

# Long Hill Township Committee Minutes

## April 24, 2013

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, **April 24, 2013** at 7:10 PM.

### **Statement of ADEQUATE NOTICE**

Mayor Piserchia read the following statement:

**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 15, 2013; posted on the bulletin board in the Municipal Building on January 15, 2013 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 Committeeman Roshto seconded by Committeeman Rae to approve Resolution 13-160 and move to closed session. **Vote:** All in favor.

### **RESOLUTION 13-160 EXECUTIVE SESSION**

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

- Attorney Client Privilege  
Centennial Village Utilities  
LHT Website
- Personnel –
- Pending / Prospective Litigation
- Contract Negotiations
- Property Acquisition

**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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**OPEN REGULAR SESSION:** The Committee returned to Open Session at 7:37 PM.

**PLEDGE OF ALLEGIANCE** All present recited the Pledge of Allegiance.

**ROLL CALL:** Mayor Piserchia, Committeeman Schuler, Committeeman Roshto and Committeeman Rae were present. Committeeman Mike Mazzucco was absent.

Attorney Pidgeon, Auditor Ray Sarinelli and Administrator Henry were also present.

**GUEST SPEAKER:** The Mayor introduced Morris County Freeholder, John Krickus He presented the Morris County 2013 Budget. There will be no increase in County taxes this year.

### **TOWNSHIP COMMITTEE LIAISON REPORTS:**

The Mayor introduced Nan Harrington, Chairman of the newly formed Long Hill Township Master Plan Sub Committee. Mrs. Harrington presented the objectives of the new sub committee to the Township Committee. The sub committee was initiated by

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Mayor Piserchia in an effort to help the Planning Board revised the Township Master Plan by the November 2013 deadline. The Mayor noted that the sub-committee serves at the pleasure of the Township Committee, but takes direction from the Planning Board.

The Mayor announced that the "Bare Root Tree Sale", sponsored by Morris County Soil Conservation and the Long Hill Township Shade Tree Commission was successful and 370 trees were sold.

### **DISCUSSION / ACTION ITEMS:**

A Long Hill Township resident has requested that warning signs be placed in areas that residents ride horses to slow vehicle traffic. DPW Superintendant Sweeney requested permission from the Committee to accommodate these residents. The Township Committee approved and left the placement of the signs up to Mr. Sweeney's discretion.

### **ORDINANCE INTRODUCTION:**

#### **ORDINANCE #310-13 REDUCING THE NUMBER OF CLASS IV MEMBERS AND ON THE TOWNSHIP PLANNING BOARD AND AMENDING SECTION 171 OF THE TOWNSHIP LAND USE CODE ENTITLED "PLANNING BOARD"**

*STATEMENT OF PURPOSE: reduce the number of members of the Planning Board from 9 to 7, plus 2 alternates.*

**WHEREAS**, the Municipal Land Use Law ("MLUL") provides that:

"The governing body may, by ordinance, create a planning board of seven or nine members . . . ." (N.J.S.A. 40:55D-23);

**WHEREAS**, the MLUL goes on to provide that:

"The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine-member boards, one such member may be a member of the zoning board of adjustment or historic preservation commission. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine-member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment or historic preservation commission and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board. . . ." (N.J.S.A. 40:55D-23); and

**WHEREAS**, although N.J.S.A. 40:56A-1 requires that if there is an environmental commission, one member of it shall be a member of the planning board, William Cox points out in his treatise on *New Jersey Zoning & Land Use Administration* that:

"Although both N.J.S. 40:56A-1 and N.J.S. 45:55D-23 on their face make environmental commissioner membership on the planning board mandatory, the court held those statutes permissive in this regard, requiring only that if a member of the environmental commission was appointed to the planning board, it would be as a Class IV member, with certain exceptions."; and

**WHEREAS**, there are currently two vacancies among the Class IV membership of the Long Hill Township Planning Board; and

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**WHEREAS**, the MLUL permits, but does not require, the appointment of alternate members of the Planning Board (N.J.S.A. 40:55D-23.1); and

**WHEREAS**, the Township Committee feels that the Planning Board will function more efficiently with just seven regular members and two alternate members;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Section 170 of the Township Land Use Code is hereby amended as follows:

**Section 1.** Subsection 171.1 entitled "Establishment and Composition [of Planning Board] is hereby amended to read as follows:

### **171.1 Establishment and Composition**

There is hereby established pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in the Township of Long Hill, a Planning Board of ~~nine (9)~~ seven (7) members and two (2) alternate members consisting of the following four (4) classes:

