

## **Long Hill Township Committee Minutes November 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, **November 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:**

A motion was made by Mayor Harrington and seconded by Mr. Mazzucco to approve Resolution 11-332. Vote: All Ayes

### **RESOLUTION 11-332 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:

#### Personnel:

- ~~Township Administrator~~
- ~~Township Clerk~~
- Tax Clerk
- Bus Driver

#### Contract Negotiations:

- None

#### Attorney Client Privilege:

- None

#### Collective Bargaining:

- None

#### Pending or Anticipated Litigation:

- Skyline Drive Pump

#### Property Acquisition:

- Open Space

**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.

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## Pledge of Allegiance:

All present recited the Pledge of Allegiance.

## Roll Call:

On roll call the following Committee members were present:

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

Absent: None

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

## Appointments to Boards and Commissions

The following appointment was made by the Township Committee:

Lounsberry Meadow Board of Trustees  
Diane Delluraficio

Expiration of Term  
December 31, 2011\*

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

*\*Clerks Note: The expiration of term was revised at the December 14, 2011 meeting; Expiration of Term revised to December 31, 2013.*

## Administrator Report

### Broker of Record - Dental

Mr. Sheola commented that he did not receive all the information and the item will be pushed to a future meeting.

## Ordinance Introduction:

**ORDINANCE #290-11 - BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF RIGHTS IN LANDS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$522,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION**

Mayor Harrington asked what the pleasure of the Committee was.

Mr. Piserchia stated that he asked the Planning/Zoning Administrator to provide a report to the Committee outlining the building construction permits in the proposed flood wall area and whether there was any toxic materials found. He indicated that the Committee was provided the report and he was surprised to hear there was only one instance. Mr. Aroneo questioned whether the homeowner is required to get environmental studies on their property and Mr. Pidgeon pointed out that there was no requirement. Mr. Ferriero added that if anything is found on the property they are required to notify the EPA.  
Mayor Harrington read the ordinance by title and opened the public hearing.

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Mr. Piserchia continued that he believes it is noteworthy to mention that the only thing they found in the flood wall area was a few shingles with asbestos and the EPA was comfortable with the testing done at the site. Mr. Mazzucco reviewed the asbestos found on South Main Avenue. Mayor Harrington pointed out that the EPA was invited to this meeting and did not want to be in the middle of the decision.

Mr. Piserchia commended Mr. Aroneo for having the Flood Mitigation Committee formed in January 2008 and questioned why the Committee did not provide any alternate methods to the proposed flood wall. He added that to his knowledge the Committee has not met in some time and the Committee was not provided with recommendations. Mr. Aroneo stated that the Committee met monthly and discussed debris cleanup in the river and worked with the former Township Engineer on alternatives and reviewed the challenges with the Flood Mitigation Committee. A discussion ensued between Messrs. Piserchia and Aroneo regarding the Flood Mitigation Committee. Mayor Harrington stated that she has spoke with the Morris County Mosquito Commission and they are committed to assisting the township with cleaning up the debris in the river. Mr. Piserchia commented that in the Governor's 15 point plan it discusses sole dredging and if it is done the township can expect it to help but no stop the flooding. He reviewed the Army Corps report. Mr. Mazzucco stated that Passaic River Coalition has begun the process of desnagging the river and has located 104 snags and they will be applying to the state for funding. He reviewed the correspondence received from the Passaic River Coalition which has been posted on the website. Mr. Piserchia thanked Mr. Mazzucco and pointed out that the only solution is not desnagging and sole dredging. Mr. Aroneo added that it will approve the situation. Mr. Piserchia reviewed the state buy-out program and commented that there is not enough funding at this point to buy everyone in the state out. Mr. Aroneo stated that buying out some properties will help others and is a natural solution which is better then the proposed flood wall which does not protect everyone. Mr. Mazzucco added that there are multiple ideas including working with the Passaic River Coalition. Mr. Piserchia indicated that the Army Corps went through extensive research and eliminated options as they went along. Mr. Aroneo commented that the Corps plan also includes raising some of the roads. Mr. Piserchia stated that the Army Corps researched all of the alternatives and must adhere to the cost benefit. Mr. Aroneo added that the Army Corp will not make a solution that does not include them. He questioned whether the township could raise Valley Road.

