

**TOWNSHIP OF LONG HILL
TOWNSHIP COMMITTEE MEETING MINUTES
OCTBER 14, 2015**

Deputy Mayor Meringolo read the following statement

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 Echoes Sentinel and posted in the January 15, 2015 edition, and electronically sent to the Courier News and posted in the January 9, 2015 edition. The notice was posted on the bulletin board in the Municipal Building on January 6, 2015 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk."

EXECUTIVE SESSION

**RESOLUTION #15-354
EXECUTIVE SESSION**

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

Property Acquisition:

- Central Park (Kurz) Property update
- Eberle property

Personnel

- Staffing Needs for 2016

Contract Negotiations

- Redevelopment Zone

Attorney/Client Privilege

- Land Use Matters

BE IT FURTHER RESOLVED that the 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.

MOVED by: Committeeman Schuler of the Township Committee of the Township of Long Hill that Resolution #15-354 is hereby approved for Executive Session. **SECONDED** by: Committeeman Dorsi. **ROLL CALL VOTE:** All in favor

Mayor Rae opened the PUBLIC MEETING at 7:40 PM:

All presented recited the PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Rae, Deputy Mayor Meringolo, Committeeman Dorsi, Committeeman Piserchia and Committeeman Schuler were all present.

Township Attorney Pidgeon, Administrator Henry and Clerk, Cathy Reese were also present.

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.

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MOVED by: Deputy Mayor Meringolo of the Township Committee of Long Hill Township, that Resolution #15-343 through #15-352 are hereby approved. **SECONDED** by: Committeeman Piserchia. **ROLL CALL VOTE:** All in favor

**RESOLUTION 15-343
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 15-344
APPROVAL AND RELEASE OF 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 September 23, 2015 Township Committee Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the September 23, 2015 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 15-345
2015 FEE SCHEDULE **Amendment 7****

BE IT RESOLVED by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that the following fees for 2015 for licenses and permits for the Township of Long Hill are hereby amended as follows:

Late Registration Fee ~~\$20.00~~ **\$25.00**

**RESOLUTION 15-346
APPROVAL OF 2016 TRAIN STATION PARKING FEES**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that the following are the fees for the 2016 Train Station Parking Permits of the Township of Long Hill:

Millington Train Station	Yearly \$230.00	After July 1 st \$115.00
Stirling Train Station	Yearly \$280.00	After July 1 st \$140.00
Gillette Train Station	Yearly \$330.00	After July 1 st \$165.00
Daily (Millington Only)	\$ 5.00	

BE IT FURTHER RESOLVED, that the Township shall sell 160 parking permits for Millington Train Station, 65 parking permits for Stirling Train Station and 130 parking permits for the Gillette Train Station. Sale date is scheduled for Monday, **December 7, 2015**.

**RESOLUTION 15-347
APPROVE CONVENTION REQUEST**

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

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WHEREAS, the Township Committee has received a memo from Police Chief Michael Mazzeo, requesting that Police Sergeant Alexis Ciambriello be able to attend the State Accreditation Convention at Stockton College from October 26 through October 28, 2015.

NOW, THEREFORE, BE IT RESOLVED by, the Long Hill Township Committee hereby approves the request for Sgt. Ciambriello to attend the State Accreditation Convention as outlined in Chief Mazzeo's memo.

**RESOLUTION 15-348
APPROVING SPECIAL EVENT LICENSE –
LORD STIRLING SCHOOL / GREAT SWAMP DEVIL RUN**

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-15-20 for the "Great Swamp Devil Run" to the "Sponsor" Lord Stirling School, for their Special Event to be held on November 15, 2015 at Lord Stirling School on Lord Stirling Road; and

BE IT FURTHER RESOLVED that the Township Committee hereby authorizes the street closures for Lord Stirling School on November 15, 2015 provided that the closure is acceptable to the Police Chief;

BE IT FURTHER RESOLVED that Lord Stirling School is responsible for police service costs for this event and this approval is contingent upon the submission of an escrow deposit in the amount acceptable by the Police Chief and Township Clerk as per Township Code 4-6.5A.

**RESOLUTION 15-349
CERTIFYING ACTIVE MEMBERSHIP WITH MILLINGTON VOLUNTEER FIRE COMPANY FOR
NEW JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that the following is an active member of the Millington Volunteer Fire Company and is eligible to be a member of the New Jersey State Firemen's Association:

EHAB ORABI

**RESOLUTION 15-350
CERTIFYING ACTIVE MEMBERSHIP WITH STIRLING VOLUNTEER FIRE COMPANY FOR
NEW JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that the following is an active member of the Stirling Volunteer Fire Company and is eligible to be a member of the New Jersey State Firemen's Association:

Matthew J. Gardner

**RESOLUTION 15-351
AUTHORIZING AN AGREEMENT BETWEEN LONG HILL TOWNSHIP AND MORRIS COUNTY
SALTING, SANDING, AND/OR PLOWING OPERATIONS**

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WHEREAS, pursuant to Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et seq., local units may join together to provide authorized services for each other; and

WHEREAS, the Township of Long Hill and the County of Morris desire to join together in an agreement whereby the Township will perform on behalf of Morris County the required salting, sanding and/or plowing operations of designated portions of the County road system within the Township of Long Hill for rates outlined in the agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that the Mayor and the Township Clerk are hereby authorized to execute a Shared Services Agreement between Long Hill Township and the County of Morris effective on the date of October 15, 2015 through April 15, 2016

**RESOLUTION 15-352
ADDED FIRE HYDRANT**

WHEREAS, a new water main is currently being installed by New Jersey American Water on Carlton Road in Millington; and

WHEREAS, the Long Hill Township Fire Official is requesting that a new fire hydrant be included in this project at 383 Carlton Road, Millington; and

WHEREAS, the address is the current location of Garden State Fireworks which is registered with the State of New Jersey as a Life Hazard Use for Manufacturing and Storage of Fireworks; and

WHEREAS, in a letter addressed to the Township by the Fire Official on October 7, 2015 states that the closest hydrant at this time is 4000 feet from this property which is too far for the Long Hill Township Fire Departments to safely address a fire issue if necessary; and

WHEREAS the new hydrant would allow first arriving fire engines to drop supply hose at the newly installed fire hydrant, which would also keep Carlton Road still passable to other arriving emergency apparatuses; and

WHEREAS, there will be no charge from New Jersey American Water to the Town or Garden State Fireworks for providing and installing the new hydrant.

