

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, and Deputy Mayor Bob Wagner. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Assistant to the Administrator, Dianne Borngesser. Committeeman Carl Suraci and Mayor Frank DelCore were absent from this meeting.

Following the Salute to the Flag, Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on June 23, 2009.

PROCLAMATIONS

- *Proclamation honoring Michael Hampton for his life-saving efforts rescuing his neighbor from her burning apartment.*

WHEREAS, on May 7, 2009, upon hearing a woman's scream for help from the apartment below, Hillsborough resident Michael Hampton ran out of his apartment, down the stairs and into his elderly neighbor Dorothy Lincoln's residence below; and

WHEREAS, when entering Ms. Lincoln's apartment, Mr. Hampton saw a portion of her kitchen engulfed in flames and Ms. Lincoln, confined to her wheelchair, struggling to put out the fire with a towel; and

WHEREAS, reacting quickly to what he saw, Mr. Hampton grabbed Ms. Lincoln's wheelchair and rushed to get her safely out of the burning building; and

WHEREAS, after getting Ms. Lincoln safely outside and calling for another neighbor to call 911, Mr. Hampton went back into the burning apartment to extinguish the flames, at which time the sprinkler system came on and the police arrived; and

WHEREAS, this incident was not the first time Mr. Hampton has displayed heroism to help save someone's life; several year's ago he jumped into action to help a former co-worker who had gone into diabetic shock; and

WHEREAS, Mr. Hampton, humbly deflecting the heroism of his actions, says that in critical moments where his help is needed he is not thinking, just doing and concerning himself only with making sure the person he is helping is okay.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the members of the Hillsborough Township Committee, do hereby recognize Michael Hampton for acting in a quick manner and putting his own life in jeopardy to help save the life of another human being.

BE IT FURTHER PROCLAIMED, that we, the Mayor and Township Committee of the Township of Hillsborough, extend our sincerest appreciation and admiration to Mr. Hampton for his extraordinary act of heroism.

- ***Proclamation honoring Darlene Reed for her years of dedicated service to the Township of Hillsborough.***

WHEREAS, Darlene Reed is retiring from the Hillsborough Township Finance Office after more than 10 years of service with the Township; and

WHEREAS, Mrs. Reed began her career with Hillsborough Township on February 24, 1999 as Administrative Secretary in the Administrator/Clerk's office; and

WHEREAS, on October 30, 2000, Mrs. Reed transferred to the Planning Department as Planning Secretary based on the high recommendation of the Township Engineer; and

WHEREAS, on June 29, 2005, Mrs. Reed voluntarily transferred to the Finance Department as Clerk to the Tax Collector and Treasurer, where she has remained until her retirement; and

WHEREAS, Darlene Reed has shown genuine commitment and dedication throughout her career as a public servant, gaining the respect and admiration of her colleagues, and demonstrated the highest level of professionalism which has made her invaluable in the Finance Department.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Township Committee of the Township of Hillsborough, Darlene Reed is hereby recognized for her outstanding accomplishments in the Hillsborough Administration/Clerk, Planning & Finance Offices, where she has displayed professionalism and a dedication to duty that exemplifies the high standards of these departments.

BE IT FURTHER PROCLAIMED that each member of the Township Committee thanks Mrs. Reed for her more than 10 years of dedicated service and extends their warmest wishes for much health and happiness throughout her retirement.

APPROVAL OF MINUTES

- ***Approval of the May 26, 2009 Regular Session Minutes***

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the minutes of the May 26, 2009 Regular Session were unanimously approved upon the call of the roll.

- ***Approval of the June 9, 2009 Regular Session Minutes***

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the minutes of the June 9, 2009 Regular Session were approved upon the call of the roll.

- ***Approval of June 9, 2009 Executive Session Minutes***

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the minutes of the June 9, 2009 Executive Session were unanimously approved upon the call of the roll.

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

Committeeman Ferrera

Committeeman Ferrera reminded everyone that Family Fun Day would be held on Saturday, June 27th and would be starting around 4:30pm. He stated there would be plenty of food and free fun for families and children and that he hoped to see everyone come out to enjoy the day's events.

Committeeman Ferrera stated that the live entertainment will be starting around 5:00pm and the fireworks would be going off at approximately 9:30pm.

Committeewoman McCauley

Committeewoman McCauley had nothing to state during this time.

Committeeman Suraci

Committeeman Suraci was not present at the current meeting.

Deputy Mayor Wagner

Deputy Mayor Wagner wished all of the 2009 Hillsborough High School graduates the best of luck in the future.

Deputy Mayor Wagner also thanked the parents of all of the graduates for the countless hours they have spent on helping these graduates achieve this goal.

Mayor DelCore

Mayor DelCore was not present at the current meeting

NEW BUSINESS

Deputy Mayor Wagner stated that there would be a report regarding the Transco Pipeline on the former GSA Depot Property.

Deputy Mayor Wager stated that Mr. Robert Zellely, the Director of Environmental Engineering for Maser Consulting, the Township Engineer, will be present.

Deputy Mayor Wagner noted that Mr. Zellely would be providing a report on the construction of the Transco pipeline on the former Belle Mead GSA Depot property that is now co-managed by the County and the Township.

Deputy Mayor Wagner stated that Mr. Zellely stated that the pipeline is a 42 inch diameter gas line that will be put in service in order to provide a fuel to PSE&G.

Mr. Zellely stated that it is mandated by the federal government and the alignment was done on the federal level as well as the DEP.

Mr. Zellely stated that the DEP did not allow the pipeline to be put along the existing right a way due to environmental consideration and concerns that had to be installed at the southern most portion of the GSA site.

Mr. Zelley said that there will be no long term detrimental effects to the use of this site. He said that the total line, called the Mountain View Loop, is roughly four miles of length and approximately one mile of that goes through the site of the County and the Township.

Mr. Zelley went on to state that part of the one mile goes through a section identified by both Maser and Joe Sorge as well as previous consultants to the federal government and that there are some impacted soils in that area.

Mr. Zelley said that that there is just a small portion of the line that runs through this area and Transco agreed to excavate the area of the trench as well as the actual hole.

Mr. Zelley also stated that the particular area had old casings of dry cell batteries as well as construction demolition material. He said that the Transco Pipeline had agreed to excavate the total width of the fifty foot right away at the site.

Mr. Zelley also said that there will be a clean up from 25 feet from the center of the trench. He said the total amount that would be impacted with soil would be approximately three thousand tons which would then be excavated and immediately stored by the excavation and directly loaded and disposed of at a licensed facility by the DEP.

Mr. Zelley stated that the area on the right side will have steel sheeting to protect the pipeline. He announced that the work would be starting that week and the excavation will take place within the first two weeks of July.

Mr. Zelley also stated that there will not be any material left on the site from Transco. He stated that any water that will be pumped out of that area will be taken to an off site facility that is licensed to dispose of such material.

Mr. Zelley stated that the pipe will be buried at least three feet below the road and will be 42 inches in diameter. He said that once finished, it will not prohibit any kind of bike path or park that may want to be built there.

Mr. Zelley said that the line should be done and connected by the end of the fall. He stated that the approximate cost for the actual clean up and the environmental aspect of the project would be listed as a million dollars by Transco. He noted that this is a large cost avoidance for the Township.

Mr. Zelley also noted that Mr. Davis and himself had wanted access to the other side of the pipelines in which they have negotiated in the agreement that two structural reinforced bridges would be implemented to allow heavy equipment to pass through.

Committeeman Ferrera stated his appreciation of the time that Mr. Zelley and Mr. Davis put into making the plan for the Transco Pipeline.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Howard Freeman 2 Steel Place- Hearthstone Adult Community

Mr. Freeman stated that the Hearthstone Community pool had been ready to be opened but had been stopped by the Board of Health in regards to the retention pond. He stated that he had been informed that Mr. Davis and Committeewoman McCauley had stated that the Board of Health would be satisfied if the developer, Atlantic, would spray the pond.

Mr. Davis stated that the Board of Health's concern was that the retention pond had not been draining properly. He said that there were also State Health regulations that covered this that they were abiding by. He also stated that a concern with the mosquitoes was the West Nile Virus that could possibly be spread throughout the community.

Mr. Davis went on to state that the Health Officer would be meeting the next day with the Builder and would come up with a plan to ensure that the mosquitoes would be taken care of. He stated that after the meeting, the Board of Health would then hopefully open up the pool.

Mr. Davis stated that if the Builder agreed to a sufficient spraying program that would meet the standards required by the Board of Health then the Hearthstone Adult Community will have their pool opened.

Steven Brycoff 29 Thornton Street- Hearthstone Community

Mr. Brycoff asked if there were shut off valves on the Tranco Pipelines to isolate the pipes in case of a leak.

Mr. Zelley stated that the design of the pipe was not completed by the Township. He said that anything that would involve the design of the pipe would have to be directed towards Tranco.

Mr. Zelley informed the resident that Tranco would be putting up a plaque on the gate with a number that residents would be able to call for more information.

Mr. Davis stated that the resident is able to come into the Clerk's Office and view the site plans for the Transco Pipe Line.

Mr. Brycoff went on to state that spraying the mosquitoes in the retention pond, regarding the pool at Hearthstone, would only be a quick fix. He stated that the retention basins are poorly built and will not drain.

Mr. Davis stated that the Township is well aware of the problem with the retention pond and as stated above, they are working on a solution to solve this problem.

PUBLIC HEARINGS

ORDINANCE 2009-22 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, BY ADDING A NEW CHAPTER 233 TO REGULATE CLOTHING DONATION BINS.

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

Deputy Mayor Wagner stated that the public hearing on 2009-22 had been continued the June 23rd meeting from the June 9th meeting.

