

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

Upon call of the roll, the following Committee members were recorded present: Committeeman Carl Suraci, Committeeman Ferrera, Committeewoman McCauley and Mayor Frank DelCore. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Secretary to the Administrator/Clerk Dianne Borngesser. Deputy Mayor Wagner was absent during the time of this meeting.

Following the Salute to the Flag, Deputy 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 January 27, 2009.

PROCLAMATIONS

- *Proclamation for Andrew Gabriel, Hillsborough High School Intern*

WHEREAS, Hillsborough High School Senior Andrew Gabriel was chosen, via a competitive selection process, as the first REACH intern with the Hillsborough Township Administrator/Clerk's Office, where Township Administrator/Clerk Kevin P. Davis served as his mentor; and

WHEREAS, under the direct supervision of Mr. Davis, Andrew observed and performed numerous clerical tasks relative to the daily functions of the Administrator/Clerk's office; and

WHEREAS, Andrew attended, as well as helped the staff prepare for Township Committee meetings, where he gained knowledge of the responsibilities of the Township Administration office; and

WHEREAS, Andrew also learned the responsibilities of the Police Department by observing the duties of the Dispatchers and accompanying a Police Officer, in his Police vehicle, while on patrol in the Township; and

WHEREAS, Andrew also spent time with the Township's Health Officer, Dr. Glen Belnay, to learn about the various duties of the Township's Health Department; and

WHEREAS, Andrew wrote a report chronicling his internship experiences and created a PowerPoint presentation on Township Government; and

WHEREAS, because of the PowerPoint's excellence and clarity, the district REACH supervisor has made plans to disseminate the presentation to social studies teachers throughout the district; and

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, on this Twenty-seventh day of January 2009, do hereby thank Andrew Gabriel, for his assistance in the office and commend him for a job well done.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough wish Andrew the best of luck in all his future endeavors.

APPOINTMENTS

- *Appointment of Michael Merdinger to seat #3, on the Hillsborough Municipal Utilities Authority with term ending 02/02/14.*
- *Appointment of John Klepich to Alternate Seat #1, Economic and Business Development with term ending 12/31/09.*

Mayoral Appointments

- *Appointment of Sean Carolan as Emergency Management Deputy Coordinator with term ending 12/31/09*
- *Appointment of Nick Speciale as Emergency Management Deputy Coordinator with term ending 12/31/09*
- *Appointment of Curt Carnes to Seat #5, on the Cable Advisory Committee with term ending 12/31/11.*
- *Appointment of Nick Pampani to Seat #6, on the Cable Advisory Committee with term ending 12/31/11.*

APPROVAL OF MINUTES

- *Approval of the January 6, 2009 Re-Organization Meeting Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the minutes of the January 6, 2009 Re-Organization Meeting Minutes were unanimously approved upon the call of the roll.

- *Approval of the January 13, 2009 Executive Session Minutes*

Upon motion by Committeeman Suraci, seconded by Committeewoman McCauley, the minutes of the January 13, 2009 Executive Session Minutes were unanimously approved upon the call of the roll.

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

Mayor DelCore

Mayor DelCore stated that as part of the Economic Action Plan the Regulatory Oversight Working Group has started up after a group meeting was held on January 14th with Committeewoman McCauley.

Mayor DelCore stated that there were many ideas at this meeting. He stated that he expects several regulatory ordinance changes to be recommended from the Working Group for discussion and consideration at the next Township Committee meeting.

Mayor DelCore stated that one area in which the Committee is focused on is the turnaround of building plans that are submitted into the Construction Department by local businesses.

Mayor DelCore said that the state regulations give the Construction office 20 days to complete the review of fully documented plans. He said that working with the Building Department Director Ron Skobo and the Construction Official John Fiedler, the Township is now going to be committed to acting even quicker where possible.

Mayor DelCore stated that to the businesses, time is money and therefore the Construction Staff will be making plans approvals a priority.