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Long Hill hereby approves the request for the new fire hydrant at 383 Carlton Road in Millington as well as the additional month cost of \$45.10 associated with the new hydrant.

RESOLUTIONS:

Committeeman Schuler asked Administrator Henry how White Bridge Road got milled earlier this week, when as of the last meeting, the Township Committee Meeting had not approved the expenditure and was supposed to be on this agenda for further discussion. Mr. Henry explained that the contractor which was scheduled for *after* the October 14th meeting got his dates confused and began the work earlier this week. Half of the Road was actually milled in error.

A discussion ensued and it was determined to move forward with the completion of the road.

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Committeeman Piserchia will contact the Flap Grant Committee to see if the FLAP Grant can be granted to Long Hill after the road is already completed. If not, Mr. Henry is instructed to withdraw the grant application.

**RESOLUTION 15-353
AWARD CONTRACT UNDER FAIR AND OPEN PROCEDURES FOR
MILLING & PAVING of WHITE BRIDGE ROAD**

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 Director of Public Works has estimated quantities for the milling and paving of White Bridge Road using the Morris County Cooperative Pricing Council prices.
2. TILCON Construction Corp. submitted the lowest price for milling and paving work to the Morris County Cooperative Pricing Council Contract #6, Category A for Road Resurfacing.
3. The Director's estimate for the milling and paving is not expected to exceed \$330,000.00
4. The Township Administrator is authorized to prepare purchase order for the above project to mill and pave.
5. The Chief Finance Officer has certified sufficient funds are available under Capital Ordinance 353-15 and 2015 Current Budget – Capital Outlay account.

MOVED by: Deputy Mayor Meringolo of the Township Committee of Long Hill Township, that Resolution #15-353 is hereby approved. **SECONDED** by: Committeeman Piserchia. **ROLL CALL VOTE:** Committeeman Dorsi, yes; Deputy Mayor Meringolo, yes; Committeeman Piserchia, yes; Committeeman Schuler, no and Mayor Rae, yes.

ORDINANCES:

ORDINANCES INTRODUCTION:

**ORDINANCE #368-15
2015 SALARIES AND WAGES ORDINANCE Amended**

STATEMENT OF PURPOSE: To create a new full-time position in the Finance Department and Change the Tax Collector from a Full Time to a Part Time Position and to adjust the salary ranges for these positions.

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

Section 1. The salaries and wages of the following employees of the Township shall be as follows:

Administrative and Executive

<u>Position Title</u>	<u>Annual Salary</u>
Township Administrator	\$75,000 - \$150,000
Executive Administrative Assistant	\$52,500 - \$75,000
Municipal Clerk/Registrar	\$45,000 - \$75,000

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Administrative Assistant	\$33,000 - \$52,500
Chief Financial Officer	\$50,000 - \$100,000
Asst. to the CFO [Part Time]	\$20.00 - \$30.00/hr.
Accts. Payable Manager	\$25,000 - \$60,000
Clerical [Part Time]	\$ 8.50 - \$ 22.00/hr.
Tax Collector [Part Time]	\$15,000 - \$25,000
Tax Assessor [Part Time]	\$20,000 - \$40,000
Payroll Manager	\$25.00 - \$45.00/hr.
Assistant Treasurer	\$45,000 - \$65,000
Sewer Utility Collector [Part Time]	\$ 15.00 - \$ 22.00/hr.

Court

Municipal Court Judge	\$19,000 - \$35,000
Court Administrator	\$40,000 - \$63,000

Planning and Development

Construction Code Official [Part Time]	\$30,000 - \$45,000
Building Sub Code Official [Part Time]	\$10,000 - \$20,000
Fire Sub Code Official [Part Time]	\$ 35.00 - \$45.00/hr.
Fire Prevention/Fire Official [Part Time]	\$ 22.50 - \$40.00/hr.
Plumbing Sub Code Official [Part Time]	\$10,000 - \$22,500
Electrical Sub-code Official [Part Time]	\$10,000 - \$23,000
Technical Assistant to the Construction Official [Part Time]	\$ 18.00 - \$30.00/hr.
Planning & Zoning Administrator	\$50,000 - \$75,000
Planning & Zoning Coordinator	\$40,000 - \$60,000
Planning & Zoning Secretary [Part Time]	\$ 20.00 - \$30.00/hr.
Code/Zoning Enforcement Officer	\$45,000 - \$70,000

Recreation

Recreation Director	\$30,000 - \$60,000
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Seasonal/ [Part Time] Positions

Summer Recreation Site Director	\$ 22.00 - \$ 35.00/hr.
Summer Recreation Site Supervisor	\$ 17.00 - \$ 27.00/hr.
Summer Recreation Assistant	\$ 15.00 - \$ 25.00/hr.
Summer Recreation Counselor	\$ 8.25 - \$ 15.00/hr.
Lake Director	\$ 20.00 - \$ 35.00/hr.
Assistant Lake Director	\$ 15.00 - \$ 25.00/hr.
Head Lifeguard	\$ 12.00 - \$ 18.00/hr.
Life Guard	\$ 9.00 - \$ 15.00/hr.
Score Keeper/Time Keeper/Referees	\$ 8.25 - \$ 15.00/hr.
Basketball Director	\$ 18.00 - \$ 28.00/hr.
Basketball Staff Supervisor	\$ 12.00 - \$ 25.00/hr.

