

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 Frank DelCore, Committeeman Carl Suraci, Deputy Mayor Greg Burchette and Mayor Doug Tomson. Also, in attendance were Township Clerk Pamela Borek, Township Administrator Anthony Ferrera and Township Attorney William Willard and Township Labor Attorney Eric Bernstein. Committeewoman Gloria McCauley was noted as absent.

### **SALUTE TO THE FLAG**

Following roll call, Mayor Tomson advised that in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, of the Public Laws of 1975, that notice of this meeting was made by the posting on the bulletin board at the Hillsborough Township Municipal Complex and notifying the officially designated newspapers that this meeting would take place at the Hillsborough Township Municipal Complex at 7:30 p.m. on March 25, 2014.

### **APPROVAL OF MINUTES**

- *Approval of the January 14, 2014 Executive Session Minutes*
  - Upon motion by Deputy Mayor Burchette, seconded by Committeeman Suraci, the minutes of the January 14, 2014 Executive Session Minutes were approved upon the call of the roll.
- *Approval of the January 28, 2014 Executive Session Minutes*
  - Upon motion by Deputy Mayor Burchette, seconded by Committeeman DelCore, the minutes of the January 28, 2014 Executive Session Minutes were approved upon the call of the roll.
- *Approval of the February 11, 2014 Regular Session Minutes*
  - Upon motion by Committeeman DelCore, seconded by Committeeman Suraci, the minutes of the February 11, 2014 Regular Session Minutes were approved upon the call of the roll.
  - Abstain-Deputy Mayor Burchette

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

#### **Committeeman DelCore**

Committeeman DelCore congratulated Hillsborough Township Police Officers David Ur and Thomas McLain for being the 2013 Top Cop Award Recipients.

Committeeman DelCore stated that the Municipal Court staff, Hillsborough Township Administrator Anthony Ferrera, Montgomery Township Administrator Donato Nieman and Municipal Court Judge John Richardson were acknowledged at a meeting hosted by the Vicinage 13 Municipal Division of the Superior Court. Assignment Judge Yolanda Ciccone cited the Hillsborough / Montgomery Shared Municipal Court for its extremely low backlog which is the lowest in the vicinage and the exceptional case management skills of Court Administrator Susan Keeth, Deputy Court Administrator Nancy Horvath and Violation Clerks Joanne Bertolini and Lisa Strothers.

Committeeman DelCore reminded residents that the Cultural Arts Commission Art Show has been rescheduled until May 2<sup>nd</sup> in the multi purpose room.

**Committeeman Suraci**

Committeeman Suraci announced that the Summer Sports Camp brochure and the Spring Activities Guide are both available on the Parks and Recreation website.

Committeeman Suraci announced that Hillsborough Township is once again partnering with Somerset Medical Center and hosting a Blood Drive on Wednesday, April 23<sup>rd</sup> here at the Municipal Complex from 2-7pm. To register please contact SMC Blood Donor Program at 908-685-2926.

**Deputy Mayor Burchette**

Deputy Mayor Burchette reminded residents that East Mountain Road is closed for construction between the Hillsborough Township border and County Route 601. The suggested detour is Mountain View Road to Route 206 to Route 601.

Deputy Mayor Burchette stated that the bridge over the canal on Weston Canal Road in Franklin Twp. will be closed for 3-4 months. There may be traffic delays impacting Hillsborough Twp.

Deputy Mayor Burchette added that River Road (CR 625) between Beekman Lane and Somerset Street will be closed on or about March 31<sup>st</sup> for approximately two weeks, and again on or about April 28<sup>th</sup> for approximately one week for road repairs and resurfacing.

Deputy Mayor Burchette announced that Hillsborough Township DPW will host the 5<sup>th</sup> Annual Clean up Day on Saturday, April 26<sup>th</sup> from 9am until 12 noon in conjunction with Earth Day. All Township Residents are invited to participate in the Town-wide clean up.

