



A draft of the Township Committee Regular Session Agenda is posted on the Township website at www.longhillnj.us on the Monday preceding the meeting.

**TOWNSHIP OF LONG HILL
REGULAR SESSION AGENDA
Wednesday, January 25, 2012
7:00 PM EXECUTIVE SESSION; 7:30 PM OPEN SESSION**

ADEQUATE NOTICE – Mayor’s Statement re: Adequate Notice of Meeting.

“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, 2012; posted on the bulletin board in the Municipal Building on January 4, 2012 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.”

Please note: to help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 3 minutes.

EXECUTIVE SESSION: THE TOWNSHIP COMMITTEE OF LONG HILL TOWNSHIP WILL MEET IN EXECUTIVE SESSION FROM 7:00 P.M. UNTIL 7:30 P.M.

**RESOLUTION 12-071
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 Clerk Evaluation
- Fire Companies

Contract Negotiations:

- None

Attorney Client Privilege:

- Boeimo Drainage
- Skyline Pump Station

- Outstanding Escrow
- Enforcement

Collective Bargaining:

- None

Pending or Anticipated Litigation:

- None

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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CALL MEETING TO ORDER – The meeting will be called to order at ____p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

MARY THOMS AWARD [Presented by Recreation Advisory Committee Chair]

TOWNSHIP COMMITTEE LIAISON REPORTS / DEPARTMENT REPORTS:

1. Zoning Reports [December]
2. Police Department [November, December]
3. Health Officer’s Report [December]
4. Lounsberry Meadow [2011]

ADMINISTRATOR REPORT:

1. Town Hall Server
2. Community Day Committee/Fund

CORRESPONDENCE:

1. DEP Expands Land Use E-Permitting Program [Department of Environmental Protection]
2. Public Hearings for Draft Final State Strategic Plan [Office of Planning Advocacy]

DISCUSSION / ACTION ITEMS:

1. Proposed Rules & Regulations for Township Parks
2. Provide Planning Board Direction on Land Use Ordinances
3. Qualified Purchasing Agent Draft Ordinance

ORDINANCE INTRODUCTION:

**ORDINANCE #294-12
AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION
OF A CABLE TELEVISION SYSTEM WITHIN**

THE TOWNSHIP OF LONG HILL TO COMCAST

WHEREAS, the governing body of the Township of Long Hill, New Jersey (hereinafter referred to as the Township) determined that Comcast, (hereinafter referred to as the Company or Comcast) had the technical competence and general fitness to operate a cable television system in the Township, and

WHEREAS, by application for renewal of municipal consent filed with the Township and the Office of Cable Television on or about October 29, 2010, Comcast has sought a franchise renewal; and

WHEREAS, the Township, having held public hearings, has made due inquiry of Comcast, and to identify the Township=s future cable-related needs and interests; and has concluded that Comcast has substantially exhibited the technical competence and general fitness to operate a cable television system, and has committed to certain undertakings responsive to the Township=s future cable-related needs and interests; and

WHEREAS, the Township Communications Advisory Committee has reviewed and approved the form of this municipal consent ordinance; and

WHEREAS, the governing body of the Township has accordingly concluded that the consent should be granted subject to the requirements set forth below; and that, provided Comcast=s proposal embodies the commitments set forth below, the Township=s municipal consent to the franchise renewal should be given;

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

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Township of Long Hill, County of Morris, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey II.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right

to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount required by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area, , except that the residential density for the Line Extension Policy shall be 15 HPM (Homes Per Mile) for the term of this franchise renewal.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive

to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

Section 1.

- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).

- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS

- a. The Company shall continue to provide residents with a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize

public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.

- b. The Company shall continue to provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- c. The Company shall continue to provide a dedicated local access channel maintained by the Company for the purpose of cablecasting non-commercial access programming in conformance with the Company's guidelines and applicable state and federal statutes and regulations. The company shall continue to provide a second local access channel for the purpose of cablecasting non-commercial educational programming in conformance with the Company's guidelines and applicable state and federal statutes and regulations.
- d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

SECTION 15. COMMITMENTS BY THE COMPANY

- a. The Company shall provide standard installation and basic cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials/equipment plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall provide standard installation and basic cable television service at no cost on one (1) outlet to each police, fire, emergency management facility and public library in the Municipality and other municipal facilities listed herein,

Town Hall
Free Public Library
Old Town Hall
Police Headquarters
Lounsberry Meadow
Department of Public Works Facility
Central School
Millington School
Gillette School
First Aid Squad
Stirling Fire Company
Millington Fire Company
Senior Center

provided the facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials/equipment plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.

- c. The Company shall provide, free of charge, one (1) non-networked cable modem and monthly Internet service to each school in the Municipality, public and private, elementary, intermediate and secondary and to the public library. The Internet service provided for herein must be available to student and patron use and cannot be limited to administrative uses. All facilities must be located with 200 feet of active cable distribution plant.
- d. Within six months of the issuance of a renewal Certificate of Approval by the OCTV, the Company shall provide to the municipality a one-time grant in the amount of \$30,000 for access related needs.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

MOVED by: _____, that Ordinance #294-12 be introduced on first reading and advertised for second reading which is scheduled for the February 22, 2012 Meeting.

