



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ  
TOWNSHIP COMMITTEE  
REGULAR SESSION MEETING MINUTES  
Wednesday, October 12, 2022  
7:30 PM OPEN SESSION, CLOSED SESSION 6:45 PM**

Clerk Phillips read the following statement:

**STATEMENT OF PRESIDING OFFICER**

*"In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting specifically, the time, date and public call in information were included in the meeting that was electronically sent to the Echoes Sentinel and posted on the Township Website. The agenda and public handouts for this meeting can be viewed online at [www.longhillnj.gov](http://www.longhillnj.gov). A public comment period will be held in the order it is listed on the meeting agenda.*

**EXECUTIVE SESSION:**

22-258 EXECUTIVE SESSION

- Attorney/Client Privilege
- Shared Service – BOE SRO
- Contract Negotiation – Professional services

**MOVED** by: Committeeman Lavender of the Township Committee of Long Hill Township, that Resolution 22-258 is hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Lavender; yes, Committeeman Rae; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Dorsi; yes.

**CALL MEETING TO ORDER:**

Mayor Dorsi **opened the public session** of the meeting at 7:34 pm.

All present recited the **Pledge of Allegiance**.

**ROLL CALL:** Committeeman Lavender, Committeeman Rae, Committeeman Verlezza, Deputy Mayor Piserchia, and Mayor Dorsi. Also present were Administrator Malool and Clerk Phillips.

- **Mayor Dorsi** spoke about reasoning behind making the meeting virtual.

**ORDINANCE(S):**

**ORDINANCE 504-22**

**PROHIBITING THE DISCHARGE OF FIREARMS ANYWHERE IN THE TOWNSHIP OF LONG HILL AND AMENDING SECTION 3-7 OF THE TOWNSHIP CODE ENTITLED "FIREARMS" IN ITS ENTIRETY**

- The Township Committee decided to carry the discussion for Ord 504-22 to the 10.26.2022 Township Committee meeting.
- Mayor Dorsi recused himself from the meeting Deputy Mayor Piserchia chaired the meeting at 7:38pm.

**ORDINANCE 496-22**

**AN ORDINANCE PERMITTING ADDITIONAL RESIDENTIAL USES IN THE VALLEY BUSINESS ZONE AND SUPPLEMENTING AND AMENDING SECTIONS LU-111 ENTITLED "GENERAL TERMS",**

**LU-122.6 ENTITLED “B-D DOWNTOWN VALLEY COMMERCIAL ZONE DISTRICT”, LU-131 ENTITLED “SCHEDULE OF BULK REQUIREMENTS”, LU-138 ENTITLED “LOWER INCOME HOUSING REQUIREMENTS” AND LU-151 ENTITLED “OFF-STREET PARKING AND LIGHTING” OF THE TOWNSHIP CODE**

**MOTION:** Committeeman Rae to carry public hearing without further publication to October 26<sup>th</sup>, 2022, Township Committee meeting. **SECOND:** Committeeman Verlezza . **ALL IN FAVOR:** AYES: Committeeman Lavender; yes, Committeeman Rae; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Dorsi; abstain.

**RESOLUTION**

22-259            SETTING FORTH THE REASONS FOR ADOPTING ORDINANCE 496-22 PERMITTING ADDITIONAL RESIDENTIAL USES IN THE VALLEY ROAD BUSINESS ZONE DESPITE THE FACT THAT IT IS INCONSISTENT WITH THE MASTER PLAN

- Attorney Pidgeon explained that that Township Committee did not have to adopt or consider resolution 22-259 as they carried Ordinance 496-22.
- Mayor Dorsi returned 7:40pm.

**CONSENT AGENDA RESOLUTIONS:**

- Attorney Pidgeon spoke about adding

Resolution 22-266 AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH HATFIELD SCHWARTZ LAW GROUP LLC

Resolution 22-267 AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH LAVERY, SELVAGGI, ABROMITIS AND COHEN TO CONDUCT AN INVESTIGATION

- Clerk Phillips spoke about adding

Resolution 22-269 A RESOLUTION AUTHORIZING THE SUBMISSION OF AN AUTOMATED LICENSE PLATE READER INITIATIVE GRANT APPLICATION

Resolution 22-270 AUTHORIZING SALE OF OLD STREET SWEEPER TO RANDOLPH TOWNSHIP

Resolution No. 22-260 – 22-270 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.

22-260            APPROVAL AND RELEASE OF MINUTES

22-261            APPROVING PAYMENT OF BILLS

22-262            AUTHORIZATION TO CONDUCT BLOCK PARTY- COLONIAL WOODS

22-263            APPROVING SPECIAL EVENT LICENSE – BSA TROOP 59 – CHRISTMAS IN THE WOODS

22-264            AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS

22-265            AUTHORIZING DISPOSAL OF SURPLUS PROPERTY OF LONG HILL TOWNSHIP

22-266            AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH HATFIELD SCHWARTZ LAW GROUP LLC

- 22-267 AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH LAVERY, SELVAGGI, ABROMITIS AND COHEN TO CONDUCT AN INVESTIGATION
- 22-268 AMENDED 2022 FEE SCHEDULE
- 22-269 A RESOLUTION AUTHORIZING THE SUBMISSION OF AN AUTOMATED LICENSE PLATE READER INITIATIVE GRANT APPLICATION
- 22-270 AUTHORIZING SALE OF OLD STREET SWEEPER TO RANDOLPH TOWNSHIP

**MOVED** by: Committeeman Lavender of the Township Committee of Long Hill Township, that Resolution 22-260 through 22-270 are hereby approved. **SECONDED** by: Deputy Mayor Piserchia. **ROLL CALL VOTE:** Committeeman Lavender; yes, Committeeman Rae; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Dorsi; yes.

