

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 Labor and Land Use 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. July 14, 2015.

### **APPROVAL OF MINUTES**

- *Approval of the June 16, 2015 Special Session*

Upon a motion by Deputy Mayor Burchette, seconded by Committeewoman McCauley, the minutes of the June 16, 2015 Special Session was approved upon the call of the roll.

- *Approval of the June 23, 2015 Regular Session*

Upon a motion by Deputy Mayor Burchette, seconded by Committeeman DelCore, the minutes of the June 23, 2015 Regular Session Minutes was approved upon the call of the roll.

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

#### **Committeeman DelCore**

Committeeman DelCore noted that Saturday, July 18<sup>th</sup> is the Sourland Musical Festival to be held at the Hillsborough Country Club.

Committeeman DelCore stated that Friday, July 31<sup>st</sup> is the Annual Dave Thomas Memorial Fishing Derby and Family Campout at Ann Van Middles worth Park. Registration is available through the Parks and Recreation website.

Committeeman DelCore noted that Thursday, August 6<sup>th</sup> will be the Annual Purple Heart Ceremony.

Committeeman DelCore stated that residents residing at the North Eastern portion of town, bordering the Manville border may hear the flood sirens, which were installed by Manville, being

tested on a monthly basis. These tests are conducted on the first Saturday of the month at noon. In addition, the sirens are set off on heavy rain days when the forecast calls for possible flooding conditions.

**Committeewoman McCauley**

Committeewoman McCauley noted that effective July 20<sup>th</sup> recycling pickups on 26 roads in Hillsborough will move to Mondays rather than Tuesdays. This is being done in order to better serve the residents of Hillsborough. The listing of the impacted roads was in last week's news and will be included again this Friday. A notice of this change was placed in the handle or recycling buckets of the residents who will be impacted.

Committeewoman McCauley noted that there's nothing like outdoor grilling. It's one of the most popular ways to cook food. But, a grill placed too close to anything that can burn is a fire hazard. They can be very hot, causing burn injuries. Follow these simple tips and you will be on the way to safe grilling:

- Propane and charcoal BBQ grills should only be used outdoors.
- The grill should be placed well away from the home, deck railings and out from under eaves and overhanging branches.
- Keep children and pets at least three feet away from the grill area.

**Deputy Mayor Burchette**

Deputy Mayor Burchette stated that residents utilizing the online tax payment system and that own a Condo unit, please be aware that your block and lot designation may have been revised for 2015. Please refer to your assessment card that was mailed to you in February or feel free to contact the Tax Assessor's Department at 908-369-8077.

Deputy Mayor Burchette noted that he 3rd quarter tax bills will be mailed on July 28<sup>th</sup>. Property owners who use the online payment system will not be able to make payments or get information on their 3rd quarter taxes until July 28<sup>th</sup>. As a result of the mailing date, there is a resolution being considered later on tonight's agenda extending the grace period for until August 24<sup>th</sup>. Residents who have registered and utilized their Shop Hillsborough Cards will see their tax credits on the 3<sup>rd</sup> quarter bills.

Deputy Mayor Burchette stated that the Township Construction Department would like to remind residents that according to the State of New Jersey Department of Community Affairs any pool, spa hot tub, even seasonal pools require proper construction permits in addition to meeting with the zoning and engineering codes of the Township. Please see Friday's e-newsletter with more information or reach out to the Construction department with any additional questions. They can be reached at (908) 369-4313. The office is open Monday thru Friday from 8:00 am to 4:30 pm and also Tuesday evenings until 7:00 pm.

Deputy Mayor Burchette noted that the Rotary Fair will take place on Tuesday, August 11<sup>th</sup> through Sunday, August 16<sup>th</sup>. The hours will be from 6-10pm with extended hours on Sunday, August 16<sup>th</sup>.

**Mayor Tomson**

Mayor Tomson stated that last Thursday, the Township's dog park officially opened. The park, which sits at the back corner of AVM Park, behind softball field #2, is a double-gated, fenced in, leash free area for dogs over the age of 6 month to socialize and exercise with their owners. Any dogs that enter the park, must be spayed or neutered and cannot show any signs of aggression. A complete listing of the rules and regulations for the new facility can be found in Ordinance 2015-11 and Chapter 221 of the Code of the Township of Hillsborough. The park is open from dawn to dusk. Please be sure to stop by with your dog and check out the newest addition to our Township.

Mayor Tomson noted that on the subject of the OTW, 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 has been received. He reminded residents who are interested in learning more to attend the Public Hearing scheduled for Wednesday, July 22<sup>nd</sup> at 7:00 p.m. at the Hillsborough High School Auditorium. As a reminder, only the New Jersey Racing Commission and the Attorney General has any say on this matter. Mayor Tomson noted that the application still has yet to be made available to the Township Committee or the residents of Hillsborough.

