

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: Committeewoman Lisa Nisivoccia, Committeeman Carl Suraci, Committeeman Bob Wagner, Deputy Mayor Frank DelCore and Mayor Anthony Ferrera. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Administrative Assistant Lisa Strothers.

Following the Salute to the Flag, Mayor Ferrera 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 14, 2008.

Mayor Ferrera announced before presenting this evening's Proclamations, we have a special guest joining us. The Mayor asked Police Chief Paul Kaminsky to introduce our special guest.

Police Chief Paul Kaminsky introduced, Raider, the Township's recent graduate from the K-9 Police Academy. Chief Kaminsky thanked Mayor Ferrera and the Township Committee for their continued support for diverse programs; due to their support we now have a Canine Program in Hillsborough. Chief Kaminsky also thanked the Hillsborough/Millstone Municipal Alliance and Duke Farms for their financial contributions, as well as, Dr. Martins from the Belle Mead Animal Hospital, who provides veterinary care for Raider.

Sergeant Mark Besser, new supervisor of the K-9 Unit spoke about Raider's accomplishments.

Officer Christopher Engelhardt, Raider's handler, provided a visual presentation on Raider's capabilities and skills.

Mayor Ferrera spoke of the value Raider has brought to Hillsborough.

APPOINTMENTS/PROCLAMATIONS

- *Proclamation honoring Jennifer Hopson for Somerset County's "Teacher of the Year."*

WHEREAS, Hillsborough Elementary School teacher, Jennifer Hopson, is the recipient of the "2007-2008" Somerset County's "Teacher of the Year" and Hillsborough Elementary School's "Teacher of the Year" awards; and

WHEREAS, Principal Michael Volpe, the Hillsborough Elementary School staff and the entire student body take great pride in Ms. Hopson's most extraordinary achievements; and

WHEREAS, Ms. Hopson has taught in the Hillsborough School district for 14 years and has fostered a love of learning through personal example and strong connections with students and parents; and

WHEREAS, Ms. Hopson's remarkable enthusiasm and creativity is demonstrated by her spirit for volunteerism, she is a proud member of the "Character Education Committee", which recently won a grant for the Hillsborough Elementary School; and

WHEREAS, Ms. Hopson is recognized for her dedication and commitment to education as well as her positive influence on others, which has inspired former students to pursue careers in education.

NOW, THEREFORE, BE IT PROCLAIMED that we, the members of the Hillsborough Township Committee, do hereby recognize Jennifer Hopson for her significant contributions and for the honor that she has brought to herself and to our community.

NOW, THEREFORE, BE IT FURTHER PROCLAIMED that having Ms. Hopson in our school district has undoubtedly enriched our community and, more importantly, the many students whose lives she has touched.

- *Proclamation declaring October 23 – October 31, 2008 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, 2008; and

WHEREAS, President George W. Bush and Mrs. Laura Bush are the National Honorary Chairmen to provide this community 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, "Vote Yes for a Drug-Free Future-The Only Choice!"

NOW, THEREFORE, BE IT RESOLVED, that we, the Township Committee of the Township of Hillsborough, do hereby support October 23-31, 2008 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 Yes for a Drug-Free Future-The Only Choice!"

APPROVAL OF MINUTES

- *Approval of the September 9, 2008 Regular Session Minutes*

Upon motion by Committeeman Suraci, seconded by Committeewoman Nisivoccia, the minutes of the September 9, 2008 Regular Session were unanimously approved upon the call of the roll.

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

Committeewoman Nisivoccia

Committeewoman Nisivoccia announced on Thursday, October 23, 2008 we will have our Halloween Party at the Municipal Building in the Multi-Purpose room from 4:30 pm. to 6:30 pm.; residents can register on-line, the registration fee is ten dollars.

Committeeman Suraci

Committeeman Suraci gave a brief update from the New Jersey State League of Municipalities regarding the COAH challenge. The Committeeman said we are in receipt of a Mayor's advisory notice dated October 8, 2008. They are providing us with an update and they had made a motion to the appellate division seeking a stay of the December 31st deadline to file the COAH Plans. That petition had been denied by the courts. The courts did not want to appear to be seen as obstructing affordable housing.

Committeeman Suraci summarized what the actual challenges centering on is about three main issues. The first was to prepare the plans there being based on faulty methodology, the second to discredit vacant land analysis and the third inhibiting economic growth because of the additional COAH fees that would be placed on the business community. The Committeeman said Hillsborough will go forward, like all of the other municipalities in the state to file their COAH Plan by the end of the year.

Committeeman Suraci said currently there are 237 municipalities that are part of the New Jersey State League of Municipalities challenge. This challenge with the New Jersey State League of Municipalities is one of 24 challenges that have been filed with the courts. The courts did agree with the League of Municipalities to make the challenge that we are part of to be the lead case. The time-line is going to require some patience.

The Committeeman stated that the next deadline is January 4th of next year where the League along with the challenges that are being made by three other organizations, the New Jersey Builders Association, the New Jersey Chapter of the National Association of Industrial and Office Properties and the Fair Share Housing Center need to file our respective briefs by January 4, 2009. By February 3rd of next year the other twenty have to file their briefings. Then by March 5th the Attorney General's Office which is basically defending COAH, has to file their replies to these challenges. Then the 24 appellants have until April 4th to file their reply to what the Attorney General's will have submitted. After that, there has not been a date established to when oral arguments will begin. Committeeman Suraci said he will continue to provide updates on this issue.

Committeeman Wagner

Committeeman Wagner addressed an issue that came up at the last Township Committee meeting regarding the possibility of putting ball fields where we currently have the Willow Road Complex, to a location that is known as the Harry Smith Field on East Mountain Road, as opposed to the GSA Depot. The Committeeman said the Smith Farm is 51 acres and of those 51 acres, 39 are wooded. That land is owned by the County and is leased to the Township for one dollar a year. This property is also located close to about fifty homes, by putting the ball fields in that location we would still have the same concerns as we have at the Willow Road Complex. Committeeman Wagner stated that there is also the Transco Pipeline that traverses that particular piece of property.

