

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, Mayor Frank DelCore. Also, in attendance were Township Attorney Albert Cruz, Township Clerk Pamela Borek and Township Administrator Anthony Ferrera. Deputy Mayor Doug Tomson was absent.

SALUTE TO THE FLAG

Following roll call, Mayor DelCore 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 26, 2013.

APPROVAL OF MINUTES

Approval of the January 22, 2013 Regular Meeting Minutes

Upon motion by Committeewoman McCauley, seconded by Committeeman Burchette, the minutes of the January 22, 2013 Regular Meeting Minutes were approved upon the call of the roll.

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

Committeeman Burchette

Committeeman Burchette stated that there will be a veteran's event to show support to local heroes on June 28, 2013 at 6:00pm located at the Basalone Field at Bridgewater Raritan High School

Committeeman Burchette added that the US Marine Corps are sponsoring the event.

Committeeman Burchette announced that the EBDC will be holding their 19th Business Social Event Wednesday, March 6th from 6:00 – 9:00 pm at the Royce Brook Golf Club.

Committeeman Burchette stated that the Townships Annual Salute to the Veterans breakfast will be on May 25, 2013. More information will be available as the date gets closer.

Committeewoman McCauley

Committeewoman McCauley stated that Police Chief Paul Kaminsky has purchased gun locks which will be available to residents of Hillsborough.

Committeewoman McCauley added that they are made by Remington and fit most rifles, shotguns and hand guns. Residents are encouraged to go to the Police Department to pick them up.

Committeewoman McCauley congratulated Charlie Nuara and John Catrombon for their election to the Board of Fire Commissioners.

Committeewoman McCauley added that the 2013 Board of Fire Commissioners Budget was approved by 294 yes votes at the recent election.

Committeeman Suraci

Committeeman Suraci announced that there are still some spots open for the coed Futsal program. The league is open to 6th through 8th grade and high school students.

Committeeman Suraci added that March 10, 2013 is the deadline for spring girls softball registration and spring soccer, both available for grades K-12.

Committeeman Suraci stated that March 10, 2013 is also the deadline for peewee soccer program which is available to kids ages 3 and 4 years old.

Committeeman Suraci added that there are still openings for the men's over 40 basketball and adult men's open gym basketball, adult volleyball.

Committeeman Suraci stated that the Health Department has extended hours one evening per month generally the fourth Tuesday of the month. For more information call the Health Department.

Committeeman Suraci stated that the Wildlife Management Commission met for the first time of the year. Committeeman Suraci congratulated Bob Matros for being re-elected as chair of the commission and also Mark Kirby was re-elected to be secretary of that commission.

Committeeman Suraci stated that this year's hunting season is complete. This year the hunters were able to donate 21 deer which is equal to about 800 pounds of meat.

Deputy Mayor Tomson

Absent

Mayor DelCore

Mayor DelCore thanked Deputy Mayor Tomson for filling in for him.

Mayor DelCore added that the week of February 25, 2013 is Read Across America week. The Township Committee as well as some other officials here in town are participating in schools by reading at some of the elementary schools.

Mayor DelCore thanked the schools for the opportunity to go out and meet and read with the children.

PROCLAMATIONS

Proclamation honoring Thomas Cahill as the Somerset County Young Entrepreneur for 2012

WHEREAS, Thomas C. Cahill, a junior at Hillsborough High School, was awarded the Somerset County Young Entrepreneur of the Year Award for 2012; and

WHEREAS, Thomas is the owner of Cahill Landscaping, currently in his fourth year of business and the first recipient of this award from Hillsborough Township; and

WHEREAS, Thomas was presented with the Anthony F. Picheca, Sr. Entrepreneur Award from the Somerville Bridgewater Rotary Club; and

WHEREAS, Thomas at a young age always dreamed of owning his own business based on the philosophy of superb communication, quality and customer service; and

WHEREAS, Thomas is recognized for his achievement, development of business skills, entrepreneurial spirit and community service.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Township Committee of the Township of Hillsborough, that Mr. Thomas C. Cahill is hereby recognized for his outstanding service to the residents of Hillsborough as a young entrepreneur.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee of the Township of Hillsborough, thank Mr. Thomas C. Cahill for his dedication and community service and wish him all the best in his future endeavors.

