

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 November 10, 2008.

APPOINTMENTS/PROCLAMATIONS

❖ Proclamation honoring Eagle Scout Ron Persico.

WHEREAS, Ron Persico, a member of Boy Scout Troop 89, has earned the status of Eagle Scout; and

WHEREAS, we, the Township Committee of the Township of Hillsborough, recognize the many hours Ron devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Ron has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Ron's Eagle Scout Leadership Project he built a storage shed on the grounds of the Hillsborough High School to benefit the Athletic Department; and

WHEREAS, Ron obtained three estimates, ultimately choosing Lowe's, and applied for the necessary permits from the Hillsborough Township Building Department; and

WHEREAS, construction on the storage shed began on Memorial Day 2008 and, after Ron dedicated over 333 man hours toward completion of the project, final inspection and approval came on July 15, 2008; and

WHEREAS, in addition to obtaining the status of Eagle Scout, Ron, a HHS senior, has participated in many other clubs including the Hillsborough Soccer Club, the HHS Peer Mentoring Group and The Peer Plus Group, an organization that works with special needs children; and

WHEREAS, Ron Persico serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Ron is a member of our community.

NOW, THEREFORE, BE IT PROCLAIMED that we, the members of the Hillsborough Township Committee, do hereby recognize and extend our sincere congratulations to Ron Persico for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

- ❖ Appointing Helen Haines, as the volunteer Coordinator for Open Space and Farm Land Preservation.

Helen Haines, better known as Chickie, has volunteered to help out working on securing new open space and farmland preservation projects.

We are very happy to have someone with her background and experience giving her time at no cost to taxpayers in the important area of preserving land.

I expect Chickie to be a big help to the Township

APPROVAL OF MINUTES

- *Approval of the October 14, 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.

- *Approval of the October 14, 2008 Executive Session Minutes*

Upon motion by Committeeman Wagner, seconded by Committeeman Suraci, the minutes of the October 14, 2008 Regular Session were unanimously approved upon role call.

- *Approval of the October 28, 2008 Executive Session Minutes*

Upon motion by Committeeman Suraci, seconded by Committeeman Wagner, the minutes of the October 28, 2008 Executive Session were unanimously approved upon role call.

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

Mayor Ferrera

Last Tuesday evening I had the great honor of being re-elected by the Township as Mayor who was elected along with Gloria McCauley. The Mayor would like to thank God to go through the third election in five years. Mayor would like to recognize the Township Committee. We are a team who puts Hillsborough Township ahead of politics. Thanks everyone for the support and commitment to Township Committee. Thanks his family and his kids for understanding when he is not able to be home because of the campaign.

Mayor made a special thank you to our assemblyman Pete Biondi. No one could have a more knowledgeable and experienced mentor in the line of government and political

world than I do in Pete Biondi. I am a republican and proud of it. I thank the members of the Hillsborough Republican Club and our municipal chair Mike Merdinger for all of your support. I thank the many friends, neighbors and supports who came forward to help who are actually not republicans who believe in our effect to put people ahead of politics and have voted for our team and helped in the election campaign. Also want to recognize two people from the other party: Former Committeeman Paul Drake and the new democratic chairwoman Ann Ionone. Both who had come by the Republican Headquarters after the votes were in last Tuesday evening. Not- an easy thing to do-and wished us well. I thank them for a very classy and thoughtful act. And of course the voters, the people of Hillsborough Township. I thank you for the over whelming vote of confidence last Tuesday. Hillsborough voters see the truth. They know the facts and they are not dissuaded by nonsense and they have voted accordingly. The fact that the people of Hillsborough have been very clear about who they want during the past few elections. Three years ago they overwhelmingly said no to the ballot question which would have changed the committee form of government and divided Hillsborough into wards. Last year by an even larger margin the voters said no to changing to an even more expensive form of government with a strong Mayor. Last Tuesday the margin of victory for Gloria McCauley and me clearly demonstrates satisfaction not only with the Township Committee form of government but with the good government practiced by this Township Committee. I want to also recognize the other election winners who are important to our continuing our ability to deliver a good government in Hillsborough. Congratulations to Leonard Lance, in the brief time that I have come to know him I believe we could not have a better person and a better advocate for Hillsborough and Congress. I want to add one more thing, I want to Congratulation President Elect Barack Obama on a historic victory. I think you may know that he was not my choice for election; however, in his victory speech last Tuesday evening he said something that struck a cord with me. He said "To those Americans who support I have yet to earn, I may not have won your vote but I hear your voices and I need your help. I will be your President too."

