

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, **October 9, 2013** at 7:06 PM.

Statement of ADEQUATE NOTICE

Mayor Piserchia 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 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 Schuler seconded by Committeeman Roshto to approve Resolution 13-311 and move to closed session. Voice Vote: All Ayes

**RESOLUTION 13-311
EXECUTIVE SESSION
October 9, 2013**

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:

- Lounsberry

Contract Negotiations:

- DPW Contract
- PBA Contract

Property Acquisition:

- Kurz Update

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.

OPEN REGULAR SESSION: Mayor Piserchia Opened the Public Session at 7:37 PM.

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

ROLL CALL: Mayor Piserchia, Deputy Mayor Schuler, Committeeman Roshto and Committeeman Rae were present.

OATH OF OFFICE – Bruce Meringolo, Committeeman

Mayor Piserchia issued the Oath of Office to Committeeman Meringolo who then joined the Township Committee members on the dais and the meeting continued.

COMMITTEE LIAISON REPORTS:

Comm. Schuler announced that DPW reported all paving has been completed for this calendar year. The Recreation Dept. will be hosting a Halloween Parade on October 20th

DISCUSSION / ACTION ITEMS:

- Best Practices Worksheet

Mr. Henry summarized how the Best Practices worksheet is calculated. The Committee reviewed the worksheet as completed by CFO Mangin. Mr. Henry explained that the Township achieved a score of 84% entitling them to 100% of their allotted State aid. There were no comments or questions from the Committee. Mr. Henry encouraged the Committee to work towards a goal of scoring 100% next year.

ORDINANCES:

ORDINANCE PUBLIC HEARING/CONSIDERATION OF ADOPTION:

**ORDINANCE #313-13
ACCEPTING A DEVISE OF REAL PROPERTY LOCATED AT
80 WESTERN BOULEVARD, GILLETTE**

STATEMENT OF PURPOSE: *To accept a testamentary donation of real property to the Township.*

WHEREAS, Estelle K. Wilhelm, formerly of Gillette, died testate in Morris County, New Jersey, on September 28, 2012; and

WHEREAS, Ms. Wilhelm, in her Last Will and Testament dated February 14, 2006, devised her real property located at 80 Western Blvd., Gillette to the Township of Long Hill, without restriction or qualification; and

WHEREAS, the Local Lands and Buildings Law, at N.J.S.A. 40A:12-5, provides that "any . . . municipality, by ordinance, may provide for the acquisition of any real property . . . by . . . devise . . ." and

WHEREAS, the Township Committee wishes to accept Ms. Wilhelm's generous donation to the Township.

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 of Long Hill does hereby accept the testamentary devise of 80 Western Blvd., Gillette, subject to the following conditions:

- Title to the premises shall be good and marketable, and insurable by a title insurance company of the Township's choice authorized to do business in the State of New Jersey.
- The results of the Township's due diligence evaluation of the property, which may include environmental testing, shall be acceptable to the Township.

Section 2. The Township Attorney is hereby authorized to conduct due diligence, and, if the results of that due diligence are satisfactory, to accept and record a deed from the Estate of Estelle K. Wilhelm conveying the property to the Township.

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

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

Section 5. 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, Sept. 11, 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, Oct. 9, 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

The Mayor **OPENED TO THE PUBLIC FOR COMMENT** as there was no comment from the public, Mayor Piserchia **CLOSED PUBLIC COMMENT**.

MOVED by Comm. Roshto that Ordinance 313-13 be passed on final reading and adopted. **SECONDED** by: Comm. Meringolo.

Roll Call Vote: Mayor Piserchia yes, Comm. Schuler, yes, Comm. Roshto, yes, Comm. Rae, no and Comm. Meringolo, yes. Ordinance 313-13 was adopted.

RESOLUTIONS:

**RESOLUTION 13-317
ACCEPTING RESIGNATION - Fargnoli**

BE IT RESOLVED, that the Township Committee hereby accepts the resignation of John Fargnoli effective September 12, 2013.

