

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 October 25, 2016.

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

### **SALUTE TO THE FLAG**

Mayor DelCore advised that in accordance of 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. on October 25, 2016.

### **APPROVAL OF MINUTES**

- *Approval of the August 9, 2016 Executive Session Meeting Minutes*

Upon a motion by Committeeman Burchette, seconded by Committeewoman McCauley, the minutes of the August 9, 2016 Executive Session were approved upon the call of the roll. Mayor DelCore abstained.

- *Approval of the September 27, 2016 Regular Meeting Minutes*

Upon a motion by Committeeman Burchette, seconded by Committeewoman McCauley, the minutes of the September 27, 2016 Regular Meeting was approved upon the call of the roll.

- *Approval of the October 4, 2016 Regular Session Meeting Minutes*

Upon a motion by Committeeman Burchette, seconded by Committeewoman McCauley, the minutes of the October 4, 2016 Regular Meeting were approved upon the call of the roll.

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

#### **Committeeman Burchette**

Committeeman Burchette said that he attended the Cancer Call Out on Saturday, put on by the SWAT team at the Woods Road Firehouse. Committeeman Burchette added that the Cancer Call Out raises money for families with cancer that are involved with the Police Department. Committeeman Burchette noted that Committeewoman McCauley was there with him as well.

Committeeman Burchette also attended the Steps Together Corn Hole Contest held the same day at The Landing. Committeeman Burchette said that Steps Together raises money for families dealing with medical expenses.

Committeeman Burchette informed residents that The 2016 Leaf Pick up Program will begin November 1<sup>st</sup> and run through December, weather permitting.

Committeeman Burchette said that the 8th Annual Veterans Day Ceremony will be on Friday, November 11, 2016 at 7:00 pm at the Garden of Honor, located at the Municipal Complex. Committeeman Burchette said that in case of inclement weather, the ceremony will be held in the Multipurpose Room.

Committeeman Burchette said the 2016 Added/Omitted/Rollback Tax bills were mailed on October 20th. Committeeman Burchette noted that these bills are due on November 1st in addition to the tax bills that were mailed on October 4th. Committeeman Burchette also said that there is, as always, a 10 day grace period for payment of 4th quarter taxes - payments are due no later than November 10th.

**Committeewoman McCauley**

Committeewoman McCauley commented that she attended the Red Ribbon Football game along with with the rest of the Township Committee and the Mayor. Committeewoman McCauley said she was honored to go out before the football game in honor of our Municipal Alliance on a day that we try to bring drug awareness to the community.

Committeewoman McCauley said that there is a Blue Mass Service held every year in honor of fallen police officers. Committeewoman McCauley commented that The Hillsborough Township Police Department was the host township this year. Committeewoman McCauley noted that Township Administrator Ferrara, Chief Powell and many of Hillsborough Police Officers attended the event. Committeewoman McCauley said that it was a very touching service held at Metuchen Diocese Church and thanked Chief Powell and the officers who attended the mass.

Committeewoman McCauley reminded residents that Chief Powell is enforcing a Halloween Curfew in effect October 30th - November 1st From 10PM - 6AM and to please keep your children safe and off the streets during that time.

Committeewoman McCauley said that no persons under the age of 18 shall be permitted on any public place, public street, or public property in the Township of Hillsborough between the hours of 10pm & 6am, from October 30th thru November 1st, unless that person is in attendance at a program or function sponsored by the municipality, church, school or at a doctor's appointment or is accompanied by an adult over 21 years of age.

Committeewoman McCauley said that the fire marshals and volunteer fire companies have been visiting all of the schools and daycare centers during the month of October to conduct fire safety education.

Committeewoman McCauley stated that as the official sponsor of Fire Prevention Week for more than 90 years, NFPA is promoting this year's Fire Prevention Week campaign, "Don't Wait - Check the Date! Replace Smoke Alarms Every 10 Years," if not sooner than that. Committeewoman McCauley noted that smoke alarms do have expiration dates and most people aren't aware of that so it's good to check them on a regular basis.

Committeewoman McCauley noted that for more information on smoke alarms please contact the Hillsborough Bureau of Fire Safety at [hillsborough.firesafety.com](http://hillsborough.firesafety.com)

Committeewoman McCauley said with Fire Safety in mind, regarding the response of the Volunteer Fire Departments and First Responders to the fire last night. Committeewoman McCauley thanked them for responding and keeping our community as safe as they can.

Committeewoman McCauley informed residents that there is a Leadership Somerset class held by Somerset County. Committeewoman McCauley noted that it is a very informative class and highly recommends it. Committeewoman McCauley said that adults who live or work in Somerset County are invited to apply for the Leadership Somerset Class of 2017 and the application deadline is Oct. 31st.

Committeewoman McCauley said for more information, visit the Leadership Somerset website at [www.leadershipsomerset.org](http://www.leadershipsomerset.org) or [LeadershipSomerset@co.somerset.nj.us](mailto:LeadershipSomerset@co.somerset.nj.us).

Committeewoman McCauley reminded residents that registration is still available for the Township's Children's Halloween Party on Thursday, October 27th from 4:30-6:30 pm. Committeewoman McCauley said that the cost to participate is \$5 per child, which includes a Hay Ride to pick a pumpkin, a visit to the haunted house and a goodie bag. Committeewoman McCauley said to register, please visit the Parks & Recreation website at [www.hillsborough-nj.org](http://www.hillsborough-nj.org).

Committeewoman McCauley also said that the Recreation Department will also host the 2<sup>nd</sup> Annual HOWL-O-WEEN Party will be held on Saturday, October 29<sup>th</sup> at Ann Van Park and that registration is at 8:30, followed by the Parade and costume contest.