WHEREAS, the control of the location of clothing donation bins has become a matter of public concern because the proper maintenance of clothing donation bins affect the health and safety of the residents of the Township of Hillsborough; and

WHEREAS, residents making donations utilizing said bins are entitled to information regarding the entities receiving said donations; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.60, et seq., entities utilizing said bins for the receipt of donations are required to obtain a permit from the Township allowing such use.

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

Section 1. Amend the Code of the Township of Hillsborough by adding Chapter 233, Clothing Donation Bins, to read as follows:

Chapter 233. Clothing Donation Bins.

A. Definitions.

For the purposes of this Ordinance only, the terms "solicitation" or "solicit" shall mean the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

B. Requirements for placement, use of clothing bins for solicitation purposes.

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin within the Township of Hillsborough, for solicitation purposes, without obtaining a permit from the Township Clerk. Permits are renewable on an annual basis during the month of January.

C. Permit Fee.

The annual permit fee is \$25.00 per bin and will be used to offset the costs involved in enforcing this Ordinance.

D. Application Requirements.

The application for obtaining a permit shall include:

The location where the bin would be situated, as precisely as possible;

The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

The name and telephone number of the bona fide office of any person or entity which may share or profit from any clothing or other donations collected via the bin, at which such person can be reached during normal business hours. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and

Written consent from the property owner to place the bin on his property.

E. Renewal Application Requirements.

In addition to the above application requirements, renewal applications must include:

A statement on the manner in which the person has used, sold, or dispersed any clothing or other donation collect via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;

The name and telephone number of the bona fide office of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and

If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible and written consent from the property owner of the new location.

F. Placement of Bins.

The Township of Hillsborough shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within one hundred (100) yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a donation clothing bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

G. Display of Permit.

The following information shall be clearly and conspicuously displayed on the exterior of the donation clothing bin:

The permit number and its date of expiration;

The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

The telephone number of the owner's bona fide office, and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office;

In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

A statement, consistent with the information provided to the Township of Hillsborough in the most recent permit or renewal application, indicating the manner in which the owner anticipates any clothing, or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

H. Receipt, investigation of complaints relative to donation clothing bin.

The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer that a person has engaged in, or is engaging in any act or practice in violation of this Ordinance, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Township of Hillsborough Committee is not requested within forty five (45) days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

In the event that the person who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the posting of the warning, the Township of Hillsborough may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township of Hillsborough.

I. Duty to Maintain and Service Bins.

It shall be the duty of the person placing, using, employing or owning a clothing donation bin to properly maintain and service each clothing donation bin placed within the Township so as to prevent such clothing bin from creating any nuisance, hazardous or unsafe condition.

J. Enforcement.

The Zoning Officer or other person designated by the Township Committee as a person authorized to enforce the provisions of this Ordinance shall, upon receipt of a complaint by a local resident or any other person that a clothing donation bin is causing a nuisance, hazardous or unsafe condition, investigate such complaint and take such enforcement action as is permitted pursuant to N.J.S.A. 40:48-2.62 and N.J.S.A. 40:48-2.63.

K. Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of this Ordinance or the provisions of P.L.2007, c.209 (N.J.S.A. 40:48-2.60, et seq.) which results in seizure of the donation clothing bin shall be:

Subject to a penalty of up to \$20,000.00 for each violation. The Township of Hillsborough may bring this action in the Township of Hillsborough Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, P.L.1999, c.274 (N.J.S.A. 2A:58-10 et seq.), and any penalty monies collected shall be paid to the Chief Financial Officer of the Township; and

Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Ordinance and P.L.2007, c.209 (N.J.S.A. 40:48-2.61). A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of P.L.2007, c.209 (N.J.S.A. 40:48-2.60 et seq.) may apply to the Township Committee of the Township of Hillsborough to have that person's eligibility restored. The Township of Hillsborough Committee may restore the eligibility of a person who:

- (a) Acts within the public interest; and
- (b) Demonstrates that he made a good faith effort to comply with the provisions of this Ordinance and P.L.2007, c.209 (N.J.S.A. 40:48-2.60 et seq.), and all other applicable laws and regulations, or had no fraudulent intentions.

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. In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Township of Hillsborough, the provisions hereof shall be determined to govern. This Ordinance is not intended to supercede Chapter 188 of the Code of the Township of Hillsborough and clothing donation bins are subject to the requirements of Chapter 188.

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

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

Deputy Mayor Wagner stated that the new regulation will also require annual registration with the Zoning Office.

Deputy Mayor Wagner also made note that at the last meeting, Committeeman Suraci had raised some issues and had asked for amendments.

Deputy Mayor Wagner then stated that he had been advised that those amendments had been added to the ordinance and that Committeeman Suraci is now in agreement.

Deputy Mayor Wagner asked for Albert Cruz, Township Attorney, to explain the amendments.

Mr. Cruz stated that the primary amendment states that the owner of the clothing bin is responsible for the cleanup and not the organization.

Mr. Cruz stated that the guidelines for the clothing bins would be consistent with those around the community.

Mr. Cruz also stated that the penalty is now consistent with the state law which is much more stringent.

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

Committeeman Ferrera moved to amend the Public Hearing for Ordinance 2009-22 at the July 14, 2009 meeting. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

ORDINANCE 2009-23 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 NEW DEFINITIONS IN SECTION 188-3 AND TO REVISE PRINCIPAL PERMITTED USES AND TO PROVIDE SPECIFIC CONDITIONS FOR CONDITIONAL USES IN THE RA, RS, R, R1, R2, CR, AH, RCA, PD, C-1, OLC, P/R, GA, O-2, O-5, I-1, I-2, I-3, GI AND CDZ DISTRICTS AND TO REVISE THE CONDITIONAL USE REQUIREMENTS FOR WIRELESS TELECOMMUNICATIONS EQUIPMENT AND FACILITIES.

Committeeman Ferrera moved to open the public hearing on Ordinance 2009-23. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

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 definitions:

COMMUNITY WASTEWATER TREATMENT FACILITY- A utility installation designed to collect and process wastewater which is intended to serve only the development in which it is located and the surrounding properties, as appropriate.

GROSS TRACT AREA- The total area of a development parcel.

NET ACRE- A measure of developable land area after excluding existing dedicated rights-of-way, easements and critical areas.

SECTION 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 98 D, pertaining to conditional uses in the RA, RS, R, R1, R2, CR, AH, RCA and PD Districts, to read as follows:

D. Conditional Uses.

- (1) Boardinghouses and nursing homes.
 - (a) Nursing homes shall be on a minimum lot size of five (5) acres.
 - (b) The minimum number of off-street parking spaces for nursing homes shall be 0.33 spaces per patient/resident.
 - (c) Boardinghouses are only permitted in the RS District, provided that the operation meets the requirements of the definition of a boardinghouse with no more than two (2) boarders permitted to occupy the boardinghouse at any time and the owner of the home must also be a resident of the structure.
 - (d) The minimum lot size for a boardinghouse shall be at least 1.5 acres.
 - (e) The minimum amount of off-street parking spaces required for a boardinghouse is two (2) for the resident owner and family plus one (1) for each boarding room. These additional spaces for boarders should be located and designed so vehicles can enter and exit each space without requiring any other vehicle to be moved.
- (2) Utility facilities required to provide the direct service of the utility to consumers, such as transformers and pumping stations, but excluding warehouses, repair and maintenance garages, offices and storage yards.
 - (a) Minimum Lot Area- Two (2) acres
 - (b) Minimum Lot Width- Two hundred (200) feet
 - (c) Minimum Lot Depth- Two hundred (200) feet
 - (d) Minimum Front Yard- One hundred (100) feet
 - (e) Minimum Side Yard- Fifty (50) feet
 - (f) Minimum Rear Yard- Fifty (50) feet
 - (g) Maximum Building Height- Twenty (20) feet
 - (h) Maximum Impervious Surface- Not to exceed the amount permitted in the schedule of requirements for the zone district in which facility is located.
- (3) Church, nursery school, public/private school and child-care center.
 - (a) Minimum Lot Area- Two (2) acres
 - (b) Minimum Lot Width- Two hundred (200) feet
 - (c) Minimum Lot Depth- Two hundred (200) feet
 - (d) Minimum Front Yard- One hundred (100) feet
 - (e) Minimum Side Yard- Fifty (50) feet

- (f) Minimum Rear Yard- Seventy-five (75) feet
 - (g) Maximum Building Height- Thirty five (35) feet, except for religious symbols affixed to the roof, including steeples, which shall not exceed twenty (20) feet above the highest point on the roof.
 - (h) Maximum Impervious Coverage- Not to exceed the amount permitted in the schedule of requirements for the zone district in which facility is located.
- (4) Club pools and accessory recreation areas.
- (a) Minimum Lot Area- Six (6) acres
 - (b) Minimum Lot Width- Three hundred (300) feet
 - (c) Minimum Front Yard- One hundred fifty (150) feet
 - (d) Minimum Side Yard- Seventy-five (75) feet
 - (e) Minimum Rear Yard- Seventy-five (75) feet
 - (f) Maximum Building Height- Thirty (30) feet
 - (g) Maximum Impervious Coverage- Not to exceed the amount permitted in the schedule of requirements for the zone district in which the facility is located.
- (5) Mortuary.
- (a) Minimum Lot Area- Three (3) acres
 - (b) Minimum Lot Width- Two hundred fifty (250) feet
 - (c) Minimum Front Yard- Seventy-five (75) feet
 - (d) Minimum Side Yard- Seventy-five (75) feet
 - (e) Minimum Rear Yard- One hundred (100) feet
 - (f) Maximum Building Height- Thirty-five (35) feet
 - (g) Maximum Impervious Coverage- Not to exceed the amount permitted in the schedule of requirements for the zone district in which the building is located.
- (6) Planned Residential Cluster and Farmland/Open Space Preservation Development Option in the RS District, in accordance with the following standards:
- (a) Purpose of Planned Residential Cluster and Farmland/Open Space Preservation Development. In order to preserve open space, farmland and the rural characteristics of the landscape in the RS Zone, the planned residential cluster option, a planned residential form of development, may be used to receive dwelling units transferred from properties elsewhere in the RS District with the preserved land to be dedicated to the Township of Hillsborough or permanently deed-restricted for farmland preservation, open space or public park use.

