

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

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

Following Roll Call and Salute to the Flag;

*Mayor DelCore said tomorrow is Veterans Day and it is perhaps no more appropriate a time to recognize that serving the nation is always fraught with risk, no matter where someone may serve. Mayor DelCore said that point was driven home with devastating and horrific clarity last week at Fort Hood, Texas. Our thoughts and prayers are with the families of those who were killed and also with service people and Police Officers who were wounded in the senseless attack that occurred that day.*

*Mayor DelCore asked for a moment of silence in honor of the memory of those men and women who lost their lives at Fort Hood.*

Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on November 10, 2009.

#### APPOINTMENTS/PROCLAMATIONS

- ***Proclamation honoring Hillsborough Chief Fire Marshal, Chris Weniger, for being selected as the Fire Prevention Inspector of the Year***

***WHEREAS***, Hillsborough's Chief Fire Marshal Christopher Weniger has been selected as the Fire Prevention Inspector of the Year by the New Jersey Fire Prevention and Protection Association; and

***WHEREAS***, Chris began his career with the Hillsborough in January 1989 as a Police dispatcher, and has served as Fire Inspector, Fire Sub-Code official, Fire Official, and Chief Fire Marshal; and

***WHEREAS***, as Chief Fire Marshal, he has played an integral role in the development of Fire Prevention education programs in Hillsborough Township, such as the senior citizens safety program, the school lunch program, the Junior fire academy, and a cooperative fire safety college internship program; and

***WHEREAS***, Chris has increased the smoke trailer visits to Hillsborough Schools and increased the number of school children involved in Fire Prevention Week presentations, so that in 2009 presentations were made to over 3600 Hillsborough school children in an effort to keep our children safe; and

***WHEREAS***, Chris began his volunteer fire fighter service in Franklin Township in 1983, has responded to over 2000 fires in Hillsborough, and has demonstrated a high level of achievement, leadership and service which is recognized by the New Jersey Fire Prevention and Protection Association.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Mayor and the Township Committee of the Township of Hillsborough, on this tenth day of November 2009, do hereby applaud Christopher Weniger's selection as the Fire Prevention Inspector of the Year, thank him for his unwavering commitment to our community and congratulate him for his outstanding accomplishments.

Mayor DelCore said since we just recognized our Chief Fire Marshal, it would be appropriate to go a little out of order with the agenda tonight.

Mayor DelCore asked the concurrence of the Committee to move to Consideration #1 at this time.

**Resolution re-appointing Christopher Weniger as Chief Fire Marshal of the Township of Hillsborough for a term ending December 31, 2011 based on the recommendation of the Board of Fire Commissioners.**

WHEREAS, on February 15, 2008 the Board of Fire Commissioners of the Township of Hillsborough took action to re-appoint Christopher Weniger as Chief Fire Marshal of the Township of Hillsborough for a term ending December 31, 2011, pursuant to the Township Code of the Township of Hillsborough Section 166-11, "Fire Prevention, Appointment; term of office; Fire Marshals and employees; removal."

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Christopher Weniger be reappointed as Chief Fire Marshal of the Township of Hillsborough for at term ending December 31, 2011.

Deputy Mayor Wagner thanked the members of the Fire Department who attended this meeting to support Chief Fire Marshal Weniger.

Committeeman Ferrera thanked Chief Fire Marshal Weniger for his hard work and thanked the Fire Department for their support.

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

Mayor DelCore said at this time we will move to approval of minutes.

#### **APPROVAL OF MINUTES**

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

Upon motion by Deputy Mayor Wagner, seconded by Committeewoman McCauley, the minutes of the September 22, 2009 Regular Session were unanimously approved upon the call of the roll.

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

### Committeeman Ferrera

Committeeman Ferrera announced that Tony Lupo from the Recreation Department has been instrumental in putting together the first annual basketball game for the Toye family, who lost their husband and father. This fundraising basketball game will be held on Friday, November 27<sup>th</sup> at Hillsborough High School. The first game will begin at 6:30 p.m. and the second at 8:00 p.m. The admission is \$10 and children are free.

Committeeman Ferrera gave an update on the H1N1 flu vaccine. Committeeman Ferrera said approximately 700 people were vaccinated tonight and we have the same amount of people scheduled for November 17<sup>th</sup>. Committeeman Ferrera encouraged residents to continue to check the registration website at, [www.greatersomersetH1N1.org](http://www.greatersomersetH1N1.org), call 908-533-9330 or log onto the Township's website.

Committeeman Ferrera said he went to Monmouth University with Assemblywoman Angelini to support her in passing the "911" or "Lifeline" Bill. This bill will allow minors to call for medical assistance for intoxicated underage persons without being prosecuted.

### Committeewoman McCauley

Committeewoman McCauley congratulated Deputy Mayor Wagner and Committeeman Suraci for their re-appointments.

