

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 Carl Suraci, Committeeman Bob Wagner, and Mayor Frank DelCore, Deputy Mayor Wagner, Committeewoman McCauley. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Secretary to the Administrator/Clerk Dianne Borngesser.

Following the Salute to the Flag, Deputy 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 February 10, 2009.

APPOINTMENTS/PROCLAMATIONS

- Proclamation honoring Club Scout Pack 389 for volunteerism.

WHEREAS, Cub Scout Pack 389 has contributed countless hours of community service and volunteerism; and

WHEREAS, Pack 389's tremendous efforts in both volunteering and donating have benefited many organizations, including the Hillsborough Food Pantry, the Somerset County Office of Volunteer Services, Operation Scouting Cares and Operation Shoebox; and

WHEREAS, Cub Scouts Pack 389 has participated tirelessly in the Somerset County Office of Volunteer Services' Annual Fall Clean Up Program and year round Handyman Program and has recruited additional volunteers to support these programs; and

WHEREAS, the pack is committed to supporting our U.S. Soldiers by greeting returning troops from Iraq at Fort Dix, their first trip having been this past December 21, 2008; and

WHEREAS, the scouts have also created and maintained the "Garden of Honor", a memorial tribute to Veterans, located in front of the Hillsborough Municipal Complex; and

WHEREAS, under the direction of 15 adult leaders and assistant leaders, Cub Scouts Pack 389 has volunteered 365 hours since September 2008.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, on this tenth day of February 2009, do hereby commend and thank the members of Cub Scout Pack 389, and their leaders, for their many hours of volunteerism and for their unwavering commitment to the community.

- Proclamation honoring Edward Bertin, for 33 years of dedicated service to Hillsborough Board of Fire Commissioners and for 54 years of dedicated service to Hillsborough Volunteer Fire Company #2.

WHEREAS, Edward Bertin served as the first of five elected Fire Commissioners and as Chairman of the Board of Fire Commissioners from July 12, 1977 through February 12, 1992 and as Vice Chairman from February, 1992 through February, 2009, serving on the Board of Fire Commissioners for nearly 32 years; and

WHEREAS, Mr. Bertin is currently an active member of Hillsborough Volunteer Fire Company # 2 and has devoted faithful service to the residents of Hillsborough for 54 years; and

WHEREAS, as part of the Somerset County Fireman's Bowling League, Mr. Bertin has enjoyed nine years of bowling on Team A with the Volunteer Fire Company #2; and

WHEREAS, Mr. Bertin has volunteered at the Fireman's Fair for 27 years and is fondly known as the "French Fry King"; and

WHEREAS, respecting the use of taxpayer's dollars, Fire Commissioner Bertin has enthusiastically accepted the task of obtaining the lowest possible cost for purchasing fire district equipment and making sure that those purchases were within the approved budget.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, on this tenth day of February 2009, do hereby commend and thank Edward Bertin for his outstanding service to Hillsborough, where he has displayed professionalism, dedication to duty and an unwavering commitment to the community in his role as a member of the Board of Fire Commissioners and Volunteer Fire Company #2.

BE IT FURTHER PROCLAIMED that we wish Mr. Bertin the best of luck in all his future endeavors and thank him for his 33 years of dedicated service to the Board of Fire Commissioners and for his 54 years of service to Hillsborough Volunteer Fire Company #2.

APPROVAL OF MINUTES

- *Approval of the January 27, 2009 Executive Session Minutes*

Upon motion by Committeeman Ferrera, seconded by Committeeman Suraci, the minutes of the February 12, 2008 Executive Session were unanimously approved upon the call of the roll.

REPORTS AND NEW BUSINESS FROM COMMITTEE LIAISONS, RECEIPT OF REPORTS, PETITIONS OR COMMUNICATIONS

Mayor DelCore

Mayor DelCore reported that he had the opportunity to observe the site where the 12,000 mercury drums were stored at the Defense Logistics facility, on the northern part of Route 206 on February 6, 2009, along with the new Congressman Leonard Lance.

Mayor DelCore stated that many, several residents have told him that '*we are tired of hearing about how the mercury is going to go, we just want it gone.*'

Mayor DelCore stated that he agrees with the residence on this view point as well.

Mayor DelCore reported that during last year's election, candidate Leonard Lance made a commitment to Hillsborough that he would take up the issue of moving the mercury. He said that Congressman Lance has come through on that commitment and we appreciate it.

Mayor DelCore stated that it is now up to the Defense Logistics Agency to follow through not only on their commitment, but on the federal record of decision, a legal decision, that was made three years ago to move all the mercury around the country to Nevada.

Mayor DelCore reported that Congressman Lance has been told that all of Nevada's environmental concerns have been met and on Friday it was workers were witnessed binding up the barrels for transport.

Mayor DelCore stated that the DLA issued a request for proposal seeking firms to transport the barrels; however, it is our job to monitor the progress.

Mayor DelCore concluded by stating that he hopes the next announcement will be that there is movement.

Committeeman Suraci

Committeeman Suraci states that the Credit Card Advisory Club met with Affinity Bank and states that they are ready to launch the marketing campaign for the Hillsborough Rewards Card.

Committeeman Suraci states that it is important to note that the card will be going towards funds for non profit organizations as well as card holders earning points/rewards through Affinity Credit Union. States that on February 24th, Affinity Credit Union will be at the Committee Meeting to give a full presentation about what the card is about and how Hillsborough residents could go about acquiring the card itself.

Committeeman Wagner

Committeeman Wager did not have anything to add at this time.

Committeeman Ferrera

Committeeman Ferrera reported the new elected officials for the Commissions.

Committeeman Ferrera thanked the emergency services and residence for coming out for the blood drive for Officer Wilson.

Committeewoman McCauley

Committeewoman McCauley stated reported on the EBDC and stated how the people involved get together and help local businesses in anyway they are able to.

Committeewoman McCauley stated that the EBDC is going forward with their meetings, which will be held once a month at a local establishment.

Committeewoman McCauley concluded by stating that the EBDC is here to support the local businesses and therefore if there is any way in which they can help please let them know.

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

Bryan John Miller
214 Wildflower Lane

Mr. Miller stated that the compressive brief that was mentioned at the last Township Committee meeting turned out to not be as comprehensive as it was first thought to be.

