

Long Hill Township Committee Minutes October 12, 2011 Regular Meeting

The Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, convened in Regular Session at the Municipal Building, 915 Valley Road, Gillette, New Jersey, on Wednesday, **October 12, 2011** at 7:00 p.m.

Statement of Adequate Notice:

Mayor Harrington read the following statement:

“In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was included in a list of meetings notice which was electronically sent to the Echoes Sentinel, Courier News and Daily Record on January 4, 2011; posted on the bulletin board in the Municipal Building on January 4, 2011 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.”

Executive Session:

A motion was made by Mayor Harrington and seconded by Mr. Mazzucco to approve Resolution 11-314. Vote: All Ayes

RESOLUTION 11-314 EXECUTIVE SESSION

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

Personnel:

- Public Works Employee Disciplinary Action
- Administrator Evaluation
- ~~Tax Clerk~~
- Building Sub Code Official

Contract Negotiations:

- New Jersey Land Conservancy

Attorney Client Privilege:

- None

Collective Bargaining:

- None

Pending or Anticipated Litigation:

- T&M Agreement

Property Acquisition:

- Open Space

BE IT FURTHER RESOLVED that minutes of this executive session meeting will be released to the public in a timely fashion pursuant to the Open Public Records Act and other applicable laws and regulations.

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Pledge of Allegiance:

All present recited the Pledge of Allegiance.

Roll Call:

On roll call the following Committee members were present:

Jerry Aroneo; Guy Piserchia; Michael Mazzucco; George Vitureira; Mayor
Nanette Harrington

Absent: None

Also present: John Pidgeon, Township Attorney; Richard Sheola, Township
Administrator/CFO

Mayor Harrington announced that we will go right to the flood wall bond ordinance discussion.

Ordinance Introduction:

ORDINANCE #290-11 - BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF RIGHTS IN LANDS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$522,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION

Mayor Harrington read Ordinance #290-11 by title for first reading. The ordinance was introduced by Mr. Vitureira; second by Mr. Piserchia.

Mayor Harrington opened the meeting to the public and asked that everyone keep their comments to two minutes.

Robert Blocker, resident of Stirling, voiced his support of the flood wall and commented on the town home values and asked the Committee to protect the township.

Messrs. Aroneo and Pidgeon reviewed conflict of interest and Mr. Pidgeon pointed out that Mr. Aroneo does not have a conflict of interest in this matter.

Carol Prasa, resident of River Road, voiced her opposition to the flood wall and commented that the plan has more questions than answers. She added that this plan is doomed to fail and asked the Committee to vote no for this plan.

Abbe Hann, resident of Passaic Avenue, the heart of Long Hill is Valley Road corridor and if the township is not going to do the flood wall then the town needs to figure out what they are going to do.

Felix Ruiz, resident of Laurel Avenue, reviewed the Echoes Sentential poll which shows the opposition to the flood wall. He added that the residents have spoken against the proposed flood wall.

Carol Grey, resident of Millington, voiced her opposition on the flood wall. She reviewed her concerns with increased flooding and the proposed cost of the flood wall.

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Giuseppe Ferrieri, resident of Main Avenue, voiced his support of the flood wall and commented on the property value and public safety issues.

Thomas Gordon, prospective buyer of a home in the township, reviewed his reservations of moving into the township. He voiced his support of the flood wall and commented that the township should take advantage of the state and federal funding.

Chris Bowman, resident of Madison Avenue, reviewed the flooding on his property and his road. He commented that there are a lot of options and he is not sure if the flood wall is the answer. He added that if the township votes no on the wall then doing nothing is not an option.

Christian Kubic, resident of Valley Road, commented that the Army Corps plan is not what the residents think it is and it is not going to solve the problem.

Ted Zawartkay, resident of Warren Avenue, pointed out that it seems all positives have come from professionals and negatives from residents. He commented on the suffering from our local businesses. He added that there is no price on human life and if the Committee votes the flood wall down he questioned what will they do.

Bindiganavale Ramaprsad, resident of Heritage Road, commented on the possible negative impact of the flood wall on his property. He pointed out that the flood wall may cause flooding in other areas.

Rob Fisher, resident of Cottage Place, congratulated the Committee in taking this matter so seriously. He commented that he is an engineer and the proposed flood wall is part of the solution to the flooding problem.

Bill Smullen, resident of Millington, stated that the project makes little sense and voiced his opposition to the proposed flood wall. He asked that the township explore other options.

