

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

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

Following Roll Call and Salute to the Flag, Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on October 13, 2009.

APPOINTMENTS/PROCLAMATIONS

- *Proclamation declaring October 23 – October 31, 2009 as Red Ribbon Week.*

WHEREAS, alcohol and other drug abuse in this nation has reached epidemic stages, and the 15-24 year old age group is dying at a faster rate than any other age group; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and

WHEREAS, the National Family Partnership for Drug Free Youth and the New Jersey Federation for Drug Free Communities are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug free lifestyles; and

WHEREAS, the National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week," October 23-31, 2009; and

WHEREAS, President Barack Obama and Mrs. Michelle Obama are the National Honary Chairpeople to provide this national focus on a Drug Free America; and

WHEREAS, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, military, sports teams and individuals will demonstrate their commitment to drug free, healthy lifestyles by wearing and displaying red ribbons during this week long campaign; and

WHEREAS, the Township of Hillsborough further commits its resources to ensure the success of the Red Ribbon Campaign and its' theme, "DRUG FREE is the KEY!"

BE IT RESOLVED, that we, the Township Committee of the Township of Hillsborough, do hereby support October 23-31, 2009 as Red Ribbon Week, and encourage the citizens of the Township of Hillsborough to participate in drug prevention activities, making a visible statement that we are strongly committed to a drug free community. We further encourage all citizens to pledge:

"Vote Drug-Free is the KEY!"

- **Proclamation honoring Neshanic Garden Club's 80th Anniversary**

WHEREAS, on September 24, 2009, the Neshanic Garden Club is celebrating its 80th Anniversary by touring the local gardens maintained by Neshanic Garden Club members, followed by a celebratory lunch at Bellissimo Restaurant; and

WHEREAS, in 1929, the women of Neshanic Station & Neshanic met to discuss the formation of a garden club with the purpose of beautifying the town and its surroundings; and

WHEREAS, in 1935, the first flower & vegetable show was held, which created further interest in the club as well as educating the public on horticulture; and

WHEREAS, during World War II, the Neshanic Garden Club members elected officers & paid dues but spent their time working for the Red Cross; and

WHEREAS, in 1948, the Neshanic Garden Club started a garden therapy program, which continues to this day at the Foothill Nursing Home; and

WHEREAS, the club also provides floral arrangements & support to the Lyons VA Hospital &, in 1949, the club became an official member of the Garden Club of New Jersey; and

WHEREAS, the Neshanic Garden Club continues its beautification & education of the public with various flower shows & programs, including an annual luncheon open to the public, financial support to state & local projects & annual donations to the local food banks; and

WHEREAS, during hurricane Katrina, members started a 'coffee can' project to raise money for the restoration of public gardens destroyed in this storm & supported the State Department of Agriculture during the budget negotiations; and

WHEREAS, among their many other projects, the Neshanic Garden Club has donated trees to Hillsborough Township & surrounding townships, started & maintain a blue bird house project at Otto Farm Park, & planted & maintained gardens at the Municipal Building, Nutrition Center, Ann Van Middlesworth Park & the Duke Farm entrance area & orchid house; and

WHEREAS, Garden Club members work with their youth program at the local library & provide landscaping assistance for the Habitat for Humanity Projects; they always welcome new members & provide education, friendship & give back to the community.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby recognize the Neshanic Garden Club for its 80 years of service to the Hillsborough community and for promoting goodwill, education and the spirit of giving to our community.

- **Proclamation declaring October as National Breast Cancer Awareness Month**

WHEREAS, The Township of Hillsborough values the health of all its citizens; and

WHEREAS, Hillsborough Township supports breast cancer awareness and recognizes the importance of a healthy community and how good health impacts the quality of life for every resident in the Township; and

WHEREAS, the month of October is designated as National Breast Cancer Awareness Month, emphasizing the importance of breast cancer education and early detection; and

WHEREAS, the "Tie a Ribbon" campaign, sponsored by Susan G. Komen for the South Jersey Affiliate, promotes such awareness as well as remembrance for those who have been touched by this disease; and

WHEREAS, the Township of Hillsborough, through the efforts of the Affiliate, will proudly join in the "Tie A Ribbon" campaign which will be marked by the tying of pink ribbons in the central retail business district.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, of the Township of Hillsborough hereby declare October 2009 as National Breast Cancer Awareness Month and vow to continue to support programs and research dedicated to breast cancer and support “Tie A Ribbon” awareness campaign.

- **Proclamation honoring Safe Horizons**

WHEREAS, Safe Horizons of Somerset commemorates Domestic Abuse Awareness Month beginning on the first Thursday of October with the annual Candlelight Vigil in Honor of Domestic Violence Victims in Somerset County; and

WHEREAS, for the past 21 years, a reading of names to honor the memory of victims who lost their lives and suffered the ultimate sacrifice at the hands of an abuser in Somerset County has been read; the list has grown to 29 victims; women, children and men, since 1976; and

WHEREAS, this year, Domestic Abuse Awareness Month is particularly meaningful as the movement against domestic abuse is celebrating the 15th anniversary of the Violence Against Women Act and the 25th anniversary of the Family Violence Prevention and Services Act; and

WHEREAS, both Acts are critical federal laws that provide funding for services and the justice system’s responses to intimate partner abuse; and

WHEREAS, New Jersey has enacted domestic violence laws in 1982 with the Prevention of Domestic Violence Act and continued amendments and legislative actions has provided New Jersey with the strongest and most comprehensive domestic violence laws in the country; and

WHEREAS, victims are afforded protected rights and added safety with continuing orders of protection and mandatory arrest requirements for certain violations of the law; and

WHEREAS, Safe Horizons of Somerset, formerly the Resource Center for Women and Their Families, is a private, nonprofit agency which has served survivors of domestic abuse in Somerset County for 30 years and offers services at no charge; and

WHEREAS, initially founded by a small group of volunteers to provide emergency shelter for women trying to escape from abusive relationships, Safe Horizons has grown in order to meet the needs of women and children who looked for help and safety from abuse; and

WHEREAS, the agency has expanded services to include not only emergency shelter but legal advocacy, outreach counseling, community education, volunteer Domestic Violence Response Teams working with local police departments, transitional housing and more.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Township Committee of the Township of Hillsborough, do hereby declare October 2009 as Domestic Abuse Awareness Month and support Safe Horizons for their commitment to help abuse victims and for their work to bring awareness to the community to make a difference in the fight against domestic abuse.