Mr. Ferriero stated that the Army Corps plan is a flood reduction project and will not eliminate flooding and the township will never make all the flooding go away. He discussed the option of raising Valley Road. Mr. Aroneo commented that the objective to raising Valley Road is for emergency vehicles so they may get through town during flood events. Mr. Ferriero stated that the township could raise Valley Road and pointed out that the cost would be substantial. He briefly reviewed the work that would need to be done. A discussion ensued among the Committee and Mr. Ferriero regarding Skupien's report and the different alternatives reviewed.

Mayor Harrington stated that raising the road without barriers does not reduce flooding and will cost a lot of money. Mr. Mazzucco commented that the proposed flood wall does not guarantee flood reduction either. Mr. Vituriera stated that the township is not paying a lot for the project and is only paying 8%. Mr. Piserchia added that seven engineers as experts testified that the proposed flood wall will mitigate flooding in a 100 year flood event. Messrs. Piserchia and Ferriero reviewed recent flood events. Mr. Mazzucco pointed out that the flood wall gates in Parsippany did not work. He added that if the wall is not maintained it gives the residents a false sense of security. Mr. Piserchia commented that both he and the Mayor met with Parsippany

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and they indicated that they were thrilled with the flood wall and it accomplished what they wanted accomplished.

Mr. Aroneo made the following statement:

"I want to start by saying thank you to all the residents that shared their concerns with me from both sides of the debate. And especially, thank you to everyone that observed proper decorum and took a dignified approach to what is, for many, a very emotional issue. You can be absolutely sure that everything I do in this position is what I believe is in the best interest of Long Hill Township and is the will of the people.

Some of what I'll say tonight I've already said during other public meetings. If you've heard this before please bear with me as some people new to the issue continue to ask me to state my position.

Let me start by saying that contrary to what you may have read in recent letters to the editor, I have followed this project for over ten years and studied it for about seven. I have read the entire Army Core of Engineers proposal and every appendix. I authored a list of ten questions which was sent to the ACOE for additional information and clarification on the project. I have read the Hydrologic and Hydraulic report commissioned by the Township Committee earlier this year. I have read reports issued by the Passaic River Coalition, the Township Engineer, an independent engineering report provided by a group of Mercer Street residents. I've read the Geotechnical Comments on the ACOE project as presented by Long Hill Township resident Joseph H. Fisher, Professional Engineer and PhD. I've studied Gilbert White "the father of flood plain management and various publications from American Rivers.

I proposed the Flood Mitigation Committee consisting of two professional engineers and other residents to research all flooding issues in the township. For the record, some of the reports I've read favor of the Floodwall while others oppose the structural solution to the flooding problem. On several occasions I reported the findings of the FMC and their strong recommendation to immediately begin cleaning drainage pipes, ditches, streams and the river. The flood mitigation committee was sometimes used as an outreach vehicle to hear about flood related issues directly from our residents. On several occasions residents from flood affected areas were invited to attend, which they did, and they provided valuable information about their experiences during flood events and their sentiments towards proposed solutions. I have had many conversations with our emergency service responders including the Police Chief our OEM Director and the Fire Chiefs. On multiple occasions the Township Committee had the ACOE present the project proposal and followed up with public discussion. We heard testimony from experts and our residents. I've had individual conversations with over a hundred individuals about this project. In the past week I've received over a hundred emails and dozens of phone calls about this issue. Last year as Mayor, I called for a motion to introduce the very same ordinance that is on the agenda tonight. No motion was made to introduce the ordinance last year.

I've had several conversations with our Congressman who worked hard over the years to secure the Federal portion of the money. Again, contrary to what you might read in recent letters to the editor, our decision on the wall will not impact future Congressional spending decisions. Congressman Frelinghuysen has stated that he supports the project because a previous Township Committee asked him for the money. To say he would not support Long Hill in the future because Federal money was returned to Washington is both factually incorrect and insulting to one of the greatest representatives of the people ever. Conversely, if we decide we do want the money, he said to me about a year ago that he will continue to fight for the money. As you may know, due to the current state of affairs at the Federal level and the lack of a signed agreement has caused the ACOE to, at least temporarily, pull back the Federal portion. When I

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asked the Congressmen if we would lose the money due to this type of maneuver he said, "Over my dead body."