(b) General conditions for a planned residential cluster development.

- [1] Dedication or evidence of a permanent deed restriction for farmland preservation, open space or public use of seventy percent (70%) of the gross tract area, including sending and receiving parcels.
- [2] Minimum area of receiving tract: seventy-five (75) acres.
- [3] Maximum density on receiving tract: one (1) dwelling unit per acre. The maximum density shall be calculated by taking the acreage of the receiving tract and dividing that number by the number of proposed dwelling units.
- [4] Direct access to a collector or primary local road system.
- [5] Maximum permitted gross density of receiving parcel: one (1) dwelling unit per acre, including both the base tract and transfer unit densities.

(c) Permitted principal uses.

- [1] Single-family detached residential dwellings
- [2] Farmland and farmstead
- [3] Open space

(d) Accessory Uses.

- [1] Community wastewater treatment facility
- [2] As provided in Section 188-98 C.

(e) Minimum open space requirements for receiving parcel.

- [1] In a planned residential cluster development, a minimum of twenty percent (20%) of the receiving parcel shall be set aside for open space.
- [2] Twenty-five percent (25%) of the twenty percent (20%) required in Subsection E(1)(10)(e)[1] above, or a minimum of 3,500 square feet of open space for each dwelling unit, whichever is greater, shall be set aside in the form of developed parks, greens, commons and/or informal play fields. This open space shall be owned and maintained by a homeowner's association established in conformance with this chapter.
- [3] Up to twenty-five percent (25%) of the total open space in a planned residential cluster development can be set aside as estate lots of ten (10) acres or greater, so long as these lots may no longer be further subdivided and shall be permanently restricted by a conservation easement.

(f) Area, yard and bulk regulations for single family detached dwellings served by a community wastewater treatment facility.

- [1] Minimum lot requirements.

- (a) Lot Area- twenty thousand (20,000) square feet
- (b) Lot Width at setback- one hundred twenty (120) feet
- (c) Lot Frontage- seventy-five (75) feet
- (d) Front Yard- thirty-five (35) feet
- (e) Side Yard- fifteen (15) feet one side; thirty (30) feet garage side
- (f) Rear Yard- fifty (50) feet

[2] Maximum lot requirements.

- (a) Building Height- thirty-five (35) feet
- (b) Building coverage- twenty-five percent (25%)
- (c) Total impervious coverage- thirty-five percent (35%)

(g) Design requirements for a planned residential cluster development.

[1] Layout. Planned residential cluster developments may be designed in an interconnected pattern of blocks and streets, defined by buildings, street furniture, pedestrian ways and sidewalks.

[2] Greens and commons are to be spatially defined and distributed within the planned residential cluster development. They shall be designed to serve a variety of outdoor leisure and assembly needs of residents and to enhance the form and appearance of the development. Benches are encouraged. Twenty-five percent (25%) of the green or common area shall be landscaped with trees and/or shrubs. Landscape design shall be approved by the appropriate land use Board.

[3] Streets.

[a] Street patterns shall form a broadly rectilinear network, with variations as needed for topographic, environmental and other design considerations.

[b] Streets shall be designed to:

[i] Parallel and preserve existing fence lines, tree lines, hedgerows, stone walls and watercourses; and

[ii] Minimize alteration of natural, cultural or historic site features; and

[iii] Promote pedestrian movement.

[c] In order to calm traffic speeds, the use of T-intersections is encouraged.

[d] All streets shall have public sidewalks. Sidewalks, informal walkways and footpaths shall be no less than four (4) feet

wide. Paths in open space shall be constructed using mulch or stone. A planned residential cluster development shall create a completely linked neighborhood of walkways connecting all uses with parks and other open space areas.

[4] Building design.

[a] All properties shall accommodate a garage for automobiles. Garages may be attached or detached. Side entry garages are more preferable than front-entry garages that front on the street and shall be encouraged. Detached garages shall be set behind the dwelling and shall resemble the principal structure in architecture, including roof peak and color.

[b] Covered front porches shall be encouraged.

[c] A diversity of housing styles shall be encouraged to avoid the same models being next door or directly across the street from one another.

[5] Community wastewater treatment facility (CWTF).

[a] The CWTF shall be located within the development while providing efficient functionality. The property on which the CWTF is located shall be owned and maintained by the homeowner's or condominium association established for the development.

[b] The CWTF property shall be adequately landscaped, bermed and/or fenced to conceal the CWTF and appurtenances to the extent possible and shall contribute to noise reduction.

[c] The CWTF mechanical equipment shall be housed in a building that shall be aesthetically pleasing and shall blend with the architecture of the surrounding properties.

Section 3. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 B(3), pertaining to permitted uses in the C-1 District, to read as follows:

- (3) Freestanding restaurants and restaurants located in multi-use buildings, not including drive-through facilities.

Section 4. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 D, pertaining to conditional uses in the C-1 District, to read as follows:

D. Conditional uses.

(1) Gasoline service stations.

- (a) Must be located at least one hundred (100) feet from any residence or residential zone.
- (b) Any outdoor storage of wrecked, damaged or disassembled vehicles waiting for repairs must be provided in a screened-in area in the rear yard at least two hundred fifty (250) feet from any residence or residential zone.
- (c) There is one (1) parking space required for each employees plus two (2) spaces for each service bay.

- (d) A retail convenience store may be provided in conjunction with a gasoline service station provided that the following standard is followed:

- [1] A minimum of 3.5 parking spaces are provided for each 1,000 square feet of gross floor area.

- (e) Vehicle repair may be provided in conjunction with a gasoline service station provided that all repairs are conducted in an enclosed building.
- (g) A screened trash enclosure must be located at least thirty (30) feet from any property line.

Section 5. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 101 B(3), pertaining to permitted uses in the OLC District, to read as follows:

- (3) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 6. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 101 D, pertaining to conditional uses in the OLC District, to read as follows:

D. Conditional uses.

D. Conditional uses.

(1) Gasoline service stations.

- (a) Must be located at least one hundred (100) feet from any residence or residential zone.
- (b) Any outdoor storage of wrecked, damaged or disassembled vehicles waiting for repairs must be provided in a screened-in area in the rear yard at least two hundred fifty (250) feet from any residence or residential zone.
- (c) There is one (1) parking space required for each employees plus two (2) spaces for each service bay.
- (d) A retail convenience store may be provided in conjunction with a gasoline service station provided that the following standard is followed:
 - [1] A minimum of 3.5 parking spaces are provided for each 1,000 square feet of gross floor area.
- (e) Vehicle repair may be provided in conjunction with a gasoline service station provided that all repairs are conducted in an enclosed building.
- (h) A screened trash enclosure must be located at least thirty (30) feet from any property line.

Section 7. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 102 B, pertaining to permitted uses in the P/R District, to include the following:

(6) Commercial instructional activities.

Section 8. Amend Chapter 188 of the Code of the Township of Hillsborough by deleting Section 102 D, pertaining to conditional uses in the P/R District.

Section 9. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 103 B(7), pertaining to permitted uses in the O-2 District, to read as follows:

- (7) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 10. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 105 B(9), pertaining to permitted uses in the O-5 District, to read as follows:

- (9) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 11. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 105 E, pertaining to conditional uses in the O-5 District, to read as follows:

E. Conditional uses.

- (1) Heliports subject to compliance with the applicable requirements as contained in Section 188-53.
- (2) Conditional uses as set forth in Subsection C(1)(a), (b), (c), (d) and (h) [excluding Subsection C(1)(e), (f) and (g)] of Section 188-113, CDZ Corporate Development Zone, shall be permitted in the O-5 Office/Research District, provided that any such conditional use from the CDZ District to be erected in the O-5 District and not already erected in the O-5 District shall be designed in accordance with the CDZ regulations and design concepts.

Section 12. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 106 B(7), pertaining to permitted uses in the I-1, I-2 and I-3 Districts, to read as follows:

- (7) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 13. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 106 D, pertaining to conditional uses in the I-1, I-2 and I-3 Districts, to read as follows:

D. Conditional uses.

- (1) Vehicle service facility.
 - (a) All lubrication, repair or similar activities shall be performed within a building or enclosed structure and no dismantled parts shall be stored or displayed outside of a building or enclosed structure.
 - (b) No junked motor vehicle or part thereof, or such vehicles incapable of normal operation on a roadway shall be permitted on the premises of the vehicle service facility.
 - (c) There is one (1) parking space required for each employee plus two (2) spaces for each service bay.
 - (d) The minimum building setback is seventy-five (75) feet to any

residential zone boundary or residential lot line.

- (e) A minimum sixty (60) foot buffer shall be provided to any adjoining property line. Such buffer shall be reviewed by the appropriate land use Board to determine if the existing vegetation is sufficient to provide a year-round screen or if the existing vegetation needs to be enhanced by additional plantings and/or a fence and/or a berm, as appropriate. A conservation easement shall be established by the applicant to include the required buffer area, subject to approval by the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.
- (2) Heliports in the I-2 District only, subject to compliance with the applicable requirements contained in Section 188-53.
- (3) Uses permitted in the ED Economic Development District, provided that any use from the ED District planned to be utilized in the I-1 and I-2 Districts and not already permitted in the I-1 and I-2 Districts shall be designed in accordance with the ED District regulations and design concepts.

Section 14. Amend Chapter 188 of the Code of the Township of Hillsborough by deleting Section 107 C, pertaining to conditional uses in the GI District.