Carl Sundberg, resident of Main Avenue, commented that the township hired an outside engineer and he agreed that the proposed flood wall was a good idea. He voiced his support of the proposed flood wall.

Bob English, resident of Gillette, stated that he is not personally affected by the flood wall although he does serve as a volunteer on the First Aid Squad and is speaking as a resident. He reviewed First Aid calls received during Hurricane Irene. He pointed out that the township is paying almost nothing for the proposed flood wall and emergency services need to be able to get to all their residents.

Chris Rotti, representative from a business on Mercer Street and owner of a property on Morristown Road, voiced his support of the proposed flood wall and added that the wall is only part of the solution.

Chris Collins, resident of Millington, stated that we need to reinvest in our township. He added that if the proposed flood wall is not the fix he would like to hear what the fix is.

Geri Roul, resident of Mercer Street, stated that she is having a difficult time selling her home. She reviewed her hardship with flooding on her property. She reviewed her safety concerns and why she can not live in her home. She asked the township to do something.

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Landon McDonald, resident of Norwood Drive, commented that he does not have flooding on his property, but the flood wall will probably bring water onto his property. He asked if anyone has looked at the bridge at Mountain and asked that the township find a solution for all residents. Mr. Piserchia reviewed DEP regulations, stream encroachment and flood plain permits. He confirmed that the rise in the river would be insignificant. Mr. Ferriero briefly reviewed state regulations.

Faron Fox, resident of Mercer Street, reviewed health issues with flooding and voiced his support for the proposed flood wall.

John Lombardo, resident of Poplar Drive, stated that he put a lot of time into this project and commented that he had some design pointers. He reviewed the issues with the Army Corps plan and proposed contract. He reviewed the issue with asbestos. He voiced his opposition to the proposed flood wall project.

Joe Cilino, resident of Millington, provided the following statement for the record:

“A small sampling of Long Hill Township taxpayers were polled door-to door regarding the proposed Flood Wall. Of the four hundred ninety six individuals polled, four hundred and seventy eight (481) were opposed to the Flood Wall. Only fifteen (15) were in favor the Levee and Flood Wall. That is, 97% of the taxpayers polled were opposed to the Flood Wall. I have the petition with me for your records. The responsibility of the Township Committee is to make decisions based on the will and well being of the majority of Long Hill taxpayers. This petition makes it clear that the majority of Long Hill taxpayers are against this project and associated funding. To vote against the Bond and Flood Wall is to vote the taxpayer's choice. To vote for the bond and Flood Wall is not consistent with the Township Committee's responsibility and would be contradictory to the will of the majority of taxpayers in our township. For the record, I am Joe Cilino and I oppose the Bond and Flood Wall.

Marco Santacross, resident of Valley Road reviewed the widening of the river and pointed out that he was in favor of the flood wall if it is going help which it is not and suggested dredging the river.

Mr. Ferriero commented on dredging of the river and pointed out that it is very complex and would not be approved by the Department of Environmental Protection. Mr. Aroneo questioned whether they will be moving the large trees that are in the river and Mayor Harrington stated that the weather has been very wet and the Mosquito Commission is scheduled to clear the debris.

Charles Arentowicz, resident of Millington, provided the statement below for the record:

“I would like to briefly discuss SIX (6) points about the proposed floodwall and levee:

1. Liability;
2. Accountability of the Army Corps of Engineers;
3. Inadequate Pumps;
4. Conflicts of Interests;
5. Bound Brook; and
6. Support Against the Flood Wall

