

## **Long Hill Township Committee Minutes January 25, 2012 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, **January 25, 2012** at 7:00 p.m.

### **Statement of Adequate Notice:**

Mayor Mazzucco 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, 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.”

### **Executive Session:**

#### **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.

### **Roll Call:**

On roll call the following Committee members were present:

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Jerry Aroneo; Guy Piserchia; Guy Roshto; Cornel Schuler; Mayor Michael Mazzucco

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.

### **Mary Thoms Award**

The Mary Thoms Award was presented to Sal Popolillo for his volunteerism with the Recreation Department.

“The Mary Thoms Award is given by the Recreation Advisory Committee to a Long Hill Township Resident who has gone above and beyond by volunteering their time for township recreation programs. The award was created to honor Mary Thoms who was one of the hardest working members to ever serve on the town’s recreation committee. At 90 years old, she was still volunteering her time helping with Stirling Lake Dances, Egg Hunts and Halloween Parades, with a goal of always trying to improve recreation programs for residents of all ages in our township.

This year’s recipient of the Mary Thoms Award is Sal Popolillo.

Over the years, Sal has been a positive force in recreation and sports activities and has given so much of himself to our community.

Sal has been part of our Long Hill Little League program for more than 5 years. For the past 4 years, he has been the secretary for the board giving many hours of his personal time toward the organization. Recently, he was a tremendous help in handling many maintenance issues for the facilities and saved this organization thousands of dollars that would have had to have been spent on outside contractors. Sal jumped in and handled these on his own—things like scraping, staining, and painting the decks around the Snack Shack; all of the infield maintenance for the fields including a lot of work lining, raking and prepping the fields for all games; weed control; painting of the dug-outs—and many more tasks.

For our Recreation Dept., he has been and continues to be a tremendous asset to our Girls’ Field Hockey program. This past fall season, Sal jumped in and ran this program with a lot of personal initiative. He took it upon himself to not only coach the team but also to handle a lot of scheduling and administrative tasks to ensure the program’s success. His “can-do” attitude and easy-going personality came through and made him a pleasure to work with in Recreation. Even after the season has ended, Sal has continued attending meetings on behalf of Long Hill and is working to build this program for next fall. Although Sal’s daughter will not be part of the Long Hill Field Hockey program next year since she will be in high school, Sal is committed to making sure next year’s program gets off to a good start.

It is for these reasons and many more, that we feel Sal is the ideal recipient of the Mary Thoms Award this year.”

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Mayor Mazzucco reminded the public that all comments shall be kept to three minutes.

### **Township Committee Liaison Reports:**

Mr. Aroneo updated the Committee and public on the following as Township Committee Liaison; he stated that the Open Space Advisory Committee is continuing to review acquisitions for open space and moving along with the grant process. He pointed out that the Communications Advisory Committee is always looking for help and volunteers.

Mr. Roshto updated the Committee and public on the following as Township Committee Liaison; he commented that there is a group that is working on a Communication solution to contact residents during an emergency. He reviewed the different options and added that he hopes to bring their recommendation before the Committee soon. The Historic Preservation Advisory Committee is continuing to work on the Millington Schoolhouse and grant funding for the interior work.

Mr. Aroneo commented that Millington Schoolhouse is an outstanding project.

Messrs. Aroneo and Pidgeon reviewed the collection of development fees for COAH obligation and the balance in the account which is approximately \$400,000. Mr. Pidgeon stated that the funds shall be used by July 17<sup>th</sup>. Mr. Aroneo suggested that Lounsberry Meadow be considered to use the funding for work that is needed to be done. Mr. Sheola commented that he has spoken with the Township Planner and he is looking into it. Mr. Aroneo asked that Mr. Sheola keep the Committee informed on the recommended use of the funds prior to the deadline.