Committeewoman McCauley said Hillsborough Township will be accepting an award on behalf of Sustainable Jersey at the League of Municipalities next week. Committeewoman McCauley thanked Sustainable Hillsborough for keeping us in the forefront of all of our sustainable needs.

Committeewoman McCauley said property owners will be receiving a letter from the revaluation firm, Appraisal Systems, in the next few days, outlining the property inspections that are the next step in the revaluation process.

Committeewoman McCauley said we know this will result in many residents raising questions and contacting the Assessor's office or other Township offices. To help answer those questions there is a detailed presentation regarding the revaluation process on the Township's website, [www.hillsborough-nj.org](http://www.hillsborough-nj.org).

Committeewoman McCauley said it is a video of the presentation that was made here at a Township Committee meeting in August. It is the same as the one presented to the public in the multi-purpose room in September.

The Committeewoman re-iterated a few points from the presentation; the revaluation has been ordered by the Somerset County Tax Board; new values are expected to be in place in January, 2011 and according to the CEO of Appraisal Systems, the revaluation is not designed to raise taxes, but instead to bring fairness in property valuation.

Committeewoman McCauley reported that Appraisal Systems is an experienced firm that has been performing property valuations in Somerset County for over 20 years. She said you can find out more about Appraisal Systems at their website [www.asinj.com](http://www.asinj.com) and if you have questions you can also obtain information by calling Appraisal Systems at 973 285-9940.

Committeewoman McCauley said the first step in the process is property inspections.

The Township has required that inspection appointments be set at the convenience of the property owners. The revaluation process is going to take at least one year to complete and includes all of the more than 14,000 Hillsborough residential, farm, vacant, and commercial properties. Our requirements to the appraisal firm are for the process to be fair, accurate, and convenient for our residents.

Committeewoman McCauley said again, there is more detailed information in the revaluation video presentation available on the Township's website. The Committeewoman encourages everyone to take a look at the presentation.

Committeewoman McCauley said as we move forward in the process, she will keep the Committee and the public updated.

### Deputy Mayor Wagner

Deputy Mayor Wagner thanked the voters of Hillsborough for their support.

Deputy Mayor Wagner thanked his family for their support and willingness to sacrifice the time he has spent and will spend serving this community.

Deputy Mayor Wagner thanked the Hillsborough Republican Club members, friends, neighbors and supporters for their efforts on his behalf.

Deputy Mayor Wagner thanked the Democratic candidates. He said it is never easy to put your name out there and they are to be commended for their willingness to be part of the democratic process that makes this country great.

Deputy Mayor Wagner thanked the Township Committee colleagues for working together to forge a record of accomplishment that is recognized by the people of Hillsborough.

Deputy Mayor Wagner said he is looking forward to continuing to serve the community.

Deputy Mayor Wagner congratulated Chris Christie on his election as Governor.

The Deputy Mayor also extended his congratulations to our own Peter Biondi and Denise Coyle on their re-election to the state Assembly and Hillsborough's Jack Ciattarelli and his running mate Pat Scaglione on their election to the Freeholder Board. Deputy Mayor Wagner said we look forward to working cooperatively with all levels of government in the future.

### Mayor DelCore

Mayor DelCore recognized the passing of former Mayor/Committeeman John Gurerra. Mayor DelCore said Mr. Gurerra has been an influential individual in Hillsborough for close to fifty years. The Mayor said Mr. Gurerra served as Mayor in the seventies, and on behalf of the Township Committee, our thoughts and prayers are with his family.

Mayor DelCore congratulated Deputy Mayor Wagner and Committeeman Suraci for their victory last week. Mayor DelCore said it takes special individuals to sacrifice nine years to serve the public and the Mayor thanked them for their service.

Mayor DelCore recognized Hillsborough's own Assemblyman Peter Biondi and Freeholder Jack Ciatarelli and congratulated them, as well as their running mates, Assemblywoman Denise Coyle and newly elected Freeholder Pat Scaglione.

Mayor DelCore congratulated Governor-elect Chris Christie on his overwhelming victory in New Jersey. Governor-elect Chris Christie received overwhelming support from the

voters here in Hillsborough and the Township Committee extended their congratulations to him.

Mayor DelCore said the Governor-elect has a very big job in front of him and he is proud to report that he has already taken a page from our book here in Hillsborough, as he begins the process of re-shaping Trenton.

Mayor DelCore stated as you may recall, back in January of this year the Township Committee, as part of our Economic Action Plan, created the Regulatory Oversight Working Group. That unit was put together to review all the Township's regulations and ordinances with an eye for where the bureaucracy could be moved out of the way of business. The Group has been very effective and is in fact continuing their work, as we expect some additional recommendations in the next few weeks.

Mayor DelCore said now the day after his election, Chris Christie announced that upon taking office in January, he will create a committee with a name and mission very much like our Hillsborough Working Group.