1. **Liability-**

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- A. **Asbestos Liability**-As the Environmental Protection Agency -Emergency and Remedial Response Division pointed out to you at the August 18th Township Meeting, the property owner is responsible for the asbestos on their property-e.g. Long Hill Township are the property owners of South Main Street and Bay Street!
- B. **Liability for the Floodwall**-Residents of Berkley Heights, Chatham, and Warren have indicated to Long Hill Township that any impact on their respective towns from the construction of the flood wall and levee, they will be holding the Township of Long Hill responsible with possible costly and lengthy litigation!
2. **Accountability of the Army Corps of Engineers**-After the August 18, 2011 presentation at the Township Meeting on the asbestos/contamination found on South Main Street by the Environmental Protection Agency -Emergency and Remedial Response Division -we talked about the Army Corps of Engineers being held accountable for their inadequate design and flaws in the \$1.5 Million Design Report. We talked about the Corps' lack of accountability for the poor design and lack of attention in reporting of the presence of asbestos. We talked with Attorney John R. Pidgeon about a potential letter of reprimand expressing our dissatisfaction with the \$1.5 Million Design Report. Now all of a sudden we putting it to a FUNDING VOTE!-The answer is clear: VOTE NO TO THE FUNDING!
 3. **Inadequate Pumps**-In the latest design the Army Corps of Engineers added four (4)-two (2) inch pumps to the proposal. I am not an engineer but I have two (2) -one and a half inch commercial pumps in my basement which could barely keep up with the inbound water in the recent IRENE hurricane/storm. How can JUST 4-2 inch pumps support this entire design? IT CAN NOT! Vote NO on the FUNDING!
 4. **Conflicts of Interest**-Joseph J. Skupien, Storm Water Management, LLC has done design work for the Army Corps of Engineers, and worked alongside the Army Corps of Engineers as well including his current assignment in Bound Brook. Given his entire livelihood is reliant on the Army Corps of Engineers-how objective do you think Mr. Sukpien's evaluation was of the proposed flood wall in Stirling? Do you think he would ever give an opinion against the Corps? As a professional and ethical person, Mr. Skupien should have recused himself from this "independent" evaluation by declining the work.
 5. **Bound Brook**-Bound Brook's original estimate was approximately \$30 million and having now spent over \$300 MILLION, the town STILL flooded during IRENE! Is Long Hill Township headed down the same path?? I hope not-vote funding DOWN!
 6. **Support Against the Floodwall**-You were presented this evening with 481 signatures AGAINST the flood wall-the taxpayers have spoken to you with these signatures! NOW all you need to do is LISTEN to the taxpayers and do not fund the bond for the proposed floodwall.
 7. THANK YOU FOR YOUR TIME AND ATTENTION!!!!"

Pat Pasarelli, resident of Passaic Avenue, reviewed the flooding on her property and pointed out that Hurricane Irene brought 21 inches of water into her home. She commented that she does not know whether the flood wall is the answer but asked the Committee to do something to help the residents. She asked that the river and creeks be cleared out.

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Paul Mascia, resident of Warren Avenue, voiced his support for the proposed flood wall. He reviewed the approved funding.

Karl Schlegel, resident of Mercer Street, voiced his support for the proposed flood wall. He stated that he believes the experts. He reviewed the Bound Brook flood wall project. He added that he has over 150 signatures from people in favor of the proposed flood wall and pointed out that he just started getting signatures for the petition on Saturday.

David Welch, resident of Warren Avenue, reviewed the project details and commented that the possibilities of cost overruns are minimal. He reviewed the history of NJ DEP and stream encroachment and buy-out programs.

Mayor Harrington closed the public portion of this meeting.

Mr. Piserchia pointed out to Al Gallo Stirling Fire Chief that he has heard that a fire doubles in size over a period of time. Chief Gallo reviewed the rapidness of spreading of fires.

Mr. Aroneo asked the Stirling Fire Chief how many residents or business were you unable to get to during the most recent flood event. Mr. Gallo stated that there were roads we could not go through and reviewed the road closures.

Mr. Aroneo made the following statement:

"I just want to say a few words about this before stating my position. Let me start by saying that contrary to what you may have read in recent letters to the editor, I have followed this project for over ten years and studied it for about seven. I have read the entire Army Core of Engineers proposal and every appendix. I authored a list of ten questions which was sent to the ACOE for additional information and clarification on the project. I have read the Hydrologic and Hydraulic report commissioned by the Township Committee earlier this year. I have read reports issued by the Passaic River Coalition, the Township Engineer, an independent engineering report provided by a group of Mercer Street residents. I've read the Geotechnical Comments on the ACOE project as presented by Long Hill Township resident Joseph H. Fisher, Professional Engineer and PhD. I proposed the Flood Mitigation Committee consisting of two professional engineers and other residents to research all flooding issues in the township. For the record, some of the reports I've read favor of the Floodwall while others oppose the structural solution to the flooding problem.

The flood mitigation committee was sometimes used as an outreach vehicle to hear about flood related issues directly from our residents. On several occasions residents from flood affected areas were invited to attend, which they did, and they provided valuable information about their experiences during flood events and their sentiments towards proposed solutions. I have had many conversations with our emergency service responders including the Police Chief our OEM Director and the Fire Chiefs. On multiple occasions the Township Committee had the ACOE present the project proposal and followed up with public discussion. We heard testimony from experts and our residents. I've had individual conversations with over a hundred individuals about this project. Last year as Mayor, I called for a motion to introduce the very same ordinance that is on the agenda tonight. No motion was made to introduce the ordinance last year.