#### **Mayor DelCore**

Mayor DelCore expressed his grief for the victims of the fire that struck our community Monday evening on Farm Road. Mayor DelCore noted that 3 fatalities have been confirmed in the incident and the victims have not yet been confirmed.

Mayor DelCore said that our thoughts and prayers remain with all the individuals impacted by the tragic event last night. Mayor DelCore asked for a moment of silence for the victims of the fire.

Mayor DelCore noted that Monday evening there was report of a structure fire at 43 Farm Road in Hillsborough Township. Mayor DelCore stated that it is a 16 unit building and currently 8 units have been deemed uninhabitable. Mayor DelCore said the cause of the fire has not yet been determined and remains under investigation.

Mayor DelCore added that this incident remains under investigation and further inquiries can be made to the Somerset County Prosecutor's Office.

Mayor DelCore expressed his thanks to the emergency responders who worked together for the safety of the community and for containing the fire as quickly as they did.

Mayor DelCore stated that last Friday morning, along with Committeewoman McCauley, Committeeman Tomson, Committeeman Burchette, the Township employees, police, fire and rescue unveiled a blue line painted down the center of Veterans Way on the grounds of the Municipal Complex.

Mayor DelCore added that the 'Thin Blue Line' is a symbol used by law enforcement to commemorate fallen members of law enforcement and to show support for the living law enforcement officers as well as to further symbolize the relationship between law enforcement and the community.

Mayor DelCore said that this 'Thin Blue Line' in Hillsborough Township will serve as a reminder to all residents and visitors to the Hillsborough Municipal Complex that our Police Officers, who are called to our aid, are a vital part of our community.

Mayor DelCore thanked the Department of Public Works for getting the 'Thin Blue Line' complete in time last week.

Mayor DelCore said we are always proud of our Police Department and their efforts here in Hillsborough and the Township has been noted multiple times as one of the safest places to live within the State.

Mayor DelCore congratulated the Hillsborough Township Police Department for being named "One of the Best" Police Departments in Somerset County in the annual Readers Choice Award Contest.

Mayor DelCore said that each year, the Courier News conducts their annual Readers Choice Contest for the "Best of the Best" in Central Jersey. Mayor DelCore noted that Hillsborough Township's Police Department was voted as a Readers' Choice winner for the 'One of the Best Police Departments'.

Mayor DelCore expressed his congratulations once again to our Police Department on this much deserved recognition and presented Chief Powell with a plaque for this recognition.

Mayor DelCore noted that last Monday the ribbon was cut for the new express bus service from Hillsborough to New York City's Grand Central Terminal and the United Nations and that this is a great option for our New York commuters. Mayor DelCore said there was a good turnout for the first week and it will pick up. Mayor Delcore added that there are four buses in the morning between 6AM and 7:30AM. Mayor DelCore said this new service is accessible at the Park and Ride located at the Hillsborough Promenade, 315 Route 206. Mayor DelCore asked residents to please visit the suburban transit website or call 732-249-1100 for more information, pricing and tickets.

Mayor DelCore informed residents that Suburban Transit is currently conducting another survey to determine the level of interest in limited weekend service. Mayor DelCore noted that if you would use Saturday and / or Sunday bus service to New York City, please go to Suburban's website ([suburbantransit.com](http://suburbantransit.com)), click on "Hillsborough Weekend Service Survey" and complete the brief questionnaire.

Mayor DelCore commented on some events he attended recently. Mayor DelCore attended the Garba & Dandia event run by the Asian Indian Heritage Association held at the High School. Mayor DelCore commented that there were about 1,200 people in attendance and that Committeeman Burchette and Deputy Mayor Suraci attended as well. Mayor DelCore was thankful for the invitation and for the opportunity to participate in this cultural event.

Mayor DelCore attended GiGi's Playhouse's Fantastic Friends event on Friday evening. Mayor DelCore noted that this is a special event for adults with Down Syndrome. Mayor DelCore commented that it was great to see the joy that evening.

**PROCLAMATIONS/PRESENTATIONS PRESENTATIONS  
PROCLAMATIONS**

## PROCLAMATIONS / APPOINTMENTS

- **Proclamation declaring October to be National Domestic Violence Awareness Month**

*WHEREAS, Domestic Violence is a pattern of abusive behavior that a person uses against a partner, former partner or family member to control that person; and*

*WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and*

*WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic abuse, with the impact of this crime being wide-ranging; and*

*WHEREAS, everyone deserves to live a life free from the fear of being hurt or killed by people who are supposed to love them; and*

*WHEREAS, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and*

*WHEREAS, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and*

*WHEREAS, Safe + Sound Somerset has been serving people affected by domestic violence for over 37 years; and*

*WHEREAS, Safe + Sound Somerset agency services include emergency shelter, 24-hour call and text hotline, transitional housing, legal advocacy, outreach counseling, community education and volunteer Domestic Violence Response Teams; and*

*WHEREAS, Safe + Sound Somerset services are completely confidential and free of charge for survivors of domestic abuse, women, men, and children.*

***NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Mayor and Township Committee, of the Township of Hillsborough, hereby proclaim the month of October to be National Domestic Violence Awareness Month in our community, and do hereby commend the efforts of Safe + Sound Somerset in aiding victims of domestic violence; and to promote Safe + Sound Somerset 24-Hour Hotline at 866-685-1122.*

- **Proclamation honoring Vivek Mantha for his accomplishments as a member of the Hillsborough High School Boys Volleyball Varsity team**

*WHEREAS, Vivek Mantha, is a junior at Hillsborough High School representing the Hillsborough High School Boys Volleyball Varsity team; and*

***WHEREAS**, Vivek played on the Varsity team as a Sophomore during the 2016 season; and*

***WHEREAS**, his Freshman year Vivek played on the Junior Varsity team and helped lead the team to an undefeated season; and*