Mayor Tomson stated that there are now over fifty Hillsborough businesses signed up to be displayed on the Hillsborough Business Community Township Map. It has become apparent that corporate approval takes a bit longer, so the deadline for information to be submitted for inclusion in the map has been extended until July 31st. Interested businesses can contact Doreen Lorenzetti of Lorenzetti Studios at [lorenzettistudios@yahoo.com](mailto:lorenzettistudios@yahoo.com).

**PROCLAMATIONS**

- ***Proclamation honoring Eagle Scout Mark Kohen***

***WHEREAS***, Mark Kohen, a Hillsborough High School Junior, and a member of Boy Scout Troop 489, has recently earned the status of Eagle Scout; and

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

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

***WHEREAS***, Mark has served in various leadership positions including Patrol Leader and Troop Guide; and

***WHEREAS***, Mark's Eagle Scout Project consisted of managing the replacement of two old, unusable fire pits with the construction of two new handicap accessible fire pits near the Girl Scout Pavilion at the Oak Spring Girl Scout Camp; and

***WHEREAS***, Mark successfully organized the time of twelve Boy Scouts, eleven adult leaders, and two other adults, totaling eighty-seven hours of work; and

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

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

**BE IT FURTHER PROCLAIMED** that we, the Mayor and Township Committee of the Township of Hillsborough, thank all the members of the Boy Scouts of America, both past and present for their continued dedication and support within our community.

## PRESENTATIONS

- ***Atoms Racers Presentation of a Donation to Hillsborough CAN***

Warren Moser, President of Atoms Racers, a local RC Aviation Club that flies radio controlled airplanes here in Hillsborough spoke. He stated that every year the Club has a swap meet at the Hillsborough Municipal Building. The club is giving back to the Hillsborough Community with part of the proceeds from this event. A check in the amount of \$330.00 was given to the Hillsborough Food Bank, some in part from the club, and a portion from donations. Anyone interested in joining can find more information at [www.atomsrc.net](http://www.atomsrc.net)

- ***Certificate Presentation to the Green Living and Wellness Fair Poster Contestant Participants***

Certificates were presented to all that participated in the Green Living and Wellness Fair Poster contest.

Honorable mention was awarded to Ada Wang.

Third place awarded to Ryan Lee

Second place awarded to Ritvick Rattehalli

First place awarded to Alexis Mathew

## NEW BUSINESS

- *None*

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

### PUBLIC HEARINGS

Resident, Sally Treonze, 555 Mountainview Rd. Ms. Treonze stated that she along with her neighbors have concerns about the intersection of East Mountain Ave. and Mountainview Rd. Ms. Treonze presented photos to the Township Committee regarding mowing and trying to improve the visibility around that intersection. Ms. Treonze along with 48 neighbors have signed a petition regarding this situation.

Mayor Tomson stated he and Ms. Treonze have spoken about this concern previously, and he is aware of the intersection in question. The Township DPW trucks were out to look at the area a week prior. Mayor Tomson noted that this is something that will not be able to come out of our

regular budget, but rather the capital budget. Engineering is looking at costs and how the Township can handle this.

Ms. Treonze asked that DPW come out to the area and mow the area.

Administrator Anthony Ferrera noted that Assistant Township Engineer Tom Belanger has spoke with Ms. Treonze and along with DPW they are working with the County to see what could be done in that area. Committeewoman McCauley stated that DPW has been out to mow the area, and Anthony Ferrera stated that DPW will be out again to mow the area.

Mayor Tomson noted again, that the Township is fully looking into this concern.

Committeeman DelCore asked Chief Kaminsky if he had any further comments.

Chief Kaminsky stated that the Police Department has looked into this area as well. Chief Kaminsky noted that the main problem in that area is the hill, and cutting back the vegetation has helped.

Mr. Treonze, Sally's husband, reiterated the same concerns his wife spoke about.

**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. The project consists of 40 affordable rental apartments plus 14 affordable special needs units, equating to 68 up to 108 affordable housing tax credits.

Mayor Tomson continued to report that if the Township relied upon a more traditional affordable housing mechanism the Township would have to permit the development of 340 units of which of 68 would be affordable. Furthermore, for the Township to obtain 108 affordable housing tax credits, the Township would have to permit the development of 540 units, of which 108 would therefore be affordable. The PILOT furthers the Township's interest in meeting its affordable housing obligation while at the same time minimizing the impact of far greater, and more dense development on the community as a whole. Under New Jersey Housing Mortgage Finance Agency standards, a 100 percent affordable housing project such as this one would not be eligible for tax credit financing unless Hillsborough issued a PILOT.