Police Department

Chief of Police	\$125,000 - \$150,000
Police Officers	per Collective Bargaining Contract
Police Department Secretary	\$ 36,000 - \$ 55,000

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PD Administrative Assistant [Part Time]	\$ 33,000 - \$ 52,000
School Crossing Guard [Part Time]	\$ 12.00 - \$ 23.50/hr.
Police Matron	\$ 12.00 - \$ 28.00/hr.
Court Security Officer [Part Time]	\$ 20.00 - \$30.00/hr.

Office of Emergency Management

Emergency Management Coordinator [Part Time]	\$ 10,000 - \$20,000
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Department of Public Works/Roads

Director of Public Works /Superintendent of Roads	\$85,000 - \$110,000
DPW employees	per Collective Bargaining Contract
Part Time Laborer	\$ 9.50 - \$20.00/hr.

Wastewater Control

Wastewater Superintendent	\$58,000 - \$85,000
Wastewater Employees	per Collective Bargaining Contract

Senior Services

Senior Citizens Bus Driver	\$ 15.00 - \$ 25.00/hr.
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Mileage reimbursement based on current IRS Standard

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. This ordinance shall take effect immediately upon final passage and publication as required by law, unless the effective date is delayed pursuant to the provisions of *N.J.S.A. 40A:9-165*.

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 October 14, 2015 and then considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on **November 11, 2015** at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at any 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
Township Clerk

MOVED by: Deputy Mayor Meringolo of the Township Committee of the Township of Long Hill that Ordinance #368-15 be approved on first reading with the Open Public Hearing scheduled for November 11, 2015. **SECONDED** by: Committeeman Schuler. **ROLL CALL VOTE:** All in favor.

**ORDINANCE #363-15
PROHIBITING PARKING ON PARK PLACE (ENTRANCE TO STIRLING LAKE) AND
SUPPLEMENTING AND AMENDING CHAPTER VII OF THE TOWNSHIP ENTITLED
TRAFFIC**

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A discussion ensued as to the best plan of action to take, since the amended verbiage for this ordinance had not been received and there were several different options. The Township Committee decided to wait for comments and recommendations from Department of Public Works Director, Tom Sweeney.

MOVED by: Deputy Mayor Meringolo of the Township Committee of the Township of Long Hill that Ordinance #363-15 be **REJECTED**. **SECONDED** by: Committeeman Schuler. **VOICE VOTE:** All in favor

ORDINANCE PUBLIC HEARING/CONSIDERATION OF ADOPTION

**ORDINANCE #364-15
MAKING THE INTERSECTION OF HIGH STREET AT MAPLE AVENUE A STOP
INTERSECTION RATHER THAN A YIELD INTERSECTION**

STATEMENT OF PURPOSE: To change the intersection on High Street at maple Avenue to a stop intersection.

WHEREAS, a resident of High Street has requested that the intersection of High Street at Maple Avenue be made a stop intersection for safety reasons; and

WHEREAS, the Police Department agrees with the resident's request;

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

Section 1. Section 7-26 of the Township Code entitled "Yield Intersections" is amended by removing the intersection of Chestnut Street and High Street with the yield sign on High Street.

Section 2. Section 7-24 entitled "Stop Intersections" is amended by adding the following location in alphabetical order:

Intersection
Maple Avenue and High Street

Stop Sign On
High Street

Section 3. The effectiveness of this ordinance is contingent upon signs being erected as required by law.

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, September 9, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 14,

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2015 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,
Township Clerk

Mayor Rae opened the PUBLIC HEARING, and as there were no public comments, he closed the PUBLIC HEARING.

MOVED by: Deputy Mayor Meringolo of the Township Committee of the Township of Long Hill that Ordinance #364-15 be approved and adopted on final reading. **SECONDED** by: Committeeman Piserchia. **ROLL CALL VOTE:** All in favor

**ORDINANCE #365 - 15
CONCERNING SIDEWALK SALES AND AMENDING CHAPTER III OF THE TOWNSHIP
CODE ENTITLED "POLICE REGULATIONS"**

STATEMENT OF PURPOSE: To give merchants more flexibility in scheduling sidewalk sales.

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter III of the Township Code entitled "Police Regulations" is hereby amended as follows:

Section 1. Section 3-5 entitled "Sidewalk Sales" is amended to read as follows:

3-5 SIDEWALK SALES.

3-5.1 Definitions.

As used in this section:

Sidewalk shall mean any public or private walkway abutting or traversing a premises, any parking lot, lawn or any other exterior area of a premises at which a business is conducted.

Sidewalk sale shall mean a retail sale of a short term and temporary in nature conducted in the front or side yard of a business adjacent to the indoor establishment of the tenant or owner without permanent improvements made to the site. ~~Sidewalk sales shall not include outdoor plant sales. See Section 3-5A for outdoor plant sales.~~

Outdoor plant sale shall mean the retail sale of live ~~seasonable~~ seasonal potted plants, including flowers and pumpkins, and bagged bulk landscaping material such as mulch and potting soil, in the front or side yard of a business adjacent to the indoor establishment of the tenant or owner without permanent improvement made to the site.

3-5.2 Sidewalk Sales Permitted ~~on Certain Dates.~~

~~a.~~ Any retail business lawfully operating in the Township in full compliance with the Township Zoning Ordinance and other applicable ordinances and regulations shall be permitted to conduct sidewalk sales. ~~during the following periods:~~

1. ~~June~~ For nine (9) days from the Saturday occurring eight (8) days before Father's Day until Father's Day, inclusive. ~~Father's Day is the third Sunday in June.~~

2. ~~July~~ For nine (9) days from the Saturday eight (8) days before the Stirling Freedom Tour Bike Race until the Stirling Freedom Tour Bike Race, inclusive. ~~The Stirling Freedom Tour Bike Race is schedule to occur on the fourth Sunday in July.~~

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~~3. — August/September — For ten (10) days commencing the Saturday that occurs nine (9) days before Labor Day until Labor Day, inclusive. Labor Day is the first Monday in September.~~

~~4. — October — For nine (9) days from the Saturday that occurs eight days before the Annual October Street Fair and ending on the Sunday of the Street Fair Weekend. The Street Fair weekend is scheduled to occur on the second Sunday of October.~~

A business may conduct no more than four such sales in any year. Each sale is limited to no more than ten calendar days. Sales shall be conducted only between 8:00 a.m. and 8:00 p.m., prevailing time.

