

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 Mary Ann Balancia.

Following the Salute to the Flag, Mayor Ferrera advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on December 9, 2008.

PROCLAMATIONS

- *Proclamation honoring Honig Gallery owner, Marilyn Honig*

WHEREAS, Marilyn Honig has so generously donated an original painting to the Township of Hillsborough; and

WHEREAS, Dr. Honig has devoted the subject of her paintings to preserving the look of the local landscape before it changes forever and her work represents many years of love and devotion to the countryside; and

WHEREAS, Dr. Honig's education demonstrates extraordinary achievements as evidenced by her earning her (BA), Bachelors at Adelphi University, (MA), Masters at New York University and her (EdD), Doctorate at Columbia University; and

WHEREAS, in 1994, Dr. Honig earned her Doctorate on "The effect of place on the landscape painter, a personal journey in painting in response to the changing environment", by recording the changing condition's in the environment in Hillsborough, New Jersey; and

WHEREAS, Dr. Honig has desired to augment meaning through an imaginative development of pictorial possibilities expressing her feelings and reactions to the changes in Hillsborough.

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

BE IT FURTHER PROCLAIMED that the people of Hillsborough have undoubtedly been enriched and privileged to have Marilyn as a member of our community.

- *Proclamation honoring Hillsborough High School Robotics Team*

WHEREAS, on Saturday, November 15, 2008, the Hillsborough High School Robotics Team 75 hosted a FIRST (For Inspiration and Recognition in Science and Technology) LEGO League tournament, which promotes science and technology for children ages 6 to high school; and

WHEREAS, Hillsborough High School became involved in FIRST in 1996, giving students a hands on experience with science and engineering, while making the learning process engaging and fun; and

WHEREAS, this year's LEGO League tournament challenge was to build and program a robot made entirely of LEGOs, in six weeks, that can accomplish tasks related to climate; and

WHEREAS, the LEGO League Tournament gave Robotics Team 75 a chance to compete amongst twenty-one teams, from throughout New Jersey, for the opportunity to advance to the State tournament; and

WHEREAS, in addition to participating in the LEGO League Tournament, the Robotics Team 75 is the recipient of numerous achievement awards, including the Woodie Flowers Award, the Engineering Inspiration Award and the National Gracious Professionalism Award; and

WHEREAS, in addition to the many accomplishments of Robotics Team 75, it has also exhibited a commitment to our community by completing over 5,000 hours of community service, collecting over 1,500lbs of food for the Township Food Bank, raising \$15,000 to help resolve the conflict in Darfur and through numerous other volunteer initiatives.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby recognize the Hillsborough High School Robotics Team 75 for their significant contributions to our community.

BE IT FURTHER PROCLAIMED that we recognize and honor Robotics Team 75 for selflessly offering their time and talents to promote goodwill throughout and peace and for the honor they have brought to themselves and our community through their countless achievements.

- Proclamation honoring Committeewoman Lisa Nisivoccia

WHEREAS, Committeewoman Lisa Nisivoccia has served as a constructive, dedicated and exemplary member of the Hillsborough Township Committee from January 1, 2006 through December 31, 2008, including serving as Deputy Mayor in 2007 ; and

WHEREAS, Committeewoman Nisivoccia has diligently served the people of Hillsborough in a variety of areas, including serving as Chairwoman of Health/Recreation/Parks/Public Welfare/Social Services for 2008, 2007 and 2006 and in 2007 and 2006 as a member of the Finance/Fiscal Operations/Taxes/Administration Committee and in 2008 as a member of the Planning/Zoning Public Works/Engineering and Construction Committee; and

WHEREAS, Committeewoman Nisivoccia has also served with distinction as liaison to the Cultural & Arts Commission, Board of Health, Local Assistance Board, Library Advisory Board, Hillsborough-Millstone Municipal Alliance, Local Assistance Board, Parks Commission, Personnel Committee, Recreation Commission, Tree Mitigation Advisory Committee, Welfare & Social Services and Youth Services Commission; and

WHEREAS, Committeewoman Nisivoccia is a member of the Woman's Club of Hillsborough, where she contributes to the club's fundraising programs that provide assistance to various organizations in the community, including the Hillsborough Public Library, Hillsborough High School, Immaculata High School, the local woman's shelter ; and

WHEREAS, Committeewoman Nisivoccia enthusiastically spearheaded a petition drive to protect New Jersey's Drug Free School Zone, that resulted in the introduction of State Legislation designed to strengthen the law that protects school children from drug dealers; and

WHEREAS, Committeewoman Nisivoccia has displayed professionalism, leadership and commitment to the citizens of Hillsborough through her service; and

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and the Township Committee of the Township of Hillsborough, that Committeewoman Lisa Nisivoccia is hereby recognized for her outstanding service to the residents of Hillsborough as a member of the Hillsborough Township Committee.

BE IT FURTHER PROCLAIMED that the fellow members of the Hillsborough Township Committee thank Committeewoman Nisivoccia for her service to the people of Hillsborough and wish her well in all of her future endeavors.

Mayor Ferrera states that he looks forward to seeing Committeewoman Nisivoccia in the community and wishes her well. Also thanks her for all she has done throughout the years and for all of her time spent on the Committee.

Deputy Mayor DelCore stated the fact that many people only see the Committee during the meetings and do not realize the time and effort that goes into it behind the scenes. He also mentioned the many committees, commissions and boards Committeewoman Nisivoccia has been on and for the work she has spearheaded throughout her years on the Township Committee.

Deputy Mayor DelCore thanks Committeewoman Nisivoccia for her guidance throughout the past year during his first year on the Committee. He stated that she has been both helpful and thoughtful throughout the transition process for him. States that he wishes she will continue to help out in the community and knows that she will, given her nature and attitude towards things.

Committeeman Wagner thanks Lisa for her ability to pay attention to small details while working on the different committees with him. States that it has been a pleasure to work with her and he hopes that Committeewoman Nisivoccia stays active within the community.

Committeeman Suraci stated how Committeewoman Nisivoccia took all of the Boards and Commissions that she was on very seriously. He stated that Committeewoman Nisivoccia gave a voice to many Boards and commissions who did not have one prior to her becoming a Committeewoman. A testament to her great work is shown from the fact that each of the Boards and Commissions that she is on has asked that she take a spot where there is an open seat. Stated that she has done a job well done and Hillsborough is fortunate to have had her as a Committeewoman.