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

Committeeman DelCore stated that when people hear "abatement" they feel that the development is not contributing to the Township in a fair way. This is not paying traditional taxes, but will contribute revenue to the Township in the form of payment in lieu of taxes. This means that payment made to the Township is not traditional, and that is the reason it is called an abatement. This development assists the Township in meeting its affordable housing obligation, which is a significant obligation. In 2008 the Township had to put together the round 3 obligations, and this development has been part of that plan since that time. The Township has tried to put a plan in place that meets state requirements, meets our obligations and keeps developers from suing the town under a builder's remedy which would allow them to build significant denser housing on the same property. In 2008 the obligation called for 600 units. This development with 54 units, 40 affordable rentals, and 14 special needs rentals count for double credits. We would need to build 540 regular housing units to meet our obligation otherwise. This is a sensible way to move forward with this plan.

Committeewoman McCauley stated that this plan is the best way of approaching affordable housing in Hillsborough.

Resident Robert Corogana of 81 Marshall Road asked if it could be considered to have the development located further north rather than at the intersection of Amwell and Pleasantview for aesthetic reasons.

Mayor Tomson stated that this development will be constructed in a manner that will fit aesthetically into the community.

Committeeman DelCore noted that the Township Committee does not hear issues about the site plan, but that concerns of that nature are the legal responsibility of the Planning Board.

Committeeman DelCore stated that it is much more complicated than moving the complex north, given all of the planning and hearings that have taken place already.

Mayor Tomson reiterated that the complex is a two story building that will fit into the community just as any other apartment complex in the Township.

Committeeman DelCore asked Brendan McBride of RPM Development to present a drawing of a similar complex in Franklin Township that has already been built. The drawing is meant to give an idea of the style of the building to be built in Hillsborough.

Mr. McBride stated that RPM does not just build the building; they manage the complex for the next thirty to forty years.

Resident Amadeo D'Adamo Jr. of 913 Renate Dr., Unit 4 began by commending how wonderful the Clerk's Office handled any concerns he had recently, and then expressed his concern that this project is designated as an Urban Renewal project and he felt this is not an urban area.

Township Attorney, Eric Bernstein stated that the phraseology "urban area" refers to the tax program for the funding; it does not necessarily have to be under the definition of an urban renewal or urban area.

Mr. D'Adamo inquired about the \$924,000 that will be given from the fund to the builder, how is the fund collected, and how is it distributed?

Mayor Tomson stated the affordable housing trust fund that each municipality has, is funded by developers.

Attorney, Bill Willard stated that the only thing these funds can be used for is this type of affordable housing purposes.

Mayor Tomson stated that none of the money is from property taxes; it is all from developers as they're building in town.

Mr. D'Adamo asked additional questions regarding the calculation as to how many children will need to be educated in Hillsborough as a result of this project.

Mayor Tomson stated that according to the Township's Affordable Housing consultant, the estimated number of children is 33.

Further discussion ensued regarding the calculation of the number of children versus the number of children in the area.

Mr. D'Amado inquired about the tax abatement of 30 years.

Mayor Tomson stated that the reason for this is to avoid the building of 540 units in Hillsborough.

Mr. Eric Bernstein stated that it is also required by the provisions of the tax credit obligation.

Mr. D'Amado inquired about the access to the property.

Mr. Eric Bernstein stated that there are two access points to the property, which will afford emergency service vehicles access.

Mr. Eric Bernstein further stated that there is an easement and it is proposed for an extension beyond that point.

Mr. Bill Willard reiterated that there are two access points in the back. There is a legal right, there is an easement.

Mayor Tomson stated that if Mr. D'Amado had any other questions of this nature he reach out to the Township Planner who could help with this type of information.

Committeeman DelCore noted that any site plan questions are valid points, but will need to be discussed with Planning.

Resident Susan Gulliford, Hunt Club Road asked if the 14 special needs units will be adults only and how does the Pilot program compare to regular taxes?

Mayor Tomson stated yes, adults only.

Mr. Bill Willard stated that the only way to determine the comparison would be after the project is built the assessor would assess it.

Ms. Gulliford found a similar RPM development in Orange for comparison purposes. The tax abatement was 15 years.

Mayor Tomson noted that there is no way of telling how many units in that development are affordable housing or disabled which makes it difficult to compare the two.

Ms. Gulliford asked if RPM can transition along the way to make the affordable housing units into market rate units.

Mayor Tomson confirmed that they cannot make these units market rate.

Ms. Gulliford asked if the Pilot program includes school taxes.

