

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, Committeeman Suraci, Deputy Mayor Greg Burchette, and Mayor Doug Tomson. Also in attendance were Township Administrator Anthony Ferrera, Township Clerk Pamela Borek, and Township Attorney William Willard.

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. August 11, 2015.

APPROVAL OF MINUTES

- *Approval of the July 14, 2015 Regular Session Meeting Minutes*

Upon a motion by Deputy Mayor Burchette, seconded by Committeewoman McCauley, the minutes of the July 14, 2015 Regular Session were approved upon the call of the roll. Committeeman Suraci abstained.

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

Committeeman DelCore

Committeeman DelCore stated that the Parks & Recreation held their Campout and Fishing Derby on Friday, July 31 at Ann Van Middlesworth Park. About 200 campers participated in basketball and kickball games, a glow-in-the-dark night hike, and a campfire. Over 50 children participated in the Fishing Derby. Amanda Bizarro was the winner of the Fishing Derby; she caught a 6 lb. 4 oz. catfish. Committeeman DelCore thanked everyone who came out and participated in the Campout and Fishing Derby.

Committeeman DelCore noted that the Parent / Child Golf Outing will be held on Saturday, August 15 at 1:00pm at Hillsborough Country Club. Golf will begin at 1 pm and will be followed by a BBQ. Registration is available on the Recreation website and the participation fee is \$160 per (Parent / Child) team.

Committeeman DelCore stated that the Township's Dog Park located at Ann Van Middlesworth Park is open and many residents have been enjoying the park. Recently, there have been additions to the park such as benches, dog play items, and hurdles.

Committeeman DelCore announced that the 2nd Annual Hillsborough Senior Olympics will be held Friday, October 2nd with a rain date of Monday October 5th. The day's events will include

basketball court games, bean bag toss, pickle ball, ladder ball, golf, bocce ball and horseshoes. Medals will be awarded for the various events. Please contact the Recreation or Social Services Departments to register.

Committeeman DelCore stated that EBDC will be having a Networking Social on Wednesday, September 16th with a rain date of Thursday, September 17th. It will be held at Doyle's Unami Farm on Mill Lane. There will be a pig roast, corn mazes, and hayrides. The EBDC event is for businesses or people who own a business in town. Anyone interested in attending should go onto the hillsboroughbusiness.org website or there is a link on the Township website to register.

Committeewoman McCauley

Committeewoman McCauley stated that The 2015 National Drunk Driving Enforcement campaign, "Drive Sober or Get Pulled Over" goes into effect across the country August 19th through September 7th. By increasing enforcement efforts, raising public awareness and maximizing local resources, we are striving to make a difference in this national campaign and save more lives on the roadways.

Committeewoman McCauley noted that effective September 1st, there will be changes to the New Jersey Child Passenger Safety Law. The impending changes are for any child under the age of 8 years old and a height of 57 inches.

Committeewoman McCauley noted the information can be found in an upcoming edition of the Friday e-news.

Committeewoman McCauley stated that September is Ovarian Cancer Awareness Month. To help raise awareness of the disease, Susyn Timko who lost her mom to Ovarian Cancer, is looking for volunteers to help put up bows on the trees around the Municipal Complex on Tuesday, September 1st or Wednesday, September 2nd. Please contact Susyn at susyntimko@aol.com and let her know which date and time of day you can help.

Committeeman Suraci

Committeeman Suraci stated that later on in the meeting there is a Resolution accepting the Corrective Action Plan for the 2014 Audit. Committeeman Suraci was pleased to report that the Auditors have found the Township's financial records to be in complete compliance.

Deputy Mayor Burchette

Deputy Mayor Burchette stated that if a business owner, condominium association or apartment complex is repaving their parking lot, they must obtain a permit through the Engineering Department. There is a NJDEP State mandate that if a parking lot is repaved, any storm drainage inlets must be modified to meet the new storm water regulations which require the curb inlets to have smaller head openings to prevent bottles and cans from entering the storm system. Please contact the Engineering Department to go over the permit process. The NJDEP requires the Township to enforce these requirements.

Deputy Mayor Burchette noted that the Rotary Fair has been cancelled for this evening due to the weather. It will begin tomorrow evening and run through Sunday, August 16th. Wristband nights will be Wednesday, Thursday and Sunday. There will be a fireworks display on Friday night. Deputy Mayor Burchette also noted that he, Committeeman DelCore, Committeewoman McCauley and Mayor Tomson will be in the Dunk Tank starting at 7:00 p.m. on Thursday.

Mayor Tomson

Mayor Tomson stated that last week the Township hosted the Annual Purple Heart Ceremony. He thanked all of those who participated and came out to show support for our Veterans and Purple Heart recipients and for all that they have done to serve our country.

