

Long Hill Township Committee Minutes

September 12, 2012 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, **September 12, 2012** at 7:00 p.m.

Statement of Adequate Notice:

Mayor Mazzucco 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, 2012; posted on the bulletin board in the Municipal Building on January 4, 2012 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.”

Pledge of Allegiance:

All present recited the Pledge of Allegiance.

Roll Call:

On roll call the following Committee members were present:

Mr. Aroneo, Mr. Piserchia, Mr. Roshto, Mr. Schuler, and Mayor Mazzucco

Absent: None

Also present: Mr. Pidgeon, Township Attorney; Ms. Gatti, Township Clerk

Recess for Board of Health Meeting:

Board of Health Meeting

Mr. Aroneo called the September 12, 2012 Board of Health Meeting to order stating that they were in compliance with the Open Public Meeting Act and adequate notice of this meeting was sent to the Echo Sentinel, Courier News and Daily Record and was posted on the bulletin board in the Municipal Building on September 4, 2012 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.”

Roll Call: Mr. Piserchia, Mr. Roshto, Mr. Schuler, Mayor Mazzucco, Mr. Aroneo and Dr. Redman were present. Absent: Mr. Trout

Mr. Aroneo said there was one topic on the Agenda this evening, communication with our residents or the public regarding West Nile Virus. The last week of August the Morris County Mosquito Commission finding West Nile Virus in about five mosquito samples they took in Long Hill Township. There were 39 samples with five testing positive. That was also true in several other Morris County towns. There was some discussion or suggestions by some Township Committee members whether or not we should have a communication with the public. If we do, how would we do that? The communication would be an alert advisory, not an alarm notice. We have two questions before us,

- 1) Does this Board feel it is necessary to have any type of communication with the public regarding the discovery and
- 2) If we do want to communicate with the public, how should that be done?

There are several ways we can do that. We can do it with a simple email notification (Emergency Management maintains an Email list of residents) which might read “if you are concerned about

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West Nile Virus or are interested in finding out more about West Nile Virus click on the provided links". There is a lot of factual information out there from various agencies. I am asking the Board to give their opinion regarding sending notices to the public and how to do that. The other suggestion I could offer is that the Board of Health draft a detailed factual letter talking about what was exactly was found in Long Hill Township. We could talk about symptoms and prevention. This could be sent on Emergency Management Communication Email list and posted on our website and referred to in a distribution Email.

Mr. Aroneo asked for questions.

Mr. Roshto said this has been a discussion item for a few weeks and was very well publicized in the media. The Echo Sentinel has an article on West Nile Virus so it is appropriate that we are discussing it tonight. The Township did take some action and put some information up on the website which is available to all residents. In my opinion, what we are really discussing is placing something with a little more information to raise awareness. That material already exists on our website and elsewhere. I would be in favor of your first suggestion which is putting something in our Email list (USA on watch list) which simply says West Nile Virus season now. Be cautious or whatever you feel is the correct wording and advise where further information can be found.

Mr. Schuler thought that we should be careful and very clear that the West Nile was found in samples of mosquitos but there were no reported cases. Mayor Mazzucco and Mr. Piserchia agreed.

Mr. Aroneo suggested Email or the Website. Get the point out and what the facts are. 1) These were the number samples taken and 2) This is what was found. 3) These are the symptoms.

Dr. Redman thought communication is important. The concern would be that if you draft a formal letter that people may not really read it. Less is better in communication. Mr. Aroneo asked if more detail of a letter from the Board of Health on the website would be helpful. Dr. Redman said if they wanted to know more they could go to the site. Mr. Schuler thought simply was better.

Mr. Aroneo thought the consensus was a small message should go out sending people to the website for further information. He asked if a message from the Board of Health should also be sent with a few facts. Board reviewed and agreed to Mr. Aroneo's suggestion.

Dr. Redman said that in your correspondence you could say that there have been no cases documented in Long Hill but if you want further information go to the following website(s). She suggested keeping it very simple.

Mr. Piserchia asked if it was not uncommon to find infected mosquitos. This time of year, as always, you will run into to this. People get used to the idea that we visit this each year. If you have standing water outside, get rid of it. Mr. Aroneo said that was precisely why we don't want a message going out that says West Niles has been found in Long Hill which lists some symptoms which pertain to rare cases. Dr. Redman said she had never seen any extreme cases caused by mosquito bites. Mr. Roshto said he agreed. The body of the email should be just a couple of sentences and if more information is needed it would be available on the website.

Mr. Aroneo asked if everyone was in agreement with that. All members agreed.

Mr. Aroneo asked if there were any other matters the Board would like to discuss.

Dr. Redman suggested that possibly some literature could be posted on the Bulletin Boards as well as sent to the Senior Citizen Center.

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Mr. Aroneo asked if there were any comments from the Public.
No further comments or questions. Public Portion Closed.

Mr. Aroneo asked for a motion to adjourn the Board of Health Meeting. Mr. Schuler made a motion, seconded by Mr. Piserchia. Vote: All in Favor

Returned to Township Committee Meeting Open Session

Appointments To Boards And Commissions

Mayor Mazzucco announced the following appointments.

Historic Preservation: Mr. Harry **Beace** as alternate number 1 with his term expiring in
December of 2013
Ms. Denise Murphy, regular member with term expiring in
December of 2014

Mayor Mazzucco asked for comments from the Committee. Since there were no comments, Mayor Mazzucco made a motion seconded by Mr. Piserchia, to approve the appointment of Kerry Brennan to the Library Board, term would expire December 31, 2015. Vote: All in favor

Township Committee Liaison Reports:

Mr. Aroneo said that last night the Planning Board approved the plan for the Valley Mall for two signs on their property. Presently there is one which names the businesses in the mall. There is not enough space on the front of the signs to accommodate all of the business. The Board approved LED sign. Presently there is major opposition to Neon Signs or any type of moving illuminated signs or signs with messages that travel. This is something new. It will be a static sign with a light background and will have the names of the businesses that will change periodically based on the program the user selects. There is a benefit to the town also as we will be granted access to that with our own password for use in emergencies or public announcements if we choose. Our OEM, Police or whomever we delegate will have a web access to that sign. The reason for the discussion is that our ordinance is written in such a way that it doesn't encompass a sign like that. Some people, myself included, believe that that was the intent but, when it was written in 1993 this type of sign was not conceivable. We talked about it briefly. I made a recommendation to the Chairman to put that on his ordinance sub-committee to look at in context of what does that ordinance intended to do and what does it actually do. We all know that the Planning Board is not a precedent setting board but we also know that if another business owner wants to have a sign like this they will be in here pointing at Valley Mall. Do we want the entire business district to have those types of signs? I am not in favor of that but it is a large shopping center and if there is a place for that type of thing it would be in that area. There is also another shopping center so one idea is to make that a permitted use for shopping centers over a certain square footage. I just want to see what this board thinks about asking the Planning Board to look into this. I know they have a major to-do list. We could do it ourselves by starting here and then sending it to them.

