

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

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

SALUTE TO THE FLAG

Following roll call, Mayor Tomson advised that in accordance with Section 5 of the Open Public Meetings Act, Chapter 231, of the Public Laws of 1975, that notice of this meeting was made by the posting on the bulletin board at the Hillsborough Township Municipal Complex and notifying the officially designated newspapers that this meeting would take place at the Hillsborough Township Municipal Complex at 7:30 p.m. June 23, 2015.

APPROVAL OF MINUTES

- *Approval of the June 9, 2015 Regular Session*

Upon a motion by Committeeman DelCore, seconded by Deputy Mayor Burchette, the minutes of the June 9, 2015 Regular Session was approved upon the call of the roll. Abstain: Committeewoman McCauley.

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

Committeeman DelCore

Committeeman DelCore thanked Hillsborough Elementary School for the invitation to attend their Flag Day Ceremony.

Committeeman DelCore noted that the Recreation Department summer camps are now open. There are currently over 450 registered campers this year and weekly registrations are still available.

Committeeman DelCore stated that the Sourland Music Festival will take place on Saturday, July 18th at Hillsborough Country Club. The event will run from 5:00-9:00 p.m. and it will feature numerous bands.

Committeeman DelCore noted that on Friday, July 31st the Annual Dave Thomas Memorial Fishing Derby and Family Campout will be held at Ann Van Middlesworth Park. Registration is available through the Parks and Recreation website.

Committeeman DelCore stated that on Thursday, August 6th the Annual Purple Heart Ceremony will take place.

Committeewoman McCauley

Committeewoman McCauley stated that the Hillsborough Rotary Club celebrated their 60th Anniversary and she thanked them for all of their work and dedication to the Township.

Committeewoman McCauley noted that the Division of Highway Traffic Safety is asking motorists to “Make the Move” – the move over that is. When you see flashing lights on the side of the road, slow down and if it is safe, move over away from police, fire crews, paramedics, and tow truck drivers. This is all part of the New Jersey Move Over Law.

Committeewoman McCauley stated that sky lanterns, though growing in popularity, are a serious fire safety hazard and their use is prohibited by the National Fire Protection Association Code requirements.

Deputy Mayor Burchette

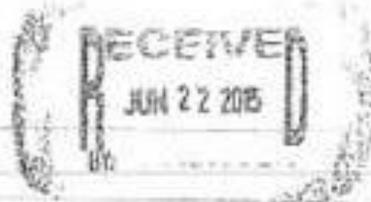
Deputy Mayor Burchette noted that the Hillsborough Rotary Club recently celebrated their 60th Anniversary. Deputy Mayor Burchette thanked the Hillsborough Community for their continued support of the Rotary Club.

Deputy Mayor Burchette stated that with the upcoming summer season and graduation parties, the Municipal Alliance would like to remind residents that underage drinking is illegal. Parents who host lose the most.

Deputy Mayor Burchette noted that we have had 10 new businesses join the Shop Hillsborough program this past week. Again, if you frequent a business in town that is not participating, please ask them to join.

Mayor Tomson

Mayor Tomson stated that the Township received a letter from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of New Jersey Racing Commission. He proceeded to read the letter.



CHRIS CHRISTIE
Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF NEW JERSEY RACING COMMISSION
PO Box 088
TRENTON, NJ 08625-0088

JOHN J. HOFFMAN
Acting Attorney General

KIM GUADAGNO
Lt. Governor

PAMELA J. CLYDE
Chairwoman

ANTHONY T. ANASTASIO
MANN E. ARON
MICHAEL J. ARON, D.D.S.
PETER J. COPPANO, III
ANTHONY G. DePAOLA
DAVID C. GARDNER
FRANCIS KORMAN, JR.
PETER T. MURPHY
Commissioner
FRANCESCO ZANNOLO
Executive Director

June 18, 2015

Honorable Douglas Tomson, Mayor
Township of Hillsborough
Municipal Building
379 South Branch Road
Hillsborough, New Jersey 08844

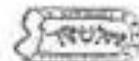
Re: Public Hearing for NJSEA/NJTHA's Application for Initial
Off-Track Wagering License for Hillsborough, New Jersey

Dear Mr. Tomson:

Please be advised that the New Jersey Racing Commission will be conducting a public hearing on Wednesday, July 22, 2015 at 7:00 p.m. in the Hillsborough High School (Auditorium), 466 Raider Boulevard, Hillsborough, New Jersey 08844. The purpose of this hearing will be for the Commission to consider the application of the New Jersey Sports and Exposition Authority ("NJSEA") for the issuance of an off-track wagering license which the NJSEA then intends to transfer or assign to the New Jersey Thoroughbred Horsemen's Association, Inc. ("NJTHA"). As you are aware, the NJTHA plans to open an off-track wagering facility at the following premises: 150 Route 206, Hillsborough, New Jersey 08844.

As required by law, the Commission will take the necessary steps to ensure that the public hearing is publicly advertised in newspapers within Somerset County. A draft copy of the public advertisement, which includes the agenda for the public hearing, is enclosed.

The Commission appreciates the cooperation of Hillsborough Township and wishes to express its gratitude for making the High School auditorium available on July 22, 2015.



Mayor Tomson noted that any residents who are interested in learning more should attend the Public Hearing scheduled for Wednesday, July 22nd at the Hillsborough High School Auditorium.

Mayor Tomson stated that over 50 Hillsborough businesses signed up to be displayed on the Hillsborough Business Community Township Map which was announced a few weeks ago. It has become apparent that corporate approvals take longer, so the deadline for information to be submitted for inclusion in the map has been extended until July 31st. Any businesses that are interested, can contact Doreen Lorenzetti of Lorenzetti Studios at lorenzettistudios@yahoo.com.

Mayor Tomson noted that he had the opportunity to attend the Make A Wish Balloon Toss. Mayor Tomson noted that Committeeman DelCore and Committeewoman McCauley attended the event as well. This was a great event which raised money for the Make A Wish Foundation. Mayor Tomson thanked the individuals who organized and participated in the event.

Mayor Tomson congratulated The Hillsborough Rotary Club on their 60th Anniversary and to the new Chapter President, John Shockley. The event was held at Harry Smith's Barn. Mayor Tomson thanked the Rotary for the invitation to join in the event and for their ongoing commitment to the Township.

PROCLAMATIONS

- ***Proclamation declaring July as Parks & Recreation Month***

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Hillsborough Township, New Jersey; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Hillsborough Township recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE BE IT PROCLAIMED, that we the Mayor and the Township Committee of the Township of Hillsborough, do hereby declare July as Parks and Recreation month.

BE IT FURTHER PROCLAIMED, that we the Mayor and Township Committee of the Township of Hillsborough encourage Township residents to visit our 19 parks and recreational facilities to enjoy all that Hillsborough has to offer.

- **Proclamation honoring Hillsborough's Got Talent Winners – Premiere Dance**

WHEREAS, Premiere Dance Hillsborough's "Dynamics Dance Company" is a dance company in Hillsborough Township; and

WHEREAS, Dynamics Dance Company won first place this year in "Hillsborough's Got Talent"; and

WHEREAS, Dynamics Dance Company is comprised of the following individuals: Alyssa Bianco, Catherine Flynn, Morgan Krempasky, Kristi Liivak, Rachel Simroth, and Dakota Seidel; and

WHEREAS, Premier Dance Hillsborough's Dynamics Dance Company is led by Dance Director Corinna Ahart, Co-Dance Director Michelle Cunningham, Dance Choreographer Jenning Fischer and Owner, Gregg Wilke; and

WHEREAS, Dynamics Dance Company has successfully competed at three regional competitions earning top honors, scores and recognition across the board; and

WHEREAS, Dynamics Dance Company has performed in all three of Premiere Dance Hillsborough's annual shows in several different dance genres; and

WHEREAS, Dynamics Dance Company will be competing in July at the National level, attending Starbound's National Dance Competition in Atlantic City.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby commend all of the members of Premiere Dance Hillsborough's "Dynamics Dance Company" for not only winning "Hillsborough's Got Talent", but also for their unwavering teamwork and dedication.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee, further commend Premiere Dance Hillsborough's "Dynamics Dance Company" for the honor that they have brought to themselves, their group and our community through their many achievements and ongoing performances.

- **Proclamation honoring Hillsborough's Got Talent Winners - Hillsborough Rockettes and Rocket**

WHEREAS, the Hillsborough Rockettes and Rocket are a senior citizen dance troupe in Hillsborough Township; and

WHEREAS, the Hillsborough Rockettes and Rocket won second place this year in "Hillsborough's Got Talent"; and

WHEREAS, the Hillsborough Rockettes and Rocket is comprised of the following individuals: Roz Bellantuono, Nancy Bertin, Matt Bolink, Sandy Bolink, Doris Bracht, Mary Buckshaw, Sally Di Dario, May Duttonhoeffer, Sylvia Jaeger, Jo Janiec, Estelle Julian, Mary Neal, June Ondrejik, Charlotte Politti, Rose Profita, Brenda Redmond, Mary Rego, Mary Lou Reinhardt, Dot Cell Ryan, Jana Spellman, Ellen Stanislaski, Carol Wetzal, and Director Gloria Padgett; and

WHEREAS, the Hillsborough Rockettes and Rocket have been dancing together since 1991, and their ages range from 60-97 years young; and

WHEREAS, Hillsborough Rockettes and Rocket have performed in the Hillsborough Memorial Day Parade and the John Basilone Parade over the years; and

WHEREAS, Hillsborough Rockettes and Rocket often perform for veteran's hospitals, assisted living facilities, and at various other local events.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby commend all of the members of the Hillsborough Rockettes and Rocket for their unwavering volunteerism throughout our community, their dedication and teamwork.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee, further commend the Hillsborough Rockettes and Rocket for the honor that they have brought to themselves, their group and our community through their many achievements and ongoing performances.

- **Proclamation honoring the Hillsborough Middle School Girls Lacrosse Team**

WHEREAS, the 2015 Hillsborough Middle School Girls Lacrosse Team had a very successful season because of their hard work and dedication; and

WHEREAS, the 2015 Hillsborough Middle School Girls Lacrosse Team comprised of the following young athletes: Payton Altman, Cassidy Bayer, Jessica Bonin, Corrine Consentino, Nicole Czako, Amanda Donnelly, Gina Dorsey, Emily Fitzgerald, Margaret Gries, Katherine Kelly, Catherine Lanahan, Brooke McCormick, Briana Modesto, Jayna Moore, Jessica Muth, Tessa Norfleet, Elissa Nsenkyrie, Cynthia Puleo, Kya Risher, Lisa Ross, Amanda Schimmel, Kendall Smith, Jillian Terreri, Gabriella Vangeli, Erin Washbourn, and Elizabeth Wolf reached exceptional achievements; and

WHEREAS, the Hillsborough Middle School Girls Lacrosse Team was led by Head Coach Matthew Gutowski and Assistant Coaches Vincent McEnroe and Heather Gerlippburns; and

WHEREAS, the Hillsborough Middle School Girls Lacrosse Team finished the 2015 season with an overall record of 13 wins and 1 loss; and

WHEREAS, the Hillsborough Middle School Girls Lacrosse Team outscored all of their opponents this year with 127 goals to 80; and

WHEREAS, Hillsborough Middle School Girls Lacrosse Team defeated their biggest rival, Bridgewater in the semi finals, with an 8-7 victory; and

WHEREAS, Hillsborough Middle School Girls Lacrosse Team won the Championship game with a final score of 12-6 over Readington.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby commend all of the members of the Hillsborough, Middle School Girls Lacrosse Team not only for winning the championship, but also for their unwavering teamwork, dedication, and sportsmanship throughout the season.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee, further commend the Hillsborough Middle School Girls Lacrosse Team for the honor that they have brought to themselves, their team and our community through their many achievements.

- **Proclamation honoring Hillsborough Middle School Girls Softball Team**

WHEREAS, the 2015 Hillsborough Middle School Girls Softball Team had a very successful season because of their hard work and dedication; and

WHEREAS, the 2015 Hillsborough Middle School Girls Softball Team comprised of the following young athletes: Julia Allan, Maryrose Angelo, Alyssa Goldstein, Caleigh Groff, Brianna Holodinski, Carly Kimock, Nya Lambert, Karlie Manco, Mikayla O'Neill, Carli Perruso, Erin Rudd, Delaney Smith, Lauren Spalluto, Courtney Wengryn, Emily Orr, Gabriella Pertab, Julia Kwiatek, Anisha Gademsky and statisticians Cecelia West and Lena Chedid reached exceptional achievements; and

WHEREAS, the Hillsborough Middle School Girls Softball Team was led by Coach Rich Rosenblum who is in his 10th year coaching the Lady Raiders Softball program; and

WHEREAS, the Hillsborough Middle School Girls Softball Team finished their season undefeated with an overall record of 15 wins and 0 losses; and

WHEREAS, Hillsborough Middle School Girls Softball Team won the CJSAA Championship defeating Bridgewater 4-0 in the finals; and

WHEREAS, Hillsborough Middle School Girls Softball Team achieved great success both at the team and individual level, including the Most Improved Player Award for Brianna Holodinski, Golden Glove Award for Delaney Smith, Slugger Award for Karlie Manco, Most Outstanding Player and Coach's Award for Julia Kwiatek.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby commend all of the members of the Hillsborough, Middle School Girls Softball Team not only for winning the championship, but also for their unwavering teamwork, dedication, and sportsmanship throughout the season.