Committeeman Suraci announced that Safe Horizons of Somerset is presented with a \$10,000.00 grant from the Church & Dwight Employee Giving Fund.

APPROVAL OF MINUTES

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

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Suraci, the minutes of the August 11, 2009 Regular Session were approved upon the call of the roll.

Yes – DelCore, Wagner, Suraci
Abstain – Ferrera, McCauley

- *Approval of the September 22, 2009 Executive Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the minutes of the September 22, 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 said the Wilson 1033 Foundation in conjunction with the Hillsborough Emergency Services is holding a blood drive in honor of Officer David Wilson, a six year veteran of the Hillsborough Police Department, who fought a valiant battle with leukemia and passed away on September 10, 2009. The blood drive will be on Friday, October 16, 2009 from 2pm to 8pm in the municipal building.

Committeeman Ferrera stated that the Health Department, in cooperation with the Community Visiting Nurses of Somerset County, vaccinated over 800 adult residents at seasonal flu vaccine clinics on October 1, 8 and 13th. There are several other seasonal flu vaccine clinics that will be held locally through October. Please log on to www.findaflushot.com for more information about local clinics.

Committeeman Ferrera said information about the H1N1 flu vaccine clinics are expected to be released later this week or early next week, please check the Hillsborough website at www.hillsborough-nj.org.

Committeeman Ferrera said the GSA Parks and Recreation Advisory Committee is providing an additional opportunity for residents to comment on potential uses at the GSA site by putting a survey on the Township's website. The survey results will be turned over to the consultants and will be considered.

Committeeman Ferrera said there will be a Township Halloween party at Norz Farm on Thursday, October 29 from 3pm to 5pm and from 7pm to 10pm.

Committeewoman McCauley

Committeewoman McCauley said the Economic and Business Development Social is on October 20, 2009 at Roycebrook Golf Club and is open to all businesses.

Committeewoman McCauley reported on the budget accountability meetings with Committeeman Suraci and the Township Department Heads. The Committeewoman stated that the Township will stay on target with its mission, and that Department Heads are delivering services that are expected by our residents despite our budget reductions.

Committeeman Suraci

Committeeman Suraci thanked Church & Dwight for the grant and explained that he is an employee of Church & Dwight and sponsored Safe Horizons and their grant application.

Deputy Mayor Wagner

Deputy Mayor Wagner reported that he has been advised that Transco has completed the environmental remediation of the area at the edge of the GSA Depot where they are installing a new gas pipeline. It is about five acres and it is a benefit to the County and the Township to have the pipeline company take on that clean up responsibility and cost.

Deputy Mayor Wagner explained that JM Sorge, the county environmental consultant, and Bob Zelle of Maser Consulting, the Township's consultant, both have been involved in the oversight of the cleanup, along with the NJDEP. He has also been advised that Transco is in the process of completing the laying of the pipe and will be moving on to site restoration later this week.

The Deputy Mayor said pursuant to our plan, the county will be receiving bids for the demolition of the remaining structures at the Depot property October 27. This is the first step in the clean up and the county hopes to award a contract for the demolition in November. Funding for the demolition comes from the GSA clean up escrow account set up from the purchase prices for the property. The plan will be to have contractor take down the remaining structures by the end of the year.

Deputy Mayor Wagner said at the last meeting we heard from residents in the area of White Meadow Road who had concerns about the re-zoning of properties near their homes. At the meeting he indicated that consideration should be given to seeing if any of the properties in question could come into the farmland preservation program. Subsequently he asked the Township's Open Space Advisory Committee to review the issue and the Committee has determined the properties may qualify for farmland preservation.

Deputy Mayor Wagner said the Open Space Committee has recommended that the Township reach out to the property owners to determine interest. It is too early to tell at this point if any of the properties will be preserved. That depends on the price the owners are looking for and their interest in preservation. This matter will be further reviewed under potential land acquisition in tonight's executive session.

Deputy Mayor Wagner reported that the Township Open Space Committee has been working closely with Somerset County on several land preservation projects this year. Later on tonight's agenda we will finalize the preservation of 163 acres at the Van Nuys farm with the financial help of Somerset County's Freeholders. However, there are several other smaller open space preservation projects where the County has either purchased the property or gained property through a donation. In some cases Hillsborough Planning Board subdivision approvals have been necessary.

The Deputy Mayor stated that in all, an additional 49 acres of property have been preserved in 2009 through these efforts. 4 acres at the Festa property near Long Hill Road, 5 and one half acres at the Powers property on Riverside Drive, 10 acres at the Panov property on Zion Road, 14 acres at the Cook property on Dutchtown Road, and 16 acres at the Murdoch property on East Mountain Road have all been preserved in 2009. With the GSA Depot, Van Nuys farm, and the 30 acres preserved by the Freeholders near the 3M quarry, it means a total of 611 acres have been preserved in Hillsborough in 2009 alone.

Deputy Mayor Wagner said this ranks at or near the top of the most acres ever preserved in one year in the Township's history.