- a. Class I. The Mayor or the Mayor's designee in the absence of the Mayor.
- b. Class II. One (1) of the officials of the municipality other than a member of the Township Committee to be appointed by the Mayor, ~~provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member if there are both a member of the Board of Adjustment and a member of the Board of Education among the Class IV members.~~
- c. Class III. A member of the Township Committee to be appointed by it.
- d. Class IV. ~~Six (6)~~ Four (4) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, ~~except that one (1) member may be a member of the Board of Adjustment and one (1) may be a member of the Board of Education. A~~ If a member of the Environmental Commission who is also is appointed a member of the Planning Board as required by pursuant to N.J.S.A. 40:56A-1, that person shall be a Class IV Planning Board member unless there are among the Class IV members of the Planning Board both a member of the Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.
- e. Alternate Members. Alternate members shall be appointed by the Mayor and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

An alternate member may, after public hearing if the member requests one, be removed by the Township Committee for cause.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that

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a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

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

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

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

**NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 24, 2013, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, May 8, 2013 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR, Clerk

**MOVED** by: Committeeman Rae that Ordinance #310-13 is passed on first reading.

**SECONDED** by: Committeeman Roshto.

**ROLL CALL VOTE:** Committeeman Rae, yes; Committeeman Roshto, yes; Committeeman Schuler, no; Mayor Piserchia, yes.

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**ORDINANCE #311-13**

**ADDING EQUINE ACTIVITIES AS A PERMITTED USE IN THE C-CONSERVATION ZONE AND SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF THE TOWNSHIP LAND USE ORDINANCE**

*STATEMENT OF PURPOSE: To allow horse farms as a permitted use in the C-Conservation Zone.*

**WHEREAS,** Township Planner, Kevin O'Brien in an April 16, 2013 memorandum he sent to the Township Committee on behalf of the Planning Board recommended adding horse farms as a permitted use in the C-Conservation District; and

**WHEREAS,** Mr. O'Brien in his memorandum noted that "the Planning Board believes that horse farms add to the rural ambience of the community and harkens back to the rural, agricultural past of the Township,";

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey, that the Township Land Use Ordinance is hereby supplemented and amended as follows:

**Section 1.** Section 111 entitled "Definitions" is supplemented and amended by adding the following definition in alphabetical order:

*Equine related activities* - A farm that is used for the breeding, boarding and or riding of horses, all as more particularly set forth in §§ 124.10 and 124.14 of this Ordinance.

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**Section 2.** Paragraph “a” of Subsection 122.1 which sets forth permitted primary uses in the C-Conservation Zone is supplemented and amended by adding the following new paragraph 6:

122.1 C. Conservation Zone

- a. Permitted Primary Uses.

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6. Equine related activities, in accordance with Sections 124.10 and 124.14.

**Section 3.** Section 124 entitled “Supplemental Use Regulations” is supplemented and amended by adding a new Subsection 124.14 entitled “Equine Related Activities” which reads as follows:

124.14 Equine Related Activities

Equine related activities, including, but not limited to, lessons, riding, boarding, safety classes, horse shows, and similar activities shall be permitted in the C zone provided the noise, odor or contamination problems which might arise are eliminated or minimized, to the extent possible, and are in compliance with the following requirements (these requirements are intended to avoid adverse effects on ground water and surface waters as well as neighboring properties and their residents):

- a. The minimum lot size shall be three acres.
- b. At least forty-five thousand (45,000) square feet of lot area shall be provided for each horse; a barn or similar structure shall also be provided with a stall for each horse; said facility shall provide a fifty (50) foot setback from side and rear property lines and 75 feet from the front property line.
- c. Manure piles, barns and/or stables shall not encroach upon a stream conservation easement. Manure piles shall be set back at least 150 feet in all directions from existing dwellings including those on abutting or neighboring lots.

Farms shall comply with all applicable Animal Waste Management regulations of the NJ Department of Agriculture.

- d. Any newly constructed barn and/or stable shall be built at least 150 feet away from all existing dwellings including those on adjacent or neighboring lots.
- e. A barn or other accessory structure located in the C Zone that is used for keeping, boarding, or riding horses shall be limited in height to 35 feet.
- f. Horse trailers owned or leased for farm purposes by the owner/operator of the farm are permitted on a lot where horses are kept or boarded,

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provided none are stored in a front yard or within 10 feet of any property line.

g. Permitted accessory structures are:

1. garages
2. utility, tool, wood or other sheds
3. tractors and other similar farm related heavy equipment
4. barns and farm outbuildings
5. enclosed riding rings
6. irrigation pumps or spring houses
7. studios (classrooms) or workshops
8. animal structures
9. stables
10. living quarters for farm manager

The gross floor area of the farm manager living quarters shall be at least three hundred fifty (350) square feet, but shall not exceed eight hundred (800) square feet. The accessory unit shall have living and sleeping space, cooking facilities, a kitchen sink and a complete sanitary facility for the exclusive use of its occupants. It shall consist of not less than two (2) rooms, one (1) of which shall be a full bathroom, but shall have no more than two (2) bedrooms.

