

Long Hill Township Committee Minutes February 9, 2011 Regular Meeting

The Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, convened in Regular Session at the Municipal Building, 915 Valley Road, Gillette, New Jersey, on Wednesday, **February 9, 2011** at 7:00 p.m.

Statement of Adequate Notice:

Mayor Harrington read the following statement:

“In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was included in a list of meetings notice which was electronically sent to the Echoes Sentinel, Courier News and Daily Record on January 4, 2011; posted on the bulletin board in the Municipal Building on January 4, 2011 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.”

Executive Session:

RESOLUTION 11-076 EXECUTIVE SESSION

BE IT RESOLVED, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meet in closed session to discuss the following matters:

Attorney Client Privilege

- None

Collective Bargaining:

- None

Contract Negotiations

- None

Personnel:

- Twp. Administrator Evaluation
- Finance Department Review
- Staffing
- Fire Official

Pending or Anticipated Litigation:

- None

Property Acquisition

- Open Space Appraisal Proposal

BE IT FURTHER RESOLVED that minutes of this executive session meeting will be released to the public in a timely fashion pursuant to the Open Public Records Act and other applicable laws and regulations.

Roll Call:

On roll call the following Committee members were present:

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Jerry Aroneo; Michael Mazzucco; Guy Piserchia; Mayor Nanette Harrington;
George Vitureira

Absent: None

Also present: John Pidgeon, Township Attorney; Richard Sheola, Township
Administrator/CFO; Christine Gatti, Township Clerk

Pledge of Allegiance:

All present recited the Pledge of Allegiance.

Appointments to Boards and Commissions

Mayor Harrington made the following Mayoral appointments:

Environmental Commission
Alexandra Hennessy, Chair

The following appointment was made by Mayor Harrington with Consent by the Township
Committee:

Library Trustee
Joan Donahue

Expiration of Term
December 31, 2015

A motion was made by Mr. Piserchia and seconded by Mr. Mazzucco to approve the above
appointment to the Library Board. Vote: All Ayes

The following appointment was made by the Township Committee:

Lounsberry Meadow Board of Trustees
Diane Silvia

Expiration of Term
December 31, 2013

A motion was made by Mayor Harrington and seconded by Mr. Aroneo to approve the above
appointment to the Lounsberry Meadow Board. Vote: All Ayes

Public Hearing – Comcast Cable Application for Renewal of Municipal Consent:

Mr. Aroneo recused himself from the meeting due to a conflict.

Mayor Harrington opened the meeting to the public.

Charles Smith, Director Government and Regulatory Affairs, introduced himself and made the
following statement for the record:

“We are in the final stages of the cable television franchise renewal process which is governed
by both federal and state statues and regulations.

COMCAST BEGAN THE RENEWAL PROCESS ON OR ABOUT SEPTEMBER 8, 2008 BY
SENDING A LETTER TO THE TOWNSHIP INDICATING OUR INTENTION TO SEEK
RENEWAL OF OUR NON-EXCLUSIVE FRANCHISE (UNDER SECTION 626 (A) OF THE
CABLE COMMUNICATIONS POLICY ACT OF 1984 AND 1996).

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THIS WAS FOLLOWED BY AN OPTIONAL ASCERTAINMENT PERIOD DURING WHICH THE TOWNSHIP HAD AN OPPORTUNITY TO REVIEW OUR PERFORMANCE, ASSESS COMMUNITY NEEDS AND ISSUE A REPORT. THE TOWNSHIP DID NOT PRODUCE A REPORT.

FOLLOWING THE STATE'S TIMELINE, COMCAST FILED AN APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT ON OR ABOUT NOVEMBER 1, 2010. THAT APPLICATION HAS BEEN AVAILABLE FOR PUBLIC INSPECTION IN THE CLERK'S OFFICE.

TONIGHT'S HEARING IS ON THAT APPLICATION. NO ACTION OF THE COMMITTEE IS REQUIRED THIS EVENING. TONIGHT'S HEARING IS JUST AN OPPORTUNITY FOR BOTH THE GOVERNING BODY AND COMCAST TO HEAR FROM THE PUBLIC. IF YOUR ATTORNEY HAS NOT TOLD YOU YET, HE WILL TELL YOU THAT THE GOVERNING BODY MUST BASE ITS FRANCHISE RENEWAL DECISION ON THE ANSWERS TO FOUR QUESTIONS.

- 1) **HAS THE CABLE OPERATOR SUBSTANTIALLY COMPLIED WITH THE MATERIAL TERMS OF THE EXISTING FRANCHISE AND APPLICABLE LAWS?**
- 2) **HAS THE QUALITY OF THE OPERATOR'S SERVICE, INCLUDING SIGNAL QUALITY, RESPONSE TO CONSUMER COMPLAINTS AND BILLING PRACTICES, BEEN REASONABLE IN LIGHT OF COMMUNITY NEEDS?**
- 3) **DOES THE OPERATOR HAVE THE FINANCIAL, LEGAL, AND TECHNICAL ABILITY TO PROVIDE THE FACILITIES AND EQUIPMENT IT IS PROPOSING TO PROVIDE?**
- 4) **IS THE CABLE OPERATOR'S FRANCHISE RENEWAL PROPOSAL REASONABLE TO MEET THE FUTURE CABLE-RELATED NEEDS AND INTEREST OF THE COMMUNITY, TAKING INTO ACCOUNT THE COSTS OF MEETING SUCH NEEDS AND INTERESTS?**

TWO AREAS THE GOVERNING BODY MAY NOT CONSIDER IN DECIDING WHETHER OR NOT TO RENEW THE FRANCHISE ARE:

RATES. RATES ARE GOVERNED BY STATE AND FEDERAL STATUTES AND ARE OUTSIDE OF THE MUNICIPALITY'S AUTHORITY.

