

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 8:30 p.m. on the September 11, 2018.

Upon call of the roll, the following Committee members were recorded present: Committeeman Lipani, Committeeman Frank DelCore, Committeeman Carl Suraci, Deputy Mayor Doug Tomson and Mayor Gloria McCauley. Also in attendance were Township Administrator Anthony Ferrera, Township Clerk Pamela Borek and Township Attorney William Willard.

SALUTE TO THE FLAG

Mayor McCauley wished a Happy New Year to all those celebrating Rosh Hashana.

Mayor McCauley advised that in accordance of 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 8:30 p.m. on September 11, 2018.

MOMENT OF SILENCE

Mayor McCauley called for a moment of silence in remembrance of September 11, 2001.

APPROVAL OF MINUTES

- Approval of the August 14, 2018 Regular Session Meeting Minutes

Upon a motion by Committeeman Suraci, seconded by Deputy Mayor Tomson, the minutes of the August 14, 2018 Regular Session were approved upon the call of the roll.

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

Committeeman DelCore

Committeeman DelCore stated tickets are now on sale for the next HBA Business Social on Tuesday, October 16th at the brand new Camp DeWitt Conference Center from 6:00 PM to 9:00 PM. The event will feature comedy entertainment, a top headliner at the Borgata Casino, John “Gemini” Lombardi. Additionally, 21st Century Librarian Catherine DeBerry will be talking about how the business community can access business resources.

Committeeman DelCore reported on August 30th Hillsborough Township was the host for Somerset County’s 2nd Annual Overdose Awareness Day to remember and honor those loved ones lost to addiction. The Hillsborough Millstone Municipal Alliance will be hosting a “Meet the Alliance” night on Wednesday, October 17th 7-7:45 pm.

Committeeman DelCore reminded residents that Hillsborough Township will host the 5th Annual Senior Olympics on September 26th, on Wednesday, September 26th, with a rain date of Friday, September 28th, at the Ann Van Middlesworth Park.

Committeeman DelCore advised the Fall Brochure is online with new offerings such as Adult fitness bootcamp, coding for kids, acrylic painting for ages 9-12 and a softball clinic. All the details can be found on the website.

Committeeman DelCore announced the Health Department sponsored a flu vaccination clinic for Senior Citizen Group A on September 6th. The Center for Disease Control recommends that everyone age 6 months of age and over be vaccinated against the flu. In New Jersey, children ages 6 months to 59 months in public or private preschool must be vaccinated against the flu. The next clinic will be held for Senior Citizen Group B at their meeting on September 13, 2018 from 3-4:30 pm and will be open to residents afterward.

Committeeman DelCore also advised Walgreens will be offering 2 clinics at the Hillsborough Municipal Building on October 2nd and October 16th from 3:00 to 6:00 PM.

Committeeman Lipani

Committeeman Lipani stated in light of the impending hurricane activity please refer to the American Red Cross website for preparedness information and check out the Friday enews.

Committeeman Lipani advised the Community Emergency Response Team (CERT) is an all-hazard, all-risk training program designed to teach residents how to protect themselves, their family, their neighbors and community during a disaster situation. CERT training promotes a partnering effort between emergency services and the people in the communities they serve. Details and registration information is available via the Friday enews.

Committeeman Suraci

Committeeman Suraci stated the Hillsborough Township Police Department reminds everyone that school is back in session, which means increased pedestrian traffic and increased bus traffic. Please be alert to flashing lights on stopped buses as children are entering and exiting the buses. Passing a stopped bus with warning lights activated can result in a 5 point violation and substantial fines.

Committeeman Suraci advised the Building Department is now offering narrower windows for inspections times. A.M. inspections will be 8a.m. -12p.m. and P.M. inspections will be 11a.m. to 3p.m.

Committeeman Suraci reported the Engineering Department notes all potholes, road and sidewalk conditions need to be brought to the attention of the Public Works Department, not the Engineering Department. If a roadway is not scheduled for full repaving, repairs can be completed by the Public Works department until a road is fully repaved. The Engineering Department does not schedule maintenance repairs.

Deputy Mayor Tomson

Deputy Mayor Tomson stated the final tax bills will be mailed the week of September 17th. The 4th quarter bill will reflect the reduction for the 2015 Homestead Benefit. This tax bill mailing will also include billing for the 1st and 2nd quarter of 2019.

Deputy Mayor Tomson advised a new law was passed in August which involves mail in ballots. Residents who requested a mail in ballot for the General Election in 2016 will automatically receive a mail in ballot in perpetuity. In order to OPT out from receiving a mail in ballot, residents must notify the County Clerks office by Friday, September 14th. Postcards were mailed out to all those impacted by this. In Hillsborough Township 2,331 voters had requested mail in ballots. If residents do not opt out by Friday, September 14th, they will be marked in the voting books as receiving a mail in ballot and therefore will not be permitted to vote via machine ballot casting. Residents will be permitted, however, to vote provisionally.

Mayor McCauley

Mayor McCauley thanked Woods Road Firehouse for the invitation to participate in their annual 9/11 Ceremony and also to Route 206 Firehouse ceremony earlier today.

Mayor McCauley stated she was proud to announce that Hillsborough Township concluded its first ever launch of Hillsborough Restaurant Week, which ran from August 21st to August 26th. She visited many of the restaurants, and was very pleased to hear the positive feedback.

Mayor McCauley thanked all of the Restaurant Week participants and everyone that had a chance to support Hillsborough restaurants. Additionally, she thanked the Township staff and the EBDC for their hard work and commitment to make this event a success. Mayor McCauley noted even Hollywood heard about Restaurant week as Academy Award Best Actor Winner Forest Whitaker visited Hillsborough's very own Rickie's Thai.

