

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 November 9, 2016.

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

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 November 9, 2016.

MOMENT OF SILENCE

Mayor DelCore called for a moment of silence in remembrance for John Middleton. Mr. Middleton was a former Mayor in 1976 and served as Township Administrator for many years.

APPROVAL OF MINUTES

- *Approval of the October 25, 2016 Regular Session Meeting Minutes*

Upon a motion by Committeeman Burchette, seconded by Committeewoman McCauley, the minutes of the October 25, 2016 Regular Session were approved upon the call of the roll. Committeeman Tomson and Deputy Mayor Suraci abstained.

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

Committeeman Burchette

Committeeman Burchette stated that he attended the Newell Strength Charity Kickball Tournament over the weekend that raised a lot of money for a toddler.

Committeeman Burchette commented that the Rotary Club handed out about 1,100 dictionaries to all 3rd graders in the Hillsborough School District last week.

Committeeman Burchette congratulated Mayor DelCore on his re-election.

Committeeman Burchette stated that the 2016 Leaf Drop-off/Collection Program is currently underway. Committeeman Burchette reported that all the details are on the Township website.

Committeeman Burchette announced that the Hillsborough Township Building Department now accepts credit cards as a form of payment for permit applications. Committeeman Burchette noted that there is

no added service charge for this convenience and this additional form of payment is only available when paid in person.

Committeewoman McCauley

Committeewoman McCauley noted that the Children's Halloween Party was well attended even though it rained. Committeewoman McCauley thanked the Recreation Department for a job well done.

Committeewoman McCauley said the 2nd Annual Howl-o-Ween Dog contest went well. Committeewoman McCauley noted that there were about 50 dogs there and that prizes were handed out for Best Costume.

Committeewoman McCauley stated that Hillsborough Township is located in FEMA Region II and periodically FEMA hosts informational Webinars for the community. Committeewoman McCauley noted the topic will be holiday fire safety presented by the United States Fire Administration. Committeewoman McCauley informed residents that the webinar will take place on December 12, 2016 from 12 noon until 1 pm. and that the registration link can be found in Friday's e-newsletter.

Committeewoman McCauley congratulated Mayor DelCore on his well deserved win and re-election.

Committeeman Tomson

Committeeman Tomson congratulated Mayor DelCore on his win and for receiving the highest number of votes for a Township Committeeman in Hillsborough's history.

Committeeman Tomson said The Hillsborough Township Board of Education school nurses and Township Deputy Health Officer, Siobhan Spano of the Health Department finished an 18 month fellowship program sponsored by Johnson and Johnson and Rutgers. Committeeman Tomson noted that the school nurses were selected and chose the Township's Health Department as their community liaison to collaborate with on a special project to benefit the health of our students. Committeeman Tomson said teams from all over the country attended and shared their ideas and projects. Committeeman Tomson added that the first project for each of the schools is healthy eating and exercise to prevent obesity that leads to chronic disease such as diabetes.

Committeeman Tomson updated residents with some news from the Hillsborough / Millstone Municipal Alliance regarding signs on Route 206 put up by the NJDOT "Adopt a Highway" program sponsored by the Municipal Alliance / BoroAware. Committeeman Tomson added that The Alliance, "BoroAWARE", has joined with the Department of Transportation to sponsor a section of Rt. 206 from New Amwell Rd. to Homestead Rd. and volunteers were out on October 29th cleaning up the area. Committeeman Tomson stated that throughout the year, volunteers from the Municipal Alliance will continue to maintain that portion of Route 206.

Deputy Mayor Suraci

Deputy Mayor Suraci congratulated Mayor DelCore on his well deserved victory. Deputy Mayor Suraci noted that Hillsborough saw about a 65% voter turnout as well as a number of first time voters.

Deputy Mayor Suraci reminded homeowners that tomorrow, Thursday November 10th, is the last day of the 10 day grace period for paying 4th quarter taxes without interest. Deputy Mayor Suraci noted that the tax office will be open from 8 am to 4:30 pm.

Deputy Mayor Suraci added that the online tax payment system, which allows payment through your bank account at no cost, or payment with a credit card with a 2.5% convenience fee, is also available through the close of business tomorrow for making timely payments.

Deputy Mayor Suraci advised residents to please visit the Township website to make an online payment.

Mayor DelCore

Mayor DelCore announced that the yesterday's Presidential Election turnout was very good. Mayor DelCore said that we fell just short of 66% voter turnout.

Mayor DelCore thanked the voters of Hillsborough Township for their confidence and for voting for him to remain on the Township Committee. Mayor DelCore said that it has been his honor to serve the residents of Hillsborough over the past 9 years and he looks forward to serving another 3 years. Mayor DelCore thanked his colleagues on the Township Committee for their support. Mayor DelCore also thanked all those who worked the polls for their efforts and the long hours put in by the Administration office.

Mayor DelCore stated that the annual Reorganization meeting will be held on Thursday, January 4, 2017 at 7pm. Mayor DelCore added that immediately following will be refreshments and all are invited.

