

Minutes of the Regular Meeting of the Township Committee of the Township of Hillsborough, in the County of Somerset, State of New Jersey, held in the Municipal Complex at 7:30 p.m. on the above date.

Upon call of the roll, the following Committee members were recorded present: Committeeman Carl Suraci, Committeeman Greg Burchette, Committeewoman Gloria McCauley, Deputy Mayor Doug Tomson. Also, in attendance were Township Attorney Albert Cruz, Township Clerk Pamela Borek and Township Administrator Anthony Ferrera. Mayor Frank DelCore was absent.

SALUTE TO THE FLAG

Following roll call, Deputy Mayor Tomson advised that notice of this meeting was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws of 1975, by posting on the bulletin board at the Hillsborough Township Municipal Complex and notifying the officially designated newspapers that this meeting would take place at the Hillsborough Township Municipal Complex at 7:30 p.m. on February 12, 2013.

APPROVAL OF MINUTES

Approval of the January 3, 2013 Re-Organization Minutes

Upon motion by Committeeman Burchette, seconded by Committeewoman McCauley, the minutes of the January 3, 2013 Re-Organization meeting was approved upon the call of the roll.

Approval of the January 8, 2013 Regular Meeting Minutes

Upon motion by Committeeman Suraci, seconded by Committeeman Burchette, the minutes of the January 8, 2013, Regular meeting was approved upon the call of the roll.

Approval of the January 22, 2013 Executive Session Minutes

Upon motion by Committeeman Suraci, seconded by Committeeman Burchette, the minutes of the January 22, 2013, Executive Session Minutes was approved upon the call of the roll.

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

Committeeman Burchette

Committeeman Burchette stated that the EBDC will be hosting a business social on Wednesday March 6, 2013 from 6pm-9pm.

Committeeman Burchette announced that on Saturday May 25, 2013 the Township will be hosting the Annual Salute to the Veterans breakfast.

Committeewoman McCauley

Committeewoman McCauley noted that on January 29, 2013 she and Administrator Ferrera attended the Sustainable Jersey Awards Ceremony where Hillsborough Township was re-certified at the Bronze level.

Committeewoman McCauley thanked Chief Kaminsky and the entire police staff for filing the ACLU and coming in as department number 4 out of 20 in Somerset County.

Committeewoman McCauley stated that the Board of Fire Commissioners Election will be held on Saturday, February 16, 2013 from 2pm-9pm at the Municipal Building in the Multi-purpose room. Absentee ballots are available until February 16, 2013.

Committeewoman McCauley added the Credit Card Advisory Grant Applications are still available until February 28, 2013.

Committeeman Suraci

Committeeman Suraci announced that the Hillsborough Recreation department is starting a new organization called Futsal which is an indoor version of soccer with five players from each team on the field at a time.

Committeeman Suraci added that it is designed to build soccer skills.

Committeeman Suraci noted that this will be a co-ed program on Monday and Wednesday nights in March for 6th – 8th graders and for high school students. There is a \$40 sign up fee.

Deputy Mayor Tomson

Deputy Mayor Tomson stated that on February 11, 2013 an Assembly panel approved bipartisan legislation sponsored by the 16th District delegation Sen. Christopher “Kip” Bateman and Assembly members Jack M. Ciattarelli and Donna Simon to dedicate the U.S. Route 206 bypass in Hillsborough to the late Assemblyman Peter J. Biondi.

Deputy Mayor Tomson also stated that the legislation would rename the bypass the “Peter J. Biondi Bypass,” without expense to taxpayers.

Deputy Mayor Tomson announced that the first snowstorm of the year was the past weekend. The Township had 28 Township trucks to plow and 11 of them to salt the main Township roads.

Deputy Mayor Tomson added that there were 27 contractors plow in neighborhoods.

Deputy Mayor Tomson noted that 225 miles of roads in Hillsborough, which is equal to nearly 500 miles of plow-able lane roads were plowed and salted.

Deputy Mayor Tomson stated and thanked the Department of Public Works who ventured out about mid-day on Friday and stayed through the night until about 11am on Saturday until the Township roadways were cleared and remained safe throughout the weekend.

Deputy Mayor Tomson reminded residents to shovel their sidewalks.

Deputy Mayor Tomson stated that the Health Department and Registrar of Vital Statistics will be open one evening a month on the fourth Tuesday from 4-7pm. The next evening is Tuesday, February 26, 2013.

Mayor DelCore

Absent

PROCLAMATIONS

Proclamation designating the month of February as American Heart Month

WHEREAS, every year since 1964, the President of the United States of America has issued a proclamation designating the month of February American Heart Month; and

WHEREAS, Heart Disease is the leading cause of death in the United States, effecting both men and women of every age and race; and

WHEREAS, more than 64 million Americans suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects that can lead to heart disease; and

WHEREAS, by developing good eating habits, being physically active, and taking advantage of preventive screenings, avoiding drugs, tobacco, and excessive use of alcohol, individuals and families can significantly reduce the onset and burden of heart disease; and

WHEREAS, many heart attack victims do not recognize the sign until it is too late, only one in five is able to reach a hospital quickly enough to benefit fully from treatment, and

WHEREAS, far too many Americans are unaware of the danger of cardiac arrest, about 95 percent of sudden cardiac arrest victims die before reaching the hospital.

NOW, THEREFORE, BE IT PROCLAIMED that we, the members of the Hillsborough Township Committee, in conjunction with the President of the United States of America do hereby declare February as American Heart Month.

BE IT FURTHER PROCLAIMED that we, the Township Committee encourage all Hillsborough residents to join the fight against heart disease and to learn more about how to prevent it, and in doing so encourage our citizens to learn more about its risk factors, warning signs, and lifesaving emergency response techniques.

