

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 Anthony Ferrera, Committeewoman Gloria McCauley, and Committeeman Carl Suraci, Deputy Mayor Robert Wagner and Mayor Frank Delcore. Also in attendance were Township Attorney Albert Cruz, Township Administrator/Clerk Kevin P. Davis and Secretary to the Administrator/Clerk Dianne Borngesser.

Following the Salute to the Flag, Deputy Mayor DelCore advised that notice of this Regular Session was made in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, by posting on the bulletin board at the Municipal Building and by mailing to the Township's official newspapers, a notice that this regular session would take place at the Hillsborough Municipal Building at 7:30 p.m. on April 14, 2009.

### PROCLAMATIONS

- ***Proclamation declaring April 12-18, 2009 as National Library Week***

*WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever; and*

*WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and*

*WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and*

*WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend; and*

*WHEREAS, libraries play a vital role in supporting the quality of life in their communities; and*

*WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and*

*WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide"; and*

*WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week with The Campaign for America's Libraries.*

***NOW, THEREFORE, BE IT PROCLAIMED*** that we, the Mayor and Township Committee of the Township of Hillsborough, hereby proclaim April 12-18, 2009 as National Library Week.

***BE IT FURTHER PROCLAIMED*** that we encourage all residents to visit the Hillsborough Public Library the week of April 12<sup>th</sup> to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors.

- **Proclamation declaring April as Autism Awareness month.**

**WHEREAS**, Autism is a Pervasive Developmental Disorder that manifests itself in the first three years of life, and affects the social, learning, and behavioral skills of those affected by it; and

**WHEREAS**, Autism is currently estimated to affect 1 in every 94 people in New Jersey, and over one and a half million people in the United States of America have some form of an Autism Spectrum Disorder including High Functioning Autism, Autism, Asperger's Syndrome and Pervasive Developmental Disorder; and

**WHEREAS**, Autism is said to affect boys four times more than girls and knows no racial, ethnic or social boundaries, and neither income, lifestyle, nor education affects the occurrence; and

**WHEREAS**, a single specific cause of autism is not known, but current research links it to biological or neurological differences in the brain, as well as environmental assaults and neurotoxins. Outdated theories and myths have been proven false, such as autism being a mental illness, or any fault of the mother; and

**WHEREAS**, accurate, early diagnosis and the resulting appropriate education and interventions are vital to the growth and development of the individual. The diagnosis of autism is not reserved for the individual affected by it but that the entire family has to recover, and the stresses of rearing children with autism attribute to a divorce rate of nearly 85% in this community; and

**WHEREAS**, Hillsborough Township offers a wide range of services, supports this population through various organizations and is continuously looking to expand upon such programs; and

**WHEREAS**, organizations such as ASPEN, Autism New Jersey, Autism Speaks, Beth Baldwin, Black Horse Stables, Care to Share Network, Inc., Courier News, Doyle's Farm, Paul Gubitosi Charitable Foundation, Hillsborough Beacon, Hillsborough Board of Education's Special Services Department, Hillsborough Department of Parks & Recreation, Hillsborough High School Softball Team, Hillsborough Township Police Department, Hillsborough Rescue Squad, Hillsborough Volunteer Fire Company #1, Hillsborough Volunteer Fire Company #2, Jack's Kids, Kiwanis Club of Hillsborough, OAR, Okee Sunokee Therapeutic Recreation, Anu Raghuraman, Somerset County Parks Commission, Somerset County Sheriff's Department, the Somerville Elks and the Woman's Club; and

**WHEREAS**, these groups and individuals enhance awareness throughout our community, help fund research, offer resources and opportunities to those affected by Autism and educate families, professionals, and the general public to better understand this lifelong disability.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Mayor and Township Committee, of the Township of Hillsborough hereby declare April 2009 as National Autism Awareness Month and vow to continue to support programs dedicated to Hillsborough's special needs community.

Committeeman Ferrera stated that the money, time and volunteerism that has gone towards Autism within the Township is truly appreciated.

Committeeman Ferrera stated that five years ago when the Inclusive Program was started, there was only five people, whereas now there are about thirty. He stated that this shows what kind of Township Hillsborough really is and how the community is.

Committeeman Ferrera thanks everyone who has volunteered any of their time to this cause.

### APPOINTMENTS

- *Appointment of Join County- Township GSA Depot Administrative Committee*

*Committeeman Ferrera stated that he believes the GSA Depot is one of the largest concerns right now and the town is moving along.*

*Deputy Mayor Wagner stated that the Township is now moving on to more complex issues such as cleanup and park development and he looks forward to seeing things move along.*

### APPROVAL OF MINUTES

- *Approval of the March 10, 2009 Regular Session Meeting Minutes*

Upon motion by Deputy Mayor Wagner, seconded by Committeewoman McCauley, the minutes of the March 10, 2009 Regular Meeting Minutes were unanimously approved upon the call of the roll.