Mayor Mazzucco said he would like to limit this type of signage to shopping centers of a certain square footage. He felt it was a powerful tool one, that If there is an emergency, we want there.

Mr. Schuler said he was not a fan of animated signs targeting people like some of the signs you see on the side of the road with bright light backgrounds. Mr. Aroneo said it was limited to a white unmoving background with block letters and no movement. It is tastefully done.

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Mr. Roshto said the only thing they are allowed to do is put the names of the businesses in the mall. Mr. Pidgeon said the Resolution of the approval could be the guide. Mr. Aroneo asked for circulate the Resolution of Approval to the members of this board for their review. Mr. Roshto to clarify, what we are talking about doing is actually limiting more signs from popping up along Valley Road.

Mr. Aroneo thought that it would but in doing that we would allow one more sign at the Shop-Rite. There is no other way around it. It is possible that no one will ask for a sign. I think it would limit signs from popping up all over town. Mr. Roshto thought it made sense; His concern was opening a door. I think this is a very good way to approach it.

Mr. Schuler so with the way the ordinance is written today could they put this sign up? Mr. Aroneo said that according to their attorney, yes. According to our Board, it was kind of ambiguous. We should decide what we want and tighten it up. Mr. Pischerchia said he was a little like Mr. Schuler in this. I know the Planning Board is very studious when it comes to these types of things. There are two people there who would be at least as restrictive as he would be.

Mr. Aroneo thought that those who had voted for it didn't really feel it was a detriment to the town or the aesthetics as it will be used in the one large shopping center area. The other shopping center is a bit smaller. I think they probably thought it would not be damaging.

Mr. Roshto agreed and felt the other thing they were looking at was the option of a sign twice as large that would be blocking visually. Some business owners were objecting to the larger sign. I think they were the two driving forces.

A discussion regarding this type of signage in and around this area, including size, light, and coloring ensued. A question was asked regarding turn off time and Mr. Aroneo advised that technically all the signs had to be turned off when the mall is closed. Mr. Pidgeon advised that we could limit hours.

Millington Train Station Roof

Mr. Roshto explained that a year and one half ago the roof was in need of replacement. At that time, the Township Committee agreed rather than replacing it they would patch it. Through some miscommunication we didn't finalize that and it was not carried to the next step which is actually the need for it to be replaced. I met with Mr. Sweeney and we looked at the issues. I am convinced that we need to take some action on it. I have talked to the Historical Preservation Advisory Committee and got their recommendation. They would like to see either a synthetic slate look or grain asphalt, if we want to be cost conscious. I will continue to work on this over the next month but I wanted to bring it to this Committee so that you are aware of the problem. Mr. Sweeney will probably be going out to get bids for our consideration. Another discussion was whether or not we could get grants. It doesn't look like we are finding any grants but however I did receive today some additional information and I will continue to look into it. It is something we will have to discuss. Mr. Aroneo asked if the building was actually owned by NJ Transit and was advised that it was. We collect rents from it part of which goes to the Park and Trust Funds. Mr. Pidgeon said we call also use Open Space or Parking Enterprise.

Mr. Aroneo asked how many times the annual rent do you think this repair would be. He needed to know what we are getting vs. what we would be paying. We don't own the building so if we are spending \$100,000 on the roof and we are only collection \$1,000 a month in rent I don't think I want to wait four years to get the money back. I know we only spend minimal amounts on landscaping but what else do we spend on that building? Mayor Mazzucco said he would like to see a profit and loss statement. Mr. Roshto said he did not know what the rent was or the cost of the repair but will put that information in our report. Mr. Schuler asked if we had any idea of what it might cost.

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Mr. Roshto said a year and a half ago when we did this the asphalt roof was approximately \$14,000 -15,000.00 and the synthetic roof, which is more in keeping with historic character of the building, was \$40,000. I don't what the numbers will be at this time. I did talk to our CFO and he had said that we have enough money in the Transit Parking Fund to cover it. Mr. Pidgeon said Bernardsville actually did a new roof with grant money. He would try to get the details.

Mr. Piserchia said he was friendly with a councilman in Madison and they have built an athletic complex there. I have been speaking with him trying to get an idea of what they did. He was kind enough to offer to give us a tour of the facility and would bring their Administrator, Engineer, Recreation Director, their head of DPW. He invited the Mayor and I to go later this month. I didn't want to do this without discussing with everyone. As we are considering something similar in Long Hill Township it would be helpful, I think, to visit another town who has done just that. I would suggest that we also bring our Recreation Director, Head of DPW, our Administrator and our Engineer. Committee Members felt this was a good thing to do.

Discussion / Action Items:

Wastewater Upgrade Update

Mr. Schuler advised that Tim Bradley from OMNI was present tonight. We had received a quote for OMNI's work to provide what is necessary to begin the application process for the NJ Environmental Infrastructure funds. Originally we thought this going to provide us with a low interest loan (principal forgiveness) where a certain percentage of what we borrowed we would not have to pay back. Recently there has been an update which Tim can clarify. That portion of that principal forgiveness has been reserved for a special set of projects or locations which we don't qualify for. We need to understand that we should not anticipate Principal Forgiveness as a matter of any loan we take from the NJ Fund. However, I believe seventy five percent of what we borrow would be a zero percent interest. I would like to bring Mr. Bradley up now to discuss the proposal. The Consent Agenda includes a resolution for us to approve for the funds we are talking about.

Mayor Mazzucco said he had spoken with our CFO and he will review the funding, loans and amounts.

Mr. Schuler said the principal forgiveness on 75% of \$2,000,000, using 2% as a bench mark for the cost of our debt, is a \$30,000 savings this year. What he is for asking us tonight is \$90,000 to do the background work.

Mayor Mazzucco said the work that we are looking to authorize tonight is work that needs to be done in order for us to do the repairs and upgrades that we have agreed here to do. I think even the other 25% is the market rate.

Mr. Bradley said there were two components to the loan when it goes to NJ Environmental Infrastructure financing program. Historically 50% of the loan came from DEP at 0% and 50% came from NJ Environmental Infrastructure Trust at market rate. That is a triple A Agency who funds a lot of projects with low interest rates. This year, because they are taking the principal forgiveness and assigning it to special category projects, such as Barnegat Bay project which has been deemed a high priority, they are making it 75% percent DEP loan at 0% interest and 25% of the loan through the trust at their very low market rate. They are projecting a blended effect of interest rate less than 1%. I indicated in my email a conservative 1%. It will likely be less than that.