Mr. Miller stated that it only stated the high lights of the meeting. Mr. Miller stated that the Township should release a summary of facts after every meeting as a more sufficient way to allow residents of the Township the ability to see what has gone on during the Township Committee Meetings.

Mayor DelCore stated that the residence also have the Mayors Podcast to rely on for information about the meetings.

Mayor DelCore concluded that the Committee will look into the briefs and any other ways that would be valuable to the residents.

Committeeman Ferrera made it known that many other Townships do not have any of Hillsborough Township's perks such as Podcasts, Enews and such. He stated that in many towns, if residence does not show up to the meeting there is no way of knowing what happened.

Committeeman Ferrera states that it is a good idea; however, the resources are not available.

PUBLIC HEARINGS

Ordinance 2009-01 An Ordinance amending Ordinance 2005-06, titled "An Ordinance creating the Grants and Shared Services Advisory Commission," to change the composition of the membership.

Deputy Mayor Wagner moved to open the public hearing on Ordinance 2000-01. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

WHEREAS, during this period of economic challenge when governments at the federal, state and local levels are facing severe fiscal constraints, it is imperative that the Township of Hillsborough seek alternate sources of funding; and

WHEREAS, the Township Committee of the Township of Hillsborough previously created a Grants and Shared Services Advisory Commission; and

WHEREAS, because the preparation of applications for grants and shared services requires technical expertise and staff to prepare said applications; and

WHEREAS, the expertise and staff reside within Township Departments; namely, the Police Department, Engineering Department, Planning Department, Parks and Recreation

Department, Public Works Department, Finance Department, and with the Business Advocate; and

WHEREAS, the Township Committee desires to change the composition of the membership of the Grants and Shared Services Advisory Commission to enhance its service to the public.

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

Section 1: Section 3 of Ordinance 2005-06 is amended to read as follows:
"The Grants and Shared Services Advisory Commission shall consist of six (6) members."

Section 2: Section 4A of the Ordinance 2005-06 is amended to read as follows:
"The seven (7) members of the Shared Services Advisory Commission shall be the Chief of Police, the Township Engineer, the Township Planner, the Director of Parks and Recreation, the Director of Public Works, the Chief Finance Officer, and the Business Advocate or their respective designee."

Section 3: Sections 4B and 4C of Ordinance 2005-06 are deleted.

Section 4: Section 4D of Ordinance 2005-06 is renumbered 4B.

Section 5: Sections 4E, 4F, 4G and 4H of Ordinance 2005-06 are deleted.

Section 6: Section 4I of Ordinance 2005-06 is renumbered 4C and is amended to read as follows:

"A majority of the members shall constitute a quorum of the Commission. However, because the Commission is not empowered to spend public funds or affect persons' rights, and serves as a purely advisory body consisting of Township employees or their designee, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., does not apply to its activities."

Section 7: Section 5 of Ordinance 2005-06 is amended to add Subsection G as follows:

"G. To report to the Township Administration on its activities and receive direction from the Township Administrator."

Section 8: Section 6 of Ordinance 2005-06 is amended to delete the first sentence. The remainder of Section 6 is unchanged.

Section 9: Severability.

Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 10. Effective Date.

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

Mayor DeCore stated that this ordinance was the first of several actions being considered at the meeting to implement elements of the Township's economic action plan. He said that one of those elements is to find greater savings and economies in the municipal operations for the taxpayers.

Mayor DelCore stated that this ordinance changes the membership composition of the Grants and Shared Services Advisory Commission to various Department Heads of the Township government. The Police Chief, the CFO, the Directors of Public Works, Parks and Recreation, and Planning, the Engineering Department, and the Business Advocate will constitute membership of the committee.

Mayor DelCore stated that each of these Department heads are knowledgeable about grants in their respective areas and is involved in direct shared services with other governmental agencies. With the news from Washington that the stimulus package is nearing completion, there will be a need for the Township to act quickly should grant funds become available.

Mr. Paul Drake stated that this is a step in the right direction to have the department heads the ability to take a look at grants and where the opportunities exist for Shared Services. Stated that when the former commission existed, it was made up of volunteers, and they did not have the authority to go forward with the grants. He stated that Department Heads should look at the grants and see what is available.

Mr. Drake asks if there could be a Committeeman that serves as a Liaison to report.

Mr. Davis stated that they will most likely have finance do this.

Committeeman Wagner states that having the Department Heads allows the ability to have more access to what is going on which will allow the grants to be used in more ways.

Mr. Drake states that he would like to see the Department Heads getting merit increases for the work that they have done throughout the year, such that of Planning. States that it should be reflected in their review at the end of the year.

Committeeman Ferrera moved to close the public hearing on Ordinance 2009-01. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

Deputy Mayor Wagner moved to adopt Ordinance 2009-01. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

Ordinance 2009-02 An Ordinance amending the code of the Township of Hillsborough, New Jersey, Chapter 143-30, Schedule I, No Parking and Chapter 143-34.1 Schedule VA Permit Parking.

Committeeman Ferrera moved to open the public hearing on Ordinance 2009-02. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

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

1. That Section 143-30, No Parking, Schedule I, of the Code of Hillsborough Township is amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
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Willow Road	East	100 feet North and South of Kilmer Drive
Kilmer Drive	Both	From Willow Road to a point 100 feet East thereof
Beekman Lane	West	From Amwell Road to a point 215 feet South thereof
Beekman Lane	East	From Amwell Road to the North driveway of Woodfield Park
Marshall Road	West	From Amwell Road to the North driveway of Woodfield Park
Marshall Road	East	From Amwell Road to a point 75 feet South thereof
Rine Road	East	From Amwell Road to a point 550 feet South thereof
Rine Road	West	Entire Length

2. That Section 143-34.1 Permit Parking, Schedule VA, of the Code of Hillsborough Township, is amended as follows:

<u>Street</u>	<u>Location</u>	<u>Hours</u>	<u>Days</u>
Rine Road	East side of roadway from a point 550 feet South of Amwell Road to Wallace Boulevard	9:00 a.m. to 3:00 p.m.	School Days

3. That regulatory signs shall be erected and maintained in accordance with the Manual on Uniformed Traffic Control Devices for Streets and Highways.