Proclamation honoring Joshua Fox for conducting a food drive

WHEREAS, Joshua Fox, a 4th grade student at Woodfern Elementary School, wanted to do more after collecting food for his local synagogue's food drive; and

WHEREAS, Joshua had the idea of collecting food from his neighbors and distribute the donations to the Somerset County Food Bank; and

WHEREAS, the Somerset County Food Bank's mission is to allocate food and provide other basic needs to those less fortunate in our community in a manner which recognizes and advances self-worth and human dignity; and

WHEREAS, Joshua collected 75 paper bags from ShopRite and for his project; and

WHEREAS, Joshua attached a detailed letter on each bag describing the reason for the collection and which food items were needed; and

WHEREAS, Joshua distributed the bags to over 30 homes in his neighborhood discussing the needs of the Food Bank; and

WHEREAS, Joshua collected over 200 pounds of food and nonfood items as well as cash donations to be donated to the Somerset County Food Bank; and

WHEREAS, Joshua serves as an example to youth and adults alike through his generosity, hard work and volunteerism.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby recognize Mr. Joshua Fox for his generous spirit, his charitable acts of kindness and for helping to make our community a better place for those less fortunate.

Proclamation honoring Read Across America

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

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

WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted on March 1, 2013, which would have been the 109th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

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

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, call on the citizens of Hillsborough Township to assure that every child is in a safe place reading together with a caring adult on March 1, 2013; and

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

PRESENTATIONS

None at this time

APPOINTMENTS

Mayor Appointment of Bob Wagner to the Somerset County Solid Waste Advisory Committee

Township Committee Appointment of Dave Fergesen to the Credit Card Advisory Committee and the acceptance of Ed Bertin's Resignation

Upon motion by Committeewoman McCauley seconded by Committeeman Burchette, Dave Fergesen was appointed to the Credit Card Advisory Committee and it was unanimously approved upon call of the roll.

NEW BUSINESS

None at this time

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

None at this time

PUBLIC HEARINGS

2013-02 AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FOR A PORTION OF BLOCK 204.04, LOT 26 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY.

WHEREAS, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept a Deed of Dedication, dated December 17, 2012 for a portion of Block 204.04, Lot 26, as shown on the Township of Hillsborough Tax Map, conveyed unto the Township by Bryan Michael Loniewski and Donna Dawn Loniewski; and

WHEREAS, the reason of this conveyance is for right-of-way purposes pursuant to the grant by the Township of Hillsborough Planning Board on January 5, 2012, Application #11-PB-08-MJV, of Major Subdivision; and

WHEREAS, the Township Attorney for the Township of Hillsborough reviewed the above mentioned Deed and finds it 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 attached Deed of Dedication.

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

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

Mayor DelCore 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.

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

Upon motion by Committeewoman McCauley seconded by Committeeman Suraci, to close the public hearing, and adopt Ordinance 2013-02, the aforesaid resolution was unanimously approved upon call of the roll.

2013-03 AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FOR A PORTION OF LOT 73.01, BLOCK 171, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY.

WHEREAS, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, wishes to accept a Deed of Dedication for a portion of Lot 73.01 in Block 171, as shown on the Township of Hillsborough Tax Map, conveyed unto the Township by Joseph Markowitz and Mary-Rose Markowitz; and

WHEREAS, this conveyance is required pursuant to the grant by the Township of Hillsborough Planning Board on January 10, 2013, for Minor Subdivision on Application #12-PB-08-MRV; and

WHEREAS, the Township Attorney for the Township of Hillsborough reviewed the above mentioned Deed and finds it 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 attached Deed of Dedication.

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

Mayor DelCore stated that similar to the ordinance just adopted, this ordinance allows the Township to accept a parcel of land as a required condition of the planning board approval process.

Mayor DelCore stated 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.

Resident Meryl Bisberg stated that she would like to have the addresses included with the lots and blocks so that it could be followed easier on the agenda.