Mr. Bradley said the rate has been over 2% because the market rate is typically been 4 to 5%. The market rate is now down to less than 4%. I don't want to get your hopes up too much but there is some chance there will be some principal forgiveness dollars. They have a pot of money and, if there are not enough Barnegat Bay problems that come to the table, they will make those principal

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forgiveness dollars available to other projects on a priority ranking basis. To get in the game you have to do so by October 1, 2012. That is the key. We have to submit the Planning Documents which contain a few reports that part of what I am proposing to do as part of the scope of services. There is also something called a Letter of Intent. It is to get your hat in the ring. You do put in a cost. The real time that you have to commit to a dollar value that you want to borrow will not be until March of 2013. If you miss the October 1st deadline you are out of it for next year. If you are interested in doing this we only have a couple of weeks left which is cutting it close. We have to get underway with it. We can get something in although it may not be as pretty as it would normally be but it will be in so we can get in the program. If it generates more comments than it would otherwise that is fine because it will not get you out of the program.

Mr. Roshto asked if all that was needed from this Committee is what is going to be approved tonight? Mr. Bradley said that was correct. He would have to interface with Mr. Sweeney and Mario to get more information needed for the report.

Mr. Schuler said he knew the direction that this Committee was leaning toward. At our last conversation regarding the project, if I understood what Mr. Bradley just said, no money has to be committed. This is a downside to making the number larger. So we should make the number the largest we think the project might cost. If we say One (1) Million dollars, why wouldn't we say Five (5) Million dollars when in fact we are really are not committing.

Mr. Bradley asked if Mr. Schuler was referring to the letter of intent. Mr. Schuler said yes. It was not until March that a real number was needed. Mr. Bradley said most of the rank was based on environmental quality improvement type of things. I would certainly think that the magnitude of the project may come into the ranking as well. I think it could be the higher the value you might get more ranking points. I think that may not be a bad idea if it is a reasonable high value.

Mr. Aroneo thought that we did not pay until we draw down, accept the funding and then draw down on the loan when we start to pay the interest rate. Mr. Bradley said you pay until after construction is 100% complete. You can even capitalize the interest and defer your initial payment until about 6 months after construction is complete.

Mr. Aroneo said that we would then only pay down the amount that the project actually cost us. Mayor Mazzucco said we would have to be careful. We cannot go in claiming the project was bigger and then decide that we are not going to do a portion.

Mr. Bradley said that was correct. In fact, I was down there for a preplanning meeting with another agency and I learned then that they have shifted the time frames for this coming years' program in a beneficial way to the trust and DEP, as well as the borrower. Historically, how this worked is if you were on the traditional schedule for a project (assuming you submitted your documents on time and your design documents application in March) the trust closed on their bonds in November, typically the schedule was you as the borrower went out to bid after the loan closing and what was factored into the amount the trust borrowed was an estimated construction cost not a real as bid construction cost. The construction cost never hit all the marks so the cost would either come in less or over. If it comes in less you are stuck with that loan amount. Your debt service is the same. You don't pay it off to the back end. They don't re-amortize the loan so you are stuck with a higher debt service payment for 19 years. If the bids come in high there may not be enough borrowed for the project and you would have to go for supplemental loans. They are deferring their unclosing until March of 2014 but they want the entire project to have been approved, advertised for bids and bids awarded a month prior to the loan closing (escrow closing) in February. What they are saying is that they need all projects to go out to bid by October at the latest and for that all these other documents have to be approved, along with permits in place. The benefit for that is that all the loans, monies

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being borrowed by the trust and the DEP, are all based on hard costs. That works well for you or them.

Mayor Mazzucco asked with the time line what would be and the earliest we would actually start doing work. Mr. Bradley said it should be done now as the documents are due. Mayor Mazzucco meant sticking the shovel in the ground. Mr. Bradley said that realistically they want you to go out to bid in October so typically you would be in a position to issue a notice to proceed next December or January.

Mr. Schuler said that was a challenge to this Committee because we must be prudent with the residents' money and this is so far into the future that it is not an easy thing to discuss. It is not something we can decide today what we are spending, when in fact the project, "shovel in the ground" is probably not until the spring of 2014. Mr. Bradley said the work that is being proposing to do will help everyone make the decision on what exactly should the project be and how much will it cost. That is really the objective.

Mr. Aroneo noted that the funding we are talking about right now, the \$91,000, is to determine the costs, design, etc. Mayor Mazzucco suggested that a small portion of that would be attributed to OMNI doing the paperwork for the actual process itself for securing the funding as opposed to the design and engineering. Mr. Bradley said that was correct.

Mr. Aroneo said it was based on the few things that you had talked about that you have listed in your letter to Mr. Sweeney which is the sewer system rehabilitation and areas suspected to contributing significant flow rates of infiltration inflow, the new influent screening system, and the new UV disinfection system. That is the scope of the project on the onset and is limited to that.

Mayor Mazzucco asked Mr. Bradley to identify what portion of the \$91,000 is specifically for the purpose of trying to secure the loan.

Mr. Bradley said as he remembered it was about \$22,000 - \$25,000 was for preparation of the reports. The cost, if you should approve this, this would all be reimbursable to you under what they call the planning design allowance which is part of the loan that you would secure. You would pay yourself back for these monies out of that loan when it is provided. This is the one element of the loan where they don't look for receipts of costs actually incurred. It is an allowance and is calculated based on a formula that includes estimated construction costs as part of it. It is very generous. Actually our costs never come close to that allowance. Most clients that I deal with take the full amount because it is such low cost money.

Mr. Aroneo asked what else could be done with that money. Are you limited to what you can spend it on? Does it go to reserve if you leave it sit for a year? Mr. Bradley thought it just went where ever you want it to go. It is your money to disburse as you see fit. Mr. Aroneo asked where the money went if we didn't spend it on the project?

Mr. Mangin asked if Mr. Aroneo was talking about the cash from the Environmental Infrastructure Trust Fund. Mr. Aroneo said he was. Mr. Mangin thought they were working on a reimbursement basis.

Mr. Aroneo said that he and Mr. Bradley were talking about this before the meeting and that is the first I had heard of that. It is really interesting, exactly how it works. I will get the answer for you. Mr. Aroneo said he was not suggesting that we take extra for our own funding but I am curious as to what happens if we submit for \$500,000.00 and don't spend it.