Mayor DelCore said the Governor elect's very similar "Red Tape Review Group" will have the mission of examining state regulations and determining what mandates can be removed from both business and local government. The Mayor said this is welcome news. Not just because imitation is the sincerest form of flattery, but, all kidding aside, New Jersey's businesses and our local taxpayers both really need relief from state mandates.

Mayor DelCore said just to give Governor-elect Christie's group a head start, he asked Mr. Davis to forward a copy of Hillsborough's Economic Action Plan to the transition committee for their use.

Mayor DelCore said we believe the state's Red Tape Review Group should find it helpful and we wish Chris Christie much success in taking on the tasks in front of him in turning New Jersey around.

#### **NEW BUSINESS**

- *None at this time.*

#### **PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA**

- *None at this time.*

#### **PUBLIC HEARINGS**

- *None at this time*

INTRODUCTION OF NEW ORDINANCES

**Ordinance 2009-36** An Ordinance amending Chapter 221, Titled "Parks and Recreation Areas" of the code of the Township of Hillsborough, by adding Article III, titled "Enforcement of Somerset County Park Commission Rules and Regulations." *Further consideration of this ordinance and public hearing will be held on December 8, 2009.*

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

1. Chapter 221, titled "Parks and Recreation Areas" of the Code of the Township of Hillsborough, is amended by adding a new Article III, titled "Enforcement of Somerset County Park Commission Rules and Regulations" as follows:

§221-22. The Somerset County Park Commission Rules and Regulations governing real property situated in the Township of Hillsborough under the jurisdiction of the Somerset County Park Commission is hereby adopted by reference as if fully set forth herein. Such Rules and Regulations may hereinafter be amended by the Somerset County Park Commission and those amendments are hereby adopted as if fully set forth herein.

§221-23. The Township of Hillsborough Police Department is hereby empowered to enforce the Somerset County Park Commission Rules and Regulations on behalf of the Somerset County Park Commission on real property situated in the Township of Hillsborough, Somerset County, which is under the jurisdiction of the Somerset County Park Commission. In addition, the Police Department is also empowered to enforce the Code of the Township on the Somerset County Park Commission properties.

§221-24. In the event that an ambiguity exists between the Code of the Township and a Rule or Regulation of the Somerset County Park Commission, that ambiguity will be resolved in favor of the Code of the Township. In the further event that a conflict exists between the Code of the Township and a Rule or Regulation of the Somerset County Park Commission, the Rule or Regulation of the Somerset County Park Commission shall take precedence.

§221-25 Violations and Penalties. Any person violating any of the provisions of this Chapter shall upon conviction thereof be fined in accordance with Section 1-15 of the Code of the Township of Hillsborough.

2. This Ordinance shall take effect immediately upon its final passage and publication according to law.

Mayor DelCore said at the request of the Somerset County Park Commission and recommended by Hillsborough's Police Chief, this ordinance establishes the Police Department's authority to enforce both Township ordinances and County Park Commission rules and regulations on county park land in Hillsborough.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on December 8, 2009 at

7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

**Ordinance 2009-37** An Ordinance amending Chapter 309 titled "Garbage, Rubbish and Refuse" of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, by adding a new Article V titled "Refuse Containers/Dumpsters." *Further consideration of this ordinance and public hearing will be held on December 8, 2009.*

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Chapter 309 of the Code of the Township of Hillsborough shall be amended by adding a new Article V titled "Refuse Containers/Dumpsters" as follows:

#### ARTICLE V

#### REFUSE CONTAINERS/DUMPSTERS

##### 309-25. Purpose:

**The purpose of this Article is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system operated by the Township of Hillsborough and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.**

##### 309-26. Definitions:

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Township of Hillsborough or other public body, and is designed and used for collecting and conveying stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is

captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**309-27. Prohibited Conduct:**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system operated by the Township of Hillsborough.

**309-28. Exceptions to Prohibition:**

- a. Permitted temporary demolition containers.
- b. Litter receptacles (other than dumpsters or other bulk containers).
- c. Individual homeowner trash and recycling containers.
- d. Refuse containers at facilities authorized to discharge stormwater under a valid New Jersey Pollution Discharge Elimination Systems permit.
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

**309-29. Enforcement:**

This Article shall be enforced by the Health Officer of the Township of Hillsborough.

**309-30. Penalties:**

Any person who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed \$2,000.00.

**309-31. Severability:**

Each section, subsection, sentence, clause and phrase of this Article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Article.

