

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, Committeewoman Gloria McCauley, Committeeman Suraci, Deputy Mayor Burchette, and Mayor Doug Tomson. Also in attendance were Township Administrator Anthony Ferrera, Township Clerk Pamela Borek, Township Attorney Eric Bernstein and Township Attorney William Willard.

### **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. October 13, 2015.

### **APPROVAL OF MINUTES**

- *Approval of the September 8, 2015 Regular Session Meeting Minutes*

Upon a motion by Deputy Mayor Burchette, seconded by Committeewoman McCauley, the minutes of the September 8, 2015 Regular Session was approved upon the call of the roll.

- *Approval of the September 21, 2015 Regular Session Meeting Minutes*

Upon a motion by Committeewoman McCauley, seconded by Committeeman DelCore, the minutes of the September 21, 2015 Regular Session was 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 thanked the Municipal Alliance for the Red Ribbon event at the High School football game last week. He was able to attend and appreciates all the work they do with keeping Hillsborough drug free.

Committeeman DelCore noted that Hillsborough Township's Children's Halloween Party will be held Thursday, October 29th 4:30 pm - 6:30 pm, at the Municipal Building. The fee is \$5 per child, and pre-registration is required.

Committeeman DelCore stated the first annual Howl-O-Ween Dog Parade and Costume Contest will be held on October 31st at the Ann Van Middlesworth Park Dog Park and will feature a dog parade and costume contest. Registration is free and the event begins at 10:00am on October

31st. The parade will begin at 10:30am at the pavilion. There will be vendors, prizes, and fun for all!

Committeeman DelCore announced that registration is open for the In-Town Basketball Leagues for grades 4-12. Youth leagues play on Saturdays between 8:30 a.m. and 1:30 p.m. with younger age groups playing earlier. High school plays at 6:30pm (11th/12th grade) and 7:30pm (9th/10th grade) on Monday nights. Registration is available on the Parks and Recreation website.

Committeeman DelCore stated he there has been considerable progress with the GSA, now called Mountain View Park, which is in partnership with the County. Committeeman DelCore presented some slides on the progress that has been made. As a reminder, the first phase of the park will be our baseball facility with lights, which will include 8 fields. About 25% of the contract work has already been completed. All of the underground utility work and drainage is done, the parking area is rough graded and stabilized. Upcoming activities include paving of the parking area before the winter starts, the concession and maintenance buildings will continue, the water lines will be pressure tested to make sure there are not any issues over the winter, the trails are being prepared around the fields and the sidewalks and are being laid out and installed.

Committeewoman McCauley

Committeewoman McCauley thanked Larken Associates for the Amwell Mall opening. The building, which sits across from the post office, has been refurbished. They have some office space upstairs where you can rent computer and desk space. If you know anyone who is looking for office space you can reach out to our business advocate or the Amwell Mall owners.

Committeewoman McCauley announced that October is National Cyber Security Awareness Month. The Internet touches almost all aspects of everyone's daily life, whether we realize it or not. National Cyber Security Awareness Month is designed to engage and educate public and private sector partners through events and initiatives with the goal of raising awareness about cybersecurity and increasing the resiliency of the nation in the event of a cyber incident. Tips and resources will be in Friday's e-newsletter.

Committeewoman McCauley noted that the Leadership Somerset is now accepting applications for the 2106 Leadership Somerset Class. Adults who live or work in Somerset County are invited to apply and the deadline is October 31<sup>st</sup>. For more information, visit the Leadership Somerset website at [www.leadershipsomerset.org](http://www.leadershipsomerset.org) or call 908-231-7040.

Committeewoman McCauley stated last week the Hillsborough Branch of the Somerset County Library System celebrated their 49<sup>th</sup> Birthday. Committeewoman McCauley, along with Administrator Ferrera joined members of the Friends of the Library for the ceremony. We are looking forward to their 50<sup>th</sup> next year.

Committeewoman McCauley announced the Annual Book Sale will take place this weekend – Saturday from 10-4 and Sunday from 1:30 – 4pm. The sale will include used books for adults and children as well as electronic media.

Committeeman Suraci

Committeeman Suraci stated he would like to echo Committeeman DelCore's sentiments regarding the Red Ribbon event before Friday night's football game. He thanked all those involved to make the event happen and to promote a drug free community.

Committeeman Suraci noted that he, along with Deputy Mayor Burchette and Assemblyman Ciattarelli and Assemblywoman Simon, attended the Veteran's Appreciation Day on Saturday at Central Jersey Airport that was organized by the Rotary Club.

Committeeman Suraci thanked the Hillsborough Band Parents Association for putting together the Annual Marching Band Festival. Committeeman Suraci along with Deputy Mayor Burchette was there to present the Mayor's Trophy. The Hillsborough High School marching band performed an exhibition and put on a spectacular show.

Committeeman Suraci stated that the Final 2015/Preliminary 2016 Tax Bills were mailed on September 30th. The Township would once again like to thank Senior Groups A & B for volunteering to stuff the over 16,000 tax bills. Committeeman Suraci added the tax bills for Added/Omitted/Rollback Taxes will be mailed this week. These bills are due in addition to the bills that were mailed on September 30th. Anyone with a question on these bills should contact the Tax Assessor's office at 908-369-8077.

Deputy Mayor Burchette

Deputy Mayor Burchette stated he would like to commend the Hillsborough Township Recreation for holding the Senior Olympics at Ann Van Middlesworth Park on Friday. Deputy Mayor Burchette, Committeewoman McCauley along with Brad Benson attended the event.

Deputy Mayor Burchette noted he attended the Corn Hole Tournament at Pheasant's Landing for Steps Together.

Deputy Mayor Burchette stated he was one of the organizers of Veteran's Appreciation Day in which a lot of money was raised for Operation Shoebox and it was a very successful event.

Deputy Mayor Burchette stated the Hillsborough Township Building Department recently sent out reminder notices to property owners and their contractors that have not paid for permit applications which were approved prior to March 2015. It is important to note that a permit is not considered "issued" until payment is received. Any work performed prior to payment of the permit is considered work performed without a permit and may result in a violation being issued beginning January 2016. To avoid the additional expense and delays associated with a possible violation, residents are urged to take care of any unpaid permit applications. If the work for which the permit was applied for is not going to be performed, a letter stating such is required to void the application and stop the issuance of a violation. If you have any questions please give the Hillsborough Township Building Department a call (908-369-4313; ext. 7164, 7165, 7166 or 7204) during normal business hours.

**Mayor Tomson**

Mayor Tomson stated he attended the HRC Charity Run last weekend. He thanked the organizers and all of the runners who came out to support that run. The run benefits GiGi's Playhouse, and there were members from GiGi's in attendance and he thanked everyone for making the run such a success.

This past Sunday was the Peter J. Biondi Memorial Run, he thanked the organizers and participants. That run benefits the Samaritan Homeless Interim Program of Somerset County.