Proclamation honoring Ken Wetzel for 40 plus years of volunteer services to Hillsborough Township

WHEREAS, Kenneth R. Wetzel, a member of the Hillsborough Township Board of Fire Commissioners and Hillsborough Volunteer Fire Company #3, has served the Township of Hillsborough for 40 plus years in these roles; and

WHEREAS, Mr. Wetzel joined the Hillsborough Volunteer Fire Company #3 in April 1976, he held the position of President from 1977-1978, position of Fire Chief from 1982-1983. In 1997, he became a Life Member for 20 years of active service; and

WHEREAS, Mr. Wetzel was first elected to the Board of Fire Commissioners in 1986, and served a total of 24 years. He held the position of Board Chairman, as well as Board Secretary, each for 12 years. He was, also, responsible for obtaining the FEMA Assistance to Firefighters Grant in 2007 and 2008; and

WHEREAS, Mr. Wetzel has continuously made sacrifices on behalf of the residents of Hillsborough Township.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, on this twelfth day of February 2013, do hereby commend Kenneth R. Wetzel for his outstanding service to the Hillsborough Township Board of Fire Commissioners and Hillsborough Volunteer Fire Company #3, where he has displayed professionalism, dedication to duty and an unwavering commitment to the community, often at a risk to his own life.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, thank Mr. Wetzel for his forty plus years of dedicated service and wish him the best of luck in all his future endeavors.

Mr. Wetzel thanked the residents for attending the meeting in his honor. Mr. Wetzel also thanked his wife for all of the years that she put up with the long hours and for standing by him through his many jobs.

Mr. Wetzel said it was an honor to work alongside the many men of the fire departments who risk their lives every day to save a person's property or life.

Senator Kip Bateman thanked Mr. Wetzel for his many years of service to Hillsborough.

Assemblywoman Donna Simon thanked Mr. Wetzel for everything he has done to help the fireman and the departments of Hillsborough.

Assemblyman Jack Ciattarelli thanked Mr. Wetzel again for his many years of service to Hillsborough Township and then read a proclamation from the New Jersey Legislative District 16 in honor of Mr. Wetzel.

PRESENTATIONS

Buckeye Pipeline Representative David Boone to provide update

Deputy Mayor Tomson thanked the following mutual aid fire companies that helped with the Buckeye Pipeline: Bound Brook Station #23, Country Hills Station #24, Elizabeth Avenue Station #26, Griggstown Station #25, Manville Station #42-1 and #42-2, Middlebush Station #44, Montgomery Station #45 and #46, Raritan Station #52, Somerville Station #57 and all of the Hillsborough Fire Companies.

David Boone stated that on December 18, 2012 the company found a leak and made temporary repairs.

David Boone added that on January 7, 2013 there was a permanent repair put in place and the completed all of the back fill.

David Boone stated that when the weather gets warmer, the company will come back and finish up the landscaping in the area.

David Boone added that during the time from the moment the leak occurred until the temporary repairs were made, there was a loss of 48 barrels each holding 42 gallons of gasoline which was over 2,016 gallons of gasoline.

David Boone noted that during this time there have been Environmental Experts monitoring the situation.

David Boone added that on February 1, 2013 there were 13 monitoring wells put in place. On February 4, 2013 the first set of results came back and three of the wells did detect very low levels of benzene.

David Boone stated that Buckeye is very concerned about maintaining public safety and making sure that the environment is protected. Buckeye will continue to monitor the situation.

David Boone added that Buckeye will be reimbursing the costs to the fire department and he presented a check to one of the Fire departments.

Committeeman Burchette asked Mr. Boone if there was a test that could insure that the protection will hold. David Boone added that there is a test called the Smart Pig that will be run to examine the line.

Deputy Mayor McCauley asked Mr. Boone how long the testing will continue. Boone added that the testing will continue until Buckeye is sure that the area is safe. Krista Synder, an Environmental Expert with Buckeye mentioned that there is no set amount of time for testing. It will all depend on trends in the measurements.

Committeeman Suraci asked Mr. Boone if this has ever happened before. Mr. Boone stated that there are many factors that could start a leak like this such as, third party damage, corrosion, ground pressure etc. Mr. Boone added that Buckeye has been in contact with the local businesses around the location of the leak to make sure that nothing abnormal was happening.

Mr. Boone thanked the first responders for their professionalism and their commitment to keeping the community safe.

APPOINTMENTS

Appointment of Gene Strupinsky as Hillsborough Township's representative to the Central Jersey Transportation Forum

Appointment of Tom Belanger as Hillsborough Township's representative to the Central Jersey Transportation Forum

Deputy Mayor Tomson thanked both Gene and Tom for serving on this Forum.

NEW BUSINESS

None at this time

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

None at this time

PUBLIC HEARINGS

2013-01 AN ORDINANCE REPEALING CHAPTER 92, TITLED “POLICE DEPARTMENT”, SECTION 22, TITLED “SPECIAL POLICEMEN” OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, IN ITS ENTIRETY.

WHEREAS, it is the purpose of this Ordinance to repeal Chapter 92, titled “Police Department”, Section 22, titled “Special Policemen” of the Code of the Township of Hillsborough, in its entirety.

NOW, THEREFORE, BE IT ORDAINED by the Township of Hillsborough, Somerset County, New Jersey, that Chapter 92, titled “Police Department”, Section 22, titled “Special Policemen” of the Code of the Township of Hillsborough, is hereby repealed in its entirety.

BE IT FURTHER ORDAINED that this Ordinance shall take effect as provided by law.

Township Clerk Pamela Borek announced that the newspapers did not publish the notice for this public hearing.

Township Clerk Pamela Borek added that the Public Hearing on the ordinance will be carried to the March 12, 2013 Township Committee Meeting.

INTRODUCTION OF NEW ORDINANCES

2013-07 AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), ARTICLE V (DISTRICTS AND STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CHANGE THE ZONE DESIGNATION FOR BLOCK 180.01, LOTS 42, 43, 44, 45, 46, 47, 48, 49 AND 50 IN THE AG, AGRICULTURAL DISTRICT TO THE HS, HIGHWAY SERVICE DISTRICT

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

Section 1. Amend the Zoning Map of the Township of Hillsborough, County of Somerset, State of New Jersey to change the zone designation for Block 180.01, Lots 42, 43, 44, 45, and 47 in the AG, Agricultural District to the HS, Highway Service District, in the area located at the southern end of Route 206 at the Montgomery municipal boundary, as indicated on the Revised Zoning Map.