I've had several conversations with our Congressman who worked hard over the years to secure the Federal portion of the money. Again, contrary to what you might read in recent letters to the editor our decision on the wall will not impact future Congressional spending decisions. Congressman Frelinghuysen has stated that he supports the project because a

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previous Township Committee asked him for the money. To say he would not support Long Hill in the future because Federal money was returned to Washington is both factually incorrect and insulting to one of the greatest representatives of the people ever. Conversely, if we decide we do want the money, he said to me about a year ago that he will continue to fight for the money. As you may know, due to the current state of affairs at the Federal level and the lack of a signed agreement has caused the ACOE to, at least temporarily, pull back the Federal portion. When I asked the Congressmen if we would lose the money due to this type of maneuver he said, "Over my dead body."

Here are some of my concerns about the floodwall:

- 1) I have concerns for people who might be negatively affected by the construction of a wall. This includes residents upstream and downstream as well as residents on the wrong side of the wall.
- 2) All the engineers seem to agree the risk of flooding will never go away. As a mitigation plan the stated effectiveness is to reduce flooding not eliminate it. Therefore, I believe \$ 10,000,000 is a lot of money for it to still flood.
- 3) Multiple Storm Events: A big concern of mine is that at some point multiple major storm events will occur before the watershed has had the opportunity to drain and it will result in catastrophic flooding possibly causing danger to human life. I don't want my name on that!
- 4) Property acquisition: This is a MAJOR ISSUE! We haven't even begun to deal with this part yet and many of the properties we need to acquire are in the hands of people who oppose the wall. What will be done in an instance where a property owner doesn't want to sell? Are we going to use eminent domain to condemn the properties? The ACOE plan assumes condemnation may be necessary.
- 5) The Funding: Would you really want your elected official to embark on a construction project where the financial outcome is an unknown? I wouldn't and if I apply my own prudent principles I cannot accept the terms of the offer.
- 6) Will of the People: Above all else, I have listened to the people. I consider myself "a will of the people" elected official. After all of the living room and kitchen table conversations with affected residents, emails, testimony, interviews, phone calls, letters and group meetings, I can emphatically state that the will of the people is to not build the floodwall.

To be sure there are those politically motivated individuals that will say, "He doesn't want to do anything, but ignore the problem and hope it goes away". Well we all know that is a desperate political attack. My position on what to do has been clearly stated all along each time we discussed the wall and in every Township Committee Liaison report to the TC. Here are a few recommendations that I will continue to work on.

- 1) Immediately pass a resolution adopting the Recommendations of the Passaic River Basin Flood Advisory Commission.
- 2) Introduce an Ordinance that will exclude environmentally sensitive areas from the lot coverage calculation.
- 3) Use any and all available grant resources to purchase the properties. It is the only way to be sure they will have no risk of future flooding. They should never have been built in the first place. Sure you will hear a small few with the arguments against taking out ratables, but the arguments are from the same few people who in the context of major

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development tell us that the 2-3 bedroom homes are a net loss to the bottom line. More importantly, I refuse to make potentially life and death decisions based on the amount of tax dollars an existing structure contributes to the tax roll.

- 4) Investigate raising the road in a few key places to allow for better circulation during flood events. It is quite possible that a few feet in a few key places is all we need.

Last, since a non-binding referendum process for voters does not exist, no matter what the outcome here tonight, in an effort to be fair to all of our residents. I will state that if the same criteria required for a voter driven bond referendum are reached, I will support a resolution to have the matter put to non-binding referendum. That would be a petition signed by 15 % of the registered voters in the 2009 General election or 909 signatures of registered voters.”

Mr. Mazzucco made the following statement:

“My primary concern relates to the contribution by the Federal Government. The Federal Government will contribute \$7,000,000 towards the \$10,000,000 project. The State of New Jersey and Long Hill Township will share the \$3,000,000 remaining balance with NJ. If there are any cost overruns on this project that is managed by the Army Core of Engineers (“Army Core”), the Federal Government will contribute nothing and Long Hill will share this obligation with NJ. This is the point in the agreement that disturbs me.