**Mayor Tomson**

Mayor Tomson stated that on the Mayors Wellness front the Million Hearts Pledge is still running through the end of the month. Please visit the website [millionhearts.hhs.gov](http://millionhearts.hhs.gov) and take the pledge.

Mayor Tomson announced that on Saturday, May 24<sup>th</sup> is the annual Salute to Veterans Breakfast, Memorial Day Parade and Garden of Honor Ceremonies. Any non-profit organizations who wish to participate in the parade can register online through the parks and recreation website.

Mayor Tomson announced that clean up coupons are available through our Department of Public Works.

Mayor Tomson reminded residents to sign up for the Honeywell Instant Alerting System and complete all of the contact information. Messages can range from updates on community events to emergency closures. This is just another step in an effort of enhanced communication for our residents. Visit the Township website and sign up.

Mayor Tomson announced that tickets are still available for the Hillsborough Joes take on the NFL Pros "Scoring Points for Kids" Basketball game at the High School, for Saturday, April 5th.

Mayor Tomson announced that the Ninth Annual Legal Runaround 5K Run and 3K Walk to be held on May 22, 2014. Mayor Tomson announced that Hillsborough has been challenged to compete for the Healthiest Town Award at the Legal Runaround 5K Run / 3K Poker Walk, sponsored by the Somerset County Bar Foundation. Visit the website for more information to register.

**Committeewoman McCauley**

Absent

**PROCLAMATIONS**

• ***Proclamation honoring Read Across America Month***

*WHEREAS, the citizens of Hillsborough Township stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and*

*WHEREAS, Hillsborough Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and*

*WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted on March 3, 2014, which would have been the 110th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and*

*WHEREAS, Read across America-NJ is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students; and*

*NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, call on the citizens of Hillsborough Township to assure that every child is in a safe place reading together with a caring adult on March 3, 2014.*

*BE IT FURTHER PROCLAIMED, that the Township Committee of the Township of Hillsborough enthusiastically endorses NEA's Read Across America and Read Across America-NJ, and recommends our community to engage in programs and activities to make America's children the best readers in the world.*

• ***Proclamation honoring Eagle Scout Andrew Cronce***

*WHEREAS, Andrew Cronce, a sophomore at Hillsborough High School, and a member of Boy Scout Troop 89, has earned the status of Eagle Scout; and*

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

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

*WHEREAS, Andrew's Eagle Scout Project consisted of designing and creating a raised garden bed at the Duke Farms in Hillsborough; and*

*WHEREAS, Andrew's garden beds will be utilized to help senior citizens learn to garden; and*

*WHEREAS, Andrew Cronce serves as an example to the youth of Hillsborough Township through his high level of leadership and community service, and we are very proud that Andrew is a member of our community.*

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

- ***Proclamation declaring March as National Nutrition Month***

*WHEREAS, food is the substance by which life is sustained; and*

*WHEREAS, the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; as well as the prevention of chronic diseases;*

*WHEREAS, there is a need for continuing nutrition education and wide-scale effort to enhance good eating practices; and*

*WHEREAS, National Nutrition Month, a nutrition education and information campaign sponsored annually by the Academy of Nutrition and Dietetics, helps spread the word about the importance of a healthy diet and regular exercise.*

*NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, in conjunction with the Academy of Nutrition and Dietetics and Shop Rite of Hillsborough do hereby declare March as National Nutrition Month.*

**BE IT FURTHER PROCLAIMED**, that the Township Committee of the Township of Hillsborough encourages all Hillsborough residents to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

Mayor Tomson thanked everyone for being here this evening and once again congratulations.

#### **NEW BUSINESS**

- None

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

John Anderson from JCP&L provided an update for the Township on the improvements and upgrades made since superstorm Sandy

Anthony Ferrera stated that recently JCP&L has been sending the Township emails which has helped a great deal with getting the message out through Instant Alert or placing the message on the Township website.

John Anderson stated that the more customers that report outages as they occur help JCP&L to model their system and pin point where the outages have occurred to get the job done more efficiently.

Dale Gordon of Willow Road asked if the Township had lost \$140 million in assessments.