The Deputy Mayor explained that while serving as the Open Space liaison, and he is very proud of that record, he thinks we should recognize that it comes about from a great deal of hard work and cooperation between the Township Committee and our staff, the Somerset County Freeholders and their staff, as well as a great many other agencies concerned with preserving land and our environment.

Deputy Mayor Wagner stated that in the end our philosophy is simple, preserving property prevents housing development.

Deputy Mayor Wagner announced that Hillsborough Township will hold its first official Veterans Day Ceremonies on November 11th at 7 pm, starting at the Garden of Honor and then moving to the Multi- purpose room for refreshments. All Hillsborough military veterans are invited to attend the event. The public is welcome to attend to observe the ceremonies and to watch the parade of Veterans from the Garden of Honor to the municipal building.

Mayor DelCore

Mayor DelCore announced that tomorrow is the one year anniversary of our Senior Citizen Activity Center. There is an open house from 10am to 2pm, and at 2pm there will be an anniversary celebration, all seniors are welcome

Mayor DelCore stated that there will be some traffic delays near the intersection of New Center and Roycefield Roads over the next two weeks, as Somerset County will be installing a traffic signal at the intersection. This traffic signal has been a traffic safety priority for the Township and our Police Department for several years, in order to better protect motorists using those roads.

Mayor DelCore said Hillsborough is most appreciative of the Somerset County Freeholders for moving forward on this improvement and also to Duke Farms for their cooperation and support for this project. The Mayor said he is advised that the work will take place between 9 am and 3 pm in order so as not to interfere with rush hour traffic. Motorists who may be using the roads during that time period are advised to expect delays and may want to plan an alternate route.

NEW BUSINESS

- None at this time.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Mr. Raymond Waters read the following letter aloud:

To the Township Committee and residents of Hillsborough, New Jersey;

On Sunday, September 27, 2009, I received an emergency phone call that our house was on fire. I was an hour and a half away from our home and I feared what would be waiting for us when we returned to the Homestead at 385 Homestead Road.

When I turned onto Homestead Road, I was greeted with the utmost courtesy by an officer of the Hillsborough Police Department and personally escorted past 27 fire engines and numerous emergency vehicles to the scene of the emergency.

My heart was racing and my thoughts confused. I saw flames and smoke billowing from the windows of the beautiful historic 1830 Greek revival, our home. That evening will forever be in my mind. Not for the near tragedy of losing our home, but for the bravery, compassion, professionalism, sensitivity and empathy that was exhibited by all responders and our neighbors.

The Homestead at 385 Homestead Road is more than just a residence in Hillsborough. It is one of the original Dutch settlements on 200 acres dating from the 1600's, the Voorhees' Estate. This home was constructed in 1835 during the early years of the Delaware/Raritan Canal system, which enabled the State of New Jersey to develop and grow, as well as the young emerging United State of America.

The actions of the Township and responders have not only saved our home, they have saved an important part of history of Hillsborough Township, the State of New Jersey and the United States of America for generations to come.

I offer my heartfelt gratitude and devotion to the men and women who have come to us in our time of need. Out of a time of sorrow and despair, they have brought hope, encouragement, and a promise of a bright future. There have been so many who have provided assistance. I wish to forget no one.

Among the many, I thank you;

Mayor Frank DelCore, Deputy Mayor Bob Wagner, Committeeman Anthony Ferrera, Committeewoman Gloria McCauley, Committeeman Carl Suraci, Chris Weniger, Chief Fire Marshal, John Yanko, Deputy Fire Marshal, Fire Marshal's John Andreychak and Dave Foelsch, Police Chief Paul Kaminsky, Police Captain Paul Merkler, David Gwin, Chief of Fire Safety, Tom Ormosi, Director of Social Services, John Fiedler, Construction Official, Kevin P. Davis, Township Administrator/Clerk and Buck Sixt, Director of the Department of Public Works.

With the guidance, continued encouragement and support of the Township Committee and agencies of the beautiful, loving community of Hillsborough, New Jersey, the historical Homestead at 385 Homestead Road will rise from the ashes and grace Homestead Road and the Township of Hillsborough again.

We will document all historical and architectural finds, and provide such records to the Hillsborough Township Historical Society.

*Thank you,
May Peace, Kindness, and Blessings be with you Always,*

*Raymond F. Waters (owner)
Alan D. Harbatuk (owner)*

PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. This Ordinance, upon final adoption, shall authorize the Township of Hillsborough to acquire the development easement, authorize the funding for the acquisition of the development easement, authorize seeking reimbursement from the Federal Farm and Ranchland Protection Program, the State Agriculture Development Committee and the Somerset County Agriculture Development Committee, authorize all necessary studies, including title searches, surveys and Phase I Environmental Audit and expend money from the Trust Fund for these purposes.
2. The Township of Hillsborough Mayor and Clerk are hereby directed and authorized to utilize the Trust Fund for this purchase, to execute the "Option Agreements" and "Agreements for the Purchase of a Development Easement" for the purchase of Block 201, Lot 8; Block 202, Lot 7; and Block 202, Lot 11 for the total purchase price of \$3,696,118.47.
3. The Township Administrator and Township Attorney are hereby directed to take all action required to satisfy the contingencies contained in the Agreements.
4. The Township Administrator and Township Attorney are hereby directed to apply for reimbursement of all or a portion of the purchase price, and to take all action necessary to accomplish these goals.
5. There is hereby authorized an appropriation in the amount of \$3,700,000.00 from the Trust Fund for the acquisition of the development easement described in this Ordinance. The Township Chief Financial Officer shall, prior to the effective date of this Ordinance, file with the Township Clerk a statement certifying that sufficient funds are available in the Trust Fund to make this appropriation. The original certification shall be attached to the original of this Ordinance and shall be kept on file with the Township Clerk.
6. The Township Mayor, Clerk and Attorney are hereby authorized to take any action necessary to assign the PIG Deeds of Easement to the County of Somerset in exchange for partial reimbursement of the purchase price.
7. The Township Administrator and Attorney are hereby authorized to take all action required to acquire the Rights-of-Way along Hillsborough and Willow Roads as shown on the Boundary Surveys prepared by Maser Consulting, P.A.
8. This Ordinance shall take effect upon its final passage and publication according to law.