**309-32. Effective date:**

This Article shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor DelCore said this ordinance is required by stormwater management regulations from the state DEP. It requires all outdoor dumpsters and other refuse containers to have lids, in order to prevent spillage, leakage, or discharge. Homeowner trash and recycling containers, local litter receptacles and temporary demolition containers are exempt.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on December 8, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

**Ordinance 2009-38**    **An Ordinance amending Chapter 262 titled "Stormwater Control" of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, by adding a new Article V titled "Private Storm Drain Inlet Retrofitting." Further consideration of this ordinance and public hearing will be held on December 8, 2009.**

**BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Chapter 262 of the Code of the Township of Hillsborough shall be amended by adding a new Article V titled "Private Storm Drain Inlet Retrofitting" as follows:

#### **ARTICLE V**

#### **PRIVATE STORM DRAIN INLET RETROFITTING**

##### **262-30. Purpose:**

**The purpose of this Article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system operated by the Township of Hillsborough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.**

##### **262-31. Definitions:**

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Township of Hillsborough or other public body, and is designed and used for collecting and conveying stormwater.
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3. Storm drain inlet - an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
4. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**262-32. Prohibited Conduct:**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. *Already meets the design standard below to control passage of solid and floatable materials; or*
2. *Is retrofitted or replaced to meet the standard in 262-33 below prior to the completion of the project.*

**262-33. Exceptions to Prohibition:**

Storm drain inlets identified in 262-32 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 262-33(3) below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
  - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
  - a. Where the Township of Hillsborough engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**262-34. Enforcement:**

This Article shall be enforced by the Engineering Department of the Township of Hillsborough.

**262-35. Penalties:**

Any person who is found to be in violation of the provisions of this Article shall be subject to a fine not to exceed \$2,000.00 for each storm drain inlet that is not retrofitted to meet the design standard.

**262-36. Severability:**

Each section, subsection, sentence, clause and phrase of this Article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Article.

**262-37. Effective date:**

This Article shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor DelCore said this ordinance is also required by state DEP stormwater regulations.

Mayor DelCore noted it requires that when re-paving is done for any parking area where there is a stormwater inlet, the inlet must be retrofitted to ensure that solid material cannot enter the stormwater system.

The Mayor said this rule by the state has already been in place for the Township for several years. Whenever there is a road paving project the storm drain inlets on the roadways to be paved must be retrofitted with the appropriate grates. The state has now extended that requirement to private parking lots.

Mayor DelCore said that this ordinance does not impact on single family homeowners.

The Mayor said NJDEP reminds us that the stormwater pollution prevention regulations are designed to clean up water runoff that finds its way into streams and ultimately impacts on drinking water.

Committeewoman McCauley moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on December 8, 2009 at 7:30 p.m. Said motion was seconded by Deputy Mayor Wagner and unanimously approved upon call of the roll.

**Ordinance 2009-39**    **An Ordinance authorizing acceptance for the responsibility of Render Drive and the Royce Brook Footbridge which are located at the entrance to Hillsborough Point, a condominium, and along Route 206, from the Hillsborough Point Condominium Association, Inc. Further consideration of this ordinance and public hearing will be held on December 8, 2009.**

**WHEREAS**, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept responsibility for the care and maintenance of Render Drive and the Royce Brook Footbridge which are located at the entrance to Hillsborough Point, A Condominium, and along Route 206, from the Hillsborough Point Condominium Association, Inc.; and

**WHEREAS**, the Township's acceptance of Render Drive is limited to that portion of Render Drive which connects Radier Boulevard to the loop road within Hillsborough Point, A Condominium, and the Township does not accept responsibility for any portion of the roads or driveways within Hillsborough Point, A Condominium, with those roads and driveways remaining the sole responsibility of Hillsborough Point Condominium Association, Inc., or the individual unit owners; and

**WHEREAS**, the purpose of this acceptance is to satisfy conditions of a Tri-Party Agreement, dated September 23, 2009, entered into between Hillsborough Point Condominium Association, Inc., Pulte Homes of NJ, Limited Partnership, and the Township of Hillsborough; and

**WHEREAS**, the Hillsborough Point Condominium Association, Inc., will continue to be responsible for the repair, maintenance and care of the Royce Brook Sidewalk but not the Royce Brook Footbridge; and

**WHEREAS**, the Township Attorney for the Township of Hillsborough has reviewed the Tri-Party Agreement and finds it acceptable in all respects.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby authorizes acceptance for the responsibility for a portion of Render Drive and the Royce Brook Footbridge which are located at the entrance to Hillsborough Point, A Condominium, and along Route 206, from the Hillsborough Point Condominium Association, Inc., but does not accept or take responsibility for the roads or driveways within Hillsborough Point, A Condominium, and the Royce Brook Sidewalk which remains the responsibility of the Hillsborough Point Condominium Association, Inc.