Mayor McCauley reported Hillsborough Township welcomed the new Police Department K9 Freddy. As a result of the generosity of Dr. Caesar DePaço and Deanna Padovani-DePaço, Freddy is the Township's third Police K9. He is named in honor of Sergeant Fred Wacker who unexpectedly passed away in November of 2016. He will be partnered with K9 Officer Richard Tichenor.

Mayor McCauley advised on behalf of Hillsborough Township Director of the Office of Emergency Management, John Sheridan that the Township in collaboration with other agencies will be conducting an Emergency Services Training Drill on Wednesday, September 26th at Duke Farms, beginning at 4:30 p.m until approximately 9:00 p.m. There will be numerous emergency vehicles present at the property during that time and residents are reminded that this is only a training exercise. Only participants of the exercise will be permitted on the Dukes property during the exercise. The orientation center is closed on Wednesdays.

Mayor McCauley stated the Hillsborough Township Credit Card Advisory Committee will be accepting grant applications beginning August 15th for the second round of grants for 2018. Applications are available on the Township website or can be picked up in the Administration Office for any Township based non-profit, senior or youth organizations to apply for grants up to \$2,000 funded through the Hillsborough Rewards Credit Card Program.

PROCLAMATIONS/PRESENTATIONS/APPOINTMENTS

PROCLAMATIONS / APPOINTMENTS

- *Proclamation congratulating Alberta Snyder on her 100th birthday*

WHEREAS, Alberta Snyder will be honored by friends and relatives on September 11, 2018 in celebration of her 100th Birthday on August 7, 2018; and

WHEREAS, Alberta Snyder was born in the home on East Mountain Road where she currently resides and has lived in Hillsborough Township for all 100 years; and

WHEREAS, Alberta Snyder, nee Ernest, married Ernest Snyder in 1938 and celebrated 62 years of marriage prior to Ernest's passing. They were blessed with two children, Jean Terhune and Matt, and one grandson, Matt Terhune; and

WHEREAS, Alberta Snyder served as the Assistant Tax Collector for Hillsborough for 24 years and has been an active participant in the community for over 70 years. Alberta Snyder has been an active community volunteer with the PTA, Hillsborough Republican Party, Neshanic Methodist Church, South Branch Reformed Church, Rotary fundraising and the Hillsborough Historical Commission; and

WHEREAS, Alberta Snyder helped establish evening hours in the Tax Collector's office. She is the co-sponsor of the Santonastaso/Snyder Scholarship Fund that has awarded over \$10,000 over the years to seniors in high school pursuing a major in a field that will benefit society. Alberta was honored by the County Republican organization for 70 years of combined service with her husband, Ernest; and

WHEREAS, Alberta Snyder's favorite hobbies are reading the local papers, working to solve her daily Word Wonder challenge and baking for many fundraisers.

***NOW, THEREFORE, BE IT PROCLAIMED** that we, the Mayor and the Hillsborough Township Committee, further congratulate Alberta Snyder on her 100th Birthday and offer best wishes for many more happy days in the future to share with family and friends.*

- *Proclamation declaring September as National Suicide Awareness Month*

WHEREAS, suicide is one of the most disruptive and tragic events a family and community can experience; and

WHEREAS, annually more than 45,000 lives are lost to suicide; and

WHEREAS, each person's death by suicide intimately affects at least six other people, with over 246,000 newly bereaved each year; and

WHEREAS, suicide is the 2nd leading cause of death of adolescents, in aggregate there is one completed suicide every 12 minutes in the United States, 123 per day; and

WHEREAS, Hillsborough has experienced a statistically significant number of confirmed suicides over the last 17 years; and

WHEREAS, Hillsborough Township Public Schools actively educates students about suicide in an age appropriate manner; and

***WHEREAS**, BORO SAFE's goal is to raise community awareness that suicide is preventable. Residents are encouraged to educate themselves of the warning signs of suicide and understand suicide is preventable and that there are resources available; and*

***WHEREAS**, if anyone is in crisis or experiencing suicidal thoughts, call the National Suicide Hotline at 1-800-273 TALK (8255);and*

***WHEREAS**, organizations and individuals such as 2nd Floor-NJ Youth Helpline, NJ Hopeline, National Suicide Prevention Lifeline, Jersey Voice, BORO SAFE, Hillsborough Township Police Department and Hillsborough Township Public Schools enhance awareness throughout our community by providing support or services to individuals in need.*

***NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Mayor and Hillsborough Township Committee hereby declare September 2018 as National Suicide Awareness Month and vow to continue to support suicide awareness programs dedicated to helping our community.*

- *Proclamation declaring September as Ovarian Cancer Awareness Month*

***WHEREAS**, by proclaiming September 2018 as Ovarian Cancer Awareness Month, we call attention to a disease that affects women across our county, state and country, with the American Cancer Society estimating that 14,070 American women are projected to lose their lives to Ovarian Cancer this year; and*

***WHEREAS**, these women are mothers, daughters, sisters, grandmothers, community members and cherished friends, and the absence they leave in our hearts will be deeply felt forever; and*

***WHEREAS**, women who are middle aged and older, who have a family history of ovarian or breast cancer, or have had certain cancers in the past are at increased risk of developing Ovarian Cancer; and*

***WHEREAS**, Ovarian Cancer knows no boundaries, the disease can strike anyone, across lines of age, ethnicity, and race; and*

***WHEREAS**, because Ovarian Cancer often goes undetected until advanced stages, increasing the awareness of risk factors is critical to fighting this disease as it is estimated that about 22,240 new cases of Ovarian Cancer will be diagnosed in the United States this year; and*

***WHEREAS**, the public awareness campaign strives to increase knowledge about this disease and recognizes the best defense against Ovarian Cancer is early detection, therefore it is essential that women know the risk factors associated with the disease, and that men are educated so they can help their wives, mothers, grandmothers, aunts, sisters and girlfriends; and*

***WHEREAS**, this month is dedicated to the prevention and awareness, it is also to honor those we have lost, show our support for women who bravely carry on the fight, and take action to lessen the tragic toll Ovarian Cancer takes on families across our county.*

***NOW, THEREFORE, BE IT PROCLAIMED** that we, the Mayor and the Hillsborough Township Committee do hereby recognize September 2018, as Ovarian Cancer Awareness Month, and call upon citizens, government agencies, organizations, health care providers, and research institutions to raise*

Ovarian Cancer awareness and continue helping women live longer, healthier lives and urge women to talk to their health care providers to learn more about this disease.