Mr. Piserchia updated the Committee and public on the following as Township Committee Liaison; he announced that the Stirling and Millington Fire Departments will be celebrating their 100 year anniversary in 2013 and they are in the beginning stages of planning the celebration. He reviewed the legislation that was passed which allows the School Board Election to be moved to the November General Election. He indicated that the consensus of the School Board seems to be in favor of the move. He suggested that representatives of the School Board attend a meeting to explain it to the public. He added that it will be discussed in more detail at the February 8<sup>th</sup> meeting.

Lisa Scanlon, Long Hill Township Board of Education President, reviewed the caveats of the legislation. She added that the School Board is required to pass a resolution by February 27<sup>th</sup> if they plan on moving the Election to November this year. She pointed out that she would like to encourage discussion on this matter. A brief discussion ensued among Ms. Scanlon and the Committee in regards to the new legislation and the options available to the township.

Mayor Mazzucco commented that there have been preliminary budget meetings in regards to the 2012 budget. He indicated that both he and Mr. Roshto have been administering the Township Administrator interviews and they received over fifty resumes for the position.

### **Administrator Report:**

#### **Town Hall Server**

Mr. Sheola reviewed the request for a town hall server which was endorsed by the Communication Advisory Committee. He commented that the capital ordinance is on the agenda for introduction this evening and added that there is no debt.

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Mr. Roshto stated that the quote for the server was from September 2010 and we should receive an updated quote which should be less. Mr. Sheola stated that he would obtain an updated quote.

### Community Day Committee/Fund

Mr. Sheola indicated that he would like to hold off on this discussion item.

### **Discussion:**

#### Proposed Rules & Regulations for Township Parks

Mr. Sheola stated that there are no rules and regulations for township parks and Recreation Director Lisa Scanlon and the Recreation Advisory Committee would like to present rules and regulations for the Committee's consideration. He added that Mr. Pidgeon has reviewed their recommendations and has provided his comments.

Ms. Scanlon reviewed the recommended park rules regulations. Mr. Pidgeon suggested that an umbrella ordinance be considered. This would allow the Committee to consider the Recreation Advisory Committee's recommend rules and regulations by resolution.

Mr. Aroneo commented that he believes less is more and added that he is in favor of an umbrella ordinance with the Committee approving a resolution with the rules and regulations annually at the reorganization meeting. A discussion ensued among the Committee and Ms. Scanlon in regards to the draft ordinance. Ms. Scanlon indicated that the Committee briefly discussed the inadequate parking situation at Meyersville Field and she questioned the consensus of the Committee. Mr. Aroneo stated that they may be able to get additional parking at the pump station across the street. She reviewed the Recreation Advisory Committee's discussions on the matter and their safety concerns with the inadequate parking. She reiterated that she thinks there needs to be a solution to the parking situation before there is an issue. The Committee along with Ms. Scanlon and Police Chief Daniel Hedden reviewed the matter and options available to the township. The consensus of the Committee was to authorize Mr. Pidgeon to draft the umbrella ordinance and have the Recreation Advisory Committee draft rules and regulations for the parks to be considered by resolution by the Township Committee.

#### Provide Planning Board Direction on Land Use Ordinances

Mayor Mazzucco stated that this was placed on the agenda in order to provide the Planning Board with direction for 2012. Mr. Aroneo reviewed the Valley Road ordinance and pointed out that he is under the impression that the Township Committee is not in favor of the draft ordinance as it is written now. He added that that Committee is especially not interested due to the residential language in the ordinance. He indicated that he is not in favor of adding residential due to the flooding in the township which could be increased with adding residential. The Committee along with Mr. Pidgeon reviewed how they should summarize their direction to the Planning Board in regards to the Draft Valley Road Ordinance. The Committee discussed the following sentiments; no increase in residential, no increase in traffic, no increase in density, no increase in building height, exclude environmentally sensitive land from the lot calculation, no lot consolidation and no environmental impact. Both Messrs. Piserchia and Roshto agreed to keep the direction to the Planning Board broad in order to allow them to utilize their professionals to draft the ordinance with our guidelines. Mr. Aroneo stated that he would write a memo to the Planning Board as discussed.