PROGRAMMING, THE CHANNEL LINEUP IS PROTECTED UNDER THE FIRST AMENDMENT, JUST AS IS THE CONTENT OF A NEWSPAPER.

HOWEVER, NOTHING PRECLUDES THE PUBLIC OR THE GOVERNING BODY FROM COMMENTING ON RATES AND PROGRAMMING; BUT SUCH COMMENTARY CANNOT BE FACTORED INTO THE MUNICIPALITY'S DECISION.

I WOULD BE HAPPY NOW TO RESPOND TO YOUR QUESTIONS."

Mayor Harrington stated that she would like to examine the services provided to municipal buildings. She added that she is aware of grant funding available for equipment upgrades and pointed out that the township has been struggling with some of our equipment. Mr. Smith stated that

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both the township and Comcast may negotiate free services and grant funding after the public hearing; he pointed out that the current contract expires August 2011.

Dennis Sandow, resident of Millington and member of the Communications Advisory Committee, and Mr. Smith reviewed the franchise process. Messrs. Smith and Sandow reviewed the issues with the government access channel and the assistance received from Comcast. Mayor Harrington stated that the issue should be addressed and a process should be put in place to address issues with the government access channel. Mr. Sheola agreed. Mr. Smith stated that he would be happy to examine the issues.

Larry Fast, resident of Gillette and member of the Communications Advisory Committee, stated that he is happy to hear that a discussion will be held regarding grant funding for equipment upgrades. He asked that Comcast review the system because it is very old.

Seeing there were no further comments, Mayor Harrington closed the public hearing.

Mr. Pidgeon suggested that the Committee designate a sub committee or perhaps the Communications Advisory Committee to negotiate the contract with Comcast. He indicated that after the contract is negotiated then an ordinance is introduced. The Committee agreed to have the Communications Advisory Committee handle the negotiation with Comcast.

Discussion:

Draft Shade Tree Ordinance

Mr. Pidgeon reviewed the revised limited scope draft shade tree ordinance. Mr. Aroneo noted that Mr. Pidgeon took a flavor of the comments sent to him from the Committee. He added that the revised draft brings awareness of not wanting clear cutting of trees in the township. Mayor Harrington and Mr. Aroneo briefly reviewed the definition of clear cutting. Mr. Piserchia reviewed the Committee's concerns with the Tree Conservation Officer position and Mr. Pidgeon noted that the position was changed to the Zoning Officer. Mr. Piserchia questioned why the Tree Conservation Officer is not a Township Committee appointed position. Mr. Vitureira stated that he is not in favor of volunteers doing official work and thinks that the Zoning Official is the right position to do the job; Mr. Aroneo agreed. Mayor Harrington suggested that language be added that the Zoning Official consult with the Shade Tree Commission. Mayor Harrington opened the matter to the public for discussion.

Don Farnell, member of the Shade Tree Commission, commented that the Shade Tree Commission is opposed to the limited scope draft ordinance. He reviewed the original ordinance referred to the Committee and pointed out that it limited the number of trees that may be removed which is what the Commission had in mind. He indicated that the original draft ordinance was a trip wire and gives the Township Committee and Shade Tree Commission say on what may be removed.

Mr. Vitureira asked what grounds the Shade Tree Commission has in telling homeowners what they can and can't do on their own property in regards to tree removal. Mr. Aroneo added that the original proposed draft ordinance prohibits all tree removal and only allows exceptions. Mr. Piserchia stated that the New Jersey Supreme Court allows the township to have a tree ordinance.

Mr. Farnell reviewed the importance of protecting trees which is a natural resource. Mr. Vitureira stated that he is not in favor of telling residents what they are allowed to do with their own properties. Mr. Piserchia indicated that townships have the right to restrict removal of trees and Mr.

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Vitureira pointed out that the township does not have to have an ordinance. Mayor Harrington questioned what the original draft ordinance protected that the revised limited scope version does not. Mr. Vitureira stated that the original draft ordinance which restricts tree removal is against property rights. Mr. Aroneo pointed out that the Shade Tree Commission is trying to restrict clear cutting. Mr. Vitureira noted that if the township wants to prevent flooding and clear cutting then other options are available and we should focus on the issues at hand. Mr. Piserchia indicated that David Welch, Shade Tree Commission member, stated that the original proposed ordinance is a trip wire in order to handle tree removals in a rational way. He added that the limited scope draft ordinance removed the trip wire and the protection of tress and is meaningless. A discussion ensued among Messrs. Piserchia and Vitureira in regards to the proposed limited scope ordinance. Mr. Aroneo reiterated that the reasoning for the ordinance is to protect the township from clear cutting on properties and added that he is not in favor of telling residents what they can do with their own trees and properties; Mr. Mazzucco agreed. Mr. Welch briefly reviewed the original draft tree ordinance.