Mayor Tomson stated that he was pleased to announce three more accolades Hillsborough Township has received this summer:

- PhillyVoice ranked Hillsborough as the 7th best place to live in New Jersey.
- Niche.com listed Hillsborough 34th out of 11,000 plus suburbs as a best place to raise a family.
- The most recent is the SafeWise report in which Hillsborough is ranked 11th Safest Town in New Jersey, moving up from 19th last year.

Mayor Tomson stated that the 2015 Township Calendar will be brought back to Hillsborough after receiving favorable reviews. We will be once again issuing a Township Calendar for 2016. It will feature landscapes and scenery. Those interested in submitting high resolution photos can email their photos to the Township Clerk, Pam Borek at pborek@hillsborough-nj.org. This is a great opportunity to promote local businesses.

PRESENTATIONS

- *Certificates of Appreciation to Helen "Chickie" Haines, Gary Wiesner, Evan Klimko and Jim Roselli for their photos published in the Town Planner Calendar*

PROCLAMATIONS

- *Proclamation honoring Eagle Scout Scott Samuel Elliott*

WHEREAS, Samuel Elliott, a Hillsborough High School Senior, 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 Samuel devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

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

WHEREAS, Samuel has served in various leadership positions including Senior Patrol Leader, Assistant Patrol Leader, Patrol Leader and Quartermaster; and

WHEREAS, Samuel's Eagle Scout Project consisted of managing the construction of an information kiosk at the Oak Spring Girl Scout Camp; and

WHEREAS, Samuel's Eagle Scout Project is located at the Flag Field where the Girl Scouts meet each morning to receive daily news and activities; and

WHEREAS, Samuel successfully organized the time of ten Boy Scouts, four adult leaders, and two other adults, totaling one hundred and sixty- three hours of work; and

WHEREAS, Samuel 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 Samuel Elliott 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.

- ***Proclamation honoring Eagle Scout Nicholas Athanasiou***

WHEREAS, Nicholas Athanasiou, a Ridge High School Senior, 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 Nicholas devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

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

WHEREAS, Nicholas has served in various leadership positions including Assistant Senior Patrol Leader, Patrol Leader, Troop Guide and Den Chief; and

WHEREAS, Nicholas's Eagle Scout Project consisted of managing the repair and repainting of the handicap ramp to the Hillsborough Reformed Church Memorial Hall; and

WHEREAS, Nicholas successfully organized the removal of old and peeling paint, repaired rotted wood and repainted the handicapped ramp using non-slip gray paint to prevent slipping and to lower sun glare; and

WHEREAS, Nicholas successfully organized the time of nine Boy Scouts, six adult leaders, totaling ninety-two hours of work; and

WHEREAS, Nicholas 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 Nicholas Athanasiou 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.

- ***Proclamation honoring Eagle Scout Clement "Tyler" Obropta***

WHEREAS, Clement "Tyler" Obropta, an Ithaca College Freshman, 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 Tyler devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

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

WHEREAS, Tyler has served in various leadership positions including Senior Patrol Leader, Assistant Patrol Leader and Patrol Leader; and

WHEREAS, Tyler's Eagle Scout Project consisted of managing the construction of fencing, which spans the width of the parking lot preventing cars from sliding down a steep incline at the edge of the parking lot at the Somerset Valley Players Community Theatre; and

WHEREAS, Tyler's successfully organized the time of sixteen Boy Scouts, twelve adult leaders, and two other adults, totaling one hundred forty-six hours of work; and

WHEREAS, Tyler 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 Clement "Tyler" Obropta 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.

- **Proclamation honoring The Little Witches of Hillsborough**

WHEREAS, Hillsborough Township residents Tess DeDominicis and Cynthia DiMarco, performing as "The Little Witches" won third place this year in "Hillsborough's Got Talent"; and

WHEREAS, "The Little Witches" performance in the Hillsborough's Got Talent competition was their debut performance, however, Tess DeDominicis and Cynthia DiMarco have performed together in 2 theater productions at the Allegra School of Music & Arts including Annie Warbucks and Charlie Brown; and

WHEREAS, in addition to music, Tess has been studying dance for 6 years and is currently enrolled at the Premier Dance Academy and will be starting the 4th grade this fall at Sunnymead Elementary School; and

WHEREAS, in addition to this performance, Cynthia has also performed "What is this Feeling?" from Wicked and "I Won't Say I'm in Love" from Hercules and studies voice at Allegra School of Music; and

WHEREAS, "The Little Witches", developed their act under the guidance of Katie & Flo at the Allegra School of Music & Arts, whose dedication, time and hard work with Tess and Cynthia was critical to their success.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby commend Tess DeDominicis and Cynthia DiMarco for not only placing 3rd in "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 Tess DeDominicis and Cynthia DiMarco for the honor that they have brought to themselves, their group and our community through their many achievements and ongoing performances.