#### **LIAISON REPORTS:**

- **Committeeman Verlezza** spoke about potential shared services with the BOE.
- **Committeeman Lavender** spoke about upcoming recreation programs, provided police statistics, spoke about a major police incident and gave an update on the Wagner Farm towers.
- **Mayor Dorsi** thanked the volunteer fire companies and gave DPW updates.
- **Committeeman Rae** thanked Jeff Wanamaker from Stirling Fire Company for organizing fire prevention week.

#### **ADMINISTRATOR'S REPORT:**

- **Administrator Malool** gave a Main/Central project update, spoke about Community Clean Up Day and thanked all volunteers. Administrator Malool spoke about selling rain barrels, new Styrofoam machine at DPW and food compost program.

#### **OLD/NEW BUSINESS:**

- Deputy Mayor Piserchia gave a statement regarding allegations from Chief Naga.

#### **ANNOUNCEMENTS:**

- Free Rabies Clinic – November 12, 2022 – Bernard's Township

**MEETING OPEN TO THE PUBLIC:** Remarks and Statements Pertaining to Any Matter -Comments and remarks will be limited to 3 Minutes

- **Frank Liberato** – spoke about a township employee receiving a threat and spoke about shared service SRO.
- **Marianne Noonan** – spoke about various concerns and received clarification.
- **Pamela Ogens** – spoke about a resolution condemning racism and cleared up a comment made at the last township committee meeting regarding a mosque.
- **Gary Pratt** – spoke about a statement released by the Township Committee and spoke about other various issues.
- **Mark DiGiovanni** – spoke about switching to zoom.
- **Donna Fucci** – spoke about a statement put out by news12.
- **Karen Nyquist** – spoke about SRO shared service conversation with police and suggested code of ethics for Township Committee members.
- **Kristin Oleske** – spoke about code of ethics and the ARP funding.
- **Katie McLennan** – suggested how to show the public how ARP funding was spent.
- **Dick Muldoon** – spoke about the statement put out by Township Committee.

**ADJOURNMENT**

On motion by Committeeman Lavender and seconded by Deputy Mayor Piserchia and carried unanimously to adjourn at 8:49pm.

Respectfully submitted,

*Megan Phillips*

Megan Phillips

Approved: October 26, 2022

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**RESOLUTION 22-258  
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:

- Attorney/Client Privilege
- Shared Service – BOE SRO
- Contract Negotiation – Professional services

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**ORDINANCE 504-22  
PROHIBITING THE DISCHARGE OF FIREARMS ANYWHERE IN THE TOWNSHIP OF LONG HILL  
AND AMENDING SECTION 3-7 OF THE TOWNSHIP CODE ENTITLED “FIREARMS” IN ITS ENTIRETY**

**WHEREAS**, the Township Firearms Ordinance was first adopted by the Township Committee on September 5, 1973 as Ordinance #33-73 and amended in its entirety on October 7, 1974 by Ordinance #26-74; and

**WHEREAS**, in 1984, the Township Committee, recognizing that the Township had become more densely populated as a result of development during the previous ten years, adopted Ordinances Nos. 3-84 and 14-84 which prohibited the discharge of firearms and other weapons in certain designated areas of the Township; and

**WHEREAS**, there were no other amendments to the Ordinance after it was first adopted 48 years ago; and

**WHEREAS**, there has been a significant amount of new development in the Township during that time; and

**WHEREAS**, the Township Committee has determined that as a result of that development, the health, safety and welfare of the Township’s residents requires that the discharge of firearms must be prohibited throughout the Township; and

**WHEREAS**, N.J.S.A. 40:48-1 provides that, “The governing body of every municipality may make, amend, repeal and enforce ordinances to . . . 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;”

**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 3 of the Township Code entitled “Police Regulations” is hereby amended as follows:

**Section 1.** Section 3-7 entitled “Firearms,” consisting of subsections 3-7.1 through 3-7.7.7 inclusive, is hereby repealed in its entirety.

**Section 2.** There is hereby created a new section 3-7 entitled “Discharge of Firearms Prohibited” which reads as follows:

**“3-7 Discharge of Firearms Prohibited**

**“3-7.1 Discharge of Firearm Prohibited in the Township of Long Hill**

“No person shall discharge any firearm within the boundaries of the Township of Long Hill, or across any part of the Township; nor shall any person have in that person's possession a loaded gun while within 450 feet of any occupied building, except the owner

or lessee of such building or a person specifically authorized in writing by such owner or lessee, or within 450 feet of a school playground. The provisions of this section shall be subject to section 3-7.3 below.”