Here are some of my concerns about the floodwall:

A few people have said that I don't want to believe what the ACOE is saying about the project. My concerns are not so much based on contradicting what the ACOE has told us about the project, my concerns are based on what they told us we can expect as a result of the project. Ponding, and yes, flooding. And that really scares me!

- 1) The prospect of beginning the same negative feedback loop those other towns across the country are in leaves me very uncomfortable. And it leaves me feeling that, like all those other towns, we will need wall after wall to contain the new flooding in other areas. The father of flood management said that before you build a floodwall be sure you know what you are doing. I can't honestly say that I know what the consequences will be. The law of unintended consequences can be painful.
- 2) The future of flood management will shift from gray infrastructures to natural solutions. It is the only way to be sure there are no repeat flood events.
- 3) The ACOE, according to Terrance Salt, the U.S. Army's deputy assistant director, overseeing the ACOE's water resource policy, is in the process of changing their approach by allowing more natural flooding and relying less on preventing floods. He said, "whenever possible the best way to manage floods is with a natural flood plain.
- 4) FEMA and other statistics show that after a floodwall is erected, flood losses increase. This is because people feel safe to build and improve in an area that was previously not considered "safe" to build. They ultimately improve the properties only to have another more costly flood event.
- 5) I have concerns for people who might be negatively affected by the construction of a wall. This includes residents upstream and downstream as well as residents on the wrong side of the wall.
- 6) All the engineers seem to agree the risk of flooding will never go away. As a mitigation plan the stated effectiveness is to reduce flooding not eliminate it. Therefore, I believe \$ 10,000,000 is a lot of money for it to still flood.
- 7) **Multiple Storm Events:** A big concern of mine is that at some point multiple major storm events will occur before the watershed has had the opportunity to drain and it will result in catastrophic flooding possibly causing danger to human life. This is something the ACOE agreed is a real possibility. Skupien also recognized this as a possibility. I definitely don't want my name on that!
- 8) **Property acquisition:** This is a MAJOR ISSUE! We haven't even begun to deal with this part yet. I'm not talking about FEMA buyout program candidates. I'm talking about the properties in the path of the proposed wall that we need to purchase. Many of the properties we need to acquire to build the wall are in the hands of people who oppose the wall. What will be done in an instance where a property owner doesn't want to sell? Are we going to use eminent domain to condemn their properties? The ACOE plan assumes condemnation may be necessary.
- 9) **The Funding:** Would you really want your elected official to embark on a construction project where the financial outcome is an unknown? I wouldn't and if I apply my own prudent principles I cannot accept the terms of the offer.

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- 10) **Will of the People:** Above all else, I have listened to the people. I consider myself “a will of the people” elected official. After all of the living room and kitchen table conversations with affected residents, emails, testimony, interviews, phone calls, letters and group meetings, I can emphatically state that the will of the people is to not build the floodwall.

To be sure there are those politically motivated individuals that will say, “He doesn’t want to do anything, but ignore the problem and hope it goes away”. Well we all know that is a desperate political attack. My position on what to do has been clearly stated all along each time we discussed the wall and in every Township Committee Liaison report to the TC. Here are a few recommendations that I will continue to work on.

- 1) Immediately pass a resolution adopting the Recommendations of the Passaic River Basin Flood Advisory Commission.
- 2) Introduce an Ordinance that will exclude environmentally sensitive areas from the lot coverage calculation.
- 3) Use any and all available grant resources to purchase the properties. It is the only way to be sure they will have no risk of future flooding. They should never have been built in the first place. Sure you will hear a small few with the arguments against taking out ratables, but the arguments are from the same few people who in the context of major development tell us that the 2-3 bedroom homes are a net loss to the bottom line. More importantly, I refuse to make potentially life and death decisions based on the amount of tax dollars an existing structure contributes to the tax roll.
- 4) Raising the road in a few key places to allow for better circulation during flood events. It is quite possible that a few feet in a few key places is all we need. I recognize that Liz Parker, the editor and owner of the Echoes Sentinel called this recommendation “ludicrous”, but I believe she should read the ACOE proposal because the proposed plan calls for road raisings at several points.