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

Upon motion by Committeeman Suraci seconded by Committeewoman McCauley, to close the public hearing, and adopt Ordinance 2013-03, the aforesaid resolution was unanimously approved upon call of the roll.

2013-04 AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), ARTICLE I (TITLE; PURPOSE: DEFINITIONS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO ADD A DEFINITION OF "HEALTH CLUB/FITNESS CENTER" IN SECTION 188-3 AND ALSO AMENDING ARTICLE V (DISTRICTS AND STANDARDS) IN ORDER TO PERMIT HEALTH CLUBS/FITNESS CENTERS IN THE C-1 DISTRICT AS CONTAINED IN SECTION 188-100.

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

Section 1. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 3 to include the following definition:

HEALTH CLUB/FITNESS CENTER- An establishment that provides exercise facilities, including, but not limited to, running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses, including the sale of nutritional snacks and drinks, clothing and equipment.

Section 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 B to include the following:

(9) Health club/fitness center

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

Mayor DelCore stated that the C-1, Retail Commercial Zone District, currently permits tennis courts, gymnasiums and swimming pools which represent active recreation uses not necessarily aligned with typical health and fitness clubs.

Mayor DelCore added that these permitted uses date back several decades when this zone was established. A number of pre-existing and newly created zones (I-1, I-2, I-3, LI, GI, TECD and GA) address indoor recreation, which has included health and fitness facilities. These are more appropriate uses in light of the current economic and real estate marketplace.

Mr. Ringelheim stated that planning board reviewed this ordinance and recommended it to township committee for approval at the February 21st meeting noting consistency of the master plan. This ordinance defines health clubs and fitness centers and extends this as a specific permitted use in the C1 district in addition to those existing zones where the Mayor already indicated.

Committeewoman McCauley stated that the planning board reviewed it as well and it seemed to make sense.

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

Upon motion by Committeewoman McCauley seconded by Committeeman Burchette, to close the public hearing, and adopt Ordinance 2013-04, the aforesaid resolution was unanimously approved upon call of the roll.

2013-05 AN ORDINANCE AMENDING ARTICLE III, TITLED “MUNICIPAL PROSECUTOR”, OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, BY AMENDING SECTIONS 23-13, 23-14, 23-15, 23-16 AND 23-17 TO DELETE FIRST ASSISTANT MUNICIPAL PROSECUTOR AND INSERTING DRIVING WHILE INTOXICATED SPECIAL PROSECUTOR, AND ADDING A NEW SECTION 23-19, TITLED “SHARED MUNICIPAL COURT”, AND ARTICLE IV, TITLED “MUNICIPAL PUBLIC DEFENDER”, BY ADDING A NEW SECTION 23-26, ALSO TITLED “SHARED MUNICIPAL COURT”.

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

Section 1. Article III, titled “Municipal Prosecutor”, of the Code of the Township of Hillsborough, Sections 23-13, 23-14, 23-15, 23-16 and 23-17 are amended to delete First Assistant Municipal Prosecutor and insert Driving While intoxicated Special Prosecutor.

Section 2. Article III, titled “Municipal Prosecutor”, of the Code of the Township of Hillsborough is amended to add a new section, Section 23-19, titled “Shared Municipal Court”:

§23-19. Shared Municipal Court

In the event that the Township enters into or has entered into Shared Services Agreements for a Shared Municipal Court pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., or other such similar law, the Township Municipal Prosecutor and any other Prosecutors shall also prosecute any and all matters for all governmental entities that are part of the Shared Municipal Court, including all first appearances for each of the governmental entities that are part of the Shared Municipal Court.

Section 3. Article IV, titled “Municipal Public Defender”, of the Code of the Township of Hillsborough is amended to add a new section, Section 23-26, titled “Shared Municipal Court”:

§23-26. Shared Municipal Court

In the event that the Township enters into or has entered into Shared Services Agreements for a Shared Municipal Court pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., or other such similar law, the Township Municipal Public Defendant and any other Public Defenders shall also defend any and all matters for all governmental entities that are part of the Shared Municipal Court, including all first appearances for each of the governmental entities that are part of the Shared Municipal Court, as are assigned to the Municipal Public Defender.