Mayor Harrington indicated that the bottom line with this issue is philosophical. She added that if we add no clear cutting to our tree ordinance then it is more than we have at this time. She noted that the Shade Tree Commission and Planning Board do not seem to have the full support of this Committee in regards to the original referred draft tree ordinance. Mr. Vitureira suggested that the Committee forward the draft limited scope tree ordinance to the Shade Tree Commission and Planning Board and request that they review and propose language for clear cutting. Mr. Piserchia stated that the limited scope version is 5% of what was originally proposed by both the Planning Board and Shade Tree Commission and has completely removed the intent of the ordinance. He added that the Planning Board deliberately made the ordinance less restrictive then they would have desired.

Mr. Welch stated that there are not enough tools in the current limited scope version of the ordinance.

Mr. Vitureira suggested that the draft limited scope tree ordinance be forwarded to the Planning Board and Shade Tree Commission so they may consider this draft and consider whether an ordinance is needed at all to deal with the issues with clear cutting. Mr. Aroneo agreed and requested their opinion on the limited scope ordinance only.

Mr. Welch indicated that the limited scope ordinance is unsatisfactory to the Shade Tree Commission. He requested that the Mayor take a straw vote for those in favor of keeping the ordinance the same or whether some are interested in listening to other proposals. He added that major portions have been removed from the original draft ordinance and questioned the flexibility.

Mr. Aroneo stated that after a year of discussing the ordinance we either have an ordinance or we don't and indicated that he not in favor of an ordinance. He added that no restriction would be alright with him. Mr. Piserchia pointed out that the limited scope version ordinance is meaningless. A discussion ensued among the Committee in regards to the options before them. Mr. Welch asked the Committee if they were was an option to do some hybridized version of the original ordinance and the limited scope ordinance. Mr. Mazzucco, Mr. Aroneo and Mr. Vitureira agreed that they were not interested in any version that was more restrictive then the limited scope ordinance. Mayor Harrington and Mr. Piserchia stated that were interested in reviewing a hybridized version.

Mr. Welch stated that if the Committee is interested in a definition of clear cutting he would be willing to contact the Soil Conservation Division for their expertise.

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Mr. Vitureira stated that if the Shade Tree Commission or Planning Board would like to propose any change that does not change the purpose of the limited scope version of the ordinance and want to improve it then they are more than welcome to do so. Mr. Aroneo agreed and added that there is no point in requesting their recommendation since the ordinance has already been reviewed by the Committee. Mayor Harrington indicated that we will work to define clear cutting and Mr. Welch may work with us. She asked that the limited scope version be referred to the Planning Board and Shade Tree Commission so they may review and ask what they may want to improve within the parameters which the Township Committee has set.

Tom Boeimo, resident of Passaic Avenue, stated that he agrees with Mr. Vitureira.

Mr. Sandow reviewed the Master Plan and his recommendations. Mr. Vitureira stated that if the Committee is adopting an ordinance that is not consistent to the Master Plan then the reasoning needs to be explained. Mr. Pidgeon stated that a Shade Tree Ordinance is a police power ordinance and not covered on land use. Mr. Sandow reviewed his concerns with the added cost to the township. He suggested that the process be spelled out in the ordinance.

Police Vehicle

Dan Hedden, Police Chief, thanked the Committee for putting this item on the agenda. He reviewed the police vehicle replacement/reduction plan which reduced the vehicles from ten to eight. He pointed out that he foresees retiring two vehicles and give them to town hall for administrative purposes. He recommended purchasing one vehicle this year in order to maintain the eight to nine vehicles into 2012. He added that the deadline is March 1st. Mr. Sheola reviewed the temporary budget. Mr. Mazzucco questioned whether the lights and other electronics may be transferred to the new vehicle. Chief Hedden reviewed the transfer of lights and installation costs. Mr. Aroneo and Chief Hedden reviewed maintenance costs. Mr. Vitureira questioned whether it was necessary to purchase a new vehicle. Chief Hedden stated that it was necessary because of the preventative maintenance and by staying with the plan and reducing the fleet the costs will be less. Mr. Vitureira and Chief Hedden reviewed the retiring of the vehicles and auction option. Mr. Sheola stated that the police vehicle is already in the proposed 2011 budget. Mayor Harrington stated that the temporary budget may be amended at the next meeting.

Mayor Harrington called for a short recess at 9:48 p.m.; the meeting reconvened to Regular Session at 9:56 p.m.

Garbage Bid Contract Decision

Mr. Sheola reviewed the available options for garbage collection. He questioned whether the Township Committee was interested in once or twice a week garbage collection. Mayor Harrington stated that she received approximately 108 responses on the topic; 75 residents said they were in favor of once a week garbage collection; 33 said they were in favor to keep it the same or twice a week collection. Mr. Vitureira added that he senses an overwhelming support of once a week garbage collection. He stated that the Committee has to keep in mind the budget and what the township can afford and losing ½ a collection a week is not a huge deal. He added that decreasing the garbage collection may increase recycling and reduce additional costs to the township. Messrs. Mazzucco and Sheola briefly reviewed the recycling schedule.

Mr. Aroneo pointed out that the bid process was flawed from the beginning and the Committee was in favor of the current service which is no longer an option since Mr. Sheola did not follow our direction. He reviewed the history of the garbage collection discussion. He pointed out that he believes garbage and recycling collection to be an essential service which should not be decreased. He added that it seems the residents want this service.