Section 2. 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 3. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Deputy Mayor Tomson stated that the 2011 Master Plan Amendment-Land Use Element, which was adopted by the Planning Board on March 24, 2011, recommends the proposed zone change which involves the properties at the Montgomery border on the west side of Route 206 from AG, Agricultural District to the HS, Highway Service District.

Deputy Mayor Tomson added that the subject area is located on the west side of Route 206 at the Montgomery Township municipal boundary.

Deputy Mayor Tomson stated that at the Township Committee hearing conducted on March 27, 2012, the proposed rezoning of said blocks listed from AG, Agriculture to HS, Highway Service was considered. Based on objections from a number of residents regarding the potential impacts of the rezoning on their properties, the Township Committee tabled the proposed ordinance for further review.

Township Planner Bob Ringelheim stated that in order for the proposed rezoning to happen there are the considerations that must be met:

1. There are no farming or agricultural activities being conducted on these properties
2. The subject areas adjacent to the HS Highway Service district to the north shall remain untouched
3. Combined with the property to the north, a southern gateway will be established with the same zoning.

Bob Ringelheim added that four of the targeted properties of the proposed rezoning are the rear portion of the residential lots that are in Montgomery Township. These are lots 46, 48, 49 and 50. They range in size from .04 - .97 acres all of which are undersized in both the AG and HS districts.

Bob Ringelheim stated that in order to address the concerns of the residents, there are recommendations:

1. The Township will maintain the existing lots (46, 48, 49, 50)
2. The remaining lots (42, 43, 45, 47) would be rezoned using the Master Plan Amendment Land-Use Element

Committeeman Burchette moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 19, 2013 at 7:30 p.m. Said motion was seconded by Committeewoman McCauley and unanimously approved upon call of the roll.

2013-08 AN ORDINANCE RENAMING A SECTION OF COUNTY ROAD 514/AMWELL ROAD AND STEINMETS ROAD BECAUSE OF THE ROUTE 206 BYPASS/AMWELL ROAD REALIGNMENT IN THE TOWNSHIP OF HILLSBOROUGH

WHEREAS, that section of County Road 514 / Amwell Road and Steinmetz Road are to be renamed because of the Route 206 Bypass and Amwell Road Realignment project; and

WHEREAS, the Assistant Township Engineer in conjunction with the Chief Fire Marshall recommend that in order to satisfy 911 emergency response requirements and public safety, the roads must be renamed by the Township of Hillsborough; and

WHEREAS, the Township Committee of the Township of Hillsborough seeks to rename of that portion of County Road 514 / Amwell Road and Steinmetz Road to protect the health, safety and public welfare of the Township residents as follows:

<u>Existing Address</u>	<u>New Address</u>
375 Amwell Road	1 Byara Court
373 Amwell Road	3 Byara Court
363 Amwell Road	2 Brower Lane
359 Amwell Road	6 Brower Lane
357 Amwell Road	10 Brower Lane
355 Amwell Road	14 Brower Lane
351 Amwell Road	18 Brower Lane
*Gap in addresses due to 2 vacant lots	
347 Amwell Road	26 Brower Lane
345 Amwell Road	30 Brower Lane
339 Amwell Road	32 Brower Lane
	34 Brower Lane
	36 Brower Lane
156 Steinmetz Road	8 Cole Court
162 Steinmetz Road	6 Cole Court
168 Steinmetz Road	4 Cole Court
176 Steinmetz Road	2 Cole Court

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

1. That above mentioned portion of County Road 514 / Amwell Road and Steinmetz Road shall be renamed as stated above.
2. The aforementioned roadway and its length and width are delineated on the map attached hereto as Exhibit A.

The within ordinance shall take effect upon adoption and publication in accordance with law.

As a result of the Route 206 bypass and Amwell Road realignment project, new street addresses were required to be assigned to sections of Amwell Road and Steinmetz Road in order to satisfy 911 emergency response requirements and public safety. Pursuant to applicable New Jersey State law, road name changes need to be completed by ordinance.

Committeeman Suraci moved that the aforesaid Ordinance be passed on first reading and that the Ordinance be further considered at a public hearing held on March 19, 2013 at 7:30 p.m. Said motion was seconded by Committeeman Burchette and unanimously approved upon call of the roll.

2013-09 AN ORDINANCE AUTHORIZING ACCEPTANCE OF CONSERVATION, DRAINAGE AND SIGHT TRIANGLE EASEMENTS FROM TOLL NJ III, L.P., ON PORTIONS OF BLOCK 145.08, LOTS 1, 7, 8, 9, AND 10; BLOCK 145.09, LOTS 1, 6, 15, 18, 19, 33, 34, 35, 42 AND 43; BLOCK 145.10, LOT 1; AND BLOCK 145.11, LOT 1.

WHEREAS, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept Conservation, Drainage and Sight Triangle Easements, dated January 18, 2013, conveyed to the Township by Toll NJ III, L.P.; and

WHEREAS, the Township Committee wishes to accept a Conservation Easement for a portion of Block 145.08, Lot 10; and

WHEREAS, the Township Committee wishes to accept a Drainage Easement for a portion of Block 145.08, Lots 8 and 9; and Block 145.09, Lot 6; and

WHEREAS, the Township Committee wishes to accept a Sight Triangle Easement for a portion of Block 145.08, Lots 1, 7, 10; Block 145.09, Lots 1, 15, 18, 19, 35, 42 and 43; Block 145.10, Lot 1; and Block 145.11, Lot 1; and

WHEREAS, the Township Attorney for the Township of Hillsborough reviewed the above Easements and finds them acceptable in all respects.

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 acceptance of the above Easements attached hereto and directs its appropriate officials to execute and file such documents as may be necessary.

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

Deputy Mayor Tomson stated that this ordinance allows the Township to accept a parcel of land as a required condition of the planning board approval process.