Deputy Mayor DelCore

Deputy Mayor DelCore spoke about the recent economic situation and the impact it may have on Hillsborough's finances. It is important to note that because of sound fiscal policies in town Hillsborough has been able to avoid any budget or cash flow issues. The Township is not reliant upon debt therefore the credit freeze that the markets are experiencing right now has not had an impact here.

The Deputy Mayor said the pay as you go policy that has been implemented for routine capital improvements instead of seeking bonding and the plan that we have in place to extinguish debt early means that the recent credit freeze really does not impact our cash flow situation in town. Some communities will use tax anticipation notes or revenue notes for cash flow purposes to meet expenses of payroll. That is a situation where towns borrow today based upon upcoming tax receipts. Deputy Mayor DelCore believes this is not a good idea and he said Hillsborough is not involved with that type of borrowing.

Deputy Mayor DelCore said he has received confirmation from the Chief Finance Officer, Nancy Haberle, that the Township funds are safe and insured. Based upon recent temporary acts from congress accounts are covered by FDIC up to \$250,000.00. In addition there is a state program, the Government Unit Deposit Protection Act, whereas individual municipal accounts are insured up to twenty-five million dollars, all of Hillsborough's accounts are below that figure. As part of that act banks must register and pledge collateral to qualify for the Government Unit Deposit Protection certification and they must seek recertification with the state banking and insurance department every six months.

The Deputy Mayor stated that in June our auditors verified that each of the institutions we were dealing with were certified and we re-verified that these banks are currently meeting all the states requirements for certification. Deputy Mayor DelCore said the potential for a reduction in tax receipts going forward based upon properties that may be in foreclosure could be a concern. Hillsborough is fortunate that there are not many properties in foreclosure at this time, and tax payments have been received at the level anticipated when the budget was adopted. Deputy Mayor Delcore said he will continue to provide updates going forward.

Mayor Ferrera

Mayor Ferrera said he had the opportunity to attend the Kickoff Block party event for the Mary Mother of God Youth Center on October 3rd, along with our Police Chief Paul Kaminsky. The event was extremely well attended by high school students and clearly the Youth Center being run by Mary Mother of God for all high school students who reside in the community is going to be a great success. I again want to thank Father Sean, Andy Alvarez the Youth Program Director, and the entire team at

Mary Mother of God for deciding to open the center's doors to all students. The Youth Center is a great and needed addition for Hillsborough.

Mayor Ferrera said on another matter, following the fire in a vacant, dilapidated building at the Belle Mead GSA Depot, he asked Chief Kaminsky to increase police patrols at the site. It was only very recently that our Police Department had gained an agreement with the GSA to allow patrols on the property, and he had been advised that those patrols will be intensified.

Mayor Ferrera reported that he also wrote to the GSA requesting that the government repair all the breaches in the fence line to provide better security and to demolish the remaining building, a small guard shack, in order to remove a temptation for vandals. The GSA has confirmed they will repair the fence breaches. That is the most important action needed to keep trespassers off the property. There has been no confirmation regarding the demolition of the guard shack. The Mayor said at the time of the fire, these events demonstrate why it is important to have the property transferred to control of the County and Township as soon as possible.

Mayor Ferrera thanked the Somerset County Freeholders for acting expeditiously in approving the various GSA Depot agreements at their meeting last week. We greatly appreciate the Freeholders' willingness to share the costs associated with the purchase, the cleanup and the development of the property for park and recreation use. That is a true shared service.

The Mayor said Mr. Davis attended the Freeholder meeting last week and asked that he give a brief report on the Freeholders' action. Thank you, Mr. Davis.

Mr. Davis said the Freeholders approved three resolutions. The first was the Joint Management Agreement with the Township where the Freeholders agreed to share with us the cost of the purchase of the property, remediation of the property and the development of the property. The second was the Offer to Purchase with the federal government, the same one we approved for \$15,735,000.00, under the Joint Management Agreement they will share that cost with us. That will now go to the House of Representatives Government Reform Committee for their approval, according to the GSA people. We still need Governor Corzine's approval of the Early Transfer Documents. The third was the Escrow Agreement which is jointly with us and the federal government which established two escrow accounts; the first escrow account, \$11,827,000.00, and the second, \$3,908,000.00, totaling \$15,735,000.00. Mr. Davis further explained the Escrow Agreement.

Mayor Ferrera stated that at the last meeting, a homeowner who lives near the new Quick Chek on Route 206, Mr. Bob Schulz, brought to our attention his concerns regarding the contamination of his well from a gasoline tank leak from the gas station that preceded the Quick Chek at the site. The Mayor said he looked into the matter and have found that Dr. Glen Belnay, our Health Officer, has been on top of this issue with the property owner and NJDEP. Mayor Ferrera asked Dr. Belnay to give a brief report.

Dr. Belnay explained, in depth, about Mr. Schulz's concerns. Dr. Belnay said there is no public health threat. Dr. Belnay has advised that Mr. Schulz and his neighbors may be eligible to be put on public water, however, a remediation plan must be approved by the NJDEP.

Mayor Ferrera said he has written to the NJDEP asking that this matter be given priority consideration. The Mayor has also contacted Assemblyman Biondi asking for his help. Our Assemblyman has reached out to a Deputy Commissioner at the NJDEP, also requesting that the matter be put on a fast track. We will stay on top of this because the Township Committee is always concerned when our residents face these types of environmental problems.