The Proposed Wall Project runs along an area that has a history of Asbestos dumps sites. One of which occurred just this summer, another that is ongoing, another that was discovered by the DEP recently but deemed to pose no immediate danger to the community as it was not a public area, and the several areas at our DPW facility. When we questioned the Army Core on how asbestos will be handled if found, they stated as follows;

“There is no Federal funding in this Civil Works (proposed flood wall) project allocated for asbestos cleanup (i.e. removal or mitigation). In the unlikely event that during construction a significant amount of asbestos was discovered and required mitigation, the costs associated with its removal would be independent of the total project cost and would be borne by the non-Federal sponsor”

Unlikely Event – Based upon our most recent and past experiences, it appears that the only most unlikely event is that there is no asbestos dumped along the area of the proposed wall that does not have to be mitigated with this project.

Non-Federal Sponsor – Long Hill and NJ, 1/3 and 2/3 respectively.

While our contribution of approximately \$1,000,000 to the Wall Project seems reasonable, it’s the strong potential for cost overruns that concerns me. The bond rating agencies downgraded our credit rating this year, stating that we had too much debt. Our only option to pay for this project and any cost overruns is to issue more debt. This will compound our financial issues.

My second concern is how this wall is going to affect other taxpayers who may have never flooded in the past. Are we going to build another wall to protect them? Will the Federal Government Contribute money to the second wall, or will we have to issue more debt to pay for this ourselves?”

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Mr. Piserchia echoed what Mr. Aroneo said and stated that Mr. Frelinghuysen is a great Congressman and reviewed his discussions with him in regards to the concerns of cost overruns. Mr. Piserchia stated that Congressman Frelinghuysen said in his experience with the Army Corp they come in at or under budget and he supports the Army Corp. of Engineers (ACE). He added that the idea of raising Valley Road was dismissed for several reasons by the ACE; he reviewed the reasons. He commented that the option of desnagging and sol dredging is not going to help the flooding issue; he reviewed the reasons. He reviewed the option of buying out properties and reviewed the negatives of buy outs because we will be losing our neighbors. He examined flood insurance and repetitive loss. He commented that everyone agrees that something must be done; he added that the Governor's 15 Point Plan references the ACE several times and uses them as experts. Mr. Vitureira added that the state engineers also worked on the 15 Point Plan as experts. He indicated that the main issue is the concern about the unknown of overruns and he agreed with Mr. Mazzucco. He indicated that cost overruns are shared 75% with the state and 25% with the township; he reviewed the funding details which he pointed out is worth it because if something is not done immediately we all know what that part of town will look like. He added that even if costs overruns are 50% it still makes sense financially. He commented that If the township does not do this now then it might be on our dime. Mr. Vitureira added that it will be on our dime because it is the only option and we have to do something.

Mr. Vitureira stated that this is a no brainer. He added that the township has studied this project for a long time and he is listening to the federal, state, local and private engineer's recommendations and not listening to people's conspiracy theories. He indicated that even the engineers that spoke tonight were in favor of the wall and he agrees with the experts because they are there to help us. He indicated that the flooding situation is a major issue for our residents, emergency responders and businesses and it needs to be solved now. He commented that he is concerned with cost overruns as well but that no matter how you slice it we are way ahead of the game and it is a major gift from the federal and state government and added that they are vested. The township keeps bringing up asbestos which is in every town and the federal and state officials have reviewed the tests and have testified that it will not be a major issue. He added that he chooses to believe the facts.

Mayor Harrington commented that we did not introduce the ordinance last year because we needed additional information which we have received. Mayor Harrington stated that each and every one of us has worked very hard to ensure that we all have the proper information regarding the flood wall. She added that we have done our homework and wrestled with ourselves over this decision because a decision is needed. She stated that she personally spent six month of this year trying to find reasoning not to support the proposed flood wall. She commented that she agrees with Mr. Piserchia and she has looked at the cost overruns. She added that the township has some negotiations to do with the state regarding the contract language. She pointed out that she would never sign that contract. She indicated that when she went back to the state they said that they would be willing to negotiate.

Mr. Aroneo commented that we should have the information available to us now; Mr. Mazzucco agreed. Mayor Harrington pointed out that she has mentioned this in the past. Mr. Mazzucco stated that when Mayor Harrington and Mr. Piserchia spoke with the DEP in regards to taking care of asbestos issues if and when they arise they wouldn't put it in writing. Mr. Aroneo agreed and added that we have to go off of what the contract says now. Mr. Vitureira stated that tonight we are authorizing the funding and the contract still needs to be negotiated and it does not have to be approved with the current language. Mayor Harrington pointed out that she did not pursue additional language because we were not ready to vote, but the state did say that they were