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Mr. Piserchia reviewed the calculation and costs for the options before the Committee. He agreed with Mr. Aroneo that residents are passionate about their garbage and recycling collection. A discussion ensued among the Committee in regards to the costs for the available services. Mr. Sheola reviewed the option of Morris County providing the recycling services. Mr. Vitureira pointed out that it will save tax payer approximately \$100,000 a year to cut out ½ a garbage collection a week. Mayor Harrington agreed that saving \$100,000 is a significant savings. Messrs. Mazzucco and Aroneo reviewed the bulk pick up options. The discussion continued among the Committee in regards to their options for garbage and recycling collection.

Mayor Harrington opened the meeting to the public for discussion.

Susan Harris, resident of Millington, stated that she is not in favor of increasing costs or services. She encouraged the Committee to vote for once a week garbage pick up and encouraged residents to recycle more.

Sue Collins, resident of Millington, stated that we should all encourage people to recycle and if we recycle more than it will reduce garbage. She pointed out that she is in favor of having less trucks driving through our township. She indicated that she is in favor of having bulk pick up once a month and encouraged the Committee to save tax money.

Mr. Mazzucco pointed out that if the Committee decides on once a week garbage collection the hauler is able to do a second pick up for township residents upon request for a fee. Mr. Sheola pointed out that the fee for a second pick up is \$22.00 a month and they will also provide the resident with a 96 gallon garbage tank. The Committee reviewed the matter.

Robert Blocker, resident of Stirling, stated that he agrees with Mr. Aroneo and added that he is shocked that the current garbage collection was not discussed.

Mr. Sheola indicated that the current garbage collection schedule was discussed but was not bid by the haulers. Mr. Aroneo reviewed past discussions by the Township Committee and noted that Mr. Sheola was told that the Committee was in favor of the current service and unfortunately our current service was not properly bid.

Mr. Blocker questioned whether the township can rebid and solicit a quote for 1.5 garbage collections a week. Mr. Pidgeon stated that the township can not arbitrarily reject all bids.

Messrs. Sheola and Blocker reviewed the bidding process. Mr. Blocker reviewed the health risks for once a week garbage pick up. He added that garbage is a basic service that the residents are willing to pay for.

Carl Sundberg, resident of Stirling, stated that he is in favor of once a week garbage collection and added that he agreed with Mr. Vitureira.

Mr. Vitureira made a motion to accept the lowest responsible bidder which is the base bid provided by Republic Services of NJ, LLC d/b/a Midco Waste – once a week garbage collection, once a month bulk collection and twice a month recycling collection; seconded by Mayor Harrington.

Mr. Aroneo reviewed the length of the contract. He stated that the Committee does not have all the information because there seems to be a limitation on garbage collection. He reviewed the

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language in the bid. He reviewed garbage collection during inclement weather. Mr. Piserchia reviewed recycling and what items may be recycled. Mr. Mazzucco suggested an education video about recycling be put on Long Hill TV for the residents; Mr. Vitureira agreed.

A motion was made by Mr. Vitureira to extend the meeting by fifteen minutes; seconded by Mr. Piserchia. Vote: All Ayes

Mr. Sheola reviewed the language in the bid for inclement weather which states that the garbage shall be collected the next calendar day. Messrs. Aroneo and Sheola reviewed can and bag limitation.

Roll Call for Mr. Vitureira's motion:

Ayes: Mr. Mazzucco, Mr. Piserchia, Mr. Vitureira and Mayor Harrington

Nays: Mr. Aroneo

A motion was made by Mr. Vitureira to authorize the Township Administrator and Township Attorney to contact the selected vendor and work into the process the allowance for a second collection to be offered to residents and to discuss the extra two recycling pick ups; seconded by Mr. Mazzucco. Vote: All Ayes

Planning/Zoning Process

Mayor Harrington briefly reviewed the flow chart for the Planning/Zoning process which was accepted by the Planning Board. She pointed out that one of the actions items is to provide an overlay map and added that there may be a cost. She indicated that the Communications Advisory Committee along with Thomas Behr are analyzing the matter and a recommendation will be made before the Committee. Mayor Harrington and Mr. Aroneo reviewed the plan for the escrow process.

Hydrology Engineer

Mr. Piserchia questioned how much it would cost the township to hire an independent hydrology engineer to examine the flood wall and inform the Committee of what it would accomplish. He added that some residents have indicated that some of the engineers that testified on the flood wall have a bias. He suggested that the Committee authorize a cost of no more than \$1,000. Mr. Aroneo indicated that was an excellent idea and added that will give the Committee another opinion. The Committee along with Mr. Sheola reviewed the matter and the census of the Committee was to hire a hydrology engineer.

A motion was made by Mr. Vitureira and seconded by Mr. Piserchia to approve Resolution 11-087.
Roll Call Vote: All Ayes

RESOLUTION 11-087 RETAIN ENGINEER TO REVIEW FLOOD WALL PLANS

BE IT RESOLVED, that the Township Committee of the Township of Long Hill on the recommendation of the Township Engineer does hereby retain the services of Joseph Skupien of SWM Consulting for the purpose of reviewing plans submitted by the US Army Corps of Engineers for the Long Hill Flood Wall Project at a fee not to exceed \$1,000.

Mayor Harrington questioned whether the Committee was interested in having the Army Corp and DEP and the Hydrology Engineer at the same meeting. She added that the Committee will request not only his professional opinion but also whether there are other nonstructural options. A discussion ensued among the Committee and Mr. Sheola in regards to meeting options. Mr.

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Vitureira suggested that the Committee have both the DEP and Army Corp and Hydrology Engineer at the same meeting. Mr. Aroneo stated that he would rather have them at two separate meetings; Mr. Mazzucco and Mr. Piserchia agreed.

