

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 PM on November 9, 2021.

CALL OF THE ROLL

Upon call of the roll, the following Committee members were recorded present: Mayor Shawn Lipani, Deputy Mayor Frank DelCore, Committeewoman Janine Erickson, Committeeman Doug Tomson and Committeeman Jeffrey Wright. Also in attendance were Township Administrator Anthony Ferrera, Township Deputy Clerk Sarah Brake, Township Attorney Eric Bernstein, and Township Attorney William Willard.

SALUTE TO THE FLAG

MAYOR STATES

Mayor Lipani 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 Tuesday, November 9, 2021.

APPROVAL OF MINUTES

1. MARCH 23, 2021 EXECUTIVE SESSION MINUTES

Upon a motion by Committeeman Doug Tomson, seconded by Committeewoman Janine Erickson, the March 23, 2021 Executive Session Minutes were approved upon the call of the roll.

2. APRIL 13, 2021 EXECUTIVE SESSION MINUTES

Upon a motion by Committeeman Jeffrey Wright, seconded by Deputy Mayor Frank DelCore, the April 13, 2021 Executive Session Minutes were approved upon the call of the roll. Committeewoman Erickson abstained.

3. MAY 11, 2021 EXECUTIVE SESSION MINUTES

Upon a motion by Committeeman Jeffrey Wright, seconded by Deputy Mayor Frank DelCore, the May 11, 2021 Executive Session Minutes were approved upon the call of the roll.

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

Committeewoman Erickson

Committeewoman Erickson stated that the Building Department continues working with residents who have been affected by Storm Ida.

Committeewoman Erickson advised that if H.V.A.C. units (hot water heater, air conditioning, furnace etc.) stop working and need to be replaced, the building department must be notified before starting the work. The work can begin and the permit application needs to be submitted by the licensed contractor within 72 hours of the notification.

Committeewoman Erickson announced that the Social Services Department will hold an evening food distribution event for Hillsborough Township residents at the Willow Road Complex, 530 Willow Road, Hillsborough from 5:30 to 7:00 p.m. on Friday, November 12th.

Committeewoman Erickson reported that the Recreation Department kicked off the Halloween festivities on

Thursday, October 28th with their annual children's Halloween party at Norz Hill Farm. The winner for the "Guess How Many" Candy Corn contest, was Sarah Landers. The Recreation Department continued the fun on Saturday with their second annual Trunk or Treat event at the Willow Road Complex. The winning trunk, as voted on by the children, belonged to the Serweddes family.

Committeeman Tomson

Committeeman Tomson stated that the Hillsborough Township Police Department and Community Assistance Network invites residents to help "Stuff the Bus" on Saturday, November 20th from 9 am to 1 pm at the Nelson's Corner shopping center.

Committeeman Tomson announced that the Hillsborough Health Department in collaboration with Greenbrook Family Medicine, is conducting a children's covid vaccination clinic on Sunday, November 14th, at the Hillsborough High School. The Health Department conducted a Covid 19 booster clinic with Greenbrook Family Medicine on October 28th and Thursday, November 4, immediately after a senior group meeting in order to give the seniors more convenience and opportunity to get the booster vaccines. Over 250 people received boosters.

Committeeman Tomson reported that the NJ Single-Use Plastic Straw Law went into effect on November 4, 2021. Food-service businesses may provide single-use plastic straws to a customer only upon request. Consumers will still be able to purchase packages of straws and beverages prepackaged with a straw, such as juice boxes, after Nov. 4. This is a prelude to the May 4, 2022 ban on plastic bags and paper bags.

Committeeman Tomson announced that Hillsborough Township will kick off the holiday season on Friday, December 3rd with the annual lighting of the Township Christmas Tree. Festivities begin at 6pm and Santa will arrive shortly after 7PM. Also on December 3rd at 7pm is the 2021 Shabbat Chanukah Service and Township Menorah Lighting at Temple Beth-El. This will take place in the sanctuary and via zoom.

Committeeman Tomson stated that beginning on Monday, November 22nd and each night through Friday, December 10th, Santa will send one of his elves to stop by his special mailbox to pick up each child's letter and send out a response. The Recreation Department is also hosting a pajama drive to benefit the Pajama Program and local families in need. Donations of new pajamas can be brought to the Tree Lighting event on Friday, December 3rd or they can be placed in the donation box that will be located in the hallway leading to the library. The Recreation Department is hosting a winter movie night at the Hillsborough Township Complex on December 10th. Featured is the movie "Elf" and the admission fee is one (1) set of new pajamas per child. Pre-registration online via the recreation website is required as space is limited.

Committeeman Tomson advised that the "Home for the Holidays" house decorating contest is back. Residents should submit a picture of their yard or home's exterior, along with their name and street address to recreation@hillsborough-nj.org by Sunday, December 5th. Voting will take place from December 6th through the 19th and the winners will be announced on Monday, December 20th.