No permit shall be required to conduct a sidewalk sale ~~on the dates specified above.~~

~~b. — A temporary sign of no larger than twelve by twenty four (12" x 24") inches may be displayed on each street front of each participating establishment for a period commencing one (1) week prior to the start of the sidewalk sale until the end of the sidewalk sale. No permit is required for sidewalk sale signs.~~

~~c. — Any business that wishes to conduct outdoor sales at any time other than those dates listed in this subsection of the section must obtain site plan approval or variance from the approving authority.~~

~~3-5A.2~~ 3-5.3 Outdoor Plant Sales Permitted for Limited Periods.

Any retail business lawfully operating in the Township in full compliance with the Township Zoning Ordinance and other applicable ordinances and regulations shall be permitted to conduct outdoor plant sales from March 15 through October 31 of each year.

~~3-5.3~~ 3-5.4 Safety Regulations.

No walkway normally used by pedestrians or vehicles shall be blocked by any merchandise offered for sale ~~at a sidewalk sale~~. A three (3') foot passage way for pedestrians shall be left open and merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street ~~or alley~~, driveway or fire lane.

Merchandise shall be kept in a neat and orderly fashion at all times. Such sales shall not be operated in any manner which would cause a nuisance or create a fire safety or traffic hazard. Goods may be stored out of doors, at the vendors own risk, during the permitted ~~sidewalk~~ sale.

~~3-5.4~~ 3-5.5 Enforcement.

This section shall be enforced by the ~~Township Code Official~~, Code Enforcement Officer, the Police Department and/or the Fire Official.

~~3-5.5~~ 3-5.6 Penalties.

Any person who conducts a ~~sidewalk~~ sale on any date not authorized by this section or who violates any of the other regulations of this section shall be liable to the penalties stated in Chapter I, Section 1-5

~~3-5A~~ OUTDOOR PLANT SALES. Delete all

~~3-17~~ TIME LIMITED FOR LIGHTED BUSINESS SIGNS AFTER CLOSING HOUR.

~~—No person shall allow any sign (as that term is defined in Township Code Section 35-8.2) to be lighted later than one half (½) hour after business closing. (Ord. No. 16-91 § 1; 1967 Code § 58-29A)~~

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.

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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, September 9, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 14, 2015 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
Township Clerk

Committeeman Schuler noted that there was no mechanism in place to track the number of sidewalk sales for the Code Enforcement Officer. He recommended either having the shop owners apply for a permit or license for each sale. A discussion ensued.

Mayor Rae opened the PUBLIC HEARING – Mr. Sandow of Millington disagreed with Committeeman Schuler that permits were necessary. And if the Committee decided on permits they should be at no charge to the proprietors. As there were no further comments, Mayor Rae closed the PUBLIC HEARING

MOVED by: Deputy Mayor Meringolo **to amend the Ordinance to include a permit and to continue the ordinance without further publication to the October 28th meeting.**

SECONDED by: Committeeman Schuler. **ROLL CALL VOTE:** All in favor

ORDINANCE #366-15

**MOVING THE TOWNSHIP TEMPORARY SIGN REGULATIONS FROM THE
LAND USE ORDINANCE TO THE POLICE REGULATIONS SECTION
OF THE TOWNSHIP CODE, ADDING SIDEWALK SIGN REGULATIONS AND AMENDING
VARIOUS SECTIONS OF THE TOWNSHIP CODE**

STATEMENT OF PURPOSE: *To designate the Township's temporary sign regulations as general police power rather than zoning regulations, to permit and regulate temporary and portable sidewalk signs in certain business zones.*

WHEREAS, the courts have recognized that municipalities may regulate signs pursuant to their general police powers (State vs. Boston Juvenile Shoes, 60 N.J. 249, 253 (1972)); and

WHEREAS, the Township's temporary sign regulations are currently included in Section 155.3 of the Township Land Use Ordinance; and

WHEREAS, as a result, anyone seeking a waiver or relaxation of any of those regulations must apply to the Zoning Board of Adjustment for a variance; and

WHEREAS, applying for a variance in those situations is neither practical nor efficient, and can be very costly; and

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WHEREAS, the Township Committee wants to improve the visibility of businesses in the Township by allowing temporary, portable sidewalk signs under certain conditions; and

WHEREAS, a separate ordinance is being introduced simultaneously herewith to make the appropriate changes to the Township land use regulations to make them consistent with this ordinance;

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. Section 155.3 of the Township Land Use Ordinance entitled "Permitted Temporary Signs" is hereby repealed in its entirety.

Section 2. Chapter III of the Township Code entitled "Police Regulations" is hereby supplemented and amended by adding a new Section 3-12 entitled "Temporary Signs" which reads as follows:

3-12 TEMPORARY SIGNS

3-12.1 Definitions

Banner – A non-rigid sign of cloth, plastic or other flexible material temporarily attached to a building or planted in the ground using more than one supporting pole or bracket.

Inflatable sign - any air or helium filled display used to advertise a product or event. Inflatable signs shall include all manner of balloons used for any display purpose.

Real estate sign - a sign which is used to advertise any real property for sale, lease or rental purposes, including all temporary signs located on the property of a real estate office, and off-site directional signs used for open house advertising.

Sidewalk sign - any temporary freestanding display with one or two visible sides located adjacent to a public roadway, sidewalk or storefront.