Section 15. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113 B, pertaining to permitted uses in the CDZ District, to include the following:

- (11) Restaurants.

Section 16. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113 C, pertaining to conditional uses in the CDZ District, to read as follows:

C. Conditional uses.

- (1) Research and development.
 - (a) Minimum Lot Area- Five (5) acres
 - (b) Minimum Lot Width- Three hundred (300) feet
 - (c) Minimum Lot Depth- Three hundred (300) feet
 - (d) Minimum Front Yard- One hundred (100) feet
 - (e) Minimum Side Yard- Seventy-five (75) feet
 - (f) Minimum Rear Yard- One hundred (100) feet
 - (g) Maximum Impervious Coverage- Fifty percent (50%)
 - (h) Maximum Building Height- Three (3) stories/Forty (40) feet
 - (i) Minimum Buffer- Fifty (50) feet around side and rear lot lines where abutting an existing residential dwelling or residential zone
- (2) Utility facilities required to provide the direct service of the utility to consumers, such as transformers and pumping stations, but excluding warehouses, repair and maintenance garages, offices and storage yards.

- (a) Minimum Lot Area- Two (2) acres
 - (b) Minimum Lot Width- Two hundred (200) feet
 - (c) Minimum Lot Depth- Two hundred (200) feet
 - (d) Minimum Front Yard- One hundred (100) feet
 - (e) Minimum Side Yard- Fifty (50) feet
 - (f) Minimum Rear Yard- Fifty (50) feet
 - (g) Maximum Building Height- Twenty (20) feet
 - (h) Maximum Impervious Surface- Sixty percent (60%)
- (3) Heliports and airports, subject to compliance with the applicable requirements contained in Section 188-53.
- (4) Retail sales of goods and services pursuant to the requirements contained in Section 188-112 B(9).
- (5) Golf courses and related recreational uses.
- (a) Minimum Lot Area- One hundred fifty (150) acres
 - (b) Minimum Building Setbacks- One hundred (100) feet to all property lines
- (6) Light industrial or office development on tracts less than fifty (50) acres which may be located in a corporate development park or as an isolated tract.
- (a) Minimum Lot Area- Five (5) acres
 - (b) Minimum Lot Frontage- Three hundred (300) feet
 - (c) Minimum Front Yard- One hundred (100) feet
 - (d) Minimum Side Yard- Seventy-five (75) feet
 - (e) Minimum Rear Yard- One hundred (100) feet
 - (f) Maximum Impervious Coverage- Fifty percent (50%)
 - (g) Maximum Building Height- Three (3) stories/Forty (40) feet
 - (h) Minimum Buffer- Fifty (50) feet around side and rear lot lines where abutting an existing residential dwelling or residential zone.

Section 17. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.1, pertaining to conditional uses in the GA District, to include the following Section I:

I. Conditional use.

- (1) Age-restricted planned development.

- (a) Minimum Lot Area- Fifteen (15) acres
- (b) Maximum Lot Area- Twenty (20) acres
- (c) Provide for twenty percent (20%) COAH moderate-income age-restricted housing which may also be satisfied with a fifteen percent (15%) set aside of qualified moderate-income senior housing rental units.
- (d) Shall have frontage on Route 206 and it shall be adjacent to or in proximity with existing retail development.
- (e) Must be in the GA Gateway A District.
- (f) Vehicular access and egress to and from the planned development shall be via a street system that intersects with Route 206 at a signalized intersection.
- (g) Maximum Density- Six (6) dwelling units per net acre
- (h) Minimum Buffer to any Property Line- Fifty (50) feet
- (i) Shall have at least two (2) points of ingress and egress for pedestrians and emergency vehicles
- (j) Shall incorporate not less than fifteen (15) square feet of floor space of clubhouse or community building per dwelling unit but not less than 1,500 square feet
- (k) Shall have direct pedestrian linkage to retail services
- (l) Minimum Number of Units- Eighty (80)
- (m) Maximum Number of Units- One hundred ten (110)
- (n) The minimum gross floor area shall be:
 - [1] Efficiency- Six hundred (600) square feet
 - [2] One (1) Bedroom- Seven hundred (700) square feet
 - [3] Two (2) Bedroom- Eight hundred (800) square feet
- (o) Shall include an on-site ADA compliant network of walkways, parking areas, and common land amenities such as benches and gardens, and shall follow any and all applicable architectural guidelines including the architectural guidelines for senior housing and/or cluster housing in Section 188-113.1 G1, Architectural Standards, as applicable.
- (p) Footnotes 1, 2, 3, 5, 7, 8, 11 and 22 of the Schedule for Residential Zones shall apply.
- (q) Through its corporation, association or owners, said Age-restricted Planned Development shall be restricted by bylaws, rules, regulations and/or restrictions of record to use by permanent residents 55 years of age or older pursuant to the Federal Fair Housing Act (42 U.S.C. 3607) with the exception that a husband or wife under the age of 50 years may reside with his/her spouse who is 55 years of age or older.

Section 18. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 146 A, pertaining to conditional uses for wireless telecommunications equipment and facilities, to read as follows:

A. Notwithstanding anything in Chapter 188 to the contrary, the installation of wireless telecommunications structures, antennas, equipment and/or towers and their respective locations shall be a conditional use in the following zoning districts of the Township: EDZ District (economic development district), GI District (general industrial districts), **LI District (light industrial district)**, I-2 and I-3 Districts (light industrial districts), M & Q Districts (mining and quarry districts) and O-2 Districts (office districts). They are prohibited in all other zoning districts.

Section 19. 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 20. This ordinance shall take effect immediately upon passage and publication according to law.

Deputy Mayor Wagner stated that when the next three ordinances were introduced several weeks ago, Mayor DelCore had indicated that they are all part of the continuing economic action plan, which had begun in January.

Deputy Mayor Wagner stated that the Township had assistance from the Regulatory Oversight Working Group in identifying changes to some Township regulations which can result in encouraging economic growth in Hillsborough.

Deputy Mayor Wagner stated that Ordinance 2009-23 will deal with changes to conditional uses in various zones and will be of benefit to businesses.

Deputy Mayor Wagner also stated that input on this issue had been received from the Business Advocate and the Planning Board Master Plan Sub Committee. He stated that the changes have been approved by the full Planning Board.

Deputy Mayor Wagner stated that one of the concerns had been delays that would be caused by overlapping requirements. He stated that he is advised that this ordinance addresses that issue.

Deputy Mayor Wagner introduced Mr. Bob Ringelheim, the Township Planner.

Mr. Ringelheim stated that this Ordinance is in response to a court decision that was made a few years ago which stated that in order to have conditional uses in the zoning Ordinance, specific conditions had to be attached. He said that this Ordinance had been written prior to the court order and therefore many of the conditional uses at that time did not have any conditions attached. He said that the court had stated that the uses without the conditions were not being permitted.

Mr. Ringelheim stated that the Planning Board assigned specific conditions to the conditional uses in each zone and in certain cases changed the conditional uses to permitted uses.

Committeewoman McCauley took time to address both Ordinance 23 and 24.

Committeewoman McCauley stated that Ordinances 23 and 24 represented very significant positive steps for the business community and property owners in commercial and industrial zones.

Committeewoman McCauley stated that prior to these changes; a Hillsborough regulation would state that outdoor storage is a conditional use in a zone. She stated that when a business or property owner would seek to have a conditional use like outdoor storage on the property, the owner would be told that the

court had ruled that conditions must be spelled out. She stated that because the Township's ordinance does not spell out the conditions, many business or home owners would be denied.

Committeewoman McCauley said that Ordinance 2009-23 has changed this situation for the best and that Ordinance 2009-24 also addressed a similar situation.

Committeewoman McCauley stated that Ordinance 2009-24 talked about non-residential or business zones, not residential zones. She stated that under these rules, a particular use would be allowed in a zone, such as a bank.

Committeewoman McCauley went on to state that a business already conducting one type of allowed use, such as an office, would want to add a bank which is another permitted use.

Committeewoman McCauley stated that if a business owner had only one use, they would then have to attain a variance approved by a board for the second use, however, the owners found that the second use would be permitted within the zone.

Committeewoman McCauley stated that the changes to Ordinance 2009-24 would change this.

Committeewoman McCauley stated that she will look forward to the improved economic development at some properties which translates into jobs and an overall boost to the economy. She stated that these changes have been well planned out and thoroughly reviewed by the Planning Board's Master Plan Subcommittee and the Planning Board.

Committeewoman McCauley thanked the members of the Working Group for their continued diligence in identifying corrections to some of these problems.

Committeeman Ferrera moved to close the public hearing on Ordinance 2009-23. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Committeeman Ferrera moved to amend Ordinance 2009-23. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

ORDINANCE 2009-24 AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO AMEND SECTION 188-74 IN ORDER TO ADDRESS MULTIPLE BUILDINGS AND PERMITTED USES ON A LOT, AS WELL AS MIXED-USE BUILDINGS.

Committeewoman McCauley moved to open the public hearing on Ordinance 2009-24. Said motion was seconded by Committeeman Ferrera and carried unanimously by voice vote.

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 74 to read as follows:

Multiple permitted principal uses and buildings per lot.

No lot shall contain more than one (1) principal building, except that in non-residential zones more than one (1) principal building may be permitted subject to site plan approval.

No lot shall contain more than one (1) principal use, except that in non-residential zones more than one (1) principal use may be permitted subject to site plan approval.

No building shall contain more than one (1) principal use, except that in non-residential zones, buildings may contain more than one (1) permitted principal use, subject to site plan approval. Where a request is submitted to use an existing building with more than one (1) permitted

principal use, site plan approval shall not be required provided there are no proposed additions and compliance with the parking requirements is demonstrated.

Existing individual industrial buildings may contain more than one (1) permitted principal use provided that the minimum floor area for any tenant containing a permitted principal use is 1,500 square feet.