### **“3-7.2 Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

“Firearm” means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.”

### **“3-7.3 Exceptions.**

The prohibitions of § 3-7.1 and N.J.S.A. 2C:39-6 et seq. (as exist or may be amended to exist) shall apply but not be solely limited to the following:

- A. Law enforcement officers of any governmental agency, federal, state, county and/or municipal, at all times (N.J.S.A. 2C:39-6).
- B. Members of any legally recognized military organization while in the performance of their official duties (N.J.S.A. 2C:39-6).
- C. Privately employed security personnel who are authorized by law to carry firearms while in the performance of their official duties (N.J.S.A. 2C:39-6).
- D. Persons lawfully using firearms in the protection of their person or property for self-defense (N.J.S.A. 2C:39-6).
- E. Persons engaged in the discharge of firearms loaded only with blanks for commemorative events or historic pageants; provided, however, that such persons shall obtain a special permit from the Township Police Division upon application prescribed by the Director of the Department of Public Safety or designee (N.J.S.A. 2C:39-6).
- F. Members of any full-time paid or part-time paid Fire Department or force assigned full-time or part-time to a municipal or county arson investigation unit (N.J.S.A. 2C:39-6).
- G. Civilian employees of the state and federal government while in the performance of their official duties (N.J.S.A. 2C:39-6).
- H. Any representative of the Division of Fish, Game and Wildlife, Department of Environmental Protection (DEP), State of New Jersey, or deputy state conservation officer or full-time employee of the State Division of Parks and Forestry or a New Jersey transit police officer while in the performance of their official duties (N.J.S.A. 2C:39-6).
- I. A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of the State of New Jersey while in the actual performance of official duties (N.J.S.A. 2C:39-6).
- J. An owner, tenant or lessee of a tract of land, including farmers, in excess of five acres while hunting in and upon said tract. Said tract shall not include any public lands owned and/or controlled by the Township of Long Hill or other designated open spaces controlled by a homeowners/condominium association (N.J.S.A. 2C:39-6).
- K. Owner, tenant or lessee, the latter two having express written and dated permission of the owner, on file with the Township Police Division, when controlling woodchuck or other pests as legally defined, authorized and allowed by the hunting regulations promulgated

by the Division of Fish, Game and Wildlife, Department of Environmental Protection, State of New Jersey. This subsection shall also apply to farmers (N.J.S.A. 2C:39-6).

- L. Persons lawfully participating in the New Jersey State Division of Fish, Game and Wildlife special permit shotgun season and/or regularly scheduled bow and firearm hunting season, either sex, provided that said persons meet the following criteria:
  - 1. Have a valid firearm hunting license, a special shotgun deer permit and/or other permit as required by law pertaining to those seasons mentioned above.
  - 2. Have received written permission from a landowner or landowner's agent to hunt said property and have said written permission in the person's possession at the time of hunting.
  - 3. Said persons agree to hunt from a standing tree or structure as permitted by the New Jersey State Game Code, if requested by a landowner.
  - 4. Agree to hunt only within the deer management zone designated by the New Jersey State Division of Fish, Game and Wildlife.
  - 5. Agree to park their motor vehicles in areas designated by the landowner. (N.J.S.A. 2C:39-6).
- M. Any person who holds a valid permit to carry a handgun issued pursuant to N.J.S.A. 2C:58-4, as supplemented and amended

**“3-7.4 Violations; Penalties**

“Any person who is found to be in violation of the provisions of this section shall upon conviction thereof be subject to the penalty as stated in section 1-5 of this Code entitled “General Penalty.”

**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.

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**ORDINANCE 496-22**

**AN ORDINANCE PERMITTING ADDITIONAL RESIDENTIAL USES IN THE VALLEY BUSINESS ZONE AND SUPPLEMENTING AND AMENDING SECTIONS LU-111 ENTITLED “GENERAL TERMS”, LU-122.6 ENTITLED “B-D DOWNTOWN VALLEY COMMERCIAL ZONE DISTRICT”, LU-131 ENTITLED “SCHEDULE OF BULK REQUIREMENTS”, LU-138 ENTITLED “LOWER INCOME HOUSING REQUIREMENTS” AND LU-151 ENTITLED “OFF-STREET PARKING AND LIGHTING” OF THE TOWNSHIP CODE**

**WHEREAS**, the Downtown Valley Commercial Zone (B-D) as set forth in Township Code § LU-122.6 is based on the standalone element of the Master Plan adopted in 2016-2017; and

**WHEREAS**, since then a number of changes have occurred in the economic and judicial environment and the Township has been reacting in piecemeal fashion; and

**WHEREAS**, the Township Committee recognizes that these changes are likely to continue and that the land use ordinance should embrace the piecemeal changes in order to simplify development applications in process for developers and affected property owners; and

**WHEREAS**, the Township Committee recognizes that these ordinance changes are needed despite the fact that the Master Plan Housing and Zoning Elements have not yet been updated to reflect these changed circumstances;

**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 the Township Land Use Ordinance is hereby supplemented and amended as follows:

**Section 1.** Section LU-111 entitled "General Terms" is hereby supplemented and amended by adding the following definitions in alphabetical order:

**ASSISTED LIVING RESIDENCE**

A residential facility which is licensed by the Department of Health to provide rooms, meals, and personal care, Residential units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance. Assisted living residences may provide other services to residents such as recreational activities, financial services, and transportation. "Assisted living" is a level of care between nursing home care and independent living and includes a coordinated array of supportive personal and health services, available 24 hours per day, to residents who have been assessed to need these services. Assisted living is intended to promote resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.