4. This ordinance shall take effect upon its adoption, passage and publication according to law.

Mayor DelCore stated that these are changes to parking restrictions on parts of Willow Road, Marshal Road, Beekman Lane, Kilmer Drive, and Rine Road that have been recommended by the Police Department.

Chief Kaminsky stated that these areas are close to practice and recreational fields, which have citizens parking too close to intersections. He stated that the restrictions on Kilmer and Willow Road that were implemented last year made a large difference. The restrictions that are being made will be in place to keep the cars parked away from the intersections so there is a clear view when a person is trying to make a right or left at the intersection.

Resident, Mr. Pete Pasi, President of Junior Raiders stated that when the Ordinance first came out, the people were not aware of what exactly the Ordinance entailed. It was believed that the whole street would be restricted to parking.

Mr. Pasi thanks the Chief and the Mayor for the quick response to the emails that were sent out. It is clear and the Ordinance is understood 100% with everyone involved.

Mayor DelCore states that if any resident has questions prior to the meeting, which the Committee is available to answer questions prior to the Committee meeting.

Committeeman Suraci moved to close the public hearing on Ordinance 2009-02. Said motion was seconded by Deputy Mayor Wagner and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2009-02. Said motion was seconded by Deputy Mayor Wagner and carried unanimously upon call of the roll.

Ordinance 2009-03 An Ordinance amending Ordinance 2005-06, titled "Business Advocate," to adjust the job description to meet the requirements of the Hillsborough 2008 Economic Action Plan and to provide flexibility for the Township Committee to make the position available on a full time basis.

Committeeman Suraci moved to open the public hearing on Ordinance 2009-03. Said motion was seconded by Committeeman Ferrera and carried unanimously by voice vote.

WHEREAS, during this period of economic crisis when businesses are facing severe fiscal constraints, it is imperative that the Township of Hillsborough continue to work with the business community and encourage the existing business community to remain in the Township, while at the same time attracting new businesses to the Township; and

WHEREAS, the Township Committee of the Township of Hillsborough previously created the position of Business Advocate; and

WHEREAS, the Business Advocate has been well received by the business community; and

WHEREAS, it is necessary for the Township Committee to maintain maximum flexibility on how it addresses the economic crisis by having the ability to utilize the Business Advocate on a part or full time basis; and

WHEREAS, the Township Committee desires that the Business Advocate be available part or full time depending on the circumstances.

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

Section 1: Section 73-136 of the Code of the Township of Hillsborough, the second full sentence, is amended to delete: "He/she will work on a part-time basis to carry out the functions of the EBDC in a more consistent and concentrated manner", and inserting: "The Business Advocate will work on a part or full time basis as authorized, in its sole discretion, by Resolution of the Township Committee."

Section 2: Section 73-136 of the Code of the Township of Hillsborough is amended to add the following duties to the Business Advocate:

- G. The Business Advocate will serve on both the Grants and Shared Services Advisory Commission, and the Regulatory Oversight Working Group.
- H. The Business Advocate will be responsible for identifying; seeking and obtaining benefits of any federal, state or county stimulus program, loan, grant or incentive that assist the business community.
- I. The Business Advocate will be responsible for interfacing between the business community and the New Jersey Economic Development Authority, New Jersey Department of Labor and Workforce Development, the United States Department of Commerce and any other federal, state or county agency established for the purpose of stimulating the economy.

Section 3: Section 73-139 of the Code of the Township of Hillsborough is deleted and replaced with a new Section 73-139 titled "Appointment and Removal from Office":

The Business Advocate serves on a part or full time basis as authorized, in its sole discretion, by Resolution of the Township Committee. The Business Advocate serves at the pleasure of the Township Committee.

Section 4: Severability.

Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 5. Effective Date.

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

Mayor DelCore stated that this ordinance adjusts the job description of the Business Advocate, giving the Township Committee the latitude to make the position available to help the business community on a full time basis.

Mayor DelCore stated that Mr. Strupinsky, the Business Advocate, has stepped up his efforts to the attention of businesses outside of the community that are looking to re-locate.

Mayor DelCore also made it clear that the change to full time for this position is cost effective, as it will not add to the overall head count in full time employees, due to adjustments in other Departments.

Committeewoman McCauley stated that she has had the pleasure of working with Gene for the past couple of years. Stated that he puts himself out there to help the local businesses as well as guiding them to the Grants and Services.

Committeeman Suraci moved to close the public hearing on Ordinance 2009-03. Said motion was seconded by Committeeman Ferrera and carried unanimously by voice vote.

Deputy Mayor Wagner moved to adopt Ordinance 2009-03. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

Ordinance 2009-06 An Ordinance amending Chapter 188 (Development Regulations) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to revise certain fees in section 188-13.
Further consideration of this ordinance and public hearing will be held on Mach 10, 2009

Mayor DelCore stated that the Township Committee created the Regulatory Oversight Working Group, chaired by Building Department Director Ron Skobo and made up of several Department Heads who have direct regulatory contact with the business community, as a major component of the Hillsborough economic action plan on January 13th.

Mayor DelCore stated that this meeting would be 28 days after forming the Working Group, and the Township Committee would consider the several ordinances on this agenda designed to make significant changes for the business community. He said that these changes have been analyzed and recommended by the Working Group.

Mayor DelCore noted that the first ordinance, 2009-06, is a key element of the economic action plan because it reduces various zoning and planning fees for local businesses. The fee reductions will also benefit homeowners.

Mayor DelCore made it clear that this plan is not about bringing more housing developments to Hillsborough but more about helping already existing local businesses and attracting new commercial development that will help offset the burden of property taxes on homeowners. The Mayor also made it clear that the escrow fees which which applicants provide to cover legal and engineering costs remain unchanged.

Mayor DelCore stated that the Township is aware that lower fees alone are not going to convince a business to move to Hillsborough or expand its local operations. However, when the government reduces fees it sends the strongest message possible to the business community that we are serious about helping the local economy and moving the bureaucracy out of the way of business growth.

Mayor DelCore introduced Mr. Bob Ringelheim, the Township Planner and a member of the Working Group, to the meeting and stated that he will outline specific permit reductions, as they fall generally under his area of responsibility in zoning and planning.