Committeeman Wright

Committeeman Wright stated in order to participate in the leaf collection program, residents must rake leaves to the curb or street right-of-way before the beginning of their scheduled week of collection. A tentative schedule will be posted in the Mayor's eNews and on the Township website. Bagged leaves are not accepted. Homemade collection bins with stakes and wire fences help keep leaves contained and are encouraged. Bins should not be taller than 36 inches and should be located near the curb or ditch line. Residents should keep leaves away from gutters, drainpipes, drop inlets, drainage structures and catch basins, as to not block the free flow of water. Rocks, sticks, brush and other objects must be kept out of leaf piles. Please note leaves should not block traffic, nor should they be piled near intersection corners.

Committeeman Wright advised that residents also have the option to take their leaves to the Auten Road facility on select Saturdays from 7am - 3pm. Proof of residency is required. Only leaves will be accepted. No brush, yard waste

or debris. Bagged leaves should be dumped and bags taken home.

Committeeman Wright reported that an easement is defined as a right to cross or otherwise use someone else's land for a specified purpose. Easements that are located on residential and commercial properties are the property owners' responsibility to maintain the surface area which includes swales, drainage ditches, streams, etc. The Township does not own easements on private property. The purpose of an easement is to allow access to underground utilities and/or drainage access from uphill areas. The utility company and/or the Township is only responsible for the underground piping and/or wiring. Easements also restrict property owners from altering or blocking these drainage flow easement areas.

Committeeman Wright announced that Littercon is a litter cleanup held in preparation for the Holidays where volunteers can dress in Santa, Elf, Grinch or other holiday attire costumes and pick up litter around the community. Registration is held through eventbrite and litter cleanup kits will be distributed to volunteers at the event.

Deputy Mayor DelCore

Deputy Mayor DelCore congratulated Mayor Lipani on his election win and thanked Committeeman Wright for his service.

Deputy Mayor DelCore stated that the Finance Department is preparing to send out the renewals for 2022 dog licenses, which can be purchased after January 10th of 2022. Residents must produce a rabies vaccine that is valid through October of 2022, as State law requires that the Township has a current proof of vaccination on file.

Deputy Mayor DelCore reminded property owners to submit their applications and required documentation to the Assessor to apply for senior and veteran deductions to qualify for 2021.

Deputy Mayor DelCore announced that Hillsborough's Celebration of National Women's Month has been extended to November. Please visit hillsboroughbusiness.org to see the 2021 Spotlights along with the Get to Know series.

Deputy Mayor DelCore stated that the Rotary Club of Hillsborough and Operation Shoebox are calling upon community members to donate items needed by our troops so that they can be packaged and shipped abroad in time for the holiday season. Collection bins are picked up and emptied each day until November 14th at the following locations: Central Jersey Nursery, YMCA, Pinnacle Health Fitness, and Premier Dance.

Deputy Mayor DelCore extended his congratulations to Hillsborough-Millstone Municipal Alliance member Melinda Maggio, for winning the Karen Palotas Award. This award is presented to community members who donate their time, passion and energy to reduce substance abuse.

Mayor Lipani

Mayor Lipani reminded residents that many of the armed services members are women and to please remember that when donating to Operation Shoebox. He also advised there would be a collection box in the Municipal Building as well.

Mayor Lipani reported that Ted Dima, a Vietnam Veteran and Purple Heart recipient, who serves as Senior Vice Commander of the Chapter 27 of the Military Order of the Purple Heart, will lead Hillsborough's Annual Veterans Day Ceremony on Thursday, November 11th, 2021 at 6 pm at the Garden of Honor. All Veterans, spouses and widows are invited. It will be followed by pizza and friendship in the Senior Activity Room.

Mayor Lipani reminded residents that the Municipal Offices will be closed on November 11th in honor of Veteran's Day.

Mayor Lipani announced that there are 56 flags in the Field of Honor in front of the Municipal Building sponsored

by Hillsborough residents in honor of a special veteran in their life, as part of the Flags for Heroes initiative sponsored by the Hillsborough Rotary.

Mayor Lipani advised that Hillsborough Township will participate in the 7th Hillsborough Township Day at the Prudential Center Saturday, November 13th Devils game against the Boston Bruins. As in years past, Hillsborough Township will be recognized throughout the evening including three Hillsborough Eagle Scouts as the Honor Guard, Adeline Eick as the Hero of the game, and a gathering at the conclusion of the game for an on ice photo.

PROCLAMATIONS / APPOINTMENTS

1. NATIONAL INJURY PREVENTION DAY

WHEREAS, Hillsborough Township is committed to creating a safe environment contributing to the safety and well-being of our children; and

WHEREAS, injuries are the leading cause of death and disability to US children ages 1 to 18; and

WHEREAS, an estimated 54 percent of gun owners don't lock all of their guns securely, and an estimated 5.4 million children live in a home with at least one unlocked and loaded gun, an increase of 800,000 children since 2015; and

WHEREAS, almost every single day, a child gets their hands on a gun and unintentionally kills or injures themselves or someone else in the US; and

WHEREAS, research shows that the best way to protect children and teens from accessing guns is to implement secure firearm storage practices; and

WHEREAS, protecting public safety in the community he or she serves is a mayor's highest responsibility; and

WHEREAS, National Injury Prevention Day raises awareness and promotes efforts to reduce injuries among children. Hillsborough Township commends Be SMART, a program developed by the Everytown for Gun Safety Support Fund and Moms Demand Action, and all involved in their endeavor to protect children from injury.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Mayor and Township Committee, do hereby recognize November 18, 2021 as National Injury Prevention Day, and encourage the citizens of Hillsborough Township to implement secure firearm storage practices.