Mr. Bradley said that Mr. Schuler had raised a question at the last meeting regarding the 75% zero interest and the 25% at market rate. Just to give you a quick analysis, if you use 2% as a

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benchmark and assume for a second that we are talking about a \$2,000,000 dollar project, if we went out and bonded for \$2,000,000 over the life of the bond the interest would be about \$320,000.00 based on 15 years. If we went with this program with 76% at zero interest, 25% at market rate and even if we used the same 2% it would be lower. If we use the total interest over the life of the bond it would be about \$80,000. Over the life of the bond for the 15 years there is a savings of about \$240,000.00 as opposed to bonding it ourselves. Virtually everyone that has wastewater infrastructure is using this program for any project that is over a million dollars. Really small projects may not be worth it because there is a lot of a soft cost, for us to prepare these types of reports is the same whether it is a 10 million dollar project or a \$500,000.00 project. At some point it doesn't make sense but with significant projects this is what people are using as it is very attractive. You will need a bond counsel that will be named as part of the letter of intent that is submitted.

Mr. Aroneo asked if Mr. Bradley expected their cost to be somewhat less than this \$91,000.00 on the initial. Mr. Bradley said not necessarily. I will not exceed that amount for the services I have described. It is a T&M. The Committee thanked Mr. Bradley for his input.

Heinkel Easement Request

Mr. Pidgeon said the Heinkels apparently bought their house and it was intruding into the sewer easement area. Generally the sewer easements are twenty feet wide. In the past we have required the property owner to execute a new easement deed saying basically that they are doing it at their own risk. If in fact we do have to go in and look in the sewer pipe and as a result the deck has to be removed or damaged that would be the problem of the owner and not the town. There is an amended resolution on the table. Mr. Romanowitz suggested one more condition where the applicant must show that the deck post footings did not compromise the sanitary sewer within the easement. As I said, we have done this in the past six or seven times. It sounds like, at least in this case, the Heinkels are not even the people who constructed the deck. It is up to the Committee but there is really no harm to the township.

Mr. Aroneo asked if we had addressed decks on Township easements in the past?. If the deck needed to be reconstructed are they permitted to build automatically? Do they have to apply for a variance? Do we want to ignore that?

Mr. Pidgeon said that they did not need a variance. If you want we could add that as a condition but you know what happens when you do that type of thing. People replace a board a week. The Board of Adjustment was okay with this.

AR at Millington – Revised Site Plan

Mayor Mazzucco said that we had asked AR at Millington to revise their plans regarding density and commercial uses. They are back with those revisions. He asked how the Committee would like to proceed.

Mr. Aroneo thought they had increased density. They had removed the pool area, reduced the building height but now there is a bigger building in the middle of the project. He agreed with Mr. Roshto, it does look like an apartment complex.

Mr. Schuler said that we need to recognize that they lopped the third floor off of every building. They saw our objection to the third floor.

Mr. Pidgeon said that in their email they did indicate that this was their final offer. That's not to say they wouldn't move things around.

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Mr. Roshto asked if they said this was their final offer or did they say that this was the minimal amount needed to make it economical feasible? Mr. Pidgeon said more the latter.

Mr. Roshto felt it was important in the context of whether or not we can work with them. If this is the final best offer we can't work with them. If they are willing to make some changes we can discuss it.

Mr. Aroneo referred to correspondence from AR where they state that the plan reflects AR at Millington's best effort to reduce the plan in accordance with the Township Committee and Planning Boards request. With these reductions the plan can support a 10% affordable housing. The applicant did not think the project would be economical feasible with further reductions beyond those depicted on the plans.

Mr. Roshto though that we could be going back to them and talking about the look etc. Mayor Mazzucco noted that most of the business had been removed. Mr. Aroneo thought the issue was the number of apartment units. 159 units is a big apartment complex.

Mr. Pidgeon said this may not be an appropriate site for affordable housing. It may be too dense. I don't know if that makes a difference. Developers require higher density in order to subsidize the cost of the affordable housing.

Mr. Roshto asked Mr. Pidgeon to remind us of the next step that they were asking of us. Mr. Pidgeon said he thought they just want to know whether you would like them to come before you or the Planning Board.

Mr. Roshto said that at one meeting they were asking specifically if we were interested or if we needed to take some action. Mr. Aroneo thought that was if we thought it was in need of redevelopment and we wanted to use the plan that they had which we may or may not choose to do.

Mr. Pidgeon said if we wanted to proceed by way of redevelopment then the Township Committee would have to declare the area to be in need of redevelopment. They you can either appoint a redevelopment committee or do it yourselves and come up with a site plan. Then you would adopt a redevelopment ordinance that is superimposed on the zone for that particular site. It does give you more control as to aesthetics. Then it would have to go back to the Planning Board for final site plan approval. They apply the redevelopment standards that the redevelopment committee or the Township Committee has agreed to.

Mr. Roshto thought that may have been what they were requesting of us, to do the next first step which is not a commitment on our part but would we agree to at least do the investigation.

Mr. Pidgeon thought they would like to come back and have a brief discussion to see if it is worth pursuing.

Mr. Aroneo said we had mention that we don't want to do that or go to any expense if we have no intent to allowing anything close to what they are thinking about.

Mr. Pidgeon thought they would like to meet one more time with either us or the Planning Board to see if they want to spend more money and whether we will make a commitment (it wouldn't be binding) to proceed by redevelopment or rezoning.

Mr. Roshto thought the issue is without the redevelopment it wouldn't be feasible for them to complete this project.

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Mr. Pidgeon thought that if they had to go before the Board of Adjustment there would be a lot more risk. They would need five affirmative votes. A lot of money could be spent on plans and things.

Mr. Aroneo said that would be the payment in lieu of taxes. It would be a contribution toward our shore infrastructure that we need to accommodate a project of that size. Otherwise we would have to charge them something for the sewer remediation or infrastructure rebuild.

Mr. Piserchia said that we wanted to get what we want. Do we want this property developed in some form? Secondly, what would we get out of it? I asked if they could point us somewhere they might have done something like this because of the possibility of contaminated soils. I remember they said Union, Jersey City and some other place. I was taken back that we were lumped with Jersey City. What I thought I heard was that we are responsible if something is found. What if something is found there then we do benefit in that they are responsible to clean up. What if something is found and it is determined that it must be cleaned up.

Mr. Pidgeon said that redevelopment would not make us a partner in the project in anyway. If something is found then it would be up to them to remedy it.

Mr. Aroneo said that it was a former Superfund site. It was removed in 2010 from the list. I think everyone suspects that if you dig there you will find more.

Mr. Schuler said they had dug the street up he was sure that will play a part in their density requirements. They need a certain level of density in order to deal with the problems that they are anticipating that we are all anticipating. To back track a little, I almost thing the question is, do we want to do something with the site or not. If we do I think there will have to be compromises.

Mr. Aroneo thought the real question was do we want 159 units there. I am not in favor of it. I would try to steer them in another direction. They are giving us what gives them the best economics.

Mr. Pidgeon thought they were contract purchasers so it would still be the Livingston family as owners.