11. manure and hay storage facilities
12. signage in accordance with Sections 155.1, 155.2, 155.3 and 155.8.
13. Off street parking; which parking areas do not have to pave in accordance with section 151 as an accommodation to the horses; this section constitutes an ongoing waiver of said requirement.
14. bridle paths.

**Section 4.** 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 5.** 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 6.** This ordinance shall take effect immediately upon final passage and publication as required by law.

### NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 24, 2013 will be

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considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, May 8, 2013 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR, Clerk

**MOVED** by: Committeeman Roshto that Ordinance #311-13 is passed on first reading.  
**SECONDED** by: Committeeman Rae.

**ROLL CALL VOTE:** All in favor

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**ORDINANCE #312-13  
REVISING DEVELOPMENT FEES AND ESCROW DEPOSITS  
AND AMENDING SECTION 180 OF THE TOWNSHIP LAND USE ORDINANCE**

**STATEMENT OF PURPOSE:** *To revise land development application fees and escrow deposits.*

**WHEREAS**, the Planning Board in an April 8, 2013 memorandum from Township Planner Kevin O'Brien recommended that certain development application fees and escrow deposits be revised;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that §180 of the Township zoning ordinance entitled "Development Fees, Escrow Deposits, Guarantees and Improvements" is hereby amended as follows:

**Section 1.** The title of Section 180 is changed to "**DEVELOPMENT APPLICATION FEES, ESCROW DEPOSITS, GUARANTEES, DEVELOPMENT FEES AND IMPROVEMENTS.**" Existing Subsection 181.1 entitled "Application Fees" and existing Subsection 182.1 entitled "Escrow Funds Required" are hereby consolidated in a new Subsection 181.1 which shall be entitled "Application Fees; Escrow Deposits". This new subsection 181.1 is attached hereto and incorporated herein by reference.

**Section 2.** The title of Subsection 181 is changed to "**DEVELOPMENT APPLICATION FEES AND ESCROW DEPOSITS.**"

**Section 3.** The title of existing §182 is hereby changed from "Escrow Deposits and Special Meeting Fees" to "Other Fees".

**Section 4.** Section 180 of the Township Code entitled "Application Fees, Escrow Deposits, Guarantees, Development Fees and Improvements" is amended to read as follows:

**SECTION 180 APPLICATION FEES, ESCROW DEPOSITS, GUARANTEES,  
DEVELOPMENT FEES AND IMPROVEMENTS**

**181 APPLICATION FEES**

**181.1 Application Fees and Escrow Deposits**

Every applicant before the approving authority shall pay the fees set forth below in addition to the other fees required by Section 182:

- a. Subdivision Approvals:

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<b>Application</b>	<b>Application Fee</b>	<b>Escrow Deposit</b>
1. Concept review	\$ 335.	\$2,500.
2. Minor subdivision	\$ 2,000.	\$3,000.
3. Preliminary approval – major subdivision	\$ 2,500 plus \$500 per lot.	<u>Residential</u> 10 or fewer lots or units \$4,000. 11-25 lots or units \$6,000. 26-100 lots or units \$8,000. In excess of 100 lots or units \$10,000.  <u>Nonresidential</u> Less than 10,000 SF of building area \$6,000. 10,000-50,000 SF of building area \$12,000. In excess of 50,000 SF of building area \$16,000.

<b>Application</b>	<b>Application Fee</b>	<b>Escrow Deposit</b>
4. Final approval – major subdivision	25% of fee for preliminary subdivision approval	<u>Residential</u> <u>25% of the original escrow fee paid at the time of preliminary.</u> <u>Nonresidential</u> 25% of the original escrow fee paid at the time of preliminary.

b. Site Plan Approvals:



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Planning Board Fees

- |    |                            |         |          |
|----|----------------------------|---------|----------|
| 1. | Concept review             | \$ 335. | \$2,500. |
| 2. | Waived site plan approvals | \$ 650. | \$2,500. |

Site Plan Waiver  
Subcommittee Fees

- |     |                              |         |          |
|-----|------------------------------|---------|----------|
| (a) | Administrative Waivers       | \$200   | \$-0-    |
| 3.  | Minor site plans             | \$ 650. | \$3,000. |
| 4.  | Preliminary/Major site plans |         |          |