Mayor DelCore, on Committeeman Wagner's behalf, thanked the Emergency Personal for their quick responses to the pipe that burst during the weekend at a Senior Citizen facility. Mayor DelCore stated that everyone acted in a calm and orderly manner. He thanked the Hillsborough Police Department, Department of Emergency Management, Community Emergency Response Team, Hillsborough Fire Company Unit #36 and #37, EMS, Township Fire Safety, and the Township Construction Official.

Committeeman Suraci

Committeeman Suraci stated that the Youth Services Commission will be having a Coffee House on Saturday, January 31st from 7pm-10pm for high school students. He stated that there will be a flyer sent out in the E-News as well as on the Township Website which will contain more information for residents.

Committeeman Suraci also stated that the League of Municipalities Affordable Housing has now had an update that states there will hopefully be an amendment from the legislation that would suspend the 2% fee on non residential/commercial development. He stated that this also authorizes that the Municipalities will only give affordable housing for commercial development if the state has funded it.

Committeeman Suraci stated that as of right now Bill S 2485 is headed to the Senate for approval and then will go to a general vote.

Committeeman Suraci will keep everyone updated on the progress.

Committeeman Ferrera

Committeeman Ferrera thanked the community for coming out for the blood drive to help Officer David Wilson.

Committeeman Ferrera stated that there will be a second blood drive held on Monday, February 2nd, because of the overwhelming response from the first one. Committeeman Ferrera encourages everyone to come out. He also states that this blood drive will be split up. The first time will take place from 2pm-4pm and will be for Emergency Service personal and from 4pm-7:30pm it will be open to the public. The location is in the Municipal Building.

Committeeman Ferrera also stated that the Somerset Board of Agricultural had their reorganization meeting and named two people from Hillsborough Township on the Board.

Committeeman Ferrera stated that Richard Norz, from Hillsborough, was named President and Paul Smith, of Hillsborough as well, was named the Treasurer.

Deputy Mayor Wagner

Was not in attendance

Committeewoman McCauley

Committeewoman McCauley stated that the EBDC held their first meeting for the businesses at Cocola of Hillsborough. She went on to state that there were over 200 businesses and guests that attended.

Committeewoman McCauley encouraged all businesses to sign up on the Township website so they are able to attend the next one. She stated that it is a great experience with wonderful speakers and a good chance to network.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Brian Miller
214 Wildflower Lane

Stated that he believes a Township brief should be written up after every Township Committee Meeting, in addition to the actual minutes. Stated that he believes this will allow the average Hillsborough Township citizen to keep up to date with the meetings.

Mr. Davis states all of the ways that the Township Committee Meeting Minutes are available for the community, such as Pod-casts, Video, E-news, Ordinances on the website.

Mr. Davis also stated that a link onto the Princeton Packet would be convenient and he will look into it.

Mayor DelCore states this is a good idea as well. He states that it is also summarized within the E-newsletter that the Township sends out.

PUBLIC HEARINGS

None at this time

INTRODUCTION OF NEW ORDINANCES

Ordinance 2009-04 Ordinance repealing Section 188-173 of the Code of Hillsborough, titled "Architectural and Site Design Advisory Subcommittee" and replacing it with a new Section 188-173 with the same title changing the composition of the subcommittee's membership. *Further consideration of this Ordinance and public hearing will be held on February 24, 2009.*

Mayor DelCore stated that this ordinance adjusts the membership of the Architectural and Site Design Advisory Committee by permitting the appointment of members of the public as Alternates to the Committee.