The provisions in this Section shall not apply to small wind energy systems.

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

Deputy Mayor Wagner noted that Ordinance 2009-24 is another measure where the Township is seeking to move the bureaucracy out of the way of business.

Deputy Mayor Wagner stated that this change is specifically in non-residential zones and deals with allowing more than one already permitted use on a property.

Deputy Mayor Wagner stated that the change had been recommended by the Working Group and the Planning Board.

Deputy Mayor Wagner introduced Mr. Ringelheim to provide additional details on this regulatory change.

Mr. Ringelheim stated that this Ordinance stated the regulations in a language that is more understandable. He stated that the three basic points of the revised Ordinance are as follows:

- A. No lot shall contain more than one principle building except in non residential zones.*
- B. No lot shall contain more than one principle use except in non residential zones where more than one principle use that is already permitted in the zone may be permitted subject to site plan approval.*
- C. This Ordinance will deal with stand alone buildings that state that no building shall contain more than one principle except for in non residential zones, buildings may contain more than one permitted principle use on a site subject to site plan approval which may be waived if the developer can prove that he meets the standards and is not expanding the building in any way.*

Committeeman Ferrera moved to close the public hearing on Ordinance 2009-24. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Committeeman Ferrera moved to adopt Ordinance 2009-24. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

Ordinance 2009-25 An Ordinance amending Chapter 188 (Development Regulations), of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to revise the definition of automobile service facility in Section 188-3 and to revise the principal permitted uses in the I-1, I-2, GI and LI Districts.

Committeeman Ferrera moved to open the public hearing on Ordinance 2009-25. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

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 revising the definition of Automobile Service Facility in Section 3 to read as follows:

VEHICLE SERVICE FACILITY- Lands and buildings used for the general repair and maintenance of vehicles, including vehicle body repair, and including tire, battery, and muffler shops, and that may provide for the incidental sale of fuel, lubricants and vehicle accessories; but not to include vehicle wrecking, the sale or rental of passenger vehicles and trucks, the long-term storage of inoperable vehicles, parking for a fee or car wash facilities.

Section 2. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 106 B(9) to read as follows:

Contractor facilities.

Section 3. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 107B to include the following:

(10) Contractor facilities.

Section 4. Chapter 188 of the Code of the Township of Hillsborough shall be amended by revising Section 107.1 B(16) to read as follows:

(16) Contractor facilities.

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 upon its adoption, passage and publication according to law.

Deputy Mayor Wagner stated that this ordinance will clarify the definition of an automobile service facility which was not clear in the Township's regulations. He stated that this change will allow contractor facilities in industrial zones without limiting their operations to enclosed buildings.

Deputy Mayor Wagner said that earlier this year, as part of the economic action plan, the Township had expanded the permitted use in the industrial zones to allow for outdoor storage with appropriate screening. He said this change matches the earlier change that had been made.

Mr. Ringelheim stated that the first item would be the definition of automobile service facility. He said that because of the many different automobiles on the road, it would be more accurate to call it a vehicle facility.

Mr. Ringelheim stated that the Township had recently passed an Ordinance that allows contractor uses in Industrial Zones as well as outdoor storage in an Industrial Zone, however, when doing the Contractor uses it was stated that these had to be in enclosed spaces which was self limiting and did not follow the new outdoor storage regulations.

Mr. Ringelheim stated that the Township now recognizes this problem and had made the changes to permit these facilities and not limit them to enclosed indoor facilities.

Mr. Davis stated that these are well thought out changes to give commercial interests in the community an opportunity to boost their businesses as well as show people that this Township is not anti-business but rather welcome business.

Committeeman Ferrera moved to close the public hearing on Ordinance 2009-25. Said motion was seconded by Committeewoman McCauley and carried unanimously by voice vote.

Committeeman Ferrera moved to adopt Ordinance 2009-25. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Deputy Mayor Wagner stated that there are not any new Ordinances to be introduced during this time.

CONSIDERATIONS

Deputy Mayor Wagner offered the following resolutions:

1. RESOLUTION AUTHORIZING THE TOWNSHIP OF HILLSBOROUGH TO PARTICIPATE IN THE SOURLAND MUNICIPAL ALLIANCE.

WHEREAS, East Amwell Township, Hillsborough Township, Hopewell Borough, Hopewell Township, Lambertville City, Montgomery Township, and West Amwell Township each have certain acreage of their municipalities located with the Sourland Mountain region, and each municipality has previously demonstrated its support for the preservation and enhancement of this area by supporting its proposed designation as a Special Resource Area in the New Jersey State Development and Redevelopment Plan; and

WHEREAS, representatives of the Sourland Planning Council, with the assistance of a Smart Growth grant from the Office of Smart Growth in the New Jersey Department of Community Affairs, and in collaboration with the elected and appointed officials and local residents, have prepared a draft comprehensive management plan for the Sourland Mountain region, which plan recommends a “bottoms-up” inter-municipal cooperative approach to preservation and enhancement of the natural and cultural resources of the Sourland Mountain region, modeled after the “Ten Towns” approach currently in use in the Great Swamp watershed; and

WHEREAS, this draft plan identifies and recommends a variety of tools which these municipalities can use for this purpose, including the establishment of a “Sourland Mountain Municipal Alliance”; and **WHEREAS**, this draft plan identifies and recommends a variety of tools which these municipalities can use for this purpose, including the establishment of a “Sourland Mountain Municipal Alliance”; modeled after the successful intermunicipal cooperative agreements utilized by the “Ten Towns Great Swamp Watershed Committee”, and the “Raritan Highlands Compact”; and

WHEREAS, the Township of Hillsborough wishes to indicate its willingness to participate in the proposed Sourland Mountain Municipal Alliance in order to provide a regional framework for cooperative local planning controlled by the local governments of East Amwell Township, Hillsborough Township, Hopewell Borough, Hopewell Township, Lambertville City, Montgomery Township, and West Amwell Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, in the County of Somerset, New Jersey, that the proposed Sourland Mountain Municipal Alliance is hereby endorsed as a conceptual tool for inter-municipal cooperation and collaboration, and the participation of duly appointed representatives of the Township of Hillsborough to the proposed Sourland Mountain Municipal Alliance is hereby authorized.

Mr. Michael Catania, President of Conservation Resources, stated that the Sourland Mountain Planning Counsel had been preparing a grant. Mr. Catania asked for Hillsborough Township to consider a resolution as three other towns had participated in completing.

Mr. Catania stated that he would like the new Municipal Alliance to come together and review this.

Deputy Mayor Wagner stated that now that the Township had indicated support, the Township will need to appoint a representative and an alternate to the Sourland Mountains Municipal Alliance.

Deputy Mayor Wagner asked for a motion to approve the appointment of Bonnie Cottington as the representative and Randy Cottington as the alternate, for a term ending December 31, 2009?

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the appointments of Bonnie Cottington as the representative and Randy Cottington as the alternate were unanimously approved upon call of the roll.

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

2. RESOLUTION JOINING THE COUNTY OF SOMERSET IN THE PRESERVATION OF THE MAPLE LANE FARM AND AUTHORIZING A COMMITMENT TO A CONTRIBUTION OF \$200,000 FROM THE HILLSBOROUGH OPEN SPACE TRUST FUND TOWARD THE PURCHASE COST OF THE DEVELOPMENT EASEMENT.

WHEREAS, the County of Somerset is seeking to preserve the Maple Lane Farm (Block 202, Lot 20); and

WHEREAS, the County received Green Light Approval from the State Agriculture Development Committee based upon an appraisal of \$1,111,500 (\$19,500/acre); and

WHEREAS, the property owners agreed to accept an offer based upon that appraisal; and

WHEREAS, the County requested that the Township of Hillsborough join it in the preservation of the Maple Lane Farm; and

WHEREAS, Section 77-1 of the Code of the Township of Hillsborough authorizes the Township to join with another governmental entity to acquire property for purposes consistent with those of the Township Open Space Trust Fund; and

WHEREAS, Section 77-3 of the Code of the Township of Hillsborough provides that the Township Open Space Trust Fund may be utilized for the preservation of farmland.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough that it hereby joins the County of Somerset in the preservation of the Maple Lane Farm; and

BE IT FURTHER RESOLVED, that the Township of Hillsborough agrees to partner with the County of Somerset in the sum of \$200,000.00 from the Township Open Space Trust Fund.

Deputy Mayor Wagner stated that the Township is fortunate to have Somerset County's assistance in gaining the preservation from development of the 57 acre Maple Lane Farm located on Township Line Road.

Deputy Mayor Wagner stated that this preservation project is recommended by the Hillsborough Open Space Advisory Committee.

Deputy Mayor Wagner stated that preserving the property from development had been a priority during his time on the Township Committee.

Deputy Mayor Wagner stated that with this preservation and the Van Nuys Farm, there will be 11 preserved farm properties with a total preserved acreage of over 600 acres in the area bordered by Township Line Road, Hillsborough Road, Willow Road and the CSX rail line.

Deputy Mayor Wagner stated that the development easement will be purchased by the County, with the help of the State Agriculture Development Committee, for \$1.1 million, with Hillsborough providing \$200,000 from the Township's Open Space Trust Fund.

Deputy Mayor Wagner stated that by having the County and State Agriculture Committee pick up the bulk of the cost of the preservation will allow Hillsborough to have the property preserved and also have a less costly impact to the Township's Open Space Fund.