No matter what your political persuasion Hillsborough Township make their people more important than the politics. I pledge to our fellow residents to work on your behalf.

Committeewoman Nisivoccia n/a

Committeeman Suraci

Committeeman Suraci addresses the new Affinity credit card that will come back to the Township. It is in production and it will be available around mid December. This is a way for us to raise money for non profits in our community. Residents are able to receive the card if they are members of Affinity. There will be a campaign to bring non profit support to become apart of the Affinity program. There will be a presentation sometime in January-February. Contact the Hillsborough Affinity Branch Office if you have any questions and want to take a jump into this sooner. You can also call the Administrators office if you have any questions. This worked well a few years ago and we look forward to having a long relationship with Affinity and this card.

Committeeman Wagner

Committeeman Wagner congratulates both Mayor Ferrera and Committeewoman Gloria McCauley on their outstanding victory last Tuesday. States that he looks forward to working with both of them in the upcoming year. Expressed his thanks to Matt Dawson and Manny Foranocce for their willingness to be candidates here in Hillsborough. I know from personal experience campaigning is very hard work. Having done it twice I wish them the best. Also wanted to send out my congratulations to Congressman Leonard Lance. He is replacing Mike Ferguson and we are looking

forward to having him as our congressman and continuing to have a good working relationship on behalf of Hillsborough with him.

Wants to touch on a note of Veterans Day. Everyone in America should take a second to remember our Veterans. Think of them and thank one if you are able to. The Township should step up the recognition of our Veterans. Remember those who serve here in Hillsborough and give up their lives for us. Lets pay tribute to those in town. Wagner is willing to take this on because he believes the veterans deserve this.

Deputy Mayor DelCore

Would also like to congratulate everyone. Agrees with the idea from Committeeman Wagner as well.

NEW BUSINESS

Neil Julian, Solar Energy

Neil Julian of NSJ Associates is here tonight to present information on the potential benefits to the Township regarding the installation of a solar energy system.

Mr. Julian:

Demonstrates a presentation on Solar Energy. Presentation shows how the Township can obtain a less expensive renewable energy without huge capital costs of solar equipment. The shift in energy management can be done with the use of federal and state monitoring services.

Displays PowerPoint Presentation.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Anthony Gwizdowski 3rd

Bloomingtondale Drive About Ordinance that was passed in May. Ordinance 2008-19. Rezones parking zones in front of the units. Problem was only half of the street was rezoned. Wondering if the rest of the block will be finished or if the zoning ends at the end of the yellow lines. It was stated that the reasoning for the rezoning was because of the fire, however, the unit where the fire occurred was not rezoned.

Mr. Davis and the Mayor stated they would look into the contractor that is hired to do this and find out an answer as to why only half of the block has been rezoned. Asked for pictures to be brought to the Administrators office and it will be followed up on.

PUBLIC HEARINGS

None at this time.

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.

CAN I HAVE A MOTION TO OPEN THE PUBLIC HEARING ON ORDINANCE 2008-40? CAN I HAVE A SECOND? ALL IN FAVOR? ALL OPPOSED?

Mayor Ferrera states that this ordinance is part of our continuing program to reduce building department permit fees on homeowners where it is appropriate.

It reduces the inspection fee charged to residents who are setting up temporary backyard pools of less than 4 feet in height from \$80 to \$40.

The state requires the inspection for ladder or enclosure safety.

Last month the Township Committee also completely eliminated the \$50 zoning permit fee that was required for this inspection.