Mayor Mazzucco asked what the Committee felt was the best course of action. Do we see them or do we refer them to the Planning Board. Mr. Piserchia said Mr. Aroneo asked the right question. If we don't want one hundred fifty residential units it would probably be disingenuous of us to invite them either place. They can go to the Board of Adjustment on their own.

Mr. Roshto thought it would be worse to send them to the Planning Board as we have no intention of coming close to their plan. I am not in favor of it. Mr. Aroneo didn't like the idea of that type of apartment complex.

Mr. Schuler then asked Mr. Aroneo if it was the aesthetics that troubled you; would we then like to revisit adding a story back; but having a very, landscaped attractive property?

Mr. Aroneo thought he would ask them to come up with something different. If you look at the other condo complexes that were built they are nicely done. There is no grass, landscaping etc. shown for this project. I think that AR is asking for too much. I think if they were forced to put in more green areas, open space areas for the residence and have less building they will get less. No one else has four stories and they made it work. I would like them to do more work on this.

Mayor Mazzucco thought if we were to go back to them and say remove building five and give me more retail in building four that will knock out twenty seven units or more.

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Mr. Roshto said we have to keep in mind that the property slopes down. It is possible to have a three story building in the back. It might be in scale because it will be hidden. I think there are a lot of options that we could play here. The question comes down to do we want to move forward or not. One Hundred fifty nine units sound high to me but without doing some sort of assessment, traffic study and things like that I don't know. I certainly do not like what they have shown us here. It is an apartment complex and that would be unacceptable.

Mr. Aroneo asked if anyone likes this plan as it appears on paper. If we don't; tell them we don't like what has been proposed. We had given some direction originally. We wanted what would fit with the character of the neighborhood, something that would not overpower the rest of the area.

Mr. Schuler said he like the first plan except it was way too tall. It was relatively nice with open space in the middle. They didn't hit the right mark on the exterior but it was still nice. Some of what had been proposed could be tweaked. In my mind they could go back to the original one and take three or four of the buildings and lop off the third story. They would then have to figure out how to make the third story be nestled in the back so if you were to look from the outside you would never know it was there.

Mayor Mazzucco thought in that scenario, to make me happy, remove building five and take building four give us some retail on the bottom. Building's one and two we will consider three levels.

Mr. Schuler thought that building three should be removed rather than five. Mr. Aroneo brought up the building height issues. Mr. Schuler said that this was a challenging site. Mr. Aroneo said that was why his position was to send it back.

Mr. Piserchia said he was bouncing back in forth. Mr. Schuler is pointing out that at some point we would like it to be appealing but then I probably am more with what Mr. Aroneo is saying. Economics of today are not going to be as they are five years from now. I don't know if that means there is more chance to get them up in five years or less.

Discussion of economics now as opposed economics in the future; plans as originally presented opposed to what was shown tonight. Mr. Piserchia asked if everyone agreed that the footprint of the building or coverage was to dense. Consensus was yes.

Mayor Mazzucco suggested we come back to this after we have heard from the Public

Public Comment:

Charles Arentowicz from Millington and Long Hill Township Planning Board Member said this has been presented to the Planning Board as well as this Committee. The Planning Board had concerns as well as yourselves. The major issue is economic redevelopment. Do we want to create an agency that would fund this in a way that would be tax advantageous to the Developer? I believe this Committee went back and said give us a different proposal. When I came here tonight I expected to see the applicant make a presentation. We as residents haven't seen what you are looking at tonight. Given the fact that no one is here from that group sends us message of what they are trying to do.

Mr. Pidgeon asked to interject. They had asked me what the town wanted them to do. I said that they should let me bring it to the Township Committee so that they could decide whether they wanted it to go the Planning Board or stay the Township Committee. They would have come tonight. This was just meant as a preliminary discussion as to how to proceed or if the Township Committee wanted to proceed at all. They are eager to come back.

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Mr. Arentowicz said given that scenario I think you, as a Township Committee, you have to decide if you want to go with this proposal on the economic redevelopment authority. When this was first developed it was for cities like Newark, Jersey City and so forth. I don't think the Long Hill Township is in the category. I don't think we need one hundred forty nine units that need to be developed in this area. I think direction was provided by the Township Committee that they should look at some office research, etc. and that obviously was completely ignored in this proposal you have in front of you. I think you need to go back to them and say we are not going forward with the economic redevelopment agency for tax purposes that are more advantageous to them than the town. You should suggest they come back with a reasonable proposal on the number of units including retail and office space. I would recommend that the Township Committee go forward and ask for these revisions and have them come here, publicly, before you with the following options. Whatever they are proposing on this economic redevelopment authority, we are not Jersey City. There is a big difference between living in Jersey City as opposed to Long Hill Township.

Mr. Aroneo agreed with Mr. Arentowicz. For the record I am not in favor of that pay in lieu of taxes program just for the redevelopment. If we need to go there then I will consider it at that time. The first step for me is to decide whether or not we want to accept any of their proposals or concept plans. We can advise them that what has been presented for our review is not acceptable.

Discussion ensued as to how to direct Mr. Pidgeon as to the content of his memo to AR.

Mayor Mazzucco requested Mr. Pidgeon to contact AR and advise them that the Township Committee did not like the plans presented

Ordinance Public Hearing / Consideration Of Adoption:

Mayor Mazzucco asked for comments on:

Ordinance #305-12 Requiring Copies of Certain Zoning Permit Applications To Be Forwarded To The Township Shade Tree Commission And Supplementing And Amending Section 106 of The Township Land Use Ordinances

Mr. Pidgeon advised that the Planning Board has asked that this be carried because they did not have time to review it. Mr. Aroneo didn't see what input they needed to give on this.

Mr. Roshto said the Planning Board is swamped. Every meeting we have we never complete everything on the agenda. Felt this could be moved on tonight. I think there is no harm in moving forward on this. Mr. Pidgeon said legally this did not have to go to the Planning Board.

Mr. Aroneo asked what was involved to carrying it to our next meeting. Mr. Pidgeon said you need to do is have a motion from the Township Committee to carry it to the next meeting. A motion was made by Mayor Mazzucco, seconded by Mr. Roshto to carry this to the next meeting without further public notice. Vote: All in favor.

Consent Agenda:

Mr. Pidgeon said there was a revision to Resolution 12-313 regarding Robert Heinkil, previously discussed. There are add-ons to Resolutions 12-316 and 12-317.

Mayor Mazzucco asked for a motion to Consent Agenda 12-294 through 12-317. Mr. Piserchia made a motion to approve, seconded by Mr. Roshto. All in Favor

RESOLUTION 12-294 APPROVING PAYMENT OF BILLS

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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 12-295
APPROVAL AND RELEASE OF REGULAR SESSION MINUTES AND APPROVAL OF
EXECUTIVE SESSION MINUTES (AS REDACTED)**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the June 13, 2012 Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the June 13, 2012 Meeting Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 12-296
APPROVAL OF SEWER REFUND**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill upon the advice of the Tax Collector does hereby authorize a refund in the amount of \$163.46 for 2012 Sewer on Block 13402 Lot 27 for former owner, Byers to the Settlement Trust Account II at Weichert Title Agency, 1909 Route 70 East. Cherry Hill, NJ 08003.