- *Proclamation honoring Aidan Szabo for achieving Eagle Scout status*

***WHEREAS**, Aidan Szabo, a Junior at Hillsborough High School and a member of Boy Scout Troop 186, has recently earned the status of Eagle Scout; and*

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

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

***WHEREAS**, Aidan's Eagle Scout Project consisted of building and installing 14 Stations of the Cross at St. Matthias Church and mounting donated plaques. Aidan supervised 12 scouts, 4 adults and several others to complete the work over three weekends and 230 hours; and*

***WHEREAS**, Aidan served as Troop Guide, Senior Patrol Leader and Historian. Aidan has spent the past five summers at Winnebago Scout Reservation as a Counselor-in-Training, a staff member and working in the Dan Beard Program; and*

***WHEREAS**, Aidan is a member of the Hillsborough High School Varsity Debate Club and Hillsborough High School Chorale; and*

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

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

PRESENTATIONS

- None

NEW BUSINESS

- None

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

- *Maria Janucik, 720 E. Frech Ave., Manville inquired as to the zone designation of her property on 2155 Camplain Road. Township Attorney Willard referred to a response previously provided to her.*

PUBLIC HEARINGS

2018-14 AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR VARIOUS TOWNSHIP WIDE ROAD IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP OF HILLSBOROUGH AND APPROPRIATING \$8,500,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$8,075,000 IN BONDS OR NOTES OF THE TOWNSHIP OF HILLSBOROUGH TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HILLSBOROUGH, IN THE COUNTY OF SOMERSET, NEW JERSEY

(not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Hillsborough, in the County of Somerset, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$8,500,000 including the sum of \$425,000 as the down payment required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$8,075,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the Township wide road resurfacing and overlay program, and including all work and materials necessary therefor or incidental thereto.

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

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary

capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$8,075,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$850,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

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

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor McCauley stated the Township maintains a 5 year roadway plan. Over the past 10 years 14 roadways comprising of 20.33 miles have been repaved. In addition, the Township performs an extensive

chip sealing program which enhances the longevity of the roadways; over 20 miles of Township roadways have been chip sealed over the past 10 years.

The aging infrastructure of our Township needs to be addressed, which has been further compromised by the severe weather with increased snow and freezing temperatures that have taken their toll on our roadways. As a result, it is in the best interest of the Township to pursue funding for these improvements.

The Township's annual commitment to road reconstruction has averaged \$330,000 over the past 11 years through a combination of NJDOT Grants and Township funding. By bonding for this amount, the Township will pave roadways that would have taken over 25 years at the current spending level.

Furthermore, the Township will continue to maintain communication with the County and State to address roads that are not within the Township's jurisdiction.

Committeeman DelCore stated the Township has the capability and the capacity at this time to incur this debt and commended the finance groups for making this possible by their actions over the past years.

Committeeman Suraci stated the amount of this debt will also allow future budgets to remain within the 2% cap.

Maria Janucik, 720 E. Frech Avenue, Manville asked various questions surrounding the ordinance to which the Mayor and TC committee provided answers.

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Tomson, to open the public hearing on Ordinance 2018-14, the motion was unanimously approved upon call of the role.

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Tomson, to close the public hearing and adopt Ordinance 2018-14, the motion was unanimously approved upon call of the role.

2018-15 AN ORDINANCE AMENDING CHAPTER 221 "PARKS AND RECREATION AREAS", ARTICLE II "TOWNSHIP-OWNED PARKS", SECTION 221-14 "HOURS OF OPERATION" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY

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

Section 1. Chapter 221 "Parks and Recreation Areas", Article II "Township-Owned Parks", Section 221-14 "Hours of Operation", shall be amended as follows:

Section 221-14A shall be repealed and replaced as follows:

- A. The hours of operation of the parks shall be from dawn to dusk, Monday through Sunday unless otherwise scheduled through the Hillsborough Township Director of Recreation or the Recreation Commission, with the exception of AVM and Docherty Park which shall be open from dawn to 10:30 pm from April 1st through October 31st.

Section 2. Interpretation. All other ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

Section 3. Severability. If any provisions of this ordinance shall be adjudged invalid, such

adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable there from.

Section 4. This Ordinance shall take effect immediately upon adoption and final publication according to law.

Mayor McCauley stated this is an amendment of the ordinance to extend park hours at AVM and Dougherty parks for the summer months.

Upon motion by Committeeman Suraci, seconded by Committeeman Lipani, to open the public hearing on Ordinance 2018-15, the motion was unanimously approved upon call of the role.

Upon motion by Committeeman Suraci, seconded by Committeeman DelCore, to close the public hearing and adopt Ordinance 2018-15, the motion was unanimously approved upon call of the role.

2018-16 AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY II, LLC, TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY

Now, Therefore, Be It Ordained by The Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

SECTION 1. PURPOSE OF THE ORDINANCE.

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “Township” or “Municipality” is the Township of Hillsborough, County of Somerset, State of New Jersey.
- b. “Company” or “Comcast” is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey II, LLC.
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.

- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval issued by the Board. In the event the Municipality shall find the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided, however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 25 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

b. Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

c. Temporary Removal of Cables: The Company shall temporarily move or remove appropriate parts of its lines and facilities to allow for the moving of buildings or machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when requested by the Municipality, in which case the Company shall bear the cost.

d. Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

e. Installation of Equipment: The Company shall install lines, equipment and facilities underground to the extent practicable and otherwise in the same location and manner as existing public utilities to minimize the impact on the public right of way.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Municipality upon written request of the Municipality Administrator or Clerk.

a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (“NCTA”).

d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1, within the Township or within ten (10) miles of the Township’s border, for the purposes of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such business office shall be open during standard business hours.

