

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 MaryAnn Balancia.

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 28, 2008.

APPOINTMENTS/PROCLAMATIONS

None at this time.

APPROVAL OF MINUTES

- *Approval of the September 23, 2008 Regular Session Minutes*

Upon motion by Committeewoman Nisivoccia, seconded by Committeeman Wagner, the minutes of the September 23, 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 Lisa Nisivoccia stated that this Wednesday, October 29th, at 7:30 in Auten Road Intermediate School, we are having an informative program about prescription drug abuse. This is presented by Linda Surps, who lost her son to prescription drug abuse.

Committeewoman Lisa Nisivoccia also stated that Mary Mother of God Center has been working out well for all of the High school students who have been attending. The program is a safe and enjoyable place and is open to all of the high school students in the township. I would like to thank all of the people involved at Mary Mother of God who have put all of their time and effort into the youth center. This need was the reason we pursued a teen center when I first came into office in 2006. We looked into the feasibility of creating a teen center at the YMCA and after much research and time spent with the YMCA it was determined that pursuing the teen center at the YMCA location would cost approximately 1.5-2 million dollars. That expenditure is presently beyond the YMCA reach and at this time would be foolish to ask tax payers to spend tax dollars on creating this teen center. We continued to partner with the YMCA as youth services worked with them on the Saturday night teen center which is for all teens, both in the

middle and high school. We now have the addition of the Mary Mother of God facility which the Township has worked on to. I would call that win for everyone.

Committeeman Suraci

Committeeman Carl Suraci would like to remind all residents about their duty to vote on November 4. He urges everyone to go out and vote. Any questions about where a resident is to vote please call the Clerk's office and they will direct you to the correct voting station.

Committeeman Wagner n/a

Deputy Mayor DelCore

Deputy Mayor DelCore states that last week at Planning Board meeting the committee took important steps in the process of preserving the 369 acre GSA Depot by recommending a redevelopment plan for that property. That plan, which envisions Parks and Recreation use in over 300 acres and potential R and D for 48 acres, must be approved as ordinance by Township Committee. Presently the ordinance is being developed and asked that Kevin Davis insure that the ordinance will be ready for review for the next Township Committee meeting. The approval of the re development plan which completes the process for the property, is critically important because without it we cant seek and will not quality for Brownfield Graf funding which are needed to remediate the site once the County and Hillsborough takes township of property. As discusses, Somerset and Hillsborough are in the process of purchasing property jointly from the Federal Government for 15.735 million dollars. Also important is federal government agreed to return funds in form of escrow account to be used for the environmental remediation of the property, but also agreed to remain financially responsible if the cleanup exceeds the estimates. For this purchase, funds are already available in both the counties and townships Open Space trust funds. This is one of the most serious Open Space preservation projects in Hillsborough's history and is very well thought out. We are taking 369 acres out of play that will never be developed for housing. The property will be preserved and cleaned up for Parks and Recreation use and we have a plan to get there. The township has been advised from our environmental consultant that the extent of the property remediation is known to what they term a high degree of scientific certainty. To assure there is sufficient funds for clean up of the property the township will seek a state Brownfield grant that will provide up to 75 percent of the cleanup cost to create a park from the so called Brownfield. In order to quality for Brownfield funding the property needs to be designated in an area in need of redeveloped. This is what took place in the Planning board last week. I look forward to having the ability to talk about this during our next Township Committee meeting.

Mayor Ferrera

Mayor Ferrera attended the Red Ribbon sock hop on October 17, 2008. It was a great event. Mayor Ferrera states that his kids enjoyed themselves and that it is an Important anti drug message. Thanks to chaperones, Diane Handwerk and all the volunteers.

Mayor Ferrera also brought his children to the Department of Parks and Recreation's now annual Halloween Party last Thursday. It was another great event for kids.

Mayor Ferrera wants to thank the Parks and Recreation team for all their work in making the Halloween party a great event and the Public Works crew that put together the haunted house. We had such an overwhelming turnout of kids and their parents,

which they ran out of pizza at one point, showing just how well received these types of events are for our people here in town.

Mayor Ferrera was honored to preside over the grand opening of the new Senior Citizen Activity Center past Monday. It was well attended by over 100 of our seniors. It is a great facility right here in the municipal building.

Mayor Ferrera states that our Senior Citizen Chapter Presidents, Dick Meier and Virginia Hudson, are developing programs for the center that will put the facility to good use and make it a exciting place to be for our seniors. Great activity center and will only get better.