- |     |             |   |   |   |
|-----|-------------|---|---|---|
| (a) | Residential | \$800. and \$260. each unit over three. | 10 or fewer lots or units<br>11-25 lots or units<br>26-100 lots or units<br>In excess 100 lots or units | \$4,000.<br>\$6,000.<br>\$8,000.<br>\$10,000. |
|-----|-------------|---|---|---|

- (b) Nonresidential – the total of the following:

- |     |   |   |  |
|-----|---|---|--|
| (1) | \$650. for the first 2,000 SF of improved site area plus \$33. for each additional 1,000 SF or portion thereof. | Less than 10,000 SF of building area<br><br>10,000 to 50,000 SF of building area<br><br>In excess of 50,000 SF of building area | \$6,000.<br><br>\$12,000.<br><br>\$16,000. |
| (2) | \$650. for the first 1,000 SF of altered floor area or portion thereof plus \$.20 for each foot.                |   |  |

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5. Final site plans:

25% of the fee for preliminary site plan approval.	Nonresidential final site plan approval 25% of the original escrow fee paid at the time of preliminary plan application.
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6. Amended site plans:

50% of the fee for preliminary site plan approval.	25% of the original escrow fee paid at the time of the preliminary site plan application.
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c. Development Permits:

	<b>Application Fee</b>	<b>Escrow Deposit</b>
General Permit Fee	\$ 650.	\$ 500.

This fee shall be reduced to \$300.00 if the development permit application is accompanied by an application for subdivision, conditional use, site plan use variance approval, by the same applicant for the same parcel of land.

Development permit waiver

Board approval	\$ 500.	\$ 500.
Administrative approval	\$ 200.	

d. Variances:

1. Bulk variances	\$ 650.	\$4,000.
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Applicants shall be charged one (1) application fee and one (1) escrow deposit for a bulk variance application regardless of how many bulk variances are applied for.

2.

Use variances:

(a) One and two family residential	\$ 650.	\$5,000.
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(b) Nonresidential	\$2,500.	\$10,000.
	For the first 1,000 SF of improvements plus \$.13 for each additional SF.	
(c) Three and more family and residential	\$2,000	\$10,000 For the first ten (10) units plus \$40. for each additional unit.

e. Other Applications:

1. Conditional use	\$ 200.	\$ 500.
2. Appeals or interpretations	\$ 130.	\$2,500.
3. Application for unimproved road	\$ 650.	\$ 750.
4. All other applications	\$ 335.	\$1,000.
5. Certification of nonconforming use		
a. Residential	\$ 650.	3,000.
b. Nonresidential	\$650	\$4,000.
6. Requests for extension of approval	\$ 100.	\$1,750.

f. Signs:

1. New signs not exceeding ten (10) SF in total area:	\$ 65.
2. New signs exceeding ten (10) SF in total area but less than or equal to fifty (50) SF in area:	\$ 100.
3. New signs greater than fifty (50) SF in area:	\$ 130.

g. Completeness Reviews:

Notwithstanding the above, every application which is filed shall be accompanied by an initial escrow deposit of six hundred fifty (\$650.) dollars to defray the costs incurred during the completeness review process. This initial deposit shall be credited towards the total escrow deposit required in Section 181.1(a-f) above. However, payment of this initial escrow deposit shall not constitute payment of fees for completeness purposes.

(Ord. No. 50-00 § 1; Ord. No. 66-00 § 1; Ord. No. 77-01 § 1; Ord. No. 104-02 § 2; Ord. No. 149-04 § 4; Ord. No. 230-08 § 12)

**182 OTHER FEES**

182.1 Reserved. (Ord. No. 50-2000 § 2)

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### 182.2 Special Meeting Fees

In addition to all application fees and any required escrow funds, every applicant before the approving authority shall deposit two thousand five hundred (\$2,500.00) dollars for each special meeting. This special meeting fee shall be deposited in advance of each special meeting and shall be used to cover the cost of attendance of the Administrative Officer and the Board professionals (including but not limited to the Board Attorney, the Township Engineer and the Township Planner).

### 182.3 Request for Rezoning or Rezoning Study

Any party requesting a rezoning or a rezoning study will require an application fee of five hundred (\$500.00) dollars and an escrow deposit of three thousand (\$3,000.00) dollars.

### 182.4 Additional Fees

Any application involving more than one (1) of the above sections shall deposit cumulative amounts. There will a fee for each type of relief requested with the exception of requests made under Section 181(d) (1).”