**CONTINUING CARE RESIDENTIAL COMMUNITY ("CCRC")**

A residential community for older adults which provides a continuum of living accommodations and care including provisions for health care for individuals from independent living to assisted living to nursing care. A contract with a CCRC is an agreement to purchase service and the right to live in a specific place; it is not an agreement to lease or purchase property. The CCRC must be registered with the New Jersey Department of Community Affairs.

**NURSING HOME-**

A facility that is licensed by the Department of Health to provide health care under medical supervision and continuous nursing care for 24 or more consecutive hours to two or more patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

**Section 2.** Subparagraph "9" in paragraph "a" entitled "Permitted Primary Uses" in Section LU-122.6 entitled "B-D Downtown Valley Commercial Zone District" is supplemented and amended to read as follows:

a. Permitted Primary Uses.

9. Small hotel, inn or bed & breakfast establishments and assisted living facilities, continuing care residential communities and nursing homes. Density to be determined by the Approving Authority.

**Section 3.** Section 122.6 is further supplemented and amended by adding the following new subparagraph "3" in paragraph "c" entitled "Permitted Conditional Uses:"

c. Permitted Conditional Uses.

3. Residential apartments in accordance with the provisions of Subsection 124.1, not to exceed 15 units per acre. This use requires that a percentage of the units be designated as "Affordable Housing" and subject to Section 138 of this ordinance.

**Section 4.** Section LU-122.6 is further amended by deleting paragraph "d" entitled "Prohibited Uses" in its entirety. The existing paragraph "e" is hereby re-lettered paragraph "d".



**Section 5.** Section LU-122.6 is further amended by adding a new paragraph “e”, entitled, “ , which reads as follows:

“e. Emergency Medical Services

All assisted living facilities, continuing care residential communities and nursing homes, shall make emergency medical services available to or arranged for residents requiring these services. Each such facility shall develop a written plan for arranging for emergency transportation of residents at the facility’s sole expense for medical care and returning them to the facility.”

**Section 6.** Section LU-124.1 entitled “Apartments in Business Zones” is supplemented and amended to read as follows:

Apartments permitted in the B-1-5, B-1-20, M-H and M zones shall be at least 500 square feet in gross floor area, and shall be no more than 1,000 square feet. Apartments shall not be located on the ground floor of any building, and the gross density of all apartments on the lot shall not exceed five units per acre.

Apartments permitted in the B-D zone shall be at least 500 square feet in gross floor area. Apartments shall not be located on the ground floor of any building, and the gross density of all apartments on the lot shall not exceed fifteen units per acre.

**Section 7.** Section LU-131 entitled “Schedule of Bulk Requirements” is supplemented and amended by adding footnote “17” to the column entitled “Maximum Height of Building (stories/feet)” in the cell for Zone B-D to read as follows:

“(17) For assisted living facilities, continuing care residential communities, nursing homes, and mixed uses, increase the maximum height to 3/45. For buildings with in-building ground level parking, increase the maximum height to 4/55”

**Section 8.** Section LU-138 entitled “Lower Income Housing Requirements and subsection LU-138.1 are amended to read as follows:

“All residential developments in the R-MF-2 and B-D zone shall meet the following lower income housing requirements:

138.1

~~All developments shall provide 13% of all dwelling units to be affordable for low income households and 7% of all dwelling units to be affordable for moderate income households as those terms are defined in the Fair Housing Act (N.J.S.A. 52:27D-304) and the regulations promulgated by the Council On Affordable Housing (COAH).~~

For any future multifamily and independent living facility developments of five (5) or more units, at least fifteen (15%) percent of the all units in rental developments as affordable, and 20 percent of all units in for-sale developments as affordable, with at least 50 percent of the affordable units in each development being affordable to low-income households including 13 percent affordable to very-low-income households, with all such affordable units including the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, and all other applicable law.

Assisted Living facilities are subject to NJ Medicaid requirements.

Nursing Homes are not subject to this section.”

**Section 9.** Paragraph “c” in section LU-151.1 entitled “Off-Street Parking” is supplemented and amended by adding/amending the number of required parking spaces as set forth in the table (in alphabetical order) as follows

c. Add/Modify in table

<u>Apartments as conditional uses in the B-D Zone</u>	<u>1.5 per unit</u>
Apartments <u>(other)</u>	2 per unit
<u>Nursing and group homes</u>	<u>Peak shift staff + 0.3 per unit</u>
<u>Assisted Living</u>	<u>Peak shift staff + 0.5 per unit</u>

**Section 10.** 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 11.** 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 12.** This ordinance shall take effect immediately upon final passage and publication as required by law.