Committeewoman McCauley moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on February 24, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2009-05 Ordinance authorizing the Township of Hillsborough to accept a Deed of Dedication for Open Space for Block 205.15, Lot 58, from Riverside III, L.L.C., and the Van Cleef Family, L.P., in the Millstone Valley, Phase 3A. *Further consideration of this ordinance and public hearing will be held on February 24, 2009.*

Mayor DelCore stated that this ordinance will transfer ownership of slightly more than 2 acres of open space in the Country Classics development from the Van Cleef Family L. P. to the Township for preservation, as required by the development's Planning Board approval and court settlement.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on February 24, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolutions:

1. Resolution opposing the rate increases requested by New Jersey American Water Company.

WHEREAS, the New Jersey American Water Company received approval in December 2008 for a 15.2% rate increase by the New Jersey Board of Public Utilities (NJBPU); and

WHEREAS, the New Jersey American Water Company is now seeking an additional 7.5% Distribution System Improvement Charge (DSIC) on ratepayers' bills to pay for future capital improvements, and

WHEREAS, the New Jersey American Water Company should be required by the NJBPU to fund future capital improvements through the 15.2% increase that has already been granted, and

WHEREAS, the additional rate increase would be adding to the overall burden of water consumers and impact on negatively on Hillsborough homeowners; and

WHEREAS, in this period of economic uncertainty and hardship this additional rate increase request is particularly ill-timed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the NJBPU be officially notified of the Township Committee's opposition to the petition of New Jersey American Water Company for authorization to implement a Distribution System Improvement Charge ("DSIC") and ask that the members of the NJBPU reject the rate increase in the interest of fairness to the impacted residents.

Mayor DelCore stated that the American Water Company, which provides water service for Hillsborough residents, is seeking a 7.5% rate increase for what they are calling a Distribution System Improvement Charge or DSIC.

Mayor DelCore stated that this rate increase request, to the state Board of Public Utilities, comes after the approval this past December of a 15.2% rate increase for water ratepayers.

Mayor DelCore stated that with the current economic situation the first rate increase must now be considered a mistake by the BPU and the new, so called DSIC rate increase request just exceeds reality.

Mayor DelCore made a note that families are facing severe financial restrictions. He stated that to ask people to pay 7.5% more for water, on top of the 15.2% increase granted last month, would be unfair. He went on to state that the Township also faces a 4% municipal budget cap – an increase of 15% and then 7.5% for water would mean the municipal services elsewhere would have to be reduced to pay the increased water bill.

Mayor DelCore stated that the Township will be forwarding our objection to the New Jersey Board of Public Utilities to be included in the record of consideration on the water rate increase request.

Committeeman Suraci states that a 7% increase should not happen, especially within these economic times. He states that the tax rate should be rethought by the company as a 27% increase in water in one and a half years is not good.

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

- 2. On the advice of Counsel consideration #2 is being held at this time pending further negotiations.**

- 3. Resolution authorizing the Township of Hillsborough to participate in Somerset County's Energy Audit Program.**

WHEREAS, in January 2008, the Somerset County Board of Chosen Freeholders established the Somerset County Energy Council to advise the Board of Chosen Freeholders on energy issues and opportunities, advocate for energy efficiency and conservation, and promote public understanding of energy-saving and alternative energy opportunities and choices; and

WHEREAS, in support of the Energy Council's mission and recommendations, the Board of Chosen Freeholders created a new County Energy Audit Program (hereinafter referred to as the "Program"); and

WHEREAS, the Township of Hillsborough has accepted the Somerset County Board of Chosen Freeholders and County Energy Council's invitation to voluntarily participate in and assist in implementing the new County Energy Audit Program, and endorsed submission of the completed attached Energy Audit Program Application; and

WHEREAS, in order to facilitate completion of the energy audits and Energy Star Portfolio Manager Tool in accordance with the Program, the County requires establishing a municipal/school district Energy Team whose primary role will be to provide data, information and access to buildings/facilities to the Energy Audit Firm and assist with implementing improvement measures and other follow-up activities as specified in the attached Energy Audit Program Guidelines; and

WHEREAS, the Energy Audit Program guidelines specify additional responsibilities of the Energy Team, which include facilitating proposal generation efforts from Energy Audit Firms assigned by the County Energy Council, reviewing EA Firm proposals, and recommending the desired EA Firm to perform the work for the municipality/school district, in accordance with the established Program timeline.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough that the Mayor is hereby authorized to establish an Energy Team and designates its Representative in accord with the Somerset County Energy Audit Program FY 2009 and its section labeled "General Responsibilities of the Municipal/School District Energy Team, " to fulfill the role and responsibilities specified in same, and in addition to authorizing submission of an application to participate in the Program.