Mayor Tomson thanked the Red Ribbon Committee and the Municipal Alliance for supporting the Red Ribbon Football game last Friday at the High School. He was joined by Committeeman Carl Suraci and Committeeman Frank DelCore to bring awareness to the dangers of alcohol and drug abuse.

Mayor Tomson stated that October 23<sup>rd</sup> is the Hillsborough High School Homecoming Game. This is a great opportunity to come out and support the High School football team, and the High School Band.

Mayor Tomson noted that if you would like to submit local landscape or scenery photos for consideration in the 2016 Town Calendar, please send in your high resolution photo to the Township Clerk at [pborek@hillsborough-nj.org](mailto:pborek@hillsborough-nj.org). Entries are due by October 15<sup>th</sup> for consideration in the 2016 Calendar.

Mayor Tomson stated that December 11<sup>th</sup> is the Hillsborough Township, New Jersey Devils' My Town Series Hockey Game. Tickets are available at [newjerseydevils.com/Hillsborough](http://newjerseydevils.com/Hillsborough) and the special code is MyTownHills. This information will also be included in the enews. Mayor Tomson also noted that the Hillsborough High School Band will be performing at the Devils' game that evening.

**PROCLAMATIONS**

- ***Proclamation proclaiming October as Breast Cancer Awareness Month***

***WHEREAS***, October is National Breast Cancer Awareness Month, which is an annual campaign to increase awareness of this disease, encourage early detection, and support research to find a cure; and while we have seen an increase in mammography rates and a decline in deaths there is more we can do; and

***WHEREAS***, National Breast Cancer Awareness Month remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

***WHEREAS***, breast cancer remains the second leading cause of cancer deaths among women; and both men and women should be aware that age, genetics, and family history are factors that can contribute to the risk of developing this disease; and

*WHEREAS, the awareness campaign is encouraging individuals to help reduce their risk of breast cancer through regular self-exams, clinical breast exams, and mammograms which are vital since treatments are most effective when breast cancer is detected early; and*

*WHEREAS, the National Cancer Institute estimates in the United States, more than 230,000 (female) and 2,300 (male) new cases of breast cancer will be diagnosed this year; and*

*WHEREAS, Kathleen Cirioli, a two time cancer survivor, along with Joanne Liscovitz, co-founders of Dance for the Cure, a non-profit organization have helped local families impacted by breast cancer; with donations totaling over \$380,000 to date; and*

*WHEREAS, Dance for the Cure produces their largest fundraising event of the year, "Ribbons of Hope" which raises approximately \$50,000 each year, supported by local businesses who donate goods and services.*

*NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, do hereby recognize all of the above and declare October, 2015 as National Breast Cancer Awareness Month and urge all women and their families to increase their knowledge about breast cancer and join us to celebrate successes and memorialize lost battles.*

- ***Proclamation proclaiming October as Fire Safety Awareness Month***

*WHEREAS, Hillsborough's Fire Marshals are dedicated to reducing the occurrence of home fires and home fire injuries through prevention, protection and education; and*

*WHEREAS, Hillsborough's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and*

*WHEREAS, October has been designated as Fire Safety Awareness Month; and*

*WHEREAS, the 2015 Fire Prevention theme, "Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely; and*

*NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, do hereby recognize all of the above and declare October as National Fire Safety Awareness Month.*

*BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, urge all residents to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement and to support the many public safety activities and efforts of fire and emergency services during the month of October.*

- ***Proclamation proclaiming October 23rd-31st as Red Ribbon Week***

*WHEREAS, alcohol and other drug abuse in this nation has reached epidemic stages; and*

*WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and*

*WHEREAS, the National Family Partnership for Drug Free Youth and the District Life Skills Committee are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug free lifestyles; and*

*WHEREAS, the National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week," October 23-31, 2015; and*

*WHEREAS, President Barack Obama and Mrs. Michelle Obama are the National Honorary Chair people to provide national focus on a Drug Free America; and*

*WHEREAS, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, military, sports teams and individuals will demonstrate their commitment to drug free, healthy lifestyles by wearing and displaying red ribbons during this week long campaign; and*

*WHEREAS, the Township of Hillsborough further commits its resources to ensure the success of the Red Ribbon Campaign and its theme, "RESPECT YOURSELF. BE DRUG FREE!"*

*NOW, THEREFORE, BE IT PROCLAIMED, that we, the members of the Township Committee of the Township of Hillsborough, do hereby support October 23-31, 2015 as Red Ribbon Week, and encourage the citizens of the Township of Hillsborough to participate in drug prevention activities, making a visible statement that we are strongly committed to a drug free community. We further encourage all citizens to pledge: "RESPECT YOURSELF. BE DRUG FREE!"*

- ***Proclamation proclaiming October as National Down Syndrome Awareness Month***

*WHEREAS, October is National Down Syndrome Awareness Month, and approximately one in every 691 children are born with Down syndrome, representing an estimated 5,000 births per year in the United States; and*

*WHEREAS, there are over 250,000 individuals living with Down syndrome in the United States; and*

*WHEREAS, people with Down syndrome possess a wide range of abilities, and are active participants in educational, occupational, social and recreational circles of the community; and*

*WHEREAS, GiGi's Playhouse is a national Down Syndrome Achievement Center serving children and adults of all ages, providing educational and therapeutic programs at no charge in a format that individuals with Down syndrome learn best, and their mission is to change the way the world sees Down syndrome through national campaigns, educational programs, and by empowering individuals with Down syndrome, their families and the community; and*

*WHEREAS, Gigi's Playhouse in Hillsborough has successfully supported over 170 families in Central New Jersey since their opening nine months ago; and through community support have been able to educate others about Down syndrome and believe in the abilities of the Down syndrome community; and*

*WHEREAS, Gigi's Playhouse's vision is to see a world where individuals with Down syndrome are accepted and embraced in their families, schools and community; and*

*WHEREAS, Gigi's Playhouse in Hillsborough was recently supported by Hillsborough Racquet Club through the Club's organization of the Dash for Down Syndrome 5K which raised awareness of people with Down syndrome and gives support to their families.*

*NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, do hereby declare October as National Down Syndrome Awareness Month. We ask all citizens to celebrate with us the abilities and accomplishments of those with Down Syndrome.*

**NEW BUSINESS**

- None

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

**PUBLIC HEARINGS**

**2015-18 AN ORDINANCE AUTHORIZING ACCEPTANCE OF RIGHT OF WAY DEDICATION (BLOCK 148, LOT 24); DEED OF DEDICATION (BLOCK 148, LOT 24); SIGHT TRIANGLE EASEMENTS (BLOCK 148, LOTS 24.01, 24.07), STORM SEWER EASEMENTS (BLOCK 148, LOTS 24.01, 24.02, 24.07); AND CONSERVATION EASEMENTS (BLOCK 148, LOTS 24.01, 24.02, 24.03, 24.05, 24.06) FROM WSH ENTERPRISES, INC.**

**WHEREAS**, on January 9, 2014, WSH Enterprises, Inc., obtained from the Township of Hillsborough Planning Board Amended Preliminary and Final Major Subdivision approval for Applications #06-PB-08-MJ and #08-PB-15-MJF, memorialized by Resolution dated March 13, 2014; and

**WHEREAS**, the Resolution of approval requires WSH Enterprises, Inc., to grant to the Township of Hillsborough the following Dedications and Easements attached hereto:

1. Right of Way Dedication for a portion of Block 148, Lot 24 also known as Burke Court;
2. Deed of Dedication for a portion of Block 148, Lot 24;
3. Sight Triangle Easement for portions of Block 148, Lots 24.01, 24.07;
4. Storm Sewer Easement for portions of Block 148, Lots 24.01 and 24.02;
5. Storm Sewer Easement for portion of Block 148, Lot 24.07; and
6. Conservation Easement for portions of Block 148, Lots 24.01, 24.02, 24.03, 24.05 and 24.06.