Mayor DelCore thanked the JR Raiders for the opportunity to recognize their Academic Achievement Award Recipients. Mayor DelCore noted that these are JR Raiders who achieved straight A's for the entire 2015-2016 school year and are members in our football, cheer, girls lacrosse, track and field hockey programs.

Mayor DelCore said the Jr Raiders who were honored were Kaitlyn Alexander, Rohan Deb, Varun Deb, Lauren Flynn, Teagan Hawes, Jimmy Kelly, Michael Kondratiuk, Ryan Matrulli, Jana Mizrachy, Leo Schiro, Anthony Shields and Sam Snyder.

Mayor DelCore added that registration is currently open for the 2016 seasons and more information can be found at www.jrraiders.org.

Mayor DelCore noted that he attended a 5K this past Sunday named after Peter Biondi along with Committeeman Burchette and Committeewoman McCauley. Mayor DelCore said Peter Biondi was a Mayor, Committeeman, Assemblyman and a mentor to all on the Township Committee. Mayor DelCore thanked his wife, Joan Biondi and Lieutenant Governor Kim Guadagno for attending. Mayor DelCore added that the 5K benefits SHIP (Samaritan Homeless Interim Program).

Mayor DelCore attended Veterans Day celebrations at Sunnymead Elementary and Triangle School along with Committeewoman McCauley. Mayor DelCore noted that the schools do an excellent job of honoring the Veterans and teaches the children the value and importance of our Veterans.

Mayor DelCore reminded residents that Friday, November 11, 2016 at 7:00 pm Hillsborough Township will be hosting its 8th Annual Veterans Day Ceremony at the Garden of Honor. Mayor DelCore said the program will include a ceremony at the Garden of Honor followed by a brief reception for participating Veterans and their spouses immediately following. Mayor DelCore said that members of the public are invited to observe the Garden of Honor ceremonies.

Mayor DeCore reminded residents that Suburban Transit is currently conducting a survey to determine the level of interest in limited weekend service. Mayor DeCore asked if you are interested in Saturday and/or Sunday bus service to New York City, please go to Suburban's website suburbantransit.com, click on "Hillsborough Weekend Service Survey" and complete the brief questionnaire.

PROCLAMATIONS/PRESENTATIONS/APPOINTMENTS

PROCLAMATIONS / APPOINTMENTS

- *Proclamation declaring November as Diabetes Awareness Month*

WHEREAS, Diabetes is one of the leading causes of disability and death in the United States; and

WHEREAS, over 29 million people have been diagnosed with Diabetes and another 86 million adults are at high risk of developing type 2 Diabetes; and

WHEREAS, Diabetes causes more deaths per year than Breast Cancer and AIDS combined; and

WHEREAS, The American Diabetes Association has set out a mission to prevent and cure Diabetes and to improve the lives of all people affected by Diabetes; and

WHEREAS, adults who are at high risk can lower that risk by more than half by making simple healthy lifestyle changes such as staying active and eating whole grain foods, fruits, vegetables and limiting the amount of sugary drinks; and

WHEREAS, losing just 7% of your bodyweight can offer significant health benefits; and

WHEREAS, 1 in 3 people will be diagnosed with Diabetes by 2050 if changes aren't made now; and

WHEREAS, The American Diabetes Association recommends living a healthy lifestyle to lower your risk of developing Diabetes.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, of the Township of Hillsborough, hereby proclaim the month of November to be Diabetes Awareness Month in our community, and do hereby urge all men and women to engage in a healthy lifestyle to reduce the risk of developing Diabetes.

NEW BUSINESS

- *None*

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

- *None*

PUBLIC HEARINGS

2016-20 ORDINANCE REPEALING AND REPLACING CHAPTER 172 “FLOOD DAMAGE PREVENTION” OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH

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. Is 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 said 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.

Upon motion by Committeeman Burchette, seconded by Deputy Mayor Suraci the public hearing was opened.

There being no additional comment, Deputy Mayor Suraci motioned to close the public hearing, seconded by Committeeman Burchette and ordinance 2016-20 was adopted upon call of the roll.

2016-21 AN ORDINANCE AMENDING CHAPTER 232 OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, TITLED “PROPERTY MAINTENANCE”, SECTION 232.3, TITLED “EXTERIOR MAINTENANCE STANDARDS”

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

Section I. Chapter 232 of the Code of the Township of Hillsborough, titled “Property Maintenance”, Section 232.3, titled “Exterior Maintenance Standards” is hereby amended as follows:

§ 232-3. Exterior maintenance standards.

A. Landscaping. All commercial, industrial and multifamily dwelling properties shall be kept landscaped in accordance with or equal to the original landscape site plan as approved by the Planning Board or Zoning Board of Adjustment. Bushes, lawns, hedges and all other features included in the approved landscape plan shall be maintained and kept from becoming overgrown and unsightly or in any form of neglect or disrepair. Landscaping violation complaints may be brought by any resident or the Township Enforcement Officer.