BE IT FURTHER PROCLAIMED that we, the Mayor and the Township Committee, further commend the Hillsborough Middle School Girls Softball Team for the honor that they have brought to themselves, their team and our community through their many achievements.

Mayor Tomson stated that this Saturday, June 27th is the Annual Fireworks to be held at Auten Road. There will be shuttle buses starting at 4:30 leaving from Hillsborough High School and Hillsborough Middle School.

NEW BUSINESS

- None

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

George Mariasz, of Hunt Club Road reported that he along with members of Veteran's Chapter 452 traveled to Washington, DC to honor Ricky Lofton who passed away in 2011. This was in observance of those who died after their service in Vietnam as a result of Agent Orange exposure. Mr. Lofton was a member of the Neshanic Volunteer Fire Company and past chaplain of the Vietnam Veteran's Chapter 452. The VVA would like to bring awareness to Agent Orange. The Toxic Exposure Research Act of 2015 - S901 and HR 1769 has been submitted to help veterans who have been exposed to toxic substances during services in the Armed Forces to establish an advisory board. At this time 52 senators have signed as co- sponsors but no New Jersey senators have signed on. Mr. Mariasz asked that the Mayor urge our senators to support this Bill.

Mayor Tomson thanked Mr. Mariasz for letting the Township know that Mr. Lofton was honored and added to the memorial. Mayor Tomson noted that he was thankful for Mr. Lofton's service in the military, and also for his service in the Neshanic Fire Company.

Mayor Tomson noted that he will personally reach out to Congressman Lance for his support for this Bill. Congressman Lance is a strong supporter of our Veterans. Mayor Tomson also stated that a letter will also go out to Senators Menendez and Booker asking for their support of this Bill as well.

PUBLIC HEARINGS

ORDINANCE 2015-10 AN ORDINANCE AMENDING CHAPTER 188, (LAND USE AND DEVELOPMENT), ARTICLE V (DESIGN DISTRICTS AND STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CREATE THE GC, GATEWAY C ZONE DISTRICT AND TO CHANGE THE ZONE DESIGNATION FOR SEVERAL PROPERTIES IN THE TRANSIT READY DEVELOPMENT/EAST AMWELL GATEWAY AREA

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

Section 1. Amend the Zoning Map for the Township of Hillsborough to change the zoning designation for the following properties listed below and as indicated on the Revised Zoning Map entitled Transit Ready Development/East Amwell Gateway Area as follows:

BLOCK 200.01, LOT 2 (FRONT PORTION) FROM THE C1 DISTRICT TO THE GA DISTRICT

BLOCK 200.01, LOTS 3, 4, 5, 6, 7, 8 FROM THE HOO TO THE GA DISTRICT

BLOCK 200.01, LOTS 2 (REAR PORTION), 9, 10, 11, 12 FROM THE R DISTRICT TO THE GA DISTRICT

BLOCK 199, LOTS 9, 10.01 (PORTION), 48 FROM THE R DISTRICT TO THE GA DISTRICT

BLOCK 200.10, LOTS 1.01, 1.02, 1.03, 2, 3 (PORTION) FROM THE R DISTRICT TO THE GA DISTRICT

BLOCK 199, LOTS 2, 3, 4, 5, 6, 6.01, 7, 8.01, , 43.01, 44.01, 45, 46, 47, 49, 50.01, 51, 52 FROM THE HOO TO THE GA DISTRICT

BLOCK 199, LOT 42 FROM THE R DISTRICT TO THE GA DISTRICT (PORTION) AND THE REMAINDER OF THE LOT REMAINING IN THE R DISTRICT

BLOCK 199, LOT 43 FROM THE HOO DISTRICT (PORTION) AND THE R DISTRICT (PORTION) TO THE GA DISTRICT (PORTION) AND THE REMAINDER OF THE LOT REMAINING IN THE R DISTRICT.

BLOCK 199, LOTS 37, 37.01, 38.01, 38.02 (PORTION), 39, 40, 41 (PORTION) FROM THE HOO DISTRICT TO THE R DISTRICT

BLOCK 199, LOTS 80, 81, 82 FROM THE HOO DISTRICT TO THE R DISTRICT

BLOCK 199, LOTS 20.01, 141, 142, 143, 144, FROM THE HOO DISTRICT TO THE CR DISTRICT

BLOCK 199, Lots 34.01 and 145 FROM THE HOO DISTRICT TO THE GC DISTRICT

BLOCK 200.10, LOTS 8, 9, 10, 10.01, 11.01, 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08 (PORTION), 12 (PORTION) FROM THE R DISTRICT TO THE TECD DISTRICT

BLOCK 200.10, LOTS 3 (PORTION), 12 (PORTION), 12.01, 12.02, 13, 14 FROM THE R DISTRICT TO THE GC DISTRICT

BLOCK 200.10, LOTS 22, 22.01, 22.02 FROM THE LI DISTRICT TO THE GC DISTRICT

BLOCK 200.10, LOTS 4, 15.01, 15.02, 16, 20.01 FROM THE CDZ DISTRICT TO THE GC DISTRICT

Section 2. Create the GC, Gateway C Zone District, consisting of Block 199, Lots 34.01 and 145, and Block 200.10, Lots 3 (portion), 4, 12 (portion), 12.01, 12.02, 13, 14, 15.01, 15.02, 16, 20.01, 22, 22.01 and 22.02 and amending the Chapter 188 Land Use and Development Standards of the Code of the Township of Hillsborough by adding section 188-113.6 as follows:

Section 188-113.6, GC Gateway C District

- A. Purpose. The purpose of the GC Gateway C District is to provide a mix of residential, limited retail and other office commercial uses adjacent to a transit facility in order to create a complete, pedestrian friendly neighborhood with additional commercial and standalone residential uses nearby to support the transit facility and provide employment opportunities. The GC District is delineated on the revised zoning map referred to herein and provided as part of this ordinance.
- B. Permitted Principal Uses. All uses shall be provided at a scale and size that is appropriate for the district. There may be more than one (1) permitted principal uses or structure on a lot subject to compliance with Sections 113.6 C-G as contained below.
1. Mixed-use buildings shall be limited with retail sales of goods and services only permitted on the first floor and with residential and/or office uses permitted above the first floor. Mixed-use buildings shall only be permitted within a reasonable walking distance from the transit facility, which is to be located within the GC Zone. (As of the date of adoption of this ordinance, such transit facility is planned to be located on Block 200.10 Lot 3). Mixed-use buildings may only proceed with construction when said transit facility is in existence.
 2. Personal service establishments
 3. Free standing offices, including medical offices and medical centers
 4. Business services
 5. Child care and adult day care facilities
 6. Mass transit facility, which may include retail, and related maintenance/storage facilities
 7. Utilities which are compatibly designed and/or screened, as appropriate
 8. Recreational and/or open space facilities including, but not limited to walkways, courtyards, plazas, squares, community gardens and parks.
 9. Fiduciary institutions (without drive-through facilities)
 10. Restaurants, including sit down and carryout as long as food and/or drinks shall not be served or sold directly to patrons in motor vehicles
 11. Commercial instructional facilities
 12. Corporate conference centers
 13. Hotel/motel

14. Residential uses in planned mixed-use developments

- a. Shall comply with tract standards under Section 188-113.6.I.1.
- b. May only proceed with construction when the said transit facility within the GC Zone is in existence.
- c. Residential flats or lofts, which shall only be located above the first floor in a mixed-use building.

[1] The maximum number of permitted residential flats or lofts in a mixed-use building, shall be one (1) dwelling unit for each one thousand (1,000) square feet of non-residential gross floor area. All residential flats or lofts must be provided in the same mixed-use building that is used to determine the permitted number of residential flats or lofts.

- d. Freestanding residential units, which shall be limited to townhouses and multifamily buildings, and which may only be developed within a planned mixed use development.

[1] Townhouses shall not exceed eight (8) dwelling units per acre

[2] Multifamily units shall not exceed ten (10) dwelling units per acre

[3] Total freestanding residential uses shall not exceed 100 dwelling units within the entire GC District.

[4] Bulk requirements, as specified in Section 188 Attachment 11, Table 2, Bulk Requirements for Townhouses and Multifamily in Planned Mixed Use Development, shall be met.

[5] Freestanding residential units shall not exceed 70% of the total residential units in a planned mixed use development. The remaining units, being residential flats or lofts, shall be located only within mixed use buildings.

- e. In any building containing residential dwelling units in the GC District, the maximum amount of bedroom types permitted for market-rate housing is as follows:

[1] Studio/one bedroom: 45% of total units.

[2] Two-bedroom: 55% of total units

[3] Three-bedroom: 10% of total units

15. Extended care facilities

16. Health club/fitness centers

17. All farm and agricultural uses, including nurseries, poultry and livestock raising , provided that:

- a. The keeping or raising of swine shall not be allowed except as part of a general farming operation on a property of not less than 25 acres. No more than 100 swine shall be kept on any property
- b. No building, fenced run or other enclosure for the shelter of swine shall be closer to any property line or zone boundary than 200 feet.
- c. No building erected entirely or partially for the storage of hay or other flammable material shall be closer than 100 feet to any property line.
- d. No building for the shelter of fowl or farm livestock, other than swine, shall be closer to any side or rear property line or residential zone boundary than 100 feet; except that no range shelter or other building used to house a backyard flock shall be closer to any side or rear property line than 50 feet.

18. Research and development

19. Existing single family detached dwellings in compliance with Section 188-66.

C. Prohibited Uses.

1. Drive-through facilities

D. Accessory Uses and Structures.

1. Street furniture such as benches, street lamps, bicycle racks, trash receptacles, tree grates, bus stops, landscape planters and hanging baskets shall be provided, as appropriate.
2. All streets, alleys, sidewalks and pathways shall connect to other streets within the development and connect to existing streets outside the development, as appropriate. Dead-end streets are not permitted within developments in the GC District, unless such condition is unavoidable as determined by the Planning Board or Board of Adjustment.
3. Surface parking lots are required and shall be designed to be coordinated and have access to adjoining lots to control the number of access points to Amwell Road, existing roads and all proposed Master Plan roads. Toward this goal, access drives may be granted temporary approval to be removed when alternate access becomes available in the future. All off-street parking areas shall be located behind existing and/or proposed buildings.
4. Carports for residential uses only.
5. Fences and walls which shall be uniform in size and materials and complement the architectural style, type and design of the building and overall project design, as established during the site plan review and approval process.
6. Porches, decks, patios and terraces, which complement the architectural style and design of the building and the overall project design established during the site plan review and approval process.

7. All residential accessory storage structures shall be attached to the principal dwelling or a detached garage. Such structures shall be no taller than one (1) story and shall be designed as an integral part of the structure to which it is attached, including the same exterior materials and color. No freestanding structures of this type shall be permitted. The yard setback requirements for such structure shall be the same as the structure to which it is attached.
 8. All swimming pools and spas shall be in-ground type and shall be located at least ten (10) feet from all property lines and five (5) feet from a dwelling. Spas, however, may be allowed above ground if incorporated into an attached house deck.
 9. Other accessory structures (e.g., gazebo, arbor/trellis) not otherwise enumerated above shall be addressed during the site plan review and approval process.
 10. Trash and garbage collection areas which are fully screened and constructed of materials that are compatible with the structure to which it is associated.
 11. Loading areas which are fully screened such that the screening materials are compatible with the structure to which it is associated.
 12. No outside storage trailers or bins are permitted.
- E. Conditional Uses.
1. Off-street parking in elevated structures subject to the following standards:
 - a. A parking structure no taller than the associated principal building(s) shall be a permitted conditional use if such structure(s) is/are located behind the associated principal building(s) and are well screened thereby from the existing public right of way.
 - b. Parking structures shall be architecturally compatible with primary on-site buildings and structures. The location of parking structures shall be limited by minimum setback requirements to assure adequate shielding from off-site views from surrounding residential neighborhoods. Ample landscape screening shall be provided by the applicant to soften visual impacts associated with construction of parking structures.
 - c. Parking structures shall be included as part of the building coverage calculation.
 2. Off-street parking located underneath buildings and fully screened from existing public right of way(s).
- F. Area, Yard and Bulk Regulations.
1. Minimums.
 - a. Lot area: two (2) acres.
 - b. Lot width: 200 feet.
 - c. Lot depth: 250 feet.