NEW BUSINESS

- None

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

- *None*

PUBLIC HEARINGS

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 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,	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	10 p.m.-7	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 Committeeman Suraci to open the public hearing, the resolution was unanimously approved upon call of the role.

Upon motion by Deputy Mayor Burchette seconded by Committeewoman McCauley the Public Hearing was closed and Ordinance 2015-15 was adopted and unanimously approved upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

ORDINANCE 2015-16 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>Administration</u>		
Communications/Social Media Coordinator Part-Time	\$15.00/Hr.	\$28.00/Hr.

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

Mayor Tomson stated that further consideration of this ordinance and a public hearing will be held on September 8, 2015.

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

ORDINANCE 2015-17 AN ORDINANCE AUTHORIZING DISBURSEMENT IN THE AMOUNT OF \$500,000.00 FROM THE TOWNSHIP OF HILLSBOROUGH OPEN SPACE TRUST FUND TO ASSIST THE COUNTY OF SOMERSET IN THE PURCHASE OF THE PROPERTY IDENTIFIED ON THE TOWNSHIP OF HILLSBOROUGH TAX MAP AS BLOCK 169, LOTS 4.02 AND 4.03 FOR OPEN SPACE

WHEREAS, the County of Somerset holds an Option to purchase approximately 78.7 acres of property owned by John Higgins and identified on the Tax Map of the Township of Hillsborough as Block 169, Lots 4.02 and 4.03 ("Property"); and

WHEREAS, the County of Somerset requested the Township of Hillsborough assist and provide a contribution to the County for the purchase of the Property to preserve the Property as open space; and

WHEREAS, the Property following purchase will be owned by the County of Somerset and maintained as open space; and

WHEREAS, the Township of Hillsborough Open Space Committee recommended the Township assist the County with the purchase of the Property and that \$500,000.00 be appropriated from the Township Open Space Trust Fund for this purpose; and

WHEREAS, the Township Committee believes it is in the best interests of the residents of the Township that the Property be preserved as open space; and

WHEREAS, the Township of Hillsborough Chief Financial Officer confirmed sufficient funds are available in the Open Space Trust Fund for this appropriation.

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

1. \$500,000.00 is hereby appropriated from the Open Space Trust Fund to assist the County of Somerset with the purchase of the Property.
2. The Property shall be owned by the County of Somerset and maintained as open space.
3. In the event the County of Somerset sells the Property or does not maintain the Property as open space, the County shall reimburse the Township of Hillsborough in the amount of \$500,000.00.
4. The Township of Hillsborough Mayor and Clerk are hereby authorized to execute a Participation Agreement with the County of Somerset in accordance with this Ordinance and in a form approved by the Township Attorney.
5. This Ordinance shall take effect upon final adoption and publication according to law.

Mayor Tomson stated that further consideration of this ordinance and a public hearing will be held on September 8, 2015.

Township Attorney, Bill Willard stated that there is an opportunity to acquire 78 acre parcel land part of Sourland Mountain Preserve. The county has acquired a right to purchase this property, and the Township will be participating in the purchasing of this property with a contribution of \$500,000.00.

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

CONSIDERATIONS

1. RESOLUTION AWARDING A "NON FAIR AND OPEN" PROFESSIONAL SERVICES CONTRACT TO STERLING DISANTO & ASSOCIATES FOR APPRAISAL SERVICES FOR VALLEY ROAD FLEX PARK ASSOCIATES, BLOCK 151.09, LOT 227, HILLSBOROUGH, NEW JERSEY

WHEREAS, there exists a need for appraisal services in connection with the pending tax appeals for Valley Road Flex Park Associates, Block 151.09, Lot 227, Hillsborough, New Jersey; and

WHEREAS, the Tax Assessor recommends awarding the contract for Professional Services to Sterling DiSanto & Associates to perform appraisal services in an amount not to exceed \$2,500.00 for a Phase I, Preliminary Analysis and \$3,500.00 for a Phase II, Trial Ready Report, in accordance with proposal submitted; and

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

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

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

1. Sterling DiSanto & Associates is appointed, through the "Non Fair and Open" process to perform appraisal services for above mentioned property, in accordance with the proposal submitted.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law because these services will be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, the performance of which service requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instructions as distinguished from general academic instruction or apprenticeship and training.
3. The Mayor and Township Clerk are hereby authorized to execute the Township's standard form of agreement for "Professional Services" and any modifications thereto and related constituent documents as may be found acceptable by the Township Committee.
4. A notice of this action shall be printed once in the official Township newspaper.

Mayor Tomson stated that there exists an outstanding tax appeal on this property and the property owner has acquired an appraisal for the property. Since the Plaintiff has obtained an appraisal for the property it behooves the Township as per the Judge in the matter to also obtain an appraisal of the property. The Tax Assessor recommends the aforementioned contract be awarded to complete said appraisal.