Committeewoman Nisivoccia stated that it has been a great pleasure and honor to serve on the Committee and thanks the residents of Hillsborough for giving her the opportunity to serve. Stated that she has enjoyed working with everyone on the Committee and wishes everyone much success in continuing to make Hillsborough a great place.

APPROVAL OF MINUTES

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

Upon motion by Committeewoman Nisivoccia, seconded by Committeeman Wagner, the minutes of the May 27, 2008 Executive Session were unanimously approved upon the call of the roll.

- *Approval of the November 10, 2008 Regular Session Minutes*

Upon motion by Committeeman Wagner, seconded by Deputy Mayor DelCore, the minutes of the May 27, 2008 Executive Session were unanimously approved upon the call of the roll.

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Upon motion by Committeeman Wagner, seconded by Deputy Mayor DelCore, the minutes of the May 27, 2008 Executive Session were unanimously approved upon the call of the roll.

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

Committeewoman Nisivoccia

- None at this time.

Committeeman Suraci

Committeeman Suraci stated that Hillsborough received good news about road program. He stated that the NJ Department of transportation has notified the Township that the 2009 Municipal Aid Grant for paving will be \$250,000 will be assisting in the paving of Mountainview Road.

Committeeman Suraci stated that Mountainview Road, as well as other roads in that area, that had sewer connection work performed within the past year will require road overlays in the very near future. Funds to be received from the NJDOT will help hold down the overall cost of

the project and the grand amount represents an amount, or an increase, or one hundred thousand dollars over grants received in the previous year.

Committeeman Suraci stated that he also wants to take the time to recognize the outstanding work that our Engineering Department staff has done in applying this grant.

Committeeman Wagner

Committeeman Wagner stated that he had the honor of receiving a check from Somerset County Freeholder Jack Ciccarelli in the amount of 225,000 which is representing a grant awarded to Hillsborough from the County Open Space partnership program.

Committeeman Wagner stated that the \$225,000 goes towards the Township's preservation of the Zemey property which is part of the combination of six different preserved properties that constitutes the 100 acre preservation in a nature zone along Montgomery Road.

Committeeman Wagner stated that the grant reduces the outlay for the preservation of the property by Hillsborough to \$250, 000 dollars and the Township is seeking additional help from Green Acres for the property preservation. The \$225,000 grant will be put in the Open Space trust fund for future use and development in the future.

Committeeman Wagner stated that in his opinion, it is very important to replenish this fund in order to place the Township in the best position possible to preserve land from development.

Deputy Mayor DelCore

Deputy Mayor DelCore stated that at the planning board meeting last week, the COAH plan was looked at by the Township Consultants and will be presented at the next Township Committee meeting.

Deputy Mayor DelCore stated that the plan needs to be in place or at least adopted by the end of the year. He stated that not presenting a plan is not an option for the Township, as it creates a problem as it opens a door to builder's remedies and lawsuits. Therefore, Deputy Mayor Delcore stated that the Township has a plan in and it is an incredibly well thought out plan.

Mayor Ferrera

Mayor Ferrera thanked residents for coming out to the Christmas tree lighting. Also thanked the Women's' Club of Hillsborough and Santa from Flag Town Fire Department.

Mayor Ferrera stated that the lighting of the Menorah will take place on December 22nd.

NEW BUSINESS

- *Municipal Building Mural update*

Mayor Ferrera introduced Paul Ritz who was here a year ago to initiate the discussion of a mural on the front of the municipal building.

Mr. Paul Ritz has attended the Township Committee meeting to give the Committee an update on his progress.

Mr. Paul Ritz stated that when he first came to the Municipal Complex with the idea of completing a mural he just had a concept based on the research he completed about the town. He stated that over the year, he has been in contact with many people, including Committeeman Bob Wagner. Doreen Eddy is now his business partner in completing the mural. She is a lifelong resident of Hillsborough Township.

Doreen stated that the thought Mr. Ritz and herself came up with is a scrapbook concept for the Mural. The design is interactive in two ways: from the street you can see an interactive scrapbook, a scroll showing the past and how people communicated in the past, and a computer screen showing how people communicated in the future and present. That is what you see from afar. When a person is to come up closer to the mural, they are able to see a pathway that goes from one end to another and can have a more interactive experience by being able to see different people and places in a historic Hillsborough. Windows are put in place with the words Hillsborough Township etched into them along with the logos of both Hillsborough Township and Somerset County etched into the ends. A map is in the center of the Mural which will show how diverse Hillsborough Township is. There is a picture of George Washington in the Sourland Mountains as well as the farm lands which represent the Township as well. The whole objective is to really get a feeling of the past to show where the Township comes from and where the Township is going.

Mr. Ritz states that there will be a contingency fund so that in 8-10 years from now when the acetate on the picture is becoming worn and the colors are not as vibrant on the mural, it will be able to be replaced. Because the time frame for this to happen is approximately 8-10 years, it is better to wait till then, then to make two back up because in the future the technology may be more environmental friendly and so it is better to wait.

Mayor Ferrera stated that it is better than he would have thought and he likes the idea of the photo album. States that it is a great job and a well thought out plan.

Robin Bernard, treasurer of the Vandever House, states that they are sponsoring the mural. She also states that they will most likely be setting up fundraising after the first of the year.

Mayor Ferrera states that any way that the Township could help with the processes to use them so that the mural could be put up. This way everything could be accomplished in a timely manner and, as always, Hillsborough is put first.

Mr. Ritz states that May 31st is the goal to have the mural finished.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Michael Izzo 102 Roycebrook Road

Brought up to both the Township Committee and the Planning Board the idea of building a bridge over the railroad in Roycebrook that the bridge was too narrow and because of the information that was brought in (Mr. Izzo brought in a bicycle to show the Committee that the minimum space for a bicycle was four feet) they engineered the bridge to make it wider. A safety issue has arose, as a right turn lane has been implemented into the bridge. There is no where that a person can bike that will allow them to continue on the same path to the Millstone scenic path as it states on the Hillsborough website. Asks if the northbound side of Amwell Road has a very wide shoulder and asked if the Township would allow that lane to be turned into a bike lane to make it easier for cyclists and pedestrians to get to the scenic area.