- d. Front yard setback: zero (0) feet.
 - e. Side yard setback: zero (0) feet, unless abutting a residential zone or an existing building in which case the side yard setback shall be ten (10) feet. There shall be no internal side yard setback where multiple buildings occupy one (1) lot.
 - f. There shall be a minimum 40 feet distance between buildings, except side to side which will be 15 feet or $\frac{1}{2}$ the combined height of adjacent buildings, whichever is greater.
 - g. Rear yard setback: the minimum rear yard shall be twenty five (25) feet, unless abutting an existing residential zone, in which case the rear yard setback shall be fifty (50) feet.
 - h. Accessory structures shall be located in the rear yard with no minimum rear yard setback, unless abutting an existing residential zone, in which case the minimum rear yard setback shall be ten (10) feet.
 - i. Minimum height: two stories
 - j. Minimum tract size for planned mixed use development: 10 acres
2. Maximums.
- a. Impervious coverage: eighty five percent (85%).
 - b. Front yard: ten(10)
 - c. Building height: three (3) stories or forty five (45) feet permitted throughout the GC District except for architectural features which enhance the appearance of the GC District but do not contain usable floor area, and which may not exceed fifty five (55) feet in height. Architectural features include, but are not limited to: cupolas, towers and other roofline projections.
3. Buffer areas shall be at least twenty five (25) feet wide and are required along all property lines abutting any residential district, around loading and trash collection points and along street lines where residences or residential zoning is located across the street.
4. The building square footage associate with an enclosed second or third floor breezeway or exterior hallway connection between mixed use and nonresidential buildings shall be permitted and the proposed size shall not be included in the impervious coverage or floor area calculations.
- No individual nonresidential or mixed use building footprint shall exceed 20,000 square feet nor shall any single nonresidential or mixed use building exceed 200 feet along its greatest length.

G. Parking Requirements.

1. On-street parking, where provided within 250 feet of any permitted uses, may count towards the required number of nonresidential off-street parking spaces. The Planning Board or Board of Adjustment may, in its discretion, elect to give such spaces on-street parking credit; deny any credit for such property upon which they front and the uses of intervening properties located between the property seeking to apply the spaces toward its parking need and the space themselves. Creation and maintenance of public transportation options may be used in lieu of some parking needs where such a program is proposed and reviewed by the Planning Board or Board of Adjustment as to the short and long term viability of any such plan.
2. The overall intent for the provision of parking the GC District is to balance the mix of uses with available parking opportunities both on and off the street. The minimum number of required off-street parking spaces for permitted uses in the GC District are as follows:
 - a. Retail and personal service establishments at three and one-half (3.5) spaces per 1,000 square feet of gross floor area.
 - b. Office, bank, fiduciary institution at three (3) spaces per 1,000 square feet of usable floor area.
 - c. Medical office and medical center at four (4) spaces per 1,000 square feet of usable floor area.
 - d. Business services establishments at three (3) spaces per 1,000 square feet of gross floor area.
 - e. Corporate conference centers at four (4) spaces per 1,000 square feet of usable floor area.
 - f. Hotel/motel at one (1) space per guest unit plus one (1) space per employee plus four (4) spaces per 1,000 square feet of restaurant or conference center space.
 - g. Residential at two (2) spaces per dwelling unit, unless otherwise indicated herein.
 - h. Restaurant at four (4) spaces per 1,000 square feet of usable floor area.
 - i. Child-care and elder-care centers at one (1) space per employee plus one (1) space per ten (10) persons enrolled.
 - j. Commercial instructional activity at three (3) spaces per 1,000 square feet of usable floor area.
3. If the applicant can demonstrate that not all of the required parking spaces are necessary at the time of initial occupancy and operation of the use(s), then the additional required parking which is demonstrated as not needed may be "banked" or reserved for future parking on a space per space basis. The location

of future parking areas shall be indicated on the site plan and left and maintained as landscaped areas. The methodology used by the developer to calculate the reduced number of parking spaces shall take into consideration the methods of recommended in Shared Parking, published by the Urban Land Instituted (1984) or other recognized standards acceptable to the Planning Board of Board of Adjustment.

4. The number of required parking spaces may be reduced on a space per space basis if the applicant can demonstrate that suitable alternative parking spaces are located within close proximity to the subject property or site, through a shared parking arrangement with an adjoining use and/or land area. Those spaces, to be counted towards this shared parking arrangement, must be demonstrated to be available during the hours of operation of the affected uses and access to those spaces must be provided for vehicles and pedestrians in a safe and efficient manner, including shared driveways and interconnected walkways where possible. A minimum twenty five (25) year lease shall be provided. A site plan shall be submitted to the Planning Board or Board of Adjustment and shall be subject to their approval.
5. The Township Zoning Officer shall conduct site visits to confirm that the parking remains sufficient to meet the needs of the development. If the Zoning Officer determines, after three (3) separate site visits that the parking is inadequate, the applicant shall be so informed. The applicant shall then have forty five (45) days to submit to the Planning Board or Board of Adjustment either a technical report prepared by a New Jersey licensed engineer who is an expert in traffic substantiating that additional parking is not now needed or a site plan delineating which of the land banked parking will be constructed along with a specific time line for the construction of same. Either submission shall be subject to approval by the Planning Board or Board of Adjustment.

H. Supplemental Regulations for Affordable Housing

1. For permitted residential uses, a minimum of 20% of the total dwelling units shall be deed restricted, in accordance with applicable Township and State regulations.
2. Affordable units shall be proportionally distributed among the permitted dwelling types to be provided, in accordance with applicable Township and State regulations.

I. Supplemental Regulations.

1. Definitions and standards for a tract upon which a planned mixed-use development may be developed:
 - a. The mixed-use development shall be permitted only on Block 200.10, Lots

12.01, 12.02, 13, 14 and 22 as being adjacent to the mass transit facility.

- b. For the purpose of the GC District development, a "tract" shall be defined as an area of land comprised of one or more adjacent lots which together have sufficient dimensions and area to make on parcel of land meeting the requirements of Section F for the use(s) intended.
- c. The original land area may be divided by existing street(s), and still be considered one tract, provided that the frontages on both sides of the street are opposite one another for a sufficient distance to enable a convenient, safe street system from one side to the other.
- d. The land area of any existing streets shall not be included in calculating the area of the tract.

2. General Procedures.

- a. Any development application in the GC District shall be informally submitted, initially, as a Concept Plan showing proposed buildings, roads, parking and other site improvements and how the proposed development is in keeping with the concepts enunciated in the Township's Master Plan Amendment, dated March 14, 2013, and how the proposed plan would work with the future development of adjoining or otherwise affected land parcels.
- b. Following this initial conceptual review and discussion with the Planning Board, the development application shall be formally submitted as either a planned development or, in the nature of a site plan and/or subdivision application. Such application shall describe the relationship to and support of the adopted Township Master Plan Amendment as well as any phasing of the proposal together with any on-site and off-tract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approvals with respect to such phase or phases.
- c. In the event any single property owner or consortium of property owners owns properties consisting of two (2) acres or more it or they may apply to the Planning Board for General Development Plan approval for its portions of the GC District. Those property owners or consortium of property owners who do not obtain a General Development Plan approval for their property shall be required to obtain site plan and/or subdivision approval as may be required by law in addition to complying with the conditions of this GC District.
- d. All applications for development of any subsection of the GC District shall be required to submit a phasing schedule unless said application is for a

single property of less than two (2) acres. In the event the application consists of approval for a site consisting of property of at least two (2) acres and the plan pertaining to said area consists of both residential and nonresidential uses, the phasing schedule shall incorporate the specific mechanism for residential development in conjunction with the build out of the nonresidential portion of the applicable site so as to ensure the balanced development of the property for both residential and nonresidential purposes.

- e. A GC District planned development shall be subject to the requirements of this zone and to the mandatory findings for a planned development as required by the Municipal Land Use Law at N.J.S.A. 40:55D-45.
- f. A GC District development shall conform to a General Development Plan approved by the Planning Board pursuant to the applicable provisions contained in the Township's Land Development Ordinance and in accordance with the bulk requirements for permitted uses.

3. General Site Design Requirements and Phasing.

- a. The requirements in the Architectural and Site Design Overlay Zone, as contained in Sections 188-167 to 188-175, shall apply, except as otherwise provided in the GC District requirements, as indicated herein.
- b. A GC District development shall be conceived, designed, subdivided, site planned and approved by the Planning Board or Board of Adjustment as a single complex according to a comprehensive site development plan. In addition, site landscaping, building design, and common area maintenance guideline control standards shall be established by the applicant and approved by the Planning Board or Board of Adjustment.
- c. The entirety of a GC District development shall be developed with a common architectural theme which shall be part of the site plan approval process by the Planning Board or Board of Adjustment. The architectural theme shall include buildings, signing, fencing, lighting, paving, curbing, landscaping and other similar and related physical features.
- d. Mixed use buildings may include residential units on the second and third stories above retail or office uses, with the exception that residential uses shall not be permitted on the same floor as office or retail space.
- e. The Planning Board or Board of Adjustment shall review and approve a phasing plan prepared by the applicant. The phasing plan shall ensure that development in the GC District shall be consistent with the development of infrastructure and supporting services and the sound management of growth in the Township. The phasing plan shall indicate

the approximate date(s) when construction of the GC District development and phases thereof including the mix of residential and commercial, will be initiated and completed.

4. Building Design and Use.

- a. The treatment of side and rear walls of any proposed nonresidential and mixed-use building in terms of building materials and colors shall be similar to and consistent with the treatment of the front façade of that building.
- b. Minimum distances between non-residential and mixed use buildings shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The distance, at the closest point, between any two (2) buildings shall not be less than twenty (20) feet. In the case of two (2) or more buildings being connected through the use of a breezeway or similar feature, the minimum distance between buildings may be reduced but shall not be less than ten (10) feet.
- c. Garages are prohibited along the main front façade of apartment or townhouse units facing an existing or proposed street. Garages may be in the side or rear yards only. Windows are encouraged in the walls of such garages to admit light and eliminate blank walls. Sufficient storage area to accommodate tools, auto accessories, trash/recyclable materials storage, lawn and garden maintenance equipment shall be considered in sizing the garage so that an additional accessory storage structure will not be necessary. Individual bay overhead garage doors are strongly encouraged. Detached garages shall be offered as a permitted option.
- d. All apartment and townhouse dwelling units shall have private outdoor space, which may include a deck, patio and/or terrace. Such outdoor space shall be enclosed, as appropriate, by a decorative wall or fence, evergreen hedge, or combination thereof.
- e. Townhouse buildings shall consist of no more than eight (8) townhouse dwelling units in order to prevent the development of long and monotonous buildings. There shall be different roofline heights and vertical offsets in each overall townhouse building. No more than two (2) adjacent townhouse units shall have the same building offset, which shall vary by at least four (4) feet.

5. Site Design.

- a. Buildings and site improvements shall be designed to minimize changes to existing topography and loss of or damage to existing mature trees.

- b. All permitted uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.
 - c. Non-residential and mixed-use buildings shall be oriented to the street which shall include as a minimum, their front facades.
 - d. The location of non-residential and mixed-use building entrances and orientation of buildings shall minimize the walking distances from building to building. Buildings with more than one (1) façade facing a public street, parking lot, open space area, or plaza and square, shall provide front façade treatments for each such facade.
 - e. Non-residential and mixed-use buildings shall be provided with off-street loading and service areas separate from parking areas and which shall be situated as much as possible to the rear of the building to the extent practicable and out of the general traffic flow with appropriate screening.
 - f. The primary entrances to each building shall accommodate pedestrian access from both public streets and off street parking lots.
 - g. Secondary public entrances, if provided, shall be designed in a manner consistent with primary entrances if visible from public streets and/or parking lots.
 - h. Eating and drinking establishments shall be permitted to operate outdoor cafés as provided in Section 188-78F, as appropriate.
 - i. The Planning Board or Board of Adjustment may limit hours of operation, hours when trucking and deliveries occur, and other characteristics of the non-residential uses in order to enhance the compatibility with residential uses.
 - j. Design methods to reduce energy consumption are encouraged. Energy conservation methods may include, but not be limited to, natural ventilation of structures, location or placement of structures in relation to prevailing breezes and sun angles, insulation of structures, use of landscape materials for shade and transpiration, and orientation.
6. Transportation.
- a. The applicant shall be required to submit a detailed traffic study that addresses all forms of transportation, including bicycle and pedestrian access. An off-site contribution shall be assessed for any off-site improvements needed to maintain an acceptable level of service with review input from the Township Engineer.
 - b. Vehicular access to and from a GC District development to a public street shall be limited to the fewest necessary number of curb cuts.