PRESENTATIONS

NEW BUSINESS

None

PUBLIC COMMENT ON NEW BUSINESS AND MATTERS NOT ON THE AGENDA

None

PUBLIC HEARINGS

1. 2021-22 AN ORDINANCE TO AMEND CHAPTER 259, "STREETS AND SIDEWALKS", OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY.

WHEREAS, it is the duty of the Engineering Department to issue Road Opening Permits; and

WHEREAS, there is a need to establish a clause to require a pavement restoration plan for newly constructed or roads resurfaced within 5 years.

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

Section 1. Chapter 259 titled "Streets and Sidewalks" of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey is hereby amended as follows. **Additions are indicated by an underline. Deletions are indicated by a strikethrough.**

§ 259-1 Permit required; application.

- A. No person, company, firm or corporation shall remove, dig into, excavate or take up, or cause or procure to be removed, excavated or dug up, the surface of any public right-of-way, street, lane, alley, court, sidewalk or other public place or any pavement or other improvement therein which is under the control of the Township of Hillsborough without first having obtained and being in possession of a valid, written permit to do so.
- B. It shall be the duty of the ~~Director of Public Works~~Engineering Department to issue such a permit when all the requirements for granting same have been complied with by the applicant, and any such permit may be revoked by the ~~Director of Public Works~~Engineering Department at any subsequent time if the applicant does not continue to comply with the requirements of this article.
- C. At the discretion of the ~~Director of Public Works~~, the Engineering Department a separate permit required for each opening may be waived in the case of a public utility making numerous openings or for the installation of utility poles or guy wires. The application and the issuance of the permit shall be in the name of the party actually doing the work, except in the case of public utilities who have posted bond with the Township.
- D. No excavation shall be permitted on a newly constructed or resurfaced road for a period of not less than 5 years. This subsection does not include excavation of the right-of-way abutting said newly constructed or resurfaced road. Should such an opening be required for emergency purposes, permission must be obtained from the Engineering Department and restoration plans reviewed and approved by the Township Engineering Department.

§ 259-2 Notification.

- A. All applicants for permits shall give at least 72 hours notice, in writing, to the ~~Director of Public Works~~Engineering Department, specifying the place, kind and approximate size of the excavation or work and the time required to do the work, except in cases of emergency such as the breaking of a public utility, in which case such notice shall be given to said ~~Director~~Department as soon as possible.
- B. The applicant is made aware that he shall notify gas companies prior to digging as is required by state law. By calling the Underground Location Service, toll-free number 800-272-1000, the applicant satisfies this requirement.
- C. The ~~Director of Public Works~~Engineering Department shall send copies of all permits to the Police Department. The Police Department will notify the Board of Education, Rescue Squad and appropriate fire company.

§ 259-3 Liability.

The applicant, in accepting a permit under this article, shall be deemed to have agreed to indemnify and save harmless the Township of Hillsborough from and against all loss, cost or damages incurred by reason of any damage to any property, injury to any person or any loss of life resulting from any negligence of the applicant or its agents or servants in performing the work covered by the permit, and the Township of Hillsborough, in issuing said permit, thereby discounts any liability in connection therewith. The Township inspection is solely for the purpose of ensuring that the existing facilities are restored so that the Township will not incur the financial responsibility of replacing or restoring facilities damaged or destroyed or incompletely restored by others.

§ 259-4 Permit fee; inspection costs; escrow amounts.

- A. Before each permit for any series of openings is granted, the applicant shall make a payment to the ~~Director of Public Works~~Engineering Department in the sum of \$75, payable to the Treasurer of the Township of Hillsborough. This payment is a fee to cover the nominal cost of issuing the permit and is not returnable to the applicant.
- B. In addition to the above fee, the applicant shall also be required to deposit with the ~~Director of Public Works~~Engineering Department cash, a ~~certified~~ check or a surety bond, payable to the Treasurer, Township of Hillsborough, in an amount in accordance with the following schedule:
 1. For each and every proposed opening to be made in pavement the sum of \$30 for each square yard of right-of-way to be disturbed, up to a total of five square yards shall be posted as a fee to cover the cost of inspection.
 2. For any permit the minimum nonrefundable inspection fee shall be \$75 regardless of the number of openings.
 3. For each and every proposed opening to be made in pavement the sum of \$75 for each square yard of right-of-way to be disturbed, up to a total of five square yards shall be posted as a refundable performance guarantee escrow.
 4. For any permit the minimum refundable performance guarantee escrow shall be \$150 regardless of the number of openings.
 5. For any permit with proposed openings disturbing more than five square yards of right-of-way, inspection fee escrow and performance guarantee escrow shall be such sum as ~~the Director of Public Works and~~prepared by the Township Engineer~~deem~~Engineering Department deems to be reasonable given due regard to the total square yards disturbed.
- C. The escrows described in Subsections **B(3)**, **(4)** and **(5)** shall be required to ensure compliance with the regulations contained in this article and shall be returned to the applicant, less any Township expenses in connection therewith, after the applicant has restored the pavements removed or damaged by the excavation in accordance with all the regulations contained therein.
- D. The above escrows shall be held and then returned after a period of one year from the date the final restoration was accepted by the ~~Director of Public Works~~Engineering Department.
- E. In the event the provisions of this article are not adhered to, the Township may, at its discretion, expend any or all of the funds deposited to ensure compliance.
- F. Payments and deposits shall be delivered to the ~~Director of Public Works~~Engineering Department, made payable to the Treasurer, Township of Hillsborough, New Jersey, in cash or by ~~certified~~ check.
- G. Public utilities that have posted an escrow of \$5,000 with the Township shall be exempt from the requirements of Subsections **B(3)** and **(4)**; however, the provisions of Subsection **B(5)** may be applied if and where the ~~Director of Public Works and Township Engineer~~Engineering Department deem appropriate given due regard to the total square yards disturbed.