So with this ordinance we cut the fee on homeowners from a total of \$130 to \$40.

The ordinance also cuts the fee 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.

Homeowners will see this fee cut from \$500 to \$100 and businesses will also see a substantial reduction in the permit fee cost.

The Township Construction Official, John Fiedler, has endorsed these fee reductions.

CAN I HAVE A MOTION TO ADOPT ORDINANCE 2008-40? CAN I HAVE A SECOND? ROLL CALL.

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.

The Mayor states that this ordinance adds two public members to the Architectural Design Subcommittee.

Ordinance 2008-42 An Ordinance approving Redevelopment Plan for Belle Mead GSA Redevelopment Area and amending zoning district map.
Further consideration of this ordinance and public hearing will be held on December 9, 2008.

The Mayor states that this ordinance implements the redevelopment plan for the Belle Mead GSA Depot, as recommended by the Planning Board, and is a necessary step in qualifying the property for state Brownfields funding.

As has been discussed here previously, the federal government has agreed to place the purchase price of the property, \$15,735,000, in an escrow account to be used by the Township and County for the clean up of the 369 acre property.

The Township will also be seeking state Brownfields funding to be used in the event the cleanup exceeds the expectations of the federal government's environmental consultant.

Our goal is to avoid the cost of the clean up for taxpayers.

So approval of this redevelopment plan is crucial to the taxpayers of Hillsborough.

The plan itself calls for parks and recreation development at the site, in addition to making a research and development campus a permitted use.

In order to correct some of the misinformation that has been floated about this redevelopment plan, what it does not do may be as important as what it does do.

The plan does not permit residential housing, does not permit retail strip mall development, and does not create a center to compete with other Township businesses.

It is a well thought out plan that is developed from the Township Master plan.

It provides Hillsborough with the opportunity for a showcase parks and recreation site in the future, as well as an opportunity to place a substantial property ratable on the tax rolls and encourage economic growth.

We are joined this evening by David Clark, of the Township's Bond Counsel firm Gluckwalrath, and Bruce Rydell, of the consulting firm CME, who has worked with the Planning Department on the development of the redevelopment plan, to explain the details of the plan.

Gentlemen, thank you for being here tonight. I believe we are going to start with Mr. Clark. Mr. Clark states that the Mayor is correct in what this site does and does not do. Restates what the Mayor has stated. What this plan is doing is creating zoning standards that will be implemented into the area. This is creating the standards in which anything developed will have to comply with. It can either act as overlay zoning or it could be superseding zoning. This is a concept of what could be done under this zoning. This just establishes zoning standards.

Both Mayor Ferrera and Deputy Mayor DelCore state that this is a great project and good for the Township.

Chickie Haines states the same.

Ordinance 2008-43 An Ordinance authorizing the sale of Block 11, Lot 13.01 (Bothers Farm) to Briarwood Farms, Inc. *Further consideration of this ordinance and public hearing will be held on December 9, 2008.*

The Mayor states that this ordinance approves the sale of the Bothers farm property, which has been stripped of its development rights and can never be developed, to Briarwood Farms, Inc, at the price of \$845,000.

The farm property which was auctioned to the highest bidder can have no other use but farming in the future.

It is my understanding that the Briarwood Farms people have been engaged in horse boarding and management in Hunterdon County for over 30 years and intends to use the Bothers' Farm for the same purpose, in addition to crop farming.

That is a welcome addition to our community.

The 158 acres of farmland that has been auctioned had a value of \$510,000 when the Township purchased the property in 2002.

The \$845,000 Hillsborough receives for the property will be returned to the Open Space Fund and the property will go back onto the tax rolls.

Committeeman Wagner states that consideration for this ordinance and the next one is bringing over \$9,000 into the Trust Fund for Preservation. Both the Bothers and Millane Farms can only be farms in the future. The developmental rights have been striped away. No houses, commercial buildings etc. Nothing but the farms will exist.