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

2. RESOLUTION AUTHORIZING THE HIRING OF CHRISTOPHER HUDDY, AS A PART-TIME TEMPORARY BUILDING INSPECTOR, IN THE TOWNSHIP BUILDING DEPARTMENT, EFFECTIVE AUGUST 12, 2015, AT \$30.00 AN HOUR, NOT TO EXCEED 29 HOURS PER WEEK

WHEREAS, there exists a need for a part-time temporary Building Inspector in the Township's Building Department; and

WHEREAS, the Construction Official recommends the hiring of Christopher Huddy, as a part-time temporary Building Inspector, effective August 12, 2015, at \$30.00 per hour not to exceed 29 hours per week.

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

Mayor Tomson stated that there exists a vacancy in the building department for a part-time building inspector. The Construction Official has made the recommendation of this part-time hire.

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

3. RESOLUTION AUTHORIZING THE APPOINTMENT OF ERIC CHRISTENSEN AS PART TIME HANDYMAN FOR THE HILLSBOROUGH MUNICIPAL BUILDING, AT AN HOURLY RATE OF \$14.50 PER HOUR, NOT TO EXCEED 15 HOURS PER WEEK, EFFECTIVE AUGUST 12, 2015

WHEREAS, there is the need for part time Handyman for the Hillsborough Municipal Building; and

WHEREAS, the Director of Public Works recommends the appointment of Eric Christensen to the position of part time Handyman for the Hillsborough Municipal Building at an hourly rate of \$14.50 per hour, not to exceed 15 hours per week.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the recommendation of the Director of

Public Works is hereby accepted and approved, and Eric Christensen be appointed to the position of part time Handyman for the Hillsborough Municipal Building at an hourly rate of \$14.50 per hour, not to exceed 15 hours per week.

Mayor Tomson stated that the Director of DPW has recommended Eric Christensen for this position.

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

4. RESOLUTION ACCEPTING AND APPROVING THE CORRECTIVE ACTION PLAN FOR THE 2014 AUDIT

WHEREAS, in accordance with Local Finance Notice 92-15, Hillsborough Township must submit a Corrective Action Plan for 2015 to the Division of Local Government Services in regards to the Township Audit of 2014.

BE IT RESOLVED that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey hereby accepts and approves the attached "2014 Corrective Action Plan for the Township of Hillsborough" as submitted by Chief Finance Officer Nancy Costa.

Mayor Tomson stated that all departments were found to be in compliance in 2014, with no audit comments necessary. The corrective action plan is instituted by the Chief Financial Officer to respond to the recommendations that that the auditors made in the annual audit. In the 2014 audit, both recommendations relate to grants received in prior years, which will be researched and reviewed. These results are credited to the ongoing dedication of our Municipal employees.

Committeeman Suraci stated that the auditors did make two improvement recommendations which are contained in the Corrective Action Plan. This is just a reflection of our business like approach to Township finances proven effective by the yearly consistently favorable audit results.

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

5. RESOLUTION AUTHORIZING THE EXECUTION OF A MEMBER AGREEMENT WITH THE MIDDLESEX REGIONAL EDUCATIONAL COMMISSION CO-OP

WHEREAS, the Middlesex Regional Educational Commission ("MRESC") is the Lead Agency for a voluntary cooperative pricing system at no cost to municipalities, boards of educations and other public bodies located in the County of Middlesex and adjoining counties; and

WHEREAS, the Township's Qualified Purchasing Agent recommends the execution of a member agreement with the MRESC Co-Op, as it provides substantial savings on various goods and services to its members through the cooperative public bidding process.

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

1. The Mayor and Township Clerk are hereby authorized to execute an Agreement with the Middlesex Regional Educational Commission Co-Op pursuant to N.J.S.A. 40A:11-11 (5).
2. The Township Clerk is hereby directed to submit a copy of this adopted resolution, along with the executed Agreement, to the Middlesex Regional Educational Commission as Lead Agency of the MRESC Co-Op.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Hillsborough Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

Mayor Tomson stated that Purchasing Cooperatives offer lower pricing on items that municipalities purchase because the co-op bids the items in larger quantities. The Middlesex Regional Education Commission Co-Op offers free membership and currently has a membership of over 900 townships, schools and utility authorities.