Committeeman DelCore stated that in 2010 the Township called for a revaluation assessment. At that time it was done by the County. In 2013 the Township conducted its own revaluation assessment program where the Township is reassessing each home on an annual basis with real time market conditions on business and residential properties. The Township is 2% down in the reassessment value on a town wide basis which came to about \$120 million.

Dale Gordon stated that real estate is very slow right now, how will that affect us?

Committeeman DelCore stated that it does not affect you unless you're selling your house. It's the assessed value of the house. Everyone will be different. It's the total assessment of 2013.

Susan Gulliford stated that she has a question for Committeeman DelCore: Committeeman DelCore you said that there will be an annual assessment. She physically had someone come to her home this year. Will they come every year?

Committeeman DelCore stated that all homes will be assessed each year. Roughly 25% will be physically inspected each year.

Susan Gulliford thanked Committeeman DelCore for the clarification.

**PUBLIC HEARINGS**

**2014-05 AN ORDINANCE TO PROVIDE A PAYMENT IN LIEU OF TAXES (PILOT) PROGRAM FOR THE PROPERTY KNOWN AS BLOCK 142, LOT 19 (150 ROUTE 206 SOUTH) IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 5:5-151 AND N.J.S.A. 40A:21-10 FOR AN OFF TRACK WAGERING (OTW) FACILITY UNDER LAW.**

**WHEREAS**, Darby Development, LLC (“Darby”) proposes to provide an OTW facility at the property located on a site described as Block 142, Lot 19, as shown on the Official Tax Map of the Township of Hillsborough, and commonly known as 150 Route 206 South, Hillsborough, New Jersey; and

**WHEREAS**, the Project will qualify for a tax exemption under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 5:5-151.1 and N.J.S.A. 40A:21-10, the Township of Hillsborough is authorized to enter into a payment in lieu of taxes (PILOT) Agreement with private off-track wagering licensee for the first five (5) years of operation of the off-track wagering facility; and

**WHEREAS**, the Township Committee of the Township of Hillsborough deems it in the best interests of the Township to approve a Financial Agreement with Long Term Tax Exemption, under the Long Term Tax Exemption Law, to Darby Development, LLC, relative to its provision of an OTW facility at the property located on a site described as Block 142, Lot 19, as shown on the Official Tax Map of the Township of Hillsborough, and commonly known as 150 Route 206 South, Hillsborough, New Jersey.

**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:

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

Mayor Tomson stated that this ordinance allows the Township to enter into a Pilot program for the property located at 150 Route 206 South. He invited Mr. Bob Kulina, the President of Monmouth Park Racetrack – Darby Development LLC to share a presentation on the proposed facility.

Upon motion by Deputy Mayor Burchette seconded by Committeeman DelCore, to open the public hearing, the aforesaid resolution was unanimously approved upon call of the roll.

A presentation was given by Mr. Bob Kulina and Mr. Jim Aaron for the proposal of the OTW at 150 Route 206, Hillsborough. They stressed that the proposal was for an OTW and not an OTB. They further explained the financial investment in the property to purchase it along with the planned renovations. The applicant, Darby Development, is the managing company that owns Monmouth Racetrack as well as the owner of another OTW in Woodbridge, NJ. They stressed that operating an OTW in that facility would result in one of the most heavily regulated sites and businesses in Hillsborough answering to the Township ordinances, the Township Police Department, along with the

NJ Racing Commission and the Alcoholic Beverage Control. They further explained how the facility would operate.

Upon completion of the presentation, various questions were asked by the Committee of both Mr. Kulina and Mr. Aaron about the types of clientele expected to visit such an establishment and if there was a high turnover.

Mr. Kulina responded that individuals who bet on horse racing take it very seriously and the best customers are the high end people.

After a few more questions, the Mayor opened the discussion to the public for comment.

Mr. Dan Baldev of 25 State Road inquired if there would be a vote on this matter?