### REPORTS AND NEW BUSINESS FROM COMMITTEE LIAISONS, RECEIPT OF REPORTS, PETITIONS OR COMMUNICATIONS

#### Committeeman Ferrera

Committeeman Ferrera stated that the motorcycle event for Officer David Wilson turned out to be an amazing event with more than 2,000 motorcycles that attended. The event rose over \$50,000.

Committeeman Ferrera thanked the community and Emergency Services who put this event together.

Committeeman Ferrera also thanked the Police Chief for going forward and seeking the Police Grants for \$104,000 that the Township will be receiving. This will allow for safer streets for the Township's children as well as businesses.

Committeeman Ferrera thanks the Emergency Services for always being there for the Township. There had been two recent fires within the Township and our Emergency Services never fail the Community.

#### Committeewoman McCauley

Committeewoman McCauley stated that the EBDC's next social will be April 20<sup>th</sup>. She stated that businesses still have some time to sign up for this social.

Committeewoman McCauley made note that the social will be held at the Children's Workshop at 6 p.m. She stated that the difficulty businesses are having within the hard economic times will be discussed. It will be co-hosted by Somerset County Business Partnership and the DAP loan will be discussed. Small businesses will be able to see what is out there to help them during these times.

Committeewoman McCauley also stated that they have been working on a Shop Hillsborough Program. They will be partnering with the Hillsborough Beacon and will be advertising local businesses within the town.

Committeewoman McCauley that Hillsborough's Sustainable Program Committee has been approved by Somerset County to apply for a grant for an Energy Audit. It would cost the Township about thirty to fifty thousand to go through this audit without the grant, and therefore this is exciting and will save the Township the money. She thanks the freeholders. Also stated that the Sustainable Hillsborough Fair will be held on May 1<sup>st</sup> from 1-5 p.m.

Committeewoman McCauley stated that anything that has to do with saving energy will be there and it is an exciting event.

Committeewoman McCauley encouraged families and children to come out to be aware of what people can do to help our environment.

#### Committeeman Suraci

Committeeman Suraci stated that the coupons for the annual clean up drop off at the Auten Road Facility are going fast, but there are still a limited number available.

Committeeman Suraci said that coupons can be picked up at the Department of Public Works 7 am to 3:30 pm. He stated that information on what can be dropped off for disposal is available on the Township's website.

Committeeman Suraci stated that the coupons are available for the first and last Saturday beginning in July through October. He stated that for additional information contact DPW at 369-3950.

Committeeman Suraci also reminded residents of the Hillsborough Rewards Visa Card. Stated that the Township has partnered with Affinity Credit Union so that every dollar that is spent on the card will have a percentage of it returned to the Township where about every six months the Credit Card Advisory

Committeeman Suraci stated that there will be soliciting applications for Grant Requests for Non-profit organizations as well as Hillsborough Seniors.

Committeeman Suraci stated that it is simple to attain a credit card; however, you must be a member of Affinity Credit Union as well as a member of one of the Non Profit Organization within the Township.

Committeeman Suraci stated that for more information, residents can stop in the Affinity Credit Union or call 908 860 7390. He stated that residents are also able to call their toll free number at 1800 325 0808.

#### Deputy Mayor Wagner

Committeeman Wagner did not have anything at this time to state.

#### Mayor DelCore

Mayor DelCore stated that it was announced last week, the management of the GSA Depot has been transferred to the Township and Somerset County, and the title of ownership has been transferred to the Somerset County Improvement Authority.

Mayor DelCore stated that the two environmental remediation escrow funds have been set up with \$11.827 million in the first escrow and \$3.908 million in the subsidiary escrow. He said that the Township greatly appreciated the cooperation Hillsborough and the County received from the GSA in creating these escrow accounts. He said that these are very necessary for the positive development of the site.

Mayor DelCore stated that this is a culmination of many years of effort by many people here in the Township, on the Township Committee, and at the County to preserve this property.

Mayor DelCore stated that earlier we appointed the Township's representatives to the Administrative Committee that is charged with the management of the property. He went on to state that last week, the Freeholders appointed Freeholder Director Rick Fontana, Deputy Director Jack Ciattarelli, and County Parks Director Ray Brown, as their representatives.

Mayor DelCore said that having a clean up plan for the property must be developed and submitted to the NJDEP for approval and the Township is advised that the plan, which is called a Remedial Action Workplan or RAW, will be ready for submission to DEP in the fall.