Mr. Davis states that he will have a few people look at a map and have Mr. Izzo show them what he is stating and they will take it from there.

Robin Bernards 6 Berdover Court

Wanted to state to the public that Tax payer money will not be used for the mural. In face, they will be soliciting for money in the next few days.

Mr. Davis stated that he has heard there has already been a commitment with the money.

Ms. Bernards stated that the amount of money that it will cost has not yet been confirmed. Stated that there are people who are interested in giving money

Stephen Oralick North Willow Road

Stated that he believes the Hillsborough Police Department may be in need of extra man or secretarial staff. Mr. Oralick stated that he has put in an application for his hand gun permit over thirty days ago. Stated that the town of Manville, in which he is from, takes seven days to complete. Has done research on this and stated that by state law it is to be stated whether or not the license will be issued or denied within thirty days. The secretary in the Police Department, Denise, stated that the department was swamped and there were hundreds of applications and therefore she did not know how long it would take for Mr. Oralick's application to come through.

Mr. Davis took down Mr. Oralick's phone number where he could be reached.

Mayor Ferrera stated that he will address the problem.

Onka Drive

At the meeting regarding the Claremont Sewer Project. Wanted to know why Maser Consultants were in the area taking pictures.

Mr. Davis stated that they are trying to create a file to submit to Raritan Canal Commission with regard to moving onto their property for the pump station. Stated that perhaps they were taking the pictures to note the proximity of the pump station as it would exist if it was put in the place in which it has been proposed.

Mayor Ferrera said that as stated two weeks ago, they are trying to build a case.

PUBLIC HEARINGS

Committeeman Wagner moved to open the public hearing on Ordinance 2008-42. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

ORDINANCE APPROVING REDEVELOPMENT PLAN FOR BELLE MEAD GSA REDEVELOPMENT AREA AND AMENDING ZONING DISTRICT MAP

WHEREAS, the Township of Hillsborough Township Committee (the "Township Committee") adopted a Resolution on April 22, 2008 determining that the properties identified on the Township's official tax map as Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01, 23.03, and 23.04 (collectively, the "Belle Mead GSA Depot Redevelopment Area") are an "area in need of redevelopment" under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. (the "LRHL"); and

WHEREAS, the Township Committee subsequently arranged for Bruce Rydel of CME Associates, a licensed professional planner of the State of New Jersey, to prepare a proposed redevelopment plan for the Belle Mead GSA Depot Redevelopment Area; and

WHEREAS, CME Associates prepared a proposed redevelopment plan for the Belle Mead GSA Depot Redevelopment Area, dated October 2008 (the "Redevelopment Plan"); and

WHEREAS, the Township Committee thereafter referred the Redevelopment Plan to the Township of Hillsborough Planning Board (the "Planning Board") for the Planning Board's review and recommendation in accordance with N.J.S.A. 40A:12A-7e; and

WHEREAS, on October 23, 2008, the Planning Board adopted a Resolution determining that the Redevelopment Plan is consistent with the Township's Master Plan and recommending that the Township Committee adopt the Redevelopment Plan; and

WHEREAS, the Township Committee has reviewed the Redevelopment Plan for the Belle Mead GSA Depot Redevelopment Area and has considered the recommendations of the Planning Board (as set forth within the Planning Board's October 23, 2008 Resolution) and any public comment to the Redevelopment Plan; and

WHEREAS, the Township Committee has determined that it is in the public interest to adopt the Redevelopment Plan for the Belle Mead GSA Depot Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Hillsborough Township as follows:

- Section 1. The Township Committee hereby adopts the Redevelopment Plan attached hereto as **Exhibit A** and incorporated herein. This Redevelopment Plan shall supersede all previous zoning standards and development regulations for the Belle Mead GSA Depot Redevelopment Area.
- Section 2. The Township Committee hereby amends the zoning district map of the Township of Hillsborough to reflect the rezoning of the Belle Mead GSA Depot Redevelopment Area by the Redevelopment Plan. The amended zoning district map is within the Redevelopment Plan attached hereto as **Exhibit A** and incorporated herein.
- Section 3. This Ordinance shall take effect upon final adoption and publication as required by law.

Committeeman Suraci moved to close the public hearing on Ordinance 2008-42. Said motion was seconded by Deputy Mayor DelCore and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-42. Said motion was seconded by Deputy Mayor DelCore and carried unanimously upon call of the roll.

**ORDINANCE 2008-43 AN ORDINANCE AUTHORIZING THE SALE
OF BLOCK 11, LOT 13.01 (BOTHERS FARM) TO
BRIARWOOD FARMS, INC.**

WHEREAS, the Township of Hillsborough acquired title to Block 11, Lot 13.01, consisting of approximately 158.4 acres, commonly known as the Bothers Farm ("Property"), with the assistance of a Planning Incentive Grant for the preservation of farmland; and

WHEREAS, the Township having achieved the goal of farmland preservation by the imposition of a Deed of Easement, which Deed is from the Township of Hillsborough to the County of Somerset Agriculture Development Board, and which was recorded with the Somerset County Clerk's Office on June 30, 2005, in Deed Book 5763, Pages 545 to 560, and which ensures that the Property shall remain farmland; and

WHEREAS, it is the goal of the Township of Hillsborough to preserve other farms; and

WHEREAS, that goal may only be achieved through the replenishment of the Open Space Trust Fund; and

WHEREAS, the Township Committee desires to return the Property to the real estate tax rolls; and

WHEREAS, the Township Committee also desires to avoid the management, maintenance and repair required of the Property; and

WHEREAS, in order to achieve the goals of replenishing the Open Space Trust Fund, returning the Property to the real estate tax rolls, and avoiding the continued management, maintenance and repair of the Property, the Township Committee authorized that, pursuant to

the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Property be auctioned to the highest bidder as surplus property; and

WHEREAS, in addition to the Deed of Easement, the Township of Hillsborough imposed the following Supplemental Restrictions:

1. Provided that the State Agriculture Development Committee and the County of Somerset Agriculture Development Committee approve, the Buyer may replace the existing single family residence on the Bothers Farm with one (1) single family residence containing a maximum of 5,000 square feet of livable area.

2. Provided that the State Agriculture Development Committee and the County of Somerset Agriculture Development Committee approve, the Buyer may construct a green house in the area of any existing barn not to exceed 3,000 square feet.