- H. Contractors operating under Township contract who have posted a performance bond shall be exempt from Subsection **B(1), (2), (3), (4) and (5)**.
- I. Public utilities that have posted escrow pursuant to Subsection **G** may elect to be billed annually by the Township for the fees described under Subsections **A, B(1) and B(2)**.

§ 259-5 Insurance.

- A. The applicant, in accepting a permit under this article, shall furnish a certificate of insurance that he has in effect public liability and property damage insurance as shall protect him and the Township of Hillsborough as a named insured from any and all claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise from the work to be carried on under the permit. The amounts of such insurance shall be not less than the following:
 - 1. Bodily injury:
 - a. One hundred thousand dollars each person.
 - b. Three hundred thousand dollars each accident.
 - 2. Property damage: \$50,000 each accident.
- B. All insurance shall be in effect for at least one year following the restoration of the excavated area.

§ 259-6 Rules and regulations.

The applicant shall comply with the following rules and regulations:

- A. The applicant shall notify the ~~Director of Public Works~~Engineering Department at least 48 hours in advance of the exact time of starting the work on all excavations.
- B. All traffic control must be per Township Ordinance §259-18 to §259-26. Permission to close a road to traffic shall first be secured from the ~~Director of Public Works~~Engineering Department and the Hillsborough Township Police Department, and such permission shall only be valid for the time specified. Such approval shall require the ~~Director of Public Works~~Police Department to give notification of such closing to local fire departments, the Rescue Squad, the Board of Education Transportation Supervisor and to the general public.
- C. The applicant shall keep all road openings properly guarded at all times for the safe passage of all vehicular and pedestrian traffic in conformance with local, state and federal safety standards.
- D. All openings shall be covered or filled during the hours of darkness unless permission is obtained from the ~~Director of Public Works~~Engineering Department and the Police Department and the opening is adequately protected.
- E. Warning signs; safety precautions.
 - 1. It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public. Barriers, warning signs, lights, etc., shall conform to the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, prepared by the United States Department of Transportation and adopted by the Federal Highway Administration and acceptable to the Department of Public Works. Warning lights shall be electrical markers or flashers which shall be used to indicate a hazard to traffic from sunset of each day to sunrise of the next day and other periods of limited visibility due to atmospheric conditions. Warning lights shall fully comply with the standards indicated in the aforementioned manual.
 - 2. The permittee shall take appropriate measures to ensure that, during the performance of the work, traffic conditions, as near normal as possible, shall be maintained at all times so as to minimize inconvenience to the occupants or users of adjoining properties and to the general public.

3. Warning signs shall be placed far enough in advance of the construction operation to alert traffic in a public street, and cones or other approved devices shall be placed in channel traffic in accordance with the manual and acceptable to the ~~Director of Public Works~~Engineering Department.
- F. The applicant shall open no greater part of such road than shall be reasonably necessary.
- G. Any road opening shall be promptly backfilled with select or approved material and restored immediately following completion of work for which the specific opening was required.
- H. Where multiple openings are made, the applicant may be required to construct a continuous overlay to eliminate a washboard effect.
- I. Installations shall be in shoulder areas where possible, and all conduits shall be placed by boring or jacking wherever feasible or required.
- J. All valve box installations in paved areas shall be set in concrete to prevent movement.
- K. When a utility, authority, developer, company or any person proposes to open portions of any street or public place larger than five square yards, a set of plans may be required depicting the proposed opening and the extent of restoration and shall be given to the ~~Director of Public Works~~Engineering Department prior to issuance of permit for his approval. A meeting with the permittee, ~~Director of Public Works and the Township Engineer~~ and the Engineering Department shall be held when deemed necessary by the ~~Director of Public Works~~Department.
- L. If utility companies or authorities make said openings, said utility company or authority inspectors will cooperate with the ~~Director of Public Works~~Engineering Department to ensure that said openings are properly protected and restored.
- M. Permission to cross or modify bridges, culverts or other drainage structures must first be obtained from the Somerset County Engineer or from the Hillsborough Township Engineer before a road opening permit will be issued.