***WHEREAS**, Vivek was placed on the Skyland Conference First Team in 2016; and*

***WHEREAS**, Vivek was named Courier News All Area Boys Volleyball Team during his Sophomore year in 2016; and*

***WHEREAS**, Coach Todd Sudol stated in an interview “He’s young, he’s hungry, we’re giving him the opportunity, and he’s got the support from the older guys.”.*

***NOW, THEREFORE, BE IT PROCLAIMED** that we, the Mayor and Township Committee of the Township of Hillsborough, do hereby commend Vivek Mantha not only for his accomplishments, but also for his unwavering teamwork, dedication, and sportsmanship throughout the season.*

***BE IT FURTHER PROCLAIMED** that we, the Mayor and the Hillsborough Township Committee, further commend Vivek Mantha for the honor that he has brought to himself, his team and our community through his many achievements. We wish him well in all of his future endeavors.*

## **PRESENTATIONS**

- ***Credit Card Grant Presentation***

Mayor DelCore invited Marie Avolio, Chair of the Credit Card Advisory Committee, for the Grant Award presentations. Mayor DelCore thanked Affinity for continuing with the program and The Affinity Credit Card Advisory Board members for the work they do to ensure the reward money is going back to the community. The following organizations were awarded grants:

- o *Hillsborough Senior Citizen Chapter A*
- o *Spring Reins of Life*
- o *Safe & Sound*
- o *GiGi’s Playhouse*
- o *Hillsborough Senior Citizen Chapter B*
- o *Hillsborough Rockettes & Rocket*
- o *Hillsborough Senior Center*
- o *Hillsborough Soccer Club*
- o *Boy Scout Troop 489*
- o *Cub Scout Pack 1776*
- o *Cub Scout Pack 89*

- *Walko Automotive Service recognition of 40 years of dedication to Hillsborough Township*

## **NEW BUSINESS**

- *None*

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

Jackie Espinoza from JCP&L introduced herself and said that she looks forward to working with The Township in the future. Ms. Espinoza announced that JCP&L has a Power System Institute for anyone interested a career in the utility industry. Ms. Espinoza commented that you will receive training and a 2 year degree. Mayor DelCore thanked JCP&L for their improved communication with us.

Susan Gulliford questioned Ballot question #1. Ms. Gulliford asked if the gambling expansion passes to other forms of gambling can the OTW, on Rt 206 in Hillsborough expand to other forms of gambling. Attorney Willard advised that if it passes it will not affect Hillsborough and that it would mainly affect North Jersey counties.

Ms. Gulliford also questioned the Apex Sports Complex location. Ms. Gulliford said that the sports complex would be a good fit for Hillsborough but perhaps near the new park.

Ms. Gulliford expressed her disappointment in the press release for the Library's 50th Anniversary. Ms. Gulliford was disappointed that the Library Advisory Board was not mentioned in the announcement.

Ms. Gulliford was looking for an update on the Royce Brook Center. Ms. Gulliford questioned if they are still applying for DEP approvals. Mayor DelCore commented that nothing is pending.

## **PUBLIC HEARINGS**

### **2016-19 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF HILLSBOROUGH BY THE ADDITION OF CHAPTER 78 ESTABLISHING A LIBRARY ADVISORY BOARD**

**WHEREAS**, the Hillsborough Township Library is a branch of the Somerset County Library System operated under the direction and control of the Somerset County Library Commission; and

**WHEREAS**, each branch library of the Somerset County Library System is authorized to have its own Library Advisory Board; and

**WHEREAS**, the Township Committee of the Township of Hillsborough desires to establish a Library Advisory Board for the Hillsborough Township Branch of the Somerset County Library System.

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

**SECTION 1.** The Code of the Township of Hillsborough is hereby supplemented and amended by the addition of Chapter 78 entitled “Library Advisory Board” as follows:

**CHAPTER 78. LIBRARY ADVISORY BOARD**

§78-1. Establishment of Library Advisory Board.

There is hereby established a Library Advisory Board which shall be the official and only recognized Advisory Board for the Hillsborough Library Branch of the Somerset County Library System.

§78-2. Appointment; Membership; Term; Compensation.

A. The Library Advisory Board shall consist of seven (7) members to be appointed by the Township Committee. All members of the Library Advisory Board shall be residents of Hillsborough Township.

B. The terms of the members of the first Board shall be calculated from January 1 of the year following their date of appointment. The first members of the Board shall be appointed to terms as follows: two (2) members will have a term of one (1) year; two (2) members will have a term of two (2) years; and three (3) members shall have a term of three (3) years.

C. All subsequent appointments after formulation of the first Board shall be for a term of three (3) years commencing on January 1 and ending on December 31.

D. Any vacancy occurring by reason of the death, resignation or removal of any Board member shall be filled for the unexpired term of that member.

E. The members of the Library Advisory Board shall serve without compensation.

§78-3. Duties and Functions.

A. The Library Advisory Board shall conduct monthly meetings to discuss matters affecting the Hillsborough Library Branch of the Somerset County Library System.

B. The Library Advisory Board shall report and make recommendations to the Hillsborough Township Committee, Hillsborough Library Branch Manager, Somerset County Library System Administrator and Somerset County Library Commission regarding policies, programs, services, maintenance and other matters affecting the Hillsborough Township Library Branch of the Somerset County Library System.

C. The Library Advisory Board shall select from among its members a Chairperson to serve as the presiding officer at its meetings and Vice Chairperson to serve as the presiding officer in absence of the Chairperson.



D. The Library Advisory Board shall select from among its members a Secretary whose function shall be to maintain minutes of the Board's meetings.

**SECTION 2.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 3.** This Ordinance shall take effect upon adoption and publication according to law.