Deputy Mayor Tomson added that local land and building law only allows a municipality to accept land or interests in land through the adoption of an ordinance. This has been reviewed and found acceptable by the Township Attorney.

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 March 19, 2013 at 7:30 p.m. Said motion was seconded by Committeeman Burchette and unanimously approved upon call of the roll.

CONSIDERATIONS

- 1. RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2013 RECREATIONAL TRAILS PROGRAM GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM FOR THE OTTO FARM PARK TRAIL BRIDGE PROJECT**

WHEREAS, it is desirable that the Township of Hillsborough preserve open space containing greenway trails for public access to environmentally significant areas within the boundaries of the Township; and

WHEREAS, the Director of Parks and Recreation supports the submission of a 2013 Recreation Trails Program Grant application for the Otto Farm Park Trail Bridge project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby authorizes Mayor and Township Clerk to submit the 2013 Recreational Trails Program Grant application for the Otto Farm Park Trail Bridge Project.

Deputy Mayor Tomson stated that this grant will fund up to \$24,000 for new trails or improvements to existing trails. There is a 20% local match required which may be fulfilled by in-kind services.

Deputy Mayor Tomson added that the proposal is to install a new much needed pedestrian bridge over the existing stream at Otto Farm Park to connect the existing trail system within the Park. Currently the only way to get to the other side is by walking out to Wertsville Road which is narrow and dangerous for pedestrians.

Deputy Mayor Tomson stated that the proposal is to use the \$24,000 grant and a combination of the Department Parks and Recreation equipment and labor as the match.

Deputy Mayor Tomson added that as part of the grant application process, an approving resolution is required to be submitted. This resolution satisfies that requirement.

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

2. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH COMMUNITY GRANTS, PLANNING & HOUSING (CGPH) TO PROVIDE AFFORDABLE HOUSING ADMINISTRATIVE SERVICES FOR THE AFFORDABLE HOUSING UNITS AT HILLSBOROUGH POINT, IN AN AMOUNT NOT TO EXCEED \$6,900.00

WHEREAS, there exists a need for Affordable Housing Administrative Services for Hillsborough Point; and

WHEREAS, the Township Planner has recommended that the Township enter into an agreement with Community Grants, Planning & Housing (CGPH) to provide affordable housing administrative services for the affordable units at Hillsborough Point, at a cost of \$6,900 for the period January 1, 2013 to December 31, 2013, in order to ensure continued compliance with the applicable affordable housing requirements; and

WHEREAS, funds are available and have been certified as such by the Chief Finance 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 the Mayor and the Township Administrator/Clerk are hereby authorized to execute an Affordable Housing Administrative Services Agreement to provide affordable housing administrative services for Hillsborough Point with Community Grants, Planning & Housing, for the period January 1, 2013 to December 31, 2013, in an amount not to exceed \$6,900.00.

Deputy Mayor Tomson stated that this contract represents no increase from last year. Taxpayer funds are NOT used, as it funded through the affordable housing trust.

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

3. RESOLUTION REQUESTING THAT THE NEW JERSEY BOARD OF PUBLIC UTILITIES HOLD HEARINGS ON PUBLIC SERVICE ELECTRIC & GAS COMPANY'S AND JERSEY CENTRAL POWER & LIGHT'S RESPONSE TO SUPER STORM SANDY AND TAKE THE APPROPRIATE ACTION AND OPPOSING JCP&L'S REQUEST FOR A RATE INCREASE

WHEREAS, the Township of Hillsborough, as well as hundreds of municipalities across the State of New Jersey, were without power ranging from a few days to over two weeks as a result of Super Storm Sandy, which struck the State on Monday, October 29, 2012; and

WHEREAS, Super Storm Sandy caused devastation across the State in the form of downed power lines and trees, flooding, road closures, closed businesses and schools as well as disruption to transportation infrastructure and hubs; and

WHEREAS, the weather forecasts ahead of Super Storm Sandy, as well as communications from the State of New Jersey Office of Emergency Management, warned of the coming storm and the damage that it could inflict upon the State and that all utility companies should be prepared; and

WHEREAS, the Township was severely impacted by Super Storm Sandy; and

WHEREAS, it is clear to the Township Committee and residents of the Township that the infrastructure that PSE&G and JCP&L were charged to maintain – utility poles, transformers, substations and wiring, failed and that each utility was totally unprepared for Super Storm Sandy notwithstanding the prior warnings; and

WHEREAS, the Township's business operations, including all of its municipal and emergency management functions (police, fire and rescue) and its citizens' ability to live and take comfort in their homes has now been impacted not once, not twice but three times in just fourteen months through the loss of a basic need, electricity, which the Township Committee finds unacceptable; and

WHEREAS, PSE&G and JCP&L are public utilities as defined by State law and subject to the jurisdiction of the New Jersey Board of Public Utilities and remain bound by the BPU's rules, regulations and policies, as well as all applicable requirements of the New Jersey Administrative Code, which specifically address electrical utilities, plants, facilities and services; and

WHEREAS, under N.J.A.C. 14:3-3.1, each utility has an affirmative duty to provide users with "safe, adequate and proper service, including furnishing and performance of service in a non-discriminatory manner; and in a manner that tends to conserve energy resources and preserve the quality of the environment and the quality of life"; and

WHEREAS, the Township Committee finds that PSE&G and JCP&L failed to provide that service in the length of time it took to restore the Township to full power; and

WHEREAS, JCP&L filed a Petition with the BPU, under Docket No. EO12111050, for a rate increase; and

WHEREAS, in light of the burden the loss of electricity has caused Township residents, the Township Committee opposes any such increase and calls upon the Division of Rate Counsel to oppose the rate increase on behalf of Township residents.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, requests the New Jersey Board of Public Utilities to hold hearings on PSE&G's and JCP&L's responses to Super Storm Sandy to solicit public comment and, following such hearings, to take the appropriate action as the BPU may be authorized by State law and regulations; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Hillsborough opposes any rate increase request by JCP&L and that the Division of Rate Counsel oppose the rate increase on behalf of the Township residents; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to BPU President Robert Hanna, Board of Public Utilities Commissioners, Division of Rate Counsel, Legislators representing this Legislative District, all Somerset County Municipalities and the New Jersey State League of Municipalities.