Mr. Ringelheim stated that this Ordinance recommends reducing the fees for non residents, as well as reducing non zoning permit fees for businesses and home owners. In addition to the reduction of the fees, it will also be easier to determine based on the new formula so they are both business and user friendly.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 10, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

Ordinance 2009 – 07

An Ordinance amending Chapter 188 (Development Regulations) of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to permit Outdoor Storage in the GI, I-1, I-2 and I-3 Districts and to allow tenants in Industrial Buildings.

Further consideration of this ordinance and public hearing will be held on March 10, 2009.

Mayor DelCore stated that this ordinance will permit businesses in Industrial zones to have outside storage and to lease available space to permitted use tenants, without having to go to the expensive and time consuming process of seeking approval from land use boards, as is now required.

Mayor DelCore makes it clear that this is only about Industrial zones in the Township where various industrial uses are permitted, not residential zones. He said that the outside storage and tenant issue will still require a municipal oversight and a zoning permit – the fee for which is reduced by the previous ordinance.

Mayor DelCore said that this change is recommended by the Regulatory Oversight Group.

Mr. Ringelheim stated that this Ordinance will allow outdoor storage as an accessory use in the industrial districts. Individual Industrial areas will also be able to lease out vacant space, provided there is a minimum of out extra space, as long as there is 1500 square feet, without needing board approval, which is currently required.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 10, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

Ordinance 2009 – 08

An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards), of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to amend Section 98 B in order to permit Volunteer Fire Companies and first aid or Rescue Squads as principal permitted uses in the RA, RS, R, R1, R2, CR, AH, RCA, and PD Districts.

Further consideration of this ordinance and public hearing will be held on March 10, 2009.

Mayor DelCore stated that this ordinance is not directed at businesses, but instead should benefit Hillsborough's volunteer Fire and Rescue services and the public served by these emergency services. He said that this will allow the establishment of a Fire or Rescue Squad station in various residential zones as a permitted use.

Mayor DelCore also stated that this will be of benefit for the proposed new Rescue Squad station planned for Homestead Road and designed to provide improved response time for the residents on the east side of Route 206. He made it clear that this also ensures that residents in a particular area are fully informed of and have input on any proposed changes.

Mr. Ringelheim stated that this Ordinance implements the information contained in the Master Plan Amendment, Land Use Element, as adopted by the Planning Board on January 29, 2009. These uses, by those stated above in the Ordinance, are now permitted in these zones as conditional uses without conditions. However, it is also noted, that at a recent Court ordering, it was stated that this is no longer permitted. There was a recent court settling with Country Classics that will provide over a million dollars to the Township in order to expand and improve the Hamilton Road First Aid and Rescue Squad, which is in the R district. Permitting these uses in the residential zones will allow flexibility.

Committeeman Wagner stated that the desire is to have the Hamilton Rescuue Squad re done as there is only a two car garage and not much more.

Committeeman Wagner stated that he believes Mr. David Gwin has met with at least one architect on this. He also states that everyone is thankful for the VanCleeef's for their donations.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 10, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Ferrera and unanimously approved upon call of the roll.

Ordinance 2009 – 09 An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards), of the code of the Township of Hillsborough, County of Somerset, State of New Jersey, to amend the zone designation for Block 142, Lot 23B from ED, Economic Development, to I-2, Light Industrial an to permit each condominium unit in an industrial or office condominium complex to be considered as a separate use.

Mayor DelCore stated that this ordinance is recommended by both the Regulatory Oversight Working Group and the Planning Board and is designed to again remove bureaucratic rules that delay business development.

Mayor DelCore said that as of now, the commercial properties on one side of Roycefield Road are in a light industrial zone, while on the other side of the street the zoning is the more restrictive Economic Development zone. He said that each time the property owner on the more restrictive side of the road has a new potential tenant, the

owner has to go through the time consuming and expensive Zoning Board of Adjustment use variance process. While the property owner across the street does not face the same bureaucratic restriction.

Mayor DelCore went on to say that the adjustment being proposed with this ordinance treats property owners on both sides of the Roycefield Road equally, and eliminates the bureaucratic use variance step for bringing in commercial tenants who will add jobs and economic value to Hillsborough.

Mayor DelCore said that following the notice policy implemented last year by Mayor Anthony Ferrera, prior to the Planning Board's consideration of this ordinance change, the impacted and nearby property owners received notice, so the Planning Board could receive their input.

Mr. Ringelheim stated that this Ordinance implements the recommendation contained in the Master Plan amendment, Land Use Element, which was adopted by the Planning Board on January 29, 2009. In proposing to change the zone, for the property known as Royce brook.

Mr. Ringelheim showed the Committee a view of the map which represented the changes that will be made.

Mr. Ringelheim describes the zoning districts for each Block and Lot.

Committeeman Ferrera moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 10, 2009 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

Ordinance 2009-10 An Ordinance amending Chapter 188 (Development Regulations), Article V (Districts and Standards) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, to add new definitions in Section 188-3 and to create the Light Industrial (LI) District in Section 188-107.1.

Further consideration of this ordinance and public hearing will be held on March 10, 2009.

Mayor DelCore stated that this matter was reviewed and recommended by the Planning Board, as well as by the Regulatory Oversight Working Group.

Mayor DelCore said that a zone change along the northbound side of Route 206 coming up from Montgomery to about Raider Boulevard, approximately 360 acres, will create greater economic development opportunities for the property owners in that area.

Mayor DelCore said that the present General Industrial designation is more restrictive than the new, proposed Light Industrial zone. He then went on to state that the new permitted uses will include home improvement centers, garden centers, farm markets, and alternative energy research and development, to name a few.

Mayor DelCore stated that this will be beneficial to the improvement of the economic climate to Hillsborough Township.

Mr. Ringelheim stated that this Ordinance implements the recommendations made in the 2005 Master Plan amendment and Phase 2 by creating the LI, Light Industrial District, to replace a portion of the GI, General Industrial District, along the Southern End of Route 206.

Mr. Ringelheim provided a map and explanation to the Committee about the Ordinance. He also pointed out that the minimum lot size for this district is being reduced as well, from 5 acres to 2 acres.