Mayor DelCore stated that once the plan is approved by DEP, the clean up process can begin.

Mayor DelCore stated that the Township and County will develop a plan to solicit public input on ideas for parks and recreation uses over the next few months. He said that more information on this will be available within the coming weeks.

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

Leslie Tora, Onka Drive thanked the Mayor for coming to her property. Also thanked Glen Belnay and Assemblyman Pete Biondi.

#### **PUBLIC HEARINGS**

Ordinance 2009-13 An Ordinance of the Township of Hillsborough, in the County of Somerset, New Jersey, amending Ordinance 2007-43 as previously amended by Ordinance 2008-45, providing for the installation

Committeeman Ferrera moved to open the public hearing on Ordinance 2009-13. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

Mayor DelCore stated that this bond ordinance is a necessary part of the Claremont sewer connection project's application for low interest financing from the state's Environmental Infrastructure Trust or EIT.

Mayor DelCore stated that as noted on numerous occasions, the sewer project will be funded through a special assessment on property owners benefiting from the project.

Mayor DelCore said that by obtaining the lowest possible interest rate for financing of the project will be of benefit to those who will pay the special assessment.

Mayor DelCore stated that the township's application to the EIT is for the lowest possible interest, including seeking 0% stimulus funding, if the project qualifies, or ½ the regular government bond rate which would mean about 2.5% at today's rates.

Mayor DelCore stated the Township is advised that at ½ the regular bond rate, the benefiting property owners will see a savings of \$1 million in interest costs, over the life of the repayment.

Mayor DelCore stated that in order to participate in the EIT program, the Township's Bond Counsel has advised that the Township Committee must authorize a bond ordinance which then must be approved by the state's Local Finance Board.

Mayor DelCore said that the Bond ordinance for \$5.8 million is for the maximum possible amount which Bond Counsel advises is the best course of action, and includes the \$600,000 authorization previously approved to cover preliminary costs.

Mayor DelCore stated that the Special Assessment payers will only pay for the actual cost of the project which will be better known after construction bids are received, which we anticipate happening in July or August, after gaining all the appropriate approvals.

Mayor DelCore said that the two previous sewer connection projects that were recently completed both had lower total costs than were originally predicted.

Mayor DelCore made it clear to the residents that there are no taxpayer funds used for these sewer projects.

Tom O' Donnell, Anne Street, thanked the Township for saving money within the economic times. He stated that there is a lot of cost that for the residents who are going to have the sewers put in. One of the surprises to the residents was the fee for the MUA hook up, which was told to be approximately \$6,000 per household. He stated that the Township and MUA should work together and look at how this cost could be reduced. He stated that a possible deferred payment to hold off on the assessment for a year or two, or maybe paying it off after a couple of years, because originally it was shown as a fee that had to be paid upfront.

Mayor DelCore stated that this is an interesting idea and will be looked into and the Township will have a conversation with the MUA.

Administrator Kevin Davis stated that there are two connection costs within the \$6,000 dollars. He stated that the Township can talk to the MUA to try and figure out a plan, however, he is not sure about what can be done about the Somerset Raritan Valley Sewer Company, which is the other part of the connection costs.

Committeewoman McCauley moved to close the public hearing on Ordinance 2008-13. Said motion was seconded by Committeeman Suraci and carried unanimously by voice vote.

Committeeman Suraci moved to adopt Ordinance 2009-13. Said motion was seconded by Committeeman Ferrera and carried unanimously upon call of the roll.

## INTRODUCTION OF NEW ORDINANCES

### CONSIDERATIONS

Mayor DelCore offered the following resolutions:

1. **Resolution authorizing the Chief Finance Officer of the Township of Hillsborough not to include the State Pension Deferral Plan, permitted under Chapter 19, P.L. 2009, in the Hillsborough 2009 Municipal Budget and to provide payment of Hillsborough's mandated pension billion to the New Jersey Division of Pensions and Benefits, by April 30, 2009, as required by N.J.S.A. 43:3B-4.**

**WHEREAS**, the Township of Hillsborough is obligated by state mandate to make an annual pension payment for 2009 in the amount of \$1,209,662, for the Police and Fire Retirement System (PFRS) \$482,226 for the Public Employees Retirement System (PERS), for a total cost of \$1,691,888; and

**WHEREAS**, Chapter 19 of the Public Laws of 2009 permits the payment by Hillsborough of \$795,399 to the New Jersey Division of Pensions and Benefits in 2009, with the remaining \$795,399 to be paid between 2012 and 2027, at an interest rate of 8.75% per year; and

**WHEREAS**, the interest payment under the plan will cost Township taxpayers at least \$803,765, in addition to the \$795,399 to be paid over time; and

**WHEREAS**, there is risk and an unknown costs for taxpayers, due to the fact that the Division of Local Government's Local Finance Notice 2009-7 states in part, 'the amount (of the re-payment) will fluctuate based on pension system investment earnings; and

**WHEREAS**, the deferred payment is, in fact, a borrowing plan for operational costs that is otherwise prohibited by N.J.S.A. 40A:2-3 and is poor fiscal policy.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that because the high cost of interest and risk involved for taxpayers, the Pension Deferral Plan will not be included in the 2009 Township Budget.