B. Parking lots. All parking lots shall be maintained, where applicable, according to the original site plan or any amendments thereto. The surface of the pavement shall be kept in a good state of repair, free from potholes, defects, debris, rubbish, rocks and litter. Parking lot violation complaints may be brought by an resident or the Township Enforcement Officer.

C. Lighting. Lighting requirements shall be in accordance with Chapter 188, § 188-57, of the Hillsborough Township Municipal Code, or as indicated in an approved site plan.

D. Refuse and natural growth.

(1) The exterior of the premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions and any hazards to the safety or health of occupants, pedestrians and other persons utilizing the premises and any of the foregoing conditions shall be promptly removed and abated by the owner/operator. It shall be the duty of the owner/operator to keep the premises free of such conditions which include, but are not limited to, the following:

(a) Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.

(b) Dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating conditions or storm damage constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.

(c) Loose and overhanging objects and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity Thereof.

(d) Holes, excavations, breaks, projections, obstructions, litter, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises. Holes and excavations shall be filled and repaired. Walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.

(e) Accumulations of water, vegetation or other matter which might serve as a source of food or as a harboring or breeding place for infestation.

(f) Walks, courts and other paved areas shall be kept clean of litter, dirt, mud or other conditions hazardous to pedestrians.

[(2) All parts of the premises shall be graded and, where necessary, provided with run-off drains and other means to carry off and dispose of surface water in such a manner as to eliminate any recurrent or excessive accumulations of stormwater on the premise, without causing excessive accumulations of water on the adjoining properties:

(a) Parts of the premises regularly used by occupants shall drain within one hour of the termination of any storm creating surface waters.

(b) Other parts of the premises not covered under Paragraph (1) of this subsection shall drain within six hours of the cessation of any such storm.]

E. Stormwater Facilities.

(1) All parts of the premises shall be graded and, where necessary, provided with run-off drains and other means to carry off and dispose of surface water in such a manner as to eliminate any recurrent or excessive accumulations of stormwater on the premises, without causing excessive accumulations of water on adjoining properties.

(2) All parts of the premises shall drain within 24 hours of the cessation of any storm.

(3) The property owner is responsible to maintain all Stormwater Facilities on site. The property owner must submit an annual inspection report prepared by a Professional Engineer or New Jersey Certified Stormwater Inspector to the Hillsborough Engineering Department by June 30th of each year. The inspection report must reference review all stormwater facilities on site including retention/detention systems, stormwater catch basins, drainage ditches/swales, stormwater pipe systems and porous pavement. The inspection report must reference whether the Stormwater Facilities are in good working order and whether any repairs or maintenance are required. All repairs and maintenance referenced in the inspection report must be completed by

October 1st of each year. Failure to comply may result in the issuance of a Notice of Violation and the imposition of the penalties set forth herein.

SECTION II. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION III. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hillsborough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Township of Hillsborough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor DelCore stated that this Ordinance has been in place for over 25 years. Mayor DelCore said during that time-frame the non-residential property owners have always been responsible for the maintenance of their stormwater facility. Mayor DelCore added that this amendment requires those property owners to supply the township with an annual inspection report, as required by NJDEP.

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

There being no additional comment, Deputy Mayor Suraci motioned to close the public hearing, seconded by Committeewoman McCauley and ordinance 2016-21 was adopted upon call of the roll.

INTRODUCTION OF NEW ORDINANCES

2016-22 ORDINANCE AMENDING CHAPTER 255 “SOLID WASTE” OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH WITH THE ADDITION OF ARTICLE III “PROOF OF SOLID WASTE COLLECTION SERVICE”

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 255 “Solid Waste” of the Code of the Township of Hillsborough is hereby amended with the addition of Article III “Proof Of Solid Waste Collection Service” as follows:

Section 1. Article III. Proof Of Waste Collection Service.

§255-19. Definitions.

As used in this article the following terms shall have the meanings indicated.

Proof of Collection Service

A written record, log, bill or document evidencing receipt of service for the collection of solid waste for the preceding month from a person lawfully engaging in private solid waste collection

services within the Township or receipts from a solid waste facility evidencing that a responsible solid waste generator has transported his solid waste directly to that facility for disposal.

Regular Solid Waste Collection Service

The scheduled pickup and removal of solid waste from residential, commercial or institutional premises located within the boundaries of the Township at least once a week.

Responsible Solid Waste Generator

Any property owner, tenant or occupant of any single-family residential dwelling or multiple dwelling or the owner of any commercial or institutional building or structure located within the boundaries of the Township who generates solid waste at those premises.

Solid Waste

Garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine to their own farms.

Solid Waste Collection

The activity related to pickup and transportation of solid waste from its source or location to a solid waste facility or other destination.

Solid Waste Container

A receptacle, container or bag suitable for the depositing of solid waste.

Solid Waste Disposal

The storage, treatment, utilization, processing or final disposal of solid waste.

Solid Waste Facilities

The plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by any person, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

§ 255-20. Proof Of Solid Waste Collection Service.