- c. Cul-de-sacs, gated or dead-end streets are not permitted, unless determined to be unavoidable by the Planning Board or Board of Adjustment, as appropriate.
 - d. Shared driveways that serve more than one (1) property shall be provided where appropriate. Cross access documentation shall be required between adjoining properties.
 - e. Pedestrian and/or bicycle connections to the primary public entrance of the building shall be provided.
 - f. Site planning shall address the need for bicycle racks and/or lockers, i.e., location, number, and design.
 - g. All portions of the development site shall be linked via a sidewalk and pathway network as approved by the Planning Board or Board of Adjustment; the site shall be pedestrian-oriented, with a design that enables and encourages pedestrian and bicycle circulation, with linkages to surrounding areas.
 - h. Where a service or commercial lane or access drive is incorporated into the design, the Planning Board or Board of Adjustment may further restrict the number of curb cuts.
 - i. Alleys are permitted and encouraged at appropriate locations.
7. Amwell Road right-of-way.
- a. The right-of-way shall be at least ninety-one (91) feet as the illustrative cross section shows.
 - b. A minimum fifteen (15) foot sidewalk with a single row of street trees and curbing shall be provided along property frontage in the mixed-use development closest to the transit facility.
 - c. On-street parking is encouraged, where appropriate.
 - d. Fourteen (14) foot wide curbed grass medians with left turn lanes at each major intersection shall be provided.
8. New service road without landscaped median.
- a. The right-of-way shall be at least seventy (70) feet as the illustrative cross section shows
 - b. A minimum twelve (12) foot wide sidewalk area with a single row of street trees and curbing shall be provided along property frontage.
 - c. Eight (8) foot wide parallel on-street parking strip shall be provided
9. New Alleys.
- a. Two Way Traffic:
 - [1] The right-of-way shall be at least twenty five (25) feet

- [2] The minimum cartway width shall be sixteen (16) feet and curbed.
 - b. One Way Traffic:
 - [1] The right-of-way shall be at least twenty (20) feet.
 - [2] The minimum cartway width shall be twelve (12) feet and curbed.
 - c. An eight (8) foot wide parallel, on-street, parking strip shall be provided wherever a principal building adjoins that edge of the right of way.
 - d. Curbing and an abutting four (4) foot wide sidewalk shall be provided on each side of the alley that adjoins a principal building.
10. Landscaping.
- a. A landscape plan shall be provided for the entire site and shall be prepared by a licensed Landscape Architect.
 - b. All landscaping and tree mitigation shall comply with sections 188-160 to 166.
11. Off-street parking design.
- a. Parking areas shall be located behind or on the side of buildings and subject to appropriate screening requirements. Parking areas shall not be located between the roadway and front of any buildings.
 - b. All parking areas, where visible from a public street, shall be screened by a five (5) foot high solid wall, architectural fence and/or solid evergreen hedge as approved by the Planning Board or Board of Adjustment.
 - c. One (1) canopy tree shall be provided at a ratio of one (1) tree to every four (4) parking spaces in the parking area.
 - d. Parking areas shall be designed to be interconnected with adjacent properties and shall utilize common entrances and exits where feasible to minimize access points to the street. Such interconnections shall be established through an appropriate cross-access easement.
 - e. Shared parking shall be required on-site for multiple use properties and is encouraged between properties. The appropriate Board shall approve a reduced parking ratio subject to a parking utilization study prepared by the applicant.
 - f. There shall be a comprehensive network of sidewalks and pedestrian passageways that connect the parking lots with the front, sides and rear of the buildings. The sidewalks and passageways shall be linked to other off-site pedestrian connections where appropriate based on proximity to existing residential areas, proposed intended use of the building, and provision of existing or planned pedestrian or bicycle improvements.

- g. Pedestrian passageways shall connect rear parking lots between buildings with textured walking surfaces, street furniture and landscaping. In addition, the design of the building may incorporate window displays, side door entrances, or other interesting features along the passageway. Lighting should be provided for all parking facilities and sidewalks.

12. Loading, outdoor storage, and service areas.

- a. Where these areas face adjacent residential uses or public rights-of-way, architectural walls or fences, no less than six (6) feet in height, shall be provided.
- b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within ten (10) feet of any public sidewalk or twenty five (25) feet from any public right-of-way and said twenty five (25) or ten feet (10) shall be landscaped with trees, shrubs and grounds covers so as to provide a buffer area between the public right of way or sidewalk.
- c. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the principal building.
- d. Service functions shall be incorporated into the overall design of the building and landscaping, so that they are fully contained and out of view from adjacent properties and rights-of-way.
- e. Truck delivery and circulation routes shall be separated from customer circulation. Pullover or lay-by short term pickup and drop-off areas may be provided as long as they do not substantially interfere with either vehicular or pedestrian traffic flow.
- f. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant or developer submits evidence that sound barriers between all areas for such operations or use effectively reduce noise emissions to a level of forty five (45) dB or less, as measured at the lot line of any adjoining residential property or zone district.

13. All utilities shall be installed underground, where feasible, or relocated to a less visible location at the rear of buildings and all uses shall be connected to approved and functioning public water and sanitary systems. Prior to approval, an applicant must obtain a certificate from the appropriate agency allocating capacity in the system to the development.

14. Each permitted use shall provide for the orderly deposit and pickup of refuse which is concealed from adjoining properties, customer parking areas, and

nearby roadways. No trash shall be allowed to extend above or beyond the enclosure. This area shall be visually screened by a decorative wall and landscaping. The overall design, including materials and colors, shall be architecturally compatible with the principal building and shall not be located within landscaped buffer areas. Also, the applicant shall provide an effective litter management plan, subject to Township review and approval. Such management plan shall be submitted with an application for final site plan approval.

15. All provisions and facilities for storage, other than pickup of refuse and recyclable materials, shall be contained within a principal building.

J. Signs.

1. Permanent Signs

- a. There shall be a consistent sign design theme throughout the development. A unifying design theme shall include style of lettering, method of attachment, construction, material, size, proportion, lighting, position and day/night impacts. Color of letters and background shall be carefully considered in relation to the color of materials of the building(s) or where the signs are proposed to be located. Signs shall be a subordinate rather than predominant feature of any building. The lettering and sign shall be compatible with the architecture of the building.
- b. A comprehensive signage plan shall be provided which covers overall project identification, window signage and lettering, individual building/tenant identification, traffic regulations, pedestrian crossing, street identification, parking and directional instructions. A signage hierarchy shall be established governing the above signage categories.
- c. All permanent signage (except for traffic, parking and directional instructions) shall be affixed to a building façade, canopy or arcade, be located no higher than the sills of second-story windows; and be visible to both pedestrians and drivers.
- d. The maximum sign area in the GC District for permitted nonresidential uses shall be ten percent (10%) of the first floor façade of each tenant or use, but in no event great than twenty (20) square feet.
- e. Blinking and flashing signs are prohibited.
- f. Signs painted on the exterior walls of any building are prohibited.
- g. Neon signs and other tube-type signs, all flashing, intermittent, moving or fluttering signs, such as banners, flags or pennant signs, signs producing glare or using bare bulbs, such as fluorescent signs, and signs that obstruct pedestrian traffic are prohibited.

- h. In addition to all other signage, restaurants, cafes, luncheonettes and delicatessens may be permitted the following: one wall-mounted display sign per business, featuring the actual menu, but not to exceed three square feet in area and one sandwich board sign not to exceed three square feet per sign face which shall not obstruct pedestrian traffic.
 - i. The area, brilliance, character, color, degree, density, intensity, location and type of illumination of any sign shall be the minimum necessary to provide for the readability of the proposed sign by the public without shedding further illumination on nearby buildings. All sources of illumination shall be shielded or directed in such a manner that the direct rays therefrom are not cast upon any property other than the lot on which such illumination is situated. Illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or intensity.
 - j. Special mounting standards shall be used for traffic directional, handicapped parking and other similar on-site signage.
 - k. All signs shall be produced using professional methods.
 - l. An effective signage and wayfinding program shall be instituted by the Township and implemented through the development approval process by developers in the GC District, as appropriate, to guide visitors to parking facilities and mass transit connections.
2. Window lettering and signs.
- a. All window lettering and signs shall be inside the window and shall be considered interior signs.
 - b. Window lettering or signs, including temporary and permanent, shall be permitted only if the rectangle or square which encloses the area around such lettering or sign does not exceed 30% of the total window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.
 - c. The window lettering or sign shall pertain only to the establishment occupying that portion of the premises where the window is located.
 - d. The following window lettering and signs are specifically prohibited: those having an exterior source of illumination and signs which include moving or animated images or text.
 - e. All window lettering and signs shall be kept in good repair.
3. Signs on awnings, canopies or similar structures or attachments.
- a. Awnings, including awnings with a sign(s), shall be architecturally compatible with the building to which they are attached. All awnings shall be reviewed and approved by the Planning Board or Board of Adjustment

during the site plan review and approval process. Alternatively, design standards relating to awnings, with or without signage, shall be prepared by the applicant for review and approval by the Planning Board or Board of Adjustment.

- b. Awnings must be kept in good repair; clean and unfaded.
- c. Awnings must be substantially attached to the main building structure.
- d. Awning lettering and numbers as well as the style and colors must aesthetically blend with the building
- e. Letter height shall not exceed 1/3 of the awning height and in no event shall exceed eight inches.
- f. Where applicable, awnings shall contain street numbers.
- g. Awnings shall not contain phone numbers, product advertising, or product logos.

K. Streetscape Elements.

1. Lighting.

- a. Lighting shall be the minimum required for safety and shall be provided in the least intrusive manner. Traditional freestanding light fixtures shall be required in parking lots and along streets and pedestrian pathways. By way of example, a streetlight and parking lot light fixture shall be similar to the Teardrop Model TF3 by HADCO, which is a high quality freestanding light fixture appropriate to a town center environment.
- b. Streets, parking lots, intersections, points where various types of circulation systems merge, intersect or split, stairways, sloping or rising paths, and building entrances and exits shall require illumination. Lighting shall be provided where buildings are set back or offset if access is provided at such points.
- c. Freestanding lights shall be located and protected to avoid being easily damaged by vehicles or vandalized. The height of such lights shall in no case be greater than 12 feet. All lighting shall be serviced under ground
- d. The source of the illumination for freestanding and building-mounted lights shall be shielded and the style of the light and light standard shall be consistent with the architectural style of the proposed structures. Diffusers and refractors shall be installed to reduce unacceptable glare, particularly adjacent to residential areas. Luminaires shall be translucent or glare-free, using opaque glass or acrylic lenses.
- e. Spotlight fixtures attached to buildings and visible to the public are prohibited. Where lights along property lines are visible from adjacent

properties, the lights shall be appropriately shielded and/or the mounting heights shall be reduced.

- f. All lights under a canopy structure shall be ceiling-mounted and recessed so the lens does not extend beyond the ceiling so as not to produce glare.
 - g. Sidewalks and pathways may be lit with low bollard-type standards, not to exceed two feet in height.
 - h. All proposed lighting plans shall be accompanied by a point-by-point plan indicating numerical illumination levels. The plan shall indicate the average, minimum, maximum and minimum-to-maximum illumination levels for maintained footcandles.
2. Special Effect Lighting.
- a. May include string lighting in trees or up-lighting on trees.
 - b. Fixtures shall be waterproof and light shall be shielded so as not to impair a pedestrians' vision or vehicular traffic.
3. Tree Grates.
- a. Shall be used wherever a tree is placed within a high traffic area.
 - b. Shall allow for tree growth and be made of ductile iron; should also be factory painted.
 - c. Electrical outlets shall be provided within the grate area to allow for lighting opportunities.
 - d. Shall be designed to support up-lighting.
4. Planting Pots and Planters.
- a. Used in addition to landscape planting areas to compliment the surrounding streetscape by adding color and variety.
 - b. Can be placed anywhere pedestrian or vehicular traffic is not disturbed, but may function as a separation between pedestrians and vehicles.
 - c. Large pots are preferred to fixed boxes to allow for maintenance or service access.
 - d. Ideal near seating areas, but plant materials shall not interfere with circulation or comfort.
5. Trash Receptacles.
- a. Shall be located conveniently for pedestrian use and service access in significant areas and gathering places.
 - b. Shall be permanently attached to deter vandalism and have sealed bottoms with sufficient tops to keep contents dry and out of pedestrian view.

- c. Restaurants with outdoor seating shall provide additional trash receptacles in appropriate locations.
 - d. Should blend in with the surroundings or be specific in a complimentary style or accent color.
6. Bicycle Racks.
- a. Shall be permanently mounted and placed in convenient locations throughout public spaces to encourage bicycle use.
 - b. Shall be placed so as not to obstruct views or cause hazards to pedestrians or drivers.
 - c. Shall exhibit a simple and easy design that allows for convenient and safe use by the public.
7. Bollards.
- a. Shall integrate with and aesthetically complement the overall streetscape concept.
 - b. Shall be set back from curbs to allow unobstructed opening of parked car doors.
 - c. May be chained or cabled together to ensure pedestrian safety or define areas for public functions.
 - d. Removable bollards shall be used where service vehicles need access and for street closures in the event of festivals or community events.
8. Utility Accessories.
- a. Includes utility boxes, meters, manhole covers and fire hydrants; shall be coordinated with other streetscape accessories.
 - b. Readily accessible and placed so as not to obstruct pedestrian movement.
 - c. Minimize visual and physical impact as much as possible.
 - d. Shall blend in with the surroundings or enhance the area.
9. Newspaper racks.
- a. Shall be grouped together as much as possible and be placed at busier pedestrian nodes or gathering places.
 - b. Shall be designed and placed appropriately to provide service to the public.
 - c. Shall not obstruct views for vehicles, sidewalks for pedestrians, or signs and displays of businesses.
10. Residential Gazebos, Arbor, Trellis or Pergolas.
- a. Maximum height of gazebos shall not exceed 12 feet above adjacent grade, excluding rooftop ornaments. Gazebos shall be constructed of wood and shall have a maximum size of 150 square feet.