The Mayor said he was pleased to be able to join the Municipal Alliance Committee last Friday morning to highlight a new anti drug message billboard that is located between Brown Avenue and Camplain Road driving south bound on 206. The billboard entitled "Who knew Grandma kept a stash" highlights the danger of access to prescription drugs in your home. The billboard is part of the Red Ribbon Week activities as people throughout our community join in an anti drug message. Mayor Ferrera thanked the Municipal Alliance for providing the funding for the billboard and our Business Advocate, Gene Strupinsky, for arranging a reduced rate with CBS Outdoor and the billboard company for their support.

NEW BUSINESS

None at this time.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Ken Lazowski, 68 Anne Street, Doug Eaton, 55 Anne Street and Lou Fisher, resident of Manville voiced their concerns regarding the Erickson Project. Mayor Ferrera, Deputy Mayor DelCore and Mr. Davis addressed their concerns.

Matt Dawson, 4423 Bloomingdale Drive questioned issues surrounding the COAH plan and when it will have to be filed with the state. Committeeman Suraci explained that we are still required to have a plan submitted by the end of the year. Committeeman Suraci pointed out that COAH only recently adopted their latest amended 3rd round rules. Mr. Dawson also questioned the Erickson Project and possible zone changes. Committeeman Suraci and Deputy Mayor Delcore addressed his concerns.

Manny Foranoce, 26 Surrey Drive clarified his and his running-mate's position regarding the mercury removal from Hillsborough. Mr. Foranoce had questions about what is permitted to be stored at the VA Depot. Mr. Foranoce related a story of posing as an individual interested in leasing warehouse space. Mr. Davis said Dr. Belnay does routine inspections at the VA Depot on a regular basis and issues a report to the Township Committee. Mr. Davis explained that we also get a list of who is at the VA Depot. Mr. Davis offered to meet with Mr. Foranoce, at his convenience, to discuss the restrictions at the VA Depot.

Leon Krals, White Meadow Road stated that the government wants the mercury removed from Hillsborough and he believes the hold-up is in the state of Nevada due to political agendas rather than any environmental concerns.

Dennis Bogden, Surrey Drive voiced his concerns about people feeding the deer. Mr. Davis said there is an ordinance which prohibits the feeding of deer. Mr. Davis explained if a resident knows this is happening then a complaint needs to be made.

Mr. Bodgen questioned the future costs of the GSA Depot. Mayor Ferrera explained that if we did not go forward and it was in the hands of developers, with potentially having many homes built and more children in school, more services to our roads, then taxes would be increased. Mayor Ferrera said municipal taxes have remained below the rate of inflation over the past three years.

Roger Staib, 87 Agress Road, a spokesperson for Hillsborough Properties said Mr. Patel is a landowner having purchased the property as an investment, he is not a developer. K Hovnanian is no longer involved with Hillsborough Properties. Mr. Patel purchased the 335 acres at auction. Mr. Patel issued numerous concepts regarding this site, from building a golf course, continuing care community, offices related for professional services, restaurants or a solar energy park. Mr. Staib said Mr. Patel has considered the rearranging of property lines with the Township's efforts toward redevelopment; thereby allowing an expansion of Ann Van Middlesworth Park and a greenway connector route to the Sourland Mountain range by utilizing the Northwesterly portion of the property.

PUBLIC HEARINGS

Mayor Ferrera recused himself on Ordinance 2008-33 and asked the Deputy Mayor to bring this matter up for consideration. Committeewoman Nisivoccia also recused herself.

Ordinance 2008-33 An Ordinance authorizing the execution of a First Amendment to Ground Lease at communication site with Omnipoint Communication, Inc., on a portion of Lot 1.02 in Block 149.01 on the Hillsborough tax map.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-33. Said motion was seconded by Committeeman Wagner and carried by voice vote as follows:

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

Deputy Mayor DelCore said this ordinance provides for Omnipoint to begin paying rent for the use of the cell tower at the municipal building beginning on November 1, 2007. Omnipoint was looking to start only paying rent from the time their antenna on the cell tower was operational however, the Township's position is that the payments should begin when the work began. The Township will receive \$11,800.00 in back rent to the establishment of the November 1, 2007 effective date. Mr. Cruz handled these negotiations and was successful in gaining back rent payments.

Committeeman Wagner moved to close the public hearing on Ordinance 2008-33. Said motion was seconded by Committeeman Suraci and carried by voice vote as follows:

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

Committeeman Suraci moved to adopt Ordinance 2008-33. Said motion was seconded by Committeeman Wagner and approved upon call of the roll.

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

Ordinance 2008-36 An Ordinance amending Chapter 188 (Development Regulations), Section 113.1 (Gateway A District) and Section 113.2 (Gateway B District) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey to revise the Sign and Lighting Regulations for Gateway A and Gateway B Districts.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-36. Said motion was seconded by Deputy Mayor DelCore and carried unanimously by voice vote.

Mayor Ferrera stated that this ordinance makes adjustments to the sign regulations within the Gateway A and B districts. The ordinance has been approved and recommended by the Planning Board. Township Planner Bob Ringelheim is here to provide further details.

Mr. Ringelheim said Ordinance 2008-36 is an update of the sign regulations for the Gateway Districts, in line with what we have done already with the general sign regulations and the Highway Service District. It will increase the size of the free-standing signs and other signs in line with the increases we have already recommended and approved for the other zones. However, it does create a hierarchy of signs, recognizing this is a Gateway, a special entry area into Town Center it doesn't raise the sign sizes to the same extent as does the other districts. Mr. Ringelheim said there is an interim step in the Gateway Districts, and also addresses lighting requirements.

Committeeman Suraci moved to close the public hearing on Ordinance 2008-36. Said motion was seconded by Deputy Mayor DelCore and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-36. Said motion was seconded by Committeewoman Nisivoccia and carried unanimously upon call of the roll.