Deputy Mayor Tomson stated that this resolution requests the New Jersey Board of Public Utilities to hold hearing on PSE&G and JCP&L's response to Super Storm Sandy as well as opposes any rate increase by JCP&L.

Committeeman Suraci added that any residents may contact the companies with their own remarks.

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

4. RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A "NON FAIR AND OPEN" CONTRACT WITH CILO ASSOCIATES, FOR A SURVEY, WITH

CORNERS MARKED WITH PINS, FOR BLOCK 199, LOT 11.01, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH IN AN AMOUNT NOT TO EXCEED \$1,050.00 PURSUANT TO THEIR PROPOSAL DATED JANUARY 14, 2013

WHEREAS, there exists a need for a survey, with corners marked with pins, for the above-captioned property; and

WHEREAS, the Township Committee has decided to award a “Non Fair and Open” contract for Professional Services to Cilo Associates, for a survey, with corners marked with pins, for Block 199, Lot 11.01, in an amount not to exceed \$1,050.00 pursuant to their proposal dated January 14, 2013; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bid must be publicly advertised.

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

1. The Mayor and Township Clerk are hereby authorized to execute an agreement with Cilo Associates for a survey, with corners marked with pins, for Block 199, Lot 11.01, in an amount not to exceed \$1,050.00.
2. This contract is awarded without competitive bidding as a “Non Fair & Open Professional Service” in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law because these services will be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, the performance of which service requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instructions as distinguished from general academic instruction or apprenticeship and training.
3. The Mayor and Township Clerk are hereby authorized to execute the Township’s standard form of agreement for “Professional Services” and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
4. A notice of this action shall be printed once in the official Township newspaper.

Deputy Mayor Tomson stated that this professional services contract is for survey work for the above mentioned property.

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

5. RESOLUTION RATIFYING AND CONFIRMING THE HIRING OF MARY DECKER AS SECRETARY TO THE MAYOR AND TOWNSHIP ADMINISTRATOR, WITH AN ANNUAL SALARY OF \$35,000 AND JOANNE BERTOLINI AS PART TIME ASSISTANT IN THE ADMINISTRATOR AND CLERK’S OFFICE, AT AN HOURLY RATE OF \$14.50 PER HOUR, NOT TO EXCEED 29 HOURS PER WEEK

WHEREAS, there exists a vacancy in the position of Secretary to the Mayor and Township Administrator, because of the transfer of Elizabeth Hollenbach to the Tax Assessor’s office; and

WHEREAS, there exists a need for a part time assistant in the Administrator and Clerk’s office because of the current work load; and

WHEREAS, the Mayor and Township Administrator recommends the hiring of Mary Decker as Secretary to the Mayor and Township Administrator at an annual salary of \$35,000, effective February 1, 2013; and

WHEREAS, the Mayor and Township Administrator recommends the hiring of Joanne Bertolini, as part time assistant in the Administrator and Clerk's office, at an hourly rate of \$14.50 per hour, not to exceed 29 hours per week, effective February 4, 2013.

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 Mayor and Township Administrator is hereby ratified and confirmed

Deputy Mayor Tomson stated that after an extensive interview process, Mary Decker was hired to fill the position of Secretary to the Mayor and Administrator that was recently vacated when Ms. Hollenbach assumed a new position in the Tax Assessor's Office. This is not a new position but simply the back filling of an already existing position.

Deputy Mayor Tomson stated that Ms. Bertolini was hired as a part time office assistant.

Deputy Mayor Tomson stated that the part time employees do not accrue benefit costs and provide a budget savings to the Township.

Committeewoman McCauley congratulated both employees on their new jobs.

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

6. RESOLUTION AUTHORIZING THE HIRING OF DONNA L. DAUGHERTY AS A FULL TIME TECHNICAL ASSISTANT IN THE HILLSBOROUGH TOWNSHIP BUILDING DEPARTMENT, EFFECTIVE FEBRUARY 25, 2013, WITH AN ANNUAL SALARY OF \$38,000.

WHEREAS, there exists a vacancy in the Hillsborough Building Department for a full time technical assistant; and

WHEREAS, Director of Building and Construction recommends that Donna L. Daugherty be appointed to the full time technical assistant position effective February 25, 2013, with an annual salary of \$38,000.

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 Ronald M. Skobo, Director of Building and Construction, be and hereby is accepted and approved

Deputy Mayor Tomson stated that after due diligence in the interview process, Donna Dougherty was hired to fill the position of Technical Assistant in the Building Department. This is not a new position but simply the back filling of an already existing position.

Committeeman Suraci congratulated Donna Dougherty on her employment.

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

CONSENT

1. RESOLUTION AUTHORIZING OFFICER CHRISTOPHER MCMINN TO ENROLL IN "INTRODUCTION TO EMERGENCY MANAGEMENT" AND "GIS (GLOBAL INFORMATION SYSTEMS) FOR EMERGENCY ADMINISTRATION" AND TO BE ELIGIBLE FOR TUITION REIMBURSEMENT OF SAID COURSES ONCE THEY HAVE BEEN SUCCESSFULLY COMPLETED, PURSUANT TO ARTICLE XVIII OF THE CURRENT PBA CONTRACT

WHEREAS, it is the policy of the Township of Hillsborough to encourage continuing education on the part of full-time employees for the purpose of enabling them to better perform in their jobs and to better prepare them in the event of an opportunity for advancement and promotion within the Township; and

WHEREAS, financial assistance for education is outlined in Article XVIII of the current PBA contract; and

WHEREAS, Officer Christopher McMinn is requesting authorization to take “Introduction to Emergency Management” and “GIS (Global Information Systems) for Emergency Administration” towards his Master of Science Degree in Homeland Security (MSHS) program; and

WHEREAS, Officer McMinn has requested consideration under the Township’s Educational Assistance provision upon successful completion of the aforementioned course; and

WHEREAS, the Chief of Police has requested favorable consideration of Officer McMinn’s request for financial reimbursement of seventy-five percent (75%) of the cost incurred upon successful completion of the classes.