Deputy Mayor Wagner moved to open the public hearing on Ordinance 2009-33. Said motion was seconded by Committeewoman McCauley and carried unanimously upon call of the roll.

Mayor DelCore said the adoption of Ordinance 2009-33 will finalize the preservation of the development rights of 163 acres at the Van Nuys farm, on Hillsborough and Willow Roads. We have discussed the preservation of this farm on numerous occasions. The Township's ability to preserve the farm is aided by a \$1.7 million federal grant, along with financial support from the State Agriculture Development Committee and the Somerset County Freeholders. Preserving the development rights means there can never be development at the property and that it will remain a farm for all time.

The Mayor said now over 638 farmland acres have been preserved from development in the area bordered by Homestead and Township Line Roads. The total cost of the Van Nuys preservation project is \$3.696 million, of which \$3 million comes from the federal, state and county government and the balance from Hillsborough's open space fund.

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

Mayor DelCore thanked the Somerset County freeholders and the state Agriculture Development Committee for their support.

Mayor DelCore thanked Mrs. Van Nuys and her family for being willing to work with Hillsborough on the preservation of their farm. Preservation of land depends upon a willing partner in a property owner. Hillsborough is fortunate that Mrs. Van Nuys was such a willing partner.

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

Deputy Mayor Wagner thanked Mrs. Van Nuys for willing to work with the Township and preserving her family farm.

Deputy Mayor Wagner also thanked Chickie Haines, Township Volunteer Open Space Farmland Coordinator, for her role in identifying the potential federal funding to help with this project.

Deputy Mayor Wagner moved to close the public hearing on Ordinance 2009-33. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Deputy Mayor Wagner moved to adopt Ordinance 2009-33. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Mayor DelCore said he did not realize there was another resident that wished to comment on matters not on the agenda.

Tom O'Donnell, 33 Anne Street, had questions regarding the packet that the Claremont community has received. Mr. O'Donnell questioned a picture within the packet that shows proposed sewer lines. Mr. O'Donnell questioned a roadway depicted on the map of what is now Roycebrook Golf Course.

Mr. Davis responded by saying that the map Mr. O'Donnell is questioning is an old map and the roadway in question no longer exists.

Mr. O'Donnell questioned the pumping station. He asked if physical addresses can be listed on agendas, as well as the block and lots. Mr. O'Donnell also asked about the sewer project within Claremont and when can it go out to bid. Mr. Davis explained that it cannot go out to bid until the DEP has given the Township final approval. Mr. Davis further explained this process. All of Mr. O'Donnell's concerns were addressed.

Ordinance 2009-35 An Ordinance appropriating certain capital improvement monies held by the township of Hillsborough, County of Somerset, State of New Jersey, for the purpose of acquiring right-of-way acreage at Block 201 Lot 8, Block 202 Lot 7 and Block 202 Lot 11.

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

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

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Ordinance 2009-35 hereby appropriates the sum of \$10,431.00 from the Township's Capital Improvement Fund for the acquisition of right-of-way acreage.

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

Deputy Mayor Wagner moved to open the public hearing on Ordinance 2009-35. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

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

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

Deputy Mayor Wagner moved to close the public hearing on Ordinance 2009-35. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

Committeeman Suraci moved to adopt Ordinance 2009-35. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

- *None at this time.*

CONSIDERATIONS

Mayor DelCore offered the following resolution:

1. Resolution authorizing the Mayor and the Township Administrator/Clerk to enter into an agreement with Norfolk Southern Railway Company to secure safety improvement modifications for a Quiet Zone at the Valley Road Grade Crossing.

WHEREAS, there exists a need to secure safety improvement modifications at the railroad grade crossing at Valley Road in order to complete the railroad quiet zone along the Norfolk Southern Rail Way Line; and

WHEREAS, these safety improvement modifications are to be constructed by the Norfolk Southern Railway Company with the cost of the improvements funded by the Township; and

WHEREAS, the Township Committee desires to enter into an agreement, for the quiet zone at Valley Road, with Norfolk Southern Railway Company in order to assure the safety improvement modifications are implemented; and

WHEREAS, the Township Attorney has reviewed the agreement proposed by Norfolk Southern Railway Company and has made his comments with respect to same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it does hereby authorize the Mayor and the Township Administrator/Clerk to enter into an agreement with Norfolk Southern Railway Company to secure safety improvement modifications at the railroad grade crossing at Valley Road.

Mayor DelCore said completing the railroad quiet zone along the Norfolk Southern rail line remains a priority commitment for the Township Committee because of its significance to the quality of life to thousands of Hillsborough homeowners. Right now quiet zones have been established at the Beekman and Auten grade crossings and the safety improvements at the Roycefield crossing are complete. However, because Roycefield is within less than one half mile of the Valley crossing, federal regulations require that both crossings be set as quiet zones together.

Mayor DelCore said the Township planned to install a wayside horn at the Valley Road crossing, however, Norfolk Southern is continuing to test their safety interconnect with the wayside horn at other sites in the country and is not yet prepared to move forward with it. We believe the delay at the Valley grade crossing will now be resolved by a new order from the NJDOT Commissioner that will allow for an interim quiet zone at Valley, based upon meeting the safety index criteria. In this way the quiet zone can be temporarily established while Norfolk Southern completes their tests on the wayside horn.