BE IT FURTHER RESOLVED that the members of the Hillsborough Energy Audit Team shall be as follows:

1. Rebecca Marshall, Assistant Planner / Zoning Officer
2. Phillip Ludvigsen, Ph.D., Direct US Climate Change, Jacques Whitford now Stantec
3. Thuy Anh Le, Environmental Steward
4. Peter Palmeri, Electrical Subcode Official
5. Jack Daniels, Fire Subcode Official
6. John Fiedler, Construction Official
7. Buck Sixt, Director of DPW

BE IT FURTHER RESOLVED that the Hillsborough Township Administrator/Clerk is hereby directed to forward a copy of this resolution and the name, address, phone and e-mail information for each member of the Energy Team to the Somerset County Planning Board and Somerset County Energy Council.

Mayor DelCore stated that this resolution authorizes the Township to participate in Somerset County's Energy Audit Program, which was established by the Freeholders.

Mayor DelCore stated that as part of this program, the Township will conduct an energy audit with the help of an Energy Audit consultant. This will be funded through a County grant and will be help identify areas of potential energy efficiency, conservation and alternative energy opportunities.

Mayor DelCore stated that as part of the resolution, an Energy Audit Team will be comprised. This team will be made up of municipal staff members and members of the public who will be appointed to act as the liaison between the Township and the Energy Audit consultant to help facilitate the audit.

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

4. Resolution ratifying and confirming the Sustainable Hillsborough Steering Committee as the official coordinating body of the Strategic Plan for a Sustainable Hillsborough and the process for updating and reporting the indicators and actions in the Strategic Plan for a Sustainable Hillsborough on an annual basis.

WHEREAS, the Township Committee of the Township of Hillsborough strives to save tax dollars, improve the working and living environment, assure clean air and water, and build a community that is sustainable economically, environmentally and socially and which would thrive well into the new century; and

WHEREAS, the Township Committee of the Township of Hillsborough has begun the process of making its operations greener and more energy and resource efficient, addressing greenhouse gas emissions, and adopting green building design strategies; and

WHEREAS, clean and renewable energy, green alternatives to fleet purchasing and maintenance, water quality improvements, and operational changes will all be considered as the Township moves to do their share to lessen the environmental impact of its operations; and

WHEREAS, the Township Committee of the Township of Hillsborough wishes to build a model of government which benefits our residents now and far into the future by setting goals, tracking progress, and adapting policies and actions to meet evolving conditions; and

WHEREAS, in an attempt to focus attention on "Green and Sustainability" issues, the Township Committee has created a Strategic Plan for a Sustainable Hillsborough that establishes Goals and a plan of action for embarking on the path towards a sustainable future for the Township of Hillsborough; and

WHEREAS, Hillsborough residents, elected officials, municipal employees, and business owners have participated in the creation of the Strategic Plan for a Sustainable Hillsborough by suggesting goals and actions for inclusion in the Plan via the sustainablehillsborough.org website, written correspondence, and through two large community forums; and

WHEREAS, the Township Committee of the Township of Hillsborough wishes to establish an ongoing strategic planning process to achieve our Goals, educate the public, and review our progress;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough that we do hereby adopt the Final Draft of the Strategic Plan for a Sustainable Hillsborough 2009 and establish a Sustainable Hillsborough Steering Committee that is responsible for maintaining and utilizing the Strategic Plan for a Sustainable Hillsborough to:

1. Evaluate the current level of Township sustainability policies, programs, and practices.
2. Develop recommendations for short-term and long-term actions and strategies to keep the Township moving toward achieving its sustainability goals.
3. Articulate Goals and a clear long-term vision for the future of Hillsborough Township.
4. Publicly report on the Township's progress toward its Goals by tracking Indicators that measure critical trends.
5. Educate all residents of Hillsborough about sustainable development, the Strategic Plan for a Sustainable Hillsborough, what Hillsborough is doing to achieve its goals, and what they can do to support Hillsborough in achieving its goals.

