



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION AGENDA
March 12, 2014
6:30 PM CLOSED SESSION; 7:30 PM OPEN SESSION**

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

STATEMENT OF ADEQUATE NOTICE

“In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Courier News and posted in the January 9, 2014 edition. Electronic notice was also sent to the Echoes Sentinel and posted in the January 16, 2014 edition, and posted on the bulletin board in the Municipal Building on January 7, 2014 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

MOVED by: _____ by the Township Committee of Long Hill Township, that Resolution #14-091 is hereby approved for Executive Session. **Seconded by:**

ROLL CALL VOTE:

**RESOLUTION 14-091
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:

- LHT Fire Dept.

Contract Negotiations:

- PBA

Property Acquisition:

- Kurz Property update
- Eberle property

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 PUBLIC MEETING:

PLEDGE OF ALLEGIANCE

ROLL CALL: Clerk will call the Roll

MARY THOMAS AWARD – Presented by the Recreation Advisory Board

COMMITTEE LIAISON REPORTS:

DISCUSSION / ACTION ITEMS:

- Township Committee's 2014 Goals and Objectives

ORDINANCES:

ORDINANCES INTRODUCTION:

ORDINANCE # 325-14

REQUIRING ABUTTING PROPERTY OWNERS TO CLEAR SNOW FROM AROUND FIRE HYDRANTS AND SUPPLEMENTING AND AMENDING CHAPTER XX OF THE TOWNSHIP CODE ENTITLED “STREETS AND SIDEWALKS”

STATEMENT OF PURPOSE: To require abutting property owners to clear snow around fire hydrants for public safety purposes.

WHEREAS, N.J.S.A. 40:65-12 authorizes the Township Committee to make and enforce ordinances to compel the owner or tenant of any lands abutting upon the public highways to remove all snow and ice from the abutting sidewalks and gutters of such highways within twelve (12) hours of daylight after the same shall fall or be formed thereon; and

WHEREAS, access to fire hydrants by the Township’s volunteer fire fighters has been obstructed by accumulated snow and ice;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter XX of the Township Code entitled “Streets and Sidewalks” is hereby supplemented and amended as follows:

Section 1. The title of Section 20-3 is hereby changed to “Removal of Snow and Ice from Sidewalks and from Around Fire Hydrants.”

Section 2. Section 20-3 as retitled is supplemented and amended by adding a new

Subsection 20-3.4 entitled "Clearing of Snow from Around Fire Hydrants" which reads as follows:

20-3.4 CLEARING OF SNOW FROM AROUND FIRE HYDRANTS

The owner, occupant or tenant of premises upon which a fire hydrant is located shall remove all snow and ice from the area within a 5-foot radius of the perimeter of any such fire hydrant so that access to the fire hydrant by firefighters is not obstructed. The area around the fire hydrant shall be cleared of snow and/or ice within 12 hours of daylight after the snow has formed or fallen on or around any hydrant.

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.

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, March 12, 2014 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, April 23, 2104 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.

RESOLUTIONS:

RESOLUTION 14-102
DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$4,500,000
GENERAL BONDS, SERIES 2014, OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY
OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY AND
AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN
CONNECTION THEREWITH.

WHEREAS, the Township of Long Hill, in the County of Morris (the “Local Unit”), New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project (the “Project”), as defined in each of that certain Loan Agreement (the “Trust Loan Agreement”) to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the “Trust”) and that certain Loan Agreement (the “Fund Loan Agreement” and, together with the Trust Loan Agreement, the “Loan Agreements”) to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “State”), all pursuant to the 2014 New Jersey Environmental Infrastructure Trust Financing Program (the “Program”);

WHEREAS, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the “Trust Loan”) and the State (the “Fund Loan” and, together with the Trust Loan, the “Loans”) pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit’s General Bond, Series 2014A, to the State (the “Fund Loan Bond”) and General Bond, Series 2014B, to the Trust (the “Trust Loan Bond” and, together with the Fund Loan Bond, the “Local Unit Bonds”) pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the “Local Bond Law”), other applicable law and the Loan Agreements;