3. The total impervious coverage shall not exceed five (5%) percent.

4. There shall be no disturbance of topsoil.

5. Poultry and swine production shall be limited to one hundred (100) of each, and all farm operations must comply with Section 188-99.3, Agricultural District, of the Code of the Township of Hillsborough.

6. No manufacturing or processing of agricultural by-products or materials not grown or produced on the Property shall be permitted.

7. No spreading, injecting, stockpiling or composting of leaves shall be permitted on the Property. This prohibition includes recycling, storage, spreading or participating in a leaf application program.

8. No spreading, injecting, or stockpiling of food by-products shall be permitted on the Property.

9. No All-Terrain Vehicles or similar vehicles shall be operated on the Property except for a farm use. In other words, no recreational use of an ATV. This restriction also applies to snowmobiles.

10. No further subdivision of the Property is permitted.

11. The access drive from River Road which cuts through Block 11, Lot 13.02, must remain open to the public because Lot 13.02 is a public trail.
and

WHEREAS, the Township of Hillsborough issued a Request for Proposals for an auction of the Property to be conducted by a licensed real estate broker; and

WHEREAS, Max Spann Auction Co. ("Auctioneer") responded to that Request for Proposals and was awarded the contract for auction services; and

WHEREAS, on October 17, 2008, after a marketing program consisting of mailings, newspaper and internet advertising and open houses, the Auctioneer held an auction at the Township of Hillsborough Municipal Complex; and

WHEREAS, after spirited bidding, the highest bid for the Property was \$845,000.00; and

WHEREAS, the Buyer of the Property is solely responsible for the auction premium of ten (10%) percent to the Auctioneer bringing the total purchase price to \$929,500.00; and

WHEREAS, the bid price is within an acceptable range for property which has been stripped of its development rights; and

WHEREAS, the Township Committee of the Township of Hillsborough desires to accept the highest bid and sell the Property subject to the Deed of Easement, Supplemental Restrictions and any other exiting easements.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, Somerset County, New Jersey, that the Property be sold to Briarwood Farms, Inc., for the sum of \$929,500.00 (\$845,000.00 bid price and \$84,500.00 Buyer's premium) on the following conditions:

1. That all of the actions taken by the Township Administrator, Attorney and Auctioneer are hereby ratified.

2. That the Township Attorney is hereby authorized to prepare the necessary closing documents to convey the Property and attend the closing.
 - 1.
 2. That the Mayor and Clerk are hereby authorized to sign the necessary closing documents to convey the Property.
 - 3.
 4. That the Property be sold "as is" and "where is".
 - 5.
5. That the Property be sold subject to the Deed of Easement, Supplemental Restrictions and any other exiting easements.
6. This Ordinance shall take effect in accordance with law.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-43. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Mayor Ferrera stated that the ordinance provides for sale of the Bothers farm site to Briarwood Farms, Inc, at the auction price of \$845,000, funds that will be added to the Open Space Trust Fund for use in the preservation of other land from development in the future.

Mayor Ferrera said the 158 acres of farmland that has been sold, had a value of \$510,000 when the Township purchased the property in 2002. Therefore, the sale price represents a significant gain for the Open Space Fund.

Mayor Ferrera also made a note that the farm property, which was auctioned to the highest bidder, can have no other use but farming in the future. The development rights which were jointly purchased by the Township, Somerset County, and the State, have been stripped from the property.

Mayor Ferrera stated that the Briarwood Farms people have been engaged in horse boarding and management in Hunterdon County for over 30 years and we are advised they intend to use the Bothers' Farm for the same purpose, in addition to crop farming.

Mayor Ferrera added that this is a welcome addition to our community and stated that he knows that Committeeman Bob Wagner, the liaison to the Open Space Committee, probably wants to re-emphasize that the property cannot be developed in the future.

Committeeman Suraci moved to close the public hearing on Ordinance 2008-43. voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-42. Said motion was seconded by Committeeman Wagner DelCore and carried unanimously upon call of the roll.

Ordinance 2008-44 An Ordinance authorizing the sale of Block 12, Lot 45 (Mill Lane Farm) to Ignatius Pyne.

WHEREAS, the Township of Hillsborough acquired title to Block 12, Lot 45, consisting of approximately 20.2 acres, commonly known as Mill Lane Farm ("Property"), with the assistance of a Planning Incentive Grant for the preservation of farmland; and

WHEREAS, the Township having achieved the goal of farmland preservation by the imposition of a Deed of Easement, which Deed is from the Township of Hillsborough to the County of Somerset Agriculture Development Board, and which was recorded with the Somerset County Clerk's Office on March 29, 2005, in Deed Book 5723, Pages 426 to 439, and which ensures that the Property shall remain farmland; and

WHEREAS, it is the goal of the Township of Hillsborough to preserve other farms; and

WHEREAS, that goal may only be achieved through the replenishment of the Open Space Trust Fund; and

WHEREAS, the Township Committee desires to return the Property to the real estate tax rolls; and

WHEREAS, the Township Committee also desires to avoid the management, maintenance and repair required of the Property; and

WHEREAS, in order to achieve the goals of replenishing the Open Space Trust Fund, returning the Property to the real estate tax rolls, and avoiding the continued management, maintenance and repair of the Property, the Township Committee authorized that, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Property be auctioned to the highest bidder as surplus property; and

WHEREAS, in addition to the Deed of Easement, the Township of Hillsborough imposed the following Supplemental Restrictions:

12. No single family residence is permitted on the Property.
13. No green house is permitted on the Property.
14. The total impervious coverage shall not exceed five (5%) percent.
15. There shall be no disturbance of topsoil.
16. Poultry and swine production shall be limited to one hundred (100) of each, and all farm operations must comply with Section 188-99.3, Agricultural District, of the Code of the Township of Hillsborough.
17. No manufacturing or processing of agricultural by-products or materials not grown or produced on the Property shall be permitted.
18. No spreading, injecting, stockpiling or composting of leaves shall be permitted on the Property. This prohibition includes recycling, storage, spreading or participating in a leaf application program.
19. No spreading, injecting, or stockpiling of food by-products shall be permitted on the Property.
20. No All-Terrain Vehicles or similar vehicles shall be operated on the Property except for a farm use. In other words, no recreational use of an ATV. This restriction also applies to snowmobiles.
21. No further subdivision of the Property is permitted.
- 22.