**WHEREAS**, the Township Attorney for Hillsborough has reviewed the Dedications and Easements and finds them to be acceptable.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby authorizes the acceptance of the above listed and attached Dedications and Easements.

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

Mayor Tomson stated that this ordinance allows the Township to accept various easements and rights of way as required conditions of the Planning Board approval. Local land and building law only allows a municipality to accept land or interests in land through the adoption of an ordinance.

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

Upon motion by Deputy Mayor Burchette seconded by Committeeman DelCore the Public Hearing was closed and Ordinance 2015-18 was adopted and unanimously approved upon call of the roll.

**2015-19 AN ORDINANCE AMENDING CHAPTER 143 "Vehicles and traffic", ARTICLE XXII "HILLSBOROUGH MIDDLE SCHOOL", SECTION 143-71 "STATUTORY AUTHORITY; REGULATIONS" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

**WHEREAS**, pursuant to the consent and request of the Hillsborough Township Board of Education, the Township of Hillsborough Police Department enforces various traffic regulations at the Hillsborough Middle School; and

**WHEREAS**, the Hillsborough Township Board of Education has requested modifications to the traffic regulations to be enforced at the Hillsborough Middle School.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 143, "Vehicles and Traffic", Article XXII " Hillsborough Middle School", Section 143-71 "Statutory authority; regulations" be and is hereby amended as follows:

**Section 1.** §143-71K is hereby deleted in its entirety.

**Section 2.** §143-71L shall be re-designated as §143-71K.

**Section 3.** §143-71M shall re-designated as §143-71L.

**Section 4.** This ordinance has been submitted to and has been reviewed by the Hillsborough Township Police Department, who has agreed to act as the authorized enforcement agency for the Township.

**Section 5.** This ordinance shall take effect immediately upon its adoption, passage and publication according to law.

Mayor Tomson stated that in a collaborative effort, through a meeting held last month with the Township, the Police Department, the School Administration it was determined that the previously established traffic regulations needed to be amended.

Upon motion by Committeeman Suraci, seconded by Committeewoman McCauley, to open the public hearing, the resolution was unanimously approved upon call of the roll.

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Burchette, the Public Hearing was closed and Ordinance 2015-19 was adopted and unanimously approved upon call of the roll.



**INTRODUCTION OF NEW ORDINANCES**

**2015-20 AN ORDINANCE AUTHORIZING THE SALE OF A PORTION OF BLOCK 142A, LOT 18 TO NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR ROADWAY PURPOSES AND AUTHORIZING GRANTING OF UTILITY AND SLOPE EASEMENTS**

**WHEREAS**, the Township of Hillsborough is the owner of the property shown as Block 142A, Lot 18 on the tax map of the Township of Hillsborough ("Property"); and

**WHEREAS**, the Property is located at the corner of U.S. Route 206 and Park Avenue and consists of less than .145 acres; and

**WHEREAS**, the Property was acquired by the Township via tax sale foreclosure; and

**WHEREAS**, by Ordinance 2005-05 the Township authorized the sale of the Property to Lorisa Realty, Inc., with certain conditions, including the transfer of a portion of the Property to the State of New Jersey Department of Transportation ("NJDOT") for right of way purposes; and

**WHEREAS**, due to complications which arose from the proposed right of way transfer to the NJDOT the sale of the Property to Lorisa Realty and the transfer to the NJDOT of the Right of Way never occurred; and

**WHEREAS**, the issues have now been addressed and the NJDOT has presented an offer to purchase a portion of the Township's Property and Utility and Slope Easements; and

**WHEREAS**, the property to be purchased and the Utility and Slope Easements are detailed on a Parcel Map created by NJDOT for Parcel number 171A and EA171B, dated October 1999; and

**WHEREAS**, NJDOT commissioned an appraisal of the property proposed for purchase, by George A. Copeland, Jr., which values the portion of the Property to be purchased along with the Easements required at \$6,600; and

**WHEREAS**, the Property has not been used nor is it needed for Township purposes, yet the Township's Department of Public Works must expend resources to maintain the Property; and

**WHEREAS**, the Municipal Land Use Law does not require a subdivision for a transfer of land from one government entity to another, further the NJDOT is an arm of the state with eminent domain powers and is not subject to municipal land use regulations; and

**WHEREAS**, any improvements to state roadways, such as U.S. Route 206 that traverse the Township advance the health and safety of all of the residents of the Township; and

**WHEREAS**, the NJDOT under its eminent domain powers seeks to acquire the Township Property and rights detailed on the Parcel Map and the Township and the NJDOT have reached an agreement on this transfer which will avoid the expense of proceeding to condemnation; and

**WHEREAS**, the Township Committee is of the opinion that the offer to purchase provided by NJDOT is fair and the future improvements to US Route 206 will benefit the Township; and

**WHEREAS**, the Township is desirous of selling the portions of its Property detailed in the NJDOT Parcel Map 171A and EA171B, dated October 1999 along with the Utility and Slope Easements to NJDOT for future roadway improvements per the conditions contained herein.

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

1. The portions of the Property and Utility and Slope Easements detailed on Parcel Map 171A and EA171B, dated October 1999, be sold to the New Jersey Department of Transportation for the sum of \$6,600.
2. The Township Attorney is hereby authorized to review and prepare the necessary documents to convey the Property and Easements and to attend the closing.
3. The Mayor and Clerk are hereby authorized to sign the Offer of Purchase, Payment Voucher and the necessary eminent domain and closing documents required to transfer the Property and Easements.
4. The Property was obtained by the Township via tax sale foreclosure and is sold "as is".
5. This Ordinance supersedes and repeals Ordinance 2005-05.
6. This Ordinance shall take effect upon its adoption, passage and publication according to law.

Mayor Tomson stated that the Township acquired a piece of property along Route 206 South by way of tax sale foreclosure. The Township has no need for said parcel. The State is interested in this property for future expansion. Further consideration of this ordinance will be held on November 10, 2015.

Committeewoman McCauley, moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on. Said motion was seconded by Deputy Mayor Burchette, and unanimously approved upon call of the roll.