**BE IT FURTHER RESOLVED**, that the Township's Chief Finance Officer is authorized to make the full pension payments for 2009 for the PFRS and the PERS by April 30, 2009, as required by law.

Mayor DelCore stated that he state has offered a so called property tax relief plan for municipalities to put off one half of the pension payment due now and to pay it back in the future at a high interest cost of 8.75%.

Mayor DelCore stated that this would not be a relief to tax payers, because the Township would pay \$795,000 for pensions this year and the pension payment would jump \$1 million to \$1.8 million within the next year.

Mayor DelCore also stated that Hillsborough's interest payments would total at least \$800,000, in addition to paying back the \$795,000 and in addition to pension payments that will exceed \$2 million per year in the next few years.

Mayor DelCore stated that this is the very same kind of irresponsible credit policy that has helped to put the country in an economic crisis, and therefore this is not a good plan for Hillsborough.

Mayor DelCore stated that the Legislature and Governor should decide what the pension benefits are for all public employees as Trenton drives the cost of pensions and mandates their payment.

Mayor DelCore suggested that bringing those benefits into line with reality would help taxpayer's immensely.

Deputy Mayor Wagner stated that he had a few questions for Mr. Davis on this topic to understand it more clearly.

Deputy Mayor Wagner reiterated that the state will let the Township pay ½ the pension payment this year and that is \$795,000, therefore, what would the pension payment be for the next year?

Mr. Davis stated that the pension payment would almost \$800,000.

Deputy Mayor Wagner then asked what the pension payment next year?

Mr. Davis stated that the pension payment plan for next year would be approximately \$1.8 million dollars.

Deputy Mayor Wagner then questioned that the state will allow the town cut next year's payment in half again? (The answer is no)

Mr. Davis stated that no, this would not happen.

Deputy Mayor Wagner then stated that this would mean that this year we can put off half the payment, but then next year taxpayers will see a \$1 million increase in pension payments?

Mr. Davis stated that yes, this is correct.

Deputy Mayor Wagner then stated that that would mean the state than wants the Township to pay \$800,000 in interest for the \$795,000 loan?

Mr. Davis stated that yes, this is correct as well.

Deputy Mayor Wagner stated to Mayor DelCore that this plan does not appear to be a good financial policy for the taxpayers of Hillsborough Township.

Committeewoman McCauley stated that can fluctuate based on the pension. Therefore, no one really knows if this percent will go up or down. She stated that this is not a good plan.

Committeeman Suraci stated that with the \$800,000 dollars that have been cut for aid within the past two years in Trenton, it does not seem coincidental that now that is the interest that will be owed to Trenton. Stated that as Committeewoman McCauley stated, there had been a review done, but this plan does not seem to be beneficial.



Committeeman Suraci stated that it seemed as though this is a plan to benefit the State from their shortcomings and their poor investment policies.

Committeeman Ferrera stated that he agreed with the statements that everyone had said.

Mayor DelCore stated that he would like to see the Township move forward and take this off.

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

**2. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH GARDEN STATE FIREWORKS, IN AN AMOUNT NOT TO EXCEED \$12,500.00, TO PROVIDE THE FIREWORKS DISPLAY AT THE INDEPENDENCE DAY CELEBRATION BEING HELD ON JUNE 27, 2009, WITH A RAIN DATE OF SUNDAY, JUNE 28, 2009 AT THE AUTEN ROAD SCHOOL**

**WHEREAS**, there is a need for the acquisition of the following services, which are, by nature, original and creative in character:

Hillsborough Township's Independence Day Celebration Fireworks Display, to take place on Saturday, June 27, 2009 with a rain date of June 28, 2009; and

**WHEREAS**, a solicitation for quotes was prepared and distributed to interested vendors; and

**WHEREAS**, two (2) quotes were received as follows:

- Garden State Fireworks      \$12,500
- D & M Fireworks              \$12,500

**WHEREAS**, Garden State Fireworks performed the fireworks display during last year's celebration, with safety being their first priority throughout the event; and

**WHEREAS**, the Director of Parks and Recreation has reviewed the proposals and recommends that the award of the contract be made to Garden State Fireworks; and

**WHEREAS**, funds are available to make such purchase or acquisition and have been certified as such by the Chief Finance Officer, said certification being attached to the 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 Administrator/Clerk are hereby authorized to execute an agreement with Garden State Fireworks for Hillsborough Township's Independence Day Celebration Fireworks Display in an amount not to exceed \$12,500.00. Final approval of the Agreement to be made by the Township Attorney and upon verification that all insurance requirements have been met.
2. A notice of this contract award shall appear once in the official newspaper.