6. Provide "One-Stop Shopping" and a clearinghouse for information on all of the green and sustainability related activities in Hillsborough.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hillsborough that the Sustainable Hillsborough Steering Committee is charged with, but not limited to, the following duties:

1. On an annual basis, solicit suggestions, and collaborate with, all Hillsborough Municipal Departments, Appointed Commissions and Boards on specific new actions to be included in the plan, and ways that they can further Hillsborough's sustainability goals.
2. Upon request and on an annual basis, provide recommendations to all Hillsborough Municipal Departments, and Appointed Commissions and Boards, and Township Committee, on ways to implement best practices to achieve the Goals of the Strategic Plan for a Sustainable Hillsborough that improve environmental performance, foster a sense of community and are fiscally responsible.
3. On an annual basis, formally presenting recommendations to Township Committee on reviewing, modifying and updating the sustainability goals, indicators, targets and strategies in the Strategic Plan for a Sustainable Hillsborough, according to public input and direction from municipal officials and staff.
4. Integrating and coordinating with all Hillsborough Municipal Departments, Appointed Commissions and Boards, the public, the business community, and other members of the community, to implement the actions called for in the Strategic Plan for a Sustainable Hillsborough.
5. Integrating and coordinating with all Hillsborough Municipal Departments, Appointed Commissions and Boards, the public, the business community, and other members of the community, to develop new actions to be recommended to the Township Committee for inclusion in the Strategic Plan for a Sustainable Hillsborough.
6. Holding an annual "State of Hillsborough" town hall meeting where progress on the indicators and actions will be reported and where the public can suggest ideas for new indicators and actions to be included in the next update of the Plan.
7. Maintaining updates to the web-based version of the Strategic Plan for a Sustainable Hillsborough on the official Sustainable Hillsborough website.
8. Providing leadership and a representative from the Steering Committee on implementation teams formed to carry out the actions outlined in the Strategic Plan for Sustainable Hillsborough.

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Hillsborough, that the Sustainable Hillsborough Steering Committee will consist of a total of 7 regular and 4 alternate members, comprised of members from existing Township Boards and Commissions and members from the public, education or business community. All members shall be appointed by the Township Committee; (A Township Committee member will serve as a liaison and not be counted as one of the members) The chair will be selected by vote of the Sustainable Hillsborough Steering Committee. For the initial selections, the terms will be 1 or 2 years. Thereafter, appointments will be 2 years with no limit on the number of terms that one can serve.

Mayor DelCore stated that this resolution re-establishes the Sustainable Hillsborough Steering Committee that is responsible for developing the Township's Community Sustainability and Action Plan.

Mayor DelCore stated that this will help promote positive long-range planning as well as making sustainable recommendations that advance the Township's Master Plan, sets goals

and establishes measurement standards, and helps to ensure a sound economic and environmentally friendly future for Hillsborough.

Mayor DelCore said that the resolution will also be adjusted so the membership of the Steering Committee, as recommended by the Committee, with seven public members and four alternates.

Mayor Delcore stated that the Steering Committee is interested in public input from residents and will be holding various public forums during the year.

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

5. Resolution authorizing a “Non Fair and Open” Professional Services Contract to Jennifer C. Beahm., PP, AICP of Birdsall Engineering, Inc. as consultant for Hillsborough Township’s Round 3, Affordable Housing Plan.