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

6. RESOLUTION AUTHORIZING THE PURCHASE OF AN AALADIN 71-430C HOT WATER HIGH PRESSURE WASHER IN AN AMOUNT NOT TO EXCEED \$12,823.00

WHEREAS, the Township of Hillsborough solicited quotes for an Aaladin 71-430C Hot Water High Pressure Washer and three (3) quotes were received as follows:

Aquatech of South Jersey	\$12,823.00 (including delivery & trade-in)
Pressure Services Inc.	\$16,015.00 (including delivery & trade-in)
Aaladin Cleaning Systems	\$16,805.00 (including delivery only)

WHEREAS, both the Director of Public Works and the Township Qualified Purchasing Agent recommend the purchase of an Aaladin 71-430C Hot Water High Pressure Washer from Aquatech of South Jersey in an amount not to exceed \$12,823.00; and

WHEREAS, funds are available and have been certified as such by the Chief Finance Officer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it hereby authorizes and approves the purchase of an Aaladin 71-430C Hot Water High Pressure Washer from Aquatech of South Jersey in an amount not to exceed \$12,823.00.

Mayor Tomson stated that the Capital Committee recommended the purchase of a hot water high pressure washer, which will be used by the Department of Public Works for the maintenance of equipment.

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

7. RESOLUTION AUTHORIZING A SALARY INCREASE FOR SARAH BRAKE, A PART-TIME FLOATER FOR THE TOWNSHIP OF HILLSBOROUGH, TO \$16.50 PER HOUR NOT TO EXCEED 29 HOURS PER WEEK, EFFECTIVE AUGUST 17, 2015

WHEREAS, the Administrator recommends a salary increase for Sarah Brake, a part time floater for the Township of Hillsborough, to an hourly rate of \$16.50 per hour, not to exceed 29 hours per week, due to additional responsibilities she will assume.

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, be and hereby are accepted and approved.

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

8. RESOLUTION DECLARING OTS-NJ, LLC, IN DEFAULT FOR FAILURE TO SATISFY AND PERFORM ITS OBLIGATIONS UNDER THE CONTRACT FOR THE SANITARY SEWER EXTENSION PROJECT AND AUTHORIZING THE TOWNSHIP TO PURSUE ACTION AGAINST AEGIS SECURITY INSURANCE COMPANY BASED ON THE PERFORMANE BOND AND LABOR AND MATERIAL PAYMENT BOND SUBMITTED FOR THE PROJECT

WHEREAS, pursuant to the Local Public Contracts Law, the Township of Hillsborough advertised and received bids for its Sanitary Sewer Extension Project; and

WHEREAS, pursuant to the Local Public Contracts Law, the Township of Hillsborough adopted a Resolution on January 27, 2015, awarding a Contract to OTS-NJ, LLC, for the Sanitary Sewer Extension Construction Project based on OTS-NJ being the lowest responsible bidder; and

WHEREAS, OTS-NJ entered into a Contract with the Township of Hillsborough dated February 23, 2015, for the construction of the Sanitary Sewer Extension Project; and

WHEREAS, as required by the Contract and Bid Specifications, OTS-NJ submitted to the Township a Performance Bond and Labor and Material Payment Bond from AEGIS Security Insurance Company for their faithful performance of all obligations under the Contract; and

WHEREAS, OTS-NJ has failed to satisfy and perform its obligations under the Contract in that OTS-NJ abandoned the Project and has not been on the job site since July 21, 2015; and

WHEREAS, the OTS-NJ Superintendent for the Project advised the Township the owner of OTS-NJ was closing the company; and

WHEREAS, based on OTS-NJ abandoning the Project, the Township Attorney forwarded correspondence to AEGIS Security Insurance Company on July 23, 2015 declaring OTS-NJ in default and demanding AEGIS Security Insurance Company take immediate action to satisfy their obligations under the Bonds issued.

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 hereby declares OTS-NJ, LLC, in default for failure to satisfy and perform the obligations under the Contract and Bid Specifications for the Sanitary Sewer Extension Project.
2. The Township hereby ratifies and confirms the default notice sent to AEGIS Security Company on July 23, 2015, by the Township Attorney.
3. The Township Attorney is hereby authorized to take all action deemed necessary against AEGIS Security Insurance Company based on the Performance Bond and Labor and Material Payment Bond submitted for the Project.
4. The Township Attorney is further authorized to take all action deemed necessary against OTS-NJ, LLC, based on their default under the Contract.

Committeeman DelCore noted that we are disappointed in OTS for their failure to satisfy. The bonds are in place and it allows us the opportunity to utilize the bonds to finish the project so that there is no impact to the overall project.

Mayor Tomson stated that this company defaulted in 9 other towns, and this is why we have bonds.