Mr. Roshto suggested the Committee have a discussion with the Planning Board in regards to the checklist ordinance. He added that the Committee could begin considering the draft land use ordinances in order to get through them. He suggested that the Planning Board be invited to the next meeting in order to review which draft ordinances should be considered first. Mr. Aroneo

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suggested that one draft land use ordinance be considered at a time and the Committee may then provide the Planning Board with their guidance. The Committee requested that Ms. Gatti put the checklist ordinance on for introduction at the next meeting.

Qualified Purchasing Agent Draft Ordinance

Mr. Pidgeon reviewed the drafted ordinance. He pointed out that the position would not need to be filled. The Committee briefly reviewed the language. The Committee requested that Mr. Pidgeon add language that the township may fill the position at their discretion.

**Ordinance Introduction:**

Ordinance 294-12

Mr. Aroneo recused himself from the discussion and vote on the ordinance and exited the meeting.

Mr. Pidgeon reviewed the ordinance which he pointed out was reviewed by the Communications Advisory Committee. The Committee reviewed the ordinance and agreement. Mr. Roshto commented that the grant funds will be used to replace aging equipment

Mayor Mazzucco read Ordinance #294-12 by title for first reading. The ordinance was introduced by Mayor Mazzucco; second by Mr. Roshto.

Roll Call Vote for Introduction of Ordinance:

Ayes: Mr. Piserchia, Mr. Roshto, Mr. Schuler and Mayor Mazzucco

Abstain: Mr. Aroneo (was not present during vote)

Mayor Mazzucco stated that the public hearing of this ordinance is scheduled for February 22, 2012.

**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

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**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.

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- 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.

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**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.
- 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.



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- 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

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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.

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- 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.

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**SECTION 22. EFFECTIVE DATE**

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

Ordinance 295-12

Mr. Pidgeon reviewed the ordinance. Mr. Piserchia pointed out that he is thrilled to be introducing this ordinance. The Committee along with Mr. Pidgeon reviewed the language in the ordinance. The consensus of the Township Committee was to add the imposed fine language to the ordinance.

Mayor Mazzucco read Ordinance #295-12 by title for first reading. The ordinance was introduced by Mayor Mazzucco as revised; second by Mr. Piserchia.

Roll Call Vote for Introduction of Ordinance as revised: All Ayes

Mayor Mazzucco stated that the public hearing of this ordinance is scheduled for February 22, 2012.

**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. The minimum fine for a violation of this section shall be one hundred (\$100.00) dollars. Each tree or shrub that is

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damaged or destroyed shall constitute a separate offense and shall be punishable as such hereunder

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.

Ordinance 296-12

Mayor Mazzucco read Ordinance #296-12 by title for first reading. The ordinance was introduced by Mr. Roshto; second by Mr. Schuler.

Roll Call Vote for Introduction of Ordinance: All Ayes

Mayor Mazzucco stated that the public hearing of this ordinance is scheduled for February 22, 2012.

**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:

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**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.

**Resolutions:**

**Consent Agenda Resolutions:**

On motion of Mayor Mazzucco, seconded by Mr. Roshto, that the following Consent Agenda Resolutions were introduced and approved:

Roll Call Vote: All Ayes

**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, 2<sup>nd</sup> Floor, P.O. Box 1030, Brick NJ 08723;

**BE IT RESOLVED** that the refund checks cover the following block and lots:

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| <b>BLOCK</b> | <b>LOT</b> | <b>AMOUNT</b> |
|--------------|------------|---------------|
| 11107        | 18         | \$76.02       |
| 11509        | 10         | \$628.54      |
| 12806        | 24         | \$492.55      |

**RESOLUTION 12-075  
CONSTRUCTION PERMIT FEE REFUND [DEEGAN ROOFINGI]**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill upon the advice and recommendation of the Township Construction Official, does hereby authorize a refund of \$56.00 due to the voiding of the construction permit, to the following:

Deegan Roofing Company  
61 Terril Road  
Plainfield, NJ 07062.