#### **CONSIDERATIONS**

1. **RESOLUTION AUTHORIZING THE REIMBURSEMENT OF THE MUNICIPAL PORTION OF THE 2015 PROPERTY TAXES FOR A QUALIFIED 100% DISABLED VETERAN**

**WHEREAS**, the Township Committee by Resolution adopted on September 11, 2007 and pursuant to N.J.S.A. 54:4-3.32 authorized a tax exemption from local property taxes for veterans who have

suffered a 100% permanent disability resulting from war time service in the United States military; and

**WHEREAS**, the Township Committee authorized the date for qualification for the municipal portion of the property tax exemption to be the date on which the United States Veterans' Administration determined the 100% service connected disability; and

**WHEREAS**, the Tax Collector has received proof of such information from the Tax Assessor for the following property effective May 18, 2015:

Jeffrey Anderer            Block 163.22 Lot 46 Qual. C3509            \$163.17

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that, in recognition of the serious and debilitating nature of 100% permanent service connected disabilities suffered by our veterans while serving in war time and in fairness to those disabled veterans, the Chief Finance Officer is authorized, pursuant to N.J.S.A. 54:4-3.32, to reimburse the municipal portion of property taxes for the year 2015 to the above referenced property owner.

Mayor Tomson stated that on September 11, 2007 and pursuant to N.J.S.A. 54:4-3.32 the Township authorized a tax exemption for property taxes for veterans who have suffered a 100% permanent disability resulting from war time service in the United States Military. This resolution refunds the 2015 municipal portion to a veteran in this circumstance.

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

**2. RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF SOMERSET AND THE TOWNSHIP OF HILLSBOROUGH FOR RECYCLING PICK-UP JANUARY 1, 2016 - DECEMBER 31, 2016 AT A RATE OF \$23.85 PER HOUSEHOLD PER YEAR REPRESENTING NO INCREASE FOR FIFTEEN (15) CONSECUTIVE YEARS**

**WHEREAS**, the County of Somerset entered into negotiations regarding an Agreement between the County of Somerset and each of the nineteen municipalities located within Somerset County for recycling pick-up; and

**WHEREAS**, the County of Somerset has agreed that the County fee shall be based upon the number of households within the Municipality as determined by the County Planning Board at the rate of \$23.85 per household per year; and

**WHEREAS**, the County of Somerset has determined that it is in the best interest of the County to execute an Agreement with each of the nineteen municipalities formulated as a result of negotiations; 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 that it hereby authorizes the Mayor and Township Clerk to execute an Agreement for recycling pick up with the Township of Hillsborough, more particularly described in the Agreement prepared by the County Counsel and on file in the Office of the Clerk of the Board for the period January 1, 2016 to December 31, 2016.

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

**3. RESOLUTION ACKNOWLEDGING AND APPROVING THE BEST PRACTICES INVENTORY QUESTIONNAIRE FOR THE YEAR 2015 FOR HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY AND AUTHORIZING THE SUBMISSION OF THE CERTIFIED QUESTIONNAIRE BY THE CHIEF FINANCIAL OFFICER**

**WHEREAS**, the State of New Jersey Fiscal Year 2016 Appropriations Act (P.L. 2012, c.18)\_ requires the Division of Local Government Services to determine how much of each municipality's final 5% allocation of it CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory completed by the Chief Financial Officer of each municipality; and

**WHEREAS**, the completed Best Practices Inventory Questionnaire must be reviewed and discussed by the Governing Body at a public meeting and referenced in the minutes of that meeting; and

**WHEREAS**, the Best Practices Inventory Questionnaire must be certified by the Township Administrative Officer, Township Clerk and the Chief Financial Officer following that meeting, and submitted by the Chief Financial Officer of the municipality to the Division of Local Government Services no later than October 16, 2015; and

**WHEREAS**, Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey has reviewed, discussed and approved the Best Practices Inventory Questionnaire as completed by the Chief Finance Officer.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, hereby states that it has reviewed, discussed and approved the Best Practices Inventory Questionnaire in a public meeting and does hereby authorize the Chief Financial Officer to submit the Best Practices Inventory Questionnaire as certified by the Township Administrative Officer, Township Clerk and Chief Financial Officer to the Division of Local Government Services to show evidence of said compliance.

Mayor Tomson stated that The Best Practices Inventory Questionnaire began six years ago as a way to determine whether a municipality is using the best management and fiscal practices on behalf of taxpayers.

Committeeman Suraci noted that Hillsborough Township qualifies for 100 percent of the eligible State Aid. 2015 Best Practices worksheet sets a standard for municipalities to achieve in the areas of

general and financial budget management, along with personnel compliance and disaster preparedness. Hillsborough Township has consistently found ways to save taxpayer dollars which has resulted in 100 percent eligibility for State Aid.

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

**4. RESOLUTION AUTHORIZING THE MAYOR AND THE TOWNSHIP CLERK TO EXECUTE AN AGREEMENT TO CONTINUE HILLSBOROUGH'S MEMBERSHIP IN THE CENTRAL JERSEY JOINT INSURANCE FUND (CJJIF), FOR THREE (3) YEARS, EFFECTIVE DECEMBER 1, 2015**

**WHEREAS**, the Township of Hillsborough has been a member of the Central Jersey Joint Insurance Fund (CJJIF) since 2000 and the latest three (3) year membership term will expire on November 30, 2015; and

**WHEREAS**, the Township's membership with the CJJIF has been positive throughout the fifteen years and the Township's Risk Management Consultant Connor Strong Buckalew recommends the Township Committee elect to continue its membership with the CJJIF for an additional three (3) year term; and

**WHEREAS**, the Township's Chief Finance Officer, who serves as the Township's Insurance Commissioner to the CJJIF has analyzed the cost and coverage and recommends renewal with the CJJIF as most effective for the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough that the Township Committee does hereby authorize the Mayor and the Township Clerk to execute the agreement to continue participation in the CJJIF.

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

**5. RESOLUTION RATIFYING AND CONFIRMING THE AWARD OF A CONTRACT TO MANHATTAN MAINTENANCE CO. FOR "CUSTODIAL SERVICES FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2017, IN AN AMOUNT NOT TO EXCEED \$115,266.30**

**WHEREAS**, the Director of Public Works has determined that there is a need for the acquisition of the following services:

"Custodial Services for the period October 1, 2015 to September 30, 2017"; and

**WHEREAS**, a notice of advertisement for bids and an Invitation to Bid were prepared and advertised on August 27, 2015; and

**WHEREAS**, sealed bids were opened and read on September 23, 2015 at 10:30 AM, which was the time and place provided for in the Invitation to Bid as extended entitled "Custodial Services for the period October 1, 2015 to September 30, 2017" in accordance with the Local Public Contracts Law; and

**WHEREAS**, five (5) bids were received from the following vendors:

<u>Vendor</u>	<u>Amount</u>
Manhattan Maintenance Co.	\$115,266.30
Guardian Service Industries Inc.	\$223,816.00
Routine Maintenance	\$398,920.00
Able Building Maintenance	\$466,996.00
Beatty's Services Inc.	\$601,802.04

**WHEREAS**, the specifications provide that the award of the contract shall be made to the lowest responsible bidder for the base bid, exclusive of Special Items; 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 Manhattan Maintenance Co.; 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 is ratified and confirmed for "Custodial Services for the period October 1, 2015 to September 30, 2017" to Manhattan Maintenance Co. in an amount not to exceed \$115,266.30 plus Special Item #1 at \$80.00 per call and Special Item #2 at \$35.00 per man hour.
2. The Mayor and Township Clerk are hereby authorized to execute the Township standard form of contract consistent with the terms of this Resolution.
3. A notice of this action shall be printed once in the official Township Newspaper.

