc. to prepare a plan and bid specifications for mold abatement services at the Van Der Veer-Harris House, in an amount not to exceed \$3,260.00.

WHEREAS, it has been determined that there is a need for mold abatement services at the Van der Veer-Harris House; and

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

<u>Vendor</u>	<u>Amount</u>
Accredited Environmental Technologies, Inc.	\$ 3,260.00
Alliance Environmental Systems, Inc.	\$16,400.00

WHEREAS, the Township Committee desires to award a contract to Accredited Environmental Technologies, Inc., in an amount not to exceed \$3,260.00 to prepare a plan and bid specifications for mold abatement, pursuant to their proposal dated August 12, 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 Accredited Environmental Technologies, Inc. is authorized to prepare a plan and bid specifications for mold abatement services at the Van der Veer-Harris House, pursuant to their proposal dated August 12, 2009, in an amount not to exceed \$3,260.00.

Mayor DelCore stated Accredited Technologies will develop specifications for mold removal at the Van Der Veer Harris house, so that the Township can seek bids for the mold abatement work. Competitive quotes were sought for this service and Accredited provided a substantially lower quote.

Mayor DelCore said funding comes from the Somerset County historic preservation grant.

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

5. **Resolution authorizing the execution of a “Non Fair and Open” contract with Binsky & Snyder Service LLC for heating, ventilation and air conditioning (HVAC) services for the period from September 1, 2009 to August 31, 2010 based upon proposal dated August 13, 2009.**

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

“Heating, Ventilation and Air Conditioning (HVAC) Services for the Period from September 1, 2009 to August 31, 2010”; and

WHEREAS, the Township sought and received competitive quotes for providing the services, as follows; Binsky and Snyder \$23,587 and Monsen Engineering Company \$27,420, and the amount of the quotes is below the Township of Hillsborough’s bid threshold of \$29,000 and is therefore not required to publicly bid for this service (N.J.S.A. 40A:11-3 and 11-9); and

WHEREAS, both quotes exceed the statutory Pay to Play threshold of \$17,500 and, therefore, the Township Committee is required to award a “Non Fair and Open” (N.J.S.A. 19:44A-20.26) contract, and

WHEREAS, the Township Committee has decided to award a “Non Fair and Open” contract to Binsky & Snyder Service LLC to provide heating, ventilation and air conditioning (HVAC) in an amount not to exceed \$23,587.00 for 2009 pursuant to their proposal and quote dated August 13, 2009, and the recommendation of the Director of Public Works; and

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

WHEREAS, Binsky & Snyder Service LLC is required to submit a Political Contribution Disclosure form.

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

1. The action of the Township Administrator/Clerk to authorize and execute the agreement with Binsky & Snyder Service LLC to provide heating, ventilation and air conditioning (HVAC) services.
2. This contract is awarded as a “Non Fair & Open Contract” through the competitive quote process, as competitive bidding is not required.
3. The Mayor and Township Administrator/Clerk are hereby authorized to execute the Township’s standard form of agreement for “Goods and Services” and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.

Mayor DelCore said at a previous meeting we discussed the age and inefficiency of the current HVAC system at the municipal building. While preparing for its replacement, the Township must still obtain maintenance services for the system. Mayor DelCore stated that the Department of Public Works sought competitive quotes for the service and Binsky and Snyder provided the lowest quote for service at \$23,587.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

- 1. Resolution approving an application for a Carnival License by Thomas W. Cronin for the Manville-Hillsborough Elk's Clambake to be held on September 12, 2009 with a rain date of September 13, 2009.**

WHEREAS, an application for a carnival license had been filed by Thomas W. Cronin for the Manville-Hillsborough Elk's Clambake to be held on September 12, 2009 with a rain date of September 13, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the carnival application submitted by Thomas W. Cronin for the Manville-Hillsborough Elk's Clambake to be held on September 12, 2009 with a rain date of September 13, 2009.

- 2. Resolution approving the request from Distinctive Domain for release of Winter Certificate of Occupancies bonds for Block 150.05, Lot 14 for \$500, Block 150.06, Lot 27 for \$500 and Block 150.06, Lot 28 for \$500.**

WHEREAS, a request has been received Distinctive Domain for the release of winter certificate of occupancies bonds, in the amount of \$1,500.00; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release \$1,500.00 of winter certificate of occupancies bonds.

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

- 3. Resolution approving the request from Susan Kinahan for the release of Cash Escrow of \$3,000 for Block 151.12, Lot 29.**

WHEREAS, a request has been received from Susan Kinahan for release of cash escrow; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$3,000.00 cash escrow that was posted for the completion of the project.