Mayor DelCore stated that in anticipation of the new NJDOT order, the Township must enter into this agreement with Norfolk Southern for the rail line to install the appropriate electronic safety features at the Valley crossing. Once the new order is adopted, the Township will be pressing Norfolk Southern to complete their improvements at Valley, thereby establishing quiet zones at both the Valley and Roycefield crossings.

Committeeman Suraci said he does believe that the quiet zone can be resolved by the new order from the NJDOT Commissioner that will allow for the interim quiet zone at Valley. The NJDOT has been evaluating the information regarding the Valley crossing in order to ensure that it meets the safety index criteria. Committeeman Suraci said there will be a comment period once the NJDOT issues the order and he encourages effective residents to add their comments. We will establish a link on the Township's website for those residents wishing to comment.

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

2. Resolution authorizing the Township of Hillsborough to enter into an agreement with the State of New Jersey for the installation of a traffic signal at the intersection of Route US 206 Bypass and Hillsborough Road in the Township of Hillsborough and to authorize the Mayor and Township Administrator/Clerk to execute the agreement on the behalf of the Township.

WHEREAS, a traffic condition exists at the intersection of Route US 206 Bypass and Hillsborough Road, in the Township of Hillsborough, Somerset County which requires the installation and operation of a semi-actuated traffic control with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

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

WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of agreement, pertaining to the maintenance of said traffic control signal.

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

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

Mayor DelCore said following on the approval last meeting of using Hillsborough Police Officers as Traffic Directors at the Route 206 By-pass construction, this agreement is yet one more sign that the project is moving seriously ahead. The Township is required to enter into an agreement with the State for the installation of a traffic signal at the intersection of Hillsborough Road and the 206 By-pass. The State will construct the signal and the Township takes on the obligation for paying the electric costs for the signal. This is the same agreement for all traffic signals currently on Route 206.

Mayor DelCore said that another agreement will be forthcoming regarding the second traffic signal on the by-pass which will be part of an intersection and jughandle at Amwell Road.

Committeeman Suraci said this project is moving along and we have gotten communications from the NJDOT that they will break ground later this year or the beginning of next year.

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

3. Resolution authorizing the execution of a professional services contract to Robert McNeely Vance & Company and Valuation Consultants, Inc. for appraisal services in connection with Green Acres purchase of Block 175, Lot 26, in the amounts of \$1,500.00 and \$2,000.00 respectively.

WHEREAS, there exists a need for two (2) appraisals of Block 175 Lot 26; and

WHEREAS, a solicitation for quotes was prepared and distributed to interested companies; and

WHEREAS, four (4) quotes were received as follows:

- | | |
|--|------------|
| 1. Robert McNeely Vance & Company | \$1,500.00 |
| 2. Valuation Consultants, Inc. | \$2,000.00 |
| 3. Joseph L. Mazotas, Inc. | \$2,975.00 |
| 4. Copeland Appraisal Associates, Inc. | \$3,900.00 |

WHEREAS, the Township Committee has decided to award the contract for Professional Services to Robert McNeely Vance & Company in an amount not to exceed \$1,500.00 and to Valuation Consultants, Inc., in an amount not to exceed \$2,000.00 to perform appraisal services indicated above; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bid must be publicly advertised.

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

1. The action of the Township Administrator/Clerk to authorize and execute the agreement with Robert McNeely Vance & Company and Valuation Consultants, Inc. for appraisal services for Block 175, Lot 26 is hereby ratified and confirmed.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law because these services will be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, the performance of which service requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instructions as distinguished from general academic instruction or apprenticeship and training.
3. The Mayor and Township Administrator/Clerk are hereby authorized to execute the Township's standard form of agreement for "Professional Services" and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
4. A notice of this action shall be printed once in the official Township newspaper.

Mayor DelCore said the Township is interested in preserving this seven acre property on Amwell Road that is now owned by the Transco Pipeline Company. The property is next to another open space property on Amwell Road and is near the GSA Depot. It also borders on the Rescue Squad property.

Mayor DelCore said the Open Space Advisory Committee has recommended this property for preservation. The two appraisals firms will develop an appraised value for the property.

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

4. Resolution authorizing the Township Administrator/ Clerk to sign the Sewer Treatment Works Approval Application submitted by Duke Farms as required by the NJDEP.

WHEREAS, The New Jersey Department of Environmental Protection requires Duke Farms to submit an application for a sewer Treatment Works Approval (TWA) for its plan to develop a constructed wastewater wetlands treatment system through a drip disposal field at Duke Farms, located at 80 Route 206 South, Hillsborough; and

WHEREAS, NJDEP requires the Township of Hillsborough to approve the Sewer Treatment Works Approval application and to authorize the Township Administrator/Clerk to sign said application; and

WHEREAS, the Hillsborough Planning Board approved site plan improvements for sustainable resources at Duke Farms, consistent with the Open Space Cultural Landscape Zone's permitted uses, that includes the wastewater wetlands treatment system, by resolution dated March 12, 2009; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/Clerk is hereby authorized to sign the Sewer Treatment Works Approval application to be submitted by Duke Farms seeking a permit for the constructed wastewater wetlands treatment system.

Mayor DelCore announced Duke Farms has received Planning Board approval of their site plan for significant improvements at the property. As part of the improvement, an on-site constructed wastewater wetlands treatment system will be developed.

Mayor DelCore said the Township is required by the NJDEP to sign off on Duke Farms' application for a Treatment Works Approval permit for the wastewater project. Mr. Tim Taylor, Executive Director of Duke Farms, is here tonight to further review this matter with us.

Mr. Taylor said they have secured their designs and brought a construction manager in on the project and signed a contract with them. Site plan approval has been obtained from Somerset County as well as the Township of Hillsborough.