- b. Gazebos shall be located no closer than five feet from a principal structure and side and rear property lines.
- c. Trellises, arbors and gate arbors are permitted in the side and rear yards.
- d. Trellises, arbors and gate arbors shall be proportionately sized for the overall area of the yard and shall not exceed eight feet in height, five feet in width and three feet in depth. They shall be constructed of wood and complement the architectural style, type and design of the fence or structure.
- e. Location of arbors, trellises and pergolas shall be located no closer the five feet to the side and rear property lines.

Section 3. Amend Section 188, Attachment 3, Township of Hillsborough, Schedule for Nonresidential Zones, adding GC District requirements as shown on revised Attachment 3.

Section 4. Amend Section 188, Attachment 11, Township of Hillsborough, Planned Mixed-Use Development Table 2, adding new Footnote 10 as follows:

- 10. For GC District, mixed use development minimum setback of multifamily buildings to internal streets shall be 10 feet and the maximum permitted height of principal multifamily buildings shall be three stories or 45 feet except for architectural features which may not exceed fifty five feet in height.

Section 5. Amend Section 188, Attachment 6, Township of Hillsborough, ASD Overlay Zone Bulk Standards Table, removing Transit Village District and associated standards, as set forth in footnote 3, and adding Gateway C District with the statement, 'The underlying zoning requirement shall govern.'

Section 6. Amend Section 188-170B, regarding the ASD Overlay Zone map, removing the Transit Village District and including Gateway C District, as amended by this Ordinance.

Section 7. The classification and boundary changes set forth in this Ordinance were recommended in a periodic general reexamination of the Master Plan by the Planning Board. The 2008 Master Plan Reexamination Report specifically included the Transit Oriented Village referring to the 2005 Master Plan Amendment Part 2, which included planning and zoning amendments for this area. It also recommended an update to the Land Use Plan Element which included extension of the proposed Transit Oriented Village. This recommendation was accomplished with the 2013 Master Plan Amendment - Land Use Element/Transit Ready Development District, Circulation Plan Element Update and Endorsing Certain Areas of Revisions to the Township's Zoning Ordinances. This Ordinance reflects the recommendations in the above cited documents.

Section 8. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations.

Section 9. Interpretation. All other ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

Section 10. 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 11. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Hillsborough for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 12. Effective Date. This ordinance shall take effect immediately upon its adoption, passage and publication according to law.

Mayor Tomson stated that this ordinance implements the recommendations in the Master Plan Amendment by rezoning and creating the GC, Gateway C Zone District. The GC zone will provide mixed use residential , retail, office and other compatible uses near a transit facility in order to create a pedestrian-friendly neighborhood while still supporting the transit facility and creating employment opportunities. In addition, this Ordinance changes the zoning designations of several properties in and adjacent to the Transit Ready Development District in accordance with the 2013 Master Plan Amendment recommendations.

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

Committeeman DelCore stated that the plan is to develop the Gateway C Zone as a transition zone to eliminate some of the older zones which are no longer appropriate for that part of town. This has been before the Planning Zone several times with minor changes. This is consistent with the Master Plan providing a transitional zone leading into the downtown corridor creating more appropriate zoning.

Committeeman DelCore noted that this is an appropriate time to move forward with the zoning changes and move forward with the ordinance.

Upon motion by Committeeman DelCore seconded by Deputy Mayor Burchette, the Public Hearing was closed and Ordinance 2015-10 was adopted and unanimously approved upon call of the roll.

**ORDINANCE 2015-12 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT
CHAPTER 92 OF THE HILLSBOROUGH TOWNSHIP CODE,
ENTITLED "POLICE DEPARTMENT", MOST NOTABLY
SECTION 92-8, ENTITLED "APPOINTMENTS AND
PROMOTIONS"**

WHEREAS, the Township Committee seeks revisions to the current promotion process within the Hillsborough Police Department.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Committee hereby amends, revises and supplements the Township Code of the Township of Hillsborough, Chapter 92, "Police Department", most notably Section 92-8, entitled "Appointments and Promotions" as follows:

1. Section 92-8B(2) is hereby amended, revised and supplemented by adding the following sentence:
"The Township Committee reserves the right to promote members of the Department more than one (1) rank at any time above the rank of Lieutenant, i.e. from Lieutenant to Chief."
2. Section 92-8B(4) is hereby amended, revised and supplemented as follows:
"(4) No Sergeant shall become eligible for a promotion to the rank of Lieutenant until he/she shall have served in the capacity of Sergeant for at least three (3) full years, exclusive of his/her probationary period. A Sergeant shall serve a probationary period of six (6) months before his/her appointment as Sergeant shall be deemed permanent. No Sergeant shall be eligible for promotion to any rank above Lieutenant."
3. Section 92-8B(5) is hereby amended, revised and supplemented as follows:
"(5) No Lieutenant shall become eligible for promotion to the rank of Captain or Police Chief within the Department until he/she shall have served in the capacity of Lieutenant for at least one (1) full year, exclusive of his/her probationary period. The probationary period for a lieutenant shall be six (6) months before his/her appointment to that rank shall be permanent."
4. Section 92-8(B)(7)(a) is hereby amended, revised and supplemented as follows:
"(7) Selection process for promotion to Sergeant.
(a) The selection process for the promotion of a candidate from police officer to Sergeant shall be based on the following components:
 - (1) Written exam administered by the New Jersey State Chiefs of Police Association or other organization selected by the Chief of Police. This exam shall be scored on a Pass/Fail basis. An employee must score at least seventy (70) points on the examination to Pass. A Pass score is necessary to be considered for the remaining provisions of the promotional selection process for Sergeant, which is set forth below. The results of the examination will be effective for one (1) year from the date of the examination.

- (2) Supervisory officers, other than Police Chief and Captains, promotional evaluation: Twenty (20) points. Sergeants shall evaluate all eligible patrolmen.
 - (3) Captains and Chief of Police's promotional evaluation: Twenty (20) points.
 - (4) Oral Interview: Both members of the Township Police Committee and the Chief of Police shall interview each candidate for promotion: Fifty-five (55) points.
 - (5) Seniority: Up to five (5) points as established in Section 92-8(B)(12)."
5. Section 92-8(B)(8)(a) is hereby amended, revised and supplemented as follows:
- "(8) Selection process for promotion to Lieutenant.
- (a) The selection process for promotion of a candidate to the position of Lieutenant shall be based on the following components:
 - (1) Police Chief, Captains and Lieutenants promotional evaluation: Forty (40) points.
 - (2) Oral Interview. Both members of the Township Police Committee and the Chief of Police shall interview each candidate for promotion: Fifty-five (55) points.
 - (3) Seniority: Up to five (5) points as established in Section 92-8(B)(12)."
6. Section 92-8(B)(9)(a) is hereby amended, revised and supplemented as follows:
- "(a) The selection process for promotion of a candidate to the position of Captain or Police Chief shall be based on the following components:
- (1) (a) Oral interview to be conducted by the Township Committee for the position of Captain: Fifty (50) points.
 - (b) Oral interview to be conducted by the Township Committee for the position of Chief of Police: Seventy-five (75) points.
 - (2) (a) Promotion evaluation for the position of Captain by the Chief of Police: Twenty-five (25) points.
 - (b) There shall be no promotion evaluation by the Police Chief for the position of Police Chief.
 - (3) Personnel record: Twenty (20) points. This shall include, but not be limited to, the candidate's personnel file, yearly evaluations, disciplinary record, commendations and attendance record. The Township Committee shall adjudge a point total for each candidate.
 - (4) Seniority: Up to five (5) points as established in Section 92-8(B)(12)."
7. Section 92-8(B)(9)(b) is hereby amended, revised and supplemented as follows:
- "(b) Candidate(s) above the passing score of 70 shall be considered for the promotion. The component parts of the oral interview, promotional evaluation and personnel record, as well as the methodology for crediting seniority points for years of service, shall be as set forth below. The ultimate determination as to promotion to the position of Sergeant, Lieutenant, Captain or Police Chief shall be that of the Township Committee."
8. Create a new Section 92-8(B)(13) as follows:
- "(13) Once a list for promotion has been created identifying the candidate(s) who achieved a passing score for the rank in question, the results of the written

examination only, where applicable, shall remain in effect for one (1) year following the completion and scoring of the written examination. The promotion list(s) created by the scoring provisions above shall remain in effect for six (6) months after the promotion(s) is (are) made. Thereafter, any scoring/interviews, other than the examination where applicable, must be done for each and every promotion.”

9. All of the other provisions of these Sections not set forth herein shall remain in full force and effect. Additionally, all existing promotion lists shall no longer be effective as of July 1, 2015, except for the following: (a) the Lieutenant’s promotion list shall no longer be effective as of September 9, 2015; and, (b) the Sergeant’s promotion list shall no longer be effective as of October 2, 2015.

Mayor Tomson stated that this is an ordinance to amend, revise and supplement Chapter 92 of the Hillsborough Township Code, entitled “Police Department”, most notably Section 92-8, entitled “Appointments and Promotions”. This ordinance amends the section of appointments and promotions of Chapter 92 in the Township Code.

Upon motion by Committeewoman McCauley seconded by Deputy Mayor Burchette to open the public hearing, the aforesaid ordinance was unanimously approved upon call of the role.

Ted Lewis, PBA President stated on behalf of the PBA, concerns with the ordinance. Mr. Lewis stated that he has been a police officer in Hillsborough for 20 years and that the promotional process during this time has worked very well. Mr. Lewis stated that he was unclear as to why some of the changes were being put in place, and he had some concerns and questions regarding the changes. Mr. Lewis asked for a continuation of discussion, further asking the Township Committee to vote “no” on this ordinance, so that further discussions can take place with the Township Committee.

Mayor Tomson thanked Mr. Lewis for his comments. He also thanked Committeewoman McCauley and Committeeman Suraci for prior meetings they had with Mr. Lewis on this ordinance. Mayor Tomson noted that there are amendments to this ordinance based on the conversations between Committeewoman McCauley and Committeeman Suraci. Mayor Tomson asked if Township Labor Attorney would speak regarding the amendments.

Township Attorney, Eric Bernstein stated that there are two minor amendments upon the recommendation of the Police Committee to this ordinance. The first amendment will be to define what a Supervisory Officer is in Section 92-8b7a and to change the eligibility of sergeants becoming lieutenants from three years to one year excluding the probationary period.

Mayor Tomson noted that after reading through the previous regulations for the Township Committee, 92-13 regarding promotions. The Township Committee already had the ability to move up or down the list for promotions, and this has not changed, it is just written clearer. The liaisons will speak with the supervisors and lieutenants before they decide who they will promote. This is an extensive process working with different departments, Chief Kaminsky, and lieutenants to choose a sergeant. Mayor Tomson stated that it is not a random selection, and new individuals will

move forward in these positions and it is important that they do. Residents want to see that these positions are vetted from all different angles.

Committeewoman McCauley thanked Mr. Lewis for his comments. Committeewoman McCauley noted that this ordinance had been worked on for over a year. Many hours were spent with Counsel, other townships, as well as Chief Kaminsky to make sure everything was covered fairly. The Township Committee has oversight over every department in the Township, and has the ultimate decision in who to promote.

Committeewoman McCauley stated that the Township Committee took into consideration Mr. Lewis' comments during previous meetings and did make amendments to this ordinance.

Committeeman DelCore thanked Mr. Lewis for his comments. He noted that the issues addressed with these amendments would hopefully give clarity to the concerns expressed by Mr. Lewis. A number of factors are considered in the promotion process. The Township Committee takes very seriously the feedback given to them by the Lieutenants and Chief of Police those are the people closest to the situation.

Committeeman DelCore stated that he acknowledged Mr. Lewis' concerns about the Township Committee having too much influence in the decision process, and felt the amendments based on Mr. Lewis' concerns are justified.

Mr. Lewis thanked the Township Committee for their work, and for being a part of the promotional process, and hopes to be able to have more time to discuss.

Mayor Tomson noted that if Mr. Lewis had any other concerns to please bring them to the Township Committee even if the ordinance is passed tonight.

Township Attorney, Eric Bernstein asked that the Township Committee close the Public Hearing.