Mayor Ferrera would like to say thank you again to Congressman Mike Ferguson for securing a \$49,000 federal grant that helped finance the center which was built entirely with the federal money and developer contributions. No local tax dollars were used. We couldn't have gotten the senior center done without the federal grant. The center is open to all Hillsborough seniors from 9 am to 4 pm, weekdays, and we invite our seniors to come on over and see the facility for yourselves. The Mayor believes everyone will be impressed. These events for our kids and this new facility are just additional reasons why our community is such a great place to live.

Mayor Ferrera is also pleased to announce that the Norfolk Southern Rail line has confirmed that the quiet zone is established and the horn blasts will cease at the Beekman and Auten Road rail road crossing on November 18, 2008. Thereby cutting the present 16 horn blasts in half and relieving some of the noise level for our residents. William Barenger, Norfolk Southern's director of crossing safety, notified the township today that their company has completed the electronic safety improvements at both the Beekman and Auten crossings. After a transition and adjustment period the train engineers will be honoring the quiet zones at those crossings on or about November 18th. This is good news for the quality of life for many homeowners, cutting the 16 horn blasts in half as the train moves through Hillsborough.

Next step is to finalize the safety improvements on Valley road to cut off the horns completely. The township is seeking an agreement with Norfolk Southern for a wave side horn at the Valley road because the road wave does not lend itself to a safety median. The rail line will not agree to end the horn at the Royce field crossings until the valley road crossings have its safety improvements approved and in place. The confirmation from the rail line that the Quiet Zones will be honored for two of our crossings in Hillsborough is a great step.

Many residents have been asking when this will happen. The answer is November 18th which is very soon.

Mayor Ferrera also makes note that the township has won the 2007-2008 Gold Corporate Award from the American Heart Association. We are the only Municipality to win this fit friendly award two years in a row in the state of New Jersey.

NEW BUSINESS

None at this time.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Eugene Lin, 200 Dukes Parkway East-Question about 188-51 ordinance. Not more than one truck permitted on property.

The tenant that lives in this address works at a catering company and has a van with the company sign located on it. Parking the vehicle on the street would be more hazardous than parking it in the driveway. This is on a 25mph street. It could make that road narrower, there is a blind spot. Just wondering how flexible this ordinance can be. Some counties have rules where there are rules that you can not park on streets between certain months.

Township Attorney Mr. Albert Cruz asked if tenant received a summons. Own recommendations would be to come to Planning Board and they would be able to give you advice as to what can be done. That would be the resident's first step.

Douglas Eden, 55 Ann Street- About Roycebrook East Golf Course. Mr. Eden attended the Planning Board meeting and asked at the meeting and at the business planning meeting, as of now no one came back and said whether it is or is not being considered. Wants an answer as to whether anyone has addressed this issue. It's a piece of property that is CDZ05 currently. Master plan says property need to be addressed and if not in master plan then it is Green Belt. If it is 06 wouldn't it be inconsistent with the master plan?

Committeeman Carl Suraci stated it was discussed at Planning Board meeting. The appropriate people are aware of your request. It is taken under advisement and is being looked at in due course.

Mr. Eden stated that this is an environmentally sensitive piece of property. Before the Erickson came out, he knew little about how sensitive this property was. The Stonybrook Millstone Watershed who has come forward with their Engineer Margaret Snyder has come forward and asked the Township to consider making that Green Belt at the business Planning Board meeting. Mr. Eden noticed across the street between Hillsborough and Amwell Road was already considered for that. This property has been left out; it is not being talked about or considered. With what we just went through with Erickson, are we going to wait for Erickson to come back and put in another plan to go through the same things we just went through? It is not just people from the community but credible people asking this as well. In 2005 Stonybrook Millstone said that no one was to build on this property and not disturb the grounds.

Mayor Anthony Ferrera states that he is well aware of all of the reports and there is many issues that need to be faced through the Master Plan and the Planning Board.

Mr. Kevin Davis states that the golf course is not in the main sewer area and is not zoned for housing. The majority of the golf course is in the state plan three which is in the middle. To rezone this into something that it is presently zones would be objected to the property owner and when doing that it is a long struggle. It is not easy and the property owners will fight against it. It is on the list to do more with but it is not an easy matter. Resident's points have been made.

Tom O'Donnel, 33 Anne Street-Wants to expand on the thoughts that support what Mr. Eden had previously stated. States we have many environmental concerns regarding this property. Mr. O'Donnel wants to make Township Committee aware that anything that can be done to assure protection should be done. Mr. O'Donnel states that he appreciates the support of the Township Committee in receiving a sewer system.

PUBLIC HEARINGS

None at this time.