Mr. Taylor said the funding has been secured and he broke it into three parts. First, renovate old buildings for adaptive reuse for the public's benefit, second upgrade their utilities including a solar array system and third the regeneration rather than the restoration. Mr. Taylor further explained this process.

The Township Committee thanked Mr. Taylor and asked Mr. Taylor to keep them informed on the development.

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

5. Resolution authorizing the Township Administrator/Clerk to execute an agreement and any amendment thereto with the State of New Jersey, Department of Environmental Protection, Green Acres Program for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes and extending the maximum grant amount to \$2,450,000.

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisitions and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Hillsborough desires to further the public interest by obtaining a grant in the amount of \$2,450,000 from the State to fund the following project(s): Hillsborough Land Acquisition.

NOW, THEREFORE, the governing body resolves that Kevin P. Davis or the successor to the office of Township Administrator is hereby authorized to:

- a) make application for such a grant
- b) provide additional application information and furnish such documents as may be required, and
- c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

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

1. That the Township Administrator of Township of Hillsborough is hereby authorized to execute an agreement and any amendment thereto with the State known as Hillsborough Land Acquisition; and
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$2,450,000;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

Mayor DelCore said this resolution extends the maximum grant amount Hillsborough can receive from the state Green Acres program from \$2.1 million to \$2.45 million. The extension of the cap will enable Hillsborough to be eligible for another \$350,000 in Green Acres funds. Mayor DelCore said \$330,000 of those funds will be sent to Hillsborough as a reimbursement for Green Acres share of the 44 acre Scudder property open space preservation and \$20,000 will also be available for Hillsborough to seek reimbursement for ancillary preservation costs such as appraisals, surveys and title searches.

Mayor DelCore stated that the Township has been very successful in gaining open space grant funds to help with preservation projects. Over the past four years, Hillsborough has received over \$941,000 in Green Acres funds for the preservation of the Bothers Greenway, the Burshnic property, the Azimi property and the Scudder property. Now another \$350,000 will be coming to Hillsborough. All of these funds are placed into the Township Open Space Trust Fund for use in preserving future properties.

Deputy Mayor Wagner noted that every time the Township is able to obtain land preservation funds from outside sources it helps our open space fund go much further in preserving properties. This resolution will position the Township to gain \$330,000 more toward the Scudder open space preservation.

Deputy Mayor Wagner noted the total cost of the preservation was \$885,000. The Township has already received the following funds for the 44 acre Scudder preservation; \$26,000 from Green Acres, \$325,000 from the Somerset County Freeholders through the county Open Space Partnership Grant Program and \$100,000 from the D&R Greenway Trust. Now with an additional \$330,000 from Green Acres that will mean that \$781,000 of the \$885,000 total cost will come from outside sources. Deputy Mayor Wagner said once again this will make our taxpayer funds more available for future preservation opportunities.

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

6. Resolution authorizing the Township of Hillsborough to execute a revocable license for the installation of an underground electric conduit through a Township Conservation Easement area for a solar electric panel on Lot 4.212, Block 13.01 on the Township of Hillsborough Tax Map.

WHEREAS, Gary J. Machlica and Karen Machlica ("Property Owners") own property known and designated as Lot 4.212 in Block 13.01 on the Township of Hillsborough Tax Map ("Property"); and

WHEREAS, the Property is subject to a Township conservation easement; and

WHEREAS, that easement area is part of the Property as described on a certain map which was filed with the Somerset County Clerk on March 8, 1994; and

WHEREAS, the Property Owners desire to cross the conservation easement area with a 1½ inch electrical conduit to be buried in an 18 inch deep trench in order to connect to a proposed solar electric panel array to be located in the field adjacent to the conservation easement and a wetlands area on the Property as shown on the attached aerial photograph; and

WHEREAS, the Property Owners petitioned the Township for permission to install the aforesaid electrical conduit; and

WHEREAS, the Township Committee desires to grant the Property Owners permission to install the electrical conduit and requested the Township Attorney to prepare a Revocable License allowing the Property Owners to cross the conservation easement area with a 1½ inch electrical conduit to be buried in an 18 inch deep trench within the easement area, subject to certain conditions; and

WHEREAS, the Revocable License has been prepared by the Township Attorney, a copy of which is attached.

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

1. The Clerk shall forward the Revocable License to the Property Owner for signature and return to the Clerk with the Property Owners' check in the sum of \$8.00 made payable to the Township of Hillsborough for the Somerset County Clerk's recording fee for the Revocable License.
2. The Mayor and Clerk are hereby authorized to execute the attached Revocable License and the Clerk will have the Mayor's and his signature acknowledged.
3. Upon receipt from the Property Owners of the appropriately executed and acknowledged Revocable License and check for the recording fee for the

Revocable License, the Township Attorney will forward the Revocable License for recording to the Somerset County Clerk's Office.

4. The license granted by this Resolution is conditioned upon the Property Owners also obtaining the approval of the New Jersey Department of Environmental Protection Division of Land Use Management in order to cross the wetlands area.

Mayor DelCore said we have talked a great deal about alternative energy systems and sustainability here at the Township Committee. The Mayor stated that we have some first-hand action by two Hillsborough home owners, Gary and Karen Machlica, who are seeking to install solar panels on their property.

Mayor DelCore explained that in order to connect with the panels, the Machlica's must run a one and one half inch wide electric conduit through a part of their property where the Township has a wetlands conservation easement, and, therefore, must have the Township's permission. The conduit will be buried eighteen inches in the ground. The Assistant Township Engineer informs us that the conduit will be a very minimal area disturbance that the homeowners will be required to restore.

Mayor DelCore said we are advised that the NJDEP will approve the disturbance, as long as the Township approves. The Machlica's have agreed to a revocable license with the Township which permits the conduit to run through the easement.