**RESOLUTION 12-297
APPROVAL OF 2012 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 2012 Sewer Billing due to water usage, sprinkler systems, senior deduction or billing error by NJAW:

BLOCK	LOT	ADJUSTMENT	CREDIT	DEBIT	NAME
10104	5.02	SPRINKLER	\$45.99		GRAY
10104	8	SPRINKLER	\$279.51		KINELLA
10105	16	SPRINKLER	\$455.50		SHATZ
10106	2	SPRINKLER	\$100.21		BERNARDON
10106	5	SPRINKLER	\$282.41		PECK
10106	32	WATER USAGE	\$455.50		MROCKA
10501	1/T04	BILLING ERROR		\$75.00	STIRLING CTR ASSOC.
10501	1/T06	BILLING ERROR		\$75.00	STIRLING CTR ASSOC.
11504	18/T01	BILLING ERROR	\$475.00		CALLEO, ROSE
11504	18	BILLING ERROR		\$75.00	CALLEO, ROSE
11510	25	BILLING ERROR	\$400.00		HORVOT
11511	4	BILLING ERROR	\$300.00		HUNTER PROPERTIES
11511	12/T01	BILLING ERROR	\$400.00		CALLEO, ANTHONY
11512	14.04	WATER USAGE	\$209.53		HERDA
11512	25	WATER USAGE POOL	\$200.42		PIPIA
11512	28/T01	WATER USAGE	\$428.17		MAN
11603	27	SPRINKLER	\$91.10		FLORIO
11602	16	BILLING ERROR	\$75.00		GIORDANO
11602	29	WATER USAGE	\$230.96		FUCCI
11606	16/T01	BILLING ERROR	\$550.00		THORNTON
11805	9.36	WATER USAGE	\$391.73		LEONARDIS
11902	15.01	WATER USAGE	\$63.77		STETZ
12101	3.30	WATER USAGE	\$245.97		LOCORRIERE
12203	22	WATER USAGE	\$145.76		RAJPUT
12401	3	WATER USAGE	\$273.30		SOMMER
12603	6.03	SPRINKLER	\$145.76		RIEGER
12701	10	WATER USAGE	\$173.09		BRAVERMAN

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120701	19	WATER USAGE	\$127.54	ISELBORN
12702	47.07	SPRINKLER	\$191.31	ATKINS
12806	31	SPRINKLER	\$245.97	DE GENARO
13201	9	SPRINKLER	\$703.63	WONG
13202	5	SPRINKLER	\$154.87	JOHNSTONE
13502	2	WATER USAGE	\$646.81	LANYI
13503	27	WATER USAGE	\$227.75	STAPPERFENNE
13513	33	WATER USAGE	\$446.39	CAMPOS
14202	12	WATER USAGE	\$118.43	CONNOLLY
14206	2	SPRINKLER	\$255.08	PEFANIS

**RESOLUTION 12-299
AUTHORIZING THE RETURN OF
PROFESSIONAL REVIEW ESCROW – HORVOT**

WHEREAS, Robert & Elisa Horvot of Block: 11510, Lot: 25, in regards to Application No. 10-01Z, has requested that the Professional Review Escrow fees be returned; and

WHEREAS, the Township Planning/Zoning Board Administrator has certified that there are no outstanding invoices and have approved the release of this Professional Review Escrow;

WHEREAS, the Chief Financial Officer has determined that \$246.87 remains in the account;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Long Hill hereby directs the Chief Financial Officer to return the balance of the Professional Review

Escrow in the total amount of \$246.87 to Elisa M. Verran-Horvot – 48 Deerfield Road Whippany, NJ 07981.

**RESOLUTION 12-300
AUTHORIZING THE RETURN OF ENGINEERING INSPECTION
ESCROW AND PERFORMANCE BOND - SOROKA**

WHEREAS, Mikel and Pamela Soroka of Block: 13509, Lot: 36, 18 Daugherty Avenue, has requested that the Engineering Inspection Escrow fees and Performance Bond be returned; and

WHEREAS, the Township Engineer has certified that there are no outstanding invoices and has approved the release of the Engineering Inspection Escrow and Performance Bond; and

WHEREAS, the Chief Financial Officer has determined that \$250.00 remains in the escrow account and the Performance Bond is in the amount of \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Long Hill hereby directs the Chief Financial Officer to return the balance of the Engineering Review Escrow in the total amount of \$250.00 and the Performance Bond in the amount of \$500.00 to Mikel and Pamela Soroka, 18 Daugherty Avenue, Gillette, NJ 07933.

**RESOLUTION 12-301
APPROVING PROMOTION TO SERGEANT GRADE III - BUERSTETTA**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill upon the advice and recommendation of Chief Daniel Hedden, that Master Officer Aaron Buerstetta, be promoted to Sergeant Grade III at an annual rate of \$99,278.00, effective September 14, 2012.

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BE IT FURTHER RESOLVED, that this advancement is consistent with the P.B.A. Superior Officer's Association Collective Bargaining Agreement.

**RESOLUTION 12-302
APPROVING SPECIAL PERMIT FOR SOCIAL AFFAIR [BPO ELKS]**

WHEREAS, the Benevolent & Protective Order of the Elks, Stirling Lodge #2392 has submitted an Alcoholic Beverage Control Application for a Special Permit for a Social Affair to be held on October 6, 2012 from 3:00 p.m. to 8:00 p.m. to be held at the Stirling Elks Lodge, 1138 Valley Road, Stirling, New Jersey 07980; and

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

1. The following individual will be the only persons allowed to serve alcohol:

Jill Lewis, Jean Kimak, Edward Romeo, Geoffrey Kimak
Address on file in Police Headquarters
2. No one under the age of 21 shall be served alcoholic beverages.
3. No person assumed to be under the influence of an alcoholic beverage shall be served or allowed to walk or drive from the event.
4. The consumption of alcoholic beverages shall be restricted to the Stirlign Elks Lodge "Picnic grove" area. No alcoholic beverages shall be possessed or consumed beyond the boundaries of the "Picnic grove" area.
5. Alcoholic beverages shall only be served and/or consumed between the hours of 3:00 p.m. and 8:00 p.m.

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

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

**RESOLUTION 12-303
AUTHORIZATION TO CONDUCT BLOCK PARTY- MAGNA DRIVE**

BE IT RESOLVED by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, authorize the residents of Magna Drive and Preston Drive to hold a block party on Saturday, September 15, 2012 from 4:30 P.M. until 7:30 P.M in accordance with request letter dated August 27, 2012.