Temporary sign - any sign constructed of cloth, canvas, fabric, paper, plywood, corrugated material, plastic or other light material, including, sidewalk signs, portable signs, searchlights and inflatable signs

3-12.2 Regulations

1. Temporary signs regulated in this section are excluded from regulation under Section 155 of the Land Use Ordinance.
2. Rotating signs, flashing signs and similar live action signs; and signs which contain foil, mirrors, lights, or reflective material which could create a hazardous condition to a motorist, bicyclist, or pedestrian are prohibited.
3. Spinners, flags, pennants, streamers and other moving objects used for advertising purposes, whether containing a message or not, are prohibited on all temporary signs.
4. In no case shall a temporary sign be illuminated.
5. Signs permitted in sections 3-12.3 b, f, g, h, and i. and 3-12.4 c. below must be of "wire frame" construction and must be installed and removed without tools.
6. Temporary signs may not be placed in any traffic circle or traffic island, at sight-restricted intersections, or inside the planter box of any "Welcome to Long Hill" sign.
7. Any temporary sign not specifically permitted by the provisions of this Section is prohibited.

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3-12.3 Temporary signs permitted without a permit.

The following temporary signs are permitted in all areas, on the subject private lot only.

- a. Real estate signs advertising the prospective sale or rental of the premises or property upon which they are located. Such signs shall be removed within seven (7) days of the sale or rental transaction and shall be restricted in size and number as follows:
 1. Residential properties shall not display more than one (1) sign six (6) square feet in area, except that a corner property or through lot may display one (1) such sign on each street frontage.
 2. Nonresidential property shall not display more than one (1) sign twelve (12) square feet in area, except that a corner property or through lot may display one (1) such sign on each street frontage. Properties exceeding three hundred (300) feet of street frontage may display one (1) additional sign for each six hundred (600) feet of street frontage in excess of three hundred (300) feet.
 3. All real estate signs shall be located at least ten (10) feet from any street cart way.
- b. "Help Wanted" signs for any nonresidential land use.
- c. Farm signs advertising the sale of farm products produced within the Township. They shall not exceed six (6) square feet in area. The signs shall be removed during seasons when products are not being offered for sale. Not more than two (2) such signs shall be erected on any one (1) property.
- d. *Sidewalk Signs.* One "Sidewalk Sign" is permitted for any non-residential use or for each tenant in a multi-tenant commercial building. A sidewalk sign may be displayed only in front of the business establishment it advertises. It may be displayed only during hours when the business is open to the public and during special street events being held in the immediate vicinity of the subject business. In the Planned Shopping Zone, sidewalk signs shall be permitted only on the sidewalk immediately in front of the business, and no sidewalk sign shall be permitted along Valley Road.

No Sidewalk sign shall be placed in a driveway, the paved portion or shoulder of a public street, within any public parking space, or impede the exiting of passengers from parked cars or pedestrian movement on a public sidewalk.

Sidewalk signs shall be constructed of weather resistant material, may not be permanently fixed, but must be weighted or secured to withstand winds to prevent a roadway or sidewalk hazard. Sidewalk signs shall be no more than thirty (30") inches in width and fifty (50") inches in height when extended. Sidewalk signs placed in a sight triangle must comply with provisions of section 157.5.

The following temporary signs are permitted in all areas, on any private lot or in the Right of way.

- e. Official notices, legal notices and signs required by law.
- f. All "open house" realty signs not located on the property for sale shall be allowed from 7:00

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a.m. to 6:00 p.m. on the day of the open house only. "Open house" signs located on the property for sale shall be permitted for not more than three (3) days, including the day of the open house, and shall be removed no later than 6:00 p.m. of the day of the open house.

- g. Announcements of the sale of an individual's personal property. Such signs shall not exceed six (6) square feet in area and shall not be displayed for a period exceeding thirty-one (31) days in any calendar year.
- h. Political campaign signs shall be permitted in all zones. Such signs shall not be permitted for a period exceeding thirty-one (31) days in any campaign or event, inclusive of primaries, shall not exceed twelve (12) square feet in area and shall be removed within five days of the conclusion of the campaign or event.
- i. Signs announcing any educational, charitable, civic, and religious or like special event to be held in the Township shall be permitted in all zones. Such signs, however, shall not be permitted for a period exceeding fourteen (14) days per special event in any one (1) calendar year; shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours of the conclusion of the event.

There shall be not more than twelve (12) signs, Township-wide, advertising any such special event. Every sign must contain a name and telephone number (or alternate contact information); or equivalent contact information must be provided in writing to the Code Enforcement Officer.

3-12.4 Temporary signs permitted with a permit.

The following temporary signs are permitted in all areas, on the subject private lot only. A permit must be obtained from the Code Enforcement Officer.

- a. Signs are permitted on construction sites for the duration of the construction period. They shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area. They shall be removed within seven (7) days after the completion of the construction work, or upon request for a certificate of occupancy. Not more than one (1) sign shall be located on each street frontage.
- b. Banners shall be permitted for special public and semipublic events and for private grand openings and special sales events. Special sales events shall be subject to the determination of individual business owners but shall not exceed two (2) such events in any calendar year. Banners may be attached to the façade of a building, or may be installed in the ground at least 25 feet from the curb line. Only one banner is permitted, and it may not exceed fifty square feet. Any banner permitted under this subsection shall be displayed for no more than thirty (30) days.

The following temporary signs are permitted in all areas, on any private lot or in the Right of way. A permit must be obtained from the Code Enforcement Officer.

- c. Temporary signs shall be permitted for special public and semipublic events and for private grand openings and special sales events. Special sales events shall be subject to the determination of individual business owners but shall not exceed two (2) such events in any calendar year. All temporary signs permitted under this subsection shall be displayed for no

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more than thirty (30) days.

- d. Any sign or banner placed over the right of way of any street. The permit will be issued only if specifically authorized by resolution of the Township Committee (and by the Freeholders, if a county road.)
- e. Searchlight displays as part of a grand opening promotion. The permit will be issued only if specifically authorized by resolution of the Township Committee.
- f. In addition to the on-site signs authorized by paragraph 3-12.3.c. above, farm stands shall be permitted to have two (2) off-site signs from April 1 through October 31 of each calendar year, provided the area of each sign does not exceed eight (8) square feet. Written permission of the owners of the sites on which the signs are to be located shall be presented to the Code Enforcement Officer prior to the issuance of a sign permit.