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**RESOLUTION 22-259**

**SETTING FORTH THE REASONS FOR ADOPTING ORDINANCE 496-22 PERMITTING ADDITIONAL RESIDENTIAL USES IN THE VALLEY ROAD BUSINESS ZONE DESPITE THE FACT THAT IT IS INCONSISTENT WITH THE MASTER PLAN**

**WHEREAS**, the Township Committee introduced Ordinance 496-22 at its August 10, 2022 meeting and referred the ordinance to the Planning Board in accordance with the requirements of N.J.S.A. 40:55D-26 and 62; and

**WHEREAS**, the Planning Board thereafter submitted its report dated September 14, 2022 in which it found that the ordinance is inconsistent with the master plan, but nonetheless recommended its adoption with the amendments set forth in its report; and

**WHEREAS**, at its September 14, 2022 meeting, the Township Committee adopted the amendments recommended by the Planning Board and continued the public hearing on the ordinance as amended until the September 28 meeting; and

**WHEREAS**, N.J.S.A. 40:55D-26 provides that:

“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 recommendations by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation . . .”; and

**WHEREAS**, N.J.S.A. 40:55D-62 provides that:

“...the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the Land Use Plan Element and the Housing Plan Element, but only by affirmative vote of the majority of the full authorized membership of the governing body, with the reasons of the governing for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance . . .”; and

**WHEREAS**, the Planning Board in its report to the Township Committee stated that:

“The Long Hill Township Planning Board adopted a Downtown Valley Commercial District Element of the Master Plan in 2017 ("2017 Plan") which recommended the establishment of the B-D Downtown Valley Commercial Zone (the "B-D" zone) ‘to allow office, commercial and retail uses.’ along Valley Road within the Township. The 2017 Plan specified that "single family detached residences or any other residential uses on the first floor within the B-D Zone’ should be prohibited which is contrary to the Proposed Ordinance. The most recent Housing Element of the Master Plan was adopted in 2018. Among the objectives stated is ‘where higher density inclusionary housing could be encouraged in the Township, appropriate residential development should be inclusionary and provide for its share of affordable housing.’ This ordinance does further that objective. However, neither the Downtown Valley Commercial District Element nor the Housing Element recommend amending the B-D zone to permit residential uses at the scale and intensity that the Proposed Ordinance allows. Based on the above, Ordinance No. 496-22 is inconsistent with the Township's Master Plan.

Nonetheless, the Planning Board recommends that the Township Committee adopt this ordinance, to facilitate the orderly development of high-density residential development in the Valley Commercial District and to reduce the need to create specific overlay zones (or to grant variances) for each such project when development applications are presented”; and

**WHEREAS**, the Township Committee is following the recommendations of the Planning Board;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, by affirmative vote of the majority of its full authorized membership, that, for the reasons set forth in the Planning Board's September 14, 2022 report, Ordinance 496-22 should be adopted despite the fact that it is inconsistent with the master plan.

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**RESOLUTION 22-260  
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 Meeting Minutes of September 28, 2022;

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves September 28, 2022, Executive Session Meeting Minutes as redacted by the Township Attorney.

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**RESOLUTION 22-261  
APPROVING PAYMENT OF BILLS**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

**BE IT FURTHER RESOLVED**, that the bills list be appended to the official minutes.

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**RESOLUTION 22-262  
AUTHORIZATION TO CONDUCT BLOCK PARTY- COLONIAL WOODS**

**BE IT RESOLVED** that the Township Committee of the Township of Long Hill does hereby approve the request for a block party for Colonial Woods on Monday, October 31, 2022, from 5:00 p.m. until 6:00 p.m., as noted in an email received on September 26, 2022.

**BE IT FURTHER RESOLVED** that the Township Committee does hereby approve the request for the road closure(s) with the provision that barricades are obtained from the Department of Public Works.

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**RESOLUTION 22-263  
APPROVING SPECIAL EVENT LICENSE – BSA TROOP 59 – CHRISTMAS IN THE WOODS**

**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, Chief of Police and Director of DPW, 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 the license S-22-14 for the “Sponsor” BSA Troop 59, for their Special Event Christmas in the Woods Celebration to be set up December 17, 2022 from 9:00-11:00am and event date December 21, 2022 from 6:00pm-10:00pm.