Section 4. Severability. Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor DelCore stated that this Ordinance authorizes an amendment to Article III, titled “Municipal Prosecutor”, by adding a new Section 23-19, titled “Shared Municipal Court”, and Article IV, titled “Municipal Public Defender”, by adding a new Section 23-26, titled “Shared Municipal Court.”

Mayor DelCore added that this amendment further clarifies the responsibilities of the Township’s Municipal Prosecutor and any other Prosecutors in that they shall also prosecute any and all matters for all governmental entities that are part of the Shared Municipal Court, including all first appearances that are part of the Shared Municipal Court.

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

Upon motion by Committeeman Burchette seconded by Committeewoman McCauley, to close the public hearing, and adopt Ordinance 2013-05, the aforesaid resolution was unanimously approved upon call of the roll.

2013-06 AN ORDINANCE AMENDING CHAPTER 77, TITLED “OPEN SPACE TRUST FUND AND ADVISORY COMMITTEE”, SECTION “77-6A” TITLED “APPOINTMENT; MEMBERSHIP; TERM; COMPENSATION”, OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, TO INCREASE THE NUMBER OF MEMBERS IN THE OPEN SPACE ADVISORY COMMITTEE FROM SEVEN (7) TO NINE (9) MEMBERS AND AMENDING SECTION “77-6A” (2) TO INCREASE THE NUMBER OF CITIZENS OF THE TOWNSHIP OF HILLSBOROUGH FROM SIX (6) TO EIGHT (8) MEMBERS.

WHEREAS, it is the purpose of this Ordinance to amend Chapter 77, titled “Open Space Trust Fund and Advisory Committee”, Section “77-6 A.”, titled “Appointment; membership; term; compensation” to increase the number of members on the Open Space Advisory Committee from seven (7) to nine (9) members; and

WHEREAS, it is the further purpose of this Ordinance to amend Chapter 77, titled “Open Space Trust Fund and Advisory Committee”, Section “77-6 A.(2)”, titled “Appointment; membership; term; compensation” to increase the number of citizens of the Township of Hillsborough as members on the Open Space Advisory Committee from six (6) to eight (8) members.

NOW, THEREFORE, BE IT ORDAINED by the Township of Hillsborough, Somerset County, New Jersey, that Chapter 77, titled “Open Space Trust Fund and Advisory Committee”, Section “77-6”, titled “Appointment; membership; term; compensation”, of the Code of the Township of Hillsborough, be amended as follows:

- 1.) Section 77-6 A. shall increase the number of members of the Open Space Advisory Committee from seven (7) to nine (9) members.
- 2.) Section 77-6 A. (2) shall increase the number of citizens of the Township of Hillsborough on the Open Space Advisory Committee from six (6) to eight (8) members.
- 3.) That this Ordinance shall take effect upon final adoption and publication according to law.

Mayor DelCore stated that this ordinance increases the number of regular members on the Open Space Advisory Committee from 7 to 9.

Mayor DelCore added that Open Space and land preservation is such an important aspect of our Hillsborough. The Township currently has over 30% of the land preserved and this increase in the Advisory Committee ensure adequate support for such initiatives.

Committeewoman McCauley stated that this is the second increase this year.

Committeewoman thanked the volunteers for stepping up and continuing to support the Township Committee.

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

Upon motion by Committeeman Burchette seconded by Committeeman Suraci, to close the public hearing, and adopt Ordinance 2013-06, the aforesaid resolution was unanimously approved upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

None at this time

CONSIDERATIONS

1. **RESOLUTION AMENDING 2012 CONTRACT FOR HILLSBOROUGH-MILLSTONE MUNICIPAL ALLIANCE, RYAN’S STORY PRESENTATION, LTD FROM \$2,000 TO \$2,950**

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

WHEREAS, there is a need to enter into service contracts with various vendors all below the thresholds of the Local Public Contracts Law and the Local Unit Pay-to-Play Law; and

WHEREAS, Ryan's Story Presentation, LTD contract shall be amended from \$2,000 to \$2,950 because of additional expenses, in an amount not to exceed \$2,950 for the period ending December 31, 2012; 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. The Mayor and Township Clerk are hereby authorized to execute the Township standard form of agreement, for services and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
2. A notice of this action shall be printed in the official Township newspaper.