Ordinance 2008-44 An Ordinance authorizing the sale of Block 12, Lot 45 (Mill Lane Farm) to Ignatius Pyne. *Further consideration of this ordinance and public hearing will be held on December 9, 2008.*

The Mayor states that this ordinance approves the sale of the 20 acre Mill Lane Farm to Mr. Ignatius Pyne, a neighbor of the property for \$75,000.

As with the Bothers property, the Mill Lane property was sold at auction and can only be used as a farm in the future, the development rights have been stripped away.

The \$75,000 goes into the open space fund and the property is also added to the tax rolls.

Ordinance 2008-45 An Ordinance amending Ordinance 2007-43 of the Township of Hillsborough, in the County of Somerset, New Jersey, providing for the installation of sanitary sewer system in the Claremont Area and other related expenses in and for the Township of Hillsborough and appropriating \$600,000 therefore, and providing for the issuance of \$570,000 in bonds or notes of the Township of Hillsborough to finance the same and directing the special assessment of the cost thereof. *Further consideration of this ordinance and public hearing will be held on December 9, 2008.*

The Mayor states that some property owners near the Claremont neighborhood who were originally included in the sewer connection project have opted not to participate.

Because of the larger size of their lots or the type of soil on their property, these property owners could accommodate new septic systems and do not pose a public health threat, according to Dr. Belnay, the Township Health Officer.

Therefore, the previous ordinance requires amendment to delete these owners from the project.

There is no change to the amount of the ordinance from when it was introduced last year.

The cost of the sewer connection project should also be reduced as a result of a reduction in the proposed sewer construction work.

Ordinance 2008-46 An Ordinance amending Chapter 85 (personnel policies) of the Code of the Township of Hillsborough, Country of Somerset and State of New Jersey so as to effect certain changes in section 89-9 (Holidays) including provisions for municipal offices to be open on February 12, 2009, Lincoln's Birthday. *Further consideration of this ordinance and public hearing will be held on December 9, 2008.*

The Mayor states that as a result of a contract give back by the white collar union employees last year, municipal offices will now be open on February 12th, which is Lincoln's Birthday.

This ordinance adjusts the holiday schedule for non-union employees to report to work on February 12th as well.

Ordinance 2008-47 An Ordinance authorizing the execution of Farm Leases with Richard Norz for Block 150, Lot 4; Block 13.01, Lot 7.02; and Block 145, Lot 15; Forevergreen Farm for Block 171, Lots 6 and 6C; Laine Farms for Block 5, Lot 37.01; Beekman Homestead Farm, Inc., for Block 145, Lot 33.02; and Deer Run Farm, Inc., for Block 171, Lots 2 and 6, for Five (5) Year Terms Commencing January 1, 2009.
Further consideration of this ordinance and public hearing will be held on December 9, 2008.

The Mayor states that under the state's land and buildings law, the farms that the Township continues to own, as part of the farmland preservation program, should be leased out through the sealed bidding process.

That process has taken place and the leases are awarded to the highest bidder for each for each of the properties. These properties must continue to be farmed.

No development can take place on any of these properties.

CONSIDERATIONS

Mayor Ferrera offered the following resolutions:

1. Resolution authorizing Robert Zelley, Maser Consulting, P.A. to provide Consulting Services evaluating the demolition and disposal costs for the GSA Depot, Block 175, Lots 39.01 & 39.03; Block 177, Lots 23.01 & 23.03, in an amount not to exceed \$18,750.00 and Environmental Consulting Services for the proposed Transco Pipeline at the GSA Depot, in an amount not to exceed \$17,500.00, pursuant to the contract awarded to Maser Consulting, P.A. through the Fair and Open Procurement Process (N.J.S.A. 19:44A-20.4-5 et. seq.).