WHEREAS, the Township of Hillsborough issued a Request for Proposals for an auction of the Property to be conducted by a licensed real estate broker; and

WHEREAS, Max Spann Auction Co. ("Auctioneer") responded to that Request for Proposals and was awarded the contract for auction services; and

WHEREAS, on October 17, 2008, after a marketing program consisting of mailings, newspaper and internet advertising and open houses, the Auctioneer held an auction at the Township of Hillsborough Municipal Complex; and

WHEREAS, after spirited bidding, the highest bid for the Property was \$75,000.00; and

WHEREAS, the Buyer of the Property is solely responsible for the auction premium of ten (10%) percent to the Auctioneer bringing the total purchase price to \$82,500.00; and

WHEREAS, the bid price is within an acceptable range for property which has been stripped of its development rights; and

WHEREAS, the Township Committee of the Township of Hillsborough desires to accept the highest bid and sell the Property subject to the Deed of Easement, Supplemental Restrictions and any other exiting easements.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, Somerset County, New Jersey, that the Property be sold to Ignatius Pyne for the sum of \$82,500.00 (\$75,000.00 bid price and \$7,500.00 Buyer's premium) on the following conditions:

6. That all of the actions taken by the Township Administrator, Attorney and Auctioneer are hereby ratified.
 7. That the Township Attorney is hereby authorized to prepare the necessary closing documents to convey the Property and attend the closing.
 - 8.
 9. That the Mayor and Clerk are hereby authorized to sign the necessary closing documents to convey the Property.
 - 10.
 11. That the Property be sold "as is" and "where is".
 - 12.
5. That the Property be sold subject to the Deed of Easement, Supplemental Restrictions and any other exiting easements.
 6. This Ordinance shall take effect in accordance with law.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-42. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

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

Mayor Ferrera also stated that 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.

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

Committeeman Suraci moved to close the public hearing on Ordinance 2008-42. Said motion was seconded by Deputy Mayor DelCore and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-42. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

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 itself.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), THAT ORDINANCE 2007-43 IS AMENDED AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Hillsborough, in the County of Somerset, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$600,000.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$570,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the installation of sanitary sewer extension in the Claremont section, located in an area of the Township, as more fully described in Exhibit A attached hereto and in the concept plans on file in the office of the Township Clerk, including all work and services necessary therefor or incidental thereto.

(b) The maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Pursuant to an executed Sanitary Sewer Extension Assessment Agreement, the property owners whose properties are benefited from the improvements described in Section 3 hereof have or will have executed a petition, as required by N.J.S.A. 40:56-3, requesting the Township undertake this improvement at the expense of the benefited property owners. Notice is hereby given to the owners of all lots and parcels of real estate, as more specifically described in Exhibit A hereof, benefited by the improvements described in Section 3 hereof and affected by the improvement described therein that the Township intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$600,000. Such assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the particular benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Township will not contribute to the final

cost of the improvement and that the benefited property owners will execute a Sanitary Sewer Extension Assessment Agreement; however, if the amount of the special assessments as finally confirmed is less than the costs of the improvements, then the Township will contribute the difference to the cost of the improvement.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in accordance with the terms set forth in the executed Sanitary Sewer Extension Assessment Agreement, however, under no circumstances may the payment term exceed the term set forth in Section 8 hereof. However, should an owner of benefited property not execute a Sanitary Sewer Extension Assessment Agreement then the owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a local improvement, the cost of which shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$570,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$184,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Township reasonably expects to commence the acquisition and/or construction of the improvements or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

(g) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvement is twenty (20).

Section 9. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 10. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

EXHIBIT A

CLAREMONT SEWER PROJECT

<u>BLOCK</u>	<u>LOT</u>	<u>STREET ADDRESS</u>
183.01	41	1188 Millstone River Road
183.01	41	1194 Millstone River Road
183.01	42	4 Franklin Drive
183.01	43	14 Franklin Drive
183.01	44	24 Franklin Drive
183.01	45	32 Franklin Drive
183.01	46	36 Franklin Drive
183.01	47	40 Franklin Drive
183.01	48	44 Franklin Drive
183.01	49	48 Franklin Drive
183.01	50	52 Franklin Drive
183.01	53	91 Anne Street
183.01	55	83 Anne Street
183.01	56	79 Anne Street
183.01	58	71 Anne Street
183.01	59	67 Anne Street
183.01	60	63 Anne Street
183.01	61	59 Anne Street
183.01	62	55 Anne Street
183.01	63	51 Anne Street
183.01	65	39 Anne Street
183.01	66	33 Anne Street
183.01	67	27 Anne Street
183.01	68	21 Anne Street
183.01	69	15 Anne Street
183.01	70	11 Anne Street
183.01	71	251 Hamilton Road
183.02	1	57 Franklin Drive
183.02	10	32 Sunnyside Lane
183.02	11	62 Claremont Drive
183.02	12	58 Anne Street
183.02	13	64 Anne Street
183.02	14	68 Anne Street
183.02	15	72 Anne Street
183.02	3	45 Franklin Drive
183.02	5	29 Franklin Drive
183.02	6	12 Sunnyside Lane
183.02	7	18 Sunnyside Lane
183.02	9	28 Sunnyside Lane
183.03	1	3 Franklin Drive
183.03	10	40 Claremont Drive
183.03	11	54 Claremont Drive
183.03	14	17 Sunnyside Lane
183.03	12	25 Sunnyside Lane
183.03	13	21 Sunnyside Lane
183.03	15	13 Sunnyside Lane
183.03	16	7 Sunnyside Lane
183.03	17	3 Sunnyside Lane