The consensus of the Committee was to have the Army Corp and DEP at the February 23rd meeting and have the Hydrology Engineer at a separate meeting after his report is completed. Mr. Sheola requested that the Committee forward to him all their questions that they would like answered by the Hydrology Engineer as soon as possible.

Administrator Report

Bid for Natural Gas

Mr. Sheola reviewed the meeting details in regards to the bid for natural gas. Mr. Aroneo requested that Mr. Sheola review the rates because they seem high. Mr. Sheola pointed out that commercial properties rates are higher. Mr. Aroneo requested that he review the rates.

Policy for Online Registration

Mr. Sheola reviewed the fee for online registration of recreation programs. He indicated that he proposes the township raise each rate by \$5.00 to include the fee for online services. Mr. Piserchia indicated that the fee was reasonable as long as it did not exceed \$5.00. The Committee briefly reviewed the matter. Mr. Sheola stated that the amended fee schedule will be considered at the next meeting.

Correspondence

Local Finance Notice – 2011 Budget

Mr. Sheola reviewed his suggestion to hold Saturday Budget Work Sessions. Mr. Aroneo stated that he is not in favor of Saturday Work Sessions and added that he would like to hold the discussions on the budget at regular meetings. A discussion ensued among the Committee and Mr. Sheola in regards to special Budget Meetings. The consensus of the Committee was that Mayor Harrington and Mr. Piserchia were interested in reviewing the budget on Saturday with Mr. Sheola and the full Committee would review the budget at a regular meeting.

Ordinance Public Hearing / Consideration of Adoption:

Ordinance 272-11

Mr. Aroneo stated that the Grange indicated that they were no longer hosting a farmer's market. Mr. Sheola stated that they were not specifically named in the ordinance.

Mayor Harrington read the ordinance by title and opened the public hearing.

Mr. Sandow reviewed the ordinance and pointed out that line 2 should state vendor and not sponsor as indicated at the introduction of the ordinance.

Mayor Harrington closed the public hearing

A motion was made by Mr. Vitureira and seconded by Mr. Piserchia to adopt Ordinance 272-11 as revised. Roll Call Vote: All Ayes

ORDINANCE #272-11

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**AN ORDINANCE CONCERNING FARMERS MARKETS AND AMENDING CHAPTER IV OF
THE TOWNSHIP CODE ENTITLED "GENERAL LICENSING"**

STATEMENT OF PURPOSE: *To implement regulations for organizations to conduct and operate a Farmers Market in the Township of Long Hill as per the approval of Township Officials.*

Section 1. There is hereby created a new section 4-4` entitled "Farmers Market" which reads as follows:

4-4 FARMER'S MARKET.

4-4.1 License Required.

Except as may be provided herein, no organization shall conduct, operate or allow operation of a Farmer's Market upon private property within the Township, without first obtaining a permit from the Township Zoning Official.

4-4.2 Regulations.

- a. The hours of operation shall be from 10:00 a.m. to 5:00 p.m., during the months of June through October or as designated by resolution of the Township Committee.
- b. Items to be sold shall be limited to fruits and vegetables, fresh flowers, cut flowers and baked goods. All fruits and vegetables shall be "Jersey Fresh".
- c. The Farmer's Market shall be located on a designated portion of the parking lot or open field at such location as requested by the property owner.
- d. All vendors in the Farmer's Market must comply with all local, County and State regulations, including but not limited to Health Code, Building Code and Zoning Ordinance.
- e. Should the Police Chief or a designee determine that public safety requires the presence of a Police Officer for traffic or other duties, the sponsor of the Farmer's Market shall be liable and responsible for obtaining the services of a Township Police Officer pursuant to regulations concerning outside jobs, and for the payment of the cost thereof.
- f. Sponsors, agree to indemnify, defend, protect and hold harmless the Township, its officers, agents and employees, from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties and judgments, and all costs and expenses incurred in connection therewith, including reasonable attorney's fees and costs of defense directly or proximately resulting from the actions of the participant.
- g. Sponsors shall obtain and maintain at all times during the term of the license commercial general liability insurance in an amount not less than five hundred thousand (\$500,000.00) dollars per occurrence (combined single limit), including bodily injury and property damage, which insurance shall not be canceled or reduced upon less than thirty (30) days advance notice in writing to the Township, upon which policy the Township of Long Hill shall be named as an additional insured.

4-4.3 Fees.

An application and permit fee of twenty-five (\$25.00) dollars shall be submitted with the application.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of

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the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

Ordinance 273-11

Mr. Pidgeon stated that there has been a minor amendment in sub paragraph A. He added that the Committee may adopt the ordinance as revised.

Mayor Harrington read the ordinance by title and opened the public hearing. No member of the public wished to be heard; she closed the public hearing

A motion was made by Mr. Vitureira and seconded by Mr. Piserchia to adopt Ordinance 273-11 as revised. Roll Call Vote:

Ayes: Mr. Mazzucco, Mr. Piserchia, Mr. Vitureira and Mayor Harrington

Nays: Mr. Aroneo

ORDINANCE 273-11

AN ORDINANCE CONCERNING OFF-STREET PARKING REGULATIONS IN DOWNTOWN STIRLING AND SUPPLEMENTING AND AMENDING SUBSECTION 151 ENTITLED "OFF-STREET PARKING AND LOADING" IN SECTION 150 ENTITLED "DEVELOPMENT DESIGN STANDARDS" OF THE TOWNSHIP LAND USE ORDINANCE.