Mayor DelCore stated that this ordinance amends the Hillsborough Township Code to establish a Library Advisory Board consisting of 7 members, appointed by the Township Committee. We have a resolution on the consent agenda appointing individuals to the Library Advisory Board.

Upon motion by Committeeman Burchette, seconded by Committeewoman McCauley the public hearing was opened.

Susan Gulliford questioned the name change and that the Library Advisory Board would be confused with the old Library Advisory Board. Mayor DelCore stated that issues can be dealt with as an advisory board instead of a commission. Ms. Gulliford questioned if the current members would be considered for the board and how many current members applied. Mayor DelCore noted that there are current members on the new board. Ms. Gulliford questioned if the Library Advisory Board will have authority over funds. Mayor DelCore noted that they will not have authority to take action without the Township Committee's approval.

There being no additional comment, Committeeman Burchette motioned to close the public hearing, seconded by Committeewoman McCauley and ordinance 2016-19 was adopted upon call of the roll.

### **INTRODUCTION OF NEW ORDINANCES**

Mayor DelCore noted that this ordinance was originally scheduled for a public hearing this evening, but due to an issue with the publication we are re-introducing this ordinance and a public hearing will be held on November 9, 2016.

**2016-20 AN ORDINANCE REPEALING AND REPLACING CHAPTER 172 "FLOOD DAMAGE PREVENTION" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH. FURTHER CONSIDERATION OF THIS ORDINANCE AND PUBLIC HEARING WILL BE HELD ON NOVEMBER 9, 2016.**

Be it ordained by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 172 "Flood Damage Prevention" of the Code of the Township of Hillsborough be and is hereby repealed and replaced as follows:

#### **Section 1. Chapter 172. Flood Damage Prevention**

#### **Article I. Statutory Authorization, Finding of Fact; Purpose and Objectives**

#### **§ 172-1. Statutory Authorization.**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey does ordain as follows:

**§ 172-2. Findings of Fact.**

A. The flood hazard areas of the Township of Hillsborough are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**§ 172-3. Statement of Purpose.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and;
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**§ 172-4. Methods of Reducing Flood Losses.**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

## **Article II. Definitions.**

### **§ 172-5. Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**“AO Zone”** is an area subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**“AH Zone”** is an area subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

**"Appeal"** means a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance.

**"Area of shallow flooding"** means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of special flood hazard"** means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

**"Base flood"** means a flood having a one percent chance of being equaled or exceeded in any given year.

**“Base Flood Elevation”** is the flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For Zones AE, AH, AO, and A1-30 the elevation

represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

**"Breakaway wall"** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**"Development"** means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**"Digital Flood Insurance Rate Map (DFIRM)"** is the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Elevated building"** means a non-basement building (i) built, in the case of a building in a Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**"Erosion"** is the process of the gradual wearing away of land masses.

**"Existing Manufactured Home Park or Subdivision"** is a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

**"Flood or flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Insurance Rate Map" (FIRM)** means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Flood Insurance Study" (FIS)** means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**"Floodplain management regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** is any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

**"Freeboard"** is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a select size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**"Historic Structure"** means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**"Manufactured home park or manufactured home subdivision"** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**"New construction"** means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**"New manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

**"Recreational vehicle"** means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Start of Construction"** for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before

the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Variance"** means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**"Violation"** is the failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

### **Article III. GENERAL PROVISIONS**

#### **§ 172-6. Lands To Which This Chapter Applies.**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Hillsborough, Somerset County, New Jersey.

#### **§ 172-7. Basis For Establishing The Areas of Special Flood Hazard.**

A. The areas of special flood hazard for the Township of Hillsborough, Community No. 340436, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) A scientific and engineering report "Flood Insurance Study, Somerset County, New Jersey (All Jurisdictions)" dated November 4, 2016.
- (2) Digital Flood Insurance Rate Map for Somerset County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34035C0118E, 34035C0119E, 34035C0134E, 34035C0137E, 34035C0138E, 34035C0139E, 34035C0141E, 34035C0142E, 34035C0143E, 34035C0144E, 34035C0153E, 34035C0161E, 34035C0163F, 34035C0164F, 34035C0206E, 34035C0207E, 34035C0209E, 34035C0217E, 34035C0226E, 34035C0227E, 34035C0228E, 34035C0229E, 34035C0231E, 34035C0232E, 34035C0234E, 34035C0236E, 34035C0251E, 34035C0252F, 34035C0253F, 34035C0254F; whose effective date is November 4, 2016.

B. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 379 South Branch Road, Hillsborough, NJ 08844.

#### **§ 172-8. Penalties For Noncompliance.**

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,250.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Hillsborough from taking such other lawful action as is necessary to prevent or remedy any violation.

**§ 172-9. Abrogation And Greater Restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**§ 172-10. Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

**§ 172-11. Warning And Disclaimer Of Liability.**

A. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood Heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

B. This ordinance shall not create liability on the part of the Township of Hillsborough, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Article IV. DEVELOPMENT PERMIT**

**§ 172-12. Establishment of Development Permit.**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes within any area of special flood hazard established in § 172-7. Application for a Development Permit shall be made on forms furnished by the Building Inspector and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:



- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been flood proofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 172-17B; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**§ 172-13. Designation Of Local Administrator.**

The Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

**§ 172-14. Duties And Responsibilities Of Administrator.**

Duties of the Building Inspector shall include, but not be limited to:

A. Permit Review.

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of § 172-18A are met.

B. Use of Other Base Flood And Floodway Data.

When base flood elevation and floodway data has not been provided in accordance with § 172-7, Basis For Establishing The Areas Of Special Flood Hazard, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer § 172-17A, Specific Standards, Residential Construction, and § 172-17B, Specific Standards, Nonresidential Construction.