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

- 4. Resolution approving the request from Valley National Bank for the release of engineering inspection fees of \$3,005.97, release of road opening permit 2006-26 inspection fees of \$3,205.00 and release of cash escrow for road opening permit 2006-26 of \$5,274.08.**

WHEREAS, a request has been received from Valley National Bank for release of engineering inspection fees of \$3,005.97, release of road opening permit 2006-26 inspection fees of \$3,205.00 and release of cash escrow for road opening permit 2006-26 of \$5,274.08; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the engineering inspection fees of \$3,005.97, release of road opening permit 2006-26 inspection fees of \$3,205.00 and release of cash escrow for road opening permit 2006-26 of \$5,274.08 that was posted for the completion of the project.

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

- 5. Resolution approving the request from Country Classics III & IV, LLC for the release of engineering inspection fees of \$25,033.26 plus any applicable interest for Country Classics Section 3A.**

WHEREAS, a request has been received Country Classics III & IV for the release of engineering inspection fees, in the amount of \$25,033.26 plus any applicable interest; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release \$25,033.26 plus any applicable interest in engineering inspection fees to Country Classics III & IV.

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

6. Resolution approving request from the Chief of Police allowing Officer David Wilson Family and Medical Leave, beginning August 26, 2009 through November 26, 2009.

WHEREAS, Police Officer David Wilson has requested Family and Medical Leave, beginning August 26, 2009 through November 26, 2009, due to his severe illness; and

WHEREAS, Police Chief Paul Kaminsky has recommended Officer Wilson'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 the request for Family and Medical Leave, beginning August 26, 2009 through November 26, 2009 be granted to Officer David Wilson.

7. Resolution granting permanent employee status to Police Dispatcher Tiffany Crivelli.

WHEREAS, Police Dispatcher Tiffany Crivelli was appointed on March 2, 2009 for a six-month probationary period; and

WHEREAS, the Chief of Police Paul Kaminsky has certified that Police Dispatcher Tiffany Crivelli has successfully completed her probationary period; and

WHEREAS, Chief of Police Paul Kaminsky highly recommends that permanent status be conferred upon Police Dispatcher Crivelli as of September 2, 2009.

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 Police Dispatcher Crivelli is granted Permanent Employee Status as of September 2, 2009.

8. Resolution ratifying and confirming the action of the Township Administrator/Clerk submitting the Provident Foundation Grant and the Christopher Reeve Foundation Grant applications.

WHEREAS, the Township of Hillsborough desires to apply for and obtain grants from the Provident Foundation and the Christopher Reeve Foundation for \$5,000.00 and \$25,000.00 respectively for the "Universally Accessible Playground" at Ann Van Middlesworth Park.

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 sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

9. Resolution authorizing the Township of Hillsborough to take responsibility for street lights located in High Branch Land, Inc. on Eyring Road.

WHEREAS, High Branch Land, Inc. has requested that the Township of Hillsborough accept the street lights on Eyring Road; and

WHEREAS, in accordance with P.I.1991c.256, the street lights within High Branch Land, Inc. should be accepted by the Township of Hillsborough since 50% of the Certificates of Occupancies have been issued; and

WHEREAS, the Assistant Township Engineer recommends the Township Committee accept the street lights.

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

10. Resolution authorizing the Township of Hillsborough to purchase office supplies, by New Jersey State Contract, from Staples.

WHEREAS, there is a need to purchase office supplies in the Township of Hillsborough, County of Somerset, State of New Jersey; and

WHEREAS, Staples currently holds contract #A74337 with the State of New Jersey; and

WHEREAS, the Township of Hillsborough would like to purchase office supplies through Staples.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township of Hillsborough is hereby authorized to purchase office supplies, by New Jersey state contract #A74337, from Staples.

11. Resolution approving the request from Toll Brothers – Hillsborough Chase for the release of Winter Certificate of Occupancy Bonds, in a total amount of \$5,500.00.

WHEREAS, a request has been received from Toll Brothers – Hillsborough Chase for the release of Winter Certificate of Occupancy Bonds; and

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

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

	<u>Bond Amount</u>
Block 145.09 - Lot 23	\$ 500.00
Block 145.06 – Lot 4	\$1,000.00
Block 145.09 – Lot 13	\$1,000.00

Block 145.06 – Lot 7	\$1,000.00
Block 145.09 – Lot 6	\$1,000.00
Block 145.06, Lot 11	\$1,000.00

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 the Assistant Township Engineer be and hereby is accepted and approved.

12. Resolution authorizing the Administrator/Township Clerk to execute a consent letter with PSE&G to allow an energy efficient street lighting upgrade in the Township of Hillsborough creating an energy cost savings estimated at \$12,365.28 annually at the recommendation of the Assistant Township Engineer.