Mayor Tomson stated that on September 23<sup>rd</sup>, 5 sealed bids were received for Custodial Services. This resolution is for the contract between the Township and Manhattan Maintenance Co. as the lowest responsible and responsive bidder.

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

**6. RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HALECON INC. FOR "THE RESURFACING OF BASKETBALL COURTS AT ANN VAN MIDDLESWORTH PARK", IN AN AMOUNT NOT TO EXCEED \$73,800.00**

**WHEREAS**, a notice of advertisement for bids and an Invitation to Bid were prepared and advertised on September 3, 2015; and

**WHEREAS**, sealed bids were opened and read on September 23, 2015 at 10:00 AM, which was the time and place as provided for in the Invitation to Bid entitled "The Resurfacing of Basketball Courts at Ann Van Middlesworth Park" in accordance with the Local Public Contracts Law; and

**WHEREAS**, two (2) bids were received from the following vendors:

<u>Vendor</u>	<u>Amount</u>
Halecon, Inc.	\$73,800.00
All Surface Asphalt Paving Inc.	\$74,825.00

**WHEREAS**, the specifications provide that the award of the contract shall be made to the lowest responsible bidder for the bid; 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 Halecon, 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:

2. An award of contract is authorized for "the Resurfacing of Basketball Courts at Ann Van Middlesworth Park" to Halecon, Inc. in an amount not to exceed \$73,800.00.
4. The Mayor and Township Clerk are hereby authorized to execute the Township standard form of contract consistent with the terms of this Resolution.
5. A notice of this action shall be printed once in the official Township Newspaper.

Mayor Tomson stated that on September 23<sup>rd</sup>, 2 sealed bids were received for Resurfacing Services. This resolution is for the contract between the Township and Halecon, Inc. as the lowest responsible and responsive bidder.

Committeeman DelCore noted that due to the constant activity on the basketball courts, it is in our best interest for safety reasons to have the courts resurfaced.

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

**7. RESOLUTION AWARDING CONTRACTS FOR HILLSBOROUGH MILLSTONE MUNICIPAL ALLIANCE SERVICES FOR THE FIRST HALF OF THE 2015/2016 FISCAL YEAR (7/1/15-12/31/15)**

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

**WHEREAS**, there is a need to enter into service contracts with various individuals for the first half of the 2015/2016 fiscal year (7/1/15 - 12/31/15) all below the threshold of the Local Public Contracts Law and the Local Unit Pay-to-Play Law; and

**WHEREAS**, the Hillsborough-Millstone Municipal Alliance recommends service contracts be awarded to the following individuals for 2015:

- Ellen Stoddard for presenting BABES educational programs to all 3<sup>rd</sup> graders in the Hillsborough Township School System, in an amount not to exceed \$1,890; and
- John Morello for presenting the DIRT assembly educational program to Hillsborough High School, in an amount not to exceed \$3,000; and
- Rebecca Grossman for coordination of fiscal activities and service as liaison to the Somerset County Department of Human Services, in an amount not to exceed \$2,000; and
- Melinda Maggio for coordinating Life Skills services, in an amount not to exceed \$3,360; and
- Melinda Maggio for coordinating Alcohol Awareness, in an amount not to exceed \$1,000; and
- Mary Tyson for serving as Community Awareness Coordinator, in an amount not to exceed \$500; and

**WHEREAS**, the Hillsborough Township Board of Education employees shall provide PRIDE, SLC, REBEL/PUSH and iRun services, in an amount not to exceed \$5,500; and

**WHEREAS**, the Hillsborough Township Board of Education shall pay the employees for the above referenced services and provide documentation to the Township of Hillsborough of the services provided and payments made after which reimbursement will be made directly to the Hillsborough Township Board of Education; 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, that the above recommendations of the Hillsborough – Millstone Municipal Alliance be and hereby are accepted and approved.

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

**8. RESOLUTION AUTHORIZING MASER CONSULTING, P.A. TO CONDUCT EIGHT (8) QUARTERLY METHANE GAS SURVEYS AT THE SUNNYMEAD MUNICIPAL LANDFILL IN AN AMOUNT NOT TO EXCEED \$4,000 PER QUARTER AND IN A TOTAL AMOUNT NOT TO EXCEED \$32,000**

**WHEREAS**, the Township is in need of quarterly samplings at the locations of the 25 new methane gas passive venting wells to be installed at the Sunnymead Municipal Landfill; and

**WHEREAS**, pursuant to the contract for professional services awarded by the Township to Maser Consulting, P.A. through the Fair and Open procurement process (N.J.S.A. 19:44A-20.4-5 et seq.) appointing Maser Consulting, P.A. as the Township Engineer, Maser Consulting, P.A. prepared a proposal dated October 7, 2015, to perform eight (8) quarterly methane gas surveys in an amount not to exceed \$4,000 per quarter and a total amount not to exceed \$32,000; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Maser Consulting, P.A., is authorized to conduct eight (8) quarterly methane gas surveys at the Sunnymead Municipal Landfill in an amount not to exceed \$4,000 per quarter and in a total amount not to exceed \$32,000 pursuant to their contract with the Township and the proposals submitted on October 7, 2015.

Mayor Tomson stated that there exists a need for quarterly samplings at the Sunnymead Landfill, pursuant to Condition #18 of the Approval issued by the New Jersey Department of Environmental Protection earlier this year. Pursuant to the existing contract for professional services, Maser prepared a proposal to perform the aforementioned services.

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

**9. RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. FOR "A PASSIVE METHANE GAS VENTING SYSTEM-SUNNYMEAD LANDFILL", IN AN AMOUNT NOT TO EXCEED \$178,295.00**

**WHEREAS**, a notice of advertisement for bids and an Invitation to Bid were prepared and advertised on August 27, 2015; and

**WHEREAS**, sealed bids were opened and read on September 23, 2015 at 11:00 AM, which was the time and place as provided for in the Invitation to Bid entitled "A Passive Methane Gas Venting System – Sunnymeade Landfill" in accordance with the Local Public Contracts Law; and

**WHEREAS**, two (2) bids were received from the following vendors:

<u>Vendor</u>	<u>Amount</u>
CB&I Environmental & Infrastructure Inc.	\$178,295.00
T.R. Weniger, Inc.	\$221,950.00

**WHEREAS**, the specifications provide that the award of the contract shall be made to the lowest responsible bidder for the bid; 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 CB&I Environmental & Infrastructure 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:

3. An award of contract is authorized for ""A Passive Methane Gas Venting System – Sunnymeade Landfill" to CB&I Environmental & Infrastructure Inc. in an amount not to exceed \$178,295.00.
6. The Mayor and Township Clerk are hereby authorized to execute the Township standard form of contract consistent with the terms of this Resolution.
7. A notice of this action shall be printed once in the official Township Newspaper.