C. Information To Be Obtained And Maintained.

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
  - (a) verify and record the actual elevation (in relation to mean sea level); and

(b) maintain the floodproofing certifications required in § 172-12C.

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourses.

(1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

E. Substantial Damage Review.

(1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

(2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.

(3) Ensure substantial improvements meet the requirements of § 172-17A, Specific Standards, Residential Construction, and § 172-17B, Specific Standards, Nonresidential Construction.

F. Interpretation of FIRM Boundaries.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 172-15.

**§ 172-15. Variance Procedure.**

A. Appeal Board.

(1) The Township of Hillsborough Planning Board as established by the Township of Hillsborough shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Township of Hillsborough Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Township of Hillsborough Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in R. 4:69.

(4) In passing upon such applications, the Township of Hillsborough Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding or erosion damage;
- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity to the facility of a waterfront location, where applicable;
- (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) the compatibility of the proposed use with existing and anticipated development;
- (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of § 172-15A(4) and the purposes of this ordinance, the Township of Hillsborough Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(6) The Building Inspector shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

#### B. Conditions For Variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in §

**172-15A(4)** have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
  - (a) a showing of good and sufficient cause;
  - (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § **172-15A(4)**, or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **Article V. Provisions For Flood Hazard Reduction**

### **§ 172-16. General Standards.**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

#### **A. Anchoring.**

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction Materials And Methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into flood waters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (4) For all new construction and substantial improvements to the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision Proposals.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or 5 acres (whichever is less).

E. Enclosure Openings.

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the

following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

**§ 172-17. Specific Standards.**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 172-7, Basis For Establishing The Areas Of Special Flood Hazard or in § 172-14B, Use Of Other Base Flood Data, the following standards are required:

A. Residential Construction.

- (1) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
- (2) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential Construction.

- (1) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall either have the lowest floor, including basement together with the attendant utilities and sanitary facilities either:
  - (a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
  - (b) Require within any AO or AH zone on the municipality's DFIRM to elevate above depth number specified in feet plus one (1) foot, above the highest adjacent (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

Or

- (c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the

structure is watertight with walls substantially impermeable to the passage of water;

- (d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection.

Such certification shall be provided to the official as set forth in § 172-14C(2).

C. Manufactured Homes.

- (a) Manufactured homes shall be anchored in accordance with § 172-16A(2).
- (b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - (c) Be consistent with the need to minimize flood damage,
  - (d) Be constructed to minimize flood damage
  - (e) Have adequate drainage provided to reduce exposure to flood damage; and,
  - (f) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

**§ 172-18. Floodways.**

Located within areas of special flood hazard established in § 172-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If § 172-18A is satisfied, all new construction and substantial improvements must comply with Article V Provisions For Flood Hazard Reduction.

C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**Section 2.** This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law.

**Section 3.** 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 4.** 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 therefrom.

**Section 5.** This Ordinance shall take effect immediately upon final adoption and publication according to law.

Mayor DelCore stated that the Township must adopt a floodplain management ordinance that meets the National Flood Insurance Program requirements, in order to remain eligible for flood insurance through the NFIP (National Flood Insurance Program).

Upon motion by Committeeman Burchette, seconded by Committeewoman McCauley, to introduce the ordinance, the motion was unanimously approved upon call of the role.

### CONSIDERATIONS

#### **1. RESOLUTION ACKNOWLEDGING AND APPROVING THE BEST PRACTICES INVENTORY QUESTIONNAIRE FOR THE YEAR 2016 FOR THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY AND RATIFY AND CONFIRMING AUTHORIZATION FOR SUBMISSION OF THE CERTIFIED QUESTIONNAIRE BY THE CHIEF FINANCIAL OFFICER.**

**WHEREAS**, the State of New Jersey Fiscal Year 2017 Appropriations Act (P.L. 2012, c.18) requires the Division of Local Government Services to determine how much of each municipality's final 5% allocation of its CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory completed by the Chief Financial Officer of each municipality; and

**WHEREAS**, the completed Best Practices Inventory Questionnaire must be reviewed and discussed by the Governing Body at a public meeting and referenced in the minutes of that meeting; and

**WHEREAS**, the Best Practices Inventory Questionnaire must be certified by the Township Administrative Officer, Township Clerk and the Chief Financial Officer following that meeting, and submitted by the Chief Financial Officer of the municipality to the Division of Local Government Services no later than October 20, 2016; and

**WHEREAS**, Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey has reviewed, discussed and approved the Best Practices Inventory Questionnaire as completed by the Chief Financial Officer.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, hereby states that it has reviewed, discussed and approved the Best Practices Inventory Questionnaire in a public meeting and does hereby ratify and confirm the authorization for the submission of the Best Practices Inventory Questionnaire by the Chief Financial Officer as certified by the Township Administrative Officer, Township Clerk and Chief Financial Officer to the Division of Local Government Services to show evidence of said compliance.

Mayor DelCore stated that The Best Practices Inventory Questionnaire, which began seven years ago, is issued by the state to determine whether a municipality is using the best management and fiscal



practices on behalf of taxpayers. Mayor DelCore added that as a result, Hillsborough Township again qualifies for 100% of eligible State Aid.

Mayor DelCore noted that Hillsborough Township has an outstanding record for best practices when it comes to municipal finances. Mayor DelCore said the fiscally responsible and business-like approach of our local government is once again reflected in the Township gaining best practices approval by the state.