Mayor DelCore congratulated the Machlica's for their commitment to green technology and said he is glad the Township can help.

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

7. Resolution rescinding the approval of F.X. Browne, Inc. to provide consulting services to prepare a Natural Resources Inventory (NRI) in an amount not to exceed \$10,540 and authorizing F.X. Browne, Inc to provide consulting services to prepare a Natural Resources Inventory (NRI) in an amount not to exceed \$12,140, half to be funded by Association of New Jersey Environmental Commissions (ANJEC).

WHEREAS, on August 11, 2009 the Township Committee authorized F.X. Browne, Inc. to provide consulting services to prepare a Natural Resources Inventory (NRI) in an amount not to exceed \$10,540; and

WHEREAS, after further discussion with ANJEC, it was determined that two (2) additional meetings will be required increasing the project cost by \$1,600, in an amount not to exceed \$12,140; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the approval of F.X. Browne, Inc. to prepare a Natural Resources Inventory (NRI) using a grant from ANJEC, pursuant to their proposal dated March 31, 2009, in an amount not to exceed \$10,540.00 is hereby rescinded and authorizing F.X. Browne, Inc. to provide consulting services to prepare a Natural Resources Inventory (NRI) in an amount not to exceed \$12,140, half to be funded by the Association of New Jersey Environmental Commissions (ANJEC).

Mayor DelCore said the Township has previously approved a contract with FX Browne to conduct a Natural Resources Inventory, funded 50% by a grant from the Association of New

Jersey Environmental Commissions. The Association, as the grantor, must approve the contract and has required that the consultant provide some additional services. The contract therefore is changed by \$1600. The Mayor said the Natural Resources Inventory is an important component of the Township's overall sustainability program and may prove valuable in qualifying for future grants.

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

Mayor DelCore wished Barbara Csepei, part-time Court Violations Clerk, well on her retirement. The Mayor said the Township has had the benefit of Mrs. Csepei's services in the Municipal Court for over seven years. Mayor DelCore thanked Mrs. Csepei for her years of service and wished her all the best in her future.

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution authorizing the transfer from Planning/Board of Adjustment escrow to the Treasurer's Account.

WHEREAS, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for July, August and September 2009, a total of \$1,163.42 should be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account as indicated; and

WHEREAS, that each of the project line items has been verified against the Treasurer's Office account records for the period beginning 7/01/09 and ending 9/30/09 to ensure that sufficient funds are available for these transfers for unanticipated revenues.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$3,824.91 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Project No.</u>	<u>Amount</u>
Carrier Clinic - Solar Project	BA-09-04	\$108.15
Country Classics at Belle Mead (coundev2pl)	08-PB-13-MJ	\$107.38
Distinctive Properties, LLC (distinctpb)	09-PB-06-SRV	\$300.65
Doyle/Traphagen	BA-09-11	\$10.82
Interstate Development (Walgreens) (interstapb)	BA-09-10	\$140.60
JK Design (kpjproppl)	09-PB-04-MSRV	\$21.48
Jon-Cin Holding of Hillsborough, LLC	BA-09-12	\$118.97
Metro PCS NY, LLC - 174 Route 206 (metropcspl)	BA-09-14	\$10.82
Metro PCS NY, LLC - 209 Homestead Road (metropcspl)	BA-09-07	\$10.82
MK Properties, LLC (Amwell Auto Body) (mkproperpl)	BA-09-01	\$10.82
Newman, Michael & Courtney	BA-09-16	\$54.08
Prestige Landscape Designing, Inc.	BA-09-03	\$54.08
TJC Development, LLC	09-PB-07-INF	\$214.75
Total Transfer		\$ 1,163.42

2. Resolution approving request from Hillsborough Township Volunteer Fire Company No. 3 for the waiver of permit fees for upgrading the electric system.

WHEREAS, the Hillsborough Township Volunteer Fire Company No. 3 is preparing to upgrade their electrical system and are requesting that the inspection permit fees be waived; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the inspection permit fees in connection with the above be and are hereby waived.

3. Resolution approving the request from Phyllis Arlene McPherson for the release of Development Review Escrow, in the amount of \$616.99.

WHEREAS, a request has been received from Phyllis Arlene McPherson for the release of Development Review Escrow; and

WHEREAS, the Hillsborough Township Planner certifies that all work has been satisfactorily completed; and

WHEREAS, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$616.99 Development Review Escrow.

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.

4. Resolution approving the request from Landmark Companies, LLC for the release of cash bond in an amount of \$1,835.18.

WHEREAS, a request has been received from Landmark Companies, LLC for the release of the cash bond retained for driveway maintenance; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release \$1,835.18 cash bond, plus any accrued interest; and

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

5. Resolution approving request from Country Classics III & IV, LLC for the release of balance of cash bond for Country Classics 3B in an amount of \$67.04.

WHEREAS, a request has been received from Country Classics III & IV, LLC for the release of the cash bond interest; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release \$67.04 accrued interest for cash bond; and

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

6. Resolution approving the request from Valley National Bank for the release of engineering inspection fees of \$3,005.97, release of road opening permit 2006-26 inspection fees of \$3,205.00 and release of cash escrow for road opening permit 2006-26 of \$5,174.08 for a total of \$11,385.05.

WHEREAS, a request has been received from Valley National Bank for release of engineering inspection fees of \$3,005.97, release of road opening permit 2006-26 inspection fees of \$3,205.00 and release of cash escrow for road opening permit 2006-26 of \$5,174.08; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the engineering inspection fees of \$3,005.97, release of road opening permit 2006-26 inspection fees of \$3,205.00 and release of cash escrow for road opening permit 2006-26 of \$5,174.08 that was posted for the completion of the project.