WHEREAS, the Local Unit Bonds have been authorized pursuant to a bond ordinance of the Local Unit adopted on December 11, 2013, entitled: “Bond ordinance providing for improvement of the sanitary sewerage system in and by the Township of Long Hill, in the County of Morris, New Jersey, appropriating \$4,500,000 therefore and authorizing the issuance of \$4,500,000 bonds or notes of the Township for financing such appropriation”; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more Loans, the issuance of one or more Local Unit Bonds and the execution and delivery of one or more Loan Agreements, all pursuant to the terms of an Escrow Agreement (the “Escrow Agreement”) to be entered into by and among the Trust, the State, the escrow agent named therein and the Local Unit; and

WHEREAS, N.J.S.A. §40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. §58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth in the following resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

Section 1. Award of the Local Unit Bonds. In accordance with N.J.S.A. §40A:2-27(a) (2) of the Local Bond Law and N.J.S.A. §58:11B-9(a), the Local Unit hereby sells and awards its

(a) Trust Loan Bond to the Trust in accordance with the provisions of this resolution and (b) Fund Loan Bond to the State in accordance with the provisions of this resolution.

Section 2. Basic Terms of the Local Unit Bonds; Delegation of Power to Make Certain Determinations. The chief financial officer of the Local Unit or the treasurer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions of this resolution, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

(a) The aggregate principal amount of the Trust Loan Bond to be issued and the aggregate principal amount of the Fund Loan Bond to be issued, which amounts in the aggregate shall not exceed \$4,500,000;

(b) The maturity or maturities and annual and semi-annual principal installments of the Local Unit Bonds, which maturity or maturities shall not exceed twenty-one (21) years from the date of the Local Unit Bonds;

(c) The date or dates of the Local Unit Bonds;

(d) The interest rates of the Local Unit Bonds, provided that the effective interest rate of the Trust Loan Bond does not exceed eight per centum (8%) and that the interest rate on the Fund Loan Bond is zero per centum (0%);

(e) The purchase price for the Local Unit Bonds;

(f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities; and

(g) Such other matters with respect to the Local Unit Bonds as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof, including adjusting the title of the Local Unit Bonds to reflect the issuance thereof in a calendar year other than 2014.

Section 3. Determinations Conclusive. Any determination made by the Chief Financial Officer pursuant to the terms of this resolution shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) of this resolution.

Section 4. Further Terms of the Local Units Bonds. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

(a) The Fund Loan Bond shall be issued in a single denomination and shall be numbered RA-1, or as may otherwise be determined by the Chief Financial Officer. The Trust Loan Bond shall be issued in a single denomination and shall be numbered RB-1, or as may otherwise be determined by the Chief Financial Officer;

(b) The Local Unit Bonds shall be issued in fully registered form (convertible to bearer as therein provided) and shall (unless converted to bearer) be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America;

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed,

imprinted, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk or Deputy Local Unit Clerk; and

(d) In order to distinguish the Local Unit Bonds from other bonds of the Local Unit, the Local Unit Bonds shall have such letters and/or numbers incorporated in their titles as shall be determined by the Chief Financial Officer.

Section 5. Forms of the Local Unit Bonds. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. Authorized Parties. The law firm of Hawkins Delafield & Wood LLP, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor and financial advisor, if any, are hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer, the Local Unit Administrator and the Local Unit Clerk (each, an "Authorized Official") are hereby severally authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. Report to the Local Unit. The Chief Financial Officer is hereby directed to report in writing to this Council at the next meeting of this Council next following the closing with respect to the Local Unit Bonds as to the terms of the Local Unit Bonds authorized to be determined by the Chief Financial Officer pursuant to and in accordance with the provisions of this resolution.

Section 8. Delivery of the Local Unit Bonds. Each Authorized Official is hereby authorized to execute any certificate or document necessary or desirable in connection with the sale of the Local Unit Bonds and is hereby further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefore in accordance with the Loan Agreements.