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

3. RESOLUTION ADOPTING A WILDLIFE MANAGEMENT PLAN FOR THE 2009 – 2010 SEASON.

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

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

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

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

WHEREAS, the Wildlife Management Commission has recommended, in its proposed Wildlife Management Plan for the 2009-2010 hunting season, and the Police Chief has concurred, that seventeen (17) properties be made available for permitted hunting, with a total number of fifty (50) permits to be issued; and

WHEREAS, the property known as Area #7 (River Road and Mill Lane, Block 11, Lot 13) allowed for 3 hunting permits but is no longer owned by the Township and, therefore, not to be hunted on as part of the Township's Wildlife Management Plan; and

WHEREAS, the Wildlife Management Commission recommends that this property be replaced with property on East Mountain Road (Block 174A, Lot 16 & 41); and

WHEREAS, this new property shall now be referred to as Area #7 and will allow for two (2) bow hunting permits only; and

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

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

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

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

WHEREAS, the Commission further recommends that licensed hunters who were permitted to hunt on public properties for the 2008-2009 season be able to have, if desired, that permit extended on the same terms and conditions for the 2009 and 2010 seasons on the same property, without submitting to a lottery; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that deer hunting, in accordance with New Jersey Laws, rules and regulations, Township rules and regulations, the provisions of Ordinance 2004-24, and as recommended by the Wildlife Management Commission in their proposed Wildlife Management Plan for the 2009-2010 season, is hereby authorized on the following public properties for the 2009-2010 season:

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

AREA 2-- DAVIDS LANE
Block 171, Lots 14C, 14L, 14Z, & 112.01
5 permits

AREA 3-- WERTSVILLE RD.
Block 171, Lot 6
5 permits

AREA 4-- AUTEN RD. (BOW HUNTING ONLY)
Block 151, Lot 1
4 permits

AREA 5-- MONTGOMERY RD & AMWELL RD. (BOW HUNTING ONLY)
Block 166, Lots 1 & 3.01
Block 167, Lot 8
3 permits

AREA 6-- DUTCHTOWN ZION RD.

Block 174, Lot 200
4 permits

AREA 7-- EAST MOUNTAIN ROAD (BOW HUNTING ONLY)

Block 174A, Lot 16 & 41
2 permits

AREA 8-- BEEKMAN LANE (BOW HUNTING AND SHOTGUN HUNTING-
BUCKSHOT)

Block 203, Lot 8; Block 150.04, Lot 6
3 permits

AREA 9-- SCOTT DR. (BOW HUNTING ONLY)

Block 203, Lot 22 Block 203.05, Lot 1
2 permits

AREA 10--RIVER ROAD (OLD MAIN ROAD)

(BOW HUNTING ONLY)
Block 8, Lot 9
2 permits

AREA 11--SURREY DRIVE AND MULFORD LANE

(BOW HUNTING ONLY)
Block 13.01, Lot 36
2 permits

AREA 12--RIVER ROAD AND NORZ DRIVE

(BOW HUNTING ONLY)
Block 13.01, Lot 14.18
1 permit

AREA 13--HORSESHOE DRIVE

(BOW HUNTING ONLY)
Block 205.11, Lots 41 & 58
2 permits

AREA 14--RADDEL COURT

(BOW HUNTING ONLY)
Block 205.15, Lot 38
2 permits

AREA 15--BEEKMAN LANE (NORTH OF NEW CENTER RD.)

Block 145, Lot 32 (BOW HUNTING ONLY)
2 permits

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

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

AREA 17--SOUTH BRANCH ROAD

(BOW HUNTING ONLY)
Block 149.08, Lots 81, 82, 83

2 permits

BE IT FURTHER RESOLVED that, pursuant to the recommendation of the Wildlife Management Commission in its proposed 2009-2010 Wildlife Management Plan, the following steps be taken to provide non-lethal means of deer damage control:

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

Deputy Mayor Wagner said that in the Township's Wildlife Management Commission report it stated that within the past hunting season has again reported that the program has been both safe and successful.

Deputy Mayor Wagner stated that the Township once again was pleased to be informed that there would be hunting on 17 public properties, by 51 state licensed hunters who had received permits from the Township. He also stated that this had taken place without one single incident.

Deputy Mayor Wagner said that the safety of the hunting program had always been a priority for the Township Committee.

Deputy Mayor Wagner congratulated the Wildlife Management Commission, the Police Department, the State's Fish and Game Division, as well as the hunters for maintaining the outstanding safety record in Hillsborough.

Deputy Mayor Wagner stated that the reduction of the deer population is important in protecting the safety of drivers and the public health and for the prevention of vegetation damage.

Deputy Mayor Wagner introduced Dr. Robert Matros, Chairman of the Wildlife Commission to offer the Commission's report on the 2008-2009 season as well as the recommendations for the 2009-2010 season.

Dr. Matros stated that there have been no incidences within the past year. He stated that the program had been running very smoothly.

Dr. Matros gave a slide show presentation of the 2008-2009 report. He went through all of the rules and regulations that have been implemented into the program that Hunter's are expected to follow. He also noted that signs are put up around properties where hunting is occurring.

Dr. Matros said that there is a zero tolerance for the hunters within the program. Stated that first choice within the lottery goes to Hillsborough residence, second to Somerset County and third choice would be residence living outside of the County.

Dr. Matros stated that all hunters must remain 450 feet away from a building, unless they have written permission. He also stated that hunter's must be 100 feet away from the road as well.

Dr. Matros showed the access of all properties, deer killed and other informative information by way of the Power Point Presentation.

Deputy Mayor Wagner stated that the information will be available on the Hillsborough Township Website.

Dr. Matros also stated that the 2009-2010 programs will start Hunter's helping Hunger program which will allow coyote hunting.

Mr. Mike Carr, Environmental Health Specialist stated that the population of coyotes has been steadily increasing in Hillsborough and surrounding towns in New Jersey and the rest of the country. He stated that coyotes are transmitters of rabies which could be transmitted to household pets and even humans. He informed the public that when infected, this is 99% fatal.

Mr. Carr also stated that they can transmit and carry mange, a skin disease caused by mites, which can cause hair to fall out. He stated that the Health Department has seen a steady increase of mange from the coyotes and fox.

Mr. Carr also stated that coyotes are predators for household cats and dogs, as they see them just as rabbits and other animals that are their natural prey.

Mr. Carr stated that the Health Department believes this will have a big effect on the residence of the Township.

Dr. Matros stated that in the next tax bills there will be informative pamphlets stating ways to avoid deer while driving.

Committeeman Ferrera congratulated the Wildlife Management Commission, Police Department, and the hunters for another safe hunting season last year.

Committeeman Ferrera stated that one of the reasons for safety is that there are strict rules for which the permitted hunters had agreed to follow as part of the program.

Committeeman Ferrera said that under this plan, applications for the hunting permit lottery will be available to licensed hunters beginning July 1 at the Township Clerk's office or on-line at the Township's website.

Committeeman Ferrera noted that the applications are due to the Township Clerk's office on July 17th by 4 pm. He stated that all interested hunters must have an approved State of New Jersey hunting license and a certificate of insurance for \$1 million in coverage.

Committeeman Ferrera announced that the permit lottery will be held August 5th at 10 am in the courtroom. He then stated that the mandatory safety meeting is August 19th at 7 pm in the municipal building.

Committeeman Ferrera stated that the mandatory safety meeting had been one of the components in maintaining the great safety record and therefore attendance is very important. He made note that failure to attend will result in the loss of the permit.

Committeeman Ferrera noted that a permit fee of \$75 is charged when the permit is issued after the lottery. He stated again that a portion of the funds derived from the fees are used in the Hunters Helping the Hungry program where venison is donated.

Committeeman Ferrera said that since the feed the hungry program started three years ago in Hillsborough, over 990 pounds of venison has been donated.

Committeeman Ferrera once again congratulated the wildlife management program for the success in Hillsborough Township.

Deputy Mayor Wagner noted that non-lethal means of deer and other wildlife management are also a recommendation of the Wildlife Commission.

Deputy Mayor Wagner stated again that the list will continue to be available on the Township's website and is also available in the Township Clerk's office.

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

4. RESOLUTION AUTHORIZING SPECIAL ASSESSMENT BOND FOR MOUNTAIN VIEW AND RIVERVIEW SEWER IMPROVEMENTS.

Deputy Mayor Wagner stated that this consideration would be held for consideration at the next meeting.

5. RESOLUTION AUTHORIZING AN APPLICATION FOR 0% INTERIM FINANCING FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST IN THE AMOUNT OF \$2,979,000, FOR THE CLAREMONT SEWER PROJECT, RELATED ROAD OVERLAY AND CONSTRUCTION OF SALT STORAGE FACILITY.

WHEREAS, the Township of Hillsborough (the "Borrower"), in the County of Somerset, New Jersey, has determined that there exists a need within the Borrower for the installation of sanitary sewer extension in the Claremont section, located in an area of the Township, including all work and materials necessary therefor and incidental thereto and the construction of a salt dome (the "Project"), and it is the desire of the Borrower to obtain financing for such Project through participation in the 2009 financing program (the "2009 Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

WHEREAS, the Borrower has determined to temporarily finance a portion of the Project prior to the closing with respect to the 2009 Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of an interim loan to be made by the Trust (the "Interim Loan") to the Borrower, pursuant to the Interim Financing 2009 Trust Loan Program of the Trust (the "Interim Financing Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Borrower to the Trust with respect to the Interim Loan and (ii) satisfy the requirements of the Interim Financing Program, it is the desire of the Borrower to issue and sell to the Trust the "Note Relating to the Interim Financing 2009 Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$2,979,000 (the "Note");

WHEREAS, it is the desire of the Borrower to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Borrower hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by one or more bond ordinances of the Township, including ordinances of the Borrower, which bond ordinances are entitled (i) "AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR THE INSTALLATION OF SANITARY SEWER SYSTEM AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$570,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF", which was finally adopted by the Borrower at a meeting duly called and held on December 11, 2007, at which time a quorum was present and acted throughout, (ii) "AN ORDINANCE AMENDING ORDINANCE 2007-43 OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR THE INSTALLATION OF SANITARY SEWER SYSTEM IN THE CAAREMONT AREA AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$570,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF" which was finally adopted by the Borrower at a meeting duly called and held on December 9, 2008, at which time a quorum was present and acted throughout, (iii) "AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE

COUNTY OF SOMERSET, NEW JERSEY, AMENDING ORDINANCE 2007-43 AS PREVIOUSLY AMENDED BY ORDINANCE 2008-45, PROVIDING FOR THE INSTALLATION OF SANITARY SEWER SYSTEM AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$5,805,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,775,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF", which was finally adopted by the Borrower at a meeting duly called and held on April 14, 2009, at which time a quorum was present and acted throughout, (iv) "AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY PROVIDING FOR VARIOUS ROAD IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$1,900,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,900,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME" ", which was finally adopted by the Borrower at a meeting duly called and held on April 14, 2009, at which time a quorum was present and acted throughout, and (v) "AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF A SALT DOME IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$400,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME", which was finally adopted by the Borrower at a meeting duly called and held on April 14, 2009, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Borrower (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Borrower hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$2,979,000;
- (b) the maturity of the Note shall be November 5, 2009 (or such date as specified by the Trust);
- (c) the interest rate of the Note shall be 0.0% per annum;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "IFP-09-01";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borrower Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of GluckWalrath LLP is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Interim Financing Program, to arrange for same.