§ 259-7 Backfill and pavement restoration.

- A. The backfilling and pavement restoration of openings made under the jurisdiction of this article shall comply with current standard details prepared by the Township ~~Engineer~~Engineering Department and adopted by the Township Committee. The Township ~~Engineer, in consultation with the Director of Public Works,~~Engineering Department may upgrade pavement restoration as adopted if deemed necessary and in the best interest of the Township.
- B. The ~~Director of Public Works~~Engineering Department shall be notified at least 24 hours in advance of starting permanent pavement replacement.
- C.

§ 259-8 Violations and penalties.

Any person, firm or corporation violating the provisions of this article shall, upon conviction thereof, be deemed guilty of a Class C violation, punishable as provided in Chapter 1, General Provisions, Article II.

Section 2. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. In the event of any inconsistencies or conflicts between this Ordinance and existing ordinances of the Township, the provisions of this Ordinance shall apply.

Section 3. 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 4. This Ordinance shall take effect upon adoption and publication in accordance with New Jersey law.

Upon a motion by Committeeman Jeffrey Wright, seconded by Committeeman Doug Tomson, to open the public hearing on Ordinance 2021-22, the motion was unanimously approved upon the call of the roll.

Mayor Lipani clarified that in the past the contractor was only required to pave half the road but this ordinance requires the contractor to pave the entire road.

Upon a motion by Committeeman Doug Tomson, seconded by Committeeman Jeffrey Wright, to close the public hearing and adopt Ordinance 2021-22, the motion was approved upon the call of the roll.

INTRODUCTION OF NEW ORDINANCES

1. 2021-24 ORDINANCE AMENDING CHAPTER 92 “POLICE DEPARTMENT”, ARTICLE II “ESTABLISHMENT AND ORGANIZATION”, SECTION 92-8 “APPOINTMENTS AND PROMOTIONS” OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY. FURTHER CONSIDERATION OF THIS ORDINANCE AND PUBLIC HEARING WILL BE HELD ON DECEMBER 14, 2021.

Be It Ordained by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Chapter 92 “Police Department”, Article II “Establishment and Organization”, Section 92-8 “Appointments and Promotions”, Subsections 92-8B(7)(a)(1) and 92-8B(7)(a)(13) of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey, is hereby amended as follows: **New language is underlined thus and deletions are indicated with strikethroughs ~~thus~~.**

§ 92-8 Appointments and Promotions.

B. Promotions.

(7) Selection process for promotion to Sergeant.

(a) The selection process for the promotion of a candidate from police officer to Sergeant shall be based on the following components:

Written exam administered by the New Jersey State Chiefs of Police Association or other organization selected by the Chief of Police. This exam shall be scored on a pass/fail basis. An employee must score at least 70 points on the examination to pass. A pass score is necessary to be considered for the remaining provisions of the promotional selection process for Sergeant, which is set forth below. The results of the examination will be effective for ~~two~~ three years from the date of the examination.

Once a list for promotion has been created identifying the candidate(s) who achieved a passing score for the rank in question, the results of the written examination only, where applicable, shall remain in effect for ~~two~~ three years from the date of the examination. The promotion list(s) created by the scoring provisions above shall remain in effect for six months after the promotion(s) is (are) made. However, the Township Committee can, at its sole discretion, prior to the expiration of the six months set forth above, extend one or more promotion lists for up to an additional six-month period. Thereafter, any scoring/interviews, other than the examination where applicable, must be done for each and every promotion.

Section 2. 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 3. This Ordinance shall take effect upon adoption and publication in accordance with law.

Upon a motion by Committeeman Jeffrey Wright, seconded by Committeeman Doug Tomson, to introduce Ordinance 2021-24 Ordinance, the motion was unanimously approved upon the call of the roll.

2. 2021-25 ORDINANCE AMENDING CHAPTER 143 "VEHICLES AND TRAFFIC", ARTICLE XII "SCHEDULES", SECTION 143-32 "SCHEDULE III: NO STOPPING OR STANDING" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY. Further Consideration of this Ordinance and Public Hearing will be held on December 14, 2021.

WHEREAS, the Chief of Police and Township Engineer recommends that Chapter 143 "Vehicles and Traffic", Article XII "Schedules", Section 143-32 "Schedule III: No Stopping or Standing" be amended to include both sides of Hillsborough Road from the easterly edge of Route 206 extending 1500 feet east.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 143 "Vehicles and Traffic", Article XII "Schedules", Section 143-32 "Schedule III: No Stopping or Standing" is hereby amended to include:

Name of Street	Side	Hours	Location
Hillsborough Road	Both	24	From the easterly edge of US 206 extending a distance of 1500 feet east therefrom

This ordinance shall become effective immediately upon adoption and publication in accordance with the law.

Upon a motion by Committeeman Doug Tomson, seconded by Committeewoman Janine Erickson, to introduce Ordinance 2021-25, the motion was unanimously approved upon the call of the roll.