WHEREAS, with PSE&G's continuing effort to be more "green"; and

WHEREAS, during 2011, PSE&G will be removing 365 100-watt, 287 175-watt, 16 250-watt, and 9 400-watt Vapor cobra head fixtures and replacing them with energy efficient Induction cobra head fixtures that will equate to an estimated annual savings to the Township of Hillsborough of \$12,365.28; and

WHEREAS, the Assistant Township Engineer recommends the Township Committee accept the street lights.

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

13. Resolution authorizing refund of tax overpayments in the amount of \$56,912.98.

WHEREAS, several real property tax payers overpaid their real property taxes and:

WHEREAS, the Tax Collector has received proof of such payments after correspondence with said property owners:

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Tax Collector is hereby authorized to refund said amounts to the property owner. Total, \$56,912.98, properties, 37.

Block	Lot	Name	Amount	Qtr	Year
10	4	Sheldon, D H & D L & Bell, L F	540.77	3rd	2009
58	72.39	First American Tax Service	2,101.05	3rd	2009
58.01	14	First American Tax Service	2,578.35	3rd	2009
145	39.03	Ricky J & Phyllis M Loften	1,347.30	3rd	2009
149.12	21	Wells Fargo Home Mortgage	2,225.14	3rd	2009
149.16	11	First American Tax Service	2,455.79	3rd	2009
151	12.115	BAC Tax Services	1,900.84	3rd	2009
151	25.03	Robert M & Lynn A Barone	2,606.06	3rd	2009
151.20	14.1 Condo	Wells Fargo Home Mortgage	1,205.82	3rd	2009
151.20	22.2 Condo	BAC Tax Services	1,336.76	3rd	2009
152.E	17	Wells Fargo Home Mortgage	1,960.22	3rd	2009

153	15	John P. Mondoro	269.33	3rd	2009
153.05	22224	Wells Fargo Home Mortgage	1,368.73	3rd	2009
163.04	304 Condo	BAC Tax Services	1,109.90	3rd	2009
163.05	91.9 Condo	Harris Faqueri	526.03	3rd	2009
163.06	933 Condo	Wells Fargo Home Mortgage	1,237.03	3rd	2009
163.07	8.42 Condo	Andrew J Kopac	858.53	3rd	2009
163.07	13.11 Condo	First American Tax Service	1,323.81	3rd	2009
163.08	1405 Condo	First American Tax Service	1,125.89	3rd	2009
163.08	2810 Condo	Wells Fargo Home Mortgage	534.32	3rd	2009
163.22	621 Condo	Wells Fargo Home Mortgage	1,374.82	3rd	2009
163.22	2334 Condo	First American Tax Service	1,374.82	3rd	2009
169	24.A QFarm	County of Somerset	51.26	3rd	2009
178.02	123	LPS Property Tax Solutions	1,285.75	3rd	2009
180.02	4	BAC Tax Services	494.81	3rd	2009
180.04	3	Beazer Homes Corporation	494.93	3rd	2009
180.05	5	BAC Tax Services	494.81	3rd	2009
180.09	6	First American Tax Service	2,959.22	3rd	2009
203.I	2	Wells Fargo Home Mortgage	2,556.20	3rd	2009
203.03	8	First American Tax Service	2,923.96	3rd	2009
204	1.27	Min Dang & Xiyou Xu	532.88	3rd	2009
204	7.09	First American Tax Service	2,623.27	3rd	2009
204.B	16	Cumanet, LLC	1,826.24	3rd	2009
204.07	14	First American Tax Service	3,830.61	3rd	2009
205.16	13	Wells Fargo Home Mortgage	3,832.13	3rd	2009
205.31	18	Country Classics	609.00	3rd	2009
205.14	13	Dean A Summers	1,036.60	3rd	2009

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

CLAIMS LIST

Mayor DelCore presented Claims List 2009-16 & 17.

Upon motion by Deputy Mayor Wagner, seconded by Committeewoman McCauley, Claims List 2009-16 & 17 was unanimously approved upon call of the roll.

EXECUTIVE SESSION **EXECUTIVE SESSION RESOLUTION**

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, 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.*
 - c. *Property Acquisition: Block 175, Lot 26*
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 8:20 p.m.

Committeewoman McCauley motioned to come out of executive session at 10:30 p.m.; said motion was seconded by Committeeman Suraci and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeeman Ferrera, seconded by Deputy Mayor Wagner meeting duly adjourned at 10:31 p.m. Said motion carried unanimously upon voice vote.

Attested:

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