**RESOLUTION 12-076  
AUTHORIZING THE RETURN OF  
PROFESSIONAL REVIEW ESCROW – MONTEBELLO, LLC**

**WHEREAS**, Anthony Giuliano of Block: 10401, Lot: 5, in regards to Application No. 10-08P, has requested that the Professional Review Escrow fees be returned; and

**WHEREAS**, the Township Planning/Zoning Board Administrator has certified that there are no outstanding invoices and have approved the release of this Professional Review Escrow;

**WHEREAS**, the Chief Financial Officer has determined that \$187.50 remains in the account;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Long Hill hereby directs the Chief Financial Officer to return the balance of the Professional Review Escrow in the total amount of \$187.50 to Anthony Giuliano – 81 Milito Way Basking Ridge, NJ 07920.

**RESOLUTION 12-077  
AMENDMENT TO THE 2012 TEMPORARY BUDGET**

**WHEREAS**, 40A:4-19 Local Budget Act provides that where any contracts, commitments, or payments are to be made prior to the final adoption of the 2012 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

**WHEREAS**, the total appropriations in the 2011 budget, less appropriations made for Capital Improvement Fund, Debt services and relief of the poor are as follows:

|                                       |    |            |
|---------------------------------------|----|------------|
| General - Total General Appropriation | \$ | 12,283,762 |
|---------------------------------------|----|------------|

**WHEREAS**, 25.25% of the total appropriations in the 2011 Budget less appropriations made for Capital Improvement Fund, Debt services and relief of the poor are as follows:

|           |    |           |
|-----------|----|-----------|
| General - | \$ | 3,224,487 |
|-----------|----|-----------|

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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, 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:

| <b>Account</b>                                      | <b><u>From</u></b> | <b><u>To</u></b> |
|---|--------------------|------------------|
| 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            |                  |



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|                     |                                 |          |
|---------------------|---------------------------------|----------|
| 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.

**Meeting Open to the Public**

Mayor Mazzucco reminded the public that all comments have a limit of three minutes.

Marco Santacross, resident of Valley Road, commented that he would like a decision on an adjustment for his 2010 sewer fee. He reviewed the history of the matter. Mayor Mazzucco pointed out that the Township Committee made a motion at the last meeting to issue a refund to Mr. Santacross and it was voted down. Mr. Aroneo added that the Township Committee has tried to assist him and there is no law that allows the township to return the money. He pointed out that he would like to see evidence that he has paid more than anyone else. The Committee along with Mr. Santacross briefly reviewed the matter. Mr. Sheola stated that he would communicate their comments to the Tax Collector to see if there is a basis for a refund.

Thomas Boeimo, resident of Passaic Avenue, requested the status of determining who owns the piece of property near his home. Mr. Pidgeon stated that the Township Committee has directed him to send Mr. Boeimo a response in writing.

John Bangs, resident of River Road, reviewed the history of flooding in the township. He provided a handout to the Committee in regards to his finding on flooding and reservoirs in the township.

Dennis Sandow, resident of Millington, commented on the lights being on at night in the park. He reviewed the tree ordinance and reminded the Committee that there are a lot of paper streets in the township.

Mr. Pidgeon stated that the township does not own paper streets and is not covered in the ordinance.

Mr. Sandow commended Mr. Roshto who suggested that the Planning Board tackle the proposed land use ordinances under the direction of the Committee. He added that  $\frac{3}{4}$  of properties in the township exceed lot coverage. The Committee briefly reviewed the matter.

Mr. Bangs stated that he thinks properties that have asbestos should be marked. Mr. Pidgeon pointed out that property owners must disclose if there is asbestos on the property. He added that

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the township can not assume any liability.

**Adjournment**

There being no further business, a motion was made by Mr. Aroneo and seconded by Mr. Piserchia to adjourn the meeting at 10:40 p.m. Vote: All Ayes

Respectfully submitted,

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Christine A. Gatti  
Township Clerk

Approved: March 28, 2012