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

Mayor DelCore said later on the agenda the Township Committee will consider a three way agreement between the Township, the Hillsborough Point Homeowners Associations and the builder of that development, Pulte Homes. As part of that agreement and the Planning Board approval for the development approved in 2001, the Township will take responsibility for Render Road and the Royce Brook footbridge.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on December 8, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

**Ordinance 2009-40**    **An Ordinance amending Ordinance 2008-27 entitled "Authorizing the execution or acknowledgement and delivery of certain agreements in connection with the Somerset County Improvement Authority's Somerset Municipal Banc Program." Further consideration of this ordinance and public hearing will be held on December 8, 2009.**

**WHEREAS**, there are funds available in the Ordinance 2008-27; and

**WHEREAS**, the Emergency Rescue Vehicle and related Equipment for which these funds were appropriated have been purchased; and

**WHEREAS**, no further expenditures for the Emergency Rescue Vehicle and related Equipment will be made with these remaining funds; and

**WHEREAS**, there is a need for the following additional equipment for the Emergency Rescue Vehicle:

- 1) XTL 25 VHF Radio including installation
- 2) XTL 2500 UHF Radio including installation

**WHEREAS**, these additional items will not exceed the balance of \$11,103.34.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the aforementioned sums are hereby appropriated.

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

Mayor DelCore said this action amends the 2008 ordinance authorizing funding for the purchase of the Rescue Vehicle for use by the Hillsborough Rescue Squad, to allow funds to be allocated for the purchase of radio equipment to be used in conjunction with the vehicle.

Mayor DelCore stated that when the original approval was made in 2008, the radio equipment was eliminated because there were not sufficient funds at that time.

The Mayor said however, the cost of construction of the vehicle was well managed, resulting in an \$11,000 savings below the original cost estimate and financing. Those cost savings can now be applied for the needed radio equipment. This action results in no additional costs to the Township.

Deputy Mayor Wagner moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on December 8, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

Committeeman Ferrera mentioned that the leaves should not be put on the road. Committeeman Ferrera said as he is driving through town he has noticed many residents disposing of leaves on the road. This makes the job of removing the leaves more difficult for our Department of Public Works, as well as it creating treacherous roads.

Committeeman Ferrera asked that the leaves stay on the grass in a confined area.

### CONSIDERATIONS

Mayor DelCore offered the following resolution:

- 1. Resolution re-appointing Christopher Weniger as Chief Fire Marshal of the Township of Hillsborough for a term ending December 31, 2011 based on the recommendation of the Board of Fire Commissioners.**

(considered earlier in the meeting)

- 2. Resolution to hire Maria Rodriguez as a temporary part-time Court Violations Clerk in the Municipal Court Office for the period of November 12, 2009 to December 31, 2009 at a rate of \$14.50 per hour, not to exceed twenty-nine (29) hours per week.**

**WHEREAS**, there will be a vacancy in the position of Part-Time Court Violations Clerk in the Municipal Court Office due to the retirement of Barbara A. Csepei; and

**WHEREAS**, the Court Administrator recommends the appointment of Maria Rodriguez to the position of Temporary Part-Time Court Violations Clerk not to exceed twenty-nine (29) hours for the period of November 12, 2009 to December 31, 2009 at a rate of \$14.50 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 recommendation of the Court Administrator is hereby accepted and approved, and Maria Rodriguez be appointed to the position of Temporary Part-Time Court Violations Clerk not to exceed twenty-nine (29) hours per week, for the period of November 12, 2009 to December 31, 2009 at a rate of \$14.50 per hour.

Mayor DelCore said Ms. Rodriguez will fill a vacancy that results from Ms. Barbara Csepei's retirement. The Township has an obligation to the Administrative Office of the Courts to maintain efficiency in the Municipal Court Office.

Deputy Mayor Wagner reported that he interviewed Ms. Rodriguez and believes she will be an asset to the Municipal Court Office. Deputy Mayor Wagner congratulated Ms. Rodriguez.

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

**3. Resolution awarding 2010 Contract for Animal Control Services to St. Hubert's Giralda, in an amount not to exceed \$60,000.00.**

**WHEREAS**, the Township of Hillsborough wishes to enter into an agreement with St. Hubert's Giralda to annually provide municipal animal control services for the Township; and

**WHEREAS**, said contract may be awarded in accordance with N.J.S.A. 40:48-5.1 which permits a waiver of the bid requirements contained in the Local Public Contract Law; and

**WHEREAS**, funds are available and have been certified as such 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 as follows:

1. That the Mayor and Township Administrator/Clerk are hereby authorized and directed to execute an agreement with St. Hubert's Giralda for the services of Animal Warden in an amount not to exceed \$60,000.00 with an additional fee of \$150.00 per emergency call during the hours of 8pm and 8 am.
2. A notice of this action shall be printed in the official Township newspaper.

Mayor DelCore said the Township is required to have animal control services and we have had a long, and successful relationship with St. Hubert's Giralda.