WHEREAS, on November 28, 2006, the Township of Hillsborough awarded Jennifer C. Beahm, PP, AICP of Birdsall Engineering, Inc., a contract for professional planning services through the Fair and Open Procurement Process to prepare the Housing Element and Fair Share Plan required by the Council on Affordable Housing Third Round regulations; and

WHEREAS, said contract was predicated on the then existing Third Round regulations, much of which were invalidated by the Appellate Division in 2007; and

WHEREAS, COAH, in response to the Appellate Division decision, revised the Third Round regulations and those regulations became effective June 2, 2008; and

WHEREAS, because of changed circumstances from Jennifer Beahm’s original appointment, the appointment was extended on April 22, 2008 to December 31, 2008; and

WHEREAS, the Township Committee, with the assistance of Jennifer Beahm, approved on December 23, 2008 and filed with the New Jersey Superior Court on December 29, 2008, a Third Round Affordable Housing Plan in compliance with the mandate of the New Jersey Council on Affordable Housing; and

WHEREAS, the Township will continue to require affordable housing consulting services during the Court’s consideration of the Township’s plan and, because Jennifer Beahm has intimate knowledge of the plan and the experience of having developed the plan, Ms. Beahm is in the best position to continue to provide the needed consulting services.

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

1. Jennifer C. Beahm, PP, AICP of Birdsall Engineering, Inc., is appointed, through the “Non-Fair and Open” process as the Township of Hillsborough Affordable Housing Professional Planning Consultant for a term ending December 31, 2009.
2. The Mayor and Township Clerk are hereby authorized to execute a Professional Service Contract with Birdsall Engineering for Affordable Housing Consulting

services, pursuant to the proposal submitted January 22, 2009, and any modifications thereto and related constituent documents, as may be found acceptable by the Township Committee.

3. This contract is awarded, without competitive bidding, through the Non Fair and Open Selection Process as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law and the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44A-20.4-5 et.seq.) because these services will be performed by persons 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.
4. A notice of these actions shall be printed once in the official Township newspaper.

Mayor DelCore stated that Ms. Jennifer Beahm of Birdsall Engineering has done a tremendous job for the Township in helping to construct the state mandated affordable housing plan that was submitted at the end of 2008, as required by the Council on Affordable Housing.

Mayor DelCore also stated that Ms. Beahm services will be necessary while the affordable housing plan is considered by the Special Master that will be appointed by the Superior Court.

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

6. Resolution authorizing the Mayor and Administrator/Township Clerk of the Township of Hillsborough to execute a Right of Entry Agreement between KD Hillsborough and the Township of Hillsborough for water service, Block 182, Lot 50.01.

WHEREAS, KD Hillsborough 441, Inc. ("Owner") is the owner of property located in the Township of Hillsborough, County of Somerset, State of New Jersey, and known as Block 182, Lot 50.01 on the tax maps of the Township of Hillsborough ("Premises") is willing to grant permission to the Township of Hillsborough, its contractors, employees and representatives, to enter upon that portion of the Premises for purposes of constructing a waterline and related improvements, including, but not limited to, surveys, clearing, grading, drainage and the erection of structures or other improvements with entry immediately upon execution of a Right of Entry Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township of Hillsborough, County of Somerset, State of New Jersey that the Mayor and the Township Administrator/Clerk are hereby authorized to execute the Right of Entry Agreement with KD Hillsborough 441, Inc.

Mayor DelCore stated that the Township has the opportunity to gain a water line into the property behind the Promenade for use in maintaining the fields at no cost; however, the right of entry agreement is needed by the owner, KD Hillsborough.

Mayor DelCore said that the owner is permitting the line to be run with no cost and Jeffrey Neary Excavating will be performing the work at no cost to the Township.

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

7. Resolution authorizing Heyer, Gruel & Associates to provide additional professional planning services for the Jeffrey Roth application before the Board of Adjustment at a rate of \$110 per hour, not to exceed \$5,000.

WHEREAS, on November 27, 2007, by way of resolution, the Township Committee of the Township of Hillsborough ratified and confirmed the action of the Township Administrator in authorizing a professional services contract with Heyer, Gruel & Associates for professional planning services in the matter of Jeffrey Roth's application to the Board of Adjustment at the rate of \$110 per hour, not to exceed \$5,000.00; and

WHEREAS, in the matter of the Jeffrey Roth application before the Board of Adjustment, Bob Ringelheim, Township Planner, has recommended Heyer, Gruel & Associates continue to provide professional planning services to the Township; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Heyer, Gruel & Associates is authorized to provide additional professional planning services on behalf of the Township, pursuant to the firm's proposal letter dated, January 7, 2009, at a cost not to exceed \$110 per hour, not to exceed \$5,000.00.