3-12.5 Permanent signs permitted with a permit. (reserved)

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, September 9, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 15, 2015 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
Township Clerk

Atty. Pidgeon gave a brief summary of why the Township Committee created this Ordinance from a legal standpoint.

Mayor Rae opened the PUBLIC HEARING.

Planning Board and Board of Adjustment Attorney, Dan Bernstein, representing the Planning Board asked the Township to reconsider the new revised Ordinance that the Planning Board had sent to the Township Committee for their review. The new revised Ordinance combines Ord.366-15 and 367-15 into one ordinance and in his opinion was more correct from a legal standpoint than the Township Committee's version which is expanded in this agenda.

Kevin O'Brien, the Planning Board and Board of Adjustment's Planner also agreed with Mr. Bernstein and reiterated that the signs should remain as a Planning Board purview and not under the police regulations. A discussion ensued with the Township Committee members and

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Mr. Bernstein and Atty. Pidgeon.

Mr. Arentowicz, Vice Chairman of the Planning Board spoke to the liabilities for the township should the Township Committee's version of the Ordinance be adopted.

Dennis Sandow spoke as a member of the Chamber of Commerce that the Chamber had requested an adjustment to the sign ordinance 20 months ago. On August 11th the Planning Board asked the Township Committee for 2 more months to work on the ordinance, the extension was not granted by the Township Committee.

Mr. Sandow also stated that 84% of the permanent commercial signs on Valley Road do not conform to the existing Ordinance. He announced that should the Township decide to let the Planning Board revise the Ordinance, the Chamber President has asked for a 2 year moratorium of enforcement.

As there were no further comments, Mayor Rae closed the PUBLIC HEARING

A discussion ensued. Committeeman Schuler would prefer to let the Planning Board finish up the ordinance and wait for another month. Committeemen Piserchia & Dorsi and Deputy Mayor Meringolo disagreed and just wanted to "get it done".

MOVED by: Deputy Mayor Meringolo of the Township Committee of the Township of Long Hill that Ordinance #366-15 be approved and adopted on final reading. **SECONDED** by: Committeeman Dorsi. **ROLL CALL VOTE:** Committeeman Dorsi, yes; Deputy Mayor Meringolo, yes; Committeeman Piserchia, abstained; Committeeman Schuler, no; and Mayor Rae, yes.

The following resolution was introduced verbally by Attorney Pidgeon and not expanded in the final draft of the agenda. Attorney Pidgeon read the Resolution out loud to the public.

RESOLUTION 15-368

A RESOLUTION DISAPPROVING THE RECOMMENDATIONS OF THE TOWNSHIP PLANNING BOARD WITH RESPECT TO ORDINANCE #366-15 ENTITLED "AN ORDINANCE MOVING THE TOWNSHIP TEMPORARY SIGN REGULATIONS FROM THE LAND USE ORDINANCE TO THE POLICE REGULATIONS SECTION OF THE TOWNSHIP CODE, ADDING SIDEWALK SIGN REGULATIONS AND AMENDING VARIOUS SECTIONS OF THE TOWNSHIP CODE"

WHEREAS, the Municipal Land Use Law ("MLUL") provides that:
Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation. (N.J.S.A. 40:55D-26); and

WHEREAS, the MLUL defines "development regulation" as "a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land . . ." (N.J.S.A. 40:55D-4); and

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WHEREAS, the Township Committee introduced Ordinance #366-15 entitled "An Ordinance Moving the Township Temporary Sign Regulations from the Land Use Ordinance to the Police Regulations Section of the Township Code, Adding Sidewalk Sign Regulations and Amending Various Sections of the Township Code" at its September 9, 2015 meeting; and

WHEREAS, Ordinance #366-15 is not a "development regulation" as that term is defined in the MLUL; and

WHEREAS, the Township Committee voluntarily referred Ordinance #366-15 to the Planning Board for its review and comment despite the fact that it was not required to do so under the MLUL; and

WHEREAS, the Planning Board considered the Ordinance and at its September 22, 2015 meeting adopted Resolution 15-01 in which it determined in part that:

- a. "Proposed Ordinance 366-15 was improperly introduced under general ordinance rather than the Township Land Use Ordinance.
- b. Proposed Ordinance 366-15 is inconsistent with the Master Plan . . ."; and

WHEREAS, the Township Committee is satisfied under the New Jersey Supreme Court's holding in *State v. Boston Juvenile Shoe*, 60 N.J. 249, 253 (1972) and other applicable authorities that it has the legal authority to adopt Ordinance #366-15 under its general police powers as set forth in N.J.S.A. 40:48-2; and

WHEREAS, even if referral to the Planning Board were required, the Planning Board's second finding that the Ordinance is inconsistent with the Master Plan is conclusionary and not supported by any facts.

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:

- a. For the reasons set forth in the preamble, the Township Committee hereby disapproves the Township Planning Board's recommendations with respect to Ordinance #366-15 as set forth in Planning Board Resolution 15-1.
- b. The Township Committee hereby determines that it has the authority to adopt Ordinance #366-15 pursuant to the general police power.
- c. This resolution shall be recorded in the minutes of this meeting.

MOVED by: Deputy Mayor Meringolo of the Township Committee of the Township of Long Hill that Resolution 15-368 be approved. **SECONDED** by: Committeeman Dorsi. **ROLL CALL VOTE:** Deputy Mayor Meringolo, yes; Committeeman Dorsi, yes; Committeeman Piserchia, abstain; Committeeman Schuler, no and Mayor Rae, yes.

ORDINANCE # 367-15

REMOVING THOSE SECTIONS OF THE LAND USE ORDINANCE THAT HAVE BEEN RENDERED MOOT BY MOVING THE TEMPORARY SIGN REGULATIONS TO THE TOWNSHIP CODE AND AMENDING VARIOUS SECTIONS OF THE TOWNSHIP LAND USE ORDINANCE

STATEMENT OF PURPOSE: *To remove those sections of the Zoning Ordinance that have been rendered moot by the ordinance moving the temporary sign regulations to the general police powers*

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section of the Township Code.