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Municipality a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Municipality, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Company shall provide Expanded Basic or a similar tier of cable television service to all outlets at no cost.

b. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future public building in the Municipality provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Company shall provide Expanded Basic or similar tier of cable television service to all outlets at no cost.

c. The Company shall provide Expanded Basic or similar tier of cable service to one (1) outlet at no cost to each qualified existing and future police station, office of emergency management, public works facility, fire district, fire company, rescue squad and public library in the Municipality provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Company shall provide Expanded Basic or similar tier of cable television service to all outlets at no cost.

d. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Municipality a one-time Technology Grant in the amount of seventy five thousand (\$75,000) dollars to meet the technology and/or cable related needs of the Municipality.

e. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

f. The Company agrees to provide the additional services and comply with the additional requirements outlined in the letter agreement attached hereto as Exhibit A.

SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS.

a. The Company shall provide channels for public, educational and governmental (“PEG”) access as requested by the Municipality on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611 [47 U.S.C. § 531], and as further set forth herein.

b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for PEG use. A PEG access user acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

c. The Company shall not exercise editorial control over the use of any public, educational or governmental channel capacity, except Company may refuse to transmit any public, educational or governmental access program or portion of such program that contains obscenity, indecency or nudity.

d. Public Access. “Public Access” shall mean non-commercial use by the public.

e. Educational Access. “Educational Access” shall mean non-commercial use by educational institutions such as public or private schools, but not “home schools,” community colleges and/or universities.

f. Government Access. “Government Access” shall mean non-commercial use by the governing bodies of the Municipality for the purpose of showing the public local government at work.

g. Fallow Time. Because blank or underutilized PEG channels are not in the public interest, in the event the Municipality or other PEG access users elect not to fully program the PEG access channel, Company may program unused time on those channels subject to reclamation by the Municipality upon no less than sixty (60) days written notice.

SECTION 16. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendments thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of this Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Mayor McCauley stated the franchise agreement has expired and this ordinance renews said agreement.

Thuy Anle, 4 Ivy Lane asked whether the Township Committee did their due diligence in getting the best deal for the Comcast franchise. TC Committee members and Township Attorney Bill Willard advised the fee is set by statute.

Meryl Bisberg 4 Hickory Hill Road stated the franchise fee seems low when compared to other municipalities. The Mayor and Township Committee assured her they have done their due diligence and obtained the best deal available.

Committeeman Delcore stated he will seek to validate that the Township is in fact getting the 2% fee it is entitled to.

Upon motion by Committeeman Suraci, seconded by Committeeman Lipani, to open the public hearing on Ordinance 2018-16, the motion was unanimously approved upon call of the role.

Upon motion by Committeeman Suraci, seconded by Committeeman DelCore, to close the public hearing and adopt Ordinance 2018-16, the motion was unanimously approved upon call of the role.

INTRODUCTION OF NEW ORDINANCES

2018-17 AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “SALARY RANGE ORDINANCE” SETTING FORTH THE SALARY RANGES FOR THE CLASSIFICATIONS SET FORTH IN SAID ORDINANCE

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

Section 1: That the Salary range ordinance, shall be amended as follows:

<u>CLASSIFICATION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>Administrators Office</u>		
Committeepersons	3,500	10,000
Township Administrator	50,000	165,000
IT Systems Administrator	41,000	98,000
IT Part-Time Assistant	\$15.00/Hr.	\$28.00/Hr.
Assistant to the Administrator	35,000	65,000
Secretary to Administrator	32,000	65,000
Secretary/ Clerk Part-Time	\$12.00/Hr.	\$22.00/Hr.
Business Advocate	15,000	75,000
Special Projects Coordinator	1,000	2,000

Communications/Social Media Coordinator	\$15.00/Hr.	\$28.00/Hr.
Digital Communications Specialist	35,000	65,000

Building Department

Director Building Department	48,000	125,000
Construction Official	48,000	125,000
Building Sub Code Official	47,008	106,964
Fire Sub Code Official	43,576	99,124
Assistant Sub Code Official	43,576	99,124
Plumbing Sub Code Official	43,576	99,124
Electric Sub Code Official	43,576	99,124
Building Inspector	40,622	92,428
Electrical Inspector	40,622	92,428
Fire Inspector	40,622	92,428
Plumbing Inspector	40,622	92,428
Technical Assistant	35,000	69,733
Part-Time Inspector	\$25.00/Hr.	\$40.00/Hr.
Part-Time Technical Assistant	\$12.00/Hr.	\$22.00/Hr.
Use of License in 2 nd Discipline	\$2,500	\$2,500
Acting Construction Official	\$1,500	\$1,500

Municipal Court

Court Administrator	45,000	95,000
After Hours ECDR Processing	2,000	5,000
Deputy Court Administrator	38,000	75,000
Violations Clerk	35,000	69,733
Municipal Judge	15,000	75,000
Public Defender	1,000	25,000

Township Clerk

Township Clerk	20,000	105,000
Deputy Clerk	20,000	65,000
Asst. to Municipal Clerk	35,000	65,000
Part-Time Receptionist	\$12.00/Hr.	\$22.00/Hr.