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**RESOLUTION 22-264  
AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS**

**WHEREAS**, there is an outstanding check which were drawn on the Sewer Utility Account; and

**WHEREAS**, the said check has been outstanding for more than twelve (12) months; and

**WHEREAS**, the Chief Financial Officer is desirous of voiding this check,

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Long Hill that the following outstanding check be cancelled, and the Chief Financial Officer is authorized and directed to void this said check:

	<u>Check Number</u>	<u>Date Issued</u>	<u>Amount</u>
Sewer Utility	628	3/10/21	\$ 47.02

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**RESOLUTION 22-265  
AUTHORIZING DISPOSAL OF SURPLUS PROPERTY OF LONG HILL TOWNSHIP**

**WHEREAS**, the Long Hill Township is the owner of certain surplus property which it no longer needs for public use: and

**WHEREAS**, the Long Hill Township is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

**NOW THEREFORE BE IT RESOLVED** by the Long Hill Township as follows:

- (1) The sale of the surplus property shall be conducted through MUNICIPALID pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15, The terms and conditions of the agreement entered into with Municibid is available online at [www.municibid.com](http://www.municibid.com).
- (2) The sale will be conducted online October 13, 2022 through November 13, 2022 and the address of the auction site is [www.municibid.com](http://www.municibid.com)
- (3) A list of the surplus property to be sold is as follows:
  - 2 - 9 ft fisher snow plows
- (4) The surplus property shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (5) Long Hill Township reserves the right to accept or reject any bid submitted.

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**RESOLUTION 22-266  
AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH HATFIELD SCHWARTZ LAW  
GROUP LLC**

**WHEREAS**, the Township of Long Hill has a need to acquire the services of an attorney to represent the Township, the Township Committee and various Township officials and employees; and

**WHEREAS**, the Finance Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

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

**WHEREAS**, the Chief Financial Officer has certified in writing the availability of adequate funds to pay the maximum amount of this contract; and

**WHEREAS**, the cost of the professional services contract will be covered by the Morris Count Joint Insurance Fund after the Township's deductible is exhausted; and

**WHEREAS**, the contractor has submitted a proposal dated October 4, 2022, which was submitted in response to the Township's request for a proposal, and which is incorporated herein by reference; and

**WHEREAS**, this contract is being awarded pursuant to a fair and open process conducted in accordance with to the provisions of N.J.S.A. 19:44A - 20.4 or 20.5 as appropriate; and

**WHEREAS**, the contractor has completed and submitted a Business Entity Disclosure Certification

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

- 1. A professional services contract is hereby awarded to Hatfield Schwartz Group LLC in accordance with its proposal, for the following consideration: \$185.00/hour (not to exceed \$20,000, unless increased by resolution of the Township Committee)
- 2. The Business Disclosure Entity Certification and the Determination of Value shall

be placed on file with this resolution, and that notice of these awards be advertised once in the *Echoes Sentinel*.

3. The Contractor shall secure and maintain insurance with the following minimum limits:

Professional Liability/Malpractice	\$1,000,000.00
Comprehensive General Liability	\$1,000,000.00
Comprehensive Automobile Liability	\$1,000,000.00
Workmen's Compensation	Statutory

The certificates of insurance shall be acceptable to the Township Risk Manager and the Township Attorney.

4. The Township Clerk in accordance with the provisions of *N.J.S.A. 40A:11-5(1)(a)(I)*, is directed to publish a notice once in the official newspaper stating the nature, duration, service and amount of this contract.

5. These contracts shall be charged to budget line item(s) 2-01-0020-00155-2-00201. The certification of available funds by the Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

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**RESOLUTION 22-267  
AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH LAVERY, SELVAGGI, ABROMITIS  
AND COHEN TO CONDUCT AN INVESTIGATION**

**WHEREAS**, the Township of Long Hill has a need to acquire the services of an attorney to conduct an investigation; and

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

**WHEREAS**, this contract is for less than the bid threshold; and

**WHEREAS**, the Chief Financial Officer has certified in writing the availability of adequate funds to pay the maximum amount of this contract; and

**WHEREAS**, the contractor has submitted a proposal dated October 8, 2022, which was submitted in response to the Township's request for a proposal, and which is incorporated herein by reference; and

**WHEREAS**, the contractor has completed and submitted a Business Entity Disclosure Certification

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

A professional services contract is hereby awarded to Lavery, Selvaggi, Abromitis and Cohen for James F. Moscagiuri to conduct an investigation in accordance with its proposal, for the following consideration: \$175.00/hour (not to exceed \$5,000, unless increased by resolution of the Township Committee). The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution, and that notice of these awards be advertised once in the *Echoes Sentinel*.

4. The Contractor shall secure and maintain insurance with the following minimum limits:

Professional Liability/Malpractice	\$1,000,000.00
Comprehensive General Liability	\$1,000,000.00
Comprehensive Automobile Liability	\$1,000,000.00
Workmen's Compensation	Statutory

The certificates of insurance shall be acceptable to the Township Risk Manager and the Township Attorney.

5. These contracts shall be charged to budget line item(s) 2-01-0020-00155-2-00201. The certification of available funds by the Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

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**RESOLUTION 22-268  
AMENDED 2022 FEE SCHEDULE**

**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 2022 for licenses and permits for the Township of Long Hill are hereby amended:

Administrative Research Fee	
Supervisory	\$ 30.00/hr.
Clerical	\$ 25.00/hr.