WHEREAS, the courts have recognized that municipalities may regulate signs pursuant to their general police powers (State vs. Boston Juvenile Shoes, 60 N.J. 249, 253 (1972)); and

WHEREAS, the Township's temporary sign regulations are currently included in Section 155.3 of the Township Land Use Ordinance; and

WHEREAS, as a result, anyone seeking a waiver or relaxation of any of those regulations must apply to the Zoning Board of Adjustment for a variance; and

WHEREAS, applying for a variance in those situations is neither practical nor efficient, and can be very costly; and

WHEREAS, a separate ordinance is being introduced simultaneously herewith to move the temporary sign regulations to the general police power section of the Township Code;

WHEREAS, this ordinance removes those sections of the Zoning Ordinance that have been rendered moot by that ordinance;

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

Section 1. Section 111 of the Township Land Use Ordinance entitled "General Terms" is amended by removing the following terms:

~~**Inflatable sign**
Portable sign
Real estate sign
Sidewalk sign
Temporary sign~~

Section 2. Section 111 is further amended by amending the definitions of "Permanent Sign" and "Marquee Sign" to read as follows:

~~**Permanent sign** - any sign that is not a temporary sign as defined herein. A wall sign or ground sign on the subject lot which requires site plan approval. See General Ordinance 3-12 for Temporary Signs which are regulated in that section.~~

~~**Marquee sign** - a ground sign designed so that characters, letters, illustrations or other graphics may be changed or rearranged without altering the face or surface of a sign and designed for temporary or permanent display as a freestanding sign located along a public roadway. For the purposes of this Ordinance marquee signs shall be limited to private sector displays and shall not include public or semi-public announcement signs of any kind.~~

Section 3. Section 155.1 of the Township Land Use Ordinance entitled "General Restrictions" is amended to read as follows:

....

~~f. Except for temporary off site farm stand signs permitted by subsection 155.3j, no commercial sign shall be permitted which is not accessory to the business or use conducted on the property. Advertising billboard signs are prohibited unless otherwise permitted by this~~

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~~Section~~— Advertising billboard signs are prohibited. No commercial sign shall be permitted which is not accessory to the business or use conducted on the property.

g. Bench signs, roof signs, naked light displays, vehicle advertising, and permanent inflatable signs and animated or moving signs of any kind are specifically prohibited, ~~unless otherwise permitted by this Section.~~

h. Rotating signs, flashing signs and similar live action signs; and signs which contain foil, mirrors, lights, or reflective material which could create a hazardous condition to a motorist, bicyclist, or pedestrian are prohibited.

i. Banners, spinners, flags, pennants, streamers and other moving objects used for advertising purposes, whether containing a message or not, are prohibited when attached to a building or permanently installed in the ground ~~unless authorized by the provisions of subsection 155.3d.~~

j. ~~No sign shall be erected within or over the right of way of any street unless specifically authorized by this or another ordinance of the Township.~~

k. All permanent signs, other than permitted temporary signs, shall be constructed of durable materials and shall be adequately maintained. All cracked, warped or broken members of a sign shall be replaced. Deteriorated surfaces which evidence rusting, flaking or cracking shall be replaced or repaired. All broken or cracked glass shall be replaced. Any sign which fails to meet the maintenance provisions of this Section shall be repaired or removed within thirty (30) days upon written notification by the Construction Official or Code Enforcement Officer.

l. ~~Portable signs, including marquee and sidewalk signs, are prohibited except where permitted by other provisions of this Section.~~

m. ~~Searchlight displays are prohibited unless authorized by a sign permit as part of a grand opening promotion.~~

n. Any permanent sign not specifically permitted by the provisions of this Section is prohibited.

Section 4. Section 155.3 entitled “Permitted Temporary Signs” is deleted in its entirety.

Section 5. Section 155.9 entitled “Nonconforming Signs” is not consistent with the Municipal Land Use Law (N.J.S.A. 40:55D-68, as interpreted by the court in Camara v. Board of Adjustment of Township of Belleville, 239 N.J. Super. 51 (App. Div. 1990)) and is therefore deleted in its entirety.

Section 6. Section 155.10 entitled “Administration and Review” is amended by deleting subparagraph 2 of paragraph b.

Section 7. 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 8. 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.

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Section 9. 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, September 9, 2015 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on **Wednesday, October 14, 2015** 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,
Township Clerk

Mayor Rae opened the PUBLIC HEARING and Mr. Bernstein made the same objections to this Ordinance as he made to the previous Ordinance as did Mr. Arentowicz

As there were no further comments, Mayor Rae closed the PUBLIC HEARING.

MOVED by: Deputy Mayor Meringolo of the Township Committee of the Township of Long Hill that Ordinance #367-15 be approved and adopted on final reading. **SECONDED** by: **Committeeman Dorsi. ROLL CALL VOTE:** Deputy Mayor Meringolo, yes; Committeeman Dorsi, yes; Committeeman Piserchia, abstain; Committeeman Schuler, no and Mayor Rae, yes.