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

**4. Resolution approving 2009 Budget Transfers.**

**WHEREAS**, N.J.S.A. 40A:4-58 allows for appropriation transfers during the last 2 months of a budget fiscal year when there is a need for these transfers; and

**WHEREAS**, there is a need to do appropriation transfers between appropriations in the 2009 Municipal Budget;

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough that the Chief Finance Officer be authorized to make transfers between the following appropriations in the 2009 Budget:

TO:	Zoning/Bd. Of Adjustment	OE	721	6,000.00
	Dog Regulation	OE	788	14,510.00
	Sewer	OE	832	100.00
				<b>20,610.00</b>
FROM:	Planning Board	OE	720	6,000.00

Dog Regulation	SW	788	6,510.00
Wildlife Management	OE	789	8,000.00
Water	OE	828	100.00
			<hr/>
			<b>20,610.00</b>
			<hr/>

Mayor DelCore said the budget transfer recommended by the Chief Financial Officer transfers \$20,610 to the Zoning Board account, Dog Regulation, and sewer payments from other accounts that should have a surplus.

Mayor DelCore said he has been advised that there were several extra Zoning Board meetings this year to accommodate residents and the costs for those meetings are being taken from surplus funds from the Planning Board, because there have been less Planning Board meetings than originally anticipated.

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

**5. Resolution authorizing Special Item of Revenue and Appropriation.**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount,

**WHEREAS**, the Township will receive \$545,341.36 in additional grants from various sources for the year 2009 and wishes to amend its 2009 Budget to include these grants.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hillsborough hereby requests the Director of the Division of Local Government Services to approve the insertion of these items of revenue in the budget of the year 2009 in the amounts listed and detailed below, which items is now available as a revenues from:

**NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF HIGHWAY TRAFFIC SAFETY**

**CLICK IT OR TICKET  
\$3,500.00**

**DRUNK DRIVING ENFORCEMENT  
\$20,000.00**

**OBEY THE SIGNS/PAY THE FINES  
\$3,666.56**

**NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE**

**BODY ARMOR REPLACEMENT FUND  
\$5,300.00**

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF SOLID WASTE  
CLEAN COMMUNITIES GRANT (ADDITIONAL)**

**\$14,310.80**

**DEPARTMENT OF COMMUNITY AFFAIRS  
RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES  
\$20,000.00**

**NEW JERSEY SHADE TREE FEDERATION  
5-YEAR FORESTRY PLAN  
\$3,000.00**

**SOMERSET COUNTY YOUTH ATHLETIC GRANT  
\$15,000.00**

**U.S. DEPARTMENT OF ENERGY  
ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT  
\$153,000.00**

**ASSOCIATION OF NJ ENVIRONMENTAL COMMISSIONS  
NATURAL RESOURCES INVENTORY GRANT  
\$6,070.00**

**U.S DEPARTMENT OF HEALTH & HUMAN SERVICES  
H1N1 PREPAREDNESS GRANT  
\$101,494.00**

**STATE OF NEW JERSEY  
DEPARTMENT OF TRANSPORTATION  
ROAD REPAIRS – MOUNTAINVIEW ROAD  
\$200,000.00**

**BE IT FURTHER RESOLVED** that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Mayor DelCore said at the last meeting Committeeman Suraci reported on the success the Township has had in seeking grants during 2009. This resolution requests approval from the state Director of the Division of Local Government to apply some of those grants to the budget, totaling \$545,000.

Committeeman Ferrera said it is important to receive these grants. Committeeman Ferrera said it saves the taxpayers and allows us to do many good things in town.

Committeeman Ferrera said Chief Kaminsky is here tonight, and thanked the Chief and the Police Department for obtaining the grants as well as utilizing them.

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

**6. Resolution approving a Tri-Party Agreement with the Hillsborough Point Condominium Association, Inc., and Pulte Homes of NJ, Limited Partnership, and authorizing the Mayor and Township Administrator/Clerk to execute same.**

WHEREAS, Pulte Homes of NJ, Limited Partnership ("Pulte"), is the developer of a certain community in the Township of Hillsborough known as Hillsborough Point, A Condominium; and

WHEREAS, Hillsborough Point Condominium Association, Inc. ("Association"), is responsible for and maintains the Common Elements and Facilities of Hillsborough Point and represents the interests of the individual unit owners; and

WHEREAS, in order to settle certain disputes between Pulte and the Association, and between Pulte and the Township of Hillsborough regarding repairs to the Common Elements and Facilities, final release of performance guarantees, maintenance guarantees and maintenance of Render Drive and the Royce Brook Footbridge, the parties have entered into a Tri-Party Agreement.

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 the Township Administrator/Clerk are hereby authorized to execute in the form attached the Tri-Party Agreement with the Hillsborough Point Condominium Association, Inc., and Pulte Homes of NJ, Limited Partnership.

Mayor DelCore said the Township has worked with the Hillsborough Point Homeowners Association for several years in support of the Association's effort to correct deficiencies with the builder, Pulte Homes. This agreement encompasses various components that achieves finality for the Hillsborough Point Association on these issues.

Mayor DelCore noted earlier, the Township will take responsibility for a roadway that services both Hillsborough Point and other entities along and off of Render Road and for the Royce Brook footbridge.