Last, since a non-binding referendum process for voters does not exist, no matter what the outcome here tonight, in an effort to be fair to all of our residents. I will state that if the same criteria required for a voter driven bond referendum are reached, I will support a resolution to have the matter put to non-binding referendum. That would be a petition signed by 15 % of the registered voters in the 2009 General election or 909 signatures of registered voters.”

Mr. Piserchia stated that he trusts all the Committee members to do what they believe is right for the township. He indicated that the DEP is not an advocate of the Army Corp and have tough regulations. The DEP will not get this wrong and has listened to all the experts. He reviewed the funding which is shared with both the federal government and state. He commented that he trusts the experts that the proposed flood wall will work as designed.

Mr. Mazzucco commented that this Committee has been reviewing this matter for over a year and he has listened to the residents and read each e-mail that he has received. He reviewed his concerns which include asbestos at the site and pointed out that the Army Corp has budgeted zero towards possible asbestos cleanup. He stated that he believes that if the flood wall is built it will flood other residents. He asked the public to please take time to read the Passaic River Coalitions letter and correspondence on the website. He stated that the Passaic River Coalition stated that the proposed flood wall will not help and the township is still going to flood. He added

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that the Army Corp indicated that the flood wall will work 60% of the time and indicated that he is not willing to give them an open checkbook. He stated that he represents the majority of the taxpayers and commented that he would support a non-binding referendum along with Mr. Aroneo. He stated that he believes he is doing what is best for the community.

Mr. Piserchia agreed with Mr. Mazzucco that he represents the majority and he believes a lot of people are in favor of the flood wall. Mr. Pidgeon reviewed bond law. Mr. Aroneo commented that he will follow the same criteria as authorized by bond law for those who are in favor of the flood wall. Mr. Piserchia stated that he wants to vote for the residents and this is a very difficult decision left to five people and affects everyone. He recommended that the Township Committee adopt the ordinance this evening and then we all sign the petition to put it on the ballot so the voters can vote for or against the proposed flood wall. He commented that if the Township Committee wants to know the will of the people we should allow them to vote. Mr. Aroneo made a motion to end the discussion. He stated that he proposed a route for people.

Mayor Harrington opened the meeting to the public.

Charles Arentowicz, resident of Millington, reviewed his concerns pertaining to asbestos and voiced his opposition to the proposed flood wall.

Tom DeGenaro, resident of Millington, commented that the township needs a successful Flood Control Commission.

Frank Cerulli, resident of Mercer Street, stated that he gets pounded every time it rains and voiced his support for the proposed flood wall.

James Ross, resident of Riverview Avenue, indicated that he gets flooded every time it rains and voiced his support for the proposed flood wall.

John Lombardo, resident of Poplar Drive, stated that taxes will increase if the flood wall is approved. He voiced his opposition to the proposed flood wall.

Carole Gray, resident of River Road, reviewed the dangers with the proposed flood wall and voiced her opposition to the flood wall.

Frank Clark, resident of Valley Road, stated that his home will have the most impact from the flood wall. He reviewed his concerns and commented that he would like to hear the benefits to the township.

Robert Salzman, resident of Indian Run, commented that the township has to do something to stop the flooding because it is bad for the residents and the businesses.

Lorraine Hall, resident of Essex Street, stated that she has lived here her whole life and she would like something done about the flooding.

Abbey Hands, resident of Stirling, indicated that she e-mailed Mr. Mazzucco and did not receive a response. She added that she is interested in seeing the Flood Mitigation Committees reports. She questioned whether there are any other options besides raising Valley Road because she thinks that will make it worse.

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Mr. Aroneo commented that his proposal is to raise key intersections. Mr. Mazzucco stated that the Township Committee has been reviewing this matter for over a year and has received hundreds of e-mails on the topic.

Ashish Moholkar, resident of Gillette, commented on the DEP studies and maps. Messrs. Ferriero and Moholkar reviewed the studies.