- A. In the case of single-family residential housing, each responsible solid waste generator shall, in those instances where a solid waste collection system is not otherwise provided for by the Township, enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Township. This requirement shall not apply in those instances where the responsible solid waste generator is transporting the solid waste which is generated at the residential premises directly to the solid waste facility utilized by the Township for disposal.

- B. In the case of multi-family residential housing, the responsible solid waste generator shall, in those instances where a solid waste collection system is not otherwise provided for by the Township, enter into a contract for regular solid waste collection service with any person lawfully providing private solid waste collection services within the Township. This requirement shall not apply in those instances where the responsible solid waste generator is transporting the solid waste which is generated at the residential premises directly to the solid waste facility utilized by the Township for disposal. It shall be the responsibility of the owner of a multiple dwelling to provide a sufficient number of appropriate solid waste containers for the deposit of non recyclable waste materials to be disposed of as solid waste.
- C. In the case of any commercial or institutional building or structure located within the boundaries of the Township, the responsible solid waste generator shall, in those instances where regular solid waste collection services are not otherwise provided for, enter into a contract with any person lawfully providing private solid waste collection services within the Township.
- D. Each responsible solid waste generator within the Township who is transporting the solid waste which is generated at his or her residential premises directly to the solid waste facility utilized by the Township for disposal shall furnish proof of collection service to the Township at least once every 12 months. In order to fulfill the requirements of this section, the responsible solid waste generator may include the proof of collection service with the municipal tax payment mailed to the Township Tax Collector.

§ 255-21. Notification To Solid Waste Generators.

The Township shall, within six months of the effective date of this article and at least once every six months thereafter, notify all responsible solid waste generators of the requirements of this article. This notification shall be provided by posting a notice within the Municipal Building where public notices are customarily posted and publishing such notice on the Township website.

§ 255-22. Solid Waste Collectors To Provide Solid Waste Generators With Opportunity To Contract For Regular Service.

Every solid waste collector engaging in private solid waste collection services within the Township who is registered pursuant to N.J.S.A. 13:1E-4 and N.J.S.A. 13:1E-5 and holds a certificate of public convenience and necessity pursuant to N.J.S.A. 48:13A-6 and N.J.S.A. 48:13A-9 shall provide all responsible solid waste generators with the opportunity to contract for, on an individual basis, regular solid waste collection services.

§ 255-23. Solid Waste Facilities To Provide Weekly Hours For Direct Transport Of Solid Waste From Residential Premises.

The owner or operator of a solid waste facility utilized by the Township shall establish weekly hours during which individuals may directly transport the solid waste generated at their residential premises for disposal at the solid waste facility. The owner or operator of such solid waste facility shall establish an equitable rate schedule for individual solid waste disposal by citizens on a per pound basis.

§ 255-24. Solid Waste Collection Service Hours.

Pursuant to N.J.S.A. 40:66-1.6 and N.J.S.A. 40:66-5.1, regular solid waste collection service for residential housing within the Township shall be performed between the hours of 7 a.m. and 10 p.m. in order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep.

§ 255-25. Violations And Penalties.

Any responsible solid waste generator, solid waste collector, solid waste facility or other individual who violates or fails to comply with the provisions of this article shall be subject to a fine of up to \$2,000 or imprisonment for a term of not more than 90 days, or both. A separate and distinct offense shall be deemed committed each day a violation or failure to comply with the provisions of this article occurs.

§ 255-26. Notification Of New Jersey Department Of Environmental Protection.

Pursuant to N.J.S.A. 40:66-5.2(c), the Township Clerk is directed to forward a copy of this ordinance by certified mail to the New Jersey Department of Environmental Protection.

§ 255-27. Notification To Solid Waste Facilities.

Pursuant to N.J.S.A. 40:66-5.2(e), the Township Clerk is directed to forward a copy of this ordinance by certified mail to the owner or operator of every solid waste facility utilized by the Township

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 noted that we have received complaints from residents within the Township that there have been solid waste companies making trash collection as early as 4 AM. Mayor DelCore said that this ordinance is in line with our noise ordinance and will limit the times for pickup in residential areas between the hours of 7 AM and 10 PM to ensure that we will not have issues regarding the noise ordinance.

Administrator Ferrera thanked the Health Department, Attorney Willard and the Township Committee for considering this so quickly due to a number of residents complaining about trash pickups at 4 AM.

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

CONSIDERATIONS

1. RESOLUTION AUTHORIZING THE EXECUTION OF A TWO-YEAR AGREEMENT WITH SWIFTREACH FOR AN EMERGENCY ALERT SYSTEM IN AN AMOUNT NOT TO EXCEED \$9,845.00 PER YEAR

WHEREAS, there exists a need for an Emergency Alerting System for the Township of Hillsborough; and

WHEREAS, the current contract for these services expires on December 31, 2016; and

WHEREAS, the Township of Hillsborough solicited quotes for an Emergency Alert System and three (3) quotes were received as follows:

SwiftReach	\$ 9,845.00 per year – no setup costs
Honeywell International LLC	\$12,000.00 per year – no setup costs
Everbridge	\$17,003.50 per year plus set up costs

WHEREAS, both the Township's Qualified Purchasing Agent and OEM Director recommend the Township award the contract to SwiftReach at an amount not to exceed \$9,845.00 per year for a two (2) year period; 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 as follows:

1. The Mayor and Township Clerk are hereby authorized to execute a two (2) year agreement with SwiftReach for an Emergency Alert System in an amount not to exceed \$9,845.00 per year.