Ordinance 2008-37 An Ordinance amending Chapter 188 (Development Regulations), Section 113.1 (Gateway A District), Section 113.2 (Gateway B District) and Section 113.5 (Town Center) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey to permit art-related uses and commercial instructional activities.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-37. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Mayor Ferrera said this ordinance will allow art related uses and commercial instructional activities as additional potential businesses in the Gateway A and B zones, another part of our program to encourage business development in the Township. This

ordinance has also been recommended by the Planning Board. Mr. Ringelheim has further details.

Mr. Ringelheim said it will also allow the art-related uses in the Town Center District.

Committeeman Suraci moved to close the public hearing on Ordinance 2008-37. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-37. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Ordinance 2008-38 An Ordinance authorizing acceptance of a Sight Triangle Easement from the County of Somerset over a portion of lot 1 in block 205.23, through Country Classics in the Millstone Valley, Phase 3A, as shown on the tax map of the Township of Hillsborough, County of Somerset, State of New Jersey.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-38. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Mayor Ferrera said the easement for this sight triangle on Amsterdam Drive was originally conveyed to Somerset County due to the fact that at some point in the past Amsterdam was anticipated to be a county road; since Amsterdam is actually a Township road and Hillsborough must accept the sight triangle easement from the County.

Committeeman Suraci moved to close the public hearing on Ordinance 2008-38. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-38. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

Ordinance 2008-39 An Ordinance authorizing acceptance of a permanent sidewalk easement at the corner of Opie Road and Falcon Road, from Jozsef Traszler, block 141, lot 9, on the tax map of the Township of Hillsborough, County of Somerset, State of New Jersey.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-39. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Mayor Ferrera stated that as part of the Board of Adjustment resolution approving the Quick Chek on Falcon Road, the property owner must convey a sidewalk easement to the Township.

Committeewoman Nisivoccia moved to close the public hearing on Ordinance 2008-39. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-39. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2008-40 An Ordinance amending Chapter 145 (Uniform Construction Codes) Section 3 (Construction Fee Schedule) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey. *Further consideration of this ordinance and public hearing will be held on November 10, 2008.*

Mayor Ferrera stated that John Fiedler, Hillsborough's Construction Official, is here tonight to present some additional building department permit fees that he has determined can be reduced for homeowners. This has been a continuing program of ours to reduce excessive permit fees on homeowners.

The Mayor said one fee reduction we will be considering tonight is the building permit and zoning fees charged to residents who are setting up temporary backyard pools of less than 4 feet in height. The state, in its infinite wisdom, recently decreed that a temporary pool that is 2 feet or more must be inspected for ladder safety. Under the code, you need a zoning permit before you can get a building permit. So homeowners were being hit with a \$50 zoning permit fee and an \$80 building inspection fee for a temporary pool, that might not even cost as much to purchase as the fees cost.

Mayor Ferrera said this is an obvious area where we can give homeowners some relief from the fee schedule. Mr. Fiedler has determined that while the ladder safety and enclosure inspection is still required by the state, and is a good idea for safety of children, the building fee can be cut by 50% to \$40. Later in the agenda we will consider eliminating the zoning permit altogether for these temporary pools. These reductions would result in a \$130 fee charge being reduced to \$40 for homeowners.

Mayor Ferrera said Mr. Fiedler also has a recommendation for a fee cut for homeowners and businesses seeking to set up solar energy panels. We need to do everything we can at the local level to encourage energy alternatives and savings.

Mr. Fiedler reported that the Township Committee has reduced numerous fees over the past two years in the Building Department, and Mr. Fiedler said this has been

well received by our applicants. Mr. Fiedler spoke of many fees the Building Department has reduced and additional fees they would like to reduce.

Mayor Ferrera and the Township Committee thanked Mr. Fiedler and Mr. Ron Skobo, Director of the Building Department, for the outstanding job they have done in reducing fees.

Gloria McCauley, Bloomingdale Drive a local real estate agent thanked the Township Committee, Mr. Fiedler and Mr. Skobo for the positive changes in the Building Department. Ms. McCauley said these changes have made for a positive environment for realtors and homeowners.

Mr. Fiedler reported on the two programs underway, one is the amnesty program and the other is an educational seminar program.

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 November 10, 2008 at 7:30 p.m. Said motion was seconded by Committeewoman Nisivoccia and unanimously approved upon call of the roll.

Ordinance 2008-41 An Ordinance amending Chapter 188, titled "Land Use and Development", of the code of the Township of Hillsborough, Article X, titled "Architectural and Design Overlay Design Standards", in Section 188-173, to add two (2) members of the public to the Architectural and Site Design Advisory Subcommittee, appointed by the Mayor. *Further consideration of this ordinance and public hearing will be held on November 10, 2008.*

Mayor Ferrera said this ordinance adds two public members to the Architectural and Site Design Advisory Committee, which will bring the total membership to five members and two alternates.

Marian Freeman questioned the number of members added to the Committee.

Deputy Mayor DelCore moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on November 10, 2008 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor Ferrera offered the following resolutions:

1. Resolution establishing an Electronic Receipt Program for Credit Card Processing Services for internet transactions and on-line payment of dog licenses.

WHEREAS, the Government Electronic Payment Acceptance Act (P.L.1955, c.325) ("Act") authorizes a municipality to establish a credit card payment system or electronic funds transfer system upon the passage of a Resolution by the Governing Body; and

WHEREAS, the Division of Local Government Services has adopted rules and regulations implementing the Act; and

WHEREAS, the Chief Financial Officer has recommended to the Township Committee the adoption of a Resolution establishing electronic receipts over the internet for the payment of property taxes and recreation fees.

WHEREAS, Chief Finance Officer has recommended the institution of on-line Automated Clearing House (ACH) withdrawal payments for dog licenses.

NOW, THEREFORE, BE IT RESOLVED, pursuant to the provisions of the Act and the rules and regulations established by the Division of Local Government Services that the Township establish an electronic receipt by internet service only for the payment of property taxes and recreation fees and authorizing the ACH electronic payment via the on-line system for dog licenses.