Upon motion by Deputy Mayor Burchette seconded by Committeewoman McCauley, the Public Hearing was closed.

Township Attorney, Eric Bernstein stated that based on conversations with the Police Committee there are recommending two non-substantive amendments to Ordinance 2015-12, Number 2 section 92 8b4 eligibility of Sargent becoming lieutenant reverts back to one year excluding probationary period. And to add the phrase sergeants and lieutenants after supervisory officer in Number 4 section 92-b7a subsection 2 asking for the committee to make a motion for those amendments.

Attorney, Eric Bernstein brought forward the following resolution:

**RESOLUTION AUTHORIZING NON-SUBSTANTIVE AMENDMENTS
TO ORDINANCE NO. 2015-12 AND ALLOWING ADOPTION
OF ORDINANCE NO. 2015-12 AS AMENDED**

WHEREAS, the Township Committee, as per the recommendations of its Police Committee after meeting with representatives of PBA Local 205 in regard to Ordinance No. 2015-12, wishes to make two (2) minor, non-substantive amendments to Ordinance No. 2015-12 and to provide for the adoption of Ordinance No. 2015-12, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that Ordinance No. 2015-12 shall be amended by the following two (2) minor, non-substantive amendments to same:

- (1) In Section 92-8B(4), change the eligibility for a Sergeant to become a Lieutenant from three (3) years to one (1) year, exclusive of his/her probationary period. This reverts the time eligibility back to the current provisions of Section 92-8B(4); and,
- (2) In Section 92-8B(7)(a)(2), define the term supervisory officers to be Sergeants and Lieutenants as per the request of PBA Local 205.

NOW, THEREFORE, BE IT FURTHER RESOLVED that said amendments are minor and non-substantive, thereby allowing the Township Committee to adopt Ordinance No. 2015-12 as amended.

Upon motion by Committeewoman McCauley, seconded by Committeeman DelCore amendments were introduced unanimously upon the call of the role.

Upon motion by Deputy Mayor Burchette, seconded by Committeewoman McCauley to open the public hearing for the amendments to this ordinance was unanimously approved upon call of the role.

Upon motion by Committeewoman McCauley seconded by Deputy Mayor Burchette, the Public Hearing for the amendments was closed and unanimously approved upon call of the roll.

ORDINANCE NO. 2015-12 (AMENDED)

**AN ORDINANCE TO AMEND, REVISE
AND SUPPLEMENT CHAPTER 92 OF THE
HILLSBOROUGH TOWNSHIP CODE,
ENTITLED "POLICE DEPARTMENT",
MOST NOTABLY SECTION 92-8, ENTITLED
"APPOINTMENTS AND PROMOTIONS"**

WHEREAS, the Township Committee seeks revisions to the current promotion process within the Hillsborough Police Department.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Committee hereby

amends, revises and supplements the Township Code of the Township of Hillsborough, Chapter 92, "Police Department", most notably Section 92-8, entitled "Appointments and Promotions" as follows:

10. Section 92-8B(2) is hereby amended, revised and supplemented by adding the following sentence:
"The Township Committee reserves the right to promote members of the Department more than one (1) rank at any time above the rank of Lieutenant, i.e. from Lieutenant to Chief."
11. Section 92-8B(4) is hereby amended, revised and supplemented as follows:
"(4) No Sergeant shall become eligible for a promotion to the rank of Lieutenant until he/she shall have served in the capacity of Sergeant for at least one (1) full year, exclusive of his/her probationary period. A Sergeant shall serve a probationary period of six (6) months before his/her appointment as Sergeant shall be deemed permanent. No Sergeant shall be eligible for promotion to any rank above Lieutenant."
12. Section 92-8B(5) is hereby amended, revised and supplemented as follows:
"(5) No Lieutenant shall become eligible for promotion to the rank of Captain or Police Chief within the Department until he/she shall have served in the capacity of Lieutenant for at least one (1) full year, exclusive of his/her probationary period. The probationary period for a lieutenant shall be six (6) months before his/her appointment to that rank shall be permanent."
13. Section 92-8(B)(7)(a) is hereby amended, revised and supplemented as follows:
"(7) Selection process for promotion to Sergeant.
 - (b) The selection process for the promotion of a candidate from police officer to Sergeant shall be based on the following components:
 - (5) Written exam administered by the New Jersey State Chiefs of Police Association or other organization selected by the Chief of Police. This exam shall be scored on a Pass/Fail basis. An employee must score at least seventy (70) points on the examination to Pass. A Pass score is necessary to be considered for the remaining provisions of the promotional selection process for Sergeant, which is set forth below. The results of the examination will be effective for one (1) year from the date of the examination.
 - (6) Supervisory officers (Sergeants and Lieutenants), other than Police Chief and Captains, promotional evaluation: Twenty (20) points. Sergeants shall evaluate all eligible patrolmen.
 - (7) Captains and Chief of Police's promotional evaluation: Twenty (20) points.
 - (8) Oral Interview: Both members of the Township Police Committee and the Chief of Police shall interview each candidate for promotion: Fifty-five (55) points.
 - (5) Seniority: Up to five (5) points as established in Section 92-8(B)(12)."
14. Section 92-8(B)(8)(a) is hereby amended, revised and supplemented as follows:
"(8) Selection process for promotion to Lieutenant.
 - (c) The selection process for promotion of a candidate to the position of Lieutenant shall be based on the following components:

- (3) Police Chief, Captains and Lieutenants promotional evaluation: Forty (40) points.
 - (4) Oral Interview. Both members of the Township Police Committee and the Chief of Police shall interview each candidate for promotion: Fifty-five (55) points.
 - (4) Seniority: Up to five (5) points as established in Section 92-8(B)(12)."
15. Section 92-8(B)(9)(a) is hereby amended, revised and supplemented as follows:
- "(a) The selection process for promotion of a candidate to the position of Captain or Police Chief shall be based on the following components:
 - (4) (a) Oral interview to be conducted by the Township Committee for the position of Captain: Fifty (50) points.
 - (d) Oral interview to be conducted by the Township Committee for the position of Chief of Police: Seventy-five (75) points.
 - (5) (a) Promotion evaluation for the position of Captain by the Chief of Police: Twenty-five (25) points.
 - (b) There shall be no promotion evaluation by the Police Chief for the position of Police Chief.
 - (6) Personnel record: Twenty (20) points. This shall include, but not be limited to, the candidate's personnel file, yearly evaluations, disciplinary record, commendations and attendance record. The Township Committee shall adjudge a point total for each candidate.
 - (4) Seniority: Up to five (5) points as established in Section 92-8(B)(12)."
16. Section 92-8(B)(9)(b) is hereby amended, revised and supplemented as follows:
- "(b) Candidate(s) above the passing score of 70 shall be considered for the promotion. The component parts of the oral interview, promotional evaluation and personnel record, as well as the methodology for crediting seniority points for years of service, shall be as set forth below. The ultimate determination as to promotion to the position of Sergeant, Lieutenant, Captain or Police Chief shall be that of the Township Committee."
17. Create a new Section 92-8(B)(13) as follows:
- "(13) Once a list for promotion has been created identifying the candidate(s) who achieved a passing score for the rank in question, the results of the written examination only, where applicable, shall remain in effect for one (1) year following the completion and scoring of the written examination. The promotion list(s) created by the scoring provisions above shall remain in effect for six (6) months after the promotion(s) is (are) made. Thereafter, any scoring/interviews, other than the examination where applicable, must be done for each and every promotion."
18. All of the other provisions of these Sections not set forth herein shall remain in full force and effect. Additionally, all existing promotion lists shall no longer be effective as of July 1, 2015, except for the following: (a) the Lieutenant's promotion list shall no longer be effective as of September 9, 2015; and, (b) the Sergeant's promotion list shall no longer be effective as of October 2, 2015.

Upon motion by Committeewoman McCauley seconded by Committeeman DelCore, Ordinance 2015-12 was adopted as amended and unanimously approved upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

ORDINANCE 2015-13 AN ORDINANCE GRANTING A LONG TERM TAX ABATEMENT TO AMWELL COMMONS URBAN RENEWAL ASSOCIATES, L.P. FOR A RESIDENTIAL AFFORDABLE HOUSING PROJECT ON PROPERTY DESCRIBED HEREIN AND AUTHORIZING THE MAYOR TO SIGN A FINANCIAL AGREEMENT WITH AMWELL COMMONS URBAN RENEWAL ASSOCIATES, L.P.

WHEREAS, Amwell Commons Urban Renewal Associates, L.P. (“Amwell Commons”) filed an application with Hillsborough Township seeking a long term tax exemption for an affordable housing project consisting of the construction of fifty-four (54) affordable housing units and certain amenities (as described more fully within the tax abatement application, the “Project”) on a portion of the property identified on the Official Tax Map of the Township of Hillsborough, Somerset County, New Jersey as Block 163.05, Lots 101, 102, 103, 104 and 105, more commonly known as 495, 503, 505 & 507 Amwell Road, Hillsborough, New Jersey that will be subdivided through a future subdivision application and which proposed subdivided parcel is approximately 3.7434 acres in size and is identified as proposed Lot 101.01 on the minor subdivision plan (sheet 4) prepared by Van Cleef Engineering Associates dated May 1, 2015 attached as Exhibit A to the Financial Agreement (the “Property”); and

WHEREAS, the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTEL”), authorizes municipalities to grant long term tax abatements to affordable housing projects such as the one proposed by Amwell Commons; and

WHEREAS, the Mayor has recommended that the Township Committee favorably consider the tax abatement sought through this application; and

WHEREAS, the Township Committee has determined pursuant to N.J.S.A. 40A:20-11 that the relative benefits of this Project outweigh any costs associated with this tax abatement and that without the tax abatement granted herein, the Project would not be undertaken; and

WHEREAS, the Township Committee wishes to grant a long term tax abatement to Amwell Commons for the Project and to authorize the Mayor to sign a Financial Agreement on behalf of the Township with Amwell Commons setting forth the terms and conditions of the tax abatement.

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

1. The application of Amwell Commons for the development, maintenance and operation of the residential affordable housing project described within Amwell Commons’ tax

abatement application is hereby approved in accordance with the recommendation of the Mayor.

2. The improvements constructed on the Property shall be exempt from taxation for a period of thirty (30) years from the substantial completion of the Project, subject to the terms and conditions of the Financial Agreement and the LTTEL, and upon the further condition that Amwell Commons does not file a petition of tax appeal for the Property during the term of the Financial Agreement.
3. The Mayor is hereby authorized to execute, on the Township's behalf, the Financial Agreement in the form attached hereto.
4. An executed copy of the Financial Agreement authorized by this ordinance shall be filed and maintained with the Township Clerk.
5. Subject to the requirements of paragraph 6 below, as of the Annual Service Charge Start Date (as defined in the Financial Agreement), Amwell Commons shall pay the Township Annual Service Charges in the manner and amounts required under the Financial Agreement. The annual service charge shall be based on 8% of the Annual Gross Revenue of the Project, subject to the phasing requirements set forth within the Financial Agreement. After the auditor's report required under the Financial Agreement has been accepted by the Township's Chief Financial Officer, the Township and Amwell Associates will adjust any over or under payment so made or needed to be made for the particular period covered by the auditor's report.
6. Amwell Commons shall pay the minimum annual service charge, as calculated pursuant to N.J.S.A. 40A:20-12(b)(2)(e) and the Financial Agreement, in each year in which the annual service charge, as provided in paragraph 5 above, would be less than the minimum annual service charge.
7. The following occurrences and requirements are express conditions of the granting of this tax abatement, to be performed by Amwell Commons, and the failure to comply with these requirements will result in the cancellation of the tax abatement:
 - (a) Amwell Commons shall pay full taxes on the land and improvements on the Property until the annual service charge becomes effective as provided within the Financial Agreement;
 - (b) Amwell Commons shall not, without prior consent of the Township Committee, sell, lease, assign, encumber, subordinate, convey, mortgage or transfer all, or any part of the Project, so as to sever, disconnect or divide the improvements from the land on which Project is located;
 - (c) Amwell Commons shall obtain all land use approvals necessary to construct the Project on the Property;
 - (d) Amwell Commons shall obtain title to the Property within three years of the date of the execution of the Financial Agreement. This tax abatement shall not take effect until Amwell Commons obtains title to the Property, and the failure of Amwell Commons to do so within this time period shall result in the automatic termination of this tax abatement.
8. In any year that Amwell Commons fails to make four (4) consecutive land tax payments when due and owing in the manner defined in N.J.S.A. 40A:20-12(b)(2)(e), such delinquency shall render Amwell Commons ineligible for any land tax credits against the annual service charge for that year.