WHEREAS, in preparing for the purchase of the GSA Depot, it is necessary to evaluate the costs of demolition and disposal of the existing structures at the GSA Depot site for its redevelopment; and

WHEREAS, pursuant to the contract for engineering services awarded on January 7, 2008, by the Township to Maser Consulting, P.A. through the Fair and Open procurement process (N.J.S.A. 19:44A-20.4-5 et. seq.), Maser Consulting, P.A., as the Township Consulting Engineer, prepared a proposal to evaluate the costs of demolition and disposal costs, in an amount not to exceed \$18,750.00; and

WHEREAS, pursuant to the contract for engineering services awarded on January 7, 2008, by the Township to Maser Consulting, P.A. through the Fair and Open procurement process (N.J.S.A. 19:44A-20.4-5 et. seq.), Maser Consulting, P.A., as the Township Consulting Engineer, prepared a proposal to provide consulting services for the proposed Transco Pipeline, in an amount not to exceed \$17,500.00; and

WHEREAS, funds are available and the Chief Finance Officer has so certified; 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 Robert Zelley,

Maser Consulting, P.A. is authorized to provide an evaluation of demolition and disposal costs for the GSA Depot, in an amount not to exceed \$18,750.00 and consulting services for the proposed Transco Pipeline at the GSA Depot, in an amount not to exceed \$17,500.00.

The Township is moving as quickly as possible through the various requirements toward transferring ownership of the Belle Mead GSA Depot to the County and Hillsborough, as evidenced by the Redevelopment plan discussed earlier.

Another step in the process is to create a demolition plan for the concrete slabs at the site. Mr. Zelley is charged with that duty.

The Township and County have been sharing responsibility for environmental analysis at the site.

The County picked up the complete cost of JM Sorge's work on the environmental remediation escrow agreement with the GSA.

Additionally, the NJDEP has directed the Williams company to build the proposed Sentinel Pipeline through the edge of the GSA Depot.

The Township is retaining Mr. Zelley to advise us on the impact of the pipeline on the environmental remediation of the property. We will be seeking reimbursement from Williams for the cost of these services.

2. Resolution to authorize Change Order No. 3, in the amount of \$10,000.00, as recommended by the Township Engineer, John Van Dorpe, for the sewer connection project for Mountain View Area Sanitary Sewer Extension.

WHEREAS, on December 26, 2007, M.S.P. Construction Corporation was awarded a contract for Mountain View Area Sanitary Sewer Extension in an amount not to exceed \$625,152.12; and

WHEREAS, it has been determined that an additional depth was required for the sewer trench because of a conflict with the existing gas pipes in Mountainview Road; and

WHEREAS, it has been agreed that M.S.P. performed the additional work required to cross gas pipe; and

WHEREAS, the Township Consulting Engineer recommended that a change order be issued to pay for the additional depth requirement at a cost of \$10,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Hillsborough Township Committee hereby authorizes the execution of the above Change Order, to the contract awarded to M.S.P. Construction Corporation.

The Mayor states that this change order finalizes the contract for the construction of the Mountainview sewer project. The good news is the next item on the agenda.

3. Resolution authorizing the application of the cost savings (\$70,341.25) associated with the redesign of the sewer trunk main by Beazer Homes to

reduce the special assessment on the property owners benefiting from the Mountainview Area Sanitary Sewer Extension.

WHEREAS, Condition #34 of the September 8, 2005 Planning Board resolution approving the Pleasantview Estates (Beazer Homes Project) requires that the applicant (Beazer Homes) shall contribute any savings realized by the redesign of the sewer trunk main, in consultation with the Township of Hillsborough Municipal Utilities Authority, be applied toward the sewers to be constructed as part of the Tara Drive/Arthur Road/Mountain View Road sewer extension project (Mountainview Area Sanitary Sewer Extension); and

WHEREAS, the Township of Hillsborough Municipal Utilities Authority has determined the cost savings from the redesign of the sewer trunk main by Beazer Homes to be \$70,341.25.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hillsborough hereby authorizes the application of the cost savings in the sum of \$70,341.25 associated with the redesign of the sewer trunk main to reduce the special assessment for the property owners benefiting from the Mountainview Area Sanitary Sewer Extension.

The Mayor states that is good news for the property owners who will be paying the special assessment for the Mountainview sewer project, the cost will be reduced by \$70,000.

Under the Planning Board's approval of the Beazer Homes project, any savings that resulted from the redesign of the sewer trunk main is required to be passed on the property owners.