Mayor Ferrera reported back in January he announced that we would be moving forward this year seeking to make the best use possible of electronic communications and technology. Ordinances are now published on the website. Recreation registration is now being done over the internet and with the use of credit and debit cards. Saving busy parents from having to come to the municipal building and stand in line to sign children up for recreation programs. In continuing in that effort to make dealing with the local government more convenient, this resolution authorizes the Finance Officer to develop a plan for the payment of property taxes via the internet and with the use of credit cards. We expect the program in place for the February, 2009 tax payments.

The Mayor announced that additionally, the Finance Officer is also authorized to establish the on-line payment of dog licensing, again, eliminating a trip to the municipal building for dog owners. The dog licensing on-line payment program should be operational for when dog licensing is required in January.

Committeeman Wagner said having the option of an on-line payment for dog licensing is beneficial to the residents of Hillsborough.

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

2. Resolution supporting the Millstone Valley Scenic Byway Corridor Management Plan.

WHEREAS, in accordance with the New Jersey Scenic Byway Program, the section of Millstone River Road (County Route 533) which is located in Hillsborough Township and extending from the Montgomery Township boundary to the Millstone Borough boundary is part of a designated State Scenic Byway; and

WHEREAS, the byway has been named as the Millstone Valley Scenic Byway; and

WHEREAS, in accordance with the New Jersey Scenic Byway Program, a Scenic Byway Corridor Management Plan was prepared with the participation of the Millstone Valley Scenic Byway Advisory Committee, which included all municipalities along the Byway as well as Somerset, Middlesex and Mercer Counties, under the sponsorship of the Millstone Valley Preservation Coalition and with the assistance of the New Jersey Department of Transportation through funding from the Federal Highway Administration's National Scenic Byway Program; and

WHEREAS, designated representatives from Hillsborough Township participated in the activities of the Millstone Valley Scenic Byway Advisory Committee; and

WHEREAS, two public meetings were provided to explain the Corridor Management Plan and obtain input from the general public; and

WHEREAS, the Corridor Management Plan includes strategies to preserve, protect and promote intrinsic qualities of the byway through actions that are not regulatory or otherwise mandated by the Plan; and

WHEREAS, successful implementation of the Plan depends on cooperation, collaboration and support of the municipalities and counties along the Millstone Valley Scenic Byway.

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, supports the concept of the Millstone Valley Scenic Corridor Byway Management Plan and hereby provides its commitment to collaborate in the process necessary for its implementation.

Mayor Ferrera said the Millstone Valley Scenic Byway corridor is a loop along both sides of the Millstone River that runs through communities in Mercer and Middlesex counties, along with Hillsborough, Rocky Hill, Montgomery, Millstone, and Franklin. A portion of Millstone River Road in Hillsborough is included. A Committee has been working for several years on a management plan designed to preserve the corridor's natural and historic values and is seeking designation as a National Scenic Byway. This resolution establishes Hillsborough's continued support of and collaboration with the program. Liz Palius the President of the Millstone Valley Preservation Coalition and Marian Fenwick Freeman, Hillsborough's representative to the Scenic Byway Committee, are here tonight to provide further insights.

Liz Palius and Marian Fenwick Freeman gave a presentation on the Millstone Valley Scenic Byway Corridor Management Plan, a unique glimpse into an era of great historical significance as well as ecological importance.

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

3. Resolution authorizing the grant of a concession to the Financial Resources Federal Credit Union to offer membership in this Credit Union to the Township of Hillsborough employees.

WHEREAS, the Financial Resources Federal Credit Union has offered membership in the credit union to Township of Hillsborough employees; and

WHEREAS, the Township of Hillsborough wishes to enter into a concession agreement with the Financial Resources Federal Credit Union to offer credit union membership to Township employees; and

WHEREAS, the Township Attorney has determined that the proposal by the Financial Resources Federal Credit Union constitutes a "concession" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and the regulations promulgated thereunder, N.J.A.C. 5:34-9.4, and is governed by such, pursuant to a Memorandum from the Township Attorney attached hereto and made a part hereof; and

WHEREAS, the estimated total value of the concession is anticipated to be below the current bid threshold of \$29,000.00, when the Township has a qualified purchasing agent, because there is no cost to the Township for membership, and no services of value are expected to be received by the Township; and

WHEREAS, the Township will not incur any costs, services or endorsements as part of the concession, and will only be providing the offer of membership into the credit union to Township employees; and

WHEREAS, the concession is to be awarded through informal quotations, which were received by the Township via letter from the Financial Resources Federal Credit Union, dated September 24, 2008; and

WHEREAS, it is not feasible or practical for the Township to create its own credit union, thus there is no other avenue available to Township employees to join a credit union; and

WHEREAS, there is no risk to the Township because the Township is not expending any money, nor is the Township utilizing the membership benefits for itself; and

WHEREAS, the Financial Resources Federal Credit Union has a branch located in the Township, approximately three (3) miles from the Township Municipal Complex; and

WHEREAS, the Township Committee, upon considering the benefits received by the concession, finds it in the best interest of the Township to award a non-exclusive concession to the Financial Resources Federal Credit Union to offer credit union membership to the Township's employees for a period of two (2) years from the date of this Resolution, at which time the concession shall end.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township does hereby award a concession to Financial Resources Federal Credit Union for a period of two (2) years from the date of this Resolution to offer credit union membership to Township employees; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to enter into a concession agreement with the Financial Resources Federal Credit Union; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Mayor Ferrera reported that the Township previously allowed Affinity Credit Union to offer membership to municipal employees. Out of fairness, this resolution permits one of our newest businesses, Financial Resources Credit Union to also offer membership to employees. It is entirely voluntary on the part of employees and there is no cost to the Township.