Mayor DelCore stated that the Township will hold the annual family fun day and Independence Day celebration and fireworks on Saturday, June 27<sup>th</sup>.

Mayor DelCore stated that by holding the fireworks on June 27<sup>th</sup> and not July 4<sup>th</sup> the Township receives a cost savings as well as a day open for family picnics and barbecues and visiting friends and relatives or a trip to the shore, as so many people do.

Mayor DelCore stated that Family fun day on the Saturday before the 4<sup>th</sup> of July has proven to be a great success over the past few years, with estimates of 5000 people in attendance.

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

**3. Resolution awarding 2009 contracts for Municipal Alliances Services to various individuals.**

**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**, Ellen Stoddard shall provide services consisting of presenting BABES educational programs to all 3<sup>rd</sup> graders in the Hillsborough Township School System, in an amount not to exceed \$4,900; and

**WHEREAS**, Jane Fidacoro shall provide services consisting of assisting in the presentation of the BABES programs, in an amount not to exceed \$2,200; and

**WHEREAS**, Anna Mahler shall provide services consisting of performing parent leadership and training programs (PLC), in an amount not to exceed \$175; and

**WHEREAS**, Lisa Gulla shall provide services consisting of coordinate fiscal activities and serve as liaison to the Somerset County Department of Human Services and provide services in conjunction with the Girls on Track program, in an amount not to exceed \$4,000; and

**WHEREAS**, Anna Mahler shall provide STAND program services, in an amount not to exceed \$500; and

**WHEREAS**, Diane Handwerk shall provide services consisting of coordinating Life Skills services, in an amount not to exceed \$6,700; and

**WHEREAS**, Gil Pilarte shall provide services consisting of providing student assistance programs, in an amount not to exceed \$1,000; and

**WHEREAS**, Aime Casagrande shall provide services consisting of providing Student Leadership Corps program, in an amount not to exceed \$1,000; and

**WHEREAS**, Toby Casagrande shall provide services consisting of providing Student Leadership Corps program, in an amount not to exceed \$1,000; and

**WHEREAS**, Amelia Carella shall provide PRIDE program services, in an amount not to exceed \$1,000; and

**WHEREAS**, James Durham shall provide PRIDE program services, in an amount not to exceed \$1,000; and

**WHEREAS**, Heather Quackenbush shall provide STAND program services, in an amount not to exceed \$500; and

**WHEREAS**, Amelia Carella shall provide Girls on Track (GOT) program services, in an amount not to exceed \$2,000; and

**WHEREAS**, Alexis Rizzuto shall provide Girls on Track (GOT) program services, in an amount not to exceed \$2,000; and

**WHEREAS**, Rozlyn Adams shall provide Girls on Track (GOT) program services, in an amount not to exceed \$2,000; and

**WHEREAS**, Kathleen Morris shall provide Girls on Track (GOT) program services, in an amount not to exceed \$2,000; and

**WHEREAS**, John Moreno shall provide DIRT - HHS program services, in an amount not to exceed \$3,000; and

**WHEREAS**, Mike Wincester shall provide PUSH Training program services, in an amount not to exceed \$1,800; 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 program is funded through a grant from the state council on alcoholism and drug abuse.~~

Mayor DelCore said that the the programs, coordinated by Lisa Gulla and organized by the Municipal Alliance, as well as the Life Skills program coordinated by Diane Handwerk, the Student Leadership Corps, the BABES program, and so many others are very important in Hillsborough's prevention efforts.

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

**4. Resolution authorizing the Mayor and the Township Administrator/Clerk to enter into Concession Agreements for local median maintenance program with Schultz Landscaping, LLC.**

**RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP ADMINISTRATOR/CLERK TO ENTER INTO CONCESSION AGREEMENTS FOR LOCAL MEDIAN MAINTENANCE PROGRAM WITH SCHULTZ LANDSCAPING, LLC**

**WHEREAS**, the Township of Hillsborough implemented a Local Median Maintenance Program whereby landscapers perform beautification services on local medians within the Township; and

**WHEREAS**, these beautification services are provided to the Township in exchange for the placement of a sign in the median; and

**WHEREAS**, the Director of the Department of Public Works recommends such a program because it will result in savings to the Township and its residents; and