MOVED by Comm. Meringolo; that Resolution#13-317 be approved. **SECONDED** by: Comm. Roshto.

Roll Call Vote: All in favor

Township Committee appointments – Zoning Board of Adjustment

Mayor Piserchia noted that Richard Keegan would be moved up from first alternate due to the resignation of John Fargnoli and that Michael O’Mullen be appointed as 1st Alternate.

Voice Vote: All in favor

CONSENT AGENDA RESOLUTIONS:

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

MOVED by: Comm. Schuler by the Township Committee of Long Hill Township, that Resolution #13-297, 13-312 through #13-316 and 13-318 are hereby approved. **SECONDED** by: Comm. Roshto. **ROLL CALL VOTE:** All in favor Comm. Meringolo abstained from Resolution 13-297 and 13-313.

**RESOLUTION 13-297
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 September 11, 2013 meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the September 11, 2013 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 13-312
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 13-313
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 September 25, 2013 Regular Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the September 25, 2013 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 13-314
APPROVING SPECIAL PERMIT
FOR SOCIAL AFFAIR [Long Hill Township Library]**

WHEREAS, the Knights of Columbus has submitted an Alcoholic Beverage Control Application for a Special Permit for a Social Affair to be held on October 19, 2013 from 6:00 p.m. to 9:00 p.m. to be held at Long Hill Township Library, 917 Valley Road, Gillette, New Jersey 07933; and

WHEREAS, the Chief of Police has reviewed the application and has no objection to the granting of a special permit to be issued to the applicant to sell alcoholic beverages at the affair to be held on the date and premises noted, subject to, however, the following conditions:

1. The following individual will be the **only persons allowed to serve alcohol:**
Alexandria Arnold, John Haigh, Timothy Gard and Joan Donahue
Addresses on file in Police Headquarters
2. No one under the age of 21 shall be served alcoholic beverages. The Long Hill Township Library or its designee shall be responsible for verifying the ages of those patrons who wish to consume alcoholic beverages.
3. No person assumed to be under the influence of an alcoholic beverage shall be served or allowed to walk or drive from the event.

4. The consumption of alcoholic beverages shall be confined to the interior of the Long Hill Township Library. No alcoholic beverages are to be possessed or consumed outside of the Library.
5. Alcoholic beverages shall only be served and/or consumed between the hours of 6:00 p.m. and 9:00 p.m. on October 19, 2013

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

1. The Township Committee, the licensing authority of the municipality, has no objection to the granting of a special permit and consents thereto with the special conditions as outlined by the Chief of Police.
2. The Township Clerk is hereby authorized to sign the municipal certification on the application and forward it to the applicant.

**RESOLUTION 13-315
APPROVING SPECIAL PERMIT
FOR SOCIAL AFFAIR [Knights of Columbus]**

WHEREAS, the Knights of Columbus has submitted an Alcoholic Beverage Control Application for a Special Permit for a Social Affair to be held on October 26, 2013 from 7:00 p.m. to 11:00 p.m. to be held at St. Vincent's De Paul Parish Center, 5 Bebout Ave, Road, Stirling, New Jersey 07980; and

WHEREAS, the Chief of Police has reviewed the application and has no objection to the granting of a special permit to be issued to the applicant to sell alcoholic beverages at the affair to be held on the date and premises noted, subject to, however, the following conditions:

1. The following individual will be the **only persons allowed to serve alcohol:**
Daniel Gildea and Kevin Dempsey;
Addresses on file in Police Headquarters
2. No one under the age of 21 shall be served alcoholic beverages. The Knights of Columbus or its designee shall be responsible for verifying the ages of those patrons who wish to consume alcoholic beverages.
3. No person assumed to be under the influence of an alcoholic beverage shall be served or allowed to walk or drive from the event.
4. The consumption of alcoholic beverages shall be confined to the interior of St. Vincent's de Paul. No alcoholic beverages are to be carried or consumed in the parking lot areas.
5. Alcoholic beverages shall only be served and/or consumed between the hours of 7:00 p.m. and 11:00 p.m. on October 26, 2013

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

1. The Township Committee, the licensing authority of the municipality, has no objection to the granting of a special permit and consents thereto with the special conditions as outlined by the Chief of Police.