Joseph Bruno, Berkeley Heights Mayor, stated that we are all aware of the problem with the river and urged the Committee to not start the process so all neighboring towns are forced to build a flood wall. He added that the town has a petition to dredge the river.

Mr. Piserchia thanked the Mayor for coming to the meeting. He indicated that it is his understanding the DEP would never allow us to dredge the river. Mr. Bruno commented that we have to demand to be allowed to dredge and need a better solution.

Carl Sundberg, resident of Main Avenue, voiced his support for the proposed flood wall.

Giuseppe Pennetti, resident of Valley Road, questioned what the township was doing for the local businesses that are constantly being flooded. He asked the township to fix the flooding problem and voiced his support for the proposed flood wall.

Karl Schlegel, resident of Mercer Street, voiced his support for the proposed flood wall.

Paul Mascia, resident of Warren Avenue, reviewed the issues with flooding and voiced his support for the flood wall. He commented that the township has had seven years to come up with alternatives.

Phyllis Fast, resident of Gillette, commented that it is not ok to oppose the flood wall because things may happen and voiced her support for the flood wall and asked that the Committee vote yes.

Carol Prasa, resident of Millington, stated that the flood wall project is a mistake and indicated that Valley Road is a flood basin. She voiced her opposition to the proposed flood wall.

Landon McDonald, resident of Norwood Drive, indicated that the proposed flood wall is a bad plan and asked the Committee to look at other alternatives.

Joe Cilino, resident of Heritage Road, voiced his opposition to the proposed flood wall and indicated that a majority of the town is against it.

Mr. Piserchia commented that he would know what the majorities feeling were if there was a vote for it.

Michael Noll, resident of Stirling, stated that he is a former engineer and teacher and voiced his opposition to the flood wall.

Vinnie (last name inaudible), resident of Millington, reviewed his concerns with the flood wall and possible legal ramifications.

Marco Santacross, resident of Valley Road, commented that the fliers that were sent out with lies.



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Mayor Harrington called for a short recess; the meeting reconvened at 10:30 p.m.

Mayor Harrington announced that she received a call from the owner of Valley Mall and Kings Supermarket will replace Pathmark.

Mary Ann Sheovi, resident of Long Valley, commented that she grew up in Stirling and voiced her opposition to the flood wall.

Linda Brinbrick, resident of Bound Brook, indicated that she grew up in Stirling and stated that flood protection and flood walls do work.

Maryann Definis, resident of Laurel Avenue, voiced her opposition to the flood wall which she noted has divided the town.

John Bangs, resident of Millington, commented that in order to have a fair decision it should be the will of the people and bring it to a referendum.

Mayor Harrington closed the public hearing.

Mr. Piserchia reiterated that there is a way for the Committee to have a non binding referendum. Mr. Aroneo stated that he is voting on the bond ordinance that is most likely taking people's properties and added that he is not willing to pass the ordinance.

A motion was made by Mayor Harrington and seconded by Mr. Vitureira to adopt Ordinance 291-11. Roll Call Vote:

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

Nays: Mr. Aroneo and Mr. Mazzucco

Ordinance 290-11 failed and was not adopted.

### **Resolutions:**

#### **Consent Agenda Resolutions:**

Mr. Sheola reviewed Resolution 11-337 – Authorize Award of Contract for Phase II Restoration – Millington Schoolhouse [CCH] and stated that the architect has to leave the meeting.

Carol Prasa, Historic Preservation Advisory Committee Chair, reviewed the time constraints and the need for the contract. Larry Fast, resident of Long Hill Road, reviewed the grant cycle and indicated that the sooner the contract can be approved the better. Ms. Prasa reviewed the bid and added that it was the only complete bid that was submitted.

Mr. Aroneo questioned if the Committee needed the architect to discuss anything with the Committee. Mr. Vitureira stated that his personal experience with CCH is that they are outrageous in price.

Guy Roshto, Historic Preservation Advisory Committee member, indicated that he had a similar experience with CCH and they went through a process with them to bring the costs down.

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Mr. Piserchia questioned why CCH was chosen. Mr. Roshto stated that their price was competitive with the other bids.