Mayor DelCore stated that Mr. Jeffrey Perlman, a consultant with Heyer Gruel and the Township's former Zoning Officer, has in-depth knowledge of the zoning issues surrounding the Roth application before the Township's Zoning Board of Adjustment.

Mayor DelCore stated that the Planning Director has recommended that Mr. Perlman continue the role as consultant.

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

8. Resolution authorizing a "Fair and Open" Professional Services Contract for Bond Counsel to Gluckwalrath at the rate of \$175 per hour.

WHEREAS, there exists a need for a Bond Counsel for the year 2009; and

WHEREAS, based upon the recommendation of the Evaluation Team consisting of the Township Administrator, Deputy Mayor and Finance Chairman, and as a result of the Fair and Open Selection Process, the Township Committee wishes to appoint the firm Gluck Walrath LLP, 428 River View Plaza, Trenton, NJ as Bond Counsel for the year 2009; and

WHEREAS, the contract for "Professional Services" to Gluck Walrath LLP will be at a rate of \$175.00 per hour per the fee schedule attached to the proposal dated January 21, 2009 for the year 2009; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and the New Jersey Local Unit Pay to Play Law (n.j.s.a. 19:44A-20.4-5 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bid but through the Fair and Open Selection Process 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:

The Mayor and Township Clerk are hereby authorized to execute Professional Services Contracts with the aforementioned individuals at the rates indicated for the year 2009.

This contract is awarded, without competitive bidding, through the Fair and Open Selection Process as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law and the New Jersey Local Unit Pay to Play Law (n.j.s.a. 19:44A-20.4-5 et. seq.) because these services will be performed by persons 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.

The Mayor and Township 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.

A notice of these actions shall be printed once in the official Township newspaper.

Mayor DelCore stated that the Township rejected the proposals originally submitted by various Bond Counsel firms through the fair and open process because the hourly rates were high.

Mayor DelCore stated that Gluckwalrath is knowledgeable about bond matters within Hillsborough Township, as they have worked on these issues for several years.

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

9. Resolution establishing the annual salaries for Municipal Court officials for 2009.

BE IT RESOLVED, by the Township Committee of the Township of Hillsborough that the annual salaries of the following Municipal Court Officials are listed below, effective to January 28, 2009, unless otherwise specified.

Title/Name	Salary
Municipal Court Judge	
John Richardson	\$50,000.00
Primary Prosecutor	
Frank Blandino	\$41,000.00
DWI Special Prosecutor	

William Fox	\$25,000.00
Public Defender	
Richard DeLuca	\$12,000.00
2nd Public Defender	
William T. Cooper, III	\$250.00 per session

Mayor DelCore stated that the salaries for the Judge, the Prosecutors, and Public Defenders are unchanged from 2008.

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

CONSENTS

Mayor DelCore offered the following consent agenda:

1. Resolution approving the applications for Special Permit for Social Affair for St. Mary Byzantine Catholic Church to be held on February 22, 2009 and March 14, 2009.

WHEREAS, an application for a Special Permit for Social Affair has been filed by St. Mary's Byzantine Catholic Church for an event to be held on February 22, 2009 and March 14, 2009; and

WHEREAS, the submitted application forms are 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 applications for Special Permit for Social Affair for St. Mary's Byzantine Catholic Church for events to be held on February 22, 2009 and March 14, 2009.

2. Resolution authorizing the Mayor and the Township Clerk to execute the renewal of a license agreement between the Township of Hillsborough and the American Society of Composers, Authors and Publishers, not to exceed \$305.00.

WHEREAS, the Township desires to renew the License Agreement with the American Society of Composers, Authors and Publishers for the playing of music in Township buildings and at Township events; and

WHEREAS, because there may be an admission charge at a Township sponsored event where music is played or payment made to a music performer for performing at a Township event, it is necessary for the Township to comply with the Copyright Law and avoid legal action by ASCAP, thereby resulting in a savings to the Township of legal fees and costs.