Mayor Tomson stated that on September 23<sup>rd</sup>, 2 bids were received for the construction of a Passive Methane Gas Venting System at the Sunnymeade Landfill. This resolution authorizes a contract between the Township and CB&I Environmental & Infrastructure, Inc. for said same.

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

Committeeman DelCore stated that this is a requirement of the DEP.

**CONSENT AGENDA**

**1. RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO ENTER INTO AN AGREEMENT WITH UNITED TELEPHONE COMPANY OF NEW JERSEY, INC. BUSINESS PERSONAL PROPERTY TAX APPEALS CAPTIONED HILLSBOROUGH TOWNSHIP V. UNITED TELEPHONE COMPANY OF NEW JERSEY, TAX COURT OF NEW JERSEY, DOCKET NOS. 012209-2013 AND 010186-2015**

**WHEREAS**, Hillsborough Township filed appeals of the 2013 and 2015 assessments in the Tax Court of New Jersey, Docket No. 012209-2013 (the "2013 Appeal) and 01086-2015 on business personal property owned by United Telephone Company of New Jersey, Inc. ("United Telephone"), located in the Township and designated as Block 600, Lot 1; and

**WHEREAS**, the constitutionality and applicability of the business personal property tax, N.J.S.A.54:4-1 et seq., is the subject matter of numerous tax appeals between municipalities and local telephone exchange companies in New Jersey, the original case being filed in 2009 by Verizon New Jersey against Hopewell Borough, which case is still pending before the New Jersey Tax Court (the "Hopewell Matter"); and

**WHEREAS**, the local telephone exchange company servicing Hillsborough Township, United Telephone Company of New Jersey, Inc. ("United Telephone") likewise contests the constitutionality and applicability of the business personal property tax in the municipalities it serves; and

**WHEREAS**, United Telephone has requested and it is in the best interests of Hillsborough Township that the pending matters in Hillsborough Township be stayed and put in abeyance until the Hopewell Matter is decided in order to avoid continuing litigation fees and costs being incurred by the parties; and

**WHEREAS**, United Telephone has agreed that if Hillsborough Township is successful in the 2013 appeal it will pay the municipal portion of the tax to the Township due in 2014 even though that year was not appealed if the Township agrees to stay and put in abeyance these appeals until the Hopewell Matter is decided; and

**WHEREAS**, the attached agreement was negotiated between the attorneys for the parties and has been reviewed and approved by the Hillsborough Township Tax Assessor; and

**WHEREAS**, the Township Committee of the Township of Hillsborough having reviewed the attached agreement and the recommendations of the Township Attorney and Township Tax Assessor hereby finds it to be in the best interests of the Township to enter into the annexed Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township Attorney is hereby

authorized to execute on behalf of the Township the annexed Agreement with United Telephone Company of New Jersey.

**2. RESOLUTION APPROVING THE REQUEST FROM JERSEY DEVELOPMENT, LLC FOR RELEASE OF DEVELOPMENT REVIEW ESCROW IN THE AMOUNT OF \$452.37**

**WHEREAS**, a request has been received from Jersey Development, LLC for the release of Development Review Escrow; and

**WHEREAS**, the Hillsborough Township Planning Director certifies that all work related to the review of the above has been completed; and

**WHEREAS**, the Hillsborough Township Planning Director recommends that the Township Committee take action to release the \$452.37 Development Review Escrow because the work has been completed.

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

**3. RESOLUTION GRANTING PERMANENT EMPLOYEE STATUS TO PHILIP WOLFF, HILLSBOROUGH TOWNSHIP POLICE OFFICER, EFFECTIVE SEPTEMBER 24, 2015**

**WHEREAS**, Philip Wolff was hired as a Police Officer in the Hillsborough Township Police Department on September 24, 2014; and

**WHEREAS**, the Chief of Police certifies that Officer Wolff has performed his duties and assignments in a capable and competent manner; and

**WHEREAS**, having qualified for regular employee status during the 12 month probationary period, the Chief of Police recommends that regular employee status be conferred upon Officer Wolff, effective September 24, 2015.

**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 Chief of Police be and hereby is accepted and approved.

**4. RESOLUTION APPOINTING DAVID K. MASKI TO THE CENTRAL JERSEY TRANSPORTATION FORUM**

**WHEREAS**, the Township needs to appoint a representative (member) and an alternate to the Central Jersey Transportation Forum; and

**WHEREAS**, the Township wishes to appoint David K. Maski to the Central Jersey Transportation Forum with David Kois as Alternate #1 and Gene Strupinsky as Alternate #2.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that David K. Maski is appointed to the Central Jersey Transportation Forum with David Kois as Alternate #1 and Gene Strupinsky as Alternate #2 are hereby accepted and approved

**5. RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE #1810-33-015-002 FROM DH HILLSBOROUGH, LLC TO JSM INVESTMENTS AT HILLSBOROUGH, LLC**

**WHEREAS**, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1810-33-015-002, heretofore issued to JSM Investments at Hillsborough, LLC; and

**WHEREAS**, the submitted application is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed accordingly to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey does hereby approve, effective October 14, 2015, the transfer of the aforesaid Plenary Retail Consumption License to JSM Investments at Hillsborough, LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership, as follows: "This license, subject to all its terms and conditions, is hereby transferred to JSM Investments at Hillsborough, LLC, effective October 14, 2015."

**6. RESOLUTION APPROVING REQUEST FROM COUNTRY CLASSICS 4C FOR REDUCTION OF PERFORMANCE BOND NO. PAIFSU0660991 FROM \$843,566.00 TO \$458,077.00 AND REDUCTION OF CASH BOND FROM \$93,729.00 TO \$50,897.00,**

**WHEREAS**, a request has been received from Country Classics 4C for reduction of Performance Bond No. PAIFSU0660991 from \$843,566.00 to \$458,077.00 and reduction of Cash Bond from \$93,729.00 to \$50,897.00; and

**WHEREAS**, the Assistant Township Engineer certifies that sufficient progress has been made to allow the reductions; and

**WHEREAS**, the Assistant Township Engineer recommends that the Township Committee take action to reduce the Performance and Cash Bonds.