Engineering Department

Township Engineer	10,000	125,000
Assistant Engineer/Survey	47,008	106,964
Assistant Engineer	47,008	106,964
Assistant to Township Engineer	43,576	99,124
Sr. Engineering Aide/Inspector	43,576	99,124
Engineering Aide	40,622	92,428
Secretary/Clerk	35,000	69,733

Health Department

Health Officer	47,000	150,000
Deputy Health Officer	45,000	95,000
Director of Environmental Programs	45,000	95,000
Registered Environmental Health Specialist	40,622	92,428
Environmental Health Aid	35,000	69,733
Secretary/Clerk	35,000	69,733
Millstone Health Liaison	2,000	6,000
Recycling Coordinator	2,000	6,000
Assistant Recycling Coordinator	1,000	5,000
Registrar	1,000	4,000

Police Department

Police Chief	125,000	185,000
Police Captain	120,000	175,000
Police Lieutenant	115,000	165,000
Police Sergeant	114,006	126,017
Police Corporal	106,881	114,561
Police Officer	40,293	109,106
IT Manager	40,000	108,500
Police Chief Secretary	35,000	70,000
Civilian Police Specialist	35,000	69,733
Secretary/Clerk	35,000	69,733
Dispatcher	40,196	56,078
Municipal Prosecutor	10,000	70,000
Special Officers	\$12.00/Hr.	\$28.00/Hr.
Crossing Guards	\$10.00/Hr.	\$22.00/Hr.
Police Property Manager	\$20.00/Hr.	\$28.00/Hr.
OEM Director/Police Property Director	\$45,000	\$95,000

Public Works Department

Director Public Works	47,000	125,000
Supervisor of Public Works	45,000	95,000
Assistant Supervisor of Public Works	38,000	75,000
Equipment Operator/Mechanic/Journeyman	57,573	72,647
Public Works Worker 1-4	33,063	63,153
Secretary/Clerk	35,000	69,733

Tax Assessor Department

Tax Assessor	47,000	105,000
Deputy Assessor	45,000	95,000
Deputy Assessor-Commercial-Part-time	15,000	27,750
Assistant Tax Assessor	38,000	75,000
Assessment Clerk/Field Representative	40,622	92,428
Secretary/Clerk	35,000	69,733

Tax Collection/Treasurer Department

CFO/Treasurer/Tax Collector	10,000	135,000
Tax Collector	10,000	90,000
Treasurer/CFO	10,000	90,000
Director of Finance	10,000	90,000
Qualified Purchasing Agent	10,000	90,000
Deputy Collector/Treasurer	45,000	95,000
Deputy Finance Officer	45,000	95,000
Deputy Tax Collector	45,000	95,000
Clerk	35,000	69,733

Planning Department

Township Planner	47,000	125,000
Assistant Planner/Zoning Official	45,000	95,000
Secretary/Clerk	35,000	69,733

Recreation Commission

Director Parks and Recreation	55,000	105,000
Assistant Director of Recreation	38,000	75,000
Assistant Supervisor – Parks Maintenance	38,000	75,000
Recreation Program Coordinator	35,000	69,733
Recreation Assistant	35,000	69,733
Part-Time Secretary/Clerk	\$12.00/Hr.	\$22.00/Hr.

Part-Time Seasonal Employees:

Program Supervisor/Per Session	\$50.00/Session	\$300.00/Session
Program Supervisor/Hourly	\$14.50/Hr.	\$25.00/Hr.
Instructors	\$10.00/Hr.	\$30.00/Hr.
Assistant Program Supervisor	\$10.00/Hr.	\$20.00/Hr.
Counselors	\$6.50/Hr.	\$13.50/Hr.
Umpires/Referees	\$25.00/Game	\$55.00/Game
Scorekeepers	\$6.50/Hr.	\$13.50/Hr.

Social Services

Director Social Services	55,000	105,000
Assistant Director of Social Services	38,000	75,000
Bus Driver	35,000	69,733
Secretary/Clerk	35,000	69,733
Senior Dance Instructor	\$ 25.00/Hr.	\$ 35.00/Hr.
Senior Wellness Instructor	\$ 25.00/Hr.	\$ 35.00/Hr.
Part-Time Bus Driver	\$ 12.00/Hr.	\$ 22.00/Hr.
Part-Time Mr. Fix-It	\$ 12.00/Hr.	\$ 22.00/Hr.

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

Mayor McCauley stated, The ordinance amends ranges to coincide with collective bargaining agreements. It does not authorize actual salary amounts.

Maria Janucik 702 E Frech Manville asked whether the maximum salaries had been increased from the prior year. Township Clerk Pamela Borek responded some are increases and some are not. Mrs. Janucik asked about individual positions and responses were given.

Upon motion by Committeeman Suraci, seconded by Committeeman Lipani, to introduce the ordinance, the motion was unanimously approved upon call of the role.

CONSIDERATIONS

1. RESOLUTION IN SUPPORT OF CONGRESSMAN LANCE'S BILL HR6424 "911 FEE INTEGRITY ACT"

WHEREAS, the Township of Hillsborough supports the monthly tax charged to all mobile phone users for 911 upgrades and maintenance; and

WHEREAS, each year New Jersey collects approximately \$130 million through a monthly \$.90 tax charged and of the \$2 billion taken since 2004 only \$350 million has gone towards maintaining and upgrading the 911 system; and

WHEREAS, the diversion of these funds has significantly slowed the transition to NextGen 911 technology that can handle texts and video; and

WHEREAS, Congressman Lance introduced Bill HR6424 "911 Fee Integrity Act" to Congress in July 2018 which if adopted will empower the Federal Commerce Commission (FCC) to limit state ability to divert funding dedicated to the 911 system for other purposes; and

WHEREAS, Congressman Lance has stated "Lawmakers in Trenton raided the fund set aside to improve the 911 system and left the account penniless-leaving public safety threatened and taxpayers on the hook"; and .