183.03	18	25 Franklin Drive
183.03	2	1212 Millstone River Road
183.03	4	12 Claremont Drive
183.03	5	16 Claremont Drive
183.03	6	20 Claremont Drive
183.03	7	24 Claremont Drive
183.03	8	28 Claremont Drive
183.03	9	32 Claremont Drive
183.04	1	69 Claremont Drive
183.04	10	17 High Acre Drive
183.04	11	21 High Acre Drive
183.04	12	23 High Acre Drive
183.04	13	25 High Acre Drive
183.04	14	29 High Acre Drive
183.04	15	30 Anne Street
183.04	16	34 Anne Street
183.04	17	40 Anne Street
183.04	2	65 Claremont Drive
183.04	3	61 Claremont Drive
183.04	4	57 Claremont Drive
183.04	5	53 Claremont Drive
183.04	6	49 Claremont Drive
183.04	7	45 Claremont Drive
183.04	9	15 High Acre Drive
183.05	11	1246 Millstone River Road
183.05	12	1258 Millstone River Road
183.05	12	1262 Millstone River Road
183.05	13	1266 Millstone River Road
183.05	16	1290 Millstone River Road
183.05	18	273 Hamilton Road
183.05	20	267 Hamilton Road
183.05	22	263 Hamilton Road
183.05	24	259 Hamilton Road
183.05	25	42 High Acre Drive
183.05	26	38 High Acre Drive
183.05	27	34 High Acre Drive
183.05	28	30 High Acre Drive
183.05	29	26 High Acre Drive
183.05	3	33 Claremont Drive
183.05	30	22 High Acre Drive
183.05	31	18 High Acre Drive
183.05	33	10 High Acre Drive
183.05	4	29 Claremont Drive
183.05	5	25 Claremont Drive
183.05	8	9 Claremont Drive
183.05	9	1230 Millstone River Road
191	20	1189 Millstone River Road
191	23	6 Plumstead Way
191	24	1211 Millstone River

		Road
191	26F	1301 Millstone River Road
191	28	1311 Millstone River Road
191	28	1309 Millstone River Road
192	1	1213 Millstone River Road
192	10	19 Onka Drive
192	12	21 Onka Drive
192	13	23 Onka Drive
192	14	25 Onka Drive
192	2	3 Onka Drive
192	3	5 Onka Drive
192	6	11 Onka Drive
192	7	13 Onka Drive
192	8	15 Onka Drive
192	9	17 Onka Drive
194	1	15 Theodora Drive
194	11	30 Onka Drive
194	12	32 Onka Drive
194	13	34 Onka Drive
194	14	36 Onka Drive
194	3	14 Craig Drive
194	5	16 Craig Drive
194	7	20 Craig Drive
195	1	10 Onka Drive
195	12	16 Onka Drive
195	13	14 Onka Drive
195	2	3 Theodora Drive
195	3	5 Theodora Drive
195	4	7 Theodora Drive
195	6	11 Theodora Drive
195	8	17 Craig Drive
195	9	19 Craig Drive
196	1	3 Craig Drive
196	12	12 Theodora Drive
196	13	7 Craig Drive
196	2	1243 Millstone River Road
196	4	1235 Millstone River Road
196	5	1229 Millstone River Road
196	6	2 Onka Drive
196	7	6 Onka Drive
196	8	4 Theodora Drive
196	9	6 Theodora Drive
197	3	6 Craig Drive
197	4	8 Craig Drive
183.01	51	56 Franklin Drive
183.01	52	60 Franklin Drive
183.01	54	87 Anne Street
183.01	57	75 Anne Street
183.01	64	45 Anne Street
183.02	16	76 Anne Street

183.02	2	49 Franklin Drive
183.02	4	39 Franklin Drive
183.02	8	22 Sunnyside Lane
183.03	20	13 Franklin Drive
183.03	3	8 Claremont Drive
183.03	19	19 Franklin Drive
183.05	12	1248 Millstone River Road
183.05	17	1296 Millstone River Road
183.05	19	269 Hamilton Road
183.05	2	37 Claremont Drive
183.05	21	265 Hamilton Road
183.05	6	21 Claremont Drive
183.05	7	13 Claremont Drive
183.05	32	14 High Acre Drive
183.05	23	261 Hamilton Road
183.05	13	1274 Millstone River Road
183.05	14	1278 Millstone River Road
183.05	15	1284 Millstone River Road
191	27	1307 Millstone River Road
191	26.2	1265 Millstone River Road
191	26A	1273 Millstone River Road
191	26C	1279 Millstone River Road
191	26D	1283 Millstone River Road
191	23A	1201 Millstone River Road
192	5	9 Onka Drive
192	4	7 Onka Drive
192	17	33 Onka Drive
192	15	29 Onka Drive
193	4	41 Onka Drive
193	3	39 Onka Drive
193	2	37 Onka Drive
193	1	35 Onka Drive
194	9	24 Craig Drive
194	8	22 Craig Drive
194	6	18 Craig Drive
194	2	12 Craig Drive
195	7	15 Craig Drive
195	5	9 Theodora Drive
195	11	20 Onka Drive
195	10	23 Craig Drive
196	10	8 Theodora Drive
196	11	10 Theodora Drive
197	1	1259 Millstone River Road
197	2	2 Craig Drive
183.05	10	1238 Millstone River Road

Committeeman Wagner moved to open the public hearing on Ordinance 2008-45. Said motion was seconded by Deputy Mayor DelCore and carried unanimously by voice vote.

Mayor Ferrera stated 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.

Mayor Ferrera said that 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.

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

Mayor Ferrera stated that this ordinance amends the original bond ordinance for the Claremont sewer project by adjusting the properties that will be included in the plan.

Mayor Ferrera stated that Dr. Belnay, the Township Health Officer, has indicated that the properties not be included do not pose a public health threat because of the larger size of their lots or the type of soil on their property.

Mayor Ferrera stated that 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.

Mayor Ferrera stated that as repeated, the cost of the project will be paid through a special assessment on the benefiting property owners.

Deputy Mayor DelCore moved to close the public hearing on Ordinance 2008-45. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Deputy Mayor DelCore to adopt Ordinance 2008-45. Said motion was seconded by Committeeman Suraci and carried unanimously upon call of the roll.

Ordinance 2008- 46 An Ordinance amending Chapter 85 (personnel policies) of the Code of the Township of Hillsborough, County 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.

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

(The Text to be Deleted has been Struck Through and the New Text is Underlined)

§ 89-9. Holidays.