Committeewoman McCauley states that this will help everything move forward. Stated that the Township should always be helping the business get up and running faster so this will be appreciated. States the condo situation will help businesses as well.

Committeewoman McCauley commends the Working Committee for moving us forward.

Mayor DelCore thanked the Working Committee as well as the Planning Board for addressing these issues as fast as they did.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 10, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

Ordinance 2009-11 An Ordinance repealing Chapter 205 of the code of the Township of Hillsborough, titled "Massage Therapists", and replacing it with a new Chapter 205 with the same title providing for the Licensing of Massage Therapists in the Township of Hillsborough.
Further considering of this ordinance and public hearing will be held on March 10, 2009.

Mayor DelCore stated that this ordinance proposed some changes to the Massage Therapist Licensing regulations to streamline both the submission and approval process. This Ordinance will benefit the business while continuing to protect our community.

Mayor DelCore stated that the changes do not make any adjustments to the restrictions that were put in place several years ago to protect our community from illicit massage parlors, as the Massage Therapists will still be required to seek a license from Hillsborough Township.

Mayor DelCore stated that the Police Chief recommended the changes, and are supported by the legitimate massage therapy establishment in the Township.

Chief Kaminsky stated that the majority of the changes are wording within the Ordinance. Stated that one major change is to comply at least 500 hours to a Massage Therapeutic School that met the state standards.

Chief Kaminsky stated that any changes of the personal during any time during the year will have to be notified to the Chief. This ensures the Police the ability to make sure that the qualifications are up to date.

Committeeman Ferrera moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 10, 2009 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

CONSIDERATIONS

Mayor DelCore offered the following resolutions:

1. **Resolution authorizing the Township Administrator/Clerk to execute the New Jersey Environmental Infrastructure Trust (NJEIT) Loan application for the Claremont Sewer Connection Project.**

Applicant: Township of Hillsborough
NJEIT Loan Number: 340099-01

WHEREAS, the Township of Hillsborough intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Claremont Sanitary Sewer Extension Project

NOW, THEREFORE BE IT RESOLVED that Kevin P. Davis, Township Administrator/Clerk be authorized to act at the Authorized Representative to represent the Township of Hillsborough in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at Hillsborough Municipal Complex, 379 South Branch Road, Hillsborough, NJ 08844; (908) 369-4313

Mayor DelCore stated that the Claremont sewer connection project, which will be funded by a special assessment paid by the benefiting property owners, will continue to move forward. He also made a note that he was advised that the draft plans are now available in the Township Engineer's Office and that the Hillsborough Municipal Utilities Authority will consider the Claremont plan for approval on February 16th, to be followed by the Somerset Raritan Valley Sewerage Authority's consideration of the plan on February 17th.

Mayor DelCore went on to explain that once those approvals are obtained, the project's application will be forwarded to the NJDEP for a treatment works permit and to the state's Environmental Infrastructure Trust (EIT) for consideration for low interest financing.

Mayor DelCore stated that the Township has been advised that the interest rate on EIT financing is half or less than the rate that the Township can obtain – perhaps as low as 2%. The Mayor said that should the project qualify for EIT financing, the property owners who will pay the special assessment will save \$1 million in interest costs.

Mayor DelCore concluded by stating that this resolution authorizes Mr. Davis to sign and submit the application to the EIT.

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

2. **Resolution authorizing the Mayor and Administrator/Clerk of the Township of Hillsborough to execute an Inter-Municipal Cooperation Agreement with the Borough of Millstone, Van Cleef Family Limited Partnership and Riverside, LLC, to consent to the admission of the Borough of Millstone to the Township of Hillsborough Municipal Utilities Authority.**

WHEREAS, the Borough of Millstone has a need for sewer service to address issues of public health and safety, including sewer service for households with failing septic, to satisfy its affordable housing requirements, and to allow other limited development; and

WHEREAS, the Borough of Millstone cannot satisfy its sewer needs unless the entire municipality is included in a Wastewater Quality Management Plan ("WQMP"); and

WHEREAS, Van Cleef Family Limited Partnership and Riverside LLC (jointly "Van Cleef") seek sewer capacity to construct an inclusionary development consisting of ninety-two (92) age-restricted single-family units, two (2) five-bedroom group homes, a two-unit affordable home and two (2) single family market homes on Lots 1, 2, 3A and 8 in Block 8 of the Borough of Millstone ("Van Cleef Properties"); and

WHEREAS, the Van Cleef Properties are owned by two Van Cleef entities: Van Cleef Family Limited Partnership and Riverside LLC; and

WHEREAS, County of Somerset, New Jersey Department of Environmental Protection and Township of Hillsborough Municipal Utilities Authority approval, including approval of a Wastewater Quality Management Plan Amendment, is necessary before sewer service can be provided by the Township of Hillsborough Municipal Utilities Authority to the Borough of Millstone or to any user in the Borough; and

WHEREAS, the Township of Hillsborough, Borough of Millstone and Van Cleef negotiated an Inter-Municipal Cooperation Agreement; and

WHEREAS, the Interlocal-Municipal Cooperation Agreement provides for a payment to the Township of \$500,000.00 by Van Cleef and Millstone, payable in installments, with \$250,000.00 to be paid when Van Cleef receives all approvals, and \$250,000.00 payable in installments as building permits are issued; and

WHEREAS, the Township Committee desires to enter into the Inter-Municipal Cooperation Agreement with the Borough of Millstone and Van Cleef to consent to the admission of the Borough to the Township of Hillsborough Municipal Utilities Authority.

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 Clerk are hereby authorized to enter into the Inter-Municipal Cooperation Agreement which has been reviewed and approved by the Township Administrator/Clerk and Attorney.
2. This Resolution takes effect immediately.

Mayor DelCore stated that Millstone and Hillsborough have reached an agreement where Millstone would be able to join the Hillsborough Municipal Utilities Authority sewer connection, should Millstone be approved by the NJDEP to gain admission to the state wastewater management plan.

Mayor DelCore stated that through the Van Cleef Family L.P., Millstone will contribute \$500,000 to Hillsborough to be allocated to the Claremont sewer project, for a share in the cost of the Hamilton Avenue sewer line, should the area of Millstone closest to Hillsborough's Claremont neighborhood ever seek connection.