**WHEREAS**, the Township sought vendors to perform these services; and

**WHEREAS**, pursuant to N.J.A.C. 5:34-9.4, these services are in the nature of a concession; and

**WHEREAS**, the Township desires to award a concession agreement to Schultz Landscaping, LLC; and

**WHEREAS**, these agreements shall be for the time period of April 15, 2009 through November 15, 2009; and

**WHEREAS**, the Township has undertaken the following Concession Analysis:

<b>DESCRIPTION OF PUBLIC NEED:</b>	Landscaping of selected Township medians at no cost to the Township.
<b>CONCESSION AWARDED:</b>	Schultz Landscaping, LLC
<b>CONSIDERATION:</b>	Hillsborough Township will receive the following services:  Islands to be mowed weekly at a minimum, preferably mowed when the contactor is providing mowing services for private customers in the area(s). During the summer "burn", islands should be mowed at the same interval as the private customers in the area of the median(s). Grass length should be maintained no less than three (3") inches.
<b>RISKS:</b>	There is no risk to the Township because the Township is not expending any money and the vendors are insured.
<b>ESTIMATE OF TOTAL VALUE OF CONCESSION:</b>	\$1,000

Vendor will be permitted to provide signs on public property being landscaped as delineated in the agreement.

**ESTIMATE OF REVENUE TO BE RECEIVED BY**

**CONTRACTING UNIT:** No revenue to be received.

**BASIS FOR AWARD:** Concession Agreement

**COSTS BY CONTRACTING UNIT:** None.

**FACILITIES PROVIDED BY CONTRACTING UNIT:** None.

**METHOD OF PROCUREMENT:** Informal quote because the total value of the concession is \$1,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Mayor and Township Administrator/Clerk are hereby authorized to enter into a Concession Agreement with Schultz Landscaping, LLC, said agreements will address terms and conditions, rules and regulations, insurance and specific assignments for the vendor.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that this resolution shall take effect immediately.

Mayor DelCore stated that he was advised that with the award of this concession to Schultz Landscaping, all the medians are now maintained by private landscapers, at a savings to the taxpayers.

Mr. Davis made a note that the landscapers are able to put a sign on the median that they maintain as a way to advertise.

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

**5. Resolution authorizing the execution of a service contract to Shane Doyle Farms, L.L.C., in an amount not to exceed \$9,535.00, for Brush Management Services for Block 171, Lots 1 and 2, in accordance with Wildlife Habitat Incentives Program.**

**WHEREAS**, part of the Year 1 Wildlife Habitat Incentives Program requirements is to provide brush management for Block 171, Lots 1 and 2; and

**WHEREAS**, a solicitation for quotes was prepared and distributed to interested parties; and

**WHEREAS**, three (3) quotes were received as follows:

- |                             |             |
|-----------------------------|-------------|
| 1. Shane Doyle Farms, L.L.C | \$9,535.00  |
| 2. Eco-Bound, Inc.          | \$10,125.00 |
| 3. Tuff Greens, L.L.C.      | \$16,050.00 |

**WHEREAS**, the Township Committee has decided to award a service contract to Shane Doyle Farms, L.L.C, to perform brush management services for Block 171, Lots 1 and 2, in an amount not to exceed \$9,535.00; and

**WHEREAS**, the Township will be required to pay only twenty-five (25%) of the total cost, in an amount not to exceed \$2,383.75, because seventy-five (75%) of the funding for the brush management services will be provided through the Wildlife Habitat Incentives Program grant; and

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

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Administrator/Clerk is hereby authorized to execute a service contract with Shane Doyle Farms, L.L.C for brush management services, for Block 171, Lots 1 and 2, in an amount not to exceed \$9,535.00

Mayor DelCore stated that the Wildlife Habitat Incentives Program is a federal grant program aimed at protecting endangered species of birds by serving as an attractive and safe area for nesting.

Mayor DelCore stated that Shane Doyle Farms provided the lowest quote to provide the appropriate grasslands maintenance services for 15 acres at the Township owned property at Otto Farm Park, located on Montgomery Road.

Mayor DelCore went on to say that the program will provide protection for endangered species, and should also be known as an attraction for bird watchers and naturalists.

Mayor DelCore also noted that 75% of this program is funded through the federal grant.

Deputy Mayor Wagner stated that this protection program for endangered species of birds had been endorsed by the Township's Open Space Advisory Committee. He stated that he checked to see what birds were expected to use the grassland for nesting and the list included the Bobolink, Upland Sandpiper and the Grasshopper Sparrow, to name a few.

Deputy Mayor Wagner also stated that this program put to use land that would otherwise lay fallow and either require attention and resources from the Public Works Department, or become overgrown with invasive species of plants.