Section 9. Execution of Agreements. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by an Authorized Official (other than the Local Unit Clerk) in substantially the forms required and traditionally used by the Trust and the State (which forms are available from the Trust and the State), with such changes as such Authorized Official, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants" and, together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by an Authorized Official (other than the Local Unit Clerk). The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Official and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 10. Authorized Actions. The Authorized Officials are hereby further severally authorized to (i) execute and deliver and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the Local Unit Bonds and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the

party authorized under this resolution to execute such document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officials deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 11. Multiple Document Sets. Notwithstanding any other provision of this resolution to the contrary, if in connection with the participation of the Local Unit in the Program, the State and the Trust require that the Local Unit execute more than one set of documents, the provisions of this resolution shall be deemed to apply to the Local Unit Bonds and the Financing Documents related to each set of documents; provided, however, that in no event may the aggregate principal amount of all Local Unit Bonds issued and delivered pursuant to the provisions of this resolution be in excess of the amount referred to in Section 2(a) hereof.

Section 12. Interim Financing. In anticipation of the issuance of the Local Unit Bonds, the Local Unit hereby authorizes, if necessary or desirable, the issuance, sale and award of an interim bond anticipation note (the "Interim Local Unit Note") pursuant to the Trust's Interim Financing Program. The Interim Local Unit Note shall be substantially in the form provided by the Trust in the Interim Financing Program's loan agreement. The execution and delivery of the Interim Local Unit Note shall be in the same manner as herein prescribed with respect to the Local Unit Bonds. An Authorized Official is hereby authorized to determine, pursuant to the terms and conditions established by the Trust and the State under the Interim Financing Program's loan agreement and the terms and conditions of this resolution, the following items with respect to the Interim Local Unit Note: (a) the aggregate principal amount of the Interim Local Unit Note to be issued, which amount shall not exceed \$4,500,000; (b) the maturity of the Interim Local Unit Note, which shall be no later than one year after the date of issuance thereof; (c) the date of the Interim Local Unit Note; (d) the interest rate of the Interim Local Unit Note, which shall not exceed 2% per annum; (e) the purchase price for the Interim Local Unit Note; and (f) such other matters with respect to the Interim Local Unit Note as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof. The Authorized Officials are hereby further severally authorized to manually execute and deliver and the Local Unit Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Interim Local Unit Note and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Section 13. Capitalized Terms. All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

Section 14. Prior Action. All action taken to date by the officers, employees and agents of the Local Unit with respect to the Local Unit Bonds hereby are approved, ratified, adopted and confirmed.

Section 15. Effective Date. This resolution shall take effect immediately.

MOVED by: _____ by the Township Committee of Long Hill Township, that Resolution #14-101 is hereby approved. **Seconded by:** **ROLL CALL VOTE:**

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: _____ of the Township Committee of Long Hill Township, that Resolution #14-092 through #14-098 are hereby approved.

SECOND by: _____. **ROLL CALL VOTE:**

**RESOLUTION 14-092
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 14-093
APPROVAL AND RELEASE OF REGULAR SESSION MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the February 26, 2014 Township Committee meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the February 26, 2014 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 14-094
AUTHORIZE EMPLOYMENT OF
PART-TIME SECRETARY TO THE SHADE TREE COMMISSION**

WHEREAS, there exist the need to fill the position of Secretary for the Shade Tree Commission; and

WHEREAS, a candidate has been identified in the name of Anne Marie McGowan who has the experience necessary to fulfill the position requirements; and

WHEREAS, it is the recommendation of The Shade Tree Commission that Anne Marie McGowan be appointed as part-time Secretary to the Commission, to attend all Shade Tree Commission meetings and:

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby appoint Anne Marie McGowan as a Part-time Secretary to The Shade Tree Commission effective March 1, 2014, for an annual stipend of \$1,500.00.