Mayor Tomson provided a brief history of how the New Jersey State Legislature in 2010 changed the racing industry by amending the zoning laws to permit an Off Track Wagering facility to operate within a municipality without the approval of the Township Committee, provided that the property was zoned either commercial or industrial. The Mayor further explained that the vote this evening is so that the Township can get paid for property taxes, versus an abatement in which the Township would not received any tax revenue.

Mr. Peter Elmalis of 56 Wallace Boulevard expressed his concern with the possibility of the OTW being in Hillsborough and that it wasn't the best thing for the town.

Ms. Michele Eilbacher of 14 Wolverton Lane also expressed concern of this establishment being in Hillsborough.

Mr. Dale Gordon of 425 Willow Road inquired as to the seating in the proposed facility as well as expressing concern for traffic patterns in the area.

Mr. Aaron described the how the seating would be arranged in the facility.

Mayor Tomson restated that home rule was taken away.

Mr. Eric Bernstein further provided a review of the actions of the New Jersey State Legislature to allow OTW facilities to operate without local approval. He further reminded everyone that the New Jersey Racing Commission is the ultimate authority on the approval of this facility along with the review of the New Jersey Attorney General.

John Beggato of 62 Peterson Road inquired as to when did the Township know that Darby Development was interested in purchasing the property and also why was this ordinance being considered now?

Planning Board Attorney Eric Bernstein replied that the initial interest was late last year and further explained the process.

Mayor Tomson stated that if the Township did not introduce and adopt this ordinance, the interested party would then file for a tax abatement and the Township would not receive any tax revenue from the location.

A resident of 831 East Brookside Lane expressed her concern over an OTW in Hillsborough.

Wendy Whitney of 833 East Brookside Lane asked the Committee what their thoughts on the project were and inquired as to how residents can oppose this type of establishment in the community.

Mayor Tomson responded that he is awaiting the hearing to make a final decision. Mayor Tomson further stated that as soon as information becomes available it will be published.

Mr. Bernstein reiterated the historical information regarding home rule and the process the New Jersey Racing Commission will follow regarding the application. He further went on to explain the PILOT (Payment in Lieu of Taxes) Program and the difference between that an abatement.

Jim Bergstrom of 78 Wertsville Road expressed his concern over this facility and inquired about the other sites.

Mayor Tomson stated he had visited the site in Woodbridge.

Steve Pick of 3 Wakeman Circle inquired as to why the applicant just doesn't pay their taxes in full.

Mr. Kulina and Mr. Aaron responded that this is the law and they are operating within those guidelines and explained the process.

Adrian Gonzalez of Warner Drive inquired about rezoning the area.

Committeeman DelCore responded that the municipality cannot rezone the area once an application is received.

Susan Gulliford of 7 Hunt Club Road questioned the hours of operation and how that will operate and the percentage of the business that is OTW versus restaurant business.

Mr. Aaron responded how the hours of operation will be tied to the running of the races and explained that the percentages would depend on the type of clientele.

Thuy Anh Le of Ivy Lane expressed her concern over the facility and the close proximity to ball fields.

Mayor Tomson reiterated that the purpose of the meeting this evening was to consider either the PILOT Program or an abatement.

Dale Gordon inquired if Darby Development conducted a market analysis of the area prior to selecting the location.

Mr. Aaron responded that yes a market analysis of the area was completed.

Ms. Bisberg of Hickory Road inquired if there would be separate entrance for those individuals under 18.

Mr. Aaron responded that there will not be a separate entrance.

Mr. Baldev inquired as to if a suit were to be filed would it stall the process and further expressed additional concerns and opinions.

Mr. Bernstein responded that it would not necessarily stall the process.

Ms. Eilbacher of Wolverton Lane inquired as to the people who would come to this establishment.

Administrator Ferrera responded that this was covered in the presentation in which people from Hillsborough would be come to this establishment.

Mr. Aaron further explained the demographic market that would come to this establishment.

Ms. Whitney inquired as to the Racing Commission process.

Mr. Aaron and Mr. Bernstein provided response to the process.

Mr. Beggiato inquired if the application was public knowledge.