STATEMENT OF PURPOSE: *To relax onsite parking requirements in the B-1-5 Village Business Zone to encourage business development and redevelopment in downtown Stirling.*

WHEREAS, The Township Planning Board has recommended that the Township Committee adopt an ordinance relaxing on-site parking standards in downtown to encourage the location of new business to the newly renovated downtown Stirling Business District; and

WHEREAS, the Planning Board has also recommended that on-street parking restrictions remain in effect;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey, that paragraph "a" of sub Subsection 151.1

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entitled "Off-Street Parking" be supplemented and amended by adding the following new subparagraph "1" which reads as follows:

"151.1 Off-Street Parking

a. In all zones, in connection with every industrial, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity or changed in use, off-street parking for automotive and other vehicles in accordance with the requirements set forth herein. Such facilities shall be completed prior to the issuance of a certificate of occupancy or zoning permit. The applicant shall also meet the requirements of N.J.S.A. 52:32-11 through 32-12, requiring parking spaces for the handicapped.

Properties along Main Avenue in the Stirling B-1-5 Village Business Zone only have to provide 50% of the number of off-street parking required by paragraph c of this subsection.

b. ****

c. The number of off-street parking spaces required shall be as set forth in the following table¹:

<u>Use</u>	<u>Number of Required Parking Spaces</u>
Accessory apartment	1 per unit
Agricultural uses	As determined by approving authority
Apartments	2 per unit
Automobile service stations	2 per pump island plus 3 per bay or work area
Business and professional offices	1 per 250 s.f. of floor area
Churches	1 per every 3 seats of estimated seating capacity
Child care center	No requirement

¹ Properties along Main Avenue in the Stirling B-1-5 Village Business Zone only have to provide 50% of the number of off-street parking spaces required by this paragraph .

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Community Residences and Community Shelters	1 per bedroom or 1 per 400 s.f. of floor area, whichever is greater
Dwellings, single family	As provided in Section 124.4
Family day care home	1 per 250 s.f. of floor area
Financial institutions	4 per indoor teller window, or 1 per 250 s.f. of floor area, whichever is greater
Funeral Homes	10 spaces plus 1 per every three seats of estimated seating capacity
Horse farms, riding stables, swim clubs, greenhouses and nurseries	1 per 200 s.f. of floor area of the principal building
Manufacturing, printing, processing and other light industrial uses	1 per 500 s.f. of floor area
Medical office, medical and dental clinic and immediate medical care facilities	1 per 200 s.f. of floor area
Nursery school	1.5 per employee
Open space and recreation	As determined by approving authority
Other public uses	As determined by approving authority
Public utilities and institutions	As determined by approving authority
Restaurants and	1 per 2.5 seats or 1 per

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catering halls	60 s.f. of floor area devoted to seating, whichever is greater
Retail sales, trade and service	1 per 200 s.f. of floor area
Senior citizen housing	0.5 per dwelling unit
Townhouse	3 per unit with at least one (1) to be in a garage
Warehouse	1 per 1,000 s.f. of floor area
Wholesale trade	1 per 500 s.f. of floor area

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

Ordinance 274-11

Mayor Harrington read the ordinance by title and opened the public hearing. No member of the public wished to be heard; she closed the public hearing

A motion was made by Mr. Vitureira and seconded by Mr. Aroneo to adopt Ordinance 274-11 as revised. Roll Call Vote:

**ORDINANCE 274-11
AN ORDINANCE CONCERNING THE FEE CHARGED FOR PHOTOCOPIES OF TOWNSHIP
RECORDS AND AMENDING CHAPTER II OF THE TOWNSHIP CODE ENTITLED
“ADMINISTRATION”**

STATEMENT OF PURPOSE: *To bring photocopy fees into compliance with OPRA.*

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WHEREAS, P.L.2010, c.75, amended OPRA (N.J.S.A.. 47:1A-5) by lowering the permitted photocopying fees from \$.75 per page for pages 1 through 10, \$.50 per page for pages 11 through 20, and \$.25 per page for all pages over 20, to \$.05 per letter size page or smaller, and \$.07 per legal size page or larger; and

WHEREAS, the Township sets forth its fees in the annual fee resolution that is adopted at the annual reorganization meeting and amended throughout the year;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter II of the Township Code entitled "Administration" is amended as follows:

Section 1. Subsection 2-59.3 entitled "Fees" in Section 2-59 entitled "Inspection and Copying Public Records; Fees" is amended to read as follows:

" A copy or copies of Township records may be purchased by any person upon payment of the following fees:

a. Photocopying. The fee for the duplication of a Township record on Township photocopy machines ~~on letter (8 1/2" x 11") or legal (8 1/2" x 14") paper shall be as follows:~~

~~First page to twentieth page: \$.50 per page~~

~~All pages over twenty: .25 per page~~

shall be set forth in the Township fee resolution, as amended.

If in a particular case, the Township's actual costs of duplication exceed the foregoing rates, the requestor shall pay the Township the actual cost of duplication. In no event shall the fee exceed the amount permitted by OPRA (N.J.S.A. 47:1A-5)."