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

9. RESOLUTION AUTHORIZING AND EXTENDING THE DATE FOR COMPLETION OF IMPROVEMENTS AS SET FORTH IN AN ACCESS AND UTILITY EASEMENT BETWEEN THE TOWNSHIP OF HILLSBOROUGH AND JOHN C. ZAMKOTOWICZ FOR THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 199, LOT 18, TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY

WHEREAS, John C. Zamkotowicz (hereinafter "Zamkotowicz") obtained Preliminary and Final Major Subdivision Approval for four single-family building lots to be known as Lots 18, 18.02, 18.03

and 18.04, Block 199 by the Hillsborough Township Planning Board on September 4, 2008 and a Resolution of Memorialization was adopted for said Preliminary and Final Major Subdivision Approval; and

WHEREAS, pursuant to the provisions of the Final Major Subdivision Plan and said Resolution of Memorialization, access to new Lots 18.02, 18.03 and 18.04, Block 199 only will be via a "paper street" known as Vroom Drive which is shown on a certain map known as "Roycebrook Estates, Section 1" which was filed in the Somerset County Clerk's Office as Map Number 1251; and

WHEREAS, the Township of Hillsborough adopted Ordinance No. 2011-06 authorizing the sale by auction of said easement over Vroom Drive in accordance with N.J.S.A. 40A:12-13(a); and

WHEREAS, Zamkotowicz was the successful bidder at the sale which was an auction sale made by the Township of Hillsborough; and

WHEREAS, pursuant to said Ordinance No. 2011-06 and a subsequent contract of sale between the Township of Hillsborough and Zamkotowicz, the Township granted and conveyed to Zamkotowicz the attached Access and Utility Easement dated September 28, 2011 and recorded by the Somerset County Clerk on December 13, 2011 in Book 6474, Pages 1169-1178; and

WHEREAS, pursuant to the terms of the Access and Utility Easement, Zamkotowicz was to complete all improvements set forth therein by June 16, 2013, and upon failure to do so, all easement rights would automatically revert to the Township and all rights of Zamkotowicz would be terminated; and

WHEREAS, Zamkotowicz previously requested and the Township granted three (3) separate extensions of time for Zamkotowicz to complete the improvements set forth in the Access and Utility Easement in consideration for payments from Zamkotowicz in the amount of \$7,500.00 for each extension; and

WHEREAS, Zamkotowicz now requests an extension of time for the completion of the improvements set forth in the Access and Utility Easement to July 31, 2016 and Zamkotowicz further requests the extension be granted without compensation given the previous consideration Zamkotowicz has paid to the Township for the easement itself and the three (3) prior extensions.

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 date for completion of all improvements set forth in the attached Access and Utility Easement between John C. Zamkotowicz and the Township of Hillsborough shall be extended to July 31, 2016.
2. All other terms of the Access and Utility Easement shall remain unchanged.

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

CONSENT

1. RESOLUTION AUTHORIZING THE TRANSFER FROM PLANNING/BOARD OF ADJUSTMENT ESCROW TO THE TREASURER'S ACCOUNT

WHEREAS, that in accordance with the following summary of accrued Planning and Zoning charges related to plan review for April, May and June 2015, a total of \$5,887.62 should be transferred from the Planning/Board of Adjustment 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 for the period beginning 04/01/15 and ending 06/30/15 to ensure that sufficient funds are available for these transfers for unanticipated revenues.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$5,887.62 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurer's Account.

<u>Client</u>	<u>Application #</u>	<u>Escrow Name</u>	<u>Amount</u>
751 Highway 206 Associates, LLC	15-PB-10-INF	751hHWYPL	\$302.83
AGARWAL, Vinay	BA-15-05	AGARWALPL	\$88.65
Amwell Commons (RPM Development, LLC)	15-PB-09-MSRV/SR	AMWELLPB	\$430.61
Copart of Connecticut, Inc. - Amended	14-PB-15-SR	COPARTCTPB	\$163.06
DOHERTY, Stephen & Marlana	BA-15-08	DOHERTYPL	\$75.99
Glen Gery (GG RE Co.)	15-PB-04-MR	GLENGGREPL	\$559.08
Jersey Development, LLC	BA-15-06	JERSEYPB	\$278.63
Lin, Jinquan	BA-15-03	LINJINQUPL	\$113.98
Long Hill Kennels (Expansion)	BA-15-02	LONGHILLPL	\$101.32
MAAC Development Group, Inc. - Amended Preliminary and Amended Final	15-PB-01-MJ & 15-PB-02-MJF	MAACDEVEPL	\$23.29
Pierson Properties, LLC	15-PB-05-MSRV	PIERPROPPL	\$1,141.45
RETS Partners, LLC	15-PB-06-SRV	RETSPARTPB	\$908.50
Richmond Properties, LLC	15-PB-07-MJV	RICHMONDPB	\$931.80
VAN NUYS, Douglas	15-PB-03-MSRV	VANNUYSPL	\$69.88
Total Transfer:			\$5,887.62

2. RESOLUTION APPROVING THE REQUEST FROM NEW CINGULAR WIRELESS PCS, LLC FOR RELEASE OF DEVELOPMENT REVIEW ESCROW IN THE AMOUNT OF \$1,570.00

WHEREAS, a request has been received from New Cingular Wireless PCS, LLC 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 \$1,570.00 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.