Mr. Aaron responded.

Mr. Baldev asked how long the abatement process takes.

Mr. Bernstein responded that as part of the application it is approved. He further explained that a non-binding referendum is not applicable in this situation.

Upon motion by Deputy Mayor Burchette seconded by Committeeman DelCore, to close the public hearing and adopt Ordinance 2014-05; the aforesaid resolution was unanimously approved upon call of the roll.

## **INTRODUCTION OF NEW ORDINANCES**

**2014-06**      **AN ORDINANCE AMENDING ORDINANCE 2004-12 (TREE MITIGATION TRUST FUND AND ADVISORY COMMITTEE) SECTION (COMPOSITION; TERMS; VACANCY; REMOVAL) OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY. *Further Consideration Of This Ordinance And Public Hearing Will Be Held On April 22, 2014.***

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

**Section 1:** Section 101-4 entitled "Composition; terms; vacancies; removal" Subsection A is hereby deleted and replaced as follows:

A. The TMAC shall consist of five (5) members appointed by the Township Committee by resolution. One member shall be the Township's Director of Public Works.

**Section 2:** This Ordinance shall take effect upon its adoption, passage and publication according to law.

Mayor Tomson stated that this ordinance amends the membership of the Tree Mitigation Advisory Committee to include the Director of Public Works.

Deputy Mayor Burchette moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on April 22, 2014 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

**2014-07 AN ORDINANCE AUTHORIZING DISBURSEMENT IN THE AMOUNT OF \$25,000 FROM THE TOWNSHIP OF HILLSBOROUGH OPEN SPACE TRUST FUND TO ASSIST THE COUNTY OF SOMERSET IN THE PURCHASE OF A PORTION OF THE PROPERTY IDENTIFIED ON THE TOWNSHIP OF HILLSBOROUGH TAX MAP AS BLOCK 171, LOT 112.02 FOR OPEN SPACE. Further Consideration Of This Ordinance And Public Hearing Will Be Held On April 22, 2014.**

**WHEREAS**, the County of Somerset has agreed to purchase from Nicholas and Marlene Durik approximately 11.32 acres of the 26.32 acres of property identified on the Tax Map of the Township of Hillsborough as Block 171, Lot 112.02 ("Property"); and

**WHEREAS**, the County of Somerset requested the Township of Hillsborough assist and provide a contribution to the County for the purchase of the Property to preserve the Property as open space; and

**WHEREAS**, the Property following purchase will be owned and maintained by the County of Somerset as open space; and

**WHEREAS**, the Township of Hillsborough Open Space Committee has recommended the Township assist the County with the purchase of the Property and that \$25,000.00 be appropriated from the Township Open Space Trust Fund for this purpose; and

**WHEREAS**, the Township Committee believes it is in the best interests of the residents of the Township that the Property be preserved as open space.

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

1. \$25,000.00 is hereby appropriated from the Open Space Trust Fund to assist the County of Somerset with the purchase of the Property.
2. The Property shall be owned and maintained by the County of Somerset as open space.
3. In the event the County of Somerset sells the Property or does not maintain the Property as open space, the County shall reimburse the Township of Hillsborough in the amount of \$25,000.00.
4. The Township of Hillsborough Mayor and Clerk are hereby authorized to execute a Participation Agreement with the County of Somerset in accordance with this Ordinance and in a form approved by the Township Attorney.
5. This Ordinance shall take effect upon final adoption and publication according to law.

Mayor Tomson stated that this ordinance authorizes a contribution from the Open Space Trust Fund for the County purchase of 11.32 acres to be added to County Open Space. Land preservation continues to be a top priority in Hillsborough and this action is in line with that priority.

Deputy Mayor Burchette moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on April 22, 2014 at 7:30 p.m. Said motion was seconded by Committeeman Suraci and unanimously approved upon call of the roll.