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section

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or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

Ordinance 276-11

Mayor Harrington read the ordinance by title and opened the public hearing. No member of the public wished to be heard; she closed the public hearing

A motion was made by Mr. Vitureira and seconded by Mr. Piserchia to adopt Ordinance 276-11 as revised. Roll Call Vote:

**ORDINANCE 276-11
AN ORDINANCE RAISING THE FEE TO COVER THE COST OF HAVING A COURT
REPORTER AT ALL LAND DEVELOPMENT HEARINGS AND AMENDING SECTION 182.7
OF THE TOWNSHIP LAND USE CODE ENTITLED "HEARING FEE"**

STATEMENT OF PURPOSE: *To raise the court reporter fee for land development application hearings to cover actual costs.*

WHEREAS, the fee charged applicants to cover the cost of having a court reporter present at all land development application hearings has not been raised since 2000; and

WHEREAS, Planning and Zoning Administrator Dawn Wolfe, in a January 5, 2011 memorandum, requested that the fee be raised;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Section 180 of the Township Land Use Ordinance entitled "Development Fees" is amended as follows:

Section 1. Section 182.7 entitled "Hearing Fee" is amended to read as follows:

"In addition to the fees set forth above, every applicant before the approving authority shall pay a fee per hearing date of ~~three hundred (\$300.00) dollars~~ three hundred seventy-five (\$375.00) dollars for all hearings which end at or before 11:00 p.m. plus ~~seventy-five (\$75.00) dollars~~ one hundred (\$100.00) dollars per hour or portion thereof after 11:00 p.m. ~~(except that the hearing fee on an application for bulk variances for an addition to an existing single family residence shall be fifty (\$50.00) dollars).~~ The purpose of this fee is to defray the cost of providing a certified shorthand reporter at every hearing of the approving authority. This fee is in addition to the cost of obtaining a transcript of any hearing, which cost is to be borne by the person obtaining the transcript."

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent

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with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

Resolutions:

Consent Agenda Resolutions:

Mr. Sheola reviewed the change order resolutions for the Committee. He pointed out that Resolution 11-080 has been revised to add an additional basketball staff member.

Mr. Vitureira questioned dog kennel permits; Mr. Pidgeon stated that he would review the regulation and report back to the Committee.

On motion of Mr. Vitureira, seconded by Mr. Piserchia, that the following Consent Agenda Resolutions were introduced and approved as revised:

Roll Call Vote: All Ayes

**RESOLUTION 11-077
APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

**RESOLUTION 11-078
2010 TAX REFUND**

BE IT RESOLVED by the Township Committee of the Township of Long Hill upon the advice and recommendation of the Tax Collector does hereby authorizes a refund of 2010 taxes due to a Morris County Tax Court Judgment dated December 17, 2010 for Block: 13503, Lot: 7;

BE IT FURTHER RESOLVED that the refund in the amount of \$472.11 be forwarded to Anthony Dinorscio and Maria Yurecko at 46 Gates Avenue, Gillette NJ 07933.

RESOLUTION 11-079

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**AUTHORIZING THE TOWNSHIP TO ISSUE
ADDITIONAL DOG LICENSES [RINALDI]**

WHEREAS, the Township Code 5-1.3 states that licenses for not more than (3) dogs for any one (1) household may be issued for the same period; and

WHEREAS, the Township Code 5-1.3 provides that in special and exceptional circumstances, one (1) or more additional licenses may be issued by resolution; and

WHEREAS, Anthony & Diane Rinaldi, 75 Hickory Tavern Road, Gillette has requested the issuance of four (4) licenses for 2011; and

WHEREAS, according to Township Records, Mr. & Mrs. Rinaldi attempted to register four (4) dogs and was advised that only three (3) were allowed per year; and

WHEREAS, according to Police records, no complaints have been made concerning the four (4) dogs; and

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey authorizes:

1. The issuance of four (4) licenses for 2011 and all subsequent years in which the following dogs are harbored in the household:
 - a. Meme (Beagle, age 14), b. Sandy (Beagle, age 10), c. Maci (Beagle, Age 3)
d. Dixie (Beagle, Age .5)
 - b. Anthony & Diane Rinaldi can not replace any dogs until they comply with Ordinance 5-1.3.

**RESOLUTION 11-080
APPOINTING 2010/2011 BASKETBALL PROGRAM STAFF [AMENDMENT II]**

BE IT RESOLVED by the Township Committee of the Township of Long Hill upon the advice and recommendation of the Recreation Directors that the following be appointed to the 2010/2011 Recreation Basketball program effective December 1, 2010:

2010 - 2011 Recreation Basketball Staff

<u>Supervisors</u>	<u>Pr/Hr.</u>
Vanessa Fowler – Program Supervisor	\$19.00
Matt LoSapio – Supervisor	17.00
Danny Palla – Supervisor	13.00
Kelly Burns – Supervisor	13.00
Like Meier	13.00

Scorekeepers/Referees/Timekeepers

Danny Zaccarria	\$10.50
Emily Palla	10.00
Steven Spinelli	10.00
Dan Hirsch	9.75
Kevin Beneduce	9.75
James Spinelli	9.75
Nick Pepe	9.75

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Lucas Lorencio	9.50
David Meltzer	9.50
Jennifer Sinnott	9.00
Sarah Bujnowski	9.00
Meg Ryan	9.00
Emily Kesselmeier	9.00
Mark Blajsa	9.00
Eric Langenauer	8.00
Jared Geotz	8.00
Carly Sinnott	8.00
Julia Privolos	8.00
Kyle Mobus	8.00
Luke Smith	8.00
Daniella Leon	8.00
James Tagliaferro	8.00

BE IT FURTHER RESOLVED that this resolution replaces Resolution 11-060 which was approved by the Township Committee on January 12, 2011.