CONSENT

1. RESOLUTION AUTHORIZING THE REFUND OF RECREATION PROGRAM FEES

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 by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Chief Financial Officer is hereby authorized to refund said amounts as detailed below.

Diane Walters	\$50.00
Slavka Ritorto	\$24.00

2. RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY22 LOCAL FREIGHT IMPACT GRANT

WHEREAS, the New Jersey Department of Transportation (DOT) has funds available through the FY22 Local

Freight Impact Fund and solicits proposals for projects aimed toward the advancement of freight projects and movement of large truck traffic that emphasize and enhance safety, renew aging infrastructure and promote economic development; and

WHEREAS, the Township of Hillsborough has identified the widening of Dukes Parkway West and other safety improvements as a project that fits the criteria of this program.

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

1. It hereby approves the submission of an application for the above-stated grant;
2. It hereby authorizes the Mayor and the Clerk to electronically submit the grant application identified as LFIF-2022-Dukes Parkway West-00003 to the NJDOT on behalf of the Township; and
3. It hereby authorizes the Mayor and the Clerk to sign the grant agreement on behalf of the Township of Hillsborough and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

3. RESOLUTION AUTHORIZING SPECIAL ITEM OF REVENUE AND APPROPRIATION

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

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

WHEREAS, the Township has received grants in the amount of \$158,299.90 for the year 2021 and wishes to amend its 2021 Budget to include these grants.

NOW, THEREFORE, BE IT RESOLVED by the Township of Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township requests the Director of the Division of Local Government Services to approve the insertion of the items of revenue in the Budget of the year 2021 in the amounts listed and detailed below, which said items are now available as revenues from:

NEW JERSEY DEPT OF LAW AND PUBLIC SAFETY - NBRS	\$34,171.90
POLICE GRANT	
OFFICE OF EMERGENCY MANAGEMENT	\$10,000.00
STATE OF NEW JERSEY BODY CAMERA GRANT	\$114,128.00

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

4. RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) PORTABLE LIGHT TOWERS FROM WARSHAUER GENERATOR, LLC

WHEREAS, the Director of Social Services and the Director of the Office of Emergency Management have requested authorization for the purchase of two (2) portable light towers to help in the after-hour distribution of services, supplies and food to residents and to be used for lighting for emergencies that occur in the Township; and

WHEREAS, the light towers are available to purchase from Warshauer Generator, LLC, through New Jersey State Contract #G-4014 in an amount not to exceed \$23,790.00; and

WHEREAS, funds are available and have been certified as such by the Chief Finance Officer through Account #G-02-40-650-000.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby authorizes and approves the purchase of two (2) portable light towers from Warshauer Generator, LLC, in an amount not to exceed \$23,790.00 through New Jersey State Contract #G-4014.

5. RESOLUTION AUTHORIZING STIPEND PAYMENT TO SENIOR MECHANICS, RON NILL AND JOHN DROUMBAKIS, IN ACCORDANCE WITH THE TEAMSTERS 469 CONTRACT, ARTICLE XXXII WAGES

WHEREAS, the Director of Public Works reports that Senior Mechanics, Ron Nill and John Droumbakis, have done an admirable job throughout the year repairing the entire fleet of Township vehicles and equipment and recommends a stipend payment to each of them in the amount of \$1,000.00 in accordance with the Teamsters 469 Contract, Article XXXII Wages.

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

6. RESOLUTION ADOPTING AFFORDABLE HOUSING TRUST FUND SPENDING PLAN FOR THE TOWNSHIP OF HILLSBOROUGH

WHEREAS, the Township has adopted a development fee ordinance creating a dedicated revenue source for affordable housing and establishing an Affordable Housing Trust Fund; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires that a municipality with an affordable housing trust fund receive approval of a spending plan from the Council on Affordable Housing (COAH) or the Superior Court of New Jersey prior to spending any of the funds in its affordable housing trust fund beyond the approval of the spending plan by COAH or the Courts; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the Township will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable and available at this time, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the Township envisions supporting or sponsoring public sector or non-profit construction of housing;
8. A plan to spend the trust fund balance in accordance with an implementation schedule approved by COAH or the Court;
9. The manner in which the Township will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal

affordable housing obligation.

WHEREAS, the Township's Planning Consultant, Jennifer C. Beahm, PP, AICP of Leon S. Avakian, Inc., Consulting Engineers, has prepared an updated Affordable Housing Trust Fund Spending Plan for the Township consistent with the requirements set forth above; and

WHEREAS, the Township will be submitting the Affordable Housing Trust Fund Spending Plan to the Superior Court of New Jersey for its review and hopeful approval as part of its obligations under the Settlement Agreement between the Township of Hillsborough and Fair Share Housing Center (FSHC).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Affordable Housing Trust Fund Spending Plan is hereby adopted subject to and conditioned upon approval by the Superior Court of New Jersey.

7. RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN TO THE TOWNSHIP OF HILLSBOROUGH'S MASTER PLAN PREVIOUSLY ADOPTED BY THE TOWNSHIP PLANNING BOARD

WHEREAS, by a Resolution dated November 4, 2021, the Planning Board of the Township of Hillsborough (hereinafter referred to as the "Board") adopted a Housing Element and Fair Share Plan to the Township's Master Plan prepared by Jennifer C. Beahm, PP, AICP of Leon S. Avakian, Inc., Consulting Engineers, who serves as the Township's Consulting Planner; and

WHEREAS, the Township Committee agrees with the Board's finding that the Housing Element and Fair Share Plan complies with N.J.S.A. 40:55D-28b(3) and N.J.S.A. 52:27D-310 in that it is designed to achieve the goal of providing the realistic development of affordable housing to meet present and prospective housing needs with particular attention to low and moderate income housing; and

WHEREAS, the Township Committee further agrees with the Board's determination that the Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township of Hillsborough's Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan is in the public interest and will protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Township Committee hereby approves and endorses the Housing Element and Fair Share Plan that has been adopted by the Board.

8. RESOLUTION APPOINTING ASSISTANT PLANNER/GIS, JOCELYN BELLO, AS THE TOWNSHIP OF HILLSBOROUGH'S AFFORDABLE HOUSING LIAISON

WHEREAS, the Township Committee recommends the appointment of Assistant Planner/GIS, Jocelyn Bello, as the Township of Hillsborough's Affordable Housing Liaison.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Assistant Planner/GIS, Jocelyn Bello, is hereby appointed the Township of Hillsborough's Affordable Housing Liaison.

9. RESOLUTION AUTHORIZING A CONTRACT WITH BRYAN ELECTRIC FOR THE INSTALLATION OF ELECTRIC CHARGING STATIONS

WHEREAS, the Director of Business Advocacy/Sustainability secured a grant for the Township for the installation of an electric vehicle charging station and the Township needs the services of a licensed electrical contractor to

assist in the installation; and

WHEREAS, Bryan Electric will provide these services at an amount not to exceed \$12,513.50 through the ESCNJ Coop, Contract #ECSNJ 18-19/40, of which the Township is a member; and

WHEREAS, funds are available and have been certified as such by the Chief Finance Officer through Grant Account #G-02-40-365-000.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby authorizes a contract with Byran Electric in an amount not to exceed \$12,513.50 through the ESCNJ Coop Contract #ECSNJ 18-19/40 for the installation of an electric vehicle charging station.

10. RESOLUTION AUTHORIZING THE PURCHASE A BUTTERFLY CLIMBER FOR WILLOW ROAD PARK

WHEREAS, the Director of Parks & Recreation has requested authorization for the purchase of a Butterfly Climber for Willow Road Park to replace old playground equipment; and

WHEREAS, the butterfly climber is available from George Ely Associates through New Jersey State Contract #16-FLEET-00136 in an amount not to exceed \$7,777.21; and

WHEREAS, funds are available and have been certified as such by the Chief Finance Officer through Account #1-01-28-796-299.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that it hereby authorizes and approves the purchase of a Butterfly Climber for Willow Road Park from George Ely Associates through New Jersey State Contract #16-FLEET-00136 in an amount not to exceed \$7,777.21.

11. RESOLUTION AUTHORIZING TUITION REIMBURSEMENT TO OFFICER ERIC LISANTI PURSUANT TO ARTICLE XVIII OF THE PBA CONTRACT

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

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

WHEREAS, Officer Lisanti successfully completed "Psych of Fear and Stress", "Senior Seminar Psychology", "Work and Occupations", and "Employment Law" courses towards his Bachelor's Degree in Psychology with a Business Certificate through Pennsylvania State University and requests financial reimbursement under the Township's educational assistance provisions; and

WHEREAS, the Chief of Police recommends the Township provide financial reimbursement to Officer Lisanti for seventy-five percent (75%) of the \$7,404.00 cost incurred for a total of \$5,553.00.

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

12. RESOLUTION AUTHORIZING ISSUANCE OF AMUSEMENT GAMES LICENSE TO IRON PEAK SPORTS & EVENTS, LLC

WHEREAS, Iron Peak Sports and Events, LLC, submitted an Amusement Games License Application to the Township of Hillsborough to operate amusement games daily during the business hours of 6:00 a.m. to 11:59 p.m. for the period of January 1, 2022 through December 31, 2022, at its facility located at 137 Mountain Road, Hillsborough, New Jersey, in accordance with the NJ Amusement Games Licensing Law and Township Ordinance 115-1; and

WHEREAS, the Application submitted by Iron Peak Sports and Events has been found to be complete and in compliance with the Township Ordinance and NJ Amusement Games Licensing Law; and

WHEREAS, the Iron Peak Sports and Events facility at 137 Mountain Road is located at a recognized amusement park identified in the Township Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that (1) the Township Clerk is hereby authorized to issue to Iron Peak Sports and Events, LLC, the applied for Amusement Games License Certificates for its facility at 137 Mountain View Road, Hillsborough, New Jersey; (2) the Township Clerk shall forward to the Legalized Games of Chance Control Commission a certified copy of this Resolution, the Iron Peak Sports and Events Amusement Games License Application and the Amusement Games License Certificates issued by the Township; (3) the Amusement Games License Certificates issued by the Township shall not become operative until Iron Peak Sports and Events shall have been issued a State License Certificate by the Legalized Games of Chance Control Commission in accordance with the Amusement Games Licensing Law; and (4) the Amusement Games License Certificates issued by the Township shall expire on 12/31/22.