Deputy Mayor Wagner stated that the federal grant for the program is extended for 10 years.

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

**CONSENTS**

Mayor DeCore offered the following consent agenda:

**1. RESOLUTION AUTHORIZING THE U.S. BICYCLING HALL OF FAME SEVENTY-FIVE (75) MILE ROAD RACE TO TRAVEL THROUGH A PORTION OF HILLSBOROUGH TOWNSHIP, PURSUANT TO THE REQUIREMENTS OUTLINED BY CHIEF PAUL KAMINSKY**

**WHEREAS**, the U.S. Bicycling Hall of Fame wishes to hold a seventy-five (75) mile road race, on Saturday, May 23, 2009, through portions of Hillsborough; and

**WHEREAS**, prior to May 23, 2009, the U.S. Bicycling Hall of Fame will produce a certificate of insurance naming the Township of Hillsborough as an insured; and

**WHEREAS**, Chief Kaminsky and Hillsborough Township Police Department's Traffic Safety Bureau have determined that the planned route will provide an acceptable level of safety for the cyclers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the U.S. Bicycling Hall of Fame is hereby authorized to hold a seventy-five (75) mile road race through portions of Hillsborough Township on May 23, 2009.

**2. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS, IN AN AMOUNT OF \$8,183.12, 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 \$8,183.12 should be transferred from the Subdivision and Site Plan Engineering Trust Accounts into the Treasurer's Account as indicated; and

**WHEREAS**, each of the project line items has been verified against the Treasurer's Office account records through March 26, 2009, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$8,183.12 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Country Classics 3C	331	- 41.48
East Hill Partnership	349	- 320.00
Gateway @ Sunnymeade	472	-41.48
High Branch Land, Inc.	373	-38.52
Hillsborough Chase	376	-351.55
Hillsborough Chase II	488	-366.19
Hillsborough Promenade/Krame	380	-62.22

Pleabeazin	477	-626.06
Pat Richard (DeMaio)	526	-198.52
Pat Richards LLC	412	-365.84
Pleasant View Estates III	490	-513.64
Roycebrook Meadows	489	-930.36
Stellar Academy	532	-764.44
Walgreen's Pharmacy	522	-1,808.78
Westmeade Development	450	-1,754.04
Grand Total		-8,183.12

**3. RESOLUTION RATIFYING AND CONFIRMING THE ACTIONS OF THE TOWNSHIP ADMINISTRATOR/CLERK IN APPROVING THE RECOMMENDATION OF THE ASSISTANT ENGINEER AND CONSTRUCTION OFFICIAL TO ISSUE A TEMPORARY CERTIFICATE OF OCCUPANCY FOR OUR NATION'S CHILDREN LINGUISTIC DAY CARE LEARNING CENTER IN LIEU OF POSTING A BOND FOR LANDSCAPING**

**WHEREAS**, Our Nation's Children Linguistic Day Care Learning Center has requested a Temporary Certificate of Occupancy without the required landscaping installed; and

**WHEREAS**, it has been determined by the Assistant Township Engineer because of the weather, it is not appropriate to plant the landscaping at this time; and

**WHEREAS**, the Assistant Township Engineer is in receipt of an Assignment of Contract between Gabriella H. Landscaping & Construction and Our Nation's Children Linguistic Day Care Learning Center; and

**WHEREAS**, the Assistant Township Engineer is in receipt of letters from adjoining property owners acknowledging that the required landscaping will not be planted until June 21, 2009; and

**WHEREAS**, the owners of Our Nation's Children Linguistic Day Care Learning Center are financially insolvent and unable to post a cash or surety bond; and

**WHEREAS**, the Township Construction Official can issue violations to the owner of Our Nation's Children Linguistic Day Care Learning Center if the landscaping is not completed by June 21, 2009, because the Temporary Certificate of Occupancy will expire at that time; and

**WHEREAS**, the June 21, 2009 deadline is the proper time to plant landscaping.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby authorizes the Township of Hillsborough Assistant Engineer and Construction Official to issue a Temporary Certificate of Occupancy to assist the business to begin servicing the residents of the Township without the required bonding in place.

**4. RESOLUTION GRANTING PERMANENT EMPLOYEE STATUS TO JOSEPH MATURIN IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, Joseph Maturin was appointed as a Public Works Worker I on September 6, 2008 for a six-month probationary period; and



WHEREAS, the Director of Public Works certified that Joseph Maturin successfully completed his probationary period; and

WHEREAS, the Director of Public Works recommends that permanent status be conferred upon Joseph Maturin as of April 6, 2009.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the recommendation of the Director of Public Works be and hereby is accepted and approved, and Joseph Maturin is granted Permanent Employee Status as Public Works Worker I as of April 6, 2009.