**RESOLUTION 11-081
APPROVING IN-GRADE ADVANCEMENT [SCALA]**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, upon the advice and recommendation of Police Chief Daniel Hedden, does hereby approve the advancement of Officer Jeffery Scala to Officer Grade III, effective February 15, 2011 at an annual salary of \$74,542.00.

BE IT FURTHER RESOLVED, that this advancement is consistent with the P.B.A. Superior Officer's Association Collective Bargaining Agreement.

**RESOLUTION 11-082
AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH AURORA
ENVIRONMENTAL, INC.**

WHEREAS, the Township Administrator as Purchasing Agent solicited proposals from qualified firms for the removal of Underground Storage Tanks (UST's) at various Sewer Pump Stations; and

WHEREAS, three (3) firms responded to the Request for Proposals; and

WHEREAS, a Purchase Order was awarded to Aurora Environmental, Inc. of in the amount of \$3,750.00 for Heritage Road Pump Station; and

WHEREAS, the tank has been removed and found to be leaking and the plume extends under the pump station building and additional remediation is necessary; and

WHEREAS, the cost of the proposed Change Order #1 is estimated at \$42,750.00 and has been approved by the Township Engineer; and

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. Change Order Number 1 as described in the preamble is hereby approved.
2. The change order shall be charged to C-04-55-247-000-B. Certification of Available Funds by the Township Chief Financial Officer is provided.

**RESOLUTION 11-083
AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT WITH AURORA
ENVIRONMENTAL, INC.**

WHEREAS, the Township Administrator as Purchasing Agent solicited proposals from qualified firms for the removal of Underground Storage Tanks (UST's) at various Sewer Pump Stations; and

WHEREAS, three (3) firms responded to the Request for Proposals; and

WHEREAS, a Purchase Order was awarded to Aurora Environmental, Inc. of in the amount of \$3,750.00 for Morristown Road Pump Station; and

WHEREAS, the tank has been removed and found to be leaking and additional remediation is necessary; and

WHEREAS, the cost of the proposed Change Order #2 is estimated at \$17,570.00 and has been approved by the Township Engineer; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. Change Order Number 2 as described in the preamble is hereby approved.
2. The change order shall be charged to C-04-55-247-000-B. Certification of Available Funds by the Township Chief Financial Officer is provided.

**RESOLUTION 11-084
AUTHORIZING CHANGE ORDER NO. 3 TO THE CONTRACT WITH AURORA
ENVIRONMENTAL, INC.**

WHEREAS, the Township Administrator as Purchasing Agent solicited proposals from qualified firms for the removal of Underground Storage Tanks (UST's) at various Sewer Pump Stations; and

WHEREAS, three (3) firms responded to the Request for Proposals; and

WHEREAS, a Purchase Order was awarded to Aurora Environmental, Inc. of in the amount of \$3,750.00 for Valley Road Pump Station; and

WHEREAS, the tank has been removed and found to be leaking and additional remediation is necessary; and

WHEREAS, the cost of the proposed Change Order #3 is estimated at \$17,570.00 and has been approved by the Township Engineer; and

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. Change Order Number 3 as described in the preamble is hereby approved.
2. The change order shall be charged to C-04-55-247-000-B. Certification of Available Funds by the Township Chief Financial Officer is provided.

**RESOLUTION 11-085
AUTHORIZING CHANGE ORDER NO. 1 TO THE
CONTRACT WITH DeMAIO ELECTRICAL COMPANY**

WHEREAS, a purchase order was prepared in the name of DeMaio Electrical Company under a locally bid contract for the Rehabilitation of 5 Pump Stations.

WHEREAS, it is necessary to adjust the contract to reflect asbestos removal at the Union Avenue Pump Station Building

Change Order #	Description	Amount	Net Amount of Contract
1	Removal of Asbestos from Union Avenue Pump Station	\$6,820.00	\$931,761.00

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. Change Order Number 1 as described in the preamble is hereby approved.
2. The change order shall be credited to C-04-55-247-000-B. The Chief Financial Officer has determined that a Certification of Available Funds is not necessary.

**RESOLUTION 11-086
AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES**

WHEREAS, there appears to be insufficient funds in the following accounts to meet the demands thereon for the balance of the Reserve Account; and

WHEREAS, there appears to be a surplus in the following accounts, over and above the demand necessary for the balance of the Reserve Account;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provision R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be and the same is hereby transferred to the account mentioned as being insufficient, to meet the Reserve Account demands, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to make the following transfers:

<u>Current Fund</u> Account	<u>From</u>	<u>To</u>
0-01-23-220-220-281 Group Insurance	\$2,500	
Total	\$2,500	

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0-01-20-155-155-201 – Legal Miscellaneous	\$2,500
Total	\$2,500

New Business

Mr. Aroneo thanked Mr. Sheola and Paul Ferriero, Township Engineer, for working on the grant for Central Avenue School. He added that he is pleased the grant came through. Mr. Sheola thanked Mr. Ferriero for his hard work.

Meeting Open to the Public

Mr. Sandow stated that the Department of Public Works have done a spectacular job with the snow removal and have been working very hard during all the snow storms.

Adjournment

There being no further business, a motion was made by Mr. Vitureira and seconded by Mr. Piserchia to adjourn the meeting at 11:50 p.m. Vote: All Ayes

Respectfully submitted,

Christine A. Gatti
Township Clerk

Approved: March 23, 2011