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 Chief of Police is hereby accepted and approved.

2. 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 October, November and December 2012, a total of \$767.88 should be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurer’s Account as indicated; and

WHEREAS, that each of the project line items has been verified against the Treasurer’s Office account records for the period beginning 10/01/12 and ending 12/31/12 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 \$767.88 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account.

<u>Application Name</u>	<u>Application #</u>	<u>Escrow Name</u>	<u>Amount</u>
GSA Interim Remediation (HP)	12-PB-10-MSR	GSABELLEPL	\$173.04
Harding Corona, LLC	12-PB-05-SR	HARDINGPL	\$237.93
McNally/Ramadan	12-PB-06-MRV	MCNALLYBPL	\$10.82
PITERA, Joseph & Livia	BA-12-11	PITERAPL	\$86.52
RFDC Realty, LLC (DeCanto)	12-PB-09-MRV	RFDCPL	\$10.82
RICCARDO, Thomas & Sandra	BA-12-12	RICCARDOPL	\$237.93
RPC Equities, LLC	12-PB-07-MSR	RCPPL	\$10.82
TOTAL TRANSFER			\$767.88

3. RESOLUTION GRANTING PERMANENT EMPLOYEE STATUS TO GRIFFIN DUNNE, RECREATION ASSISTANT IN THE PARKS AND RECREATION DEPARTMENT, EFFECTIVE JANUARY 24, 2013

WHEREAS, Griffin Dunne was hired as Recreation Assistant in the Parks and Recreation Department on October 24, 2012; and

WHEREAS, the Director of Parks and Recreation certifies that Mr. Dunne has performed his duties and assignments in a capable and competent manner; and

WHEREAS, having qualified for regular employee status during the three-month probationary period, the Director of Parks and Recreation recommends that regular employee status be conferred upon Mr. Dunne effective January 24, 2013.

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 Director of Parks and Recreation be and hereby are accepted and approved.

4. RESOLUTION APPROVING THE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR KELSEY CHARITY RUN, INC. FOR AN EVENT TO BE HELD ON MARCH 2, 2013

WHEREAS, an application for a Special Permit for Social Affair has been filed by Kelsey Charity Run, Inc. for an event to be held on March 2, 2013; and

WHEREAS, the submitted application is complete.

NOW, THEREFORE IT BE RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves the application for Special Permit for Social Affair for Kelsey Charity Run, Inc. for event to be held on March 2, 2013.

5. RESOLUTION APPROVING THE REQUEST FROM SCOTT MARTIN FOR RELEASE OF DEVELOPMENT REVIEW ESCROW IN THE AMOUNT OF \$125.11

WHEREAS, a request has been received from Scott Martin for the release of Development Review Escrow; and

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

WHEREAS, the Hillsborough Township Planner recommends that the Township Committee take action to release the \$125.11 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 Planner be and hereby is accepted and approved.

6. RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT REGARDING THE TAX APPEALS CAPTIONED B. WESHNAK, L.L.C.; T. W. SMITH, L.L.C. VS. HILLSBOROUGH TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 010201-2011 AND 005682-2012

WHEREAS, B. Weshnak, L.L.C.; T. W. Smith, L.L.C. ("Taxpayer"), the owner of Block 202, Lot 1 on the Township Tax Assessment Maps, commonly known as 20 Hillsborough Road (the "Property"), filed an appeal of its 2011 tax assessment in the Tax Court of New Jersey, Docket No. 010201-2011 and its 2012 tax assessment, Docket No. 005682-2012; and

WHEREAS, the Township Committee reviewed the recommendations of its Tax Assessor and Attorney; and

WHEREAS, acceptable settlements of the aforesaid tax appeals have been negotiated which settlement dismisses the 2011 tax appeal, Docket No. 010201-2011; and

WHEREAS, the settlement results in a reduction to the 2012 total tax assessment from \$4,731,200.00 to a total tax assessment of \$4,500,000.00; and

WHEREAS, statutory interest is waived by the Taxpayer and will not be paid to the Taxpayer, and the Tax Collector may, in her discretion, adjust any taxes by credits in lieu of refunds; and

WHEREAS, the Freeze Act, *N.J.S.A. 54:51a-8* shall not be applicable to the judgments; and

WHEREAS, the settlement also results in a prospective adjustment of the 2013 and 2014 tax assessments on the property to be set, which assessments will be set by the Tax Assessor each year at \$4,300,000, conditioned upon: a) there is "no change in value" of the Property (as that phrase has been defined and interpreted under the Freeze Act), and b) there being no sale of the Property for more than the proposed assessment equalized at the then applicable Common Level Ratio of Assessed to True Value applicable to the Township; and

WHEREAS, the Taxpayer agrees to waive any right to appeal the 2013 and 2014 assessments if they are adjusted by the Tax Assessor as agreed and notify any successors, assigns and/or any other parties in interest of this waiver; and

WHEREAS, the Tax Assessor has conducted a review of the market given the factual circumstances pertaining to the subject property and determined that the settlement will result in an assessment at a fair assessable value of the Property consistent with assessing practices applicable in the Township as required by law; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township because of the aforesaid specific fact situation; and

WHEREAS, the Township will make this settlement with B. Weshnak, L.L.C.; T. W. Smith, L.L.C. without prejudice to its dealings with any other Township taxpayer's request for tax assessment reduction; and

WHEREAS, the Township Committee has reviewed a copy of the proposed Stipulation of Settlement in this matter.