**Alarm Systems**

*Permit for a private alarm which either automatically selected a telephone trunk line with the Police Department and then reproduces a prerecorded message or automatically alert a third person. Permit also required for warning device.*

Annual Permit Fee	\$ 50.00
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**Alcoholic Beverage Control License**

Plenary Retail Consumption	\$ 2,500.00
Plenary Retail Distribution	\$ 2,088.00
Limited Retail Distribution	\$ 63.00
Club	\$ 188.00
Season Retail Consumption - annual fee is seventy-five percent (75%) of annual renewal fee for retail consumption licenses	

**Amusement Devices**

Juke Box	\$ 30.00
Video Games	\$ 60.00
Soda Machines	\$ 10.00
Pool Tables	\$ 60.00
Pinball Machines	\$ 60.00

**Building Materials - Township Dumpster**

Car	\$ 20.00
Station Wagon	\$ 55.00
Mini Van	\$ 80.00
Small Pick-up truck	\$ 115.00
Pick-up truck or van	\$ 155.00
Extra for overload	\$ 45.00

Canvassers, Solicitors and Peddlers Permit	\$ 20.00
Solicitor Digital Photograph	\$ 2.00
Charitable Clothing Bin Application [Yearly]	\$ 25.00
Dog Licenses	
Spayed/Neutered	\$ 17.50
Non-Spayed/Neutered	\$ 20.50
Late Fee after January 31st	\$ 10.00
Late Fee after February 28 <sup>th</sup>	\$ 20.00
Replacement (first one free, thereafter \$5.00)	
Fill/Soil Removal Permit	\$ 50.00
Finance & Tax Collection	
Returned Check, Online Payment (ACH), Credit Card Charges	\$ 20.00
Lien Redemption Calculation (First Two Calculations at no cost)	
Any additional subsequent calculation (N.J.S.A. 54:5054)	\$ 50.00
Notice of Tax Sale to property owner on Tax Sale- 54:5-26	\$ 25.00 each
Food and Drink License	
Prepackaged goods only w/no milk, eggs or dairy	\$ 50.00
Aisles of Prepackaged goods	\$ 70.00
Mostly prepackaged goods with eggs, milk and dairy products available	\$ 90.00
Retail Food Establishment (under 2,000 sq. ft.)	\$100.00
Retail Food Establishment (2,000-5,000 sq. ft.)	\$135.00
Retail Food Establishment (5,000-10,000 sq. ft.)	\$165.00
Retail Food Establishment (over 10,000 sq. ft.)	\$400.00
Temporary Retail Food Establishment	\$ 30.00
Mobile Retail Food Establishment	\$110.00
Farmers Market	\$75.00
Septic Applications	
New Plan Review – includes plan review and inspections	\$500.00
Repair: Replacing existing components as is, no Engineer required	\$ 75.00
Alteration:	
Changing components on an existing System.	\$60.00
Engineer required.	\$350.00
PERC/Soil Log:	
Permit to conduct one group of soil logs and permeability tests.	
Witness per 1 <sup>st</sup> lot per day	\$100.00
Septic Abandonment	\$100.00
Re-review	\$100.00
Repair:	
Repair (requiring engineer)	\$300.00
Permit Renewal	\$100.00
Well	
Application/Permit	\$300.00
Well abandoned	\$100.00



Handgun Permit		\$	2.00
Handgun Identification Card		\$	5.00
Kennel License		\$	35.00
Limousine License		\$	50.00
Parking Permit:			
Millington	Yearly	\$	240.00
Yearly after July 1 <sup>st</sup>		\$	120.00
Stirling	Yearly	\$	290.00
Yearly after July 1 <sup>st</sup>		\$	145.00
Gillette	Yearly	\$	340.00
Yearly after July 1 <sup>st</sup>		\$	170.00
Daily		\$	5.00
Replacement Permit		\$	5.00

<b>Parks and Recreation Facilities Use Reservation Fees</b>	<b>Resident</b>	<b>Non-Resident</b>	<b>Resident Commercial</b>	<b>Non-Resident Commercial</b>
Kantor Park Turf Field Rental	\$50.00/2 hrs.	\$200.00/2hrs.	\$150.00/2hrs.	\$200.00/2hrs.
Kantor Park Lights on Turf Field #1	\$20.00/hr.	\$30.00/hr.	\$30.00/hr.	\$30.00/hr.
Kantor Park Grass Field #2	\$25.00/2hrs.	\$45.00/2hrs.	\$60.00/2hrs.	\$110.00/2hrs.
Meyersville Baseball/Softball Field	\$25.00/2hrs.	\$45.00/2hrs.	\$60.00/2hrs.	\$110.00/2hrs.
Meyersville Baseball/Softball Lights	\$10.00/hr.	\$20.00/hr.	\$20.00/hr.	\$20.00/hr.
Batting Cages Meyersville Ballfield & LHBSA	\$10.00/hr	\$10.00/hr	\$10.00/hr	\$10.00/hr
Kantor Park Pavilion	\$25.00/4hrs.	\$50.00/4hrs.		
Stirling Lake Pavilion	\$30.00/4hrs.	\$55.00/4hrs.		
Bocce Ball Courts		\$40.00/2hrs.	\$50.00/2hrs.	\$100.00/2hrs.
Horseshoe Pits		\$40.00/2hrs.	\$50.00/2hrs.	\$100.00/2hrs.
Kantor Park Basketball Court	\$25.00/2hrs.	\$45.00/2hrs.	\$60.00/2hrs.	\$110.00/2hrs.
Tennis Courts		\$10.00/hr.	\$15.00/hr.	\$20.00/hr.