WHEREAS, if New Jersey's diversion practice is stopped, the fees will be sufficient for the NextGen 911 upgrades; and

WHEREAS, the FCC has flagged several states as problems for 911 fee diversions in 2017 and New Jersey is at the top of the list; and

WHEREAS, New Jersey has admitted to diverting the funds, but claims it is for meritorious purposes; and

WHEREAS, Governor Murphy has continued to include the fee diversions in the new State Budget; and

WHEREAS, the 911 Fee Integrity Act specifically defines what expenses revenues can fund and will make states ineligible for federal NextGen 911 grants if there is noncompliance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that: (1) Hillsborough Township supports the 911 Fee Integrity Act (HR6424) introduced by Congressman Lance; and (2) the Township Clerk shall forward a copy of this Resolution to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, Senate President Stephen Sweeney, General Assembly Speaker Craig J. Coughlin, Senator Christopher “Kip” Bateman, Assemblyman Roy Frieman, Assemblyman Andrew Zwicker and the New Jersey League of Municipalities.

Mayor McCauley stated this is a bill to stop Trenton from utilizing 911 fees for anything other than 911 support.

Committeeman Suraci stated that Trenton is essentially stealing the 911 fees.

Upon motion by Committeeman Sauraci, seconded by Committeeman Lipani, the aforesaid resolution was unanimously approved upon call of the role.

2. RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO LEWIS-GRAHAM, INC., FOR PHASE 2B RESTORATIONS AT THE VANDERVEER HARRIS HOUSE IN AN AMOUNT NOT TO EXCEED \$252,835.00

WHEREAS, pursuant to N.J.S.A. 40A:11-25 et seq., the Township pre-qualified bidders for participation in the bid process for Phase 2B restorations at the historic Vanderveer Harris House; and

WHEREAS, bid specifications were prepared and provided to the pre-qualified bidders; and

WHEREAS, sealed bids were opened and read on August 14, 2018 at 10:00 a.m., which was the time and place provided for in the bid specifications in accordance with the Local Public Contracts Law; and

WHEREAS, bids were received from the following vendors:

<u>Vendor</u>	<u>Amount</u>
Precision Building & Construction	\$202,750.00
Lewis-Graham Inc.	\$252,835.00
Alden Bailey	\$321,000.00
Paragon Restoration	\$346,544.00
Wu & Associates	\$349,000.00

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, Precision Building & Construction provided the Township with a letter requesting withdrawal of its bid in accordance with N.J.S.A. 40A:11-23.3 due to a mistake on their part estimating the scope of work to be performed; and

WHEREAS, the Architect for the project and Qualified Purchasing Agent recommend the Township Committee accept the bid withdrawal of Precision Building & Construction and award a contract to Lewis-Graham in an amount not to exceed \$252,835 for the Phase 2B restorations at the Vanderveer Harris House; 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: (1) the request for withdrawal of bid submitted by Precision Building & Construction is accepted; (2) a contract is hereby awarded to Lewis-Graham, Inc., for the Phase 2B Restorations at the Vanderveer Harris House in an amount not to exceed \$252,835.00; and (3) the Mayor and Township Clerk are hereby authorized to execute a contract with Lewis-Graham, Inc., for the Phase 2B Restorations at the Vanderveer Harris House in an amount not to exceed \$252,835.00 consistent with the terms of this resolution, the bid specifications and bid submitted.

Mayor McCauley stated restoration is needed at the Vanderveer Harris House. On August 14th 5 bids were received. As a result of the process, It has been determined the Lewis-Graham is the most responsible and responsive bidder and therefore awarded this contract.

Committeeman Suraci stated the funding is coming completely from a county grant.

Upon motion by Committeeman Delcore, seconded by Committeeman Lipani, the aforesaid resolution was unanimously approved upon call of the role.

3. RESOLUTION AWARDING A CONTRACT FOR “BEEKMAN LANE REHABILITATION, PHASE I” TO TOP LINE CONSTRUCTION CORPORATION, IN AN AMOUNT NOT TO EXCEED \$546,777.69

WHEREAS, it has determined that there is a need for rehabilitation of Beekman Lane; and

WHEREAS, sealed bids were opened and read on September 5, 2018 at 10:30 a.m., which was the time and place provided for in the Notice to Bidders entitled “Beekman Lane Rehabilitation, Phase I”, in accordance with the Local Public Contracts Law; and

WHEREAS, the Township received two (2) bids with the lowest bid from Top Line Construction Corporation located in Somerville, New Jersey; and

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 Top Line Construction Corporation; and

WHEREAS, the Township Assistant Engineer has reviewed the proposal and has provided the Township Committee with a memorandum recommending awarding the contract to Top Line Construction Corporation; 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 “ Beekman Lane Rehabilitation, Phase I”, is made to Top Line Construction Corporation in an amount not to exceed \$546,777.69.
2. The Mayor and Township Clerk are hereby authorized to execute a contract with Top Line Construction Corporation in accordance with the terms of this resolution, the Bid Specifications and Bid Proposal submitted.
3. A notice of this action shall be printed in the official Township newspaper.

Mayor McCauley stated two bids were received on September 5th, Top Line has been found to be the lowest most responsive bidder, therefore awarded the contract.

Maria Janucik, 720 E. Frech Ave. Manville questioned what is being rehabilitated and where the money was coming from. The Mayor, Township Committee members and Township Clerk Pamela Borek provided responses.

Upon motion by Committeeman Suraci, seconded by Committeeman DelCore, the aforesaid resolution was unanimously approved upon call of the role.

CONSENT AGENDA

1. RESOLUTION GRANTING PERMANENT EMPLOYEE STATUS TO KEVIN LOWRY, DPW WORKER LEVEL I, IN THE HILLSBOROUGH TOWNSHIP DEPARTMENT OF PUBLIC WORKS, EFFECTIVE AUGUST 28, 2018

WHEREAS, Kevin Lowry was hired as DPW Level I in the Hillsborough Township Department of Public Works on February 28, 2018; and

WHEREAS, the Director of Public Works certifies that Mr. Lowry has performed his duties and assignments in a capable and competent manner; and

WHEREAS, having qualified for regular employee status during the six-month probationary period, the Director of Public Works recommends that regular employee status be conferred upon Mr. Lowry, effective August 28, 2018.