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

4. Resolution endorsing the "Einstein's Alley" Initiative in Hillsborough to foster economic growth.

WHEREAS, Einstein's Alley is a private, non-profit economic development initiative located in Central New Jersey whose mission is to foster economic growth through advocacy and help attract new companies to the area, retain existing business and encourage the growth of jobs and services; and

WHEREAS, it is the goal of Einstein's Alley to make Central New Jersey the destination for technology companies; and

WHEREAS, Einstein's Alley signage program encourages and supports the placement of roadside signs by municipalities to identify the municipality as a place where innovative, technology-based industry is encouraged, supported and thrives; and

WHEREAS, up to ten (10) Einstein's Alley Hi Tech Corridor signs will be placed on roadways throughout the Township and will be funded by contributions from local businesses; and

WHEREAS, the Township's Business Advocate has expressed an interest in reaching out to the local business community for financial assistance of the Einstein's Alley initiative.

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 endorse the Einstein's Alley initiative and the Business Advocate to foster financial support from the local business community for the Einstein's Alley signage program.

Mayor Ferrera said he believes right now everyone would agree that anything we can do to promote economic development and opportunity in our area is vitally important. The Township Committee received an outstanding overview of the Einstein's Alley program a few weeks ago. The group is promoting the development of technology businesses in central New Jersey. This falls directly in line with what Hillsborough is seeking to do, in attempting to attract research and development firms. This resolution authorizes the Business Advocate, Gene Strupinsky, to educate the business community on the value of the Einstein's Alley designation.

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

5. Resolution authorizing the waiver of Zoning Permit fees for property owners applying for temporary "Blow Up" pools, under 4 feet.

WHEREAS, seasonal use pools ("Seasonal Use Pools") are those pools which are not permanent in nature and are regulated by the New Jersey Uniform Construction Code and are pools which are generally constructed of materials that are not rigid, are not affixed to the ground in a permanent manner and are generally less than four (4') feet in height; and

WHEREAS, these Seasonal Use Pools are generally disassembled and stored at the end of the appropriate season and reassembled the next year; and

WHEREAS, previously, property owners were not required to obtain zoning permits for these Seasonal Use Pools; and

WHEREAS, the New Jersey Department of Community Affairs now requires specific permits to be issued by the Building Department for Seasonal Use Pools because of safety concerns; and

WHEREAS, the Building Department requires prior zoning approval before issuing any permit, including a permit for Seasonal Use Pools; and

WHEREAS, property owners will need to obtain a zoning permit in order to install a Seasonal Use Pool; and

WHEREAS, in recognition that these Seasonal Use Pools are intended to save property owners the expense that would be otherwise required for the installation of a permanent in-ground or above-ground pool, the Planning Department recommends that the zoning permit fee be waived for a Seasonal Use Pool of this type; and

WHEREAS, the Township Committee is willing, under these specific, unique, and particular circumstances, to grant a waiver for the zoning permit fee for a Seasonal Use Pool as described in this Resolution.

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 Township Committee recognizes the unique circumstances presented by the installation of Seasonal Use Pools.
2. The Township Committee is willing to grant a waiver for the zoning permit fees for Seasonal Use Pools as described in this Resolution.
3. This Resolution takes effect immediately.

Mayor Ferrera stated that this is an example of a really ridiculous fee for these small temporary pools. By eliminating this fee and through the enactment of the fee reduction ordinance introduced earlier, the only fee will be \$40 for the state required ladder safety inspection, down from the \$130 fee charged in the past.

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

6. Resolution opposing the rate increase application and proposed 66.52% rate increase by Applied Wastewater Management pending before the New Jersey Board of Public Utilities.

WHEREAS, Applied Wastewater Management filed a request with the New Jersey Board of Public Utilities (NJBPU) to increase wastewater rates by 66.52%; and

WHEREAS, the rate increase would impact on negatively on Hillsborough homeowners in the Hillsborough Chase development where the NJDEP approved discharge to groundwater system is managed by Applied Wastewater Management; and

WHEREAS, the discharge to groundwater system for the Hillsborough Chase has only been operational for two years and the cost of its operation cannot have increased by over 60% in that period of time; and

WHEREAS, Hillsborough Chase homeowners already pay \$248.75 per quarter for wastewater services; and

WHEREAS, while a 66.52% rate increase is outrageous at any time, in the current economic condition, such a rate increase request is beyond inappropriate and should be rejected by the NJBPU.

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 66.25% rate increase application by Applied Wastewater Management and that the members of the NJBPU reject the rate increase in the interest of fairness to the impacted residents.

Mayor Ferrera stated that Applied Wastewater is seeking a 66% rate increase for wastewater services at the Hillsborough Chase development. A 66% jump is clearly excessive and unfair on the 47 homeowners in that development. That wastewater system just recently began operations and there is no way they need to raise rates that much so soon. This resolution puts the Township Committee on record in opposition to the rate increase with the Board of Public Utilities which is considering the Applied Water increase request.

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

7. Resolution authorizing various personnel actions and appointments.

- a) Granting Public Works Worker Thomas Winchatz, an extension of his FMLA unpaid leave of absence for the period of October 11, 2008 through December 31, 2008, pursuant to FMLA 29 U.S.C.A. § 2601 et. seq.
- b) Hiring of Robert MacMaster and David Greenhill to fill the vacant positions of part-time electrical inspectors in the Construction Department, for no more than 29 hours per week, at a rate of \$28.00 per hour.

WHEREAS, by way of resolution, dated July 22, 2008, the Township Committee authorized a FMLA 12-week unpaid leave of absence to Thomas Winchatz, an employee of the Department of Public Works, pursuant to FMLA 29 U.S.C.A. § 2601 et. seq., for the period of July 20, 2008 through October 11, 2008; and

WHEREAS, Thomas Winchatz has requested an extension of his FMLA unpaid leave of absence for the period of October 11, 2008 through December 31, 2008; and

WHEREAS, Personnel Counsel Eric Bernstein has recommended that this request be approved; and

WHEREAS, there exists two vacancies in the Construction Department for the positions of part-time electrical inspectors, due to the resignation of Thomas Koepfler and Daniel Longo; and

WHEREAS, the Director of Building and Construction recommends the hiring of Robert MacMaster and David Greenhill as part-time electrical inspectors in the Construction Department, for no more than 29 hours per week, at a rate of \$28.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the aforementioned staff actions and appointments are hereby authorized.