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

**7. RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LICENSE FOR DH HILLSBOROUGH, LLC – LICENSE # 1810-33-015-002 FOR THE 2015-2016 LICENSE TERM**

**WHEREAS**, an application has been filed with and approved by the State Division of Alcoholic Beverage Control granting a Special Ruling to permit the renewal of the inactive license for DH Hillsborough, LLC, license #1810-33-015-002, for the 2015-2016 license term; and

**WHEREAS**, the Hillsborough Township Police Department has conducted a thorough investigation to insure that criminally disqualified and other unfit persons do not acquire or hold direct interests in the retail alcoholic beverage industry; and

**WHEREAS**, the Township Clerk has certified that DH Hillsborough, LLC has posted the required municipal fee of \$2,500 for a Plenary License; and

**WHEREAS**, the Township Clerk has further certified that DH Hillsborough, LLC has been granted a New Jersey State Tax Clearance Certificate as required by law; and

**WHEREAS**, as a result of the aforementioned investigation, a report by the Hillsborough Police Department has been submitted confirming that the applicant is not subject to any of the disabilities set forth in Title 33 New Jersey Statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough that the Plenary Retail Consumption License for DH Hillsborough, LLC is renewed for the 2015-2016 license term.

**8. RESOLUTION AUTHORIZING RENEWAL OF INACTIVE LICENSE FOR MONMOUTH PARK SPIRITS, LLC – LICENSE # 1810-33-006-007 FOR THE 2014-2015 AND 2015-2016 LICENSE TERMS**

**WHEREAS**, an application has been filed with and approved by the State Division of Alcoholic Beverage Control granting a Special Ruling to permit the renewal of the inactive license for Monmouth Park Spirits, LLC, license #1810-33-006-007, for the 2014-2015 and 2015-2016 license terms; and

**WHEREAS**, the Hillsborough Township Police Department has conducted a thorough investigation to insure that criminally disqualified and other unfit persons do not acquire or hold direct interests in the retail alcoholic beverage industry; and

**WHEREAS**, the Township Clerk has certified that Monmouth Park Spirits, LLC has posted the required municipal fee of \$2,500 for a Plenary License; and

**WHEREAS**, the Township Clerk has further certified that Monmouth Park Spirits, LLC has been granted a New Jersey State Tax Clearance Certificate as required by law; and

**WHEREAS**, as a result of the aforementioned investigation, a report by the Hillsborough Police Department has been submitted confirming that the applicant is not subject to any of the disabilities set forth in Title 33 New Jersey Statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough that the Plenary Retail Consumption License for Monmouth Park Spirits, LLC is renewed for the 2014-2015 and 2015-2016 license terms.

**9. RESOLUTION AUTHORIZING THE TRANSFER FROM PLANNING/BOARD OF ADJUSTMENT ESCROW TO THE TREASURER'S ACCOUNT**

**WHEREAS**, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for July, August and September 2015, a total of \$2,299.25 should be transferred from the Planning/Board of Adjustment 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 for the period beginning 07/01/15 and ending 09/30/15 to ensure that sufficient funds are available for these transfers for 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 \$2,299.25 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurer's Account.

<u>Application Name</u>	<u>Application #</u>	<u>Escrow Name</u>	<u>Amount</u>
Absolute Property Management LLC	BA-15-14	ABSOLUTEPL	\$50.66
Christian Community Chapel	BA-15-09	CHRISCOMPB	\$240.63
Cornerstone Professional (751 Hwy 206 Assoc.)	15-PB-13-SRV	751HWYPL	\$372.72
DOHERTY, Stephen & Marlana	BA-15-08	DOHERTYPL	\$25.66
FOULK, Louise / OPPEN, Tim	BA-14-11	FOULKPL	\$227.96
Girl Scouts Heart of NJ (Camp DeWitt)	BA-15-10	GIRLSCOUPB	\$101.32
HANEY, William	15-PB-12-MRV	HANEYPL	\$186.36
MARLEY, Lynn & Keith	BA-15-13	MARLEYPL	\$50.66
NY SMSA - Verizon - Hillsborough 2 SHOP	BA-15-12	NYSMVER2PL	\$75.99
NY SMSA - Verizon - Hillsborough 3	BA-15-07	NYSMVER3PL	\$151.98
NY SMSA LP (Hillsborough DD SC)	BA-15-04	NYSMSADDPL	\$372.72
Pierson Properties, LLC	15-PB-05-MSRV	PIERPROPPL	\$232.94
Richmond Properties, LLC	15-PB-07-MJV	RICHMONDPB	\$209.65
<b>Total Transfer</b>			<b>\$2,299.25</b>

**10. RESOLUTION AUTHORIZING THE REFUND OF FEES IN THE AMOUNT OF \$2,917.00**

WHEREAS, there are refunds due from the Current Fund; and

WHEREAS, the Chief Financial Officer has received proof of such refunds being due and payable.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Chief Financial Officer is hereby authorized to refund said amounts as detailed below, in a total amount of \$2,917.00

Name	Amount	Purpose
Radhakrishna Kasat	\$ 75.00	Refund for AVM Park
Anatoliy Fayeilevich	\$ 227.00	Refund of Building Permit
Hillsborough Park LLC	\$2,565.00	Refund of Building Permit
Christopher Don	\$ 50.00	Refund for Food Permit

**11. RESOLUTION AUTHORIZING THE REFUND OF RECREATION PROGRAM FEES IN THE AMOUNT OF \$1,188.00**

WHEREAS, there are refunds due from Recreation program fees; and

WHEREAS, the Chief Financial Officer has received proof of such refunds being due and payable.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Chief Financial Officer is hereby authorized to refund said amounts as detailed below, in a total amount of \$1,188.00.

Name	Amount	Name	Amount
Abha Sood	\$ 35.00	Chuck Zegarra	\$ 35.00
Connie Harbison	\$250.00	Gail Garadadian	\$ 50.00
Dariusz Mankowski	\$ 96.00	Jennifer Dinardi	\$ 96.00
Gina Bengivenga	\$110.00	Jennifer Perna	\$120.00
Jennifer Schultz	\$ 96.00	Annie Jones	\$ 55.00
Andrea Haynie	\$ 55.00	Michele Di Puma	\$ 55.00
Arun Gaur	\$ 80.00	Maureen Desatnik	\$ 55.00



**12. RESOLUTION ADOPTING CHANGES TO AN EXISTING DEFERRED COMPENSATION PLAN PURSUANT TO THE FINAL INTERNAL REVENUE CODE SECTION 415 REGULATIONS, PENSION PROTECTION ACT OF 2006, THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 AND THE WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008**

**WHEREAS**, the Township of Hillsborough (hereinafter referred to as the "Employer") wishes to amend its Deferred Compensation Plan (hereinafter referred to as the "Plan") effective October 13, 2015, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS**, the Employer by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

**WHEREAS**, the final Internal Revenue Code ("Code") Section 415 regulations, Pension Protection Act of 2006 ("PPA"), the Heroes Earnings Assistance and Relief Tax Act of 2008 (the "HEART Act") and the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA") amended Section 457 of the Code; and

**WHEREAS**, the Employer desires its Plan to conform with the changes in the Code; and

**WHEREAS**, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code; and

**WHEREAS**, such amended and restated Plan shall supersede the previously adopted Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Governmental Services.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