2. The Township Clerk is hereby authorized to sign the municipal certification on the application and forward it to the applicant.

**RESOLUTION 13-316
APPROVING SEWER REFUND**

BE IT RESOLVED: That the Township Committee of the Township of Long Hill upon the advice and recommendation of the Tax Collector, does hereby authorize a refund of 2013 Sewer Use Charge due to overpayment to:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
10702	2607	Benton, James 132 Sunrise Dr Gillette, NJ 07933	\$214.87
13101	34	Makarewicz, Adam C. & Emily R 208 High Street Stirling, NJ 07980	\$548.72
12305	3	Standora, Leo 1869 Long Hill Rd Millington, NJ 07946	\$15.00
10103	20	Luciano, Michael 158 Rolling Hill Dr. Millington, NJ 07946	\$45.55
10101	15	Delphine Lebbe & Justin M. Anderson 29 Rolling Hill Dr., Millington, NJ 07946	\$167.20

**RESOLUTION 13-318
APPROVE CONFERENCE REQUEST
PLANNING AND ZONING ADMINISTRATOR and TOWNSHIP ADMINISTRATOR**

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

WHEREAS, the Township Committee has received a request by the Planning & Zoning Administrator and the Township Administrator to attend the NJLM Conference in November 19-21, 2013; and

NOW, THEREFORE, BE IT RESOLVED by, the Long Hill Township Committee hereby approves the request of the Planning and Zoning Administrator and Township Administrator to attend the NJLM Conference as outlined in their memos.

OLD BUSINESS: There was no old business to discuss

NEW BUSINESS: Mayor Piserchia asked the Committee to consider amending Ordinance to allow generators in common areas, i.e., Sunrise would like to install a generator in their Community Room to be used as a warming center for the residents when the power goes out. Atty. Pidgeon and Comm. Roshto, will change the language and refer to the Planning Board for their Oct. 22nd meeting with the anticipation that the Committee can introduce the amendment at their Oct. 23, meeting.

ANNOUNCEMENTS:

- Night at the Library October 19th
- Special Election October 16, Polls are open from 6 AM – 8 PM

MEETING OPEN TO THE PUBLIC:

Mr. Santacross asked that the sidewalk in front of the Central School be repaired. DPW Directory Sweeney noted that this was the School Board's responsibility, not the Township, but he would make a call to the School Board to discuss.

ADJOURNMENT:

As there were no comments from the public, Committeeman Schuler made a motion, seconded by Committeeman Meringolo to adjourn the open meeting and return to Executive Session.

Voice Vote: All in favor.

The Township Committee returned to Open Session at 11:17 PM

MOVED by Comm. Rae; that Resolution#13- 322 be approved. **SECONDED** by: Comm. Roshto. **Roll Call Vote:** Mayor Piserchia, yes; Comm. Schuler, no; Comm. Roshto, yes; Comm. Rae, yes and Comm. Meringolo, no. Resolution 13-322 is approved.

RESOLUTION 13-322

AUTHORIZING THE DISBURSEMENT OF AFFORDABLE HOUSING TRUST FUNDS TO LOUNSBERRY MEADOW FOR THE PURPOSE OF PURCHASING AND INSTALLING AN EMERGENCY GENERATOR

WHEREAS, the Township Committee adopted Resolution 12-253 on June 27, 2012, authorizing an agreement with Lounsberry Meadow to disburse \$403,747 to Lounsberry Meadow for affordable housing purposes (including \$70,000 for an emergency electric generator); and