INTRODUCTION OF NEW ORDINANCES

None at this time.

CONSIDERATIONS

Mayor Ferrera offered the following resolutions:

1. **Resolution requesting approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for Economic & Business Development.**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Township of Hillsborough will be receiving monies to be used for the printing of materials for distribution and other costs incurred by the EBDC specifically for the promotion of new business development in the Township;
2. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Economic & Business Development as per N.J.S.A. 40A:4-39; and
3. The Municipal Clerk of the Township of Hillsborough is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

The Business Advocate, Gene Strupinsky, has recommended that the Township establish a trust account specifically for the Economic and Business Development Commission.

From time to time, I am advised, there are contributions offered to the EBDC and the best way to ensure that those funds are used as specified for EBDC purposes is through a separate trust account.

The trust account is managed by the Finance Office.

Nancy Haberle, the Chief Finance Officer, has approved the establishment of the fund and indicated that the dedication by rider is the Division of Local Government approved method.

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

2. **Resolution authorizing the execution of a Contract for goods and services, in accordance with the quote process, with York Fence Construction Co., Inc., to supply and install a fence at the Municipal Complex, in an amount not to exceed \$6,745.00.**

WHEREAS, the Director of Public Works has determined there is a need to install a fence around the garbage and recycle containers, located in the parking lot west of the Municipal Complex; and

WHEREAS, the Director of Public Works has obtained three (3) quotes as follows:

<u>Company</u>	<u>Total Amount</u>
York Fence Construction Co., Inc.	\$6,745.00
Fence Scapes	\$7,190.00
All Work Co.	\$7,517.90

WHEREAS, the quotes obtained are below the bid threshold of \$29,000.00, and the purchase of the fence does not require bidding under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township Committee has decided to award a contract to York Fence Construction Co., Inc. to install a fence around the garbage and recycle containers, located in the parking lot west of the Municipal Complex, using funds from the Recycling Grant, in an amount not to exceed \$6,745.00 pursuant to their proposal, dated October 6, 2008; and

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

WHEREAS, York Fence Construction Co., Inc. has submitted the required Political Contribution Disclosure form.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that The Mayor and Township Administrator/Clerk are hereby authorized to execute the Township's standard form of agreement for "Goods and Services" and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.

According to the Director of Public Works, Buck Sixt, there have been problems with the illegal use of the trash and recycling bins at the municipal complex, which not only costs the Township more in expenditures, but also creates an unsightly mess of overflowing trash and recycling at the site.

Buck has recommended fencing to better secure the area.

York fence had the lowest price of the three vendors solicited.

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

3. **Resolution authorizing the Chief Finance Officer to process the salary for Fire Marshal John Andreychak as established and approved by the Hillsborough Township Board of Fire Commissioners on October 14, 2008.**

WHEREAS, the Office of Fire Safety is governed by the Hillsborough Township Board of Fire Commissioners, an autonomous group elected by the voters; and

WHEREAS, at their October 14, 2008 meeting, the Board of Fire Commissioners approved a salary increase for John Andreychak, part-time Fire Marshal, his salary is increased by 3 ½% to \$19.28 per hour starting the week of October 19, 2008; and

WHEREAS, the Chairman of the Board of Fire Commissioners has submitted these approvals to the Township Administrator/Clerk and the Township Chief Finance Officer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby accepts the salary increase for Fire Marshal John Andreychak, as approved by the Hillsborough Township Board of Fire Commissioners.

The Fire Commission appoints and sets the compensation for the personnel in the Fire Safety Bureau.

In order to save on duplication of costs to taxpayers, the Township provides payroll services.

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

4. Resolution endorsing Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan.

WHEREAS, Hillsborough, N.J. has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS, the Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan has been developed by the Mitigation Planning Committee; and

WHEREAS, the Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, two public meetings were held on March 26, 2008 and March 27, 2008, to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law.

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

1. The Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan is hereby adopted as an official plan of Hillsborough Township; minor revisions recommended by the Federal Emergency Management Agency

and/or the New Jersey Office of Emergency Management may be incorporated without further action.

2. The Hillsborough Township departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any actions proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township Committee, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Hillsborough Township Engineering Department is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. This status report shall be submitted by October 1st each year.

Mayor Ferrera states that Somerset County has been working to develop a multi hazard mitigation plan to include all of the communities in the county.

I am advised that in order for Hillsborough to qualify for any potential flood hazard or other disaster mitigation grant funds, the Township must act to officially approve our participation in the multi hazard mitigation plan.