BE IT FURTHER RESOLVED that the Chief Finance Officer has certified that sufficient funds are available in the 2014 Budget.

**RESOLUTION 14-095
APPROVING SPECIAL EVENT LICENSE
[LONG HILL CHAMBER OF COMMERCE]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have

been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve License Number S 14-03 for the event to the "Sponsor" Long Hill Chamber of Commerce, for their Special Event "Millington Downtown Day" to be held 11:00 AM – 3:00 PM on June 1, 2014 (rain date: June 8, 2014); and

BE IT FURTHER RESOLVED that the Police Department has determined that the applicant is exempt for the cost of police coverage required for this event.

**RESOLUTION 14-096
APPROVING SPECIAL EVENT LICENSE
[LONG HILL CHAMBER OF COMMERCE]**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve License Number S 14-05 for the event to the "Sponsor" Long Hill Chamber of Commerce, for their Special Event "Stirling Street Fair" to be held 9:00 AM – 5:00 PM on September 21, 2014; and

BE IT FURTHER RESOLVED that the Police Department has determined that the applicant is exempt for the cost of police coverage required for this event.

**RESOLUTION 14-097
APPROVAL OF 2014 TOWNSHIP TOW SERVICE OPERATORS**

BE IT RESOLVED that the Township Committee of the Township of Long Hill upon the advice and recommendation of the Chief of Police the following towing contractors will be added to the Police Department rotation which was originally approved by Resolution 14-069 on January 29, 2014,

BARDY FARMS TOWING
701 Mountain Blvd., Watchung, NJ 07069

BASKING RIDGE TOWING
79 Martin Luther King Blvd., Morristown, NJ 07960

**RESOLUTION 14-098
APPOINTING CHIEF FINANCIAL OFFICER – LEONARD HO**

WHEREAS, James Mangin resigned as the Township Chief Financial Officer ("CFO") effective February 1, 2014; and

WHEREAS, the Township of Long Hill is in need of the services of a Certified Municipal Finance Officer pursuant to N.J.S.A. 40A:9-140.10 et seq.; and

WHEREAS, Leonard Ho has the necessary license, education and experience to serve as a Chief Financial Officer;

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

1. Leonard Ho, Certified Municipal Finance Officer License Number N-867, is hereby appointed Chief Finance Officer for the Township of Long Hill effective April 1, 2014 and for a four (4) year term expiring December 31,

2017, with a 2014 yearly salary of \$80,000.00, which shall be prorated for the balance of this year.

- 2. Mr. Ho will be full time and subject to the policies established for full time employees as set forth in the Township of Long Hill Policies and Procedures Manual;
- 3. A certified true copy of this resolution is to be forwarded to the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

**RESOLUTION 14-099
ACCEPTING RESIGNATION – Robert Gingerelli**

BE IT RESOLVED, that the Township Committee hereby accepts the resignation of Robert Gingerelli as Electrical Sub Code Official effective March 20, 2014

**RESOLUTION 14-100
[SEWER REFUND B.11513/L.6]**

BE IT RESOLVED: That the Township Committee of the Township of Long Hill does hereby authorize the following refund due to payment of 2013 Sewer in the amount of \$580.19 which was paid in error on Block 11513 Lot 6 in the name of Ellis by FWDSL Associates, 5 Cold Hill Rd South#11, Mendham, NJ 07945.

**RESOLUTION 14-101
APPROVE CONFERENCE REQUEST
Public Works Director**

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 Department of Public Works Director to attend the Public Works Conference on March 19-20, 2014; and

NOW, THEREFORE, BE IT RESOLVED by, the Long Hill Township Committee hereby approves the request of the Director of Public Works, Tom Sweeney to attend the Public Works Conference as outlined in his memo.

OLD BUSINESS:

NEW BUSINESS:

Announcements/Correspondence:

- 80 Western Blvd Auction – March 14

MEETING OPEN TO THE PUBLIC:

Remarks and Statements Pertaining to Any Matter

ADJOURNMENT – Possible Exec. session

DRAFT