The Hillsborough MUA has determined that savings to be \$70,341.25.

4. Resolution amending extraneous duty rates charged for Hillsborough Police Department personnel.

WHEREAS, Chapter 92 (Police Department), Section 3 (Application for Special Police Services) of the Code of the Township of Hillsborough delineates the extraneous duty rates of Township Police Officers; and

WHEREAS, 92-3C of the Code of the Township of Hillsborough states that such rates may be amended from time to time by resolution of the Hillsborough Township Committee as circumstances warrant; and

WHEREAS, due to the increase in the cost of extraneous duty for Hillsborough Township Police Officers, Police Chief Paul Kaminsky has recommended that extraneous duty rates be amended in order to lessen the burden on the Police Department budget as well as to account for rising fuel and administrative costs; and

WHEREAS, Police Chief Paul Kaminsky has recommended that such extraneous duty rates be amended as follows:

Board of Education Facilities

The Extraneous Duty rate for Board of Education (B.O.E.) related work, as established and governed under Chapter 92-3 B (1) of the Hillsborough Township Code, be changed from \$33.00 per hour to \$40.00 per hour.

Private Contractors and Entities

The Extraneous Duty rate for Private Contractors and Entities, as established and governed under Chapter 92-3 B (2) of the Hillsborough Township Code, be changed from the officers' overtime rate plus \$3.00 per hour administrative fee, which currently only covers payroll costs, to the officers' overtime rate plus

\$13.00 per hour administrative fee, to properly cover vehicle and fuel usage as well as payroll costs.

WHEREAS, the aforementioned extraneous duty rate changes shall take effect on January 1, 2009.

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 Police Chief Paul Kaminsky is hereby accepted and that the extraneous duty rates are amended as recommended by the Police Chief, effective January 1, 2009.

The Mayor states that the amount of reimbursement to the Township for the use of Police Officers by the school district has not been changed in a number of years and is no longer reflective of the actual costs.

This resolution establishes a rate that is reflective of the actual cost.

5. Resolution authorizing a five (5) year lease/purchase agreement of a Dodge Durango, by State Contract, from Warnock Automotive, Inc., for the Office of Emergency Management, in an amount of \$21,045.00.

WHEREAS, Emergency Management Coordinator has reported the need for a four wheel drive vehicle for the Office of Emergency Management's (OEM) use to create more effective emergency response operations; and

WHEREAS, OEM has recommended the lease/purchase of a 2009 Dodge Durango through state contract from Warnock Automotive Inc., in the amount of \$21,045.00, payable over five years; and

WHEREAS, upon the completion of the lease, the vehicle will be purchased for one dollar (\$1.00); and

WHEREAS, the funds are available as evidenced by the Chief Finance Officer's Certification; and

WHEREAS, public bids are not required when the vendor is under a state contract in accordance with N.J.S.A. 40A:11-12.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/Clerk is hereby authorized and directed to approve and forward a Purchase Order as follows:

State Contract		
Approximate		
State Contract Vendor	Number	Purpose
<u>Cost per Vehicle</u>		
Warnock Automotive, Inc.	A70852	(1) Dodge Durango
\$21,045.00		

The Emergency Management Coordinator, Mark Brownlie, has indicated a need for OEM to have a four wheel drive vehicle so as to be able to more effectively respond to emergencies and perform their duties.

This action takes advantage of the state contract volume lease/purchase program that gives municipalities the best price possible for the purchase of the vehicle.