9. Amwell Commons understands and agrees that the revenue projections set forth within its tax abatement application are estimates and that the actual payments in lieu of taxes to be paid by Amwell Commons to the Township shall be determined pursuant to the Financial Agreement to be executed between Amwell Commons and the Township.
10. The Project, when completed, shall conform with all State laws and ordinances of Hillsborough Township relating to its construction and use.
11. The Township Clerk shall forthwith submit a certified copy of the ordinance approving the tax exemption and the proposed Financial Agreement to the Director of the Division of Local Government Services.
12. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

Mayor Tomson stated that this project has been part of the Township’s Affordable Housing Plan for the last several years. This ordinance allows the project to be eligible for tax credits through the New Jersey Housing and Mortgage Finance Agency, thereby making the project financially feasible.

Committeewoman McCauley moved that the aforesaid Ordinance be introduced and that the Ordinance be further considered at a public hearing held on July 14, 2015 at 7:30 p.m. Said motion was seconded by Deputy Mayor Burchette and unanimously approved upon call of the roll.

**ORDINANCE 2015-14 AN ORDINANCE TO AMEND AND SUPPLEMENT AN
ORDINANCE ENTITLED “SALARY RANGE ORDINANCE”
ESTABLISHING A NEW CLASSIFICATION AND SETTING
FORTH THE SALARY RANGE**

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

Section 1: That the Salary range ordinance, shall be amended establishing a new classification and setting forth the salary range for said classification as follows:

<u>CLASSIFICATION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>Police Department</u>		
Office of Emergency Management Director / Police Property Supervisor	32,323	65,058

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

Committeewoman McCauley moved that the aforesaid Ordinance be introduced and that the Ordinance be further considered at a public hearing held on July 14, 2015 at 7:30 p.m. Said motion was seconded by Committeeman DelCore and unanimously approved upon call of the roll.

CONSIDERATIONS

1. RESOLUTION AMENDING 2015 CONTRACTS FOR HILLSBOROUGH – MILLSTONE MUNICIPAL ALLIANCE SERVICES, TRANSFERRING \$210.00 FROM JANE FIDARCARO TO ELLEN STODDARD FOR BABES PROGRAM SERVICES

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, Jane Fidacaro had fewer classes as a BABES Facilitator than anticipated resulting in a reduction of \$210.00 from her contract; and

WHEREAS, Ellen Stoddard provided additional classes as a BABES Facilitator, than anticipated, resulting in an increase of \$210.00 for her contract; 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 contract for Jane Fidacaro, as a BABE Facilitator be reduced by \$210.00 and the contract for Ellen Stoddard as a BABES Facilitator is increased by \$210.00.

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

2. RESOLUTION AUTHORIZING JOHN FIEDLER, CONSTRUCTION OFFICIAL, TO CONDUCT SATURDAY BUILDING INSPECTIONS FOR THE TOWNSHIP'S BUILDING DEPARTMENT EFFECTIVE JULY 1, 2015 TO DECEMBER 31, 2015, AT THE RATE OF \$30.00 PER HOUR

WHEREAS, there exists a need for Saturday building inspections for the Township's Building Department; and

WHEREAS, the Township Administrator recommends John Fiedler, Construction Official, be authorized to conduct Saturday building inspections effective July 1, 2015 to December 31, 2015, at the rate of \$30.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, authorizes John Fiedler, Construction Official, to conduct Saturday Building Inspections effective July 1, 2015 to December 31, 2015, at the rate of \$30.00 per hour.

Mayor Tomson stated that there exists a vacancy in the Saturday part-time building inspector position. This resolution authorizes Mr. Fiedler to continue to fill that position, which he has been doing since October 2014.

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

3. RESOLUTION ESTABLISHING THE ANNUAL SALARIES AND WAGES OF MUNICIPAL EMPLOYEES

BE IT RESOLVED, by the Township Committee of the Township of Hillsborough that the annual base salaries and/or hourly rates of the following employees listed below are authorized effective July1, 2015:

<u>Name</u>	<u>Position</u>	<u>Base Salary</u>
Abraham, Thomas	Part-Time Inspector	\$30.00 per hour
Bizi, Richard	Part-Time Inspector	\$30.00 per hour
Fiedler, John	Construction Official	\$102,727 base salary
Grabowski, Keith	Part-Time Inspector	\$32.00 per hour
Juban, Ronald	Part-Time Inspector	\$30.00 per hour
Kois, David	Deputy Director Planning/ Zoning Official	\$56,741.00 base salary
Lukacs, Frank	Part-Time Inspector	\$32.00 per hour
Rotz, Cecelia	Receptionist	\$16.40 per hour

Mayor Tomson stated that this resolution sets the salaries for those employees listed.

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

4. RESOLUTION AUTHORIZING SPECIAL ITEM OF REVENUE AND APPROPRIATION

Pursuant to N.J.S.A. 40A:87 (Chapter 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or

Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township has received \$9,240.59 in an additional grant for the year 2015 and wishes to amend its 2015 Budget to include this grant.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Hillsborough hereby requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2015 in the amount listed and detailed below, which item is now available as a revenue from:

**NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF HIGHWAY TRAFFIC SAFETY
DRUNK DRIVING ENFORCEMENT FUND
\$9,240.59**

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation title.

Mayor Tomson stated that this resolution requests the Director of the Division of Local Government Services to approve the insertion of grant funds from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety, Drunk Driving Enforcement Fund in the amount of \$9,240.59.

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

5. RESOLUTION ADOPTING A WILDLIFE MANAGEMENT PLAN FOR THE 2015-2016 SEASON

WHEREAS, Ordinance 2004-24, which established the Hillsborough Wildlife Management Commission, requires the Commission to report annually to the Township Committee, and recommend a Wildlife Management Plan for the upcoming year; and

WHEREAS, the Commission reports that the 2014-2015 deer hunting season on public properties in Hillsborough was again safe and successful; and

WHEREAS, Ordinance 2004-24 and Ordinance 2008-50 provides that the hunting, shooting, killing and removal of white-tailed deer and other wildlife, as approved by the State of New Jersey, on municipally-owned land shall be allowed for the purpose of reducing and managing the Township's deer and other wildlife population, but only with the possession of and under the provisions of a municipal game management permit for such activity; and

WHEREAS, the number of municipal game management permits issued each year for the culling of white-tailed deer and other wildlife, and the properties for which such permits shall be issued, shall be determined annually by resolution of the Township Committee; and

WHEREAS, the Wildlife Management Commission has recommended, in its proposed Wildlife Management Plan for the 2015-2016 hunting season, and the Police Chief has concurred, that nineteen (19) properties be made available for permitted hunting, with a total number of sixty one (61) permits to be issued; and

WHEREAS, based upon the recommendation of the Township Health Department, the culling of coyote shall be permitted again in this year's wildlife management program, as part of a pilot program designed to reduce the spread of mange and rabies throughout the Township; and

WHEREAS, the Wildlife Management Commission also recommends that in the lottery of available permits, preference be granted first to Hillsborough residents, next to Somerset County residents and finally to New Jersey residents and that three (3) alternate permits be allowed to create a substitute list if an original permit holder is unable to hunt; and

WHEREAS, the Commission further recommends that it be mandatory for all hunters to wear a safety harness while in their tree stands, that all hunters be limited to one (1) fixed style tree stand, that all hunters are to sign a consent form for a NJ Fish and Wildlife license check and that the program for processing and donating harvested deer be continued; and

WHEREAS, the Wildlife Management Commission also recommends that the limited number of days available to hunt with a firearm in Areas 1, 2, 3, 6, 7, 8 (Buckshot only), and 16 coincide with all season dates set forth by the NJ Division of Fish and Wildlife; and

WHEREAS, the Commission further recommends that licensed hunters who were permitted to hunt on public properties for the 2014-2015 season be able to have, if desired, that permit extended on the same terms and conditions for the 2015 and 2016 seasons on the same property, without submitting to a lottery; and

WHEREAS, the Commission believes the permit extension privilege provides an added safety feature because continuity of hunters in hunting areas allows those hunters to become more familiar with the property and its boundaries, with deer habits, and with each other's habits, thereby increasing safety; and

WHEREAS, the Commission also recommends that additional steps be taken to provide non-lethal means of deer damage control.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that deer hunting, in accordance with New Jersey Laws, rules and regulations, Township rules and regulations, the provisions of Ordinance 2004-24, and as recommended by the Wildlife Management Commission in their proposed Wildlife

Management Plan for the 2015-2016 season, is hereby authorized on the following public properties for the 2015-2016 season:

AREA 1-- MONTGOMERY RD. AND PSHORN LN

Block 169, Lots 27 & 30

7 permits

AREA 2-- DAVIDS LANE

Block 171, Lots 14C, 14L, 14Z, & 112.01

5 permits

AREA 3-- WERTSVILLE RD.

Block 171, Lot 6

5 permits

AREA 4-- AUTEN RD. (BOW HUNTING ONLY)

Block 151, Lot 1

4 permits

AREA 5-- MONTGOMERY RD & AMWELL RD. (BOW HUNTING ONLY)

Block 166, Lots 1 & 3.01

Block 167, Lot 8

3 permits

AREA 6-- DUTCHTOWN ZION RD.

Block 174, Lot 200

4 permits

AREA 7-- PID

Block 12, Lots 26.01, 33 & 47

10 permits

AREA 8-- BEEKMAN LANE (BOW HUNTING AND SHOTGUN
HUNTING – ONLY WITH BUCKSHOT)

Block 203, Lot 8; Block 150.04, Lot 6

3 permits

AREA 9-- SCOTT DR. (BOW HUNTING ONLY)

Block 203, Lot 22 Block 203.05, Lot 1

2 permits

AREA 10-- RIVER ROAD (OLD MAIN ROAD)

(BOW HUNTING ONLY)

Block 8, Lot 9

2 permits

AREA 11-- SURREY DRIVE AND MULFORD LANE
(BOW HUNTING ONLY)
Block 13.01, Lot 36
2 permits

AREA 12-- RIVER ROAD AND NORZ DRIVE
(BOW HUNTING ONLY)
Block 13.01, Lot 14.18
1 permit

AREA 13-- HORSESHOE DRIVE
(BOW HUNTING ONLY)
Block 205.11, Lots 41 & 58
2 permits

AREA 14-- RADDEL COURT
(BOW HUNTING ONLY)
Block 205.15, Lot 38
1 permit

AREA 15- - ELIMINATED DUE TO LACK OF INTEREST AND DIFFICULTY HUNTING

AREA 16-- MONTGOMERY RD. (BETWEEN WERTSVILLE RD &
AMWELL RD)
Block 167, Lots 9, 12.04, 13.01, 13.02, and 13.03
3 permits

AREA 17-- SOUTH BRANCH ROAD
(BOW HUNTING ONLY)
Block 149.08, Lots 81, 82, 83
2 permits

AREA 18-- BROOKS BLVD.
(BOW HUNTING ONLY)
Block 65.04, Lot 6
1 permit

AREA 19-- DAVAL ROAD (BOW HUNTING ONLY)
Block 174.04, Lots 48 and 84
2 permits

AREA 20-- RIVER ROAD EAST (BOW HUNTING ONLY)
Block 11, Lot 13.02
2 permits

BE IT FURTHER RESOLVED that, pursuant to the recommendation of the Wildlife Management Commission in its proposed 2015-2016 Wildlife Management Plan, the following steps be taken to provide non-lethal means of deer damage control:

1. Continue to plot all road killed deer from motor vehicle accidents on a map of the Township to locate where additional signage may be needed.
2. Continue the replacement of worn deer crossing road signs and/or an increase of signs at key points around the Township;
3. Continue the trimming of brush on public properties further back from the road to allow motorists improved vision of deer at the roadside;
4. Provide "Wildlife Tips" throughout year on the Township's website on such topics relating to deer such as deer resistant plants, leaving wildlife alone in the wild, driving tips during peak times when deer are most active and the negative issues of feeding deer and other wildlife issues;
5. Make available a detailed list that can be obtained at the Townships Clerk's office on landscape plants rated by deer resistance.

Mayor Tomson stated that at our last meeting the Wildlife Commission presented their annual report. This resolution adopts the 2015-16 plan.

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

6. RESOLUTION OF THE TOWNSHIP OF HILLSBOROUGH AUTHORIZING THE MAYOR TO SIGN A COST ESCROW AGREEMENT ON BEHALF OF THE TOWNSHIP WITH AMWELL COMMONS URBAN RENEWAL ASSOCIATES, L.P.