Mayor DelCore also stated that half the contribution will be made initially when Van Cleef receives all needed approvals for their development in Millstone, and the rest subsequently on a per certificates of occupancy basis in the Van Cleef Millstone development.

Mayor DelCore made it clear that this agreement does not permit any housing development in Hillsborough and avoids costly litigation between the developer, Millstone, and the Township. The Township Committee cannot guarantee Millstone and Van Cleef sewer capacity.

Mayor DelCore went on to state that the agreement will not reduce capacity for any of the present Township sewer projects and does not impact on MUA costs or fees. He stated that it is expected that the Van Cleef project will be several years in development, and, therefore, the contributions will not be made until such time.

Mayor DelCore also stated that the Township's approval to join the Hillsborough MUA is a necessary step in Millstone's effort to be added to the state wastewater management plan. The Township was advised that there are older septic systems in Millstone that could have a negative impact on the public health and the environment, including the Millstone River.

Mayor DelCore reported that any and all costs associated with Millstone creating a sewer connection for their homeowners would be Millstone's responsibility, and the Van Cleef contribution will offset costs paid by Claremont property owners in the development of the sewer line.

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

3. Resolution authorizing the execution of a contract for an Employee Assistance Program with Charles Nechtem Associates, Inc. for the period February 1, 2009 through January 31, 2010, not to exceed \$3,774.00.

WHEREAS, the Township currently contracts for an Employee Assistance Program (EAP) with Charles Nechtem Associates, Inc.; and

WHEREAS, Social Services Director Tamas Ormosi has determined that Charles Nechtem Associates, Inc.'s Employee Assistance Program is best suited to the Township's needs; and

WHEREAS, the cost to the Township will be \$3,774.00 for the period February 1, 2009 through January 31, 2010 based on 185 employees; and

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

1. An award of contract for an Employee Assistance Program is hereby made to Charles Nechtem Associates, Inc. Employee Assistance Programs for Businesses in an amount not to exceed \$3,774.00 for the period from February 1, 2009 to January 31, 2010.
2. 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.

Mayor DelCore reported that the Township is required to make an Employee Assistance Program available for municipal employees.

Mayor DelCore stated that Nechtem has been handling the program for several years and provided the lowest quote for services.

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

4. Resolution opposing Bill No. 3686 which proposes the transfer of the Governor's Council on Alcoholism and Drug Abuse to the New Jersey Department of Human Services.

WHEREAS, the Township of Hillsborough desires to oppose Assembly Bill No. 3686 which proposes the transfer of the Governor's Council on Alcoholism and Drug Abuse and control of the Drug Enforcement Demand Reduction Fund to the New Jersey Department of Human Services; and

WHEREAS, the Hillsborough Township Committee has been advised and believes that A-3686 is not in the public interest as it would dramatically diminish, if not eliminate, the role of the Municipal Alliances to Prevent Substance Abuse which is an invaluable community program and an effective asset for the development and implementation of "grass roots" local programs for the prevention of alcohol and drug abuse; and

WHEREAS, the Hillsborough Township Committee opposes the transfer of the Governor's Council on Alcoholism and Drug Abuse and control of the Drug Enforcement Demand Reduction Fund to the New Jersey Department of Human Services as the consequences of those actions are likely to diminish or eliminate a data-driven, evidence producing drug and alcohol prevention program that already effectively uses the efforts and expertise of dedicated local volunteers; and

NOW, THEREFORE, LET IT BE RESOLVED By the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Committee opposes and objects to A- 3686 which proposes the transfer of the Governor's Council on Alcoholism and Drug Abuse and control of the Drug Enforcement Demand Reduction Fund to the New Jersey Department of Human Services; and

LET IT BE FURTHER RESOLVED that a certified copy of this resolution shall be sent to Governor Jon S. Corzine, Senate President Richard J. Codey, Senate Minority Leader Thomas Kean, Jr., Senator Christopher "Kip" Bateman, Assembly Speaker Joseph J. Roberts, Assembly Minority Leader Alex DeCroce, Assemblyman Peter J. Biondi, Assemblywoman Denise Coyle, and all state legislators representing legislative districts with municipalities in the County of Somerset.

Committeewoman McCauley, Lisa Gulla, the coordinator of Hillsborough's alliance program, and the Municipal Alliance, have brought to the Township Committee attention a problem piece of legislation being considered in the state legislature, A-3686.

Mayor DelCore stated that the bill would remove the independence of the Governor's Council on Alcoholism and Drug Abuse, and its grant making authority, by placing the Council in the Department of Human Services.

Mayor DelCore said that by taking this type of program away from local decision making, where drug and alcohol abuse prevention is the primary focus, and placing it in the hands of state bureaucrats where addiction treatment is the primary focus, would not be in the interest of our community.

Mayor DelCore reported that this resolution states the Hillsborough Township Committee's opposition to A-3686.

Committeewoman McCauley stated that this is an important assembly bill.

Ms. Lisa Gulla stated that the primary issue is that Municipal Alliances have been disturbed monies through a dedicated fund, The Drug Enforcement Demand Reduction Act, whereas Drug Felon fines fund Drug Prevention. Stated that for over twenty years, people have tried to raid these funds, however, were unable to because they are a legislative fund. Ms. Gulla stated that the only way to change this is to change the legislation. She stated that they have now introduced this assembly bill which proposes to give the money to the Department of Human Services and allow the division of addiction services to have the blanket rule of the monies.

Ms. Gulla state that if this bill is passed, by 2011, Municipal Alliances will not exist. States that the Municipal Alliance should be left as it is.

Committeewoman McCauley agreed with standing behind opposing the bill. She Stated that as a municipality, the Township will be able to use that money as sees fit.

Committeeman Ferrera thanked everyone for coming out. Also thanks the Muncipal Alliance for their dedication and many volunteer hours that have been put in from them.

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

5. Resolution authorizing the Mayor and Township Administrator/Clerk to enter into Concession Agreements for Local Median Maintenance Program with AEV Landscaping, ALL Decked Out, Rainfall Landscape & Twin Oaks Landscaping.