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

## **2. RESOLUTION AUTHORIZING SPECIAL ITEM OF REVENUE AND APPROPRIATION**

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

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

**WHEREAS**, the Township has received \$60,906.78 in additional grants for the year 2016 and wishes to amend its 2016 Budget to include these grants.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hillsborough hereby requests the Director of the Division of Local Government Services to approve the insertion of these items of revenue in the budget of the year 2016 in the amount listed and detailed below, which items are now available as a revenue from:

**NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE  
STATE BODY ARMOR  
\$4,670.33**

**DIVISION OF HIGHWAY SAFETY  
CLICK IT OR TICKET  
\$4,160.76**

**STATE OF NEW JERSEY  
DEPARTMENT OF TRANSPORTATION  
SAFE CORRIDORS  
\$52,075.69**

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

Mayor DelCore added that this resolution requests the Director of the Division of Local Government Services to approve the insertion of grant funds from the New Jersey Department of Law and Public Safety Division of Criminal Justice, Division of Highway Safety and from the Department of Transportation for a total of \$60,906.78.

Mayor DelCore said as always, grant money is welcomed in Hillsborough.

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

**3. RESOLUTION AUTHORIZING CME ASSOCIATES TO PROVIDE ADDITIONAL AFFORDABLE HOUSING ADMINISTRATION SERVICES FOR THE TOWNSHIP'S AFFORDABLE HOUSING PROJECTS IN A TOTAL AMOUNT NOT TO EXCEED \$12,000**

**WHEREAS**, the Township is in need of continuing Affordable Housing Administration Services, as they relate to the Township's Affordable Housing Plan; and

**WHEREAS**, pursuant to the contract for professional services awarded by the Township to CME Associates through the Fair and Open procurement process (N.J.S.A. 19:44A-20.4-5 et seq.) appointing CME Associates as the Professional Planning Consultant for Affordable Housing, CME Associates prepared a proposal dated October 3, 2016, to provide these additional Affordable Housing Administration Services in an amount not to exceed \$12,000; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that CME Associates is authorized to provide additional Affordable Housing Administration Services as they relate to the Township's Affordable Housing Plan in an amount not to exceed \$12,000 pursuant to their contract with the Township and the proposal submitted on October 3, 2016.

Mayor DelCore noted that CME Associates provides administration services for the Township's Affordable Housing obligations. Mayor DelCore said this resolutions authorizes the additional administrative services required to maintain the Township's compliance with the affordable housing obligations.

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

**4. RESOLUTION RESCINDING THE CONTRACT WITH MASTERS CONSTRUCTION CO., INC., FOR THE INSTALLATION OF LITTLE TIKES PLAY EQUIPMENT AT HILLSBOROUGH PARK #3 IN AN AMOUNT NOT TO EXCEED \$17,495.00 AND ISSUING A NEW CONTRACT TO MASTERS CONSTRUCTION CO., INC., FOR THE INSTALLATION**

**OF LITTLE TIKES PLAY EQUIPMENT AT HILLSBOROUGH PARK #3 IN AN AMOUNT NOT TO EXCEED \$24,210.00**

**WHEREAS**, the Township of Hillsborough awarded a contract to Masters Construction Co., Inc. on August 9, 2016, in an amount not to exceed \$17,495.00 for the installation of Little Tykes Play Equipment at Hillsborough Park #3; and

**WHEREAS**, the Hillsborough Township Construction Official has determined that additional footings must be installed to accommodate the new equipment which was not included in the initial solicitation of quotes; and

**WHEREAS**, the Township of Hillsborough solicited quotes for the installation of Little Tikes Play Equipment with Revisions at Hillsborough Park #3 and three (3) responses were received as follows:

Masters Construction Co., Inc.	\$24,210.00
Greenlane Contractors	\$26,500.00
Safe-T-Site	\$26,888.00

**WHEREAS**, the Township Qualified Purchasing Agent recommends rescinding the contract awarded to Masters Construction Co., Inc. in an amount not to exceed \$17,495.00 and awarding a contract to Masters Construction Co., Inc., in an amount not to exceed \$24,210.00; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, hereby authorizes and approves the rescinding of the contract for the installation of Little Tikes Play Equipment at Hillsborough Park #3 by Masters Construction Co., Inc. in an amount not to exceed \$17,495.00 and the issuance of a new contract to Masters Construction Co., Inc., in an amount not to exceed \$24,210.00.

Mayor DelCore stated this resolution revises the contract to allow for the additional concrete work for footings to complete the project.

David D'vorin of 506 Hoagland Ct asked what initiated the change. Mayor DelCore commented that the footings needed to be larger and deeper. Attorney Willard advised that the fault is not with Masters Construction but that the Building Department required different specifications.

Susan Gulliford asked what park was referenced. Mayor DelCore replied that Hillsborough Park #3 is "Castle Park".

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

**5. RESOLUTION AUTHORIZING MASER CONSULTING, P.A., TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH THE UPDATE OF THE GEOGRAPHIC**

**INFORMATION SYSTEM THE TOWNSHIP OF HILLSBOROUGH, IN AN AMOUNT NOT TO EXCEED \$2,480.99, PURSUANT TO MASER'S PROPOSAL DATED AUGUST 19, 2016**

**WHEREAS**, on January 5, 2016, as a result of the fair and open procurement process, N.J.S.A. 19:44A-20.4-5 et seq., Maser Consulting, P.A., was awarded a professional services contract designating Maser Consulting, P.A., as the Township of Hillsborough Engineer; and

**WHEREAS**, there is now the necessity for professional engineering services; namely, to perform professional services associated with the update of the Geographic Information System for the Township of Hillsborough, in an amount not to exceed \$2,480.99, as described in a proposal from Maser Consulting, P.A., dated August 19, 2016.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Maser Consulting, P.A., is authorized to perform professional services outlined in its proposal, dated August 19, 2016, in an amount not to exceed \$2,480.99, for the update of the Geographic Information System (GIS) for the Township of Hillsborough.

**BE IT FURTHER 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 amendment to the Professional Services Contract with Maser Consulting, P.A., for these services in an amount not to exceed \$2,480.99.