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 Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of B. Weshnak, L.L.C.; T. W. Smith, L.L.C., Docket Nos.: 010201-2011 and 005682-2012; which settlement results in a withdrawal and dismissal of the 2011 tax appeal; which further results in a reduction of the 2012 tax assessment from a total tax assessment of \$4,731,200.00 to a reduced total tax assessment of \$4,500,000.00; which further provides that the Taxpayer waives interest on any refunds due to the Taxpayer and authorized the Tax Collector in her discretion to adjust by waiver of credit in lieu of refunds; which further provides that the Freeze Act is waived; which further provides that the 2013 and 2014 assessments will be set by the Tax Assessor each year at \$4,300,000 subject to there being "no change in value" of the Property (as that phrase has been defined and interpreted under the Freeze Act), and subject to there being no sale of the Property for more than the proposed assessment equalized at the Township's Common Level Ratio of Assessed to True Value in either year; which further provides that the Taxpayer, its successors, assigns and any parties in interest waive the right to appeal the 2013 and 2014 tax assessments, if adjusted as agreed.
2. The settlement outlined above shall be without prejudice to the Township's dealings with any other Township taxpayers' request for tax assessment reductions.
3. The Tax Assessor is directed to allocate the reduction in assessments for 2012, 2013 and 2014 between land and improvements in a manner which is in the best interests of the Township of Hillsborough.
4. This Resolution shall take effect immediately.

7. RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT REGARDING THE TAX APPEALS CAPTIONED R.J. WELLINGTON & C.A. PANGILINAN VS HILLSBOROUGH TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 014156-2011 AND 014333-2012

WHEREAS, R.J. Wellington & C.A. Pangilinan ("Taxpayers"), the former owners of Block 205.03, Lot 6 as shown on the Township of Hillsborough Tax Maps, commonly known as 4 Titus Court (the "Property"), filed an appeal of the denial of R.J. Wellington's application for exemption from property taxes, pursuant to N.J.S.A. 54:4-3.30, which provides for an exemption from local property taxes for the dwelling lot and house of any citizen and resident of New Jersey honorably discharged from active military service, in time of war, who has a 100% permanent service related disability, which appeal was filed in the Tax Court of New Jersey, Docket Nos. 014156-2011 and 014333-2012; and

WHEREAS, Mr. Wellington was a member of the United States Navy, honorably discharged, who served as an Advanced Laboratory Technician in a military laboratory where, as part of his duties, he handled chemical agents recovered from the battlefield in Iraq, and as a result of his exposure to those chemical agents, he

developed Multiple Sclerosis and lost the use of his hands and feet, and being deemed 100% permanently disabled as a result of his military service by the United States Department of Veterans Affairs; and

WHEREAS, the Township Tax Assessor denied the application by the Taxpayers for exemption only after she reviewed, consulted and received advice to do so from the New Jersey Division of Taxation; and

WHEREAS, the Township Committee of Hillsborough Township reviewed the recommendations of the Township Tax Assessor and Township Attorney; and

WHEREAS, on or about October 24, 2012, the Tax Court of New Jersey rendered a decision on cross-motions for summary judgment in Docket No. 014156-2011, and entered partial summary judgment in favor of the Plaintiffs, declaring Mr. Wellington eligible for an exemption on the subject property for the tax year 2011, but leaving the following issues to be resolved by further motions or trial: the extent of Mr. Wellington's share of ownership in the Property; a determination as to whether or not exemption would also be granted for the 2009, 2010 and 2012 tax years; and, if the Court determined that exemption should not be granted in any of said years, a challenge to the assessment valuation; a copy of the decision of the Tax Court has been published and has been reviewed by the Township Committee; and

WHEREAS, Mr. Wellington and Mr. Pangilinan sold the Property on or about November 21, 2012 and moved out of the Township; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated, which would result in granting a 100% exemption for the 2011 tax year only; and

WHEREAS, the settlement would also result in a waiver of all claims of exemption for the 2009, 2010, and 2012 tax years; and

WHEREAS, statutory interest on any refund on account of the 2011 exemption would be waived by the Taxpayers provided any tax refund is paid within sixty (60) days of the date of entry of Final Tax Court Judgment by check made payable to "R.J. Wellington" and forwarded to his Attorneys, Archer & Greiner, P.C.; and

WHEREAS, the principal amount of the refund that would be due to the Taxpayers on account of this settlement would be \$11,807.93; and

WHEREAS, it appears that the continued litigation of this matter, which would include the necessity of further hearings, trial, and an appeal of the decision of the Tax Court, would involve litigation fees and costs which may exceed the refund; and

WHEREAS, the Township Committee determined that as a matter of public policy, as well as pursuant to the above findings, the settlement of these matters is in the best interest of the Township; and

WHEREAS, the aforesaid settlement and exemption has no general application to other taxpayers and/or other properties within the Township because of the specific fact situation present, and as more fully set forth in the findings of fact in the decision of the Tax Court, dated October 24, 2012; and

WHEREAS, the Township will make this settlement with R.J. Wellington & C.A. Pangilinan without prejudice to its dealings with any other Township taxpayer's request for tax assessment exemption; and

WHEREAS, the Township Committee has reviewed the attached proposed Stipulation of Settlement in this matter.

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 Attorney is hereby authorized to execute a Stipulation of Settlement regarding the tax appeals of R.J. Wellington & C.A. Pangilinan, Docket Nos.: 014156-2011 and 014333-2012; which settlement results in the withdrawal and dismissal of Docket No. 014333-2012; which further provides for the Taxpayers' waiver of any claims for 100% Disabled Veterans Exemption under N.J.S.A. 54:4-3.30 et seq. for the tax years prior to 2011; which further provides for the granting of a 100% Disabled Veterans Exemption under N.J.S.A. 54:4-3.30 et seq. for the tax year 2011 only; and further provides the Taxpayer waives interest on any refunds due to the taxpayer provided those refunds are paid within sixty (60) days of the date of entry of the Tax Court Judgment by check made payable to "R.J. Wellington" and forwarded to Archer & Greiner, P.C., his Attorneys.
2. The settlement outlined above and in the attached Stipulation of Settlement shall be without prejudice to Township's dealings with any other Township taxpayers' request for tax exemption.
3. This Resolution shall take effect immediately.