### 182.5 Additional Escrow Funds Required

Before an application requiring the deposit of escrow funds shall be deemed complete by the approving authority, the applicant shall post the required escrow amount with the Township Clerk in the form of cash, certified check or money order. Additional escrow funds shall be required when the escrow has been depleted to fifty (50) percent of the original escrow amount. The additional deposit shall be half of the original escrow deposit. The Township Clerk shall promptly notify the appropriate Board when escrow funds have been so depleted. Professional consultants and experts shall inform the approving authority as to the additional anticipated costs. The approving authority will in turn notify the applicant as to the amount of additional escrow funds which must be posted. No action shall be taken on the application until adequate additional funds have been deposited by the applicant with the Township Clerk.

### 182.6 Billing Procedures

All bills and vouchers submitted by retained professionals in connection with the processing of such applications shall specify

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the services performed and the time expended relative thereto. The bill shall also set forth the hourly billing amount and the date the work was performed. The hourly billing amount shall be in accordance with the amount set forth in the contract between the professional and the Township or appropriate Board. All escrow funds not expended shall be refunded to the applicant within thirty (30) days after the approving authority has taken action on the application. The Township shall also provide the applicant with an accounting of the escrow funds. Application fees are nonrefundable.

#### **182.7 Hearing Fee**

In addition to the fees set forth above, every applicant before the approving authority shall pay a fee per hearing date of three hundred seventy-five (\$375.00) dollars for all hearings which end at or before 11:00 p.m. plus one hundred (\$100.00) dollars per hour or portion thereof after 11:00 p.m. The purpose of this fee is to defray the cost of providing a certified shorthand reporter at every hearing of the approving authority. This fee is in addition to the cost of obtaining a transcript of any hearing, which cost is to be borne by the person obtaining the transcript. (Ord. No. 42-99 § 1; Ord. No. 276-11 § 1)

#### **182.8 Publication Escrow**

Every applicant before the approving authority shall pay an additional escrow deposit of one hundred thirty (\$130.) dollars to cover the cost of the publication of any public notices required by this Ordinance. (Ord. No. 228-08 § 1)

#### **182.9 Canceled Meeting Fee**

If any application is withdrawn or if any hearing is canceled at the applicant's request after 4:00 p.m. on the Friday preceding the scheduled meeting date, the applicant shall be charged a fee of six hundred fifty (\$650.) dollars.

An applicant for a use variance may be permitted to withdraw their application after the reverenced deadline should less than seven Zoning Board of Adjustment board members be available to hear the application and not be subject to the cancelled meeting fee.

#### **182.10 Tax Map Revision Fee**

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In addition to the application fees set forth above, the following amounts shall be due and payable at the time of application to defray the cost of professional services required to effect revisions to the tax maps necessitated by the development application:

- (a) Minor subdivision plat: \$100. per lot
- (b) Final major subdivision plat: \$65. per lot
- (c) Site plan application creating condominium units (whether residential or commercial units): \$65. per unit

182.11 Annual Review

Each September the Planning Board shall submit a report with recommended changes to the fee and escrow section of the Land Use Ordinance to the Township Committee.

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

**NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 24, 2013, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, May 8, 2013 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR, Clerk

**MOVED** by: Committeeman Schuler that Ordinance #311-13 is passed on first reading.  
**SECONDED** by: Committeeman Rae

**ROLL CALL VOTE:** All in favor

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**ORDINANCE PUBLIC HEARING/CONSIDERATION OF ADOPTION:**

**ORDINANCE #312-13 AUTHORIZING THE ACQUISITION FOR OPEN SPACE AND RECREATIONAL PURPOSES OF REAL PROPERTY LOCATED ON VALLEY ROAD AND KNOWN AS LOTS 1, 2 & 3 IN BLOCK 11301 ON THE TOWNSHIP TAX MAPS AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS**

**STATEMENT OF PURPOSE:** *to authorize the acquisition of Block 11301, Lots 1, 2 & 3 for open space and recreation purposes by negotiation or eminent domain.*

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40:A:12-1 et seq., provides that a municipality, may, by ordinance, provide for the acquisition of real property by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1 et seq.; and

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**WHEREAS**, RHK Partnership is the owner of record of property located on Valley Road and known as Block 11301, Lots 1 & 2, and A.K. Stamping, Co., Inc. is the owner of the adjacent property known as Block 11301, Lot 3 (hereinafter the "property"); and

**WHEREAS**, the Township has been interested in acquiring the property for open space and recreational purposes for a number of years, and, in fact, in 2001 unsuccessfully applied for a Morris County Open Space and Farmland trust Fund Grant to acquire Lots 1 and 2; and

**WHEREAS**, in July 2010, the Township Open Space Advisory Committee recommended acquiring the property for open space and recreational uses; and

**WHEREAS**, in furtherance of the Township Open Space Advisory Committee's recommendation, the Township applied again in 2011 for a Morris County Open Space Recreation and Farmland and Historic Perseveration Trust Fund Grant; and