The following resolution was introduced verbally by Attorney Pidgeon and not expanded in the final draft of the agenda. Atty. Pidgeon noted that this resolution was identical to Resolution 15-368, with the exception of the referenced Ordinance #367-15

RESOLUTION 15-369

A RESOLUTION DISAPPROVING THE RECOMMENDATIONS OF THE TOWNSHIP PLANNING BOARD WITH RESPECT TO ORDINANCE #367-15 ENTITLED "AN ORDINANCE REMOVING THOSE SECTIONS OF THE LAND USE ORDINANCE THAT HAVE BEEN RENDERED MOOT BY MOVING THE TEMPORARY SIGN REGULATIONS TO THE TOWNSHIP CODE AND AMENDING VARIOUS SECTIONS OF THE TOWNSHIP LAND USE ORDINANCE"

WHEREAS, the Municipal Land Use Law ("MLUL") provides that:
Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation. (N.J.S.A. 40:55D-26); and

WHEREAS, the MLUL defines "development regulation" as "a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land . . ." (N.J.S.A. 40:55D-4); and

WHEREAS, the Township Committee introduced Ordinance #367-15 entitled "An Ordinance Removing Those Sections of the Land Use Ordinance that Have Been Rendered

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Moot by Moving the Temporary Sign Regulations to the Township Code And Amending Various Sections of the Township Land Use Ordinance" at its September 9, 2015 meeting; and

WHEREAS, Ordinance #367-15 is not a "development regulation" as that term is defined in the MLUL; and

WHEREAS, the Township Committee voluntarily referred Ordinance #367-15 to the Planning Board for its review and comment despite the fact that it was not required to do so under the MLUL; and

WHEREAS, the Planning Board considered the Ordinance and at its September 22, 2015 meeting adopted Resolution 15-02 in which it determined in part that:

- a. "Proposed Ordinance 367-15 was improperly introduced under general ordinance rather than the Township Land Use Ordinance.
- b. Proposed Ordinance 366-15 is inconsistent with the Master Plan . . . "; and

WHEREAS, the Township Committee is satisfied under the New Jersey Supreme Court's holding in *State v. Boston Juvenile Shoe, 60 N.J. 249, 253 (1972)* and other applicable authorities that it has the legal authority to adopt Ordinance #366-15 under its general police powers as set forth in N.J.S.A. 40:48-2; and

WHEREAS, even if referral to the Planning Board were required, the Planning Board's second finding that the Ordinance is inconsistent with the Master Plan is conclusionary and not supported by any facts.

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:

- a. For the reasons set forth in the preamble, the Township Committee hereby disapproves the Township Planning Board's recommendations with respect to Ordinance #366-15 as set forth in Planning Board Resolution 15-1.
- b. The Township Committee hereby determines that it has the authority to adopt Ordinance #366-15 pursuant to the general police power.
- c. Ordinance 15-367 is an administrative ordinance that merely removes those sections of the Township land use ordinance that have been rendered moot by Ordinance 15-366, which is being adopted simultaneously herewith.
- d. This resolution shall be recorded in the minutes of this meeting.

MOVED by: Deputy Mayor Meringolo of the Township Committee of the Township of Long Hill that Resolution 15-369 be approved. **SECONDED** by: Committeeman Dorsi. **ROLL CALL VOTE:** Deputy Mayor Meringolo, yes; Committeeman Dorsi, yes; Committeeman Pischerchia, abstain; Committeeman Schuler, no and Mayor Rae, yes.

COMMITTEE LIAISON REPORTS:

Deputy Mayor Meringolo reminded all the HPAC will be hosting the Open House/Rededication of the Millington Schoolhouse on November 1st.

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Committeeman Schuler announced that the Recreation Advisory Committee is considering re-drafting the Recreation Element for the Master Plan.

Committeeman Piserchia noted the Vision Committee for Central Park would like the Township Committee to consider a name for the Park, Kelly Roshto suggested calling it Passaic Valley Park.

DISCUSSION / ACTION ITEMS:

- Best Practices Worksheet – Administrator Henry reviewed the completed Best Practices worksheet with the Committee and since there were to be no changes, Administrator Henry will instruct the CFO to submit the worksheet to the state.
- Hydrant Snow Removal – last year the Stirling Fire Department were contracted for the snow removal of the township hydrants. Administrator Henry was instructed to reach out to the Millington Fire Department to see if they would like the contract this year.
- November 11, 2015 Township Meeting – Veteran's Day. The Township Committee was reminded that even though the township offices will be closed that day for the holiday, the Township Committee meeting is still scheduled.

OLD BUSINESS:

Committeeman Schuler inquired about the solid waste bid. The bid was held at 11:00 AM that morning and there was one bidder. Once Atty. Pidgeon reviews the bid package and deems it complete, Administrator Henry will review the bid with the Finance Committee and award the contract at the October 28, 2015 Township Committee Meeting.

NEW BUSINESS:

Deputy Mayor Meringolo asked the Township Committee to read the information he provided in the meeting packet with regards to combining the Planning Board and the Board of Adjustment into one Land Use Zone. He requested that Planner Caldwell be invited to the next meeting to answer any questions.

Deputy Mayor Meringolo also noted that he had included some information in the Township Committee's packets on the possible redevelopment of the west end of Valley Road.

The Mayor requested that we have Ms. Caldwell available for the November 11th meeting, thereby giving everyone time to read all the information for both items and prepare for the meeting. The Clerk will add it to the November 11th agenda, and Administrator Henry will contact Ms. Caldwell and confirm her attendance.

Announcements/Correspondence:

- Halloween Parade on October 18 at 3:00 PM
- 150th Anniversary Bulbs and Garden Flags are available at Town Hall and will also be available for sale at the Halloween Parade
- Save the Date – November 1, 2:00 PM – 5:00 PM, Rededication and Open House at the Millington Schoolhouse. High Tea

MEETING OPEN TO THE PUBLIC: Remarks and Statements Pertaining to Any Matter
Mary Lynn Schiavi, Long Hill Resident, discussed with the Committee her desire to sell Block 10511 Lot 5, which is next to the Little League Field. She has been told that as this a paper street, if she wants to sell the property she must first pave the road. The Property is currently assessed at approximately \$54,000.00. A discussion ensued and it was determined that Ms.

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Schiavi property would be referred to the Open Space Committee for a possible purchase of the lot for Open Space.

ADJOURNMENT – As there was no further business to discuss, Deputy Mayor Meringolo made a motion, seconded by Committeeman Schuler to adjourn. The meeting adjourned at 10:20 PM.

Respectfully submitted,

Cathy Reese, RMC, CMR
Township Clerk

Approved on October 28, 2015