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willing to negotiate. Mr. Piserchia stated that he would prefer the township have language in the contract that we are all comfortable with; Mayor Harrington agreed. Mr. Mazzucco indicated that it seems we are spinning our wheels because we never get anything in writing. Mayor Harrington stated that she did not reach an agreement with the state and only told them that she was not happy with the language in the contract. She added that the state said they were willing to negotiate on the overrun cost language in the contract. Mr. Aroneo stated that the township never got that in writing. Mayor Harrington pointed out that the state actually asked the township for proposed language which we did not provide. Mr. Vitureira suggested that the Committee authorize Mayor Harrington and Mr. Pidgeon to put together language. Mr. Mazzucco commented that this seems like a gimmick. Mayor Harrington pointed out that she mentioned this months ago. Mr. Aroneo stated that he can only rely on the documents that are before him. Mr. Vitureira suggested to Mr. Mazzucco to consider the financial aspects because there is no major problem financially and the down side of not doing it is much worse. Mr. Mazzucco reviewed the costly expense of cleaning up asbestos and possible overruns. Mr. Vitureira reviewed the states testimony in regards to how they would build the wall and their thoughts on asbestos.

Mayor Harrington pointed out that she is concerned more about the risk to the township if the flood wall is not put up because this town will die. She stated that twenty years from now when properties are abandoned people will look back and wonder what happened to Long Hill Township. She reiterated that the risk is more if we do not put in the flood wall. She added that there is no project that is 100% certain and there is always a risk and stated that she is willing to live with the risk at this point. She stated that we need to call the question for a vote.

Mr. Piserchia indicated that the state is comfortable with the 75% portion that they are paying and they have the biggest risk. Mr. Aroneo pointed out that the state is a lot further away from the people then we are. Mr. Piserchia questioned if the township passed the bond ordinance and did not like the language in the contract would it die. Mr. Pidgeon pointed out that contracts only require three votes to pass and bond ordinances require four votes for adoption. The Committee along with the Mr. Pidgeon briefly reviewed bond law. Mr. Vitureira commented that the state and Army Corps looked at all the available options and the flood wall was the only option.

Mayor Harrington called for the introduction of Bond Ordinance 290-11.

Roll Call Vote for Introduction:

Ayes: Mr. Piserchia, Mr. Vitureira and Mayor Harrington

Nays: Mr. Aroneo, Mr. Mazzucco

Motion passed and the bond ordinance was introduced.

Mayor Harrington stated that the public hearing of this ordinance is scheduled for November 9, 2011.

ORDINANCE #290-11 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF RIGHTS IN LANDS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$522,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION

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BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Township of Long Hill, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$550,000, said sum being inclusive of all appropriations heretofore made therefore and including the sum of \$27,500 as the down payment for said improvement or purpose required by law and now available therefore by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$550,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$522,500 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$522,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition by purchase of easements in lands, including lands located to the south of Valley Road and running roughly parallel thereto from the Lounsberry Meadow Senior Complex (west of Passaic Avenue) to Poplar Drive, for purposes of construction of a floodwall and flood levee with the United States Army Corps of Engineers as part of the Upper Passaic River Flood Damage Reduction and Ecosystem Restoration Project, all as shown on and in accordance with the plans therefor on file or to be filed in the office of the Township Clerk and hereby approved.

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(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$522,500.

(c) The estimated cost of said purpose is \$550,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of the said \$27,500 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$522,500, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$80,000 for interest on said obligations,

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costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as

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approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Mayor Harrington called for a short recess; the meeting reconvened.

Discussion/Action Items

Draft Comcast Cable Agreement Proposal

Mr. Aroneo recused himself from this discussion and exited the meeting during this portion.

Mr. Pidgeon reviewed the draft ordinance submitted to the township by Comcast and pointed out that it has been reviewed and approved by the Communications Advisory Committee. He reviewed the terms and language in the ordinance. He stated that he would clean up the ordinance and if it is alright with the Committee he will have it on for introduction at the next meeting; the Committee had no issues with the language.

Ordinance Public Hearing / Consideration of Adoption:

ORDINANCE #289-11 - AN ORDINANCE AUTHORIZING VARIOUS PURCHASES EQUIPMENT FOR THE LONG HILL FIRE DEPARTMENT AND APPROPRIATING \$35,000 FROM CAPITAL SURPLUS

Mr. Sheola briefly reviewed the ordinance.