Mr. Eric Bernstein stated that only on the land portion of school taxes included and this is no different than any other Pilot programs.

Mayor Tomson stated that the Pilot agreement does not include the Board of Education. Enrollment in the schools is down at this time. We do not know at this time what amount the school system would not receive without any assessment.

Committeeman DelCore noted that schools will only be impacted by 40 apartments rather than 540 units. This is a lot less of an obligation.

Resident Ann Harris of 25 Beverly Dr. stated that she has been in the school district for over 20 years, and she stated that 33 children is a very low number to project for this development.

Mayor Tomson stated that the numbers projected are based on the proposed units.

Mr. Eric Bernstein stated that in order to build the number of units that is required of this municipality to get Affordable Housing credit, the possibility is almost 1,100 children. This number of 33 children is an estimate on the bedroom mix and related items.

Committeeman DelCore stated that the estimated 33 children is not a random number, this is a statistical number based on calculations completed by our Affordable Housing consultant.

Resident Lloyd Haas, of 2 Titus Ct. inquired about Section D which indicates obtaining the title and he asked if this has happened yet.

Mr. Eric Bernstein stated that they are in the process of obtaining the title.

Amadeo D'Amado asked if the Township Committee could ask the Planning Board to build a recreational area in the development.

Mr. Eric Bernstein stated no, as it is a Planning Board issue as part of the site plan.

Committeeman DelCore indicated that the Planning Board is its own separate governing body, and legally this is not acceptable. Committeeman DelCore stated that both he and Deputy Mayor Burchette sit on the Planning Board and Mr. D'Amado's point has been noted.

Upon motion by Committeeman DelCore seconded by Deputy Mayor Burchette, the Public Hearing was closed and Ordinance 2015-13 was adopted 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:

**CLASSIFICATION**

**MINIMUM**

**MAXIMUM**

**Police Department**

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.

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 roll.

Upon motion by Deputy Mayor Burchette seconded by Committeewoman McCauley, the Public Hearing was closed and Ordinance 2015-14 was adopted and unanimously approved upon call of the roll.

## INTRODUCTION OF NEW ORDINANCES

**ORDINANCE 2015-15            AN ORDINANCE AMENDING CHAPTER 211 (NOISE) , AND AMENDING CHAPTER 188, SECTION 107(G)(7), GI – GENERAL INDUSTRIAL DISTRICT, PERFORMANCE STANDARDS, OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

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

**Section 1:** Amend Chapter 211 by removing entire Chapter 211 and replacing it with this amended Chapter 211 as follows:

### **Chapter 211. Noise**

#### **§ 211 – 1 Declaration of findings and policy.**

**WHEREAS**, excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and

**WHEREAS**, a substantial body of science and technology exists by which excessive sound may be substantially abated; and

**WHEREAS**, the people have a right to, and should be ensured of, an environment free from excessive sound.

**NOW THEREFORE**, it is the policy of Township of Hillsborough to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within Township of Hillsborough.

**§ 211 – 2 Definitions.**

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

**CONSTRUCTION** means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

**dB(C)** means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

**DEMOLITION** means any dismantling, destruction or removal of buildings, structures, or roadways.

**DEPARTMENT** means the New Jersey Department of Environmental Protection.

**EMERGENCY WORK** means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

**IMPULSIVE SOUND** means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

**MINOR VIOLATION** means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

**MOTOR VEHICLE** means any vehicle that is propelled other than by human or animal power on land.

**MUFFLER** means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

**MULTI-DWELLING UNIT BUILDING** means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

**MULTI-USE PROPERTY** means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- (1) A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- (2) A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

**NOISE CONTROL OFFICER (NCO)** means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

**NOISE CONTROL INVESTIGATOR (NCI)** means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

**PLAINLY AUDIBLE** means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

**PRIVATE RIGHT-OF-WAY** means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

**PUBLIC RIGHT-OF-WAY** means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

**PUBLIC SPACE** means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

**REAL PROPERTY LINE** means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal

boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

**SOUND PRODUCTION DEVICE** means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

**SOUND REDUCTION DEVICE** means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

**WEEKDAY** means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

**WEEKENDS** means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

**§ 211 – 3 Applicability.**

A. This noise ordinance applies to sound from the following property categories:

- (1) Industrial facilities,
- (2) Commercial facilities,
- (3) Public service facilities,
- (4) Community service facilities,
- (5) Residential properties,
- (6) Multi-use properties,
- (7) Public and private right-of-ways,
- (8) Public spaces, and
- (9) Multi-dwelling unit buildings.