The Township's Engineering Department has been coordinating this issue with the County and Assistant Engineer Tom Belanger is here tonight to provide additional information.

Assistant Engineer Tom Belanger states that the Master plan that the county wide, each individual township has gotten involved. Mr. Belanger states that this makes township eligible for grants that are out there. In order to receive grants you need to have master plan to be illegible. The biggest disaster would be flooding, but looked into others as well. We looked at various types of grants and made it general so we would be eligible for many grants. Some grants will make our shelters hurricane proof etc. We have to look into the budget of them to see if we'd like to pursue it.

Thank you Tom.

Mr. Kevin Davis states that the community would have to have this plan in order to qualify for a multi hazard mitigation plan. Every community would have to hire a consultant who knew something about this and new about the plan and put everything on paper and the community would have to spend money on this. Instead, the county came forward and offered their services, they have larger pockets then us to do this kind of thing and they put their professionals to work on this, working in conjunction with other communities in Somerset County. This saved all the communities in Somerset County money by doing it in one place and putting it in place for others. Our job tonight is to say thank you and approve it.

Upon motion by Committeewoman Nisivoccia, seconded by Deputy Mayor DelCore, 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 Mountainview Associates, LLC for the release of engineering inspection fees for Triangle Center in the amount of \$1,313.70.**

WHEREAS, a request has been received from Mountainview Associates, LLC for the release of engineering inspection fees for Triangle Center, in the amount of \$1,313.70; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release \$1,313.70 in engineering inspection fees to Mountainview Associates, LLC.

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

2. Resolution approving the request from Joe and Christine Battagliese for the release of Development Review Escrow, in the amount of \$190.54.

WHEREAS, a request has been received from Joe and Christine Battagliese 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 \$190.54 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.

3. Resolution approving the request from Gregory Schmidt for the release of Development Review Escrow, in the amount of \$1,000.00.

WHEREAS, a request has been received from Gregory Schmidt for the release of Development Review Escrow; and

WHEREAS, Gregory Schmidt has withdrawn the bulk variance application for maximum impervious coverage submitted to the Board of Adjustment; 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 \$1,000.00 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.

4. Resolution approving the request from Lara & Evangelos Minakas for the release of Development Review Escrow, in the amount of \$230.40.

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 \$230.40 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.

5. Resolution approving the request from Dharmendra & Dipti Shah for the release of Development Review Escrow, in the amount of \$52.50.

WHEREAS, a request has been received from Dharmendra & Dipti Shah 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 \$52.50 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.

6. Resolution approving proposed Fire Hydrant Installation – Terrace Industrial Park/Weston Road.

WHEREAS, as part of the Terrace Industrial Park Project, New Jersey American Water Company is proposing installation of a total of four (4) hydrants; and

WHEREAS, the fire hydrants must be installed at the same time the water mains are installed because the pipe connections to the hydrants are installed in the water mains; and

WHEREAS, the Fire Official has determined that for the public safety, health and welfare, the installation of four (4) public fire hydrants are required to properly serve the project.

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 installation of four (4) fire hydrants, as determined to be required by the Fire Official, at Terrace Industrial Park/Weston Road.

7. Resolution approving request from Beazer Homes for reduction of Performance Bonds and Cash Bonds at Pleasant View Estates 1 & 2 and Mountain View Road.

WHEREAS, a request was received from Beazer Homes for a reduction of the Performance Bonds and Cash Bonds at Pleasant View Estates 1 & 2 and Mountain View Road; and

WHEREAS, Assistant Township Engineer Thomas Belanger certifies that sufficient progress has been made at Pleasant View Estates 1 & 2 and Mountain View Road to warrant a reduction of Performance Bonds and Cash Bonds; 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. 929408800 (site improvements) from \$3,686,242.00 to \$2,631,456.00, a reduction of \$1,054,786.00.
2. Reduce Cash Bond for site improvements from \$409,582.00 to \$292,384.00, a reduction of \$117,198.00.
3. Reduce Performance Bond No. 929408002 (Pleasant View Road Improvements) from \$366,999.00 to \$249,780.00, a reduction of \$117,219.00.
4. Reduce Cash Bond for Pleasant View Road Improvements from \$40,777.00 to \$27,753.00, a reduction of \$13,024.00.
5. Reduce Performance Bond No. 929408001 (Mountain View Road Improvements) from \$465,617.00 to \$243,220.00, a reduction of \$222,397.00.
6. Reduce Cash Bond for Mountain View Road Improvements from \$51,735.00 to \$27,024.00, a reduction of \$24,711.00.

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.