Mayor Harrington opened the public hearing. No one wished to be heard therefore Mayor Harrington closed the public hearing

A motion was made by Mr. Vitureira and seconded by Mr. Piserchia to adopt Ordinance 289-11.
Roll Call Vote: All Ayes

**ORDINANCE #289-11
AN ORDINANCE AUTHORIZING VARIOUS PURCHASES EQUIPMENT FOR THE LONG HILL FIRE DEPARTMENT AND APPROPRIATING \$35,000 FROM CAPITAL SURPLUS**

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

Section 1. Millington Fire Company & Stirling Fire Company – Fire Ground Portable Radios - \$35,000.

Section 2. The capital budget is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as

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approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 3. The sum of \$35,000 is hereby appropriated from the Capital Surplus to cover the cost of the items described in paragraph 1 and 2 of this ordinance.

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

Resolutions:

Consent Agenda Resolutions:

Mr. Vitureira asked for additional information of Resolution 11-322 which authorizes the filing of the Green Communities Grant. Mr. Sheola stated that this is a grant to assist the Shade Tree Commission with their Forestry Plan.

Mr. Pidgeon reviewed the revision to Resolution 11-323 – Appointment of Temporary Building Sub-Code Official and Building Inspector and requested that Acting be inserted which is only changing the terminology in the resolution.

On motion of Mr. Vitureira, seconded by Mr. Mazzucco, that the following Consent Agenda Resolutions were introduced and approved as revised:

Roll Call Vote: All Ayes

**RESOLUTION 11-315
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 11-316
APPROVAL OF 2011 SEWER REFUND [BERLINER]**

BE IT RESOLVED by the Township Committee of the Township of Long Hill upon the advice of the Tax Collector does hereby authorize a refund on the 2011 Sewer Use Charge in the amount of \$279.72 due to overpayment on Block: 11801, Lot: 11 to Edward & Karen Berliner, 73 Greenwood Drive, Millington, NJ 07946.

**RESOLUTION 11-317
APPROVAL OF 2011 3rd QUARTER TAX REFUND**

BE IT RESOLVED by the Township Committee of the Township of Long Hill upon the advice of the Tax Collector does hereby authorizes a refund of 2011 3rd quarter taxes in the amount of \$398.23 due to the sale of the home to Sondra H. Cohen, 25 River Plan Dr. #2516, South Portland, ME 04106 [Block: 10201, Lot: 6.01].

**RESOLUTION 11-318
APPROVAL OF SEWER REFUND AMENDMENT**

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BE IT RESOLVED by the Township Committee of the Township of Long Hill upon the advice of the Tax Collector does hereby amend Resolution 11-302 for Block: 10513, Lot: 3 and voiding check #34135 dated 09/21/2011 in the amount of \$575.00 and re-issue a check in the amount of \$525.00 to Small Society, 20 Bay Street, Stirling, NJ 07980.

**RESOLUTION 11-319
APPROVAL OF 2011 SEWER ADJUSTMENTS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill on the advice of the Tax Collector does hereby authorize the following adjustments to the 2011 Sewer Billing due to water usage, sprinkler systems, senior deduction or billing error by NJAW:

BLOCK	LOT	ADJUSTMENT	CREDIT	DEBIT	NAME
12901	51	senior deduction	-15.00		Selig, Barbara
13903	1.01	senior deduction	-15.00		Kickenwitz
10103	9	senior deduction	-15.00		Bochicchio
11107	7	senior deduction	-15.00		Scholl
12901	56	senior deduction	-15.00		Yilmaz
14206	2	sprinkler		-529.61	Definis
12702	47.07	sprinkler		-200.42	Atkins

**RESOLUTION 11-320
AUTHORIZING RECREATION REFUND [LESSER]**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill upon the advice and recommendation of the Recreation Director, does hereby authorize a Basketball Clinic refund of \$70.00 to the following due to a conflict with a school program:

Vikki Lesser
26 Youngsters Lane
Gillette, NJ 07933

**RESOLUTION 11-321
CERTIFYING JUNIOR MEMBERSHIP WITH MILLINGTON
VOLUNTEER FIRE COMPANY [HAGEL]**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that mark Hagel is a Junior Member of the Millington Volunteer Fire Company.

**RESOLUTION 11-322
AUTHORIZE FILING OF GREEN COMMUNITIES GRANT**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby desire to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000 to fund the development of the Community Forestry Management Plan and authorizes the Mayor to execute a grant with the State in the amount of \$3,000 and to execute any amendments thereto which do not increase the Township's obligation;

BE IT FURTHER RESOLVED that the Township of Long Hill authorizes and hereby agrees to match 33.3% of the Total Project Amount, in compliance with the match requirements of the

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contract; the availability of the match for such purposes, whether cash, services, or property, is hereby certified and 100% of the match will be made up of in-kind services;

BE IT FURTHER RESOLVED that Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the contract.