B. This noise ordinance applies to sound received at the following property categories:

- (1) Commercial facilities,
- (2) Public service facilities,
- (3) Community service facilities (i.e. non-profits and/or religious facilities),
- (4) Residential properties,
- (5) Multi-use properties,
- (6) Multi-dwelling unit buildings.

C. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

**§ 211 – 4 Exemptions.**

- A. Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.
- B. Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- C. Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX below.

**§ 211 – 5 Enforcement officers.**

- A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- B. Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- C. Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

**§ 211 – 6 Measurement protocols.**

- A. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.
- B. When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

**§ 211 – 7 Maximum permissible sound levels.**

- A. No person shall cause, suffer, allow, or permit the operation of any source of sound on any

source property listed in III.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

**B. Impulsive Sound**

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I  
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS  
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property	Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II  
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS  
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property	Commercial facility or non-residential portion of a multi-use property	
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III  
MAXIMUM PERMISSIBLE OCTAVE  
BAND SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility or non-residential portion of a multi-use property
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

**§ 211 – 8 Sound production devices.**

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV  
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS WITHIN A RESIDENTIAL  
PROPERTY**

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

**§ 211 – 9 Restricted uses and activities.**

The following standards shall apply to the activities or sources of sound set forth below:

A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

**§ 211 – 10 Motor vehicles.**

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

A. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of- way.

B. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

C. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

D. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

**§ 211 – 11 Enforcement.**

A. Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

B. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

C. Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

D. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.

(1) The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

(2). The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the NCO or NCI It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

E. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non- minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

F. The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

G. The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

H. The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

I. Any claim for a civil penalty may be compromised and settled based on the following factors:

- (1) Mitigating or any other extenuating circumstances;
- (2) The timely implementation by the violator of measures which lead to compliance;
- (3) The conduct of the violator; and
- (4) The compliance history of the violator.

**§ 211 – 12 Consistency, Severability and Repealer.**

A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

B. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

C. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

**Section 2.** Amend Chapter 188, Section 107 (g)(7), GI – General Industrial District, Performance Standards, Noise, removing this section in its entirety and substituting with the following:

(7) Noise: The use shall conform with Chapter 211 Noise.

**Section 3.** This ordinance has been submitted to and has received the written consent of the Somerset County Department of Health, who has agreed to act as the authorized enforcement agency for the Township.

**Section 4.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provision of this Ordinance shall be cumulative with, and not in Substitution for, all other applicable zoning, planning, and land use regulations.

**Section 5.** 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 6.** 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 7.** 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 8.** Effective Date. This ordinance shall take effect immediately upon its adoption, **passage** and publication according to law.

**Section 9.** After adoption, this Ordinance shall be submitted to the New Jersey Department of Environmental Protection with appropriate certification and written consent letter from Somerset County Health Department.

Mayor Tomson stated that this ordinance amends the Township's code book in accordance with the model ordinance received from the New Jersey Department of Environmental Protection.

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

## CONSIDERATIONS

- 1. RESOLUTION OF THE TOWNSHIP OF HILLSBOROUGH AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT ON BEHALF OF THE TOWNSHIP WITH AMWELL COMMONS URBAN RENEWAL ASSOCIATES, L.P. AND LIVE MANAGEMENT, INC. TO PROVIDE A GRANT IN THE AMOUNT OF \$928,000.00 FUNDED FROM THE TOWNSHIP'S AFFORDABLE HOUSING TRUST FUND TO PROVIDE FINANCIAL ASSISTANCE TO THIS AFFORDABLE HOUSING PROJECT**

**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 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 hereto to the Grant Agreement as Exhibit A; and

**WHEREAS**, Life Management, Inc. ("Life Management") is a non-profit entity and is a limited partner of Amwell Commons; and

**WHEREAS**, the Project currently has a significant funding gap that must be bridged in order to make the Project financially feasible; and

**WHEREAS**, the Township has affordable housing trust funds which, under applicable law, may be used to provide financial assistance to developers constructing affordable housing projects; and

**WHEREAS**, the Township is willing to help eliminate the Project's funding gap with a grant funded by affordable housing trust funds to assist Amwell Commons in the construction of the Project; and

**WHEREAS**, Amwell Commons has requested that the Township issue the affordable housing trust fund grant to Life Management; and

**WHEREAS**, Life Management has agreed to contribute the affordable housing trust fund grant to the Amwell Commons for its use in the construction of the Project; and

**WHEREAS**, the Township is willing to provide Life Management with a grant in the amount of Nine Hundred Twenty-Eight Thousand Dollars and No Cents (\$928,000.00), to be funded out of the Township's affordable housing trust funds, to provide financial assistance for the Project, subject to the terms and conditions of the Grant Agreement attached hereto.