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 Director of Public Works be and hereby is accepted and approved.

2. RESOLUTION AUTHORIZING ACCEPTANCE OF CONSERVATION EASEMENT FOR THE PROPERTY IDENTIFIED ON THE HILLSBOROUGH TOWNSHIP TAX MAP AS BLOCK 58.03, Lot 1

WHEREAS, Dukes Parkway, LLC, filed Application No.: 16-PB-10-SRV with the Township of Hillsborough Planning Board (“Board”) for preliminary and final major site plan approval to renovate an existing building and construct a pole barn on the property identified on the Township of Hillsborough Tax Map as Block 58.03, Lot 1 (“Property”); and

WHEREAS, on February 2, 2017, the Board adopted a memorializing Resolution approving the Application; and

WHEREAS, the approval of the Board requires the owner of the Property to provide the Township with a Conservation Easement; and

WHEREAS, the Township Attorney reviewed the attached Conservation Easement and finds it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that: (1) the Mayor is authorized to execute the attached Conservation Easement on behalf of the Township of Hillsborough; and (2) the Township Attorney is authorized to record the Easement.

3. RESOLUTION APPROVING RELEASE OF DEVELOPMENT REVIEW ESCROW IN THE AMOUNT OF \$441.02 TO RORSCHACH GALLERY, LLC

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

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

WHEREAS, the Hillsborough Township Planning Director recommends the Township Committee authorize the release of the Development Review Escrow in the amount of \$441.02 to Rorschach Gallery, LLC.

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.

4. RESOLUTION AUTHORIZING THE ACCEPTANCE OF FIRE TANK REPLACEMENT PROJECT AND RELEASING PERFORMANCE BOND NO. B-1196939 ISSUED BY SELECTIVE INSURANCE COMPANY OF AMERICA IN THE AMOUNT OF \$169,498.00; ACCEPTING MAINTENANCE BOND NO. B-1196939 ISSUED BY SELECTIVE INSURANCE COMPANY OF AMERICA IN THE AMOUNT OF \$16,949.80; AND RELEASING RETAINAGE IN THE AMOUNT OF \$3,389.96

WHEREAS, the Township entered into a contract with Dulaine Contracting, Inc. for replacement of a fire tank at Deer Path; and

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

WHEREAS, the Assistant Township Engineer recommends the Township Committee authorize acceptance of the Fire Tank Replacement Project, the release of Performance Bond No. B-1196939 issued by Selective Insurance Company of America in the amount of \$169,498.00, the acceptance of Maintenance Bond No. B-1196939 issued Selective Insurance Company of America in the amount of \$16,949.80, and the release of retainage in the amount of \$3,389.96 to Dulaine Contracting, Inc.

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 is accepted and approved.

5. RESOLUTION AUTHORIZING REDUCTIONS IN AMOUNTS OF PERFORMANCE BOND NO. SNN4006416 (PHASE I), CASH BOND (PHASE I), PERFORMANCE BONDSNN4006415 (PHASE II) AND CASH BOND (PHASE II) FOR MEADOW BROOK AT HILLSBOROUGH

WHEREAS, Meadow Brook at Hillsborough has requested reductions in the amounts of Performance Bond No. SNN4006416 (Phase I), Cash Bond (Phase I), Performance Bond SNN4006415 (Phase II) and Cash Bond (Phase II) for Meadow Brook at Hillsborough; and

WHEREAS, the Assistant Township Engineer certifies that sufficient progress in the work for Meadow Brook at Hillsborough Phase I & II has been made warranting reductions in the posted Performance Bonds and Cash Bonds; and

WHEREAS, the Assistant Township Engineer recommends the Township Committee authorize a reduction in the amount of Performance Bond No. SNN4006416 from \$1,038,168.00 to \$444,027.00 and a reduction of the amount of Cash Bond from \$115,352.00 to \$49,336.00 for Meadow Brook at Hillsborough Phase I; and

WHEREAS, the Assistant Township Engineer further recommends the Township Committee authorize a reduction in the amount of Performance Bond No. SNN4006415 from \$819,225.00 to \$404,367.00 and the reduction of the amount of the Cash Bond from \$91,025.00 to \$44,929.00 for Meadow Brook at Hillsborough Phase II.

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.

6. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS OF \$8,872.28 FROM THE SUBDIVISION AND SITE PLAN ENGINEERING TRUST ACCOUNTS TO THE TREASURER'S ACCOUNT

WHEREAS, in accordance with the following summary of accrued Engineering inspection charges related to various indicated projects, a total of \$8,872.28 should be transferred from Engineering inspection escrow accounts into the Treasurer’s Account as indicated; and

WHEREAS, this transfer represents inspections conducted and engineering work completed for the month of July 2018; and

WHEREAS, each of the project line items has been verified against the Treasurer’s Office account records through August 30, 2018, 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 \$8,872.28 is to be transferred from the Engineering Escrow Accounts into the Treasurer’s Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Christian Community Church	322	-299.27
Country Classics - 4A	640	-2,186.58
Country Classics - 4D	626	-540.07
Gateway Phase 7	665	-2,514.90
Gateway Phase 5	614	-254.37
Gateway Phase 6	620	-1,159.1
Meadow Brook	652	-1,248.30
Muslim Ctr of Somerset Cty	662	-104.85
PLEABEAZIN	477	-91.02
Pat Richards LLC	412	-91.02
Richmond Properties	641	-52.42
WISEMAN (HILLS. REALTY)	495	330.37
Grand Total		-8,872.28

7. RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS IN THE AMOUNT OF \$ 30,518.58(16 total properties)

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Tax Collector is hereby authorized to refund said amounts to the property owners; Total, \$30,518.58, properties, 16.