RESOLUTION 11-323

APPOINTMENT OF ACTING BUILDING SUB-CODE OFFICIAL & BUILDING INSPECTOR

BE IT RESOLVED by the Township Committee of the Township of Long Hill upon the advice of the Construction Code Official does hereby appoint Leonard Perre as the Acting Building Sub-Code Official & Building Inspector for the Township of Long Hill at a rate of \$110.00 per diem.

Old Business

Emergency Dispatch

Mr. Mazzucco commented that the change over to the county looks more like it will take place in April 2012 rather than January. Mr. Sheola reviewed the matter of ordering equipment.

Valley Mall Update

Mayor Harrington indicated that there is nothing new to report.

New Business

Mr. Aroneo asked that Mr. Sheola look into the matter of removing some of the double yellow lines in certain areas on Carlton Road and added that he would provide him with the information. Mr. Sheola commented that he would forward the matter to the Township Engineer who will work with the Department of Transportation. Mr. Vitureira questioned how much it would cost to investigate the issue and questioned why it needs investigation. Mr. Aroneo indicated that the double yellow line decreases the width of a road that is already narrow and he was asked by a resident to have the matter investigated. The Committee asked that the Township Engineer not spend too much time on the matter in order to keep the cost down.

Public Comment

Louise Winget, resident of Cottage Place, commented that the flood wall will not solve all the problems in Long Hill Township but it will solve some of the problems and we can work on the rest. She reviewed the flooding in her neighborhood. She asked the Committee to support the proposed flood wall.

Mr. Aroneo commented that the flooding will still occur with the flood wall and we will just have less water. He added that this proposed flood wall is for the 100 year flood. Mr. Piserchia indicated that this is flood reduction. Mr. Aroneo commented that a resident should get out of the flooded areas because they are in the river. Mr. Piserchia commented that the expert engineers indicated that the wall is built for the 100 year flood and if the March 2010 happened with the flood wall they said we would not have flooded. Mayor Harrington added to "Old Business" for future meetings an update from the Flood Mitigation Advisory Committee. Mr. Aroneo agreed and requested that the Committee also receive an update on the Morris County Mosquito Commissions clean up of the river. Mayor Harrington stated that she will reach out to them and provide the contacts to Mr. Aroneo so he may contact them directly as well.

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Dan Murphy, resident of Magnolia Drive and local Business Owner, commented on business signs and street signs and asked that he be assisted. He indicated the proposed flood wall is a no brainer and the Committee should support it. He added that he would be very disappointed if the flood wall did not go through. He reiterated that he is asking for allowance of signage for businesses in other areas besides his property. Mr. Aroneo commented that he has been in front of the Planning Board to allow the signage. Mr. Vitureira indicated that Mr. Murphy is looking for the appropriate zoning on Valley Road. Mr. Piserchia stated that a draft sign ordinance has not yet been reviewed by the Planning Board and has been before them for some time and added that he will personally look into the matter. Mr. Aroneo suggested that Mr. Murphy send in a formal letter to the Administrator with his request so he may be assisted. Mr. Murphy indicated that he would send a letter.

Dennis Sandow, resident of Millington and Chamber of Commerce Representative, clarified Mr. Murphy's issue and stated that it can not be solved with a letter and our current sign ordinance clearly states that business signs are only allowed on their own premises. He commented that In order for Mr. Murphy to put a sign on Valley Road the owner of that property would have to submit a variance application to the Planning Board. He added that he prepared a draft off-premises sign ordinance and presented it to the Planning Board. He pointed out that the Planning Board would have to make the decision on this matter. He thanked the Township Committee for their support for the Street Fair and invited the members and public to education events. He also invited the public to an open house at the Senior Center.

Mr. Aroneo commented that in light of the additional information provided by Mr. Sandow he does not recommend a formal letter be written and suggested that Mr. Murphy keep in touch with the Planning Board Liaisons and attend the Planning Board meetings. He commented that the Township Committee will wait for a recommendation from the Planning Board.

Adjournment

There being no further business, a motion was made by Mr. Vitureira and seconded by Mr. Aroneo to adjourn the meeting at 10:29 p.m. Vote: All Ayes

Respectfully submitted,

Christine A. Gatti
Township Clerk

Approved: November 9, 2011 - as amended December 14, 2011