Mayor DelCore stated that the current contract between Hillsborough Township and Honeywell for the Instant Alerting System expires at the end of this year. Mayor DelCore noted that the Township researched various options for an alerting system and has determined that Swiftreach meets the requirements we are looking for.

Committeeman Tomson asked if the residents information will import over to the new system.

Administrator Ferrera noted that the information will copy over automatically and that was one of the many reasons they chose SwitReach.

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

2. RESOLUTION AUTHORIZING ADJUSTMENTS IN THE AMOUNT NOT TO EXCEED OF VARIOUS PROFESSIONAL SERVICES CONTRACTS FOR THE YEAR 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., a contract for “Professional Services” was awarded to DiFrancesco, Bateman,, Kunzman, Davis, Lehrer, and Flaum, P.C., as Township Attorney in an amount not to exceed \$50,000.00 for the year 2016; and

WHEREAS, there is now the necessity for authorization of increasing this amount by an additional \$115,000 for legal services provided by the Township Attorney for 2016; and

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

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., a contract for “Professional Services” was awarded to Eric M. Bernstein and Associates as Labor Attorney in an amount not to exceed \$50,000.00 for the year 2016; and

WHEREAS, there is now the necessity for authorization of increasing this amount by an additional \$60,000.00 for legal services provided by the Labor Attorney for 2016; and

WHEREAS, funds are available and have been certified as such by the Chief Finance 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 as follows:

1. That DiFrancesco, Bateman, Kunzman, Davis, Lehrer, and Flaum, P.C., is authorized to perform professional services as Township Attorney through December 31, 2016, in an additional amount not to exceed \$115,000.00.
2. That Eric M. Bernstein and Associates is authorized to perform professional services as Labor Attorney through December 31, 2016, in an additional amount not to exceed \$60,000.00.

Mayor DelCore stated that this resolution authorizes adjustments in the amount not to exceed of various Professional Services Contracts for the year 2016.

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

3. RESOLUTION APPROVING 2016 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-58 allows for appropriation transfers during the last 2 months of a budget fiscal year when there is a need for these transfers; and

WHEREAS, there is a need to do appropriation transfers between appropriations in the 2016 Municipal Budget;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough that the Chief Finance Officer be authorized to make transfers between the following appropriations in the 2016 Budget:

TO:	Tax Collection	OE	708	1,000.00
	Zoning/Board of Adjustment	OE	721	10,729.00
	Water	OE	828	30,000.00
	TOTAL			41,729.00
FROM:	Tax Collection	S&W	708	1,000.00
	Planning	OE	720	9,000.00
	Environmental Commission	OE	723	1,729.00
	Gasoline	OE	833	20,000.00
	Diesel	OE	834	10,000.00
	TOTAL			41,729.00

Mayor DelCore stated that this resolution authorizes the adjustments required to complete our legal obligations through 2016 and does not impact the overall budget.

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

4. RESOLUTION AUTHORIZING MASER CONSULTING, P.A., TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH MEETINGS AND INSPECTIONS PERTAINING TO THE SUNNYMEAD LANDFILL IN AN AMOUNT NOT TO EXCEED \$5,000.00, PURSUANT TO MASER’S PROPOSAL DATED OCTOBER 28, 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 meetings and inspections pertaining to the Sunnymeade Landfill in an amount not to exceed \$5,000.00 as set forth in the proposal from Maser Consulting, P.A., dated October 28, 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 as outlined in its proposal, dated October 28, 2016, in an amount not to exceed \$5,000.00 associated with meetings and inspections pertaining to the Sunnymead Landfill..

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 \$5,000.00.

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 advanced 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 this resolution authorizes Maser to provide additional administrative services to the Township for that landfill.

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

5. RESOLUTION AUTHORIZING THE HIRING OF JOSEPH POWNALL, AS A PART TIME ELECTRICAL INSPECTOR FOR THE TOWNSHIP’S BUILDING DEPARTMENT EFFECTIVE NOVEMBER 10, 2016, AT THE RATE OF \$30.00 PER HOUR NOT TO EXCEED 29 HOURS PER WEEK

WHEREAS, there exists a need for a part time Electrical Inspector in the Township’s Building Department; and

WHEREAS, John Fiedler, Construction Official, recommends the hiring of Joseph Pownall as part time Electrical Inspector, effective November 10, 2016, at the rate of \$30.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Construction Official is authorized to hire Joseph Pownall as a part time Electrical Inspector, effective November 10, 2016, at the rate of \$30.00 per hour not to exceed 29 hours per week.