#### CONSIDERATIONS

**1. RESOLUTION RECOGNIZING FORMER HILLSBOROUGH RESIDENT LANCE CORPORAL JAMES J. LANGON, IV, FOR HIS MILITARY SERVICE, BY APPROVING CORPORAL LANGON WAY AS A STREET NAME.**

**WHEREAS**, a request was received to have the name Langon added to the list of street and road names to be used in the Township of Hillsborough; and

**WHEREAS**, Lance Corporal James J. Langon, IV, was a nine year resident of Hillsborough, attended middle school and graduated from Hillsborough High School in June 1981; and

**WHEREAS**, Lance Corporal Langon played Dukes football, was on the high school track team and played 1<sup>st</sup> trumpet in the Hillsborough High School Marching Band; and

**WHEREAS**, Lance Corporal Langon left for Paris Island, South Carolina, July 1981 for basic training, at the age of 17; and

**WHEREAS**, Lance Corporal James J. Langon, IV arrived in Beirut in May 1983, shortly after his 20<sup>th</sup> birthday as part of a multi-national peacekeeping force and was killed on October 23, 1983, during a terrorist attack.

**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 name Corporal

Langon Way to be added to the approved roadway name list and be used as a street name when next needed.

Mayor Tomson stated that this resolution authorizes the name Corporal Langon Way to be added to the list of potential street names for future use of the Township of Hillsborough. Corporal Langon was killed in action in Beirut, Lebanon on October 23, 1983.

Upon motion by Committeeman DelCore, seconded by Deputy Mayor Burchette, the aforesaid resolution was unanimously approved upon call of the roll

**2. RESOLUTION AUTHORIZING THE TAX ASSESSOR AND THE TOWNSHIP ATTORNEY TO RESPOND TO TAX APPEALS.**

**WHEREAS**, from time to time there is and has been a need for the Township Tax Assessor, with the assistance of the Township Attorney, in order to revise and correct assessments, to file tax appeals and settle those appeals at the County Tax Board; and

**WHEREAS**, the Township Committee has consulted with the Township Attorney, and has reviewed the recommendations of the Township Tax Assessor, that the filing of appeals and settlements for the 2014 tax year with the County Tax Board to revise and correct assessments, are in the best interests of the Township of Hillsborough; and

**WHEREAS**, the Township Committee has authorized the filing of tax appeals and the settlement of those appeals at the County Tax Board by the Township Attorney in consultation with the Township Tax Assessor.

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

1. The Township Attorney is hereby authorized to file petitions of tax appeals for the 2014 tax year with the Somerset County Tax Board, and settle those appeals, all in consultation with the Township Tax Assessor.

Mayor Tomson stated that state regulations require the Township to authorize the Tax Appeal Attorney, in consultation with the Tax Assessor to file or settle tax appeals. On an annual basis the County Board of Taxation requires a resolution be passed by the governing body from each taxing district authorizing the Township Attorney to file appeals on behalf of the district and only after consulting with the Township Tax Assessor. This resolution fulfills that requirement.

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

**3. RESOLUTION AUTHORIZING A STIPEND TO BE PAID TO RICH RESAVY FOR SERVING AS THE TOWNSHIP OF HILLSBOROUGH'S CLEAN COMMUNITIES COORDINATOR, IN THE AMOUNT OF \$834.33.**

**WHEREAS**, Rich Resavy, Director of Public Works, is the Township's Clean Communities Coordinator; and

**WHEREAS**, the 2013 Clean Communities Grant provides that up to 5% or a stipend of \$834.33 shall be paid to Rich Resavy as the Clean Communities Coordinator; and

**WHEREAS**, the Township Committee believes that compensation for the function of Clean Communities Coordinator should be provided in the form of a stipend.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a stipend of \$834.33 should be provided to Rich Resavy in recognition of his responsibilities as the Township's Clean Communities Coordinator.

Mayor Tomson stated that Mr. Resavy has assumed the role of Clean Communities Coordinator. This stipend is paid for through the grant funds received.