13. RESOLUTION AWARDING CONTRACT TO TAYLOR WISEMAN & TAYLOR FOR THE PREPARATION OF FEMA FMA GRANT APPLICATION

WHEREAS, the Township solicited quotes for the inspection of residential properties and the preparation of FEMA Substantial Damage Estimate Reports, as directed by the Township, for flood prone properties sustaining damage attributable to Tropical Storm Ida and a contract was awarded to Taylor Wiseman & Taylor on October 26, 2021 in an amount not to exceed \$18,000.00 for said professional services; and

WHEREAS, the Township also solicited and Taylory Wiseman and Taylor provided a quote for the preparation of a FEMA FMA Grant Application in an amount not to exceed \$4,500 for certain flood prone properties damaged by Tropical Storm Ida; and

WHEREAS, due to the urgent nature of this process, it is in the best interest of the Township and the residents to move this forward as quickly as possible, using the expertise of Taylor Wiseman & Taylor per their quote, dated November 4, 2021; and

WHEREAS, funds are available and have been certified as such by the Chief Finance Officer through account #1-01-20-714-200.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the professional service contract is hereby awarded to Taylor Wiseman & Taylor in an amount not to exceed \$4,500 for professional services pertaining to the preparation of a FEMA FMA Grant Application for certain flood prone properties damaged by Tropical Storm Ida.

14. RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM PLANNING/BOARD OF ADJUSTMENT ESCROW ACCOUNTS TO THE TREASURER'S ACCOUNT FOR 2021 Q3

WHEREAS, the Township Planner indicates review work has been completed for the indicated projects and recommends funds be transferred from the Planning/Board of Adjustment Escrow Accounts to the Treasurer's Account as set forth below; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the funds set forth herein be transferred from the Planning/Board of Adjustment Escrow Accounts into the Treasurer's Account.

Application Name	Application #	Escrow Name	Amount
0 New Centre, LLC	BA-20-11	MURRAYPL	\$221.93
Angras, Sukhdev and Ruchika	21-PB-13-MSV	ANGRASPL	\$643.92
Drake, Robert, Jr.	BA-20-08	DRAKEROBPL	\$130.05
Green, Andrew and Van Hook, Julie	BA-21-12	GREENPL	\$18.78
Green Care Farms, LLC / Brzyski	19-PB-21-SV	GREENCARPL	\$1,126.86
JSM at Hillsborough, LLC	20-PB-09-MSPV	JSMHILLSPL	\$26.83
Outfront Media	BA-21-10	OUTFRONTPL	\$450.90
Park, Ernest and Tina	21-PB-12-SV	PARKPL	\$482.94
Parrillo, Christopher and Amy	BA-21-02	PARRILLOPL	\$187.01
Petrock, Nicholas and Deborah	BA-21-05	PETROCKPL2	\$119.83
Sharanga (Moe's Southwest Grill)	21-PB-03-MSPV	MOES2021PL	\$643.92
Tahseen, Muhammad and Saleem, Anza	BA-21-17	TAHSEENPL	\$206.66
Zobre, Donald and Elizabeth	BA-21-15	ZOBREPL	\$225.44
Total Transfer			\$4,485.07

Upon a motion by Committeeman Doug Tomson, seconded by Committeewoman Janine Erickson, the consent agenda was unanimously approved upon the call of the roll.

CLAIMS LIST

1. 2021-18

Mayor Lipani asked to approve Claims List 2021-18.

Upon a motion by Committeeman Doug Tomson, seconded by Committeewoman Janine Erickson, Claims List 2021-18, was approved upon the call of the roll.

EXECUTIVE SESSION

1. LITIGATION: CAMPUS ASSOCIATES

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

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

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

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - o Litigation: Campus Associates
3. The Township Committee may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

Upon a motion by Committeeman Doug Tomson, seconded by Committeewoman Janine Erickson, the aforesaid resolution was unanimously approved upon call of the role. The Township Committee went into Executive Session at 8:05 pm.

Upon a motion by Committeeman Doug Tomson, seconded by Committeewoman Janine Erickson, the public meeting was re-opened at 8:13 pm.

Township Attorney Eric Bernstein stated there was a discussion regarding the potential resolution with Campus Associates and the Township related to the litigation. Attorney Bernstein stated a motion was needed for authorization of the Mayor to execute the settlement agreement and general release between the parties.

Upon a motion by Deputy Mayor Frank Delcore, seconded by Committeeman Doug Tomson, a motion to authorize the Mayor to execute a settlement agreement and general release with Campus Associates LLC, was approved upon the call of the roll.

ADJOURNMENT

Upon a motion by Deputy Mayor Frank DelCore, seconded by Committeeman Doug Tomson, the meeting duly adjourned at 8:18 pm. Said motion was unanimously carried upon voice vote.

Attested:



Pamela Borek
Township Clerk