2. This Amended Contract is awarded, as a result of the Fair and Open Selection Process as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)a of the Local Public Contracts Law and the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44A-20.4-5 et seq.) because these services will be performed by persons 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.

Mayor DelCore said that Maser Consulting maintains the Township GIS and this resolution authorizes them to provide the necessary updates to the system.

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

**6. RESOLUTION AUTHORIZING EXECUTION OF FIRST AMENDMENT TO MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR VICINAGE 13 - SOMERSET, HUNTERDON, AND WARREN COUNTIES**

**WHEREAS**, the Hillsborough Township Committee authorized the filing of a Declaratory Judgment Action in the Superior Court of New Jersey, County of Somerset, in furtherance of the Supreme Court's March 10, 2015 decision captioned In Re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221, N.J. 1 (2015) pertaining to municipal affordable housing obligations and compliance (the "Litigation"); and

**WHEREAS**, the Hillsborough Township Committee adopted a Resolution on April 12, 2016 authorizing the Township to enter into a Shared Services Defense Agreement (the "Agreement") with fifty-one municipal members ("Vicinage 13 Group") to allow the Township to participate in a joint defense with the other Vicinage 13 municipalities so as to pool resources and in conformance with the court order entered by the Hon. Thomas Miller in the Litigation; and

**WHEREAS**, the Vicinage 13 Group has requested that each member, including Hillsborough Township, enter into the First Amendment to the Municipal Shared Services Defense Agreement to collectively retain as expert witnesses in the Litigation Econsult Solutions, and Nassau Capital and to pay \$5,000 for these services as needed; and

**WHEREAS** it represents a significant savings for the Township to participate in the Vicinage 13 Group rather than retain these experts separately; and

**WHEREAS**, the Hillsborough Township Committee believes it is in the best interests of Hillsborough to participate in the Vicinage 13 Group.

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

1. The Township hereby approves the First Amendment to the Municipal Shared Services Defense Agreement for Vicinage 13 - Somerset, Hunterdon and Warren Counties and the Mayor is hereby authorized to execute this Agreement;

2. An expenditure in the amount of \$5,000 is hereby authorized in conformance with the requirements of the First Amendment to Municipal Shared Services Defense Agreement for Vicinage 13-Somerset, Hunterdon and Warren Counties.

Mayor DelCore noted that as a result of the ongoing affordable housing obligations and compliance requirements the Vicinage 13 group has requested that each member continue to retain their expert witness and this resolution authorizes the continuation of said services.

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

#### **CONSENT AGENDA**

**1. RESOLUTION AUTHORIZING THE TRANSFER OF EARNED AMOUNTS OF \$8,647.58 FROM THE SUBDIVISION AND SITE PLAN ENGINEERING TRUST ACCOUNTS TO THE TREASURER'S ACCOUNT**

**WHEREAS**, in accordance with the following summary of accrued Engineering charges related to various indicated projects, a total of \$8,647.58 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 October 13, 2016, to ensure that sufficient funds are available for these transfers of unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$8,647.58 is to be transferred from the Engineering Escrow Accounts into the Treasurer's Account.

<u>Client</u>	<u>Number</u>	<u>Transfer Amount</u>
Amwell Commons	306	-967.55
Country Classics – 4A	640	-980.90
Country Classics – 4B	589	-277.95
Country Classics – 4C	612	-1,514.09
Country Classics – 4D	626	-377.91
Gateway@Sunnymeade	472	-1,193.07
Gateway Phase 5	614	-297.44
Gateway Phase 6	620	-958.99
Green Village	607	-451.05
Hidden Brook Estates	603	-91.02
Hillsborough Farms	630	-273.06
MAAC Development	615	-57.70
PLEABEAZIN	477	-227.55
RETS Partners	632	-335.65
Senior Housing	636	-552.62
WISSEMAN (HILLS. REALTY)	495	-91.02
Grand Total		\$-8,647.58

**2. RESOLUTION RATIFYING AND CONFIRMING ISSUANCE OF TEMPORARY PERMIT BY THE BUILDING INSPECTOR FOR USE OF A TRAILER AT 104 STEINMETZ ROAD AND THE WAIVER OF THE FEE ASSOCIATED THEREWITH**

**WHEREAS**, tragedy in the form of fire struck the home located at 104 Steinmetz Road and caused severe damage to the home; and

**WHEREAS**, there is a need for temporary use of a trailer at 104 Steinmetz Road until such time as repairs are made to the home; and

**WHEREAS**, the issuance of such a temporary permit by the Building Inspector is authorized by Chapter 188-91 of the Code of the Township of Hillsborough; and

**WHEREAS**, the Township Committee believes it is appropriate under the circumstances that such temporary permit be issued and the fees associated therewith be waived.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, that the issuance of a temporary permit by the Building Inspector for use of a trailer at 104 Steinmetz Road is hereby ratified and confirmed and the fee associated therewith is hereby waived.

**3. RESOLUTION AUTHORIZING THE REFUND OF RECREATION PROGRAM FEES IN THE AMOUNT OF \$265.00**

**WHEREAS**, there are refunds due from Recreation program fees; and

**WHEREAS**, the Chief Financial Officer has received proof of such refunds being due and payable.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee, of the Township of Hillsborough, County of Somerset, State of New Jersey, the Chief Financial Officer is hereby authorized to refund said amounts as detailed below, in a total amount of \$265.00.