Mayor DelCore stated that this resolution amends the 2012 contract for the Ryan's Story Presentation.

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

2. **RESOLUTION INCREASING THE 2013 TEMPORARY EMERGENCY BUDGET**

WHEREAS, there is a need to increase the 2013 Temporary Emergency Budget for unforeseen expenditures prior to the adoption of the 2013 Budget; and

WHEREAS, the amount of aid increase is not to exceed \$231,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough that the following increase to the appropriation be made and that a certified copy of this Resolution be given to the Chief Finance Officer for his records:

Clerk	
Other Expense	1,000.00
Information Technology	
Other Expense	5,000.00
Legal Services	
Other Expense	10,000.00
Outside Legal Services	
Other Expense	10,000.00
Engineering	
Other Expense	5,000.00
Planning	
Other Expense	3,000.00
Police	
Other Expense	25,000.00
Emergency Management	
Other Expense	2,500.00
First Aid Contribution	50,000.00
Annual CleanUp	
Salaries & Wages	10,000.00
Other Expense	20,000.00
Court	
Other Expense	20,000.00

Snow Removal	
Salaries & Wages	20,000.00
Other Expenses:	<u>50,000.00</u>
SUBTOTAL APPROPRIATIONS: INSIDE CAP	<u>231,500.00</u>
TOTAL APPROPRIATIONS	<u>231,500.00</u>

Mayor DelCore stated that until the budget is finalized, the temporary budget needs to be extended.

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

3. RESOLUTION SUPPORTING THAT LEGISLATION KNOWS AS A-3393 AND S-2324 WHICH WOULD CLARIFY THE LAW REGARDING PAYMENTS OF BUSINESS PERSONAL PROPERTY TAXES BY LOCAL EXCHANGE TELEPHONE COMPANIES THAT IN 1997 SERVED 51% OF A MUNICIPALITY'S POPULATION

WHEREAS, in 1997 changes were made to the business personal property tax that defined local exchange telephone companies that were subject to that tax; and

WHEREAS, the intent of that 1997 change was to grandfather into the local property tax base the business personal property of all incumbent local exchange carriers that were then subject to that tax, meaning the one time definition of providing dial tone and local exchange access to 51% of the population in the local exchange area; and

WHEREAS, in June of 2012 the Tax Court in Verizon New Jersey Inc. vs. Hopewell Borough incorrectly construed the meaning of the 1997 language resulting in an annual redefinition of the 51% provision; and

WHEREAS, local exchange carriers have taken full advantage of the incorrect interpretation of the statute and at least 65 municipalities have been informed that the carriers will no longer pay tax on their business property, such as equipment, utility poles, cable in any municipality where the carrier claims on an annual basis it does not provide 51% or more landline service to the population; and

WHEREAS, this will in turn have an adverse impact on the taxpayers of those municipalities because of the lost revenue from that tax; and

WHEREAS, A-3393 and S-2324 will provide guidance to the courts regarding the Legislature's intent to protect residential property taxpayers.

NOW THEREFORE IT BE RESOLVED that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey supports the passage of A-3393 and S-2324; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the New Jersey League of Municipalities, to the Governor Christie and to the 16th Legislative District delegation.

Mayor DelCore stated that this resolution is formally supporting A3393 and S2324 which would clarify the language defining the coverage area for a local exchange carrier with respect to the business personal property tax.

Mayor DelCore added that last fall Century link provided a "courtesy" notice to Hillsborough that they were no longer required to file a "Return of Tangible Personal Property Used in Business by Local Exchange Companies", the business personal property tax.

Mayor DelCore stated that Century Link cited the NJ Tax Court Case of June 26, 2012 in Verizon New Jersey Inc. v. Hopewell Borough in which the tax court determined that under NJ state law (54:4-1) a local exchange telephone company providing dial tone and access to less than 51% of a local telephone exchange or area was no longer subject to personal property tax.