**WHEREAS**, the Township has been awarded a Morris County Preservation Trust Fund Grant in an amount not to exceed \$2,343,750 (not to exceed 75% of the cost of acquisition of the property); and

**WHEREAS**, the Township has a current balance of \$2,395,034.81 in its open space trust fund which is for the purpose of acquiring, developing and maintaining lands for recreation and conservation purposes and therefore may be used to acquire the property; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township and its residents to acquire the property for open space and recreational purposes; and

**WHEREAS**, an appraisal of the property has been prepared by Norman J. Goldberg, SRA, CRE, GAA, IFAS, in which he rendered his expert opinion that the property has a fair market value of \$2,795,500, as of February 1, 2013; and

**WHEREAS**, acquisition of this property for open space and recreational purposes is consistent with the goals of the Township's master plan; and

**WHEREAS**, the Township Committee wishes to formally authorize the acquisition of the property and the institution of eminent domain proceedings, if necessary, to acquire title to the property;

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

**Section 1.** The Township Administrator, the Township Attorney, and such other officials, consultants, agents, employees and professionals as may be necessary and appropriate, are hereby authorized to pursue all lawful means of acquiring the property located on Valley Road and designated as Lots 1, 2 and 3 in Block 11301 on the Township tax maps through negotiation and/or eminent domain, if necessary, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq., including the filing of a condemnation complaint, the filing of a declaration of taking if deemed appropriate by the aforementioned Township officials and all other proceedings related thereto.

**Section 2.** The Township Committee hereby accepts the appraisal report fixing the fair market value of the property as of February 1, 2013, and authorizes the issuance of an "offer letter" to the record owners of the property to purchase the property for the full fair market value of \$2,795,500, subject to the satisfaction of appropriate contingencies including but not limited to environmental testing and evaluation of the property.

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**Section 3.** There is hereby appropriated \$2,343,750 (not to exceed 75% of the cost of acquisition) from Morris County Preservation Trust Fund Grant and the balance of the purchase price, after applying any other grants that the Township may receive, and \$600,000 (or up to 25% of the cost of acquisition, whichever is higher) is appropriated from the Township Open Space Trust Fund, for a total appropriation of \$2,935,275, which is the amount of the Township's appraisal, plus soft costs, not to exceed 5% of the consideration paid for the property.

**Section 4.** 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 5.** 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 6.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 10, 2013, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, April 14, 2013, at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR, Clerk

**Mayor Piserchia opened Ordinance 312-13 to the public for comment.** Location question was asked and answered. As there were no further questions or comments, **Mayor Piserchia closed public comment.**

**MOVED** by Committeeman Roshto; that Ordinance 312-13 be passed on final reading and adopted. **SECONDED** by: **Committeeman Rae**

**ROLL CALL VOTE:** All in favor  
Atty. Pidgeon will move forward with negotiations.

\*\*\*\*\*

**BUDGET:**

**RESOLUTION 13-171  
2013 BUDGET TO BE READ BY TITLE ONLY AT PUBLIC HEARING**

**WHEREAS**, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

**WHEREAS**, these conditions have been met;



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**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY that the budget shall be read by title only.

**MOVED** by: Committeeman Schuler, that Resolution 13-171 is approved. **SECONDED** by: Committeeman Rae

**ROLL CALL VOTE:** All in favor

**Public Hearing on 2013 Budget:**

**Mayor Piserchia opened the public hearing for the 2013 BUDGET.**

Resident Sandow addressed the Committee with regards to reducing surplus. He presented graphs to the Committee members. Township Auditor, Ray Sarinelli addressed Mr. Sandow's concerns with regards to surplus.

Resident Sandow then requested that \$24,000 be given to the Library. A discussion ensued. Resident Gallet voiced his disagreement with giving the money to the Library, when the Library had not requested the funds. A discussion ensued between Committee members.

As there were no other comments, Mayor Piserchia closed the public hearing for the 2013 BUDGET.

**Adoption of 2013 Budget**

**RESOLUTION 13-172  
ADOPTION OF 2013 BUDGET**

**BE IT RESOLVED** by the Township Committee of the Township of Long Hill, County of Morris that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$14,723,985.79 for municipal purposes.

**BE IT RESOLVED** that the summary of revenues and appropriations are approved as attached.

**MOVED** by: Committeeman Rae, that Resolution #13-172, for the adoption of the 2013 Budget is approved. **SECOND** by: Committeeman Schuler.