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

7. Resolution ratifying and confirming the action of the Mayor of the Township of Hillsborough authorizing temporary usage of a trailer for 385 Homestead Road.

WHEREAS, tragedy in the form of fire struck the home located at 385 Homestead Road, and caused severe damage; and

WHEREAS, there is a need to permit temporary usage of a trailer until such time as repairs are made; and

WHEREAS, the Township Committee will waive all fees regarding this permit; and

WHEREAS, the Township Committee can authorize such use in accordance with Chapter 77:91(g) of the code of the Township of Hillsborough.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey ratifies and confirms the action of the Mayor of the Township of Hillsborough authorizing temporary usage of a trailer be and hereby is authorized not to exceed the issuance of Certificate of Occupancy of this location or an additional period of 8 months, whichever event may occur first, in accordance with the Local Ordinance.

8. Resolution ratifying and confirming the action of the Mayor of the Township Hillsborough approving the request from Mary Mother of God Church to use Hillsborough Township's portable stage for Fall Teen Night held on October 9, 2009.

WHEREAS, Mary Mother of God Church requested the use of the Township's portable stage for the Fall Teen Night to be held on October 9, 2009.

WHEREAS, the Mayor of the Township of Hillsborough recommends that the Mary Mother of God Church request be approved.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby ratify and confirms the action of the Mayor of the Township of Hillsborough approving the request from Mary Mother of God Church to use Hillsborough Township's portable stage on October 9, 2009.

9. Resolution accepting Performance Bond No. 105339285 from Traveler's Casualty and Surety Company of America for New Jersey American Water Company for Blackpoint Road Water Main Project.

WHEREAS, a request has been received from New Jersey American Water Company for the acceptance of Performance Bond #105339285 for Blackpoint Road water main project; and

WHEREAS, Assistant Township Engineer Thomas Belanger recommends that the Township Committee take action, subject to the review and report of the Township Attorney to accept:

1. Performance Bond No. 105339285 from Traveler's Casualty and Surety Company for New Jersey American Water Company for Blackpoint Road water main project in the amount of \$169,142.00.

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

10. Resolution approving the detour plan for Zion Road over Pleasant Run Road for bridge replacements by Somerset County as recommended by the Hillsborough Township Police Department.

WHEREAS, Somerset County finds it necessary to replace Bridges No. CO501, CO502 and CO503 located on Zion Road over Pleasant Run, in the Township of Hillsborough; and

WHEREAS, completion of the project requires the closure of Zion Road over Pleasant Run; and

WHEREAS, the Chief of Police declares an emergent or temporary condition that dictates the adoption of a special traffic regulation pursuant to N.J.S.A. 39:4-197.3 and finds it in the interest of public safety that Zion Road should be closed to all through traffic during the replacement of the bridges, a detour put into effect and the appropriate signs and barricades be set in place; and

WHEREAS, residents of Zion Road and emergency vehicles will be able to access both sections of the road.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Zion Road shall be closed to all traffic at Bridges No. CO501, CO502 and CO503, and a detour put into effect

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

This resolution will take effect once approved by the Commissioner of the New Jersey Department of Transportation.

11. Resolution approving an amended person-to-person liquor license transfer, license #1810-44-013-004 from Petrock's Liquors to 419 Amwell Road, LLC.

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1810-44-013-004, heretofore issued to 419 Amwell Road, LLC for premises located at 419 Amwell Road, Hillsborough Township, New Jersey; and

WHEREAS, the submitted application is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed accordingly to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey does hereby approve, effective October 14, 2009, the transfer of the aforesaid Plenary Retail Consumption License to 419 Amwell Road, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership, upon receipt of an original certificate of tax sales authority for transfer as follows: "This license, subject to all its terms and conditions, is hereby transferred to 419 Amwell Road, LLC, effective October 14, 2009."

12. Resolution authorizing refund of tax overpayment in the amount of \$253.27.

WHEREAS, a real property tax payer overpaid their real property taxes and:

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

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Tax Collector is hereby authorized to refund said amount to the property owner. Total, \$253.27, properties, 1.

Block	Lot	Name	Amount	Qtr	Year
58	72.96	The Title Professionals, LLC	253.27	3rd	2009

13. Resolution accepting the retirement of Barbara A. Csepei, part-time Court Violations Clerk, effective November 25, 2009.

WHEREAS, Barbara A. Csepei is employed by the Township of Hillsborough as part-time Court Violations Clerk; and,

WHEREAS, Barbara A. Csepei has submitted her retirement to the position of part-time Court Violations Clerk, in the Court Office, effective November 25, 2009.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby accepts the resignation of Barbara A. Csepei, effective November 25, 2009.

14. Resolution approving bingo and raffle license applications for Woods Road School and Home Association to be held on November 13, 2009.

WHEREAS, applications for a bingo and raffle license has been filed by Woods Road School and Home Association for a bingo and raffle being held on November 13, 2009; and

WHEREAS, the submitted application forms were complete in all respects.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the bingo application #1145 and raffle application #1144 to Woods Road School and Home Association for bingo and raffle being held on November 13, 2009.

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

CLAIMS LIST

Mayor DelCore presented Claims List 2009-19

Upon motion by Deputy Mayor Wagner, seconded by Committeewoman McCauley, Claims List 2009-19 was unanimously approved upon call of the roll.

EXECUTIVE SESSION **EXECUTIVE SESSION RESOLUTION**

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

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances exist.

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. *Property Acquisition: Block 200B, Lots 20, 32 and 33*
3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

Executive Session commenced at 9:02 p.m.

Committeeman Ferrera motioned to come out of executive session at 9:25p.m.; said motion was seconded by Committeewoman McCauley and was unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Wagner, the meeting duly adjourned at 9:26 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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