Mayor DelCore stated that there exists a vacancy in the Building Department in the position of part time electrical inspector. Mayor DelCore said Mr. Pownall has been interviewed and recommended to fill said vacancy.

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

6. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR VIDEO PRODUCTION SERVICES TO PREMIERE MEDIA, LLC, IN AN AMOUNT NOT TO EXCEED \$1,600.00

WHEREAS, the Township desires to highlight Hillsborough Township as a great place to live and work, and to promote businesses by way of video production; and

WHEREAS, the Township received the attached proposal from Premiere Media, LLC to provide video production services; and

WHEREAS, the Township recommends an award of contract to Premiere Media, LLC, in an amount not exceed \$1,600.00 for video production services; 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 as follows:

1. That an award of contract be made to Premiere Video, LLC, in an amount not to exceed \$1,600.00, for video production services for Hillsborough Township.
2. The Mayor and Township Clerk are hereby authorized to execute a contract with Premiere Media, LLC consistent with their proposal and this Resolution.

Mayor DelCore said this resolution authorizes a contract between the Township and Premiere Media for video services for a promotional segment for the business community.

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

CONSENT AGENDA

1. RESOLUTION APPROVING REQUEST FROM COUNTRY CLASSICS 4C FOR RELEASE OF CASH ESCROW FROM WINTER CERTIFICATES OF OCCUPANCY FOR BLOCK 205.21, LOT 3, BLOCK 205.21, LOT 4 AND BLOCK 205.21, LOT 7, IN THE TOTAL AMOUNT OF \$1500.00

WHEREAS, a request has been received from Country Classics 4C for release of cash escrow from Winter Certificates of Occupancy for Block 205.21, Lot 3, Block 205.21, Lot 4 and Block 205.21, Lot 7, in the total amount of \$1500.00; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$1500.00 cash escrow that was posted for the completion of 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 Assistant Township Engineer be and hereby is accepted and approved.

2. RESOLUTION APPROVING REQUEST FROM SPECTRA ENERGY FOR RELEASE OF CASH BOND FOR ROAD OPENING PERMIT NO. 2009-30, IN THE TOTAL AMOUNT OF \$7,125.00

WHEREAS, a request has been received from Spectra Energy for release of cash bond for Road Opening Permit No. 2009-30, in the total amount of \$7,125.00; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$7,125.00 cash bond that was posted for Road Opening Permit No. 2009-30.

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

3. RESOLUTION AUTHORIZING RELEASE OF CASH ESCROWS IN THE TOTAL AMOUNT OF \$7,541.00 TO WILLIAMS TRANSCONTINENTAL FOR ROAD OPENING PERMITS 2007-03 AND 2009-07

WHEREAS, a request has been received for release of cash escrows in the total amount of \$7,541.00 for Road Opening Permits 2007-03 and 2009-07; and

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

WHEREAS, the Assistant Township Engineer recommends the Township Committee authorize the release of cash escrows in the total amount of \$7,541.00 to Williams Transcontinental for Road Opening Permits 2007-03 and 2009-07.

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

4. RESOLUTION AUTHORIZING RELEASE OF ENGINEERING INSPECTION FEES IN THE TOTAL AMOUNT \$1,455.80 TO THE TOWNSHIP OF HILLSBOROUGH (\$216.47) AND WILLIAMS TRANSCONTINENTAL (\$1,239.33) FOR ROAD OPENING PERMIT NO. 2009-07

WHEREAS, a request has been received for the release of Engineering Inspection fees for Road Opening Permit No. 2009-07; and

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

WHEREAS, the Assistant Township Engineer indicates there is due and owing to the Township \$216.47 for engineering inspections performed; and

WHEREAS, the Assistant Township Engineer recommends the Township Committee authorize release of Engineering Inspection fees in the total amount of \$1,455.80 for Road Opening Permit No. 2009-07 as follows: Township of Hillsborough in the amount of \$216.47 and Williams Transcontinental in the amount of \$1,239.33.

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

5. RESOLUTION AUTHORIZES THE TOWNSHIP ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEAL CAPTIONED PM HOLDINGS, LLC VS. HILLSBOROUGH TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NO. 004690-2016

WHEREAS, PM Holdings, LLC (“Taxpayer”), the owner of Block 200.02, Lot 11 on the Township Tax Assessment Maps, commonly known as 359 Homestead Road (the “Property”), filed an Appeal of its 2016 tax assessment in the Tax Court of New Jersey, Docket No. 004690-2016; and

WHEREAS, the Township Committee met and reviewed the aforesaid tax appeals and the recommendations of its Tax Assessor and Attorney; and

WHEREAS, acceptable settlements of the aforesaid tax appeals have been negotiated which settlement results in a reduction to the 2016 total tax assessment from \$1,128,200.00 to a total tax assessment of \$857,900.00; and

WHEREAS, statutory interest is waived by the Taxpayer and will not be paid to the Taxpayer; and