**ROLL CALL VOTE:** All in favor

**RESOLUTIONS:**

**RESOLUTION 13-170  
AWARDING A PROFESSIONAL SERVICES CONTRACT  
TO OMNI ENVIRONMENTAL, LLC**

**WHEREAS**, the Township of Long Hill requires the services of a professional engineer in connection with proposed improvements to its wastewater collection and treatment system; and

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

**WHEREAS**, the Chief Financial Officer has certified in writing the availability of adequate

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funds to pay the maximum amount of this contract; and

**WHEREAS**, the Township has a need to acquire these professional services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as appropriate; and

**WHEREAS**, Omni Environmental, LLC (“Omni”) submitted a proposal to the Township dated April 5, 2013 a copy of which is attached hereto and incorporated herein by reference (except that the “standard contract terms and conditions” are not acceptable and this contract award is subject to those terms and conditions being renegotiated with terms and conditions acceptable to the Township Attorney); and

**WHEREAS**, Omni has completed and submitted a Business Entity Disclosure Certification which certifies that Omni has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit Omni from making any reportable contributions through the term of the contract;

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

1. The Mayor and Township Clerk are authorized to sign a professional services agreement with Omni Environmental, LLC for the final design services needed to advance the preliminary drawings and specifications detailed for public bidding, subject to the following terms and conditions:

A. Term: April 24, 2013 through completion of the project

B. Compensation: Not to exceed \$110,350 (not to exceed T&M Fee), as set forth in the proposal. Any Change orders must be approved in advance, in writing by resolution of the Township Committee.

C. Terms and Conditions: The contract shall include all of the Township’s usual requirements regarding insurance, business registration, affirmative action, pay to-play, etc., and shall be in a form acceptable to Township Attorney.

D. Scope of Work Schedule: Complete the structural evaluation; supplemental field investigation; prepare draft Final Drawings and Specifications within 2 months following execution of this contract. Prepare the bid ready Final Drawings and Specifications within two weeks following receipt of both Long Hill Township’s and NJDEP’s review comments on the draft Final Drawings and Specifications

2. The Business Disclosure Entity Certification shall be placed on file with this resolution.

3. 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 official newspaper stating the nature, duration, service and amount of this contract.

4. The Township Clerk shall make copies of this resolution available for public inspection at the Township of Long Hill, 915 Valley Road, Gillette, NJ 07933 during regular business hours.

5. This contract shall be charged to the budget for the “Reserve for Sewer Contributions”. The certification of available funds by the Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

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Attorney Pidgeon asked the Committee to table the resolution until changes could be made to the contract. The Committee agreed to table Resolution 13-170.

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**RESOLUTION # 13-173  
AUTHORIZING EXECUTION OF DEVELOPERS AGREEMENT WITH  
PARTHENON REALTY, LLC.**

**WHEREAS**, Parthenon Realty, LLC is the owner of property located at 1050 Valley Road and known as Block 11301, Lot 4 on the Long Hill Township tax maps; and

**WHEREAS**, Long Hill Township Board of Adjustment granted site plan approval of Application 11-082; and

**WHEREAS**. The Board of Adjustment Resolution requires the developer to enter into a developer's agreement with the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Long Hill, in the County of Morris, State of New Jersey that the Mayor and the Township Clerk are hereby authorized to enter into a developer's agreement with Parthenon Realty, LLC, which agreement shall be in a form acceptable to the Township Attorney and the Township Engineer.

**MOVED** by: Committeeman Rae, that Resolution #13-173 is approved. **SECOND** by: Committeeman Schuler.

**ROLL CALL VOTE:** All in favor

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**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.*

***The Clerk requested that the word "Officer's" be deleted from Resolution 13-16, as a typographical error.***

**MOVED** by: Committeeman Schuler that Resolution #13-161 through #13-169 are hereby approved. **SECOND** by: Committeeman Roshto.

**ROLL CALL VOTE:** All in favor

**RESOLUTION 13-161  
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.

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**RESOLUTION 13-162  
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 April 10, 2013 Meeting.

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**BE IT FURTHER RESOLVED** that the Township Committee hereby approves the April 10, 2013 Executive Session Meeting Minutes as redacted by the Township Attorney.

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**RESOLUTION 13-163  
AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACT FOR PLANNING SERVICES – BANISCH ASSOCIATES, INC.**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby authorize the contract with Professional Planners - Banisch Associates, Inc., 111 Main Street, Flemington, NJ 08822 to be paid out of the Affordable Housing Trust Fund in an amount not to exceed \$10,000.00, as per the contract.