8. RESOLUTION AUTHORIZING THE TOWNSHIP ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED NCV DEVELOPERS, INC. VS. HILLSBOROUGH TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 005175-2010, 005205-2011 AND 003979-2012

WHEREAS, NCV Developers, Inc. (“Taxpayer”), the owner of Block 150.01, Lot 17 on the Township Tax Assessment Maps, located at Triangle Road (the “Property”), filed an Appeal of its 2010 tax assessment in the Tax Court of New Jersey, Docket No. 005175-2010; the 2011 tax assessment, Docket No. 005205-2011 and its 2012 tax assessment, Docket No. 003979-2012; and

WHEREAS, the Township Committee met and discussed the aforesaid tax appeals and the recommendations of its Tax Assessor and Attorney; and

WHEREAS, acceptable settlements of the aforesaid tax appeals have been negotiated which settlement affirms the existing 2010 and 2011 assessments; and

WHEREAS, the settlement results in a reduction to the 2012 total tax assessment from \$8,454,500 to a total tax assessment of \$6,630,000; and

WHEREAS, statutory interest is waived by the Taxpayer and will not be paid to the Taxpayer, and the Taxpayer agrees to accept credits applied to the next tax bill due after the entry of the judgment in lieu of any refund; and

WHEREAS, the Freeze Act, *N.J.S.A. 54:51a-8*, shall be applicable to the Judgment and the 2013 tax assessment shall be or has already also been set by the Tax Assessor at \$6,630,000; and

WHEREAS, the settlement also provides that the Taxpayer agrees to waive any right to appeal the 2013 assessments if they are adjusted by the Tax Assessor as agreed; and

WHEREAS, the Tax Assessor has conducted a review of the market given the factual circumstances pertaining to the subject property and determined that the settlement will result in an assessment at a fair assessable value of the Property consistent with assessing practices applicable in the Township as required by law; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township because of the aforesaid specific fact situation; and

WHEREAS, the Township will make this settlement with NCV Developers, Inc. without prejudice to its dealings with any other Township taxpayer’s request for tax assessment reduction;

WHEREAS, the Township Committee has reviewed a copy of the proposed Stipulation of Settlement in this matter;

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

4. The Township Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of NCV Developers, Inc., Docket Nos.: 005175-2010; 005205-2011 and 003979-2012; which settlement results in the 2010 and 2011 assessments being affirmed; which further results in a reduction of the 2012 tax assessment from a total tax assessment of \$8,454,500 to a reduced total tax assessment of \$6,630,000; which further provides that the taxpayer waives interest on any refunds due to the Taxpayer and will accept credits applied to the next tax bill due after the entry of the judgment in lieu of any refund; which further provides that the Freeze Act will be applicable for the 2013 tax assessments which will also or has also be set by the Tax Assessor at \$6,630,000; which further provides that the Taxpayer, its successors, assigns and any parties in interest waive the right to appeal the 2013 assessment, if adjusted as agreed.
5. The settlement outlined above shall be without prejudice to Hillsborough Township's dealings with any other Township taxpayers' request for tax assessment reductions.

The Tax Assessor is directed to allocate the reduction in assessments for 2012 and 2013 between land and improvements in a manner which is in the best interests of the Township of Hillsborough.

9. RESOLUTION AUTHORIZING A STIPEND TO BE PAID TO JOHN SHERIDAN FOR SERVING AS THE TOWNSHIP OF HILLSBOROUGH’S OFFICE EMERGENCY

MANAGEMENT (OEM) COORDINATOR, IN THE AMOUNT OF \$5,000 AND AUTHORIZING A STIPEND TO BE PAID TO SEAN CAROLAN, NICK SPECIALE AND STEVEN ECKERT FOR SERVING AS DEPUTY COORDINATORS, IN THE AMOUNT OF \$500 EACH, TO BE PAID QUARTERLY FOR 2013

WHEREAS, the Township Committee believes that compensation for the functions of Office of Emergency Management (OEM) Coordinator and Deputy Coordinator should be provided in the form of a stipend, to be paid quarterly.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a stipend of \$5,000 should be provided to John Sheridan in recognition of his responsibilities as the Township's OEM Coordinator and a stipend of \$500 each should be provided to Sean Carolan, Nick Speciale and Steven Eckert in recognition of their responsibilities as Deputy Coordinators.

10. RESOLUTION AUTHORIZING THE TOWNSHIP QUALIFIED PURCHASING AGENT TO REQUEST PROPOSALS THROUGH THE COMPETITIVE CONTRACTING PROCUREMENT PROCESS FOR A PRIVATE COLLECTION AGENCY TO COLLECT OUTSTANDING MUNICIPAL COURT DEBT

WHEREAS, the Township of Hillsborough believes that it is in the best interests of the Township to hire a private collection agency to collect outstanding Municipal Court debt; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the Township to procure through the process of competitive contracting, N.J.S.A. 40A:11-4.1(b)(2), the services of a private entity to operate, manage and administer such a program; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that the competitive contracting process be authorized by Resolution; and

WHEREAS, the Township Qualified Purchasing Agent is authorized to advertise a Request for Proposals through the Competitive Contracting Procurement Process for a private collection agency.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township Qualified Purchasing Agent is authorized to advertise a Request for Proposals through the Competitive Contracting Procurement Process for a private collection agency to collect outstanding Municipal Court debt.

Committeeman Suraci congratulated Griffin Dunne on his permanent full time position.

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

CLAIMS LISTS

Deputy Mayor Tomson presented Claims Lists 2013-03.

Upon motion by Committeewoman McCauley, seconded by Committeeman Burchette, Claims List 2013-03 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, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances exist.

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

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. *Contract Negotiations: GSA Depot and the County of Somerset*
 - b. *Attorney Client Privilege*
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 Deputy Mayor Tomson seconded by Committeeman Burchette, the aforesaid resolution was unanimously approved upon call of the roll.

Committeeman Burchette motioned to reopen the public meeting after the executive session adjourned. The motion was seconded by Committeewoman McCauley, and was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Suraci, seconded by Deputy Mayor Tomson, the meeting duly adjourned at 9:19p.m. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek
Township Clerk