Mayor Ferrera said the Township Committee has been advised by Counsel to continue Mr. Winchatz leave of absence while the employee pursues a disability retirement judgment from the Pension Board.

Mayor Ferrera reported that two part time electrical inspectors have resigned. Mr. MacMaster and Mr. Greenhill will fill those vacancies, on a part time, as needed basis.

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

CONSENTS

Mayor Ferrera offered the following consent agenda:

- 1. Resolution approving the request from Lara & Evangelos Minakas for the release of development review escrow, in the amount of \$350.40.**

WHEREAS, a request has been received from Lara & Evangelos Minakas 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 \$350.40 Development Review Escrow that was posted for the completion of the project.

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

- 2. Resolution approving raffle license applications for the St. Mary's Byzantine Catholic Church.**

WHEREAS, an application for a raffle license has been filed by St. Mary's Byzantine Catholic Church for a raffle to be held on October 20, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves raffle application #1108 submitted by St. Mary's Byzantine Catholic Church for a raffle being held on October 20, 2008.

- 3. Resolution approving the application for special permit for Social Affair for St. Mary's Byzantine Catholic Church on November 9, 2008.**

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 November 9, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the

application for Special Permit for Social Affair for St. Mary's Byzantine Catholic Church for an event to be held on November 9, 2008.

4. Resolution approving the application for special permit for Social Affair for St. Mary's Byzantine Catholic Church on December 7, 2008.

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 December 7, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the application for Special Permit for Social Affair for St. Mary's Byzantine Catholic Church for an event to be held on December 7, 2008.

5. Resolution authorizing the transfer of earned amounts, in an amount of \$19,658.56, from the Subdivision and Site Plan Engineering Trust Accounts to the Treasurer's Account.

WHEREAS, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$19,658.56 should be transferred from the Subdivision and Site Plan Engineering Trust Accounts into the Treasurer's Account as indicated; and

WHEREAS, each of the project line items has been verified against the Treasurer's Office account records for the period ending 9/22/08 to ensure that sufficient funds are available for these transfers of 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 \$19,658.56 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

Client	Number	Transfer Amount
Audio Café	513	-678.52
Ace Copy Systems	500	- 237.04
Colonial Square at Belle Mead	323	-364.44
Country Classics 3B	326	-160.00
Country Classics 3C	331	-749.28
Country Classics Phase 3A	332	-1,594.04
East Hill Partnership	349	-435.38
Gateway @ Sunnymeade	472	-1,490.34
Hidden Forest Estates	372	-317.04
Hillsborough Chase	376	-1,078.70
Hillsborough Chase II	488	-1,639.76
M&A Recycling, Inc.	396	-397.04
McDonald permit 2008-32	523	-77.04
Pleabeazin	477	-3,169.19
Pat Richards LLC	412	-586.85
Pleasant View Estates III	490	-266.32
Quick Chek	509	-38.52
Aponte Construction	519	-625.18

Roycebrook Meadows	489	-2,600.10
Westmeade Development	450	-3,153.78
Grand Total		-19,658.56

6. Resolution approving request from The Atlantic Companies, LLC for reduction of performance bond and cash bond for Hearthstone at Hillsborough (Westmeade Development).

WHEREAS, a request was received from The Atlantic Companies, LLC for a reduction of the Performance Bond and the Cash Bond for Hearthstone at Hillsborough (Westmeade Development); and

WHEREAS, Assistant Township Engineer Thomas Belanger certifies that sufficient progress has been made at the Hearthstone at Hillsborough (Westmeade Development) project to warrant a reduction of Performance Bond and Cash Bond; and

WHEREAS, Assistant Township Engineer Thomas Belanger recommends that the Township Committee take action to reduce the following Performance and Cash bonds:

1. Reduce Performance Bond No. 5007785 from \$1,718,028.00 to \$1,097,876.00, a reduction of \$620,152.00.
2. Reduce the cash bond from \$190,891.00 to \$121,986.00, releasing \$68,905.00.

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.

7. Resolution declaring October 10, 2008 as "Put The Brakes On Fatalities Day."

WHEREAS, across the nation, traffic crashes caused more than 41,000 fatalities in 2007, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 724 individuals lost their lives in traffic crashes in 2007; and

WHEREAS, alcohol-related crashes accounted for 28 percent of the State's traffic fatalities, while 25 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 78 motorcyclists, 12 bicyclists and 144 pedestrians were killed in New Jersey in traffic-related crashes in 2007; and

WHEREAS, safer driving behaviors such as buckling up, every ride; obeying posted speed limits; avoiding aggressive driving behaviors and aggressive drivers; never drinking and driving; wearing proper safety gear when riding a motorcycle or bicycle; and focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, do hereby proclaim October 10, 2008 as "Put The Brakes On Fatalities Day" and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

8. Resolution ratifying and confirming the action of the Township Administrator/Clerk approving an application for a Carnival License by Mary Mother of God.

WHEREAS, an application for a carnival license had been filed by the Mary Mother of God Church for a Teen Center Kick-Off Block Party being held on October 3, 2008; 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 ratifies and confirms the action of the Administrator/Township Clerk approving the carnival application submitted by Mary Mother of God Church for a Teen Center Kick-Off Block Party being held on October 3, 2008.

9. Resolution authorizing the Somerset Medical Center 5K and 25K race to run through the Township of Hillsborough pursuant to the requirements outlined by Chief Paul Kaminsky.