\*\*\*\*\*

**RESOLUTION 13-164  
AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS**

**WHEREAS**, there are outstanding checks appearing on various bank statements which have been outstanding at least six months; and

**WHEREAS**, the Chief Financial Officer of the Township of Long Hill is desirous of canceling said outstanding checks;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Long Hill that the following checks be voided and the Chief Financial Officer is hereby authorized and directed to cancel said outstanding checks:

<b><u>Magistrate Account (PNC Bank):</u></b>		
#433	07-16-2012	\$19.00
#434	07-16-2012	\$11.00
#439	08-23-2012	\$11.00
<b>Total</b>		<b>\$41.00</b>

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**RESOLUTION 13-165  
AUTHORIZE EMPLOYMENT OF  
PART-TIME CROSSING GUARD [ROSS]**

**WHEREAS**, due to the passing of Elsie Desrochers, there exists the need to fill the position of School Crossing Guard; and

**WHEREAS**, a candidate has been identified in the name of Wendy M. Ross who has the experience necessary to fulfill the position requirements; and

**WHEREAS**, it is the recommendation of the Township Administrator, Wendy M. Ross be appointed as a part-time School Crossing Guard; and

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby appoint Wendy M. Ross as a Part-time School Crossing Guard effective immediately, at a rate of \$20.73 per hour.

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**RESOLUTION 13-166  
AUTHORIZE AGREEMENT WITH CONSERVATION RESOURCES, INC. TO ASSIST WITH  
OPEN SPACE ACQUISITIONS**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby authorize an agreement with Conservation Resources, Inc. to assist the township with its

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acquisition of open space and to authorize an agreement with them at \$100/hr not to exceed 25 hours.

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**RESOLUTION 13-167  
APPROVING IN-GRADE ADVANCEMENT [Tolentino]**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, upon the advice and recommendation of Police Chief Daniel Hedden, does hereby approve the advancement of Officer Joshua Tolentino to Officer Grade I, effective April 9, 2013 at an annual salary of \$96,422.00.

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

\*\*\*\*\*

**RESOLUTION 13-168  
RETURN OF OFF-DUTY POLICE OFFICER ESCROW**

**WHEREAS**, Communication Construction Group utilized the services of off-duty Long Hill Township police officers for traffic control on March 4, 2013; and

**WHEREAS**, Communication Construction Group paid in advance for these services in an estimated amount calculated by the Long Hill Township Police Department; and

**WHEREAS**, Communication Construction Group is requesting a return of the remaining balance of \$157.01 in the escrow account established for this purpose; and

**WHEREAS**, the Chief of Police has certified that there are no outstanding invoices and has approved the release of these escrow funds.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, hereby directs the Chief Financial Officer to return the balance of \$157.01 to Communication Construction Group of 13 New Brooklyn Rd, Unit H, Edison, NJ.

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**RESOLUTION 13-169  
GREEN ACRES PROGRAM ENABLING RESOLUTION**

**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 a grant of \$325,000 from the State to fund the following project(s):

1430-12-009- Passaic River Basin Property Acquisitions

**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 RESOLVED** by the Township Committee of the Township of Long Hill that:

1. The *Mayor* of the Township of Long Hill is hereby authorized to execute an agreement and any amendment thereto with the State known as Passaic River Basin Property Acquisitions, and;

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2. The applicant has its matching share of the project, if a match is required, in the amount of \$325,000.

3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;

4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

5. This resolution shall take effect immediately.

\*\*\*\*\*

**OLD BUSINESS:**

Request for Extension Approval of Developer's Agreement [B.12003, Lots 11 & 11.01] Della Ventura. **Vote:** All in favor. The Township Committee agreed to a one year extension to the Developer's Agreement.

Committeeman Rae updated the Committee on the Gillette School Pathway. The project, which is being engineered by Paul Ferriero, could take up to a year to complete. Based on Committeeman Rae's agreement with the Board of Education, the Sunrise facility will be used as an interim evacuation route until the pathway is completed.

**NEW BUSINESS:**

Committeeman Rae requested that the Sewer Ban be added as a discussion item to Township Committee meeting on May 8th. Atty. Pidgeon will circulate the resolution to the Committee for review.

**ANNOUNCEMENTS:**

- June 2, 2013 - Chamber of Commerce sponsored Millington Downtown Day
- No Memorial Day Parade this year
- Citizen's Alert Program

**MEETING OPEN TO THE PUBLIC:** [Remarks and Statements Pertaining to Any Matter]

Dennis Giaimo and Bob Gallet requested that the trees, damaged by the hurricane on Township Property, which fell onto their residential properties be removed by the Dept. of Public Works. Administrator Henry will instruct DPW on the matter.

**ADJOURNMENT:** As there was no further business to discuss Committeeman Rae made a motion, seconded by Committeeman Schuler to adjourn. **Voice vote:** All in favor. The meeting adjourned at 9:57 PM.

Respectfully submitted,

Cathy Reese  
Township Clerk

Approved: May 8, 2013