6. Resolution authorizing the Township Administrator/Clerk to solicit requests for proposals through the Fair and Open selection process for professional services for 2009. **WHEREAS**, beginning January 1, 2006, all municipalities began operating under the "New Jersey Local Unit Pay to Play" law, public law 2004, chapter 19 (NJSA 19:44A-20.4-5 et seq); and

WHEREAS, each municipality was subsequently required to choose a method for selection of professionals who will be paid \$17,500 or more during the course of a year; and

WHEREAS, the Hillsborough Township Committee has chosen the Fair and Open process for the selection of professionals, which requires the public solicitation on the Township's website of a request for proposal from any interested party for the various professional services and the Township Committee intends to use the process again in 2009; and

WHEREAS, the Township Committee will seek proposals for the following positions:

- Township Attorney
- Labor Attorney
- Planning Board Attorney
- Board of Adjustment Attorney
- Bond Counsel
- Municipal Auditor
- Consulting Township Engineer
- Planning Board Engineer
- Board of Adjustment Engineer
- Planning Board Alternate Engineer
- Township Architect
- Financial Advisor
- Board of Adjustment Alternate Engineer
- Special Counsel for Affordable Housing Matters
- Engineering Inspection Services
- Risk Management Consultant – JIF
- Risk Management Consultant – Health Benefits

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/ Clerk is hereby authorized to solicit Requests for Proposals through the Fair and Open Selection Process for the above listed positions for 2009.

The Mayor states that here in Hillsborough we use the state's fair and open process of soliciting sealed proposals for the award of contract for professional services. It has been an effective process in holding down costs and securing outstanding service from our professionals over the past few years.

We will follow that course again with the appointment of professionals in 2009.

7. Resolution authorizing the hiring of a Spanish Interpreter for Hillsborough Township's Holiday programs.

WHEREAS, the Hillsborough Township Food Pantry serves many Spanish speaking clients; and

WHEREAS, the Director of Social Services recommends the hiring of a Spanish Interpreter to assist the Hillsborough Township's Social Service Spanish speaking clients for the Holiday programs.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the recommendations of Hillsborough Township Director of Social Services Tom Ormosi and Administrator/Clerk Kevin P. Davis be and hereby are accepted and approved.

CONSENTS

Mayor Ferrera offered the following consent agenda:

1. Resolution approving the request from Thomas & Karen Corcoran for the release of Development Review Escrow, in the amount of \$241.61.
2. Resolution establishing the Holiday Schedule for December, 2008 through January, 2010.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Holiday Schedule for December, 2008 through January, 2010 (pursuant to collective bargaining agreements and Ordinance 89-9), is as follows:

Christmas Day	Thursday	December 25, 2008
Christmas Friday, (in lieu of Christmas Eve)	Friday	December 26, 2008
New Year's Day	Thursday	January 1, 2009
M.L. King's Birthday	Monday	January 19, 2009
Lincoln's Birthday, (DPW Only, Municipal Offices Open)	Thursday	February 12, 2009
Presidents' Day	Monday	February 16, 2009
Good Friday	Friday	April 10, 2009
Memorial Day	Monday	May 25, 2009
Independence Day	Friday	July 3, 2009
Labor Day	Monday	September 7, 2009
Columbus Day	Monday	October 12, 2009
Veterans' Day	Wednesday	November 11, 2009
Thanksgiving	Thursday	November 26, 2009
Thanksgiving Friday	Friday	November 27, 2009
Christmas Eve Day	Thursday	December 24, 2009
Christmas Day	Friday	December 25, 2009
New Year's Day	Friday	January 1, 2010

3. Resolution granting permanent employee status to Louis Walakonis.

WHEREAS, Louis Walakonis was hired as Technical Assistant in the Construction Department on July 28, 2008; and

WHEREAS, the Director of Building and Construction certifies that Mr. Walakonis has performed his duties and assignments in a capable and competent manner; and

WHEREAS, having qualified for regular employee status during the three-month probationary period, the Director of Building and Construction

recommends that regular employee status be conferred upon Mr. Walakonis, effective October 28, 2008; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the recommendations of the Director of Building and Construction be and hereby are accepted and approved.

4. Resolution approving the request from Hidden Forest Estates – Fox & Foxx Development for the release of cash escrow from Winter Certificates of Occupancy, in a total amount of \$1,500.00.

WHEREAS, a request has been received from Hidden Forest Estates – Fox & Foxx Development for release of cash escrow 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 escrow that was posted for the completion of the project:

	<u>Escrow Amount</u>	<u>Date Issued</u>
Block 204 - Lot 44.17	\$1,500.00	2/29/08

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.