3. RESOLUTION APPROVING THE APPLICATION FOR A CARNIVAL LICENSE FOR ANTHONY FRANCHINI FOR THE HILLSBOROUGH ROTARY FAIR TO BE HELD AUGUST 11, 2015 THROUGH AUGUST 16, 2015

WHEREAS, an application for a Carnival License has been filed by Anthony Franchini for an event, to be held August 11, 2015 through August 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 Anthony Franchini for an event, to be held August 11, 2015 through August 18, 2015.

4. RESOLUTION APPROVING THE APPLICATION FOR A CARNIVAL LICENSE FOR NICK MAGOS CANCER CALLOUT, LLC TO BE HELD SEPTEMBER 12, 2015

WHEREAS, an application for a Carnival License has been filed by the Nick Magos Cancer Callout, LLC for an event, to be held September 12, 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 the Nick Magos Cancer Callout, LLC, to be held September 12, 2015

5. RESOLUTION APPROVING THE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR WOODS TAVERN, LLC FOR AN EVENT TO BE HELD ON OCTOBER 28, 2015

WHEREAS, an application for a Special Permit for Social Affair has been filed by Woods Tavern, LLC for an event to be held on October 28, 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 Woods Tavern, LLC for an event to be held on October 28, 2015.

6. RESOLUTION APPROVING THE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR NICK MAGOS CANCER CALLOUT, LLC FOR AN EVENT TO BE HELD ON SEPTEMBER 12, 2015

WHEREAS, an application for a Special Permit for Social Affair has been filed by Nick Magos Cancer Callout, LLC for an event to be held on September 12, 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 Nick Magos Cancer Callout, LLC for an event to be held on September 12, 2015.

7. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS OF \$6,381.18 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 \$6,381.18 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 July 9, 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 \$6,381.18 is to be transferred from the Engineering Escrow Accounts into the Treasurers Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
CC @ Belle Mead	579	-195.54
Country Classics – 4B	589	-169.76
Country Classics – 4C	612	-1,599.76
Country Classics – 4D	626	-631.36
Gateway @ Sunnymeade	472	-45.42
Gateway Phase 5	614	-506.60
Gateway Phase 6	620	-329.12
Hart Development	496	-395.70

Hidden Brook Estates	603	-265.98
Mund Development	625	-846.06
PLEABEAZIN	477	-1,025.96
Pat Richards LLC	412	-90.84
South Branch Estates	613	-229.04
Walgreen's Pharmacy	522	-50.04
Grand Total		\$-6,381.18

8. RESOLUTION APPROVING THE INSTALLATION OF THREE (3) FIRE HYDRANTS AT COUNTRY CLASSICS SECTION 4D

WHEREAS, New Jersey American Water Company is proposing to install three (3) fire hydrants at Country Classics Section 4D; and

WHEREAS, the Fire Official has determined that the installation of the three (3) fire hydrants are required to properly serve this project.

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 Fire Official be and hereby is accepted and approved.

9. RESOLUTION APPROVING THE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR NEW JERSEY AGRICULTURAL SOCIETY FOR AN EVENT TO BE HELD ON AUGUST 30, 2015

WHEREAS, an application for a Special Permit for Social Affair has been filed by New Jersey Agricultural Society for an event to be held on August 30, 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 New Jersey Agricultural Society for an event to be held on August 30, 2015.

10. RESOLUTION APPROVING AND ADOPTING THE ATTACHED FORM OF RESOLUTION FOR THE TOWNSHIP OF HILLSBOROUGH TO OBTAIN A GRANT IN THE AMOUNT OF \$3,000.00 FROM THE STATE OF NEW JERSEY FOR THE GREEN COMMUNITIES FORESTRY MANAGEMENT PLAN

WHEREAS, the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the Green Communities Forestry Management Plan; and

WHEREAS, the attached form of Resolution from the State of New Jersey must be adopted by the Township of Hillsborough in order to apply and receive the desired grant funding.

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 and adopts the attached form of Resolution for the Township to obtain a grant in the amount of \$3,000.000 from the State of New Jersey for the Green Communities Forestry Management Plan.

11. RESOLUTION AUTHORIZING THE SAMARITAN HOMELESS INTERIM PROGRAM TO HOLD THEIR ANNUAL PETER J. BIONDI 5K MEMORIAL RUN-WALK, IN HILLSBOROUGH TOWNSHIP ON SUNDAY, OCTOBER 11, 2015, PURSUANT TO THE REQUIREMENTS OUTLINED BY CHIEF PAUL KAMINSKY

WHEREAS, the Samaritan Homeless Interim Program has requested permission to hold their annual Peter J. Biondi 5K Run-Walk on Sunday, October 11, 2015, in Hillsborough Township; and

WHEREAS, the Samaritan Homeless Interim Program has produced a certificate of insurance naming the Township of Hillsborough as an insured; and

WHEREAS, Chief Kaminsky and the 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 the Samaritan Homeless Interim Program is hereby authorized to hold their annual Peter J. Biondi 5K Run-Walk in Hillsborough Township on October 11, 2015.