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

**4. RESOLUTION AUTHORIZING MAYOR AND TOWNSHIP CLERK TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS LOCAL 701.**

**WHEREAS**, the Township Committee and the Hillsborough Township Dispatchers Teamsters Local #701 have finalized contract negotiations; and

**WHEREAS**, the Township Committee has approved a Collective Bargaining agreement for this unit for the period effective January 1, 2014 through December 31, 2016.

**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 Clerk are hereby authorized to execute the Collective Bargaining Agreement between the Township of Hillsborough and the Hillsborough Township Police Dispatchers Teamsters Local #701.

Mayor Tomson stated that negotiating collective bargaining agreements are never easy. This resolution authorizes the Mayor and Township Clerk to sign the Collective Bargaining Agreement with the Teamsters Local 701 once all parties agree to the terms.

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

**5. RESOLUTION AWARDING A CONTRACT FOR 2014 SIDEWALK AND CURBING REPLACEMENT TO A-TEAM CONCRETE, INC. IN AN AMOUNT NOT TO EXCEED \$75,000.00.**

**WHEREAS**, the Township Engineer has determined that there is a need for sidewalk and curb replacement; and

**WHEREAS**, sealed bids were opened and read on March 19, 2014 at 10:30 a.m., which was the time and place provided for in the Notice to Bidders entitled "2014 Sidewalk and Curbing Replacement" in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Township received seven (7) bids with the lowest bid from A-Team Concrete, Inc. from South River, New Jersey.

**WHEREAS**, the specifications provide that the award of the contract shall be made to the lowest responsible bidder; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-2(27) "The lowest responsible bidder is the one who conforms to all requirements of a specification and applicable statutory provisions"; and

**WHEREAS**, the Qualified Purchasing Agent has determined that the lowest responsible bidder is A-Team Concrete, Inc.; and

**WHEREAS**, the Township Assistant Engineer has reviewed the proposal and has provided the Township Committee with a memorandum recommending awarding the contract to A-Team Concrete, Inc.; 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. An award of contract for the entitled "2014 Sidewalk and Curbing Replacement" is made to A-Team Concrete, Inc. in an amount not to exceed \$75,000.00.
2. The Mayor and Township Clerk are hereby authorized to execute a contract which shall delineate within it all of the terms of this Resolution and the contract documents.
3. A notice of this action shall be printed in the official Township newspaper.

Mayor Tomson stated that the Township sought sealed bids for the above mentioned project. On March 19, 2014, the Township received 7 bids. The Assistant Township Engineer and QPA have reviewed said bids and make the above recommendation.

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

**CONSENT**

- 1. RESOLUTION AUTHORIZING THE FOLLOWING ACTIONS FOR A-TEAM CONCRETE INC.: ACCEPTING MAINTENANCE BOND NO. S438534M FROM THE MAIN STREET AMERICAN GROUP, IN THE AMOUNT OF \$8,892.00; RELEASING PERFORMANCE BOND NO. S438534; RELEASING THE FINAL PAYMENT, IN THE AMOUNT OF \$1,785.38 AND ACCEPTING THE PROJECT.**

**WHEREAS**, a request has been received from A-Team Concrete, Inc. for the acceptance of Maintenance Bond No. S438534M from the Main Street American Group in the amount of \$8,892.00, releasing Performance Bond No. S438534, releasing the final payment, in the amount of \$1,785.38 and accepting the project; and

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

**WHEREAS**, the Assistant Township Engineer recommends that the Township Committee take action to accept the Maintenance Bond, release of the Performance Bond, release the final payment and accept 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 APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR MANVILLE-HILLSBOROUGH ELKS FOR AN EVENT TO BE HELD ON MAY 18, 2014.**

**WHEREAS**, an application for a Special Permit for Social Affair has been filed by Manville-Hillsborough for an event to be held on May 18, 2014; and

**WHEREAS**, the submitted application is complete.

**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 Manville-Hillsborough Elks for an event to be held on May 18, 2014.