5. Resolution ratifying and confirming the action of the Township Administrator/Clerk in entering into a “Non Fair and Open” Contract for goods and services, in accordance with the quote process, to Hicks Paving, LLC, in the amount of \$18,300.00, to perform paving and improvement services for the Township Skate Facility at the Ann Van Middlesworth Park.

WHEREAS, the Director of Parks and Recreation has determined there is a need for an overlay of top coat pavement at the Skate Facility at Ann Van Middlesworth Park; and

WHEREAS, the Director of Parks and Recreation obtained two (2) quotes as follows:

<u>Company</u>	<u>Total Amount</u>
Hicks Paving, LLC	\$18,300.00 (\$1.50 per sq. ft.)
C. H. Paving, LLC	\$20,130.00 (\$1.65 per sq. ft.)

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

WHEREAS, the safety improvements at the Skate Facility needed to be accomplished on an expedited basis, requiring approval by the Township Administrator/Clerk; and

WHEREAS, the Township Committee hereby ratifies and confirms the “Non Fair and Open” contract to Hicks Paving, LLC. to provide two (2) inches overlay of

top coat pavement, in an amount not to exceed \$18,300.00 pursuant to their proposal dated September 4, 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, Hicks Paving, LLC. has submitted the required Political Contribution Disclosure form and other forms as required by N.J.S.A. 19:44A-20.26.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey ratifies and confirms the action of the Township Administrator/Clerk in entering into 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.

6. Resolution authorizing refund of tax overpayments in the amount of \$20,504.37.

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

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

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Tax Collector is hereby authorized to refund said amount to the property owner. Total, \$20,504.37 properties, 10.

Block	Lot	Name	Amount	Qtr	Year
65.A	9	Diaz, Pedro	250.00	4 th	2008
140.02	49	Countrywide Home Loans	7,466.13	4 th	2008
151	12.18	First American Tax Service	2,728.05	4 th	2008
151.20	9.10 Condo	Cumanet, Inc.	275.00	4 th	2008
153.05	22259	First American Tax Service	1,349.04	4 th	2008
153.15	3905 Condo	Countrywide Home Loans	1,130.09	4 th	2008
163.06	2013 Condo	First American Tax Service	1,210.76	4 th	2008
163.07	29.34 Condo	First American Tax Service	1,335.99	4 th	2008
180.03	16	Countrywide Home Loans	499.36	4 th	2008
207.02	79	First American Tax Service	4,259.95	4 th	2008

7. Resolution authorizing the transfer of earned amounts, in an amount of \$13,453.35, 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 \$13,453.35 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 November 3, 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 \$13,453.35 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	-154.08
Colonial Square at Belle Mead	323	-143.62
Country Classics 3C	331	-487.32
Country Classics Phase 3A	332	-305.18
East Hill Partnership	349	- 66.58
Gateway @ Sunnymeade	472	-195.56
Hidden Forest Estates	372	-500.74
High Branch Land, Inc.	373	-607.77
Hillsborough Chase	376	-714.78
Hillsborough Chase II	488	-543.10
Pleabeazin	477	-5,197.97
Pleasant View Estates III	490	-1,096.66
Roycebrook Meadows	489	-1,226.48
Wiseman (Hills. Realty)	495	-740.93
Westmeade Development	450	-1,306.66
Willows Landing	452	-165.92
Grand Total		-13,453.35

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 2008-21

Upon motion by Committeeman Wager, seconded by Deputy Mayor DelCore, Claims List 2008-21 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:
 - a. *Litigation: Charbbie, Inc. vs. Hillsborough Township*
 - b. *Litigation: Hillsborough Properties v. Hillsborough Township*
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 9:04 p.m.

Deputy Mayor DelCore motioned to come out of executive session at 9:46 p.m.; said motion was seconded by Committeeman Suraci and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Deputy Mayor DelCore, seconded by Committeeman Suraci, the meeting duly adjourned at 9:46 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC, QPA
Township Clerk