WHEREAS, the Tax Assessor has conducted a review of the market given the factual circumstances pertaining to the subject property, which include issues of market rents and vacancies, and determined that the settlement will result in an assessment at a fair assessable value of the Property consistent with assessing practices applicable in the Township as required by law; and

WHEREAS, the Tax Assessor has also agreed to leave the 2017 tax assessment on the property at a total tax assessment of \$857,900, subject to the conditions more specifically set forth in the Stipulation of Settlement, a copy of which has been reviewed by the Township Committee; and

WHEREAS, the aforesaid reductions have no general application to other properties within the Township because of the aforesaid specific fact situation; and

WHEREAS, the Township will make this settlement with PM Holdings, LLC without prejudice to its dealings with any other Township taxpayer's request for tax assessment reduction; and

WHEREAS, the Township Committee has reviewed a copy of the proposed Stipulation of Settlement in this matter.

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 Attorney is hereby authorized to execute the attached Stipulation of Settlement relative to the tax appeal of PM Holdings, LLC vs. Hillsborough Township, Tax Court of New Jersey, Docket Nos. 004690-2016; which settlement results in a reduction of the 2016 tax assessment from a total tax assessment of \$1,128,200.00 to a reduced total tax assessment of \$857,900.00; which further provides that the taxpayer waives interest on any refunds due to the Taxpayer; which further provides that the Assessor will leave the assessment at \$857,900.00 for the 2017 tax years, subject to and as more specifically set forth in the Stipulation of Settlement.
2. The settlement outlined above shall be without prejudice to Hillsborough Township's dealings with any other Township taxpayers' request for tax assessment reductions.

6. RESOLUTION AUTHORIZING THE SUBMISSION OF THE EMERGENCY MANAGEMENT ASSISTANCE – EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION

WHEREAS, it is the desire of the Township Committee of the Township of Hillsborough to endorse the submission of said grant by the Office of Emergency Management, requesting funds for various Emergency Management activities; and

WHEREAS, the Township Committee endorses the submission of said grant to the Federal Grant Program FY 2016 EMAA, FY16-EMPG-EMAA-1810 for the Township of Hillsborough for the period of July 1, 2016 through June 30, 2017 in the amount of \$9,400.00 federal award and \$9,400.00 match from Hillsborough Township for a total of \$18,800.00; and

WHEREAS, the Township of Hillsborough is authorized to accept the Grant funds for the specific purpose described in the application.

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 submission of the Emergency Management Assistance – Emergency Management Performance Grant application requesting funds for various Emergency Management activities is hereby ratified and confirmed.

- 2. The Township Committee endorses the submission of said grant to the Federal Grant Program FY 2016 EMAA, FY16-EMPG-EMAA-1810 for the Township of Hillsborough for the period of July 1, 2016 through June 30, 2017, in the amount of \$9,400.00 federal award and \$9,400.00 match from Hillsborough Township for a total of \$18,800.00.

7. RESOLUTION AUTHORIZING THE REFUND OF RECREATION PROGRAM FEES IN THE AMOUNT OF \$300.00

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 \$300.00.

<u>Name</u>	<u>Amount</u>	<u>Name</u>	<u>Amount</u>
Grace McAllister	\$110.00	Purvi Desai	\$10.00
Abhy Majumder	\$50.00	Apexa Patel	\$130.00

8. RESOLUTION APPROVING REQUEST FROM PLEASANT VIEW ESTATES III - TOLL BROTHERS FOR RELEASE OF CASH ESCROW FROM WINTER CERTIFICATES OF OCCUPANCY, IN THE TOTAL AMOUNT OF \$6,000.00

WHEREAS, a request has been received from Pleasant View Estates III - Toll Brothers for release of cash escrow from Winter Certificates of Occupancy for Block 180.09, Lots 55, 58, 71, 77 and 81, in the total amount of \$6,000.00; and

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

WHEREAS, the Assistant Township Engineer recommends that the Township Committee take action to release the \$6,000.00 cash escrow that was posted for the Certificates of Occupancy.

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

9. RESOLUTION AUTHORIZING THE TOWNSHIP QUALIFIED PURCHASING AGENT TO SOLICIT REQUESTS FOR PROPOSALS THROUGH THE FAIR AND OPEN SELECTION PROCESS FOR PROFESSIONAL SERVICES FOR 2017

WHEREAS, beginning January 1, 2006, all municipalities began operating under the “New Jersey Local Unit Pay to Play” law, Public Law 2004, Chapter 19 (N.J.S.A. 19:44A-20.4-5 et seq); and

WHEREAS, each municipality was subsequently required to choose a method for selection of professionals who will be paid \$17,500 or more during the course of a year; and

WHEREAS, the Hillsborough Township Committee has chosen the Fair and Open process for the selection of professionals, which requires the public solicitation on the Township’s website of a request for proposal from any interested party for the various professional services and the Township Committee intends to use the process again in 2017; and

WHEREAS, the Township Committee will seek proposals for the following positions:

- Township Attorney
- Labor Attorney
- Open Space Attorney
- Planning Board Attorney
- Board of Adjustment Attorney
- Bond Counsel
- Municipal Auditor
- Consulting Township Engineer and Planning Consulting Services
- Planning Board Engineer
- Planning Board Alternate Engineer
- Board of Adjustment Engineer
- Board of Adjustment Alternate Engineer
- Township Architect
- Financial Advisor
- Affordable Housing Planning Consultant
- Special Counsel for Affordable Housing Matters
- Engineering Inspection Services
- Risk Management Consultant – JIF and Employee Benefits Management
- Employee Assistance Program
- Administration of Hillsborough Pointe Rental Project
- Administration of Hillsborough Township Home Improvement Program

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 solicit Requests for Proposals through the Fair and Open Selection Process for the above listed positions for 2016.