Mr. Davis said that Mr. Cruz deserves a tremendous amount of credit for his persistence in pursuing the completion of this agreement.

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

**7. Resolution authorizing Robert Zelle, Director of Environmental Services, Maser Consulting, P.A., to provide additional services, pursuant to contract awarded on January 6, 2009 through the "Fair and Open" process, as Consulting Township Engineer for the oversight of the environmental remediation of the Belle Mead GSA Depot (Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01, 23.03 and 23.04), the Transco Pipeline construction at the Belle Mead GSA Depot, and additional services, as needed, with regard to the Hillsborough Properties, LLC v. the Township of Hillsborough litigation, in an amount not to exceed \$18,500.00.**

WHEREAS, on January 6, 2009, as a result of the fair and open procurement process, N.J.S.A. 19:44A-20.4-5 et seq. Maser Consulting, P.A., was awarded a professional services contract and Maser Consulting, P.A. has prepared a proposal to provide additional professional engineering services for the Hillsborough Properties, LLC litigation; and

**WHEREAS**, there is now the necessity for professional engineering services; namely, for the Hillsborough Properties, LLC v the Township of Hillsborough litigation, in a sum not to exceed \$18,500.00, as described in a proposal from Maser Consulting, P.A., dated November 4, 2009; 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** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Maser Consulting, P.A., is authorized to perform additional professional engineering services outlined in the firm's proposal letter of November 4, 2009, in an amount not to exceed \$18,500.00 for the Hillsborough Properties, LLC v the Township of Hillsborough litigation.

Mayor DelCore said that progress is being made at the GSA Depot. He is advised that last week the county authorized a contract for the demolition of ten buildings on the site. The Mayor said he is also advised that the Remedial Investigation Workplan that is required by the NJDEP, as a prelude to beginning the environmental remediation, has been submitted to the DEP.

Mayor DelCore noted that Transco is in the final stages of their site restoration for the installation of the pipeline on the edge of the property.

Mayor DelCore said Mr. Zelle continues to provide oversight in the Township's interest, on all of these matters that are integral to success at the site and we are pleased to have his continued service.

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

**8. Resolution awarding an additional 2009 contract for Municipal Alliance Services.**

**WHEREAS**, the Hillsborough-Millstone Municipal Alliance presents various programs and activities throughout the year; and

**WHEREAS**, there is a need to enter into service contracts with various vendors all below the thresholds of the Local Public Contracts Law and the Local Unit Pay-to-Play Law; and

**WHEREAS**, Sylvia Scozzari shall provide Girls on Track (GOT) program services, in an amount not to exceed \$500; and

**WHEREAS**, funds are available and have been certified as such 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 as follows:

1. The Mayor and Township Clerk are hereby authorized to execute the Township standard form of agreement, for services and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
2. A notice of this action shall be printed in the official Township newspaper.

Mayor DelCore said the Municipal Alliance has recommended that Sylvia Scozzari be hired to provide services for the Girls on Track program for \$500.

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

**9. Resolution authorizing a change order with Jo-Med Contracting Corp. for additional sidewalk curbing and replacement services, in an amount not to exceed \$4,860.00.**

**WHEREAS**, Jo-Med Contracting Corp. has been awarded a contract for sidewalk and curb replacement in an amount of \$100,500.00; and

**WHEREAS**, the Township Engineer has determined that additional work needs to be performed to address residents' concerns; and

**WHEREAS**, the Township Engineer has determined that Jo-Med Contracting Corp. shall perform the additional services, in an amount not to exceed \$4,860.00 and recommends a change order in the same amount; and

**WHEREAS**, funds are available and have been certified as such 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 authorizes the execution of the above change order with Jo-Med Contracting Corp. for additional sidewalk curbing and replacement services, in an amount not to exceed \$4,860.00.

Mayor DelCore said this change order will allow the sidewalk and curb contractor to perform work at the Valley and Roycefield Roads railroad crossings, in support of the quiet zone safety measures.

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

## CONSENTS

Mayor DelCore offered the following consent agenda:

Mayor DelCore recognized that the Township will be accepting notice of retirement of Ms. Cindi Cassebaum in the Building Department. Ms. Cassebaum has been a mainstay here at the municipal building for twenty two years.

Mayor DelCore said he knows the staff in the Building Department will miss her knowledge and steady hand.

Mayor DelCore said there will be an official recognition from the Township Committee as the date of her retirement draws closer, however, at this time he believes it important to acknowledge Ms. Cassebaum's service.

Mayor DelCore wished her well in her retirement.

1. Resolution approving request from Emanuel Melachrinos for the release of cash escrow for Road Opening Permit No. 2008-26, in the amount of \$1,000.00.

**WHEREAS**, a request has been received from Emanuel Melachrinos for release of cash escrow for Road Opening Permit No. 2008-26; 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 \$1,000.00 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 is hereby accepted and approved.