**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 Grant Agreement, in the form attached hereto, with Amwell Commons and Life Management.

Committeeman DelCore stated that the above amount sits in our Affordable Housing Trust Fund, funded by contributions from developers who have already completed projects in town. This is not coming out of tax dollars. It can only be utilized to fulfill Affordable Housing obligations.

Eric Bernstein stated that this has been approved by the Special Master who oversees Affordable Housing here in the Township, and has also been approved by Judge Buxbaum for the transfer of funds.

Susan Gulliford, Hunt Club Road. What is Life Management Inc.?

Brendan McBride, RPM Management stated that Life Management is a non-profit organization that RPM works with to provide social services for the project.

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

**2. RESOLUTION TO RENEW TOWNSHIP LIQUOR LICENSES FOR THE 2015-2016 LICENSE TERM**

**WHEREAS**, the Hillsborough Township Police Department has conducted a thorough investigation of each retail licensee and club licensee to insure that criminally disqualified and other unfit persons do not acquire or hold direct interests in the retail alcoholic beverage industry; and

**WHEREAS**, the Township Clerk has certified that each licensee has posted the required municipal fee of \$2,500 for a Plenary License and \$188 for the Club License; and

**WHEREAS**, the Township Clerk has further certified that each licensee has been granted a New Jersey State Tax Clearance Certificate as required by law; and

**WHEREAS**, as a result of the aforementioned investigations, a report by the Hillsborough Police Department has been submitted confirming that the applicants are not subject to any of the disabilities set forth in Title 33 New Jersey Statutes; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough that Plenary Retail Consumption Licenses are hereby renewed to the following license holders for the year 2015-2016 effective July 15, 2015.

Mayor Tomson stated that the holders of Township liquor licenses listed in this resolution have paid the requisite fees, have been reviewed by the Police Department and have filed the appropriate documentation to have their licenses renewed.

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

**3. RESOLUTION AUTHORIZING THE PROMOTION OF JOHN SHERIDAN TO THE POSITION OF DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT / POLICE PROPERTY SUPERVISOR FOR THE TOWNSHIP OF HILLSBOROUGH EFFECTIVE JULY 1, 2015 AT AN ANNUAL BASE SALARY OF \$48,811.00**

**WHEREAS**, the Administrator and the Chief of Police recommended that John Sheridan be promoted to Director of the Office of Emergency Management / Police Property Supervisor for the Township of Hillsborough effective July 1, 2015 at an annual base salary of \$48,811.00.

**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 Administrator and the Chief of Police to promote John Sheridan to the position of Director of the Office of Emergency Management / Police Property Supervisor at an annual base salary of \$48,811.00 is hereby accepted and approved.

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

**4. RESOLUTION EXTENDING THE GRACE PERIOD FOR PAYMENT OF THIRD QUARTER ESTIMATED TAXES FOR 2015 TO AUGUST 24, 2015**

**WHEREAS**, changes to the block and lot designations for the Township of Hillsborough tax accounts will result in the late printing of the estimated tax bills; and

**WHEREAS**, pursuant to Chapter 72 of the Laws of 1994 the Township must provide 25 calendar days after the bills are mailed for payment without penalty.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, extends the grace period for the payment of third quarter 2015 taxes to August 24, 2015, after which time interest will be assessed at the rate already adopted by the Township from the statutory due date of August 1<sup>st</sup>.

Mayor Tomson stated that as Deputy Mayor Burchette mentioned earlier this evening, as a result of the mailing of the tax bills on July 28<sup>th</sup>, the grace period has been extended until August 24<sup>th</sup>.

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

**5. RESOLUTION AWARDING A CONTRACT FOR 2015 SIDEWALK AND CURBING REPLACEMENT TO A-TEAM CONCRETE, INC. IN AN AMOUNT NOT TO EXCEED \$75,000.00**

**WHEREAS**, the Township Engineer has determined that there is a need for sidewalk and curb replacement; and

**WHEREAS**, sealed bids were opened and read on June 17, 2015 at 10:30 a.m., which was the time and place provided for in the Notice to Bidders entitled "2015 Sidewalk and Curbing Replacement" in accordance with the Local Public Contracts Law; and

**WHEREAS**, the Township received four (4) bids with the lowest bid from A-Team Concrete, Inc. from South River, New Jersey.