WHEREAS, the Linx Group and Somerset Medical Center wish to hold a 5K and 25K race through portions of Hillsborough; and

WHEREAS, Chief Kaminsky and the Hillsborough Township Police Department's Traffic Safety Bureau in a Memorandum, dated October 7, 2008, determined that the planned route will provide an acceptable level of safety for the runners and is acceptable to the Police Department contingent upon the use of sworn police officers for traffic control at designated locations at the expense of the Somerset Medical Center or its agent, that the participants in the race sign a liability release which names the Township of Hillsborough and its servants, agents and employees, and the terms and conditions contained in the October 7, 2008 Memorandum.

NOW, THEREFORE, be it resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Linx Group and Somerset Medical Center are hereby authorized to hold a 5K and 25K race through portions of the Township of Hillsborough on May 17, 2009 on the terms and conditions contained in this Resolution.

10. Resolution approving the application for Special Permit for Social Affair for Manville – Hillsborough Elks Lodge #2119.

WHEREAS, an application for a Special Permit for Social Affair has been filed by Manville – Hillsborough Elks Lodge #2119 for an event to be held on October 25, 2008; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the application for Special Permit for Social Affair for Manville – Hillsborough Elks Lodge #2119 for an event to be held on October 25, 2008.

11. Resolution amending Manville-Hillsborough Elks' Bingo License #1084.

WHEREAS, an application to amend bingo license #1084 has been filed by Manville-Hillsborough Elks adding the additional date of November 15, 2008:

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the application to amend Bingo License #1084 to Manville-Hillsborough Elks for bingo being held on the above date.

12. Resolution approving an application for a Raffle License by the Manville-Hillsborough Elks.

WHEREAS, an application for a raffle license has been filed by the Manville-Hillsborough Elks #2119 for a raffle to be held on November 15, 2008; 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 raffle application #1109 to the Manville-Hillsborough Elks #2119 for a raffle to be held on November 15, 2008.

13. 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 2008, a total amount of \$9,708.98 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 07/01/08 and ending 09/31/08 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 \$9,708.98 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>
Carriage Farms, LLC	BA-03-7	\$ 10.82
Copart of Connecticut	BA-07-17	\$ 214.75
Country Classics of Belle Mead	08-PB-13-MJ	\$ 472.45
Distinctive Properties, LLC	08-PB-17-INF	\$ 214.75
Erickson Retirement Communities	DR-08-03	\$ 151.41
Finne, James	08-PB-02-MSRV	\$ 42.95
Girl Scouts of Rolling Hills	BA-08-15	\$ 43.26
Herbig, Joseph Jr.	BA-08-13	\$ 43.26
Hillsborough Estates-Final Plat	08-PB-11-MJF	\$ 64.43
Hillsborough Promenade	08-PB-03-MRV	\$ 214.75
Hoffman, William	BA-07-46	\$ 21.48
Incao, Frank	BA-07-37	\$ 247.82
Lazorchak, John	07-PB-11-SRV	\$ 85.90
Labas, Paul	BA-08-11	\$ 10.82
Palumbo, August J. & Coni	BA-07-44	\$ 257.70
Pat Richard, LLC	BA-08-09	\$ 32.45
<i>Platinum Developer Group</i>	<i>05-PB-16-MJ</i>	<i>\$ 7,032.12</i>
PSE&G-Branchburg/Flagtown	BA-08-07	\$ 21.63
Senior Living Solutions Realty, LLC	BA-07-43	\$ 10.82
Weidel Realty	08-PB-12-MSRV	\$ 257.70
Worden, Kenneth B.	07-PB-15-MJ	\$ 64.43
WSH Enterprises	08-PB-15-MJF	\$ 171.80
Zamkotowicz, John	07-PB-26-MJ	\$ 21.48
Total Transfer		\$ 9,708.98

14. Resolution approving the purchase of Dell Computer Equipment, under State Contract, in the amount of \$20,607.43

WHEREAS, the Information Technology Director has determined a need for four (4) Dell Desktop Computers from Dell Marketing, L.P., for a total amount not to exceed \$4,638.44; and

WHEREAS, these products will be purchased under New Jersey State Contract #70256; and

WHEREAS, Hillsborough Township Police Department has determined a need for the following products from Dell Marketing, L.P.:

- Eight (8) Dell Optiplex 330, in a total amount not to exceed \$9,624.00
- One (1) Dell Precision M4400, in an amount not to exceed \$2,061.11.
- One (1) Dell Optiplex 330, in an amount not to exceed \$1,365.83.
- One (1) Dell Optiplex 755, in an amount not to exceed \$1,118.60.
- One (1) Dell Bostro 1710, in an amount not to exceed \$1,799.45.

WHEREAS, these products will be purchased under New Jersey State Contract #70256; and

WHEREAS, funds are available to make such purchases or acquisitions by the Chief Finance Officer, 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 it hereby approves the purchase through state contract of the aforementioned products from Dell Marketing L.P., in a total amount of \$20,607.43.

Upon motion by Committeeman Wagner, seconded by Committeewoman Nisivoccia, the consent agenda was unanimously approved upon call of the roll.

CLAIMS LIST

Mayor Ferrera presented Claims List 2008-19.

Upon motion by Committeeman Wagner, seconded by Committeeman Suraci, Claims List 2008-19 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

Upon motion by Committeewoman Nisivoccia, seconded by Deputy Mayor DelCore, the following resolution was unanimously adopted upon call of the roll.

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. *Litigation: Hillsborough vs. U.S. Department of Defense, et. als.*
3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.

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

5. This Resolution shall take effect immediately.

Executive Session commenced at 10:35 p.m.

Committeewoman Nisivoccia motioned to come out of executive session at 10:50 p.m.; said motion was seconded by Committeeman Wagner and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeewoman Nisivoccia, seconded by Committeeman Wagner, the meeting duly adjourned at 10:51 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC, QPA
Township Clerk