**5. RESOLUTION AUTHORIZING THE TRANSFER FROM PLANNING/BOARD OF ADJUSTMENT ESCROW TO THE TREASURERS ACCOUNT**

WHEREAS, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for January, February and March 2009, a total amount of \$3,203.38 should be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers 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 01/01/09 and ending 03/31/09 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 \$3,203.38 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Project No.</u>	<u>Amount</u>
ADESA New Jersey, LLC	BA-09-02	\$ 182.93
Carrier Clinic-Solar Project	BA-09-04	\$ 515.40
Cornerstone Professional Center	08-PB-16-SRV	\$ 193.28
Dickerson, LLC (Amended)	09-PB-01-SR	\$ 171.80
Duke Farms Foundation	DR-08-02	\$ 150.33
Hillsborough 2 (Verizon Wireless)	BA-08-21	\$ 43.26
Incao, Frank	BA-07-37	\$ 54.08
Klein Recycling	BA-08-22	\$ 54.08
Mary, Mother of God Church	08-PB-20-SR	\$ 128.85
MK Properties, LLC	BA-09-01	\$ 85.90
Pat Richard LLC	09-PB-02-SR	\$ 644.25
Platinum Developer Group	09-PB-03-MJF	\$ 171.80
Prestige Landscape Designing, Inc.	BA-09-03	\$ 343.60
Railsedge Enterprises (Extension)	BA-96-13	\$ 10.82
Roth, Jeffrey	BA-06-43	\$

		118.97
		\$
<b>Senior Living Solutions</b>	BA-08-19	258.32
<b>Shanahan, Thomas</b>	BA-08-23	\$ 21.63
<b>Sporman, Patricia</b>	BA-08-14	\$ 54.08
<b>Total Transfer</b>		\$ 3,203.38

**6. RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE TOWNSHIP ADMINISTRATOR/CLERK APPROVING RAFFLE LICENSE APPLICATIONS FOR THE ROTARY CLUB OF HILLSBOROUGH**

WHEREAS, applications for two raffle licenses have been filed by the Rotary Club of Hillsborough for raffles being held on April 5, 2009; and

WHEREAS, the submitted application forms were complete in all respects.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby approves raffle applications #1134 and #1135 submitted by the Rotary Club of Hillsborough for raffles being held on April 5, 2009.

**7. RESOLUTION AUTHORIZING THE AMERICAN CANCER EDUCATIONAL SERVICES, INC. TO CHANGE THE DATE OF THE CANCER CHARITY EDUCATION WALK, STARTING AND ENDING AT THE HILLSBOROUGH TOWNSHIP MUNICIPAL BUILDING, FROM SATURDAY, JUNE 6, 2009 TO SATURDAY, JUNE 13, 2009, PURSUANT TO THE REQUIREMENTS OUTLINED BY CHIEF PAUL KAMINSKY**

WHEREAS, the American Cancer Educational Services, Inc. has requested to change the date of the cancer charity education walk from Saturday, June 6, 2009 to Saturday, June 13, 2009 in Hillsborough Township; and

WHEREAS, the organization has requested the walk to begin and end at the Hillsborough Township Municipal Building; and

WHEREAS, Chief Kaminsky and Hillsborough Township Police Department's Traffic Safety Bureau have determined that the planned route will provide an acceptable level of safety for the walkers.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the American Cancer Educational Services, Inc. is hereby authorized to change the date of the walk from Saturday, June 6, 2009 to Saturday, June 13, 2009.

**CLAIMS LIST**

Mayor DelCore presented Claims List 2009-07.

Upon motion by Deputy Mayor Wagner, seconded by Committeewoman McCauley, Claims List 2009-07 was unanimously approved upon call of the roll.

**EXECUTIVE SESSION**

**EXECUTIVE SESSION RESOLUTION**

Upon motion by Committeewoman McCauley, seconded by Committeeman Ferrera, the following resolution was unanimously adopted upon call of the roll.

**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 and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - *Litigation: Hillsborough Properties vs. the Township of Hillsborough*
  - *Property Acquisition: Block 174, Lot 205 and Block 194, Lot 15*
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.

Executive Session commenced at 8:35 p.m.

Committeewoman McCauley motioned to come out of executive session at 9:47 p.m.; said motion was seconded by Deputy Mayor Wagner and unanimously adopted by voice vote.

**ADJOURNMENT**

Upon motion by Committeeman McCauley, seconded by Deputy Mayor DelCore, the meeting duly adjourned at 9:48 p.m., said motion carried unanimously upon voice vote.

Attested:

Kevin P. Davis, RMC  
Township Clerk