WHEREAS, the Township of Hillsborough implemented a Local Median Maintenance Program whereby landscapers perform beautification services on local medians within the Township; and

WHEREAS, these beautification services are provided to the Township in exchange for the placement of a sign in the median; and

WHEREAS, the Director of the Department of Public Works recommends such a program because it will result in savings to the Township and its residents; and

WHEREAS, the Township sought vendors to perform these services; and

WHEREAS, pursuant to N.J.A.C. 5:34-9.4, these services are in the nature of a concession; and

WHEREAS, the Township desires to award a concession agreement to the following: AEV Landscaping, All Decked Out, Rainfall Landscape & Twin Oaks Landscaping; and

WHEREAS, these agreements shall be for the time period of April 15, 2009 through November 15, 2009; and

WHEREAS, the Township has undertaken the following Concession Analysis:

DESCRIPTION OF PUBLIC NEED: Landscaping of selected Township medians at no cost to the Township.

CONCESSION AWARDED: AEV Landscaping, All Decked Out, Rainfall Landscape & Twin Oaks Landscaping

CONSIDERATION: Hillsborough Township will receive the following services:

Islands to be mowed weekly at a minimum, preferably mowed when the contractor is providing mowing services for private customers in the area(s). During the summer "burn", islands should be mowed at the same interval as the private customers in the area of the median(s). Grass length should be maintained no less than three (3") inches.

RISKS: There is no risk to the Township because the Township is not expending any money and the vendors are insured.

ESTIMATE OF TOTAL VALUE OF CONCESSION: \$1,000
Vendor will be permitted to provide signs on public property being landscaped as delineated in the agreement.

ESTIMATE OF REVENUE TO BE RECEIVED BY CONTRACTING UNIT: No revenue to be received.

BASIS FOR AWARD: Concession Agreement

COSTS BY CONTRACTING UNIT: None.

FACILITIES PROVIDED BY CONTRACTING UNIT: None.

METHOD OF PROCUREMENT: Informal quote because the total value of the concession is \$1,000.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Mayor and Township Administrator/Clerk are hereby authorized to enter into a Concession Agreement with AEV

Landscaping, All Decked Out, Rainfall Landscape & Twin Oaks Landscaping, said agreements will address terms and conditions, rules and regulations, insurance and specific assignments for the vendor.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that this resolution shall take effect immediately.

Mayor DelCore reported that the local median maintenance program where, local landscapers provide grass cutting and landscape services for public medians in return for having a sign placed on the , median, has been a success by taking some of the workload off of the Public Works Department.

Mayor DelCore stated that each year the Township adds additional landscapers to the program, as recommended by the Director of Public Works.

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

6. Resolution approving request from the Chief of Police allowing members of the Police Department to participate in a Shared Leave Program to benefit Officer David Wilson.

Whereas, due to the severe illness of Officer David Wilson, the Chief of Police wishes to have the Township create a Shared Leave Program to allow members of the Hillsborough Township Police Department to provide paid leave days since Officer Wilson is without paid leave time and is in desperate need of such, due to his illness and related treatment.

Now, therefore, be it resolved, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it wishes to create a Shared Leave Program specifically as it relates to Officer David Wilson, which shall be subject to the following conditions:

1. All regular full time Hillsborough Township Police Department employees, whether paid on an hourly basis or by salary, may be eligible to provide leave time to Officer Wilson.
2. Only accrued, unused sick, personal and/or vacation leave can be donated.
3. All donated leave must be voluntarily given. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for the purpose of this program.
4. Once donated and used, the time is not recoverable.
5. Donors must complete a written memorandum to the Chief of Police specifying the amount and source of hours to be donated.
6. Each eligible employee must have, at the time of donation, at the time of donation, at least one hundred (100) hours of total leave time and the donation of leave must not reduce the employee's total leave bank below the one hundred (100) hours total leave time requirement.
7. Officer Wilson qualifies to be eligible for consideration for donated leave time because he meets all the criteria listed below:

- A. Officer Wilson has completed at least one (1) year of continuous full time service/employment with the Township Police Department.
- B. Officer Wilson suffers from a health condition which is non-job related; is catastrophic in nature and which will cause Officer Wilson to either: (1) go on unpaid leave; and/or, (2) terminate his employment with the Township.
- C. Officer Wilson has submitted documentation from a licensed physician verifying that he suffers from an extraordinary or severe illness.
- D. Officer Wilson has abided by all personnel rules regarding sick leave use.
- E. Officer Wilson has completed all necessary paperwork/documentation for Family and Medical Leave Act, Family Leave Act and disability, where applicable.

8. Officer Wilson has submitted a written request to the Chief of Police seeking approval for participation in this program. Said request includes a medical verification form from a physician concerning the nature of Officer Wilson's condition and the anticipated duration of the disability resulting from the catastrophic illness in question. Said medical form(s) are filed in the Department/Township's confidential medical files.

9. Any leave time donated will be converted to a dollar value based on the donor's straight time hourly rate at the time of the donation. Such dollar value will then be divided by Officer Wilson's hourly rate, at the time of donation, to determine the actual number of hours to be received.

10. Chief Kaminsky recommends the adoption of this Resolution and asks that the provisions of this Resolution remain in effect up to and through December 31, 2009.

be it further resolved that the Township Committee approves this Resolution as per the conditions/requirements/recommendations set forth above for Officer David Wilson and wish him well and hope for a speedy recovery.

Mayor DelCore reported that this sets a policy to allow Police Department personnel to voluntarily contribute sick time to Police Officer David Wilson should he run out of time during his treatment and recovery.

Mayor DelCore stated that the Police Chief and the PBA have both recommended this policy, and it is approved by the Labor Counsel. He also said that this does not cost the Township anything.

Mayor DelCore stated that he and the Township Committee wish Officer Wilson a fast recovery.

Committeeman Ferrera stated that it is a great thing that the personal in the department are stepping up to help Officer Wilson. Committeeman Ferrera also wishes him well.

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

CONSENTS

Deputy Mayor DelCore offered the following consent agenda:

1. **RESOLUTION APPROVING REQUEST FROM VILLAGE CONSTRUCTION SERVICES, LLC FOR THE RELEASE OF CASH ESCROW FOR ROAD OPENING PERMIT NO. 2005-45, IN THE AMOUNT OF \$2,850.00**

WHEREAS, a request has been received from Village Construction Services, LLC for release of cash escrow for Road Opening Permit No. 2005-45; 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 \$2,850.00 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 be and hereby is accepted and approved.