A. The following days will be recognized as holidays for Township employees with Township offices closed and normal operations suspended:

- (1) New Year's Day.
- (2) Martin Luther King's Birthday.
- ~~(3) Lincoln's Birthday.~~
- ~~(4) Washington's Birthday.~~
- (3) Presidents' Day.
- ~~(5)~~ (4) Good Friday.
- ~~(6)~~ (5) Memorial Day.
- ~~(7)~~ (6) Independence Day.
- ~~(8)~~ (7) Labor Day.
- ~~(9)~~ (8) Columbus Day.
- ~~(10)~~ (9) Veterans' Day.
- ~~(11)~~ (10) Thanksgiving Day.
- ~~(12)~~ (11) The day after Thanksgiving Day.
- ~~(13)~~ (12) Christmas Eve.
- ~~(14)~~ (13) Christmas Day.
- ~~(15)~~ (14) One Two floating holidays (cannot be carried over to the following year.)
- ~~(16)~~ (15) Adjustments to the holiday schedule in this ordinance may be approved by resolution of the Township Committee.
- (16) The holiday schedule does not apply to employees covered by a Collective Bargaining agreement.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Section 89-9A of the code of the Township of Hillsborough is hereby amended as stated in this ordinance.

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

Committeeman Suraci moved to open the public hearing on Ordinance 2008-46. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Committeeman Suraci moved to close the public hearing on Ordinance 2008-46. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Committeeman Wagner moved to adopt Ordinance 2008-46. Said motion was seconded by Deputy Mayor DelCore and carried unanimously upon call of the roll.

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.

WHEREAS, the Township of Hillsborough is the owner of certain parcels of land which may be farmed; and

WHEREAS, in order to maintain those properties as active farms, the Township of Hillsborough issued a Request for Bids for a Farm Lease Agreement pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq.; and

WHEREAS, the Township of Hillsborough received bids for those properties and desires to enter into Farm Leases as follows:

1. Richard Norz for Block 150, Lot 4; Block 13.01, Lot 7.02; and Block 145, Lot 15;
2. Forevergreen Farm for Block 171, Lots 6 and 6C;
3. Laine Farms for Block 5, Lot 37.01;
4. Beekman Homestead Farm, Inc., for Block 145, Lot 33.02; and
5. Deer Run Farm, Inc., for Block 171, Lots 2 and 6; and

WHEREAS, each Farm Lease is to be for five (5) year terms commencing on January 1, 2009.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hillsborough, County of Somerset and State of New Jersey, that it hereby leases:

1. Block 150, Lot 4; Block 13.01, Lot 7.02; and Block 145, Lot 15, to Richard Norz;
2. Block 171, Lots 6 and 6C, to Forevergreen Farm;
3. Block 5, Lot 37.01, to Laine Farms;
4. Block 145, Lot 33.02, to Beekman Homestead Farm, Inc.; and
5. Block 171, Lots 2 and 6, to Deer Run Farm, Inc.

BE IT FURTHER ORDAINED that the above Farm Leases are for five (5) year terms commencing on January 1, 2009, in accordance with the terms and conditions of the Request for Bids for a Farm Lease Agreement, and that the Mayor and Clerk are hereby authorized to execute such Farm Leases.

Committeeman Suraci moved to open the public hearing on Ordinance 2008-47. Said motion was seconded by Committeeman Wagner and carried unanimously by voice vote.

Committeeman Suraci moved to close the public hearing on Ordinance 2008-47. Said motion was seconded by Committeewoman Nisivoccia and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2008-47. Said motion was seconded by Committeeman Wagner and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

- o None at this time.

CONSIDERATIONS

Mayor Ferrera offered the following resolutions:

1. Resolution awarding contracts for Municipal Alliance Services to: Anna Mahler to provide STAND program services, in an amount of \$500; Kathleen Morris and Amelia Carella for the Girls on Track Program, in an amount of \$500 each and rescinding the 2008 contract to Nichelle Taylor, in an amount of \$500.00, and awarding a new contract to Heather Quackenbush, in an amount of \$500.00

WHEREAS, the Hillsborough-Millstone Municipal Alliance presents various programs and activities throughout the school year to students; 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, the Hillsborough-Millstone Municipal Alliance has requested the following:

WHEREAS, Anna Mahler shall provide STAND program services in an amount of \$500; and

WHEREAS, on February 26, 2008, by way of resolution, the Township Committee awarded various Municipal Alliance Contracts for the year 2008, including contracts to Kathleen Morris and Amelia Carella to provide Girls On Track (GOT) program services, in an amount not to exceed \$1,000 each; and

WHEREAS, it has come to the attention of the Municipal Alliance Program Coordinator that Kathleen Morris and Amelia Carella have received their GOT certification and are now entitled to an additional \$500 each; and

WHEREAS, on February 26, 2008, by way of resolution, the Township Committee also awarded a contract to Nichelle Taylor to provide STAND program services, in an amount not to exceed \$500; and

WHEREAS, it is necessary to rescind the contract awarded to Nichelle Taylor and award a new contract to Ms. Taylor's replacement Heather Quackenbush to provide the STAND program services, in the amount of \$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 Administrator/Clerk are hereby authorized to execute the Township's standard form of agreement for services and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee to Anna Mahler, Kathleen Morris and Amelia Carella, in amounts of \$500 each.
2. The contract awarded to Nichelle Taylor on February 26, 2008 is hereby rescinded and replaced with a contract to Heather Quackenbush, in an amount of \$500.

3. A notice of this action shall be printed in the official Township newspaper.

Upon motion by Committeewoman Nisivoccia, seconded by Committeeman Suraci, the aforesaid resolution was unanimously approved up on call of the roll.

2. Resolution ratifying and confirming the action of the township administrator/clerk and chief finance officer in authorizing the reduction of the townships bond anticipation note (ban), from \$4,177,530 to \$3,349,198 and the annual rollover of the ban

WHEREAS, Bond Anticipation Notes originally issued on December 16, 2002 for the Library construction and various other capital projects needs to be rolled over annually. Said Notes were last rolled over on December 13, 2007; and

WHEREAS, NJSA: 40A:2-8 requires that principal pay downs be made commencing on the third anniversary date of the original issue with complete payoff no later than the tenth anniversary date, and

WHEREAS, funds were appropriated in the 2008 budget to pay down \$828,332 of the original note issue, reducing the note from \$4,177,530 to \$3,349,198; and

WHEREAS, the total amount of the note rollover was \$3,349,198 and the Township has received a 2.25% interest rate from Sovereign Securities which is lower than last year's rate of 3.75%.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the action of the Township Administrator/Clerk and the Chief Financial Officer hereby confirms the roll over of the Bond Anticipation Note in the amount of \$3,349,198 at a interest rate of 2.25% to the low bidder Sovereign Securities.