**RESOLUTION 12-304
APPROVING SPECIAL EVENT LICENSE - STIRLING SHOP RITE**

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BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve License Number S 12-16 for the "Motorcycle Ride to Fight Hunger" to the "Sponsor" Stirling Shop Rite, for their Special Event to be held on September 22, 2012 (rain date September 23, 2012) in the Stirling Shop Rite Parking Lot; and

BE IT FURTHER RESOLVED that the Police Department has determined that police services are not required for this event.

**RESOLUTION 12-305
APPROVING SPECIAL EVENT LICENSE –
LONG HILL TOWNSHIP PBA CIVIC ASSOCIATION**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve License Number S 12-15 for the event to the "Sponsor" Long Hill Township P.B.A. Civic Association, for their Special Event to be held on September 21, 2012 at the Long Hill Township Community Center on Warren Avenue in Stirling; and

BE IT FURTHER RESOLVED that the Police Department has determined that police services are not required for this event.

**RESOLUTION 12-306
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GILLETTE
SCHOOL SIDEWALK CONSTRUCTION PROJECT**

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, hereby formally approves the grant application for the Gillette School Sidewalk Construction Project as recommended by the Township Engineer;

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit an electronic grant application identified as 2013 - Long Hill - 00071 to the New Jersey Department of Transportation on behalf of the Township of Long Hill;

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of Long Hill Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

**RESOLUTION 12-307
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR CARLTON ROAD
IMPROVEMENTS**

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, hereby formally approves the grant application for the Carlton Road Improvements as recommended by the Township Engineer;

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BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit an electronic grant application identified as 2013 - Long Hill - 00072 to the New Jersey Department of Transportation on behalf of the Township of Long Hill;

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of Long Hill Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

**RESOLUTION 12-308
AUTHORIZING CORRECTION OF CHANGE ORDER AMENDMENTS - DeMAIO
ELECTRICAL COMPANY**

BE IT RESOLVED that the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey upon the advisement of the Township Engineer hereby authorizes that the following clerical corrections be made to the net amount of the DeMaio Electrical Companies contract for the Rehabilitation of 5 Pump Stations;

Change Order #	Description	Amount	Net Amount of Contract
#10 Resolution 11-209 Approved June 8, 2011	Re-route electrical wiring due to error in specifications	\$3,094.23	\$980,845.96

Change Order #	Description	Amount	Net Amount of Contract
#11 Resolution 11-343 Approved November 9, 2011	Emergency services to Skyline Pump Station due to pump failures beyond the scope of the original project	\$37,334.23 \$37,221.34	\$1,010,467.30 \$1,018,067.30

Change Order #	Description	Amount	Net Amount of Contract
#12 Resolution 12-066 Approved January 11, 2012	Exhaust Fan at Skyline Drive pump station	\$5,065.00	\$1,018,179.77 \$1,023,132.30

Change Order #	Description	Amount	Net Amount of Contract
#13 Resolution 12-067 Approved January 11, 2012	Emergency work at Skyline Drive pump station	\$15,477.80 \$15,447.80	\$1,023,244.77 \$1,038,580.10

Change Order #	Description	Amount	Net Amount of Contract
#14 Resolution 12-091 Approved February 8, 2012	Emergency work at Skyline Drive pump station	\$610.80	\$1,023,855.57 \$1,039,190.90

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Change Order #	Description	Amount	Net Amount of Contract
#15 Resolution 12-092 Approved February 8, 2012	Installation of valves – Pump #2 – Skyline Dr Pump Station	\$471.00	\$1,024,326.57 \$1,039,661.90

Change Order #	Description	Amount	Net Amount of Contract
#16 Resolution 12-274 Approved August 15, 2012	Supply and installation of pressure gauges on ductile iron piping at Skyline Pump Station	\$2,394.45	\$1,026,631.02 \$1,042,056.35

Change Order #	Description	Amount	Net Amount of Contract
#17 Resolution 12-275 Approved August 15, 2012	Credit adjustment in contract due to the deletion of police traffic directors and other items (CREDIT)	(\$7,600.00)	\$1,019,031.02 \$1,034,456.35

Change Order #	Description	Amount	Net Amount of Contract
#18 Resolution 12-276 Approved August 15, 2012	Supply and installation of second VFD to match first VFD previously installed and complete control and power wiring on first VFD	\$13,474.74	\$1,032,505.76 \$1,047,931.09

**RESOLUTION 12-309
GRANTING PERMISSION TO TEMPORARILY
HAVE TWO HOUSES ON ONE LOT**

WHEREAS, Paul and Donna Vickery are the owners of property located at 1434 Long Hill Road, Millington and known as lot 3, block 12802 on the Township Tax Maps; and

WHEREAS, Mr. and Mrs. Vickery have requested permission to reside in a trailer while their house is being constructed on the same lot as per letter dated August 22, 2012; and

WHEREAS, Township Land Use Regulations §124.11 allows the Township Committee to permit temporary uses for a period not to exceed six (6) months; and

WHEREAS, the Vickery's proposed temporary use will not exert a detrimental effect upon the lawful use of land and activities normally permitted in the zone in question;

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. In accordance with the provisions of Township Land Use Regulations §124.11, Paul and Donna Vickery, the owners of property located at 1434 Long Hill Road, Millington are hereby authorized to have two principal structures on their

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lot for a period not to exceed six (6) months under the following terms and conditions:

- a. The six-month period shall commence on the date that a building permit is issued for the construction of the Vickery's residence on the property.
- 2. The Construction Official is hereby directed to issue a permit for such temporary use in accordance with the terms of this resolution.
- 3. Property Owners are required to comply will all other applicable statutes, ordinances and regulations including but not limited to Township Land Use Ordinances, NJ DEP Regulations and the Uniform Construction Code.