Mayor Harrington reviewed the revisions and add on resolutions: Resolution 11-341, 11-343, 11-344 and 11-345. Mr. Sheola reviewed Resolution 11-345 pertaining to the Blue Acres grant.

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

Roll Call Vote: All Ayes

**RESOLUTION 11-333  
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 11-334  
APPROVAL AND RELEASE OF REGULAR SESSION MINUTES AND APPROVAL OF  
EXECUTIVE SESSION MINUTES (AS REDACTED)**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the October 12, 2011 Meeting.

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves the October 12, 2011 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 11-335  
APPROVE CONFERENCE REQUEST – DEPUTY TREASURER**

**WHEREAS**, the Township Committee approved Resolution 08-375 which requires Township Committee approval of all overnight conference requests; and

**WHEREAS**, the Township Committee has received a request through the Township Administrator by the Deputy Treasurer to attend the League of Municipalities Convention for one (1) evening; and

**WHEREAS**, his full-time employer has agreed to pay all other expenses excluding one night lodging; and

**NOW, THEREFORE, BE IT RESOLVED by**, the Long Hill Township Committee hereby approves the request of the Deputy Treasurer to pay for one (1) night lodging at the League of Municipalities Convention as outlined in his memo.

**RESOLUTION 11-336  
APPROVE CONFERENCE REQUEST – TOWNSHIP ADMINISTRATOR**

**WHEREAS**, the Township Committee approved Resolution 08-375 which requires Township Committee approval of all overnight conference requests; and

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**WHEREAS**, the Township Committee has received a request by the Township Administrator to attend the League of Municipalities Convention for one (1) evening; and

**NOW, THEREFORE, BE IT RESOLVED** by, the Long Hill Township Committee hereby approves the request of the Township Administrator to pay for one (1) night lodging at the League of Municipalities Convention as outlined in his memo.

**RESOLUTION 11-337  
AUTHORIZING ENTERING IN TO AN PROFESSIONAL SERVICES AGREEMENT WITH  
CLARKE CATON HINTZ FOR INTERIOR RENOVATION DESIGN SERVICES  
AT MILLINGTON SCHOOL HOUSE**

**WHEREAS**, the Township of Long Hill requires historic architectural services related to the preservation of the interior at the Millington School House; and

**WHEREAS**, the Township Administrator serving as the Purchasing Agent, with the assistance from the Historic Preservation Advisory Committee, prepared a set of Specifications for Proposals and as a result of those responding, has determined and certified in writing that the value of the amount of the contract will be more than (\$17,500) seventeen thousand five hundred dollars; and

WHEREAS, the summary of proposals is set forth below:

|                              |          |
|------------------------------|----------|
| Clarke Caton Hintz           | \$49,500 |
| Mark Hewitt                  | \$21,962 |
| Historic Building Architects | \$34,525 |

**WHEREAS**, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Township Chief Financial Officer in accordance with N.J.A.C. 5:34-5.1 has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of the contract;

**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. The Mayor and Clerk are authorized to sign a contract with Clarke Caton Hintz in accordance with the following terms and conditions:
  - A. Term: A period of time sufficient to complete the design and is approved, construction phases
  - B. Rate: per proposal dated July 20, 2011
  - C. Services: The organization shall provide professional historic architectural services.
2. The Township Clerk in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Echoes Sentinel stating the nature, duration, service and amount of this contract.

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3. The Township Clerk shall make copies of this resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey during regular business hours.
4. This contract shall be charged to the Historic Preservation Trust Account. The certification of available funds by the Township Chief Financial Officer shall be attached to the original resolution and shall be maintained in the files of the Township Clerk.