10. RESOLUTION GRANTING PERMANENT EMPLOYEE STATUS TO DUANE COWLEY, IN THE HILLSBOROUGH TOWNSHIP BUILDING DEPARTMENT, EFFECTIVE OCTOBER 1, 2016

WHEREAS, Duane Cowley was hired as a Plumbing Inspector in the Building Department on July 1, 2016; and

WHEREAS, the Construction Official certifies that Mr. Cowley has performed his duties and assignments in a capable and competent manner; and

WHEREAS, having qualified for regular employee status during the three-month probationary period, the Construction Official recommends that regular employee status be conferred upon Mr. Cowley, effective October 1, 2016.

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 Construction Official be and hereby is accepted and approved.

11. RESOLUTION AUTHORIZING THE TOWNSHIP QUALIFIED PURCHASING AGENT TO REQUEST PROPOSALS THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR A QUALIFIED FINANCIAL INSTITUTION TO PROVIDE THE TOWNSHIP'S PRIMARY BANKING SERVICES

WHEREAS, the Township of Hillsborough believes that it is in the best interests of the Township to utilize banking institution(s) that offer comprehensive services at competitive rates; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the Township to procure such services through the process of competitive contracting; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that the competitive contracting process be authorized by Resolution.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township Qualified Purchasing Agent is authorized to advertise Request for Proposals through the Competitive Contracting Procurement process for a Qualified Financial Institution to provide the Township's Primary Banking Services.

12. RESOLUTION AUTHORIZING THE TOWNSHIP QUALIFIED PURCHASING AGENT TO REQUEST PROPOSALS THROUGH THE COMPETITIVE CONTRACTING PROCUREMENT PROCESS FOR A PRIVATE AGENCY TO AUDIT THE TOWNSHIP'S UTILITY BILLS

WHEREAS, the Township of Hillsborough believes that it is in the best interests of the Township to hire a private agency to audit the Township's utility bills; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the Township to procure such services through the process of competitive contracting; and

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that the competitive contracting process be authorized by Resolution.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township Qualified Purchasing Agent

is authorized to advertise Request for Proposals through the Competitive Contracting Procurement Process for a private agency to audit the Township's utility bills.

13. RESOLUTION RATIFYING AND CONFIRMING THE REQUEST FROM HILLSBOROUGH FAMILY YMCA TO HOLD THE IRUN 5K RACE IN HILLSBOROUGH TOWNSHIP ON SATURDAY, OCTOBER 29, 2016, PURSUANT TO THE REQUIREMENTS OUTLINED BY CHIEF DARREN POWELL

WHEREAS, the Hillsborough Family YMCA requested permission to hold the Irun 5K race, October 29, 2016, in Hillsborough Township; and

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

WHEREAS, Chief Powell and Hillsborough Township Police Department's Traffic Safety Bureau determined that the planned route provided 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, ratifies and confirms that the Hillsborough YMCA was authorized to hold a race in Hillsborough Township on October 29, 2016.

14. RESOLUTION APPROVING THE APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR FOR SOMERSET COUNTY BOARD OF AGRICULTURE FOR AN EVENT TO BE HELD ON NOVEMBER 11, 2016

WHEREAS, an application for a Special Permit for Social Affair has been filed by Somerset County Board of Agriculture for an event to be held on November 11, 2016; 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 Somerset County Board of Agriculture for an event to be held on November 11, 2016.

15. RESOLUTION AMENDING THE 2016 TOWNSHIP COMMITTEE MEETING SCHEDULE

BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey that the schedule of regular public meetings of the Township Committee to be held during 2016 is amended as follows:

2016 TOWNSHIP COMMITTEE MEETINGS

Amendment

7:30 P.M. – Regular Meetings

**at the Hillsborough Municipal Complex
(TUESDAYS)**

DECEMBER

20th - Added

27th - Cancelled

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

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

CLAIMS LIST

Mayor DelCore asked to approve Claims List 2016-21.

Upon the motion of Committeeman Burchette seconded by Committeewoman McCauley, Claims List 2016-21 was unanimously approved upon call of the roll.

ADJOURNMENT

Upon motion by Committeeman Burchette, seconded by Committeewoman McCauley, the meeting duly adjourned at 8:11 pm. Said motion was carried unanimously upon voice vote.

Attested:

Pamela Borek
Township Clerk