Mayor DelCore added that since they no longer provided coverage to at least 51% of the township they were no longer required by statute to file the return and pay property taxes in 2013.

Mayor DelCore stated that upon recommendation of the Tax Assessor and the Township Tax Attorney, the assessment for 2013 was reduced to zero waiting for the decision from the court or revised legislation.

Mayor DelCore added, in addition, Hillsborough Township filed an appeal on February 21, 2013 with the County Board of Taxation to have Century Link (United Telephone), assessment reinstated, stating the reason for the appeal being that dial tone and local access was not proven to be less than 51%.

Mayor DelCore noted that Hillsborough approached this matter the most conservative way, protecting the existing tax base. If the assessment was not reduced and the courts ruled in favor of the utility a refund would have been required.

Mayor DelCore added that by lowering the assessment initially, it was not accounted for in the budget and if the ruling comes back in favor of the municipalities, those funds would be an increase to the assessment.

Committeeman Suraci stated that the goal is to stop telephone companies from removing themselves from the business personal property tax.

Committeeman Suraci added that the 97 Act was only intended to be a one- time assessment of those telephone utilities and not an annual re-assessment and has been applied the wrong way for that court case.

Committeeman Suraci urged residents to contact the chairs of the Legislative subcommittees to move those bills along to get them to the floor for a formal vote.

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

CONSENT

1. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS, IN AN AMOUNT OF \$7,334.89, FROM THE SUBDIVISION AND SITE PLAN ENGINEERING TRUST ACCOUNTS TO THE TREASURER'S ACCOUNT

WHEREAS, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$7,334.89 should be transferred from Engineering inspection escrow accounts into the Treasurer's Account as indicated; and

WHEREAS, each of the project line items has been verified against the Treasurer's Office account records through February 13, 2013, 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 \$7,334.89 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Accredited Dermatology	594	-858.40
CC @ Belle Mead	579	-124.44
CoParts 2012	586	-124.44
Colonial Square at Belle Mead	323	-183.70
Cornerstone Professional Development	570	-160.00
Country Classics – 3C	331	-121.48
Country Classics – 4B	589	-762.86
Fortunato, Ritorto	595	-77.04
Gateway@Sunnymeade	472	-539.24
Gross/Neshanic Riverside	575	-1,215.18
Hidden Brook	598	-632.51

High Branch Land, Inc.	373	-276.78
Hillsborough Chase II	488	-399.48
Hillsborough Estates	539	-471.10
PLEABEAZIN	477	-665.80
Pat Richards, LLC	412	-238.26
Pleasant View Estates III	490	-276.78
Roycebrook Meadows	489	-207.40
Grand Total		\$-7,334.89

2. RESOLUTION APPROVING THE REQUEST COLONIAL SQUARE FOR THE RELEASE OF CASH BOND IN AN AMOUNT OF \$500.00 (BLOCK 208, LOT 77.11)

WHEREAS, a request has been received from Colonial Square for the release of the cash bond retained to guarantee completion of site work (Block 208, Lot 77.11); and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release \$500.00 cash.

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

3. RESOLUTION AUTHORIZING THE EXECUTION OF THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, the Somerset County Community Development Block Grant Applications are due on March 22, 2013; and

WHEREAS, it is the desire of the Township Committee of the Township of Hillsborough to endorse the submission of said grant by the Somerset Valley YMCA, Hillsborough Family YMCA, requesting funds for ADA handicapped pool lifts.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the application requesting funds for ADA handicapped pool lifts be and hereby is endorsed and that the Mayor and Clerk are hereby authorized to sign the 2013 Block Grant Application.

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

CLAIMS LISTS

Deputy Mayor Tomson presented Claims Lists 2013-04.

Upon motion by Committeewoman McCauley, seconded by Committeeman Suraci, Claims List 2013-04 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:* *Teamsters Local 469*

Police Dispatchers Teamsters Local 701
AFL-CIO 3697
 - b.) *Litigation: State of New Jersey (Township of Hillsborough) v. Hercules Enterprises*
3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

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

Committeeman Suraci 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 Committeewoman McCauley, the meeting duly adjourned at 9:25p.m. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek
Township Clerk