**13. RESOLUTION ADOPTING A CHANGE TO AN EXISTING DEFERRED COMPENSATION PLAN**

**WHEREAS**, the Township of Hillsborough (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective

September 9, 1994, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS**, the Employer desires to provide for Designated Roth Contributions and/or In-plan Roth Conversions under its Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Employer hereby adopts the Amendment which has been approved by the Division of Local Government Services and assigned identifier 83-PD-VALIC-061912, to Deferred Compensation Plan Document, identifier 81-PD-VALIC-103111, to be part of and incorporated into its existing Deferred Compensation Plan Document.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

**14. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS OF \$9,023.76 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 \$9,023.76 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 October 7, 2015, 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 \$9,023.76 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
CC @ Belle Mead	579	-880.38
Country Classics – 4C	612	-2,414.38
Gateway @ Sunnymede	472	-1,405.80
Gateway Phase 5	614	-846.54
Green Village	607	-315.68
Hillsborough Estates	539	-50.04
NJAW 2015-20	629	-782.16
PLEABEAZIN	477	-90.84
Walgreens	619	-2,237.94
Grand Total		\$-9,023.76

**15. RESOLUTION AUTHORIZING THE EXECUTION OF CONSENT TO LIEN FOR CRESTMONT VILLAGE, LLC, REFINANCING OF THE PROPERTY LOCATED AT 50 DURLING WAY, HILLSBOROUGH, NEW JERSEY**

**WHEREAS**, Crestmont Village, LLC, (“Crestmont”) is the owner of the property located at 50 Durling Way, Hillsborough, New Jersey (“Property”); and

**WHEREAS**, the Property originally contained fifty-six (56) affordable housing rental units and is part of the Township’s affordable housing compliance plan; and

**WHEREAS**, the Property is subject to an Affordable Housing Agreement with certain covenants, conditions and restrictions recorded in the land records of Somerset County, New Jersey, in Deed Book 2019, Page 474 (“Restrictions”); and

**WHEREAS**, pursuant to Section VIII H of the Affordable Housing Agreement, no lien or mortgage shall be placed on the Property unless the mortgage has been approved by the Hillsborough Township Affordable Housing Board; and

**WHEREAS**, Crestmont desires to refinance the existing loan on the Property with a loan of up to \$4,100,000 from Capital One Multifamily Finance, LLC, said loan to be secured by a mortgage on the Property;

**WHEREAS**, pursuant to Section VIII of the Affordable Housing Agreement, Crestmont seeks approval from the Hillsborough Township Affordable Housing Board to refinance the existing loan and place a new mortgage on the Property; and

**WHEREAS**, Township of Hillsborough Ordinance §188-126 authorizes the Township Committee to designate by Resolution an Affordable Housing Board which Board may be the Township Committee itself.

**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 Township Committee is hereby designated as the Affordable Housing Board for the Township.
2. The Township Committee and Affordable Housing Board hereby authorize and consent to Crestmont Village refinancing the existing loan on the Property with a loan of up to \$4,100,000 from Capital One Multifamily Finance, LLC, to be secured by a mortgage on the Property upon the following conditions: (a) all existing liens and mortgages on the Property must be satisfied and discharged; and (b) the terms of the new mortgage to be recorded on the Property must comply with and be subject to the terms of the recorded Affordable Housing Agreement and all affordable housing regulations and be in a form approved by the Township Attorney.

3. The Mayor and Township Clerk are hereby authorized to execute a Consent to Lien consistent with the terms of this Resolution, the recorded Affordable Housing Agreement and in a form approved by the Township Attorney for Crestmont Village refinancing of the Property.
4. The Mayor and Township Clerk are hereby authorized to execute any other documents required for Crestmont Village refinancing of the Property provided said documents are consistent with the terms of this Resolution, the recorded Affordable Housing Agreement and in a form approved by the Township Attorney.
5. This Resolution shall take effect immediately upon final passage according to law.
6. All appropriate Hillsborough Township officials are authorized to perform all required acts to effectuate the purpose of this Resolution.

**16. RESOLUTION ADDING DOROTHY RADOWITZ AND SUSAN CAPOLONGO TO THE "TOWNSHIP SUBSTITUTE CALL LIST"**

**WHEREAS**, a resolution was passed on February 10, 2015 establishing a "Township Substitute Call List"; and

**WHEREAS**, the Township Clerk recommended that the candidates placed on the "Township Substitute Call List" are to be utilized on an as needed basis, at an hourly rate of \$14.50 per hour, not to exceed 29 hours per week, effective February 11, 2015; and

**WHEREAS**, the Township Clerk recommends that Dorothy Radowitz and Susan Capolongo be added to the "Township Substitute Call List".

**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 Township Clerk is hereby accepted and approved.

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

Administrator Ferrera stated that he and Township Clerk, have met with Susan Capolongo and she will be a great addition to the Township Substitute Call list.

Mayor Tomson noted that Philip Wolf, Hillsborough Township Police Department was granted permanent status.

**CLAIMS LISTS**

Mayor Tomson asked to approve Claims Lists 2015-19.

Upon motion Committeewoman McCauley, seconded by Committeeman DelCore, Claims List 2015-19 was unanimously approved upon call of the roll.

## EXECUTIVE SESSION RESOLUTION

**WHEREAS**, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, Public Laws of 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 the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - a. *Contract Negotiations*
    - i. *Shared Services – Manville Municipal Court*
    - ii. *Easement (DeCamp Drive, Block 175.05, Lot 37)*
    - iii. *Sanitary Sewer Project*
  - b. *Litigation*
    - i. *Affordable Housing*
    - ii. *Hillsborough Town Center*
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.

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

Upon motion by Committeeman Suraci, seconded by Committeewoman McCauley, the public meeting was reopened at 10:12 pm.

Township Attorney Eric Bernstein let the record reflect all members of the governing body present for the Executive Session and are present for the recommencement of the Open Session as well as Township Labor Attorney, Bill Willard, Township Administrator, Anthony Ferrera, and Township Clerk, Pam Borek. During the Executive Session the Township Committee also met with the Township Attorney, Township Zoning Board Attorney, Township Affordable Counsel, and Township Special Planner relative to multiple matters at hand. In regard to the matters at hand, the Township Committee has given authorization to the Township Attorney and the Township Administrator to continue discussion regarding a possible agreement with Manville. The Township Committee has also given direction to Township Attorney, Bill Willard's office regarding the other two items on the agenda regarding Sanitary Sewer Easement and Winding Way. As regarding Town Center the Township Committee was given an update by the Zoning Board

Attorney and has authorized Deputy Mayor Burchette, and Township Administrator, Anthony Ferrera to pursue the offer made by Judge Miller to a possible resolution of the matter. As to the Affordable Litigation, the Township has authorized Attorney Eric Bernstein, Mr. Bayer, Ms. Beahm, Township Administrator Ferrera and David Maski to work together to ascertain the projected plan and to authorize Committeeman DelCore and Deputy Mayor Burchette to be liaisons with those individuals relative to the ongoing discussion. As to the any of the matters no formal action needs to be taken.

Upon motion by Committeeman DelCore, seconded by Committeeman Suraci, the meeting duly adjourned at 10:14 p.m. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek  
Township Clerk