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

3. RESOLUTION APPROVING 2008 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 2008 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 2008 Budget:

TO:	Buildings & Grounds	OE	772	15,000.00
	Phones	OE	839	8,000.00
				23,000.00
FROM:	Buildings & Grounds	SW	772	15,000.00
	Gasoline	OE	833	4,000.00

Diesel	OE	834	4,000.00
			<u>23,000.00</u>

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

CONSENTS

Mayor Ferrera offered the following consent agenda:

1. Resolution supporting the Over the Limit Under Arrest 2008 Year End Crackdown.

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 28% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2008 Year End Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 8, 2008 through January 2, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey does hereby declare its support for the Over the Limit Under Arrest 2008 Year End Crackdown from December 8, 2008 through January 2, 2009 and pledges to increase awareness of the dangers of drinking and driving.

2. Resolution approving the purchase of Computer Equipment for the Police Department from Hewlett-Packard, under State Contract, in the amount of \$3,536.01.

WHEREAS, Hillsborough Township Police Department has determined a need for the following computer equipment from Hewlett-Packard:

- One (1)HP Proliant ML310 Server, in an amount not to exceed \$3,536.01;

WHEREAS, these products will be purchased under New Jersey State Contract #70262; and

WHEREAS, funds are available to make such purchases or acquisitions by the Chief Finance Officer, said certification is attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the purchase through state contract of the aforementioned products from Hewlett-Packard in a total amount of \$3,536.01.

3. Resolution rescinding the resolution authorizing a five (5) year lease/purchase agreement of a 2008 Dodge Durango, through state contract, from Warnock Automotive, Inc., for the Office of Emergency Management, in an amount of \$21,045.00 and instead authorizing the purchase of the Durango, through state contract, from Warnock Automotive, Inc., in an amount of \$20,695.00.

WHEREAS, on November 10, 2008, by way of resolution, the Township Committee authorized a five (5) year lease/purchase agreement of a 2008 Dodge Durango, by State Contract, from Warnock Automotive, Inc., for the Office of Emergency Management, in an amount of \$21,045.00; and

WHEREAS, it has come to the attention of the Chief Finance Officer that it is in the best interest of the Township financially to purchase the Durango instead of lease it; and

WHEREAS, in light of this information it is necessary to rescind the contract with Warnock Automotive for the five (5) year lease agreement and instead authorize, through State Contract, the purchase of the 2008 Dodge Durango from Warnock Automotive, Inc. in an amount not to exceed \$20,695.00

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 that the resolution authorizing a five (5) year lease/purchase agreement of a 2008 Dodge Durango, by State Contract, from Warnock Automotive, Inc., for the Office of Emergency Management, in an amount of \$21,045.00 is hereby rescinded and the Mayor and the Township Administrator/Clerk are hereby authorized to purchase, through State Contract No. A70852, the 2008 Dodge Durango, in an amount not to exceed \$20,695.00.

4. Resolution approving the request from Belvoir Barn for an application fee refund in the amount of \$250.00.

WHEREAS, a request has been received from Belvoir Barn for an application fee refund in the amount of \$250.00; and

WHEREAS, recently Belvoir Barn submitted an application to the Board of Adjustment for an extension of time to complete the conditions of approval for a catering facility at the Hillsborough Golf Club on Wertsville Road; and

WHEREAS, it was determined that the request was not necessary because of the recent passage of the Permit Extension Act; and

WHEREAS, as a result of this determination, Belvoir Barn withdrew the application; and

WHEREAS, the Hillsborough Township Planner recommends that the Township Committee take action to release the application fee of \$250.00 to Belvoir Barn.

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

5. Resolution authorizing Mary Ellen Stahley, Deputy Court Administrator, to carryover vacation time.

WHEREAS, Mary Ellen Stahley, Deputy Court Administrator, has requested to carryover eighteen (18) vacation days into 2009; and

WHEREAS, Ms. Stahley had accumulated forty (40) days of vacation at the time of her transfer to the Municipal Court Office, on March 31, 2008; and

WHEREAS, Ms. Stahley has used the majority of her vacation days and has eighteen (18) remaining; and

WHEREAS, due to the heavy workload in the court office, it is in the best interest of the department if Ms. Stahley carries over the remaining vacation days rather than use them; and

WHEREAS, Court Administrator Lori Zelasko and Township Administrator/ Clerk Kevin Davis recommend and approve the carryover of Ms. Stahley's vacation days.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Mary Ellen Stahley is hereby authorized to carryover eighteen (18) days vacation time into 2009.

6. 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 \$59,795.30 in additional grants from various sources for the year 2008 and wishes to amend its 2008 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 2008 in the amounts listed and detailed below, which items is now available as a revenues from:

NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS

ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT FUND

\$4,283.64

NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

COPS IN SHOPS

\$1,997.00

STATE OF NEW JERSEY SOLID WASTE ADMINISTRATION

RECYCLING TONNAGE GRANT

\$25,568.36

NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF HIGHWAY TRAFFIC SAFETY

OVER THE LIMIT UNDER ARREST

\$9,568.11

**ROADWAY SAFETY GRANT
\$4,000.00**

NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CRIMINAL JUSTICE

**BODY ARMOR REPLACEMENT FUND
\$11,378.19**

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN COMMUNITY GRANT
\$3,000.00**

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

Upon motion by Committeeman Wager, seconded by Committeeman Suraci, the consent agenda was unanimously approved upon call of the roll.

CLAIMS LIST

Mayor Ferrera presented Claims List 2008-23.

Upon motion by Committeewoman Nisivoccia seconded by Deputy Mayor DelCore, Claims List 2008-23 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

Upon motion by Committeeman Wagner, 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. Personnel: James Galle, Public Works Department*

- b. *Litigation: Hillsborough Properties vs. the Township of Hillsborough*
- c. *Personnel: Fred Koegel, Plumbing Sub-Code Official*
- d. *Personnel: Kevin Colie, Public Works Department*
- e. *Negotiations: Township of Hillsborough, Borough of Millstone, Van Cleef Family Limited Partnership and Riverside, LLC*

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 9:34 p.m.

Committeewoman Nisivoccia motioned to come out of executive session at 11:30 p.m.; said motion was seconded by Committeeman Wagner and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeewoman Nisivoccia, seconded by Committeeman Wagner, the meeting duly adjourned at 11:31 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC, QPA
Township Clerk