**WHEREAS**, the specifications provide that the award of the contract shall be made to the lowest responsible bidder; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-2(27) "The lowest responsible bidder is the one who conforms to all requirements of a specification and applicable statutory provisions"; and

**WHEREAS**, the Qualified Purchasing Agent has determined that the lowest responsible bidder is A-Team Concrete, Inc.; and

**WHEREAS**, the Township Assistant Engineer has reviewed the proposal and has provided the Township Committee with a memorandum recommending awarding the contract to A-Team Concrete, Inc.; and

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

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

1. An award of contract for the entitled "2015 Sidewalk and Curbing Replacement" is made to A-Team Concrete, Inc. in an amount not to exceed \$75,000.00.
2. The Mayor and Township Clerk are hereby authorized to execute a contract which shall delineate within it all of the terms of this Resolution and the contract documents.
3. A notice of this action shall be printed in the official Township newspaper.

Mayor Tomson stated that the Township sought sealed bids for the above mentioned project and on June 17, 2015, received four bids in response. The Assistant Township Engineer and QPA have reviewed said bids and make the above recommendation.

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

#### **CONSENT**

- 1. RESOLUTION APPROVING THE APPLICATION FOR A CARNIVAL LICENSE FOR BARTON THOMPSON FOR THE SOURLAND MUSIC FESTIVAL TO BE HELD ON JULY 18, 2015**

**WHEREAS**, an application for a Carnival License has been filed by Barton Thompson for an event, to be held 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 a Carnival License for Barton Thompson for an event, to be held July 18, 2015.

**2. RESOLUTION CONFIRMING AND RATIFYING THE REFUND OF TAX OVERPAYMENTS IN THE AMOUNT OF \$531.35 (total properties 1)**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey hereby authorize the Tax Collector to refund said amounts to the property owners; total, \$531.35, properties, 1.

Block	Lot	Name	Amount	Qtr	Year
143	16	Papera, Marion	531.35	2 <sup>nd</sup>	2015

**3. RESOLUTION APPROVING REQUEST FROM MAHESH DADI FOR RELEASE OF CASH ESCROW FOR COMPLETION OF DEFICIENCIES AT 329 WOODS ROAD, IN THE TOTAL AMOUNT OF \$1,000.00**

WHEREAS, a request has been received from Mahesh Dadi for release of cash escrow for completion of deficiencies, in the total amount of \$1,000.00; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$1,000.00 cash escrow that was posted for the completion of these projects.

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 Assistant Township Engineer be and hereby is accepted and approved.

**4. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS OF \$10,750.28 FROM THE SUBDIVISION AND SITE PLAN ENGINEERING TRUST ACCOUNTS TO THE TREASURER'S ACCOUNT**

WHEREAS, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$10,750.28 should be transferred from Engineering inspection escrow accounts into the Treasurer's Account as indicated; and

**WHEREAS**, each of the project line items has been verified against the Treasurer's Office account records through June 30, 2015, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$10,750.28 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Country Classics – 4B	589	-265.22
Country Classics – 4C	612	-2,821.18
Country Classics – 4D	626	-631.36
Gateway @ Sunnymeade	472	-229.04
Gateway Phase 5	614	-789.20
Gateway Phase 6	620	-523.56
Green Village	607	-75.06
Hillsborough Chase II	488	-236.76
Mund Development	625	-2,580.90
PLEABEAZIN	477	-1,104.88
South Branch Estates	613	-520.04
Walgreen's Pharmacy	522	-973.08
Grand Total		\$- 10,750.28

**5. RESOLUTION RATIFYING AND CONFIRMING THE EXECUTION OF THE 2015 SOMERSET COUNTY MUNICIPAL YOUTH SERVICES COMMISSION ANNUAL GRANT APPLICATION**

**WHEREAS**, the Somerset County Municipal Youth Services Commission Grant Applications were due on June 30, 2015; and

**WHEREAS**, it is the desire of the Township Committee of the Township of Hillsborough to endorse the submission of said grant by the Hillsborough Youth Services Commission, requesting funds for the Teen Zone to be held at the Hillsborough Family YMCA.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the execution of the 2015 Somerset County Municipal Youth Services Commission application requesting funds for the Teen Zone to be held at the Hillsborough Family YMCA is hereby ratified and confirmed.

**6. RESOLUTION APPROVING THE REQUEST FROM THOMAS SULLIVAN AND BONNIE HIGGINS FOR RELEASE OF DEVELOPMENT REVIEW ESCROW IN THE AMOUNT OF \$132.06**

**WHEREAS**, a request has been received from Thomas Sullivan and Bonnie Higgins for the release of Development Review Escrow; and

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

**WHEREAS**, the Hillsborough Township Planning Director recommends that the Township Committee take action to release the \$132.06 Development Review Escrow because the work has been completed.