**RESOLUTION 11-338  
AUTHORIZING TRANSFERRING OF FUNDS**

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

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

**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 current demands, and

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

From:

|                                |                                     |                     |
|--------------------------------|-------------------------------------|---------------------|
| 1-01-20-145-150-105            | Assessment – PT Salaries            | \$ 4,000            |
| 1-01-20-140-140-201            | MIS – Miscellaneous                 | \$ 4,000            |
| 1-01-20-155-155-202            | Legal – General                     | \$10,000            |
| <del>1-01-23-220-220-225</del> | <del>Insurance – Unemployment</del> | <del>\$ 4,000</del> |
| 1-01-28-370-370-105            | Recreation – Salaries               | \$ 4,000            |
| 1-01-31-446-446-407            | Electricity                         | \$10,000            |
| 1-01-20-145-145-105            | Tax Collection – PT Salaries        | \$ 2,500            |
| 1-01-25-240-241-201            | Purchase of Police Vehicle          | \$ 1,500            |
| 1-01-25-252-253-105            | Court – PT Salaries                 | \$ 8,000            |

**Total** **\$44,000**

To:

|                     |                     |          |
|---------------------|---------------------|----------|
| 1-01-26-295-295-029 | Fleet Maint – Roads | \$ 7,000 |
| 1-01-26-295-295-031 | Fleet Maint – Sewer | \$ 3,000 |
| 1-01-31-435-435-415 | Water               | \$10,000 |
| 1-01-31-446-446-405 | Gasoline            | \$21,000 |
| 1-01-31-446-446-409 | Heating Oil         | \$ 3,000 |

**Total** **\$44,000**

**RESOLUTION 11-339  
EMERGENCY APPROPRIATION RELATED TO STORM EXPENSES**

**WHEREAS**, an emergency has arisen with respect to Hurricane Irene and the October 2011 Snow Storm and no adequate provision was made in the 2011 budget for the aforesaid

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purpose, and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and;

**WHEREAS**, the total amount of emergency appropriations created including this appropriation to be created by this resolution is \$105,000 and 3% of the total operations in the budget for the year 2011 is \$430,470;

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris (not less than 2/3's of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

|  |          |
|--|----------|
| Public Works – Road Division Overtime        | \$65,000 |
| Public Works - Waste Water Division Overtime | \$29,000 |
| Garbage Disposal – Tipping Fees              | \$11,000 |

2. That said emergency appropriation shall be approved in full in the 2012 Budget

3. The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

**BE IT FURTHER RESOLVED** that two (2) certified copies of this resolution be filed with the Director of the Local Government Services.

**RESOLUTION 11-340  
AUTHORIZING STIRLING FIRE COMPANY COIN TOSS  
ON NOVEMBER 26, 2011**

**WHEREAS**, the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey authorizes the Stirling Volunteer Fire Company to conduct a coin toss at the intersection of Valley Road and Mountain Avenue in Gillette on November 26, 2011 from 10:00 a.m. to 3:00 p.m. [rain date November 28<sup>th</sup>]; and

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey authorizes the Stirling Volunteer Fire Company to conduct a coin toss on Valley Road on November 26, 2010 [rain date November 28<sup>th</sup>];

**BE IT FURTHER RESOLVED** that this approval is contingent upon the Stirling Volunteer Fire Company receiving approval from the County of Morris.

**RESOLUTION 11-341  
APPROVING USE OF HICKS TRACT –  
BOY SCOUT TROOP 56 AND BOY SCOUT TROOP 59**

**BE IT RESOLVED** that the Township Committee of the Township of Long Hill does hereby grant permission for Boy Scout Pack 59 and Boy Scout Troop 56 to use the Hicks Tract to hold their annual festivities;

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**BE IT FURTHER RESOLVED** that Troop 56 is authorized the use of Hicks Tract on December 5<sup>th</sup> for their annual flag ceremony and Troop 59 is authorized the use of Hicks Tract on December 14<sup>th</sup> for their “Christmas in the Woods” program as per letter dated November 5, 2011, subject to meeting all the requirements of the receipt of a Hold Harmless Agreement, Certificate of Insurance and Fire Permit.

**RESOLUTION 11-342  
APPROVING SPECIAL EVENT LICENSE  
[LONG HILL TOWNSHIP COMMUNITY CENTER]**

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve License Number S 11-16 for the event to the “Sponsor” Long Hill Township Community Center, for their Special Event to be held on December 11, 2011 at the Long Hill Township Community Center on Warren Avenue in Stirling; and

**BE IT FURTHER RESOLVED** that the Police Department has determined that police services are not required for this event.