2. Resolution approving request from William C. Davidson for the release of cash escrow for Road Opening Permit No. 2008-27, in the amount of \$1,000.00.

**WHEREAS**, a request has been received from William C. Davidson for release of cash escrow for Road Opening Permit No. 2008-27; 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 \$1,000.00 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 is hereby accepted and approved.

3. Resolution authorizing refund of tax overpayments in the amount of \$15,219.72.

**WHEREAS**, real property tax payers overpaid their real property taxes and:

**WHEREAS**, the Tax Collector has received proof of such payments 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 amounts to the property owner. Total, \$15,219.72, properties, 11.

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Block	Lot	Name	Amount	Qtr	Year
13.01	5.35	ZC Sterling	\$2,956.69	4th	2009
140.03	33	BAC Tax Service	\$2,134.57	4th	2009
149.06	1	Fidelity National Title	\$500.90	4th	2009
149.06	47	BAC Tax Service	\$2,521.26	4th	2009
163.04	815 Condo	Stagnitti, Lisa & Cucinello, M	\$61.60	4th	2009
177.02	74	Wells Fargo Home Mortgage	\$3,185.07	4th	2009
199	9	State of NJ, Dept. of Transportation	\$254.33	4th	2009
199	9 Qfarm	State of NJ, Dept. of Transportation	\$2.55	4th	2009
199	10.A Qfarm	State of NJ, Dept. of Transportation	3.80	4th	2009
204.G	9	Service Link	\$260.11	4th	2009
205.15	63	Formica, Christopher & Brooke	\$3,338.84	4th	2009

4. Resolution accepting the resignation of Cynthia Cassebaum, Control Person in the Construction Department, effective February 1, 2010.

**WHEREAS**, Cynthia Cassebaum is employed by the Township of Hillsborough as Control Person in the Construction Department; and

**WHEREAS**, Cynthia Cassebaum submitted her retirement to the position of Control Person in the Construction Department, effective February 1, 2010; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby accepts the resignation of Cynthia Cassebaum, effective February 1, 2010.

5. Resolution authorizing the Township Administrator/Clerk to solicit requests for proposals through the Fair and Open selection process for Professional Services for 2010.

**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 2010; 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 and Employee Benefits Management
- Redevelopment Consultant/Planning, Engineering and Environmental Services for Sunnymead Landfill
- Technology Based Communication Consultant

**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 2010.

6. Resolution authorizing the transfer of earned amounts, in an amount of \$35,538.54, 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 \$35,538.54 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 5, 2009, 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 \$35,538.54 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Ace Copy Systems	500	-325.92
Arguetta	545	-139.26
Arthur Brownlie	538	-186.66
Belle Mead Physical Therapy	535	-1,831.06
Campus Associates	316	0.00
Carrier Clinic	549	-199.74
Colonial Square at Belle Mead	323	-430.15
Community Options Enterprises	540	-38.52
Copart #2009-26	544	-154.08
Country Classics 3C	331	-2,724.68
East Hill Partnership	349	- 794.06
Foothill Acres	536	-2,033.62
Hidden Forest Estates	372	-791.10
Hillsborough Chase	376	-496.04
Hillsborough Chase II	488	-3,532.06
Holy Ghost Cemetery	531	-38.52
Kiddie Academy	542	-133.16
Omni Point Robin Road	511	-121.48
Pleabeazin	477	-5,603.18
PSE&G 2009-11	537	-1,985.14
Pleasant View Estates III	490	-1,451.86
Quick Chek	509	-100.74
Rd opening 2008-41 Lutsky	534	-77.04
Rd opening #2009-30	541	-838.50
Roycebrook Meadows	489	-2,278.48
Stellar Academy	532	-346.66
Transco #2009-07	548	-210.20
Walgreen's Pharmacy	522	-4,762.10
Westmeade Development	450	-3,914.53
Grand Total		-35,538.54

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

**CLAIMS LIST**

Mayor DelCore presented Claims List 2009-21

Upon motion by Committeeman Ferrera, seconded by Deputy Mayor Wagner, Claims List 2009-21 was unanimously approved upon call of the roll.

**EXECUTIVE SESSION**  
**EXECUTIVE SESSION RESOLUTION**

Upon motion by Committeeman Ferrera, seconded by Deputy Mayor 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. *Personnel: John Fiedler, Construction Code Official*
  - b. *Litigation: Tax Appeals filed by entities owned or controlled by Lawrence Gardner*
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 8:15 p.m.

Committeeman Ferrera motioned to come out of executive session at 9:15p.m.; said motion was seconded by Committeewoman McCauley and was unanimously adopted by voice vote.

**ADJOURNMENT**

Upon motion by Deputy Mayor Wagner, seconded by Committeeman Ferrera, the meeting duly adjourned at 9:16 p.m. Said motion was carried unanimously upon voice vote.

Attested:

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