Section 7. The Mayor, the Township Administrator and the Chief Financial Officer (each an "Authorized Officer" and collectively, "Authorized Officers") of the Borrower are hereby further severally authorized to (i) execute and deliver, and the Borrower Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borrower to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized

Officers or the Clerk of the Borrower, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Borrower and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Borrower in the Interim Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Borrower in the Interim Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Borrower Clerk shall forward certified copies of this resolution to GluckWalrath LLP, bond counsel to the Borrower, Dennis Hart, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Deputy Mayor Wagner stated that Considerations 5, 6, and 7 are all part of the Township's effort to gain state Environmental Infrastructure Trust or EIT financing for the Claremont sewer project.

Deputy Mayor Wagner stated that through EIT financing the interest rate on the financing necessary for the project can be reduced significantly from the general obligation bond rate the Township can obtain, at a cost savings to the special assessment payers.

Deputy Mayor Wagner stated that the cost savings could be \$1 million in interest costs or more. He also stated that, as noted in the past, and as with the Mountain View and Riverview sewer projects, the Claremont project will be paid through a special assessment on the benefiting property owners.

Deputy Mayor Wagner stated that no decision had been made by the EIT on financing for the Claremont project. He said that the Township had been advised by Bond Counsel and the engineering professionals to continue to press forward through the bureaucratic requirements of seeking EIT financing for the project.

Deputy Mayor Wagner noted that their theory is to have Hillsborough gain all the necessary permits and other requirements, and to meet all of the actions and submissions required of the Township Committee, so that when financing decisions are made by the EIT, the Claremont project is best positioned.

Deputy Mayor Wagner stated that this resolution will authorize an application for interim financing, at 0% interest, so the project can begin construction in the fall.

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

6. RESOLUTION REGARDING THE REIMBURSEMENT OF EXPENDITURES FOR PROJECT COSTS FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST.

WHEREAS, the Township of Hillsborough (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure projects more fully described in **Exhibit A** attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §1.150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$8,075,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

Deputy Mayor Wagner stated that if the EIT financing is approved, the Township will seek to have all costs already expended for surveying, engineering, design, permitting, and legal services included in the financing at the lower interest rate.

Deputy Mayor Wagner stated that these are costs that will be paid through the special assessment either through regular municipal bonding or through EIT financing.

Deputy Mayor Wagner made note that the EIT required that a resolution seeking reimbursement be approved by the Township Committee.

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

7.RESOLUTION APPROVING SUBMISSION OF FINANCIAL ADDENDUM FORMS TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(A) AND N.J.S.A. 40A:2-26(E).

WHEREAS, the Township Committee of the Township of Hillsborough, in the County of Somerset New Jersey (the "Township") has submitted an application to the New Jersey Department of Environmental Protection ("NJDEP") and the New Jersey Environmental Infrastructure Trust ("NJEIT") to participate in the NJEIT 2009 Financing Program and request an Interim Loan and must submit Financial Addendum Forms as part of such application process; and

WHEREAS, the Township desires to make application to the Local Finance Board for (i) approval of the issuance of its bonds to the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust pursuant to N.J.S.A. 58-11B-9(a), and (ii) approval of the use of non-conforming maturity schedules pursuant to N.J.S.A. 40A:2-26(e), as described therein; and

WHEREAS, the Township Committee believes that:

- (a) it is in the public interest to accomplish such purpose;

said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township; and

the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township ;

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

Section 1. The application to the NJEIT and the NJDEP and submission of the Financial Addendum Forms are hereby ratified and/or approved.

Section 2. The application to the Local Finance Board is hereby approved, and the Township 's business administrator, chief financial officer, bond counsel, financial advisor and auditor, along with other representatives of the Township, are hereby authorized to prepare such application, to file such application with the Local Finance Board and to represent the Township in matters pertaining thereto.

Section 3. The Clerk is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of such application.

Section 4. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Ordinances.

Section 5. This Resolution shall take effect immediately.

Deputy Mayor Wagner stated that as part of the actions required by the EIT, the Township must submit the financing application to the state's Local Finance Board for approval.

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

8. RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE TOWNSHIP ADMINISTRATOR/CLERK IN HIRING FOUR (4) PART TIME DOG CANVASSERS AND A DOG CANVASS SUPERVISOR FOR THE PURPOSE OF CONDUCTING A DOG CANVASS, AS REQUIRED BY N.J.S.A. 4:19-15.15, AS FOLLOWS: COURTNEY DELUCIA, CHRISTOPHER MICHAELS, MICHAEL STROTHERS AND STEVE WILLIAMSON AT \$10.00 AN HOUR AND SIOBHAN WEIKEL, DOG CANVASS SUPERVISOR, AT \$12.00 AN HOUR.

WHEREAS, pursuant to N.J.S.A. 4:19-15.15 each municipality must perform a dog canvass at least every two years; and

WHEREAS, the Township is desirous of performing a comprehensive dog canvass to obtain an accurate accounting of licensed and unlicensed dogs residing in the Township; and

WHEREAS, there is a need to hire five (5) temporary summer employees to perform a comprehensive canvassing of each home in the Township; and

WHEREAS, the canvassing shall take place during the months of June and July 2009; and

WHEREAS, the Township Administrator/Clerk recommends the following individuals to be hired as temporary summer employees for the period of June 10th through July 31st for the purpose of conducting the dog canvass at a rate of \$10.00 per hour; and

Courtney Rose DeLucia
Christopher John Michaels
Michael Anthony Strothers
Steve Williamson

WHEREAS, the Township Clerk has a need to have a Supervisor for the employees who are performing the dog canvass; and

WHEREAS, Ms. Siobhan Weikel will be designated as the Supervisor of the temporary summer employees and Ms. Weikel's salary will be paid from the Dog Trust Account; and

WHEREAS, the Township Clerk recommends that Ms. Weikel is to be hired as Supervisor of the temporary summer employees conducting the canvass for the period of June 10, 2009 through August 14, 2009 at a rate of \$12.00 per hour.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey ratifies and confirms the action of the Township Administrator/Clerk hiring the above mentioned individuals as temporary summer employees.

Deputy Mayor Wagner stated that the Township is mandated by the state to conduct a dog census every other year, in order to ensure that all dogs are licensed.

Deputy Mayor Wagner encouraged all dog owners to make sure their pets have received the appropriate shots and are licensed.

Deputy Mayor Wagner made note that dog licenses are \$8.25 and there is a \$5 late fee after March 31. He also stated that non licensed dogs will be fined a \$100 court cost.

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

9. RESOLUTION TO RENEW TOWNSHIP LIQUOR LICENSES FOR THE 2009-2010 LICENSE TERM

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough that Plenary Retail Consumption Licenses are hereby renewed to the following license holders for the year 2009-2010 effective July 1, 2009:

| <u>Name</u> | <u>License Number</u> |
|--------------------------------------------------------------------------------------------------------------------|-----------------------|
| Shree Maha Phrabhuji, Inc. 390 Route 206 South Hillsborough, NJ 08844 t/a Spirit World | #1810-32-002-006 |
| Charbbie, Inc. 311 Amwell Road Hillsborough, NJ 08844 t/a Pheasant's Landing Restaurant | #1810-32-003-008 |
| Hillsborough Convenience Inc. 340 South Branch Road Hillsborough, NJ 08844 t/a Country Corner Liquor/Deli | #1810-44-004-005 |
| Apple Food Services of Hillsborough, LLC | #1810-33-005-004 |

315 Route 206, Unit 300
Hillsborough, NJ 08844
t/a Applebee's Neighborhood Grill & Bar

Tamb 5 Inc. #1810-33-006-004
150 Route 206
Hillsborough, NJ 08844
t/a CoccoLa Restaurant

Charlie Brown's of Hillsborough Inc. #1810-33-007-008
381 Route 206 South
Hillsborough, NJ 08844
t/a Charlie Brown's Steakhouse

Hillsborough Hospitality Inc. #1810-33-008-008
284 Route 206
Hillsborough, NJ 08844
t/a Old Man Rafferty's Restaurant

Hillsborough Golf Club Inc. #1810-33-009-007
146 Wertsville Road
Hillsborough, NJ 08844
t/a Hillsborough Golf Club

Woods Tavern, LLC #1810-32-010-004
419 Amwell Road
Hillsborough, NJ 08844
t/a Petrock's Bar & Grille.