8. Resolution approving the request from Ryan Homes – Westmeade Development for the Release of Cash Escrows from Winter Certificates of Occupancy, in a total amount of \$10,500.00.

WHEREAS, a request has been received from Ryan Homes - Westmeade Development for release of cash escrows for Winter Certificates of Occupancy; and

WHEREAS, the Assistant Township Engineer certifies that all work, which was precluded by the winter season when the Certificates of Occupancy were issued, have since been satisfactorily completed; and

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

	<u>Escrow Amount</u>	<u>Date Issued</u>
Block 140.01 - Lot 38	\$1,500.00	1/16/08
Block 140.01 – Lot 39	\$1,500.00	1/16/08
Block 140.02 – Lot 5	\$1,500.00	1/17/08
Block 140.02 – Lot 6	\$1,500.00	1/17/08
Block 140.02 – Lot 7	\$1,500.00	1/23/08
Block 140.02 – Lot 12	\$1,500.00	1/24/07
Block 140.02 – Lot 28	\$1,500.00	11/30/06

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.

9. Resolution approving the request from Toll Brothers – Hillsborough Chase for the Release of Cash Escrows from Winter Certificates of Occupancy, in a total amount of \$3,000.00.

WHEREAS, a request has been received from Toll Brothers – Hillsborough Chase for release of cash escrows for Winter Certificates of Occupancy; and

WHEREAS, the Assistant Township Engineer certifies that all work, which was precluded by the winter season when the Certificates of Occupancy were issued, have since been satisfactorily completed; and

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

	<u>Escrow Amount</u>	<u>Date Issued</u>
Block 145.04 - Lot 3	\$1,500.00	2/20/08
Block 145.09 – Lot 7	\$1,500.00	2/28/08

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

10. Resolution approving request from Cedar Hill Landscaping for the release of Cash Escrow, in the amount of \$4,147.26, for the Claremont Pond Dredging Project.

WHEREAS, a request has been received from Cedar Hill Landscaping for release of cash escrow for the Claremont Pond Dredging Project; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$4,147.26 cash escrow that was posted for the completion of the project.

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

11. Resolution authorizing the transfer of earned amounts, in an amount of \$8,859.62, 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 \$8,859.62 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 through September 30, 2008, 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 \$8,859.62 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Audio Café	513	-115.56
Ace Copy Systems	500	- 728.88
Colonial Square at Belle Mead	323	-82.96
Country Classics 3C	331	-663.70
Country Classics Phase 3A	332	-41.48
East Hill Partnership	349	-421.96
Gateway @ Sunnymeade	472	-124.44
High Branch Land, Inc.	373	-105.10
Hillsborough Chase	376	-105.10
Hillsborough Chase II	488	-742.84
Hillsborough Promenade/Krame	380	-77.04
M&A Recycling, Inc.	396	-222.22
Pleabeazin	477	-3,202.48
Pat Richards LLC	412	-82.96
Pleasant View Estates III	490	-466.06
Rd opening 2008-36 Schilke	529	-77.04
Roycebrook Meadows	489	-539.08
Walgreen’s Pharmacy	522	-41.48
Westmeade Development	450	-1,019.24
Grand Total		-8,859.62

12. Resolution authorizing Hillsborough Township Public School Visual and Performing Arts Department to display student art work in the Municipal Building from March 2, 2009 to March 31, 2009.

WHEREAS, March has been designated “Youth Art Month” across the nation; and

WHEREAS, a request has been made from the Hillsborough Township Public School District Supervisor for Visual & Performing Arts to display student artwork in

the Municipal Building from March 2, 2009 – March 31, 2009 in order to celebrate Youth Art.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Hillsborough Township Visual and Performing Arts Department is hereby authorized to display student artwork in the Municipal Building from March 2, 2009 through March 31, 2009.

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

CLAIMS LIST

Mayor Ferrera presented Claims List 2008-20.

Upon motion by Deputy Mayor DelCore, seconded by Committeewoman Nisivoccia, Claims List 2008-20 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. *Property Sale: Block 12, Lot 45 (formerly known as the Mill Lane Farm)
Block 11, Lot 13.01 (formerly known as the Bothers Farm)*
 - b. *Litigation: Hillsborough vs. U.S. Department of Defense, et als.*
 - c. *Contract Negotiations: Dispatchers Local 701*

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 8:14 p.m.

Committeeman Wagner motioned to come out of executive session at 8:52 p.m.; said motion was seconded by Committeeman Suraci and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Deputy Mayor DelCore, the meeting duly adjourned at 8:53 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC, QPA
Township Clerk