- 3. RESOLUTION SUPPORTING THE DISTRACTED DRIVING 2014 CRACKDOWN.**

**WHEREAS**, distracted driving is a serious, life-threatening practice that is preventable; and

**WHEREAS**, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**WHEREAS**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**WHEREAS**, the National Highway Traffic Safety Administration (NHTSA) estimates that at any given moment during daylight hours, 660,000 drivers are using hand-held cell phones while driving; and

**WHEREAS**, NHTSA further estimates that thousands of people are killed each year in distracted driving crashes and nearly a half million people are injured; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Distracted Driving 2014 Crackdown* from April 1 – 21, 2014 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

**WHEREAS**, the national slogan for the campaign is UDrive. UText. UPay; and

**WHEREAS**, a reduction in distracted driving in New Jersey 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 declares its support of the Distracted Driving 2014 Crackdown both locally and nationally from April 1 – 21, 2014 and pledges to increase awareness of the dangers of distracted driving.

**4. RESOLUTION AUTHORIZING THE SUBMISSION OF THE HILLSBOROUGH TOWNSHIP 2013 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, C. 102, established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing the municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby endorses the submission of the 2013

recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Dr. Glen Belnay to ensure that the application is timely and properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**5. RESOLUTION AUTHORIZING THE ADOPTION OF THE 2013 SOMERSET COUNTY MULTI-JURISDICTIONAL ALL-HAZARDS MITIGATION PLAN UPDATE.**

**WHEREAS**, all of Somerset County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

**WHEREAS**, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**, a coalition of Somerset County jurisdictions and its school district with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Somerset County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assess the vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey:

1. Adopts in its entirety, the 2013 Somerset County Multi-Jurisdictional All-Hazards Mitigation Plan Update (the "Plan") as Hillsborough Township's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the plan that pertain to Hillsborough Township.
2. Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
4. Will continue its support of the Mitigation Planning Committee as described within the Plan.
5. Will help to promote and support the mitigation successes of all participants in this Plan.
6. Will incorporate mitigation planning as an integral component of government and partner operations.
7. Will provide an update of the Plan in conjunction with the County no less than every five years.

**6. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS, IN AN AMOUNT OF \$4,583.30 FROM THE SUBDIVISION AND SITE PLAN ENGINEERING TRUST ACCOUNTS TO THE TREASURER’S ACCOUNT.**

**WHEREAS**, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$4,583.30 should be transferred from Engineering inspection escrow accounts into the Treasurer’s Account as indicated; and

**WHEREAS**, each of the project line items has been verified against the Treasurer’s Office account records through March 17, 2014, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$4,583.30 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Belle Mead Tire	608	-416.10
Country Classics – 4B	589	-693.66
Gateway@Sunnymeade	472	-718.26
Hidden Brook Estates	603	-2,676.36
PLEABEAZIN	477	-78.92
Grand Total		\$-4,583.30

**7. RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATION TO PROCEED WITH THE SUBMISSION OF A GRANT APPLICATION, IN THE AMOUNT OF \$1,500, TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) FOR THE RENTAL OF BRUSH CUTTER EQUIPMENT TO PROVIDE TRAIL CREATION AND MAINTENANCE ON THE MUNICIPALITY OWNED “PID” OPEN SPACE PROPERTY.**

**WHEREAS**, the Association of New Jersey Environmental Commissions (ANJEC) has requested 2014 grant applications for eligible projects in conjunction with local environmental commissions; and

**WHEREAS**, there exists the need for trail creation and maintenance on the above referenced property; and

**WHEREAS**, the Township Committee authorizes the Township Administrator to execute this grant application.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the 2014 grant application to ANJEC in order to create and maintain trails is hereby endorsed for submission and the Township Administrator is hereby authorized to execute said application to ANJEC.

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

### **CLAIMS LISTS**

Mayor Tomson presented Claims Lists 2014-06.

Upon motion by Deputy Mayor Burchette, seconded by Committeeman Suraci, Claims List 2014-06 was unanimously approved upon call of the roll.

### **ADJOURNMENT**

Upon motion by Committeeman Suraci, seconded by Committeeman DelCore, the meeting duly adjourned at 10:47p.m. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek  
Township Clerk