2. **RESOLUTION APPROVING THE REQUEST FROM AUDIO CAFÉ – MIKE DUDZINSKI FOR THE RELEASE OF CASH BOND IN AN AMOUNT OF \$5,000.00**

WHEREAS, a request has been received from Audio Café – Mike Dudzinski for the release of the cash bond retained for Site Deficiencies; 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 \$5,000.00 cash bond, plus any accrued interest; and

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

3. **Resolution RATIFYING AND CONFIRMING THE ACTION OF THE ADMINISTRATOR/TOWNSHIP CLERK APPROVING RAFFLE LICENSE APPLICATION FOR THE ROTARY CLUB OF HILLSBOROUGH**

Whereas, an application for a raffle license has been filed by the Rotary Club of Hillsborough for raffle being held on February 28, 2009; and

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

Now, Therefore, Be It Resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves raffle

application #1122 submitted by the Rotary Club of Hillsborough for raffle being held on February 28, 2009.

4. RESOLUTION APPROVING THE REQUEST FROM HILLSBOROUGH TOWNSHIP POLICE BENEVOLENT ASSOCIATION LOCAL NO. 205 TO USE THE TOWNSHIP'S TENT FOR A MOTORCYCLE RUN/PICNIC, A FUNDRAISING EVENT ON APRIL 5, 2009 FOR OFFICER DAVID WILSON

WHEREAS, Hillsborough Township Police Benevolent Association, Local No. 205 request the use of the Township's Celebration Tent for a motorcycle run/picnic to be held on April 5, 2009 to benefit Officer David Wilson, who is battling leukemia; and

WHEREAS, the Department of Parks and Recreation and the Recreation Commission has recommended that Hillsborough Township PBA's request be approved.

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 Hillsborough Township PBA's request to use the Township's Celebration Tent for the motorcycle run/picnic to be held on April 5, 2009 to benefit Officer David Wilson, who is battling leukemia

5. Resolution Approving the Application For Special Permit For Social Affair for Hillsborough Township police benevolent association local 205 to be held on April 5, 2009 for officer David Wilson

WHEREAS, an application for a Special Permit for Social Affair has been filed by Hillsborough Township Police Benevolent Association Local 205 to be held on April 5, 2009; and

WHEREAS, the submitted application forms are complete in all respects.

Now, Therefore, Be It Resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the application for Special Permit for Social Affair for Hillsborough Township Police Benevolent Association Local 205 for event to be held on April 5, 2009.

6. Resolution ratifying and confirming the action of the Chief of Police in preparing and submitting a 2009 Safe Corridors Grant Application to the State of New Jersey Department of Transportation on behalf of the Township of Hillsborough

WHEREAS, the New Jersey Department of Transportation provides reimbursement funding for municipalities that contain designated as "Safe Corridors"; and

WHEREAS, the Township of Hillsborough was awarded \$47,000 in 2008 through this grant program; and

WHEREAS, in the 2009 grant program, the Township of Hillsborough will be eligible for reimbursement up to \$48,000 for specific enforcement equipment including but not limited to radar units, Mobil Vision Recording Units, GPS systems, protective vests, communication equipment and patrol cars; and

WHEREAS, the Township of Hillsborough desires to submit an application to New Jersey Department of Transportation for a 2009 Safe Corridors Grant.

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 Chief of Police in preparing and submitting a 2009 Safe Corridors Grant Application to the State of New Jersey Department of Transportation, on behalf of the Township of Hillsborough, is hereby ratified and confirmed.

7. Resolution authorizing the Mayor and the Township Administrator/Clerk to execute the Interlocal Health SERVICES Agreement between Hillsborough Township and Millstone Borough

WHEREAS, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, authorizes any local unit to enter into a contract with another local unit for the joint provision within their several jurisdictions of any services which any party to the agreement is empowered to render within it's own jurisdiction; and

WHEREAS, the Township of Hillsborough and the Borough of Millstone are desirous to contract for the furnishing of health services of a technical and professional nature.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby authorizes the Mayor and Township Administrator/Clerk to enter into and execute the attached Agreement between the Borough of Millstone and the Township of Hillsborough pursuant to N.J.S.A. 26:3A-2.1 et seq., and N.J.S.A 40:8A-1 et. seq. for the furnishing of health services of a technical and professional nature.

8. Resolution APPROVING AN APPLICATION FOR A RAFFLE LICENSE BY SUNSHINE KIDS FOUNDATION TO BE HELD ON MAY 30, 2009.

WHEREAS, an application for a raffle license had been filed by the Sunshine Kids Foundation for raffle being held on May 30, 2009; and

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

Now, Therefore, Be It Resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the raffle application #1107 to Sunshine Kids Foundation for raffle being held on May 30, 2009.

**9. RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS IN THE AMOUNT OF \$4,271.52
(total properties 4)**

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

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

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Tax Collector is

hereby authorized to refund said amount to the property owners. Total, \$ 4,271.52 properties, 4.

Block	Lot	Name	Amount	Qtr	Year
140.01	17	Wells Fargo Real Estate Tax Service	188.44	1 st	2009
140.02	2	Countrywide Home Loans	2,282.36	1 st	2009
163.07	28.31 Condo	Countrywide Home Loans	1,310.78	1 st	2009
180.03	26	Countrywide Home Loans	489.94	1 st	2009

CLAIMS LIST

Mayor DelCore presented Claims List 2009-03.

Upon motion by Committeewoman McCauley, seconded by Committeeman Ferrera, Claims List 2009-03 was unanimously approved upon call of the roll.

EXECUTIVE SESSION

EXECUTIVE SESSION RESOLUTION

Upon motion by Committeeman Ferrera, seconded by Committeewoman McCauley, 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:
 - Property Acquisition: Block 191, Lot 25 (.20 of one (1) acre easement)
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 9:02 p.m.

Committeeman Suraci motioned to come out of executive session at 9:49 p.m.; said motion was seconded by Deputy Mayor Wagner and unanimously adopted by voice vote.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Wagner, the meeting duly adjourned at 9:50 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC
Township Clerk