12. RESOLUTION AUTHORIZING THE THREE BRIDGES VOLUNTEER FIRE COMPANY TO HOLD THEIR ANNUAL 5-MILE RUN IN HILLSBOROUGH TOWNSHIP ON SATURDAY, AUGUST 15, 2015, PURSUANT TO THE REQUIREMENTS OUTLINED BY CHIEF PAUL KAMINSKY

WHEREAS, the Three Bridges Volunteer Fire Company has requested permission to hold their annual 5-mile run on Saturday, August 15, 2015, in Hillsborough Township; and

WHEREAS, the Three Bridges Volunteer Fire Company has produced a certificate of insurance naming the Township of Hillsborough as an insured; and

WHEREAS, Chief Kaminsky and the 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 the Three Bridges Volunteer Fire Company is hereby authorized to hold a race in Hillsborough Township on August 15, 2015.

13. RESOLUTION AUTHORIZING THE TOWNSHIP QUALIFIED PURCHASING AGENT TO ADVERTISE FOR BIDS FOR CUSTODIAL SERVICES FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2017

WHEREAS, there is a need for custodial services for the Township of Hillsborough Municipal Buildings when the current contract expires; and

WHEREAS, the Township Qualified Purchasing Agent is authorized to advertise for bids for Custodial Services for the period October 1, 2015 through September 30, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Qualified Purchasing Agent is hereby authorized to advertise for bids for Custodial Services for the period October 1, 2015 through September 30, 2017.

14. RESOLUTION AUTHORIZING THE TOWNSHIP QUALIFIED PURCHASING AGENT TO ADVERTISE FOR BIDS FOR SURFACE RENOVATIONS FOR TWO (2) BASKETBALL COURTS AT THE ANN VAN MIDDLESWORTH PARK

WHEREAS, the Director of Parks & Recreation has determined there is a need for surface renovations for two (2) basketball courts at the Ann Van Middlesworth Park; and

WHEREAS, the Township Qualified Purchasing Agent is hereby authorized to solicit bids for the surface renovations for two (2) basketball courts at the Ann Van Middlesworth Park.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the Township Qualified Purchasing Agent is hereby authorized to advertise for bids for surface renovations for two (2) basketball courts at the Ann Van Middlesworth Park.

15. RESOLUTION ACCEPTING THE RESIGNATION OF MICHAEL HUTT AS PART TIME WEB ADMINISTRATOR/DESKTOP SUPPORT ASSISTANT, EFFECTIVE JULY 30, 2015

WHEREAS, Michael Hutt was employed by the Township of Hillsborough as a part-time Web Administrator/Desktop Support Assistant; and

WHEREAS, Mr. Hutt has resigned from the aforementioned position, effective July 30, 2015.

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

16. RESOLUTION AUTHORIZING OFFICER JACK HOWARD TO ENROLL IN "SOCIAL PROBLEMS AND SOLUTIONS" COURSE TOWARDS HIS MASTER'S DEGREE IN ADMINISTRATIVE SCIENCE TO BE ELIGIBLE FOR TUITION REIMBURSEMENT OF SAID COURSE ONCE IT HAS BEEN SUCCESSFULLY COMPLETED, PURSUANT TO ARTICLE XVIII OF THE CURRENT PBA CONTRACT

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

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

WHEREAS, Officer Jack Howard is requesting authorization to take "Social Problems and Solutions" course towards his Master's Degree in Administrative Science; and

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

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

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

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

Township Clerk, Pamela Borek noted a correction to Consent #12. This is a 5 mile run not a 5K run.

Committeeman Suraci noted that the Three Bridges Volunteer Fire Company run will be held on August 15, 2015. Committeeman Suraci also noted that the Peter J Biondi 5K Memorial Run will be held on October 11, 2015.

CLAIMS LISTS

Mayor Tomson asked to approve Claims Lists 2015-14.

Upon motion Deputy Mayor Burchette, seconded by Committeeman DelCore, Claims List 2015-14 was unanimously approved upon call of the roll.

Mayor Tomson asked to approve Claims Lists 2015-15.

Upon motion Deputy Mayor Burchette, seconded by Committeeman DelCore, Claims List 2015-15 was unanimously approved upon call of the roll.

Upon motion by Committeeman Suraci, seconded by Committeewoman McCauley, the meeting duly adjourned at 8:12 p.m. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek
Township Clerk