Manville BPOE Lodge 2119 #1810-31-012-001
1500 Brooks Blvd.
Hillsborough, NJ 08844
t/a Manville-Hillsborough BPOE Lodge 2119

Polish Falcons Camp, Inc. #1810-32-011-003
140 Falcon Road
P.O. Box 5956
Hillsborough, NJ 08844
t/a Polish Falcons

Hillsborough Bottle King Inc. #1810-44-014-001
626 Route 206
Hillsborough, NJ 08844
t/a Bottle King Discount Wines and Liquors

North Country BBQ Ventures (Hillsborough) #1810-33-015-001
315 Route 206, Unit 441
Hillsborough, NJ 08844
t/a Famous Dave's

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

Royce Brook Beverage, LLC #1810-33-001-004

201 Hamilton Road
Hillsborough, NJ 08844
t/a Royce Brook Golf Club

Petrock's Liquor A Corp. #1810-44-013-004
419 Amwell Road
Hillsborough, NJ 08844
t/a Petrock's Liquors

Deputy Mayor Wagner stated that under the state alcoholic beverage law, the Township is required to license liquor stores, bars, and other licensed establishments annually by July 1.

Deputy Mayor Wagner stated that the Police Department had completed background checks on each of the licensees.

Mr. Davis read aloud all of the liquor licenses to be approved.

Mr. Davis thanked Dianne Borngesser, Administrator Assistant, for all of her hard work in having all of the restaurants licensed.

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

10. RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP ADMINISTRATOR/CLERK OF THE TOWNSHIP OF HILLSBOROUGH TO EXECUTE A REIMBURSEMENT AGREEMENT IN THE AMOUNT OF \$50,000 TO BE PAID TO THE TOWNSHIP BY TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC (TRANSCO) REGARDING PROFESSIONAL SERVICE COSTS RELATING TO TRANSCO'S EASEMENT THROUGH A PORTION OF THE GSA PROPERTY.

WHEREAS, the Somerset County Improvement Authority purchased that property commonly known as the GSA Property located in the Township of Hillsborough; and

WHEREAS, prior to the Somerset County Improvement Authority acquiring the GSA Property, the Transcontinental Gas Pipe Line Company, LLC, obtained approval from the Federal Energy Regulatory Commission to construct a natural gas pipeline through a portion of the GSA Property; and

WHEREAS, on August 14, 2008, FERC issued to Transco a Certificate of Public Convenience and Necessity authorizing Transco to construct, operate, and maintain a natural gas pipeline through the Township of Hillsborough conditioned upon a portion of the pipeline passing through the GSA Property; and

WHEREAS, the Township of Hillsborough and County of Somerset, in order to understand the nature of the FERC Certificate of Public Convenience and Necessity, mitigate the impact of the easement on the GSA Property and regulate the remediation of the easement area, entered into negotiations with Transco; and

WHEREAS, as a result of those negotiations an acceptable location for the pipeline and remediation plan was reached between the County of Somerset, Township and Transco, including Transco entering into a Reimbursement Agreement with the Township to reimburse the Township for the Township's costs and expenses (including engineering, legal and other consulting costs and expenses) incurred by the Township during those negotiations in the sum of \$50,000.00; and

WHEREAS, it is in the best interests of the residents of the Township of Hillsborough for the Township to accept the reimbursement and enter into a Reimbursement Agreement with Transco.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:
That the Township accepts the sum of \$50,000.00 for the costs and expenses it incurred during the negotiations described in this Resolution.

That the Clerk of the Township of Hillsborough is hereby authorized to execute the Reimbursement Agreement on behalf of the Township of Hillsborough.

That this Resolution shall take effect immediately.

Deputy Mayor Wagner stated that earlier within the meeting, Mr. Zelley reported on the Transco pipeline at the GSA Depot.

Deputy Mayor Wagner stated that as part of the overall agreement, Transco will provide \$50,000 to the Township in order to cover the costs of all professionals who were involved in monitoring the easement negotiations and the siting and environmental issues between Transco and the GSA.

Committeewoman McCauley stated that she believes this is a good thing and thanked Bob Zelley for all of his help.

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

11. RESOLUTION AWARDING CONTRACT 2009-01 ROAD MAINTENANCE, CONSTRUCTION AND PAVING MATERIALS" PURSUANT TO BIDS RECEIVED FEBRUARY 5, 2009.

WHEREAS, the Assistant Township Engineer, has determined that there is a need for the acquisition of the following:

"2009 Road Maintenance, Construction and Paving Materials"; and

WHEREAS, sealed bids were opened and read on February 5, 2009, at 10:00 a.m. which was the time and place provided for in the Invitation to Bid entitled "2009 Road Maintenance, and Construction and Paving Materials"; and

WHEREAS, the Assistant Township Engineer has reviewed the bids, provided the Township Committee with his memorandum dated February 5, 2009, and has made the following recommendations for award, which are as follows:

| Bid Item | Description | Recommended Vendor | Unit Price | Past 2008 | Past 2007 |
|-----------------|-----------------------------------------------------------|---------------------------|-------------------|------------------|------------------|
| 20 | Bit. Conc. Surface I-4, FDA, With Tack & Milling | Top Line | 70.45/ton | 79.70 | 76.75 |
| 21 | Bit. Conc. Surface I-5, FDA, With Tack & Milling | Top Line | 70.45/ton | 79.90 | 76.75 |
| 30 | Hot Mix Surface Asphalt 9.5M64 FDA With Tack and Milling | Top Line | 78.95/ton | 86.36 | 79.75 |
| 31 | Hot Mix Surface Asphalt 12.5M64 FDA With Tack and Milling | Top Line | 78.95/ton | 86.36 | 79.75 |

WHEREAS, the Township Attorney has reviewed the bid packages of the recommended vendors set forth hereinabove and finds them to be in conformance with the Local Public Contracts Law and the Township Instruction to Bidders; and

WHEREAS, a certification of availability of funds shall be made in connection with each purchase order in accordance with N.J.A.C. 5:34-5.3(b)(2); and

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

Awards of contract are hereby made at the unit price for each bid item and to the lowest responsible bidder for each bid item, as set forth herein above with the understanding that the minimum quantity is zero and the maximum amount based upon the bid quantity as tabulated in the bid summary and as further adjusted as provided in the Township contract specifications.

The Mayor and Township Clerk are hereby authorized to execute the Township's standard form of contracts for goods, products and supplies and for services with each of the successful bidders in each of the various categories in accordance with the recommendations of the Assistant Township Engineer as set forth herein above.

Deputy Mayor Wagner stated that when the road materials contract was originally awarded in March, prices for tonnage for two materials were not listed correctly. He stated that this authorizes the contract at the correct price as bid by the low bidder.

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

CONSENTS

Deputy Mayor Wagner offered the following consent agenda:

1. RESOLUTION APPROVING REQUEST FROM MR. & MRS. SIDDIGI FOR THE RELEASE OF CASH ESCROW FOR ROAD OPENING PERMIT NO. 2004-13, IN THE AMOUNT OF \$150.00.

WHEREAS, a request has been received from Mr. & Mrs. Siddigi for release of cash escrow for Road Opening Permit No. 2004-13; and

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

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

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

2. RESOLUTION AUTHORIZING THE WAIVER OF PROBATIONARY PERIOD FOR ANGELO PACILIO, PLUMBING SUB-CODE OFFICIAL, RETROACTIVE TO MARCH 31, 2009.

WHEREAS, Angelo Pacilio was hired as Full-time Plumbing Sub-Code Official on March 31, 2009; and

WHEREAS, the Director of Building and Construction recommends the waiving of the probationary period, since Mr. Pacilio has been employed by the Township of Hillsborough for more than two years as a part-time inspector.

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 Director of Building and Construction hereby be accepted and approved, and that Angelo

Pacilio is granted Permanent Employee Status as Plumbing Sub-Code Official effective March 31, 2009.

3. RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE TOWNSHIP ADMINISTRATOR/CLERK SUBMITTING THE 2010 RECREATION OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) GRANT APPLICATION.

WHEREAS, the Township of Hillsborough desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (NJDCA) for \$15,600.00 for the Inclusive Recreation Specialist position; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Hillsborough does hereby authorize the application for such a grant and recognizes and accepts that the NJDCA may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the NJDCA, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the NJDCA, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Hillsborough and the New Jersey Department of Community Affairs.

BE IT FURTHER 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.

4. RESOLUTION APPROVING THE REQUEST FROM RAIA SELF-STORAGE FOR THE RELEASE OF DEVELOPMENT REVIEW ESCROW, IN THE AMOUNT OF \$494.67.

WHEREAS, a request has been received from Raia Self-Storage for the release of Development Review Escrow; and

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

WHEREAS, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$494.67 Development Review Escrow because the work has been completed.

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

5. RESOLUTION AUTHORIZING THE SUBMISSION OF THE APPLICATION FOR THE RECOVERY ACT – ENERGY EFFICIENCY CONSERVATION BLOCK GRANT (EECBG) FUNDED BY U.S. DEPARTMENT OF ENERGY.

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

WHEREAS, the Energy Efficiency and Conservation Block Grant (EECBG) Program provides funds to units of local and state government to develop and implement projects to improve energy efficiency and reduce energy use and fossil fuel emissions in their communities; and

WHEREAS, the Township of Hillsborough desires to apply for and obtain the Recovery Act- Energy Efficiency Conservation Block Grant (EECBG) funded by U.S. Department of Energy, in an amount of \$153,100 to put toward a new, energy efficient HVAC system in the Municipal Building, potentially saving the Township thousands of dollars in energy cost savings.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, does hereby authorize the Township Zoning Officer to submit of the aforementioned Recovery Act- Energy Efficiency Conservation Block Grant application to the U.S. Department of Energy.

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

CLAIMS LIST

Deputy Mayor Wagner presented Claims List 2009-12

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, Claims List 2009-12 was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the meeting duly adjourned at 9:14 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC, QPA
Township Clerk