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

Administrator/Clerk are hereby authorized to renew the License Agreement with the American Society of Composers, Authors and Publishers for the playing of music in Township buildings and at Township events, at a cost not to exceed \$305.00 for the period of April 1, 2009 through March 31, 2010.

3. Resolution authorizing the transfer from Planning/Board of Adjustment escrow to the treasurers account.

WHEREAS, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for October, November and December 2008, a total of \$3,824.91 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 10/01/08 and ending 12/31/08 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>
Cornerstone Professional Center	08-PB-16-SRV	\$ 687.20
Country Classics at Belle Mead (COUNDEV2PL)	08-PB-13-MJ	\$ 107.38
Distinctive Domain at Hillsboroug, LLC	08-PB-17-INF	\$ 42.95
Duke Farms Foundation	08-PB-22-SR	\$ 730.15
Fleischer, Karen & Keith	BA-08-20	\$ 64.89
Girl Scouts Heart of New Jersey, Inc.	BA-08-15	\$ 21.63
Herbig, Joseph Jr.	BA-08-13	\$ 10.82
Hillsborough 2 *NY SMSA Limited-Verizon)	BA-08-21	\$ 86.52
Incao, Frank	BA-07-37	\$ 75.71
Labas, Paul	BA-08-11	\$ 21.63
Lil Sparks Montessori	08-PB-18-MSR	\$ 472.45
Mary, Mother of God Church	08-PB-22-SR	\$ 300.65
MK Properties, LLC (Amwell Auto Body)	BA-08-17	\$ 300.65
Pleasant View Estates/Beazer Homes (PLVWBEAZPL)	08-PB-19-MJF	\$ 64.43
Quick Chek Corporation (QUICKCHEPL)	BA-08-18	\$ 10.82
Sacred Heart Cemetery	BA-06-47	\$ 32.45
Senior Living Solutions	BA-08-19	\$ 386.55
Sporman, Patricia	BA-08-14	\$ 343.60
Weidel Realty	08-PB-12-MSRV	\$ 64.43
TOTAL TRANSFER		\$ 3,824.91

4. Resolution authorizing refund of tax overpayments in the amount of \$415.04.

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, \$ 415.04 properties, 1.

Block	Lot	Name	Amount	Qtr	Year
152.01	10	Tiano, Anthony	415.04	1 st	2009

5. Resolution approving the application for a Carnival License for the Alzheimer's Association for June 20, 2009 with a rain date of June 27, 2009.

WHEREAS, an application for a carnival license had been filed by the Kenneth Zaentz for the Alzheimer's Disease & Related Disorders Association polo match being held on June 20, 2009 with a rain date of June 27, 2009; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the carnival application submitted by Kenneth Zaentz, for the Alzheimer's Disease & Related Disorders Association polo match to be held on June 20, 2008 with a rain date of June 27, 2008.

6. Resolution approving the Raffle application for Woodfern Elementary School and Home Association for February 28, 2009.

WHEREAS, an application for raffle license has been filed by Woodfern Elementary Home & School Association for raffle being held on February 28, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves raffle applications #1121 to Woodfern Elementary Home & School Association for raffles being held on February 28, 2009.

CLAIMS LIST

Deputy Mayor DelCore presented Claims List 2009-02.

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, Claims List 2009-02 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, 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:

- *Litigation: Hillsborough Properties vs. Township of Hillsborough*
 - *Christopher Obchinetz vs. Maple Shade Township, et al*
- *Negotiations: Shared Leave Program- Police Department*

3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.

4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

5. This Resolution shall take effect immediately.

Executive Session commenced at 8:12 p.m.

Committeeman Ferrera motioned to come out of executive session at 9:54p.m.; said motion was seconded by Committeeman Suraci and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, the meeting duly adjourned at 9:55p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC
Township Clerk