<u>Name</u>	<u>Amount</u>	<u>Name</u>	<u>Amount</u>
Shruti Bagri	\$140.00	Michele Griffin	\$125.00

**4. RESOLUTION RESCINDING THE RENEWAL OF LIQUOR LICENSE 1810-33-015-003 FOR JSM INVESTMENTS AT HILLSBOROUGH FOR THE 2016-2017 LICENSE TERM**

**WHEREAS**, the liquor license 1810-33-015-003 required a special ruling by the Alcohol Beverage Control Commission, pursuant to the applicant’s filing; and

**WHEREAS**, the applicant failed to apply for said ruling at the time of the 2016-2017 license renewal period; and

**WHEREAS**, the license was inadvertently renewed without said ruling; and

**WHEREAS**, it is necessary to rescind said renewal until receipt of said special ruling from the Alcohol Beverage Control Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough that the liquor license 1810-33-015-003 for JSM Investments at Hillsborough is hereby rescinded.

**5. TOWNSHIP COMMITTEE APPOINTMENTS**

**WHEREAS**, there exists seven (7) vacancies on the Library Advisory Board; and

**WHEREAS**, the Township Committee wishes to make the following appointments to the newly created Library Advisory Board:

**Library Advisory Board**

<b>Seat 1</b>	<b>(1-year term)</b>	<b>David Dvorin</b>	<b>12/31/17</b>
<b>Seat 2</b>	<b>(1-year term)</b>	<b>Nandini Dutta</b>	<b>12/31/17</b>
<b>Seat 3</b>	<b>(2-year term)</b>	<b>Constance Harbison</b>	<b>12/31/18</b>
<b>Seat 4</b>	<b>(2-year term)</b>	<b>Licia Gaber-Baylis</b>	<b>12/31/18</b>
<b>Seat 5</b>	<b>(3-year term)</b>	<b>Laura Mellor</b>	<b>12/31/19</b>
<b>Seat 6</b>	<b>(3-year term)</b>	<b>Leslie Wise</b>	<b>12/31/19</b>
<b>Seat 7</b>	<b>(3-year term)</b>	<b>Nishat Ruiter</b>	<b>12/31/19</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the above stated appointments to the Library Advisory Board are hereby made for the terms specified.

**6. RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO POST FOR THE POSITION OF ADMINISTRATIVE DIVISION CLERK IN THE HILLSBOROUGH TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, there exist a vacancy in the Police Department for the position of Administrative Division Clerk; and

**WHEREAS**, the Chief of Police has determined that this position needs to be filled as soon as possible and thereby requests authorization to post for the position of Administrative Division Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that it does hereby authorize the Chief of Police to post for the position of Administrative Division Clerk.

**7. 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 July, August and September 2016, a total of \$3,476.10 should be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurer's Account as indicated; and



**WHEREAS**, that each of the project line items has been verified against the Treasurer's Office account records for the period beginning 7/01/16 and ending 9/30/16 to ensure that sufficient funds are available for these transfers for unanticipated revenues.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that a total of \$3,476.10 is to be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurer's Account.

<u>Application Name</u>	<u>Application #</u>	<u>Escrow Name</u>	<u>Amount</u>
Cocuzza, Frank & Debra	BA-16-01	COCUZZAPL	\$75.99
DelSanto, Mark	BA-16-03	DELSANTOPL	\$88.65
Dukes Parkway, LLC / LEVANAITIS	16-PB-10-MSRV	DUKEPKYPL	\$419.31
Glen Gery (GG RE Co.)	15-PB-04-MR	GLENGGREPL	\$69.88
Green Village	16-PB-12-MJV	GREEN206PL	\$372.72
Hillsborough Realty LLC	16-PB-05-RES	HILREALPL	\$116.47
Lazorchak, John	BA-15-31	LAZORCHJPL	\$23.29
Malenchek, Louis & Christine	BA-15-34	MALENCHPL	\$215.76
Meadow Brook at Hillsborough	16-PB-02-MJSR	MEADOWBRPL	\$326.13
Mountainview Assoc. LLC / R. GROSSO	16-PB-07-MSRV	MOUNTVIWPL	\$256.24
Muslim Center of SC (New Amwell Rd) - Ext	BA-16-06	MUSLIMCTPL	\$12.66
NY SMSA - VERIZON (Hillsborough Partridge SC)	BA-16-02	NJSMVE16PL	\$186.36
Ramaswamy, Dr. Kumar (668 Route 206)	16-PB-04-SRV	RAMASWAMPL	\$69.88
RB Manufacturing, LLC	16-PB-09-MSR	RBMANUFPL	\$23.29
RETS Partners, LLC	15-PB-06-SRV	RETSPARTPB	\$23.29
SEN, Subrata	BA-16-04	SENPL	\$101.32
Verizon Wireless - Hillsborough 5 (324 Woods Rd)	BA-15-18	VERIZON5PL	\$1,071.57
Zamkotowicz, John	07-PB-26-MJ (2016 Ext)	ZAMKOTOWPL	\$23.29
Total Transfer			\$3,476.10

Mayor DelCore commented that Consent #5 permits the appointments to the Library Advisory Board.

Susan Gulliford inquired about Consent #4. Clerk Borek responded.

Leslie Wise, 47 6th Street, thanked the Township for their support with the Library Advisory Board.

Upon the motion of Committeeman Burchette seconded by Committeewoman McCauley, the Consent Agenda was unanimously approved upon call of the roll.

#### CLAIMS LIST

Mayor DelCore asked to approve Claims List 2016-20.

Upon the motion of Committeeman Burchette seconded by Committeewoman McCauley, Claims List 2016-20 was unanimously approved upon call of the roll.

Mayor DelCore reminded residents that the next Township meeting which would have normally been scheduled on Tuesday, November 8th will instead be Wednesday, November 9th at 7:30 PM in the courtroom. Mayor DelCore noted that this change was done to avoid conflicts with Election Day.

### **ADJOURNMENT**

Upon motion by Committeeman Burchette, seconded by Committeewoman McCauley, the meeting duly adjourned at 8:56 pm. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek  
Township Clerk