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

**7. RESOLUTION AUTHORIZING THE "2015 JASON'S RUN" TO BE HELD IN HILLSBOROUGH TOWNSHIP ON SUNDAY, AUGUST 2, 2015, PURSUANT TO THE REQUIREMENTS OUTLINED BY CHIEF PAUL KAMINSKY**

**WHEREAS**, Linda Walton has requested to hold the "2015 Jason's Run" on Sunday, August 2, 2015, in Hillsborough Township; and

**WHEREAS**, Linda Walton produced a certificate of insurance naming the Township of Hillsborough as an insured; and

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

**NOW, THEREFORE**, be it resolved by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that "Jason's Run" is hereby authorized to hold a race in Hillsborough Township on August 2, 2015.

**8. RESOLUTION AUTHORIZING HILLSBOROUGH TOWNSHIP TO ABATE PROPERTY MAINTENANCE VIOLATIONS AT THE SOLE COST AND EXPENSE OF THE RESPONSIBLE PARTY AND IMPOSE LIENS ON THE PROPERTIES IDENTIFIED AS BLOCK 174, LOT 116, BLOCK 169, LOT 5.10, BLOCK 5, LOT 2.03, BLOCK 204, LOT 21, BLOCK 142, LOT 49, BLOCK 11, LOT 36, BLOCK 11, LOT 18, BLOCK 169, LOT 53, BLOCK 152.07, LOT 3, BLOCK 161, LOT 4, BLOCK 183.04, LOT 11, BLOCK 179, LOT 34.05, BLOCK 169, LOT 32 AND BLOCK 175.18, LOT 9 FOR THE COSTS AND EXPENSES ASSOCIATED THEREWITH**

**WHEREAS**, Chapter 232 of the Township Code of the Township of Hillsborough was amended to add "Article II Vacant and Abandoned Residential Property" to require minimum property maintenance standards for vacant and abandoned residential properties within the Township to protect the public health, safety and welfare of the residents of the Township; and

**WHEREAS**, pursuant to Township Ordinance 232-9 et. seq., the enforcement officer issued Notices of Violation to the responsible parties to abate property maintenance violations at the following properties: Block 174, Lot 116, Block 169, Lot 5.10, Block 5, Lot 2.03, Block 204, Lot 21, Block 142, Lot 49, Block 11, Lot 36, Block 11, Lot 18, Block 169, Lot 53, Block 152.07, Lot 3, Block 161, Lot 4, Block 183.04, Lot 11, Block 179, Lot 34.05, Block 169, Lot 32 and Block 175.18, Lot 9; and

**WHEREAS**, the responsible parties for the identified properties failed to abate the violations in accordance with the Notices of Violation issued by the enforcement officer; and

**WHEREAS**, the enforcement officer issued Summons to the responsible parties for the identified properties for failure to abate the violations in accordance with the Notice of Violations issued; and

**WHEREAS**, in order to protect the public health, safety and welfare of the residents of the Township, the enforcement officer has requested the governing body adopt this Resolution authorizing the Township to abate the violations at the identified properties, at the sole cost and expense of the responsible parties, and that a lien for the costs and expenses associated therewith be placed on the identified properties in accordance with Township Ordinance 232-9 et. seq., and applicable law.

**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 is hereby authorized to abate the property maintenance violations as requested by the enforcement officer, at the sole cost and expense of the responsible parties, at the properties identified as Block 174, Lot 116, Block 169, Lot 5.10, Block 5, Lot 2.03, Block 204, Lot 21, Block 142, Lot 49, Block 11, Lot 36, Block 11, Lot 18, Block 169, Lot 53, Block 152.07, Lot 3, Block 161, Lot 4, Block 183.04, Lot 11, Block 179, Lot 34.05, Block 169, Lot 32 and Block 175.18, Lot 9.
2. The enforcement officer shall certify to the governing body the costs and expenses incurred to abate the property maintenance violations at each of the identified properties.
3. The governing body shall review the certificate of costs and expenses incurred to abate the property maintenance violations at each of the identified properties and if found acceptable, authorize a lien be placed against the properties. The amount of the authorized lien shall bear interest at the same rate as taxes and be collected in the same manner as any other taxes assessed and levied upon the properties.
4. The Township Clerk is directed to forward a copy of this Resolution, by certified and regular mail, to the responsible parties for the identified properties.

Upon motion by Deputy Mayor Burchette, seconded by Committeewoman McCauley, the consent agenda was unanimously approved upon call of the roll

### **CLAIMS LISTS**

Mayor Tomson asked to approve Claims Lists 2015-13.

Upon motion Deputy Mayor Burchette, seconded by Committeewoman McCauley, Claims List 2015-13 was unanimously approved upon call of the roll.

Upon motion by Committeeman DelCore, seconded by Committeewoman McCauley, the meeting duly adjourned at 9:26 p.m. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek  
Township Clerk