WHEREAS, at a special meeting on July 12, 2012, the Township Committee adopted Resolution 12-254 "requesting authorization for expenditure of affordable housing trust funds on emergent affordable housing mechanisms not included in municipal fair share plan, in the form of an amendment to the spending plan pursuant to N.J.A.C. 5:97-8.11"; and

WHEREAS, the Township's amended spending plan referred to in Resolution 12-254 included "\$403,747 for the Lounsberry Meadow rehabilitation, including emergency electrical generator" and

WHEREAS, by letter dated July 16, 2012, the Long Hill Township Clerk submitted copies of Resolution 12-254 and 12-253 to COAH; and

WHEREAS, on October 29, 2012, approximately three and one-half months after the Township submitted its amended spending plan to COAH, the Township along with the rest of New Jersey and much of the East coast was ravaged by Super storm Sandy; and

WHEREAS, as a result of the storm, most of Long Hill Township was without electricity for an extended period of time; and

WHEREAS, Lounsberry Meadow's power was restored on November 7, 2012, however, during those 7 days without heat or light, the senior and handicapped residents of Lounsberry Meadow faced what Robert Braun described in a November 2 *Star Ledger* article as a "dangerous nightmare."; and

WHEREAS, at its meeting on November 7, 2012, the Long Hill Township Committee decided that it was not going to risk the health, safety and welfare of the residents of Lounsberry and, accordingly,

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authorized the purchase and installation of a generator at Lounsberry using affordable housing trust funds in accordance with its amended spending plan that was submitted to COAH on July 16, 2012; and

WHEREAS, the Township Attorney submitted a letter to COAH on November 8, 2012 outlining the facts set forth in the preceding paragraphs of this preamble and again requesting authorization to spend the Township's affordable housing trust funds; and

WHEREAS, the Township never received the requested approval from COAH; and

WHEREAS, on March 27, 2013, the Township Committee adopted Resolution 13-149 affirming its proposed expenditure of \$403,757 for affordable housing purposes at Lounsberry Meadow, but reallocating the line items to be expended and increasing the amount to be appropriated for an emergency electrical generator from \$70,000 to \$86,888; and

WHEREAS, the Township Committee noted at its September 25, 2013 meeting that hurricane season was again approaching and affirmed its earlier decision to expend affordable housing trust funds for an emergency generator for Lounsberry Meadow, reasoning that it would be unconscionable to put the handicapped and senior citizen residents of Lounsberry through another hurricane nightmare without an emergency generator;

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

1. The Township Committee hereby affirms its previous actions appropriating \$86,888 from the Township affordable housing trust fund to Lounsberry Meadow for the purpose of purchasing and installing an emergency electrical generator.
2. The Township Chief Financial Officer is hereby authorized to transfer \$86,888 from the Township affordable housing trust fund to Lounsberry Meadow so that it can purchase an emergency electrical generator before there is another storm.
3. The Township Clerk is hereby authorized and directed to send a certified copy of this resolution to COAH.

MOVED by Comm. Rae; that Resolution#13- 319 be approved. **SECONDED** by: Comm. Roshto. **Roll Call Vote**: All in favor.

**RESOLUTION 13-319
APPOINTING PROBATIONARY LABORER**

[Duffy]

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

1. Upon the advice and recommendation of Township Administrator Neil Henry and Director of Public Works Thomas Sweeney, that Edward Duffy be appointed as Probationary Laborer.
2. This appointment shall be effective on or about October 15, 2013 at an hourly probationary rate of \$15.03. Following the probationary period (not to exceed more than six months) the new position title would be Truck Driver/Laborer Class 4 and the rate shall be \$18.87 per hour.
3. Mr. Duffy will be a member of the Long Hill Public Works Association and a copy of the Agreement shall be provided.

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Comm. Rae made a motion, seconded by Comm. Roshto to adjourn. **Voice vote:** All in favor
The meeting adjourned at 11:20 PM.

Respectfully submitted,

Cathy Reese
Township Clerk