WHEREAS, the Hillsborough Township Committee has determined that an area comprised of the properties identified on the official tax map of Hillsborough Township as Block 163.05, Lots 101, 102, 103, 104 and 105 (the "Rehabilitation Area") is an area in need of rehabilitation as such term is defined within the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LHRL"); and

WHEREAS, Amwell Commons Urban Renewal Associates, L.P. ("Amwell Commons") intends to construct an affordable housing project within the Rehabilitation Area consisting of the construction of fifty-four (54) affordable housing units and certain amenities as described more fully within the tax abatement application that Amwell Commons filed with the Township (the "Project") on a portion of the property identified on the Official Tax Map of the Township of Hillsborough, Somerset County, New Jersey as Block 163.05, Lots 101, 102, 103, 104 and 105, more commonly known as 495, 503, 505 & 507 Amwell Road, Hillsborough, New Jersey that will be subdivided through a future subdivision application and is more fully described within a subdivision sheet appended to the proposed Grant Agreement and Financial Agreement for the Project; and

WHEREAS, the Township has already expended costs for the benefit of this Project, including but not limited to attorney's fees, planning fees, engineering fees, or other outside consultants' fees associated with the investigation of whether the Study Area qualifies as an area in need of rehabilitation under the LRHL, the adoption of a redevelopment plan for the Study Area, and the review and processing of the requests by Amwell Commons for financial assistance for the Project, and anticipates that it will incur additional costs relating to the Project, including but not limited to attorney's fees, planning fees, engineering fees, or other outside consultants' fees associated with the review of the tax abatement application and preparation of the Financial Agreement and authorizing legislation, the review of the Redeveloper's grant request and preparation of a Grant Agreement and authorizing legislation, and the performance of other services relating to Township's approval and implementation of the Project; and

WHEREAS, Amwell Commons has indicated that it is willing to fund and to replenish, as necessary, an escrow account with the Township so that the Township may draw funds from the escrow account in order to reimburse the Township for the Township Costs (as such term is defined in the attached Cost Escrow Agreement).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Mayor is hereby authorized to execute a Cost Escrow Agreement, in the form attached hereto, with Amwell Commons.

Mayor Tomson stated that this resolution requires the developer to pay for the Township's professional fees related to this affordable housing application.

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

7. RESOLUTION AUTHORIZING THE EXECUTION OF MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT AND THE EXPENDITURE OF \$2,000 FOR THE FAIR SHARE ANALYSIS TO BE PREPARED BY DR. BURCHELL

WHEREAS, the Township of Hillsborough has authorized the filing a Declaratory Judgment Action in the Superior Court of New Jersey, County of Somerset, in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Hillsborough desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share

Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author, has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality’s fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare a Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations of the Rutgers Agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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 terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Hillsborough for Rutgers through Dr. Robert Burchell, Principal Investigator, to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Hillsborough and is appended hereto.
4. The Mayor is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Hillsborough in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Hillsborough hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Toms River will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. The Chief Financial Officer is hereby authorized and directed to forward a copy of this Resolution and a check in the amount of \$2,000 to Jeffrey R. Surenian and Associates, LLC, 707 Union Avenue, Suite 301, Brielle, NJ 08730. The check should be made payable to the Trust Account of Jeffrey R. Surenian and Associates, LLC, and reference in the memo section Burchell.
8. This Resolution shall take effect immediately.

Mayor Tomson stated that this resolution authorizes the Township to retain Dr. Burchell, a professor from Rutgers, in order to develop the Township's latest Fair Share Obligation.

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

8. **RESOLUTION AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION WITH THE SUPERIOR COURT SEEKING JUDICIAL APPROVAL OF THE TOWNSHIP'S COMPLIANCE WITH ITS THIRD ROUND AFFORDABLE HOUSING OBLIGATION IN ACCORDANCE WITH THE NEW JERSEY SUPREME COURT'S DECISION IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY NJ COUNCIL ON AFFORDABLE HOUSING**

WHEREAS, the Township obtained a Judgment of Compliance and Repose on October 16, 2002 finding that the Township had met its second round affordable housing obligation and it protected the Township from Mt. Laurel I and II litigation ("Builders' Remedy Lawsuits") until October 16, 2008; and

WHEREAS, in June 2006, the Township filed a motion with the Superior Court of New Jersey in order to clarify its filing obligations with respect to its third round plan in light of the Council on Affordable Housing's ("COAH") December 2004 third round regulations, as amended in May 2006; and

WHEREAS, by order dated October 30, 2006, the Honorable Victor Ashrafi, J.S.C., entered an order confirming that Hillsborough was protected from both second round and third round Mount Laurel litigation until October 16, 2008; and

WHEREAS, on January 25, 2007, the New Jersey Superior Court, Appellate Division, rendered a decision in the matter In re Adoption of N.J.A.C. 5:94, 390 N.J. Super. 1 (App. Div. 2007), certif. denied, 192 N.J. 72 (2007), which invalidated COAH's then-current third round growth share methodology as being inconsistent with the Mount Laurel mandate, and instructed COAH to promulgate new regulations; and

WHEREAS, on May 2, 2008, COAH adopted third round rules pertaining to a municipality's third round fair share affordable housing obligation establishing a growth share methodology and providing municipalities until December 31, 2008 as the date by which municipalities were required to submit their third round plans to COAH or the Superior Court of New Jersey; and

WHEREAS, the Township and its Planning Board adopted a Housing Element and Fair Share Plan in December 2008 setting forth its affordable housing compliance plan and the Township thereafter filed a Declaratory Judgment Action seeking court approval of its affordable housing compliance plan and the matter was captioned In the Matter of the Township of Hillsborough, Superior Court of New Jersey, Law Division, Somerset County, Docket No. L-06-09 (the "Litigation"); and

WHEREAS, the Township adopted an updated Housing Plan Element and Fair Share Plan on August 5, 2010 updating its affordable housing compliance plan and the Township has taken numerous efforts to implement its affordable housing plan; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding, in relevant part, that enforcement of the Fair Housing Act ("the Act") and the Mt. Laurel Doctrine be addressed by the Courts due to COAH's failure to adopt revised third round rules governing municipal affordable housing obligations as it was previously ordered to do by the Supreme Court in 2013; and

WHEREAS, the New Jersey Supreme Court decision authorizes municipalities seeking immunity and a judgment of compliance and repose for their Third Round Housing Element and Fair Share Plans to file Declaratory Judgment Applications beginning June 8, 2015; and

WHEREAS, the Honorable Peter A. Buchsbaum, J.S.C., entered an order in the Litigation dated May 23, 2015 providing Hillsborough with leave to file an amended declaratory judgment action on or before July 8, 2015 in conformance with the Supreme Court decision and the Court further provided Hillsborough with immunity from Mt. Laurel litigation until December 8, 2015; and

WHEREAS, during the prolonged period of uncertainty and legal challenges to the regulations adopted by COAH, the Township of Hillsborough has continued to participate in the process of developing affordable housing to satisfy its affordable housing obligations and wishes to continue that participation by filing a Declaratory Judgment Complaint to obtain a judgment of compliance and repose for the Township's Third Round Housing Element and Fair Share Plan in compliance with the Supreme Court's decision.

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

1. The Township Committee hereby authorizes the preparation and filing of a Declaratory Judgment Complaint in the Superior Court of New Jersey, Somerset County to obtain immunity and ultimately a judgment of compliance and repose as to the Township's Third Round affordable housing obligation.
2. The Township Committee hereby authorizes the preparation of a new Housing Element and Fair Share Plan and related materials necessary to maintain the Township's immunity by securing a formal judgment of constitutional compliance from the Superior Court.
3. Notice of the filing of the Declaratory Judgment action shall be served on all interested parties and those set forth in the New Jersey Supreme Court's March 10, 2015 decision.
4. Notice of the filing of the Declaratory Judgment action shall also appear in a newspaper of general circulation throughout Somerset County.
5. This Resolution shall take effect immediately.

Mayor Tomson stated that on March 10, 2015 the Supreme Court rendered a decision eliminating the COAH administrative process and authorizing municipalities seeking immunity and approval of their third housing element fair share plans to file declaratory judgements with the Court. The Township of Hillsborough has continued throughout the years to participate in the process of developing affordable housing to satisfy its Mt. Laurel obligations. This resolution authorizes the Township to continue that process in accordance with the NJ Supreme Court's decision.

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

CONSENTS

- 1. RESOLUTION APPROVING THE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR SOURLAND CONSERVANCY FOR AN EVENT TO BE HELD ON JULY 18, 2015**

WHEREAS, an application for a Special Permit for Social Affair has been filed by the Sourland Conservancy for an event to be held on July 18, 2015; and

WHEREAS, the submitted application is complete.

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 the application for the Sourland Conservancy for an event to be held on July 18, 2015.

2. RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS

WHEREAS, there exists outstanding checks in the Township Accounts listed below that have not been cashed; and

WHEREAS, these outstanding checks are one year or older and it has been determined that these checks should be voided.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Chief Financial Officer is hereby authorized to cancel the outstanding checks listed below:

Current Account		Recreation Trust		Payroll Account	
CK#	Amount	CK#	Amount	CK#	Amount
40350	50.00	3634	100.00	24904	723.61
41174	294.53	3711	75.00	27325	37.52
41801	63.00	4573	55.00	28090	316.81
42222	2,025.00	4867	45.00	28610	205.76
42585	65.00	5106	20.00	28919	90.93
43504	16.44	5111	85.00	30609	166.22
44289	12.00	5193	650.00	30923	259.76
44969	207.42	5202	2.50	31388	674.37
45677	125.00	5225	16.00	31824	225.81
46602	1,000.00	5401	50.00		
47446	454.53	5595	8.00		
47890	14.75	5598	8.00	Special Police	
47983	875.00	5602	8.00		
48653	2,485.79	5957	115.00	1786	3.89
50166	3,247.50	6003	55.00	2120	2.52
51093	59.38	6731	34.00	2122	8.10
51103	85.18				
52593	1,343.67	Developer's Escrow		Payroll Agency	
52798	209.70				
		1352	70.56	3569	12.77
		1621	56.75		
		1653	708.48		
		1670	45.05		
		1898	13.98		

1950	27.02
2479	1,280.69

Lien Redemption

135	40.00
138	40.00
280	40.00
289	40.00
292	40.00
643	43.00
664	43.00
742	40.00
775	43.00
883	43.00
885	10.00
891	43.00
1012	1,257.00
1100	10.00
1102	10.00

3. RESOLUTION AMENDING THE 2015 TOWNSHIP COMMITTEE MEETING SCHEDULE

BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the schedule of regular public meetings of the Township Committee to be held during 2015 is amended as follows:

**2015 TOWNSHIP COMMITTEE MEETINGS
AMENDMENT**

**7:30 P.M. – Regular Meetings
at the Hillsborough Municipal Complex
(TUESDAYS)**

AUGUST 25th – cancelled

BE IT FURTHER RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that this meeting notice amendment shall be provided to and posted in two official newspapers within seven (7) days of its passing and shall be distributed according to law, with notice that official action may be taken.

4. RESOLUTION AUTHORIZING THE HILLSBOROUGH TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS, IF DEEMED NECESSARY BY THE TAX COLLECTOR, IN ACCORDANCE WITH P.L. 1994, c. 72

WHEREAS, the Hillsborough Township Finance Office may be unable to mail the Township's 2015 tax bills on a timely basis, if the Somerset County Tax Board cannot issue a certified tax rate at this time; and

WHEREAS, the Hillsborough Township Chief Finance Officer/Tax Collector has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and she has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, in the County of Somerset and State of New Jersey on this 23rd day of June, 2015, as follows:

1. The Hillsborough Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills, if deemed necessary by the Tax Collector, for the Township for the third installment of 2015 taxes. The Tax Collector shall proceed upon approval, if required, from the Director Division of Local Government Services, and take such actions as are permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The entire estimated tax levy for 2015 is hereby set at \$131,792,685.44.
3. In accordance with law the third installment of 2015 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

5. RESOLUTION GRANTING PERMANENT EMPLOYEE STATUS TO CATHRYN J. FAERBER IN THE HILLSBOROUGH TOWNSHIP POLICE DEPARTMENT, EFFECTIVE JUNE 23, 2015

WHEREAS, Cathryn J. Faerber was hired as Police Clerk in the Hillsborough Township Police Department on March 23, 2015; and

WHEREAS, the Chief of Police certifies that Ms. Faerber has performed her duties and assignments in a capable and competent manner; and

WHEREAS, having qualified for regular employee status during the three-month probationary period, the Chief of Police recommends that regular employee status be conferred upon Ms. Faerber effective June 23, 2015.

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

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

Committeewoman McCauley noted Cathy Faerber was granted permanent employment status within the Township, and congratulated Ms. Faerber.

CLAIMS LISTS

Mayor Tomson asked to approve Claims Lists 2015-12.

Upon motion by Deputy Mayor Burchette, seconded by Committeewoman McCauley, Claims List 2015-12 was unanimously approved upon call of the roll.

EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, Public Laws of 1975, permits the exclusion of the public from a meeting in certain circumstances; and

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

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

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. *Litigation:*
 - i. *The Township of Hillsborough vs Batten*
 - ii. *The Township of Hillsborough vs Hillsborough Properties*
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 Burchette, seconded by Committeewoman McCauley, the aforesaid resolution was unanimously approved upon call of the roll.

Upon motion by Committeewoman McCauley, seconded by Committeeman DelCore, the public meeting was reopened at 9:40 p.m.

ADJOURNMENT

Upon motion by Committeeman DelCore, seconded by Deputy Mayor Burchette, the meeting duly adjourned at 9:41 p.m. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek
Township Clerk