Recreation Programs			
Red Cross First Aid Class		\$	32.00
Red Cross CPR/AED Class:		\$	32.00
Rutgers SAFETY Class		\$	45.00
Abakadoodle Creative Drawing Class		\$	164.00

Withdrawal Fee for ALL Recreation Programs (when Permitted)	\$	10.00
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Photocopies/Copies:			
Black & White copies (per copy) Letter size		\$	0.05
Legal size		\$	0.07
11 x 17		\$	0.10

Large Format Prints	\$5.00/page for 24" X 36"
	\$1.00/linear foot over initial 2 feet

DVD ROM	\$	3.00
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CD	\$ .50
CD of Full Tax Map (total includes mailing and postage)	\$ 25.00
Land Use Ordinances	\$ 35.00
Zoning Map	\$ 5.00
Master Plan	\$ 35.00
Duplicate Copy of Tax Bill	\$5.00/first dup. \$25.00 for each additional duplicate copy
Duplicate Tax Sale Certificate	\$ 100.00
Notarized Copies: Long Hill Resident – <b>First 4 docs are no charge</b>	\$ 2.50
Non Resident [per document]	\$ 2.50
Mulch, Composted Leaves or Wood Chip Delivery [per load]	\$ 115.00
Mulch Pick Up for Local Garden Centers Only	\$ 10.00 <i>Per cubic yard.</i>
Public Assembly Permit	\$ 100.00
Return Check Fee [per N.J.S.A. 40:5-18(c)]	\$ 20.00
Street/Road Opening Permit	\$ 200.00
Swimming and Bath Establishments	\$ 200.00
Tax Lien Redemption Calculation Fee [For 3 <sup>rd</sup> request in a calendar year]	\$ 50.00
Tire Permits	\$ 3.00
<u>Towing Services and Storage:</u>	
Basic towing of private passenger automobiles and motorcycles: Automobile (days between 8:00 a.m. and 4:30 p.m.)	
First mile or less	\$ 65.00
Each additional loaded mile	\$ 3.50
Automobile (nights, weekends and New Jersey State Holidays)	
First mile or less	\$ 85.00
Each additional loaded mile	\$ 3.50
Basic towing for other than private automobiles: (Days between 8:00 a.m. and 4:30 p.m. Monday-Friday)	
Light Duty (vehicles up to 6,999 lb. GVWR)	\$100.00 per hour, 1 hour minimum
Medium Duty (vehicles up to 20,000 lb. GVWR)	\$150.00 per hour, 1 hour minimum
Heavy Duty (Nights, Weekends and NJ Holidays)	\$250.00 per hour, 1 hour minimum
Light Duty (vehicles up to 6,999 lb. GVWR)	\$150.00 per hour, 1 hour minimum
Medium Duty (vehicles up to 20,000 lb. GVWR)	\$200.00 per hour, 1 hour minimum
Heavy Duty	\$300.00 per hour, 1 hour minimum

Outside Secure Storage Facility	
Private Passenger Automobiles	\$25.00 per day
	\$35.00 (inside storage)
Trucks up to 24,000 GVWR	\$50.00 per day
Tractor Trailers (Tractor)	\$50.00 per day
Tractor Trailers (Trailer)	\$75.00 per day
Yard Tow (automobile only)	\$ 40.00
Vital Statistics:	
Certified Copies of Birth, Marriage, Death, Domestic Partnership	\$ 10.00
Corrections of Birth, Marriage, Death, Domestic Partnership	\$ 15.00

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**RESOLUTION 22-269**  
**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN AUTOMATED LICENSE PLATE READER INITIATIVE GRANT APPLICATION**

**WHEREAS**, THE NJ Office of the Attorney General has appropriated \$10 million in American Rescue Plan funds towards a new grant program called the Automated License Plate Reader Initiative; and

**WHEREAS**, Under this program, \$4.75 million will be available to local law enforcement agencies for the purchase, installation and expansion of these systems to be strategically deployed; and

**WHEREAS**, this is a reimbursement grant and no match is required;

**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 authorizes Township Administrator Nancy Malool to submit an Automated License Plate Reader Initiative grant application at a cost not to exceed \$1950.
2. The Mayor, the Clerk and all other Township officials are hereby authorized to sign and submit the application and any other documents that are required in connection therewith.

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**RESOLUTION 22-270**  
**AUTHORIZING SALE OF OLD STREET SWEEPER TO RANDOLPH TOWNSHIP**

**WHEREAS**, Randolph Township has offered to buy the Township’s old street sweeper for \$20,000; and

**WHEREAS**, the Local Public Contracts Law provides that, “[a municipality] need not advertise for bids when it makes any such sale [of personal property] to the United States, the State of New Jersey, another contracting unit . . . , or any governmental unit in the United States” (*N.J.S.A. 40A:11-36*); and

**WHEREAS**, Public Works Manager has recommended selling the sweeper to Randolph Township;

**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 sale of the Township’s old street sweeper to Randolph Township for \$20,000 is hereby authorized;

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