Block	Lot	Qualifier	Name	Amount	Qtr	Year
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13.01	10.01		Corelogic	\$1,846.81	3 rd	2018
29	3		Corelogic	\$1,675.63	3 rd	2018
59	6		Lereta	\$2,051.74	3 rd	2018
141.11	12		Corelogic	\$ 457.80	3 rd	2018
151.09	97	C0052	Corelogic	\$1,751.92	3 rd	2018
151.15	80		Corelogic	\$1,993.67	3 rd	2018
153.08	68	C0262	Parsons	\$ 726.55	3 rd	2018
153.15	1	C4208	Corelogic	\$1,363.79	3 rd	2018
163.06	2	C0823	Lereta	\$1,320.10	3 rd	2018
163.21	5	C2421	Corelogic	\$1,379.40	3 rd	2018
163.22	5	C3732	Lereta	\$1,352.19	3 rd	2018
168	11		Corelogic	\$ 332.31	3 rd	2018
175.05	6		Corelogic	\$2,640.32	3 rd	2018
178.02	174		Corelogic	\$1,300.19	3 rd	2018
204.06	11		Corelogic	\$2,699.59	3 rd	2018
163.05	101.01		Amwell Commons	\$7,626.57	3 rd	2018

8. RESOLUTION AUTHORIZING RELEASE OF CASH ESCROWS FROM WINTER CERTIFICATES OF OCCUPANCY FOR GATEWAY AT SUNNYMEAD, PHASES 5 & 6, IN THE AMOUNT OF \$5,000

WHEREAS, Gateway of Sunnymead, Phases 5 & 6, has requested the release of cash escrows from Winter Certificates of Occupancy; and

WHEREAS, the Assistant Township Engineer certifies that all work has been satisfactorily completed and recommends the release of the cash escrow from Winter Certificates of Occupancy for Gateway at Sunnymead, Phases 5 & 6, in the amount of \$5,000.

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.

9. RESOLUTION AUTHORIZING THE REFUND OF RECREATION PROGRAM FEES IN THE AMOUNT OF \$3428.50

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 \$3,428.50.

<u>Name</u>	<u>Amount</u>	<u>Name</u>	<u>Amount</u>
Anges Zaranski	\$43.50	Megan Lazarte	\$30.00
Arti Panchal	\$170.00	Melissa Horgan	\$30.00

Qunying Guan	\$30.00	Syed Haque	\$30.00
Michelle Folli	\$30.00	Lucy Warvolis	\$30.00
Min Lee	\$30.00	Jessica Jacquish	\$60.00
Vivek Sandela	\$30.00	Carolyn Renner	\$30.00
Jennifer Goldsack	\$60.00	Rebecca Baerga	\$30.00
Hari Pabbathi	\$30.00	Debra Corpel	\$30.00
George Lods	\$30.00	Van Nguyen	\$30.00
Sophia Zimmermann	\$60.00	Diana Millan	\$250.00
Melissa MacNeer	\$15.00	Pabby Lake	\$120.00
Xiuying Zhao	\$35.00	Laura Oram	\$25.00
Umasankar Ramasamy	\$55.00	Meridith Dudinski	\$50.00
Leigh Meaders-Robinson	\$35.00	Kim Brogan	\$10.00
Trish Yesalonis	\$50.00	Tracey Marotto	\$25.00
William Strachin	\$45.00	Kathy Mindish	\$35.00
Jennifer Glembocki	\$215.00	Grace Stoney	\$15.00
Lan Yi	\$50.00	Sanjeev Chaand	\$25.00
Chris Rears	\$40.00	Jian Pan	\$50.00
Cherlene Wiederhold	\$20.00	Angela Frutchey	\$10.00
Heidi Castillo	\$10.00	James Casey	\$40.00
Peng Zhao	\$25.00	Alina Fidziukiewicz	\$50.00
Patricia Smith	\$25.00	Jeanette Yu	\$15.00
Denise Parrotto	\$35.00	Saba Farooq	\$15.00
Tara Garcia	\$20.00	Jennifer Ferrazza	\$35.00
Jolanta Kolodziejski	\$120.00	Toni Dipaolo	\$120.00
Kavita Krishnan	\$15.00	Olivia Qin	\$50.00
Fontaine Cumberbatch-Seale	\$10.00	Michelle Barkin	\$15.00
Carlyn O'Regan	\$10.00	Sophia Sansone	\$85.00
Adam Trochimiuk	\$100.00	Peng Qin	\$20.00
German Guerrero	\$60.00	Xiaoran Wei	\$10.00
Linda Heffernan	\$25.00	Michael Novello	\$25.00
Margarete Daniello	\$35.00	John Donnadio	\$30.00
Hitendra Patel	\$40.00	Peter Call	\$30.00
Lynn Luckshire	\$40.00	Amy Estrada	\$40.00
Beth Slutzky	\$20.00	Melanie Chiodo	\$40.00
Melwyn Crasto	\$40.00	Susan Clevenger	\$20.00
Eddie Necci	\$20.00	Amy Digraziano	\$30.00
Miriam Balbiani	\$20.00	Eryk Dybas	\$100.00

Maria Janucik, 720 E. Frech Avenue, Manville stated the Conservation Easement, consent #2 is not clear and would like clarification as to what is being conserved. Committeeman DelCore stated the Easement is self explanatory. Township Attorney Bill Willard further explained the meaning of conservation.

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

CLAIMS LIST

Mayor McCauley asked to approve Claims List 2018-16.

Upon the motion of Committeeman DelCore seconded by Committeeman Deputy Mayor Tomson, Claims List 2018-16 was unanimously approved upon call of the roll.

Mayor McCauley asked to approve Claims List 2018-17.

Maria Janucik, 720 E. Frech Avenue, Manville asked questions about sewer payments made to Manville. Mayor McCauley advised this is the forum for comments and not questions.

Upon the motion of Committeeman DelCore seconded by Committeeman Deputy Mayor Tomson, Claims List 2018-17 was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Committeeman Lipani, the meeting duly adjourned at 10:45pm. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek
Township Clerk