**RESOLUTION 11-343  
AUTHORIZING CHANGE ORDER NO. 11 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 a emergency service work performed at Skyline Pump station due to pump failures

| Change Order # | Description  | Amount      | Net Amount of Contract |
|----------------|--|-------------|------------------------|
| 11             | Emergency services to Skyline Pump Station due to pump failures beyond the scope of the original project | \$37,334.23 | \$1,010,467.30         |

**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 11 as described in the preamble is hereby approved.
2. The change order shall be charged to C-04-55-247-000-B. The Chief Financial Officer has determined that a Certification of Available Funds is necessary.

**RESOLUTION 11-344  
APPROVING SPECIAL EVENT LICENSE AMENDMENT –  
LORD STIRLING SCHOOL / GREAT SWAMP DEVIL RUN**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby approve Lord Stirling Schools Special Event Application amendment for license number S – 11-10 and requests to reschedule the Great Swamp Devil Run event due to inclement weather.

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**BE IT FURTHER RESOLVED** that the event has been rescheduled to December 4, 2011 with the 5K run beginning at 11AM and the 15K run beginning at 12PM as per letter dated November 8, 2011 with the understanding that they will provide the township with the necessary hold harmless agreement and certificate of insurance.

**Resolution 11-345 – Green Acres/Blue Acres Enabling Resolution - Revised**

On motion of Mr. Piserchia, seconded by Mr. Aroneo that Resolution 11-345 was introduced.

Messrs. Vitureira and Sheola reviewed the program and funding details for the grant. Mr. Pidgeon reviewed the resolution language. A brief discussion ensued among the Committee in regards to the grant program. Mr. Vitureira commented that he has an issue supporting programs like this that reward people for bad behavior and added that he was not present at the last meeting during the discussion of the original resolution.

Roll Call Vote:

Ayes; Mr. Aroneo, Mr. Mazzucco, Mr. Piserchia and Mayor Harrington  
Abstain: Mr. Vitureira

**RESOLUTION 11-345  
GREEN ACRES/BLUE ACRES ENABLING RESOLUTION - REVISED**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Long Hill desires to further the public interest by obtaining funding in the amount of **\$2,203,061** from the State to fund the following project(s): Blue Acres Flood Area Acquisitions at a cost of **\$4,456,300** (*project cost*);

**NOW, THEREFORE**, the governing body resolves that Richard J. Sheola, or the successor to the office of Township Administrator, is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE** Township Committee of the Township of Long Hill:

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1. That the Township Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Blue Acres Flood Area Acquisition;
2. That the applicant will seek its matching share of the project from FEMA and/or Morris County in the amount of **\$2,253,239**. The Township is not committing any of its own funds (including, but not limited to Township open space trust funds) to this project;
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

*Note: This application adds \$68,200 to the total project cost and amends Resolution 11-331.*

### **New Business**

Mayor Harrington indicated that she has received calls regarding the Department of Public Works (DPW) task of removing branches from the storm. She stated that residents are stating that if they are not picked up they will cause a hazard and questioned whether it was worth it to have a contractor come in and do the chipping and work with them on the cleanup. Mr. Piserchia commented that perhaps the hazardous properties be addressed first. A discussion ensued among the Committee and Mr. Sheola regarding the removal of the branches and how it should be handled. Mr. Vitureira stated that he thinks that our DPW can handle it and Mr. Aroneo agreed that the township should not hire an outside contractor. The Committee agreed that the township should not hire outside contractors unless Mr. Sweeny comes to them for assistance.

**Mr. Vitureira made a motion that the township handle the branch and debris removal in house and allow the Director of Public Works to make the determination to use outside contracting only if it is essential, necessary and unavoidable (due to health, welfare and safety); Mr. Mazzucco seconded the motion.**

**Vote:**

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

**Nays: Mr. Aroneo**

### **Adjournment**

There being no further business, a motion was made by Mr. Mazzucco and seconded by Mr. Vitureira to adjourn the meeting at 11:25 p.m. Vote: All Ayes

Respectfully submitted,

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Christine A. Gatti  
Township Clerk

Approved: January 25, 2012