SECONDED by: _____

ROLL CALL VOTE

**ORDINANCE #295-12
AN ORDINANCE CONCERNING PENALTIES FOR VIOLATION OF THE TOWNSHIP TREE
ORDINANCE AND AMENDING SECTION 23-3 OF THE TOWNSHIP CODE ENTITLED
“TREES LOCATED ON MUNICIPAL LAND”**

STATEMENT OF PURPOSE: *To clarify the penalty for damaging or destroying a tree on public property.*

WHEREAS, the Township Committee wishes to make it clear that anyone who destroys or damages a tree located on municipal property will have to replace that tree;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey, that Chapter 23-3 of the Township Code entitled “Trees Located on Municipal Land” is hereby amended as follows:

Section 1. The title of Section 23-3 is hereby changed to “Trees.”

Section 2. Section 23-6 entitled “Penalties” is hereby supplemented and amended to read as follows”

23-6 PENALTIES.

Any person who ~~shall~~ violates any provisions of this chapter or the terms and conditions of any tree removal permit issued pursuant to this chapter ~~shall be subject to the tree replacement and/or treatment provisions set forth in subsections 23-4.4 and 23-5.2 of this chapter and shall also be liable to the penalty stated in Chapter I, Section 1-5.~~

In addition, any person who removes, injures, breaks, defaces, poisons or damages any tree or shrub located upon any municipal land, or otherwise violates the provisions of Section 23-2.3 of this Chapter, shall be required to replace the damaged or destroyed tree or shrub with a tree or shrub which has

an appraised value equal to the appraised value of the tree or shrub that was damaged or destroyed, using specimens designated by the Township Shade Tree Commission.

Any person who shall violates any provisions of ~~this chapter~~ subsection 23-3.3 above or the terms and conditions of any tree removal permit issued pursuant to this chapter shall be subject to the tree replacement and/or treatment provisions set forth in subsections 23-4.4 and 23-5.2.

Section 3. 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 4. 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 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

MOVED by: _____, that Ordinance #295-12 be introduced on first reading and advertised for second reading which is scheduled for the February 22, 2012 Meeting.

SECONDED by: _____

ROLL CALL VOTE

**ORDINANCE #296-12
AN ORDINANCE AUTHORIZING PURCHASE A NEW COMPUTER SERVER FOR TOWN
HALL FROM CAPITAL SURPLUS**

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey as follows:

Section 1. New Computer Server for Town Hall #17,000

Section 2. The capital budget is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 3. The sum of \$17,000 is hereby appropriated from the Capital Surplus to cover the cost of the items described in paragraph 1 and 2 of this ordinance.

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

MOVED by: _____, that Ordinance #296-12 be introduced on first reading and advertised for second reading which is scheduled for the February 22, 2012 Meeting.

SECONDED by: _____

ROLL CALL VOTE

RESOLUTIONS:

CONSENT AGENDA RESOLUTIONS

The following items are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

MOVED by: _____ by the Township Committee of Long Hill Township, that Resolution #12-072 through #12-079 are hereby approved.

SECOND by: _____.

ROLL CALL VOTE

**RESOLUTION 12-072
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 12-073
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 November 9, 2011 Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the November 9, 2011 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 12-074
APPROVAL OF 2011 SEWER REFUNDS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill upon the advice of the Tax Collector does hereby authorize a refund check in the amount of \$1,197.11 for 2010 sewer paid at a 2011 Tax Sale to FNA Jersey BIO, Inc. 575 Rt. 70, 2nd Floor, P.O. Box 1030, Brick NJ 08723;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that the temporary appropriations be amended and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records:

GENERAL GOVERNMENT

Communications Advisory Committee

Other Expenses \$ 5,500.00

UTILITIES

Heating Oil

Other Expenses \$ 7,000.00

HEALTH

Other Expenses \$ 1,000.00

PENSIONS

Police & Fire Pension \$522,896.00

Public Employees Pension \$266,798.00

Municipal Services Act (NJSA 40:67-23.2 et seq.)

Other Expenses – Meadowview @ Millington \$ 12,574.00

Other Expenses – Chestnut Run \$ 13,515.00

**RESOLUTION 12-078
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:

Account	<u>From</u>	<u>To</u>
1-01-25-240-240-112 Police – Salaries & Wages	\$2,500	
1-01-25-240-240-200 Police – Other Expenses	\$2,000	
1-01-26-290-290-100 Streets & Roads – Salaries	\$7,000	
1-01-26-310-310-200 Buildings & Grounds – Other Exp	\$5,000	
Total	\$16,500	

1-01-20-100-100-200	Admin / Exec – Other Expenses	\$ 1,000
1-01-20-140-140-200	MIS Systems – Other Expenses	\$ 5,000
1-01-20-155-155-200	Legal Services – Other Expenses	\$ 5,000
1-01-31-446-446-408	Telephone	\$ 5,000
1-01-31-446-446-410	Natural Gas	\$ 500
Total		\$16,500

**RESOLUTION 12-079
CERTIFYING JUNIOR MEMBERSHIP WITH STIRLING
VOLUNTEER FIRE COMPANY [ROZMERSKI]**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that Matthew Rozmerski is a Junior Member of the Stirling Volunteer Fire Company.

OLD BUSINESS:

NEW BUSINESS

MEETING OPEN TO PUBLIC COMMENT

At this point in the meeting, the Township Committee welcomes comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to limit their comments to 3 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes.

MEETING CLOSED TO PUBLIC COMMENT

ADJOURNMENT