**RESOLUTION 12-310
CERTIFYING ACTIVE MEMBERSHIP WITH STIRLING VOLUNTEER FIRE COMPANY FOR
NEW JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY**

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

Thomas Rozmerski

**RESOLUTION 12-311
AUTHORIZE MAYOR TO SIGN DOCUMENTS RELATING TO CONSENT FOR T-MOBILE TO
CHANGE EXISITING ANTENNAS ON THE TELECOMMUNICATIONS TOWER OWNED BY THE
TOWNSHIP**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill hereby authorizes the Mayor to sign the consent documents authorizing T-Mobile to change their existing antennas on the telecommunications tower owned by the township at 1223 Valley Road;

**RESOLUTION 12-312
RESOLUTION AUTHORIZING RETURN OF PROPERTY TO FINDER**

WHEREAS, Dan Murphy, 162 North Maple Ave, Basking Ridge, NJ 07920, found ONE (1) YELLOW TREK 1000 BICYCLE SERIAL NUMBER WTU0DN556S on Poplar Drive, on September 21, 2011; and

WHEREAS, Mr. Murphy turned the bicycle over to the police department for the purpose of assisting the police to find the owner thereof; and

WHEREAS, N.J.S.A. 40A:14-157b provides in relevant part that:

"Whenever any... tangible personal property other than a motor vehicle has been . . . found . . . by any person . . . and the finder shall have given . . . custody of the found... tangible personal property to the municipal police department . . . for the purposes of assisting the police to find the owner thereof, the police department . . . shall retain custody of said . . . tangible personal property for a period of six months. If the . . . tangible personal property is unclaimed during said six-month period by the person entitled thereto, the . . . personal property shall be returned by the municipal police department... to the finder, who shall be deemed the sole owner thereof . . ."; and

WHEREAS, no one has claimed ownership of the bicycle during the six-month period they were held by the Police Department;

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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 Chief of Police is hereby authorized and directed to return the bicycle described in the preamble to Daniel Murphy who is the finder of that bicycle.
2. In accordance with the provisions of *N.J.S.A. 40A-14.157b*, Mr. Murphy shall be deemed the sole owner of that bicycle

BE IT FURTHER RESOLVED that the plan has been reviewed by the Township Engineer and is acceptable.

**RESOLUTION 12-313
AUTHORIZING INTRUSION INTO SEWER EASEMENT AREA
ON LOT 3, BLOCK 12402**

WHEREAS, Robert and Martha Heinkel are the owners of property located at 204 Oaks Road, Millington, and known as Block 12402, Lot 3 on the Township tax maps; and

WHEREAS, Board of Adjustment Engineer, Thomas R. Lemanowicz, P.E., P.P., C.M.E., in an August 14, 2012 letter to the Township Clerk, indicated that the property owners have applied to the Board of Adjustment for a variance “as part of the process to legitimize an existing nonconforming deck that was constructed by a prior owner of the property without Board approval or construction permits.”; and

WHEREAS, Mr. Lemanowicz went on to note that “the plans submitted with the application show the subject deck encroaching on to a sanitary sewer easement that crosses the property,” however, he recommended that the applicant show that the “deck post footings have not compromised the sanitary sewer within the easement.”;

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. Mr. and Mrs. Heinkel are hereby authorized to maintain the deck in the easement area as shown on the plans submitted with their Board of Adjustment Application (No. 09-09Z).
2. This permission is contingent upon the Heinkels’ executing a sewer easement deed in form acceptable to the Township Attorney, which contains the following conditions:
 - a.) The deck will remain in the easement area at the property owners’ (or their successors in title’s) own risk.
 - b.) The Township may require the deck to be removed at any time, and if the property owners refuse to do so, the Township may remove it at the property owners’ expense.
 - c.) The cost of any such removal shall be borne solely by the Heinkels or their successors in title.
 - d.) By allowing the deck to remain in the easement area, the Township is not vacating, abandoning or waiving any rights it has in the sewer easement.
 - e.) The deck shall not interfere with present or future sewer lines in the

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easement area.

f.) The applicant must show that the “deck post footings have not compromised the sanitary sewer within the easement”.

**RESOLUTION 12-314
ESTABLISHING RESERVE FOR PRELIMINARY EXPENSES –
WASTEWATER IMPROVEMENTS**

BE IT RESOLVED that the Long Hill Township Committee hereby acknowledges the requirement of preliminary costs to determine the scope and cost of proposed improvements to the Township’s wastewater system as well as providing the preliminary designs necessary to apply for funding from the New Jersey Environmental Infrastructure Trust Fund. The purpose of these preliminary costs is for the engineering and related studies for improvements to the wastewater system. The amount to be charged is for a purpose for which bonds may be issued under Chapter 2 of Title 40A;

BE IT FURTHER RESOLVED that the amount appropriated for preliminary costs shall not exceed \$91,740.00 and the Chief Financial Officer is directed to set up a “Reserve for Preliminary Expenses” with proceeds from the Capital Improvement Fund of the General Capital Fund.

**RESOLUTION 12-315
AWARDING A PROFESSIONAL SERVICES CONTRACT
TO OMNI ENVIRONMENTAL, LLC**

WHEREAS, the Township of Long Hill requires the services of a professional engineer in connection with proposed improvements to its wastewater collection and treatment system; and

WHEREAS, a contract for professional services may be awarded without public bidding pursuant to *N.J.S.A. 40A:11-5(1)(a)(i)*; 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 Township has a need to acquire these professional services as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4* or *20.5*, as appropriate; and

WHEREAS, Omni Environmental, LLC (“Omni”) submitted a proposal to the Township dated August 13, 2012, a copy of which is attached hereto and incorporated herein by reference (except that the “standard contract terms and conditions” are not acceptable and this contract award is subject to those terms and conditions being renegotiated with terms and conditions acceptable to the Township Attorney); and

WHEREAS, Omni has completed and submitted a Business Entity Disclosure Certification which certifies that Omni has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit Omni from making any reportable contributions through the term of the contract;

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

1. The Mayor and Township Clerk are authorized to sign a professional services agreement with Omni Environmental, LLC subject to the following terms and conditions:
 - A. Term: September 13, 2012 through completion of the project
 - B. Compensation: Not to exceed \$91,740 (not to exceed T&M Fee), as set forth in the proposal. Any Change orders must be approved in advance, in writing by resolution of the Township Committee.
 - C. Terms and Conditions: The contract shall include all of the Township's usual requirements regarding insurance, business registration, affirmative action, pay to-play, etc., and shall be in a form acceptable to Township Attorney.
2. The Business Disclosure Entity Certification shall be placed on file with this resolution.
3. The Township Clerk in accordance with the provisions of *N.J.S.A. 40A:11-5(1)(a)(l)*, is directed to publish a notice once in the official newspaper stating the nature, duration, service and amount of this contract.
4. The Township Clerk shall make copies of this resolution available for public inspection at the Township of Long Hill, 915 Valley Road, Gillette, NJ 07933 during regular business hours.
5. This contract shall be charged to the budget for the Reserve for Preliminary Expenses for Wastewater Project. 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.

**RESOLUTION 12-316
AUTHORIZE TEMPORARY INCREASE IN HOURS
FOR BUILDING SUB-CODE OFFICIAL - PERRE**

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Long Hill upon the advice of the Construction Official hereby authorizes the temporary increase of a maximum of 2.5 hours a week for the Building Sub-Code Official, Leonard Perre, at a rate of \$46.15 per hour on an as needed basis at the discretion of the Construction Official in order to meet the current building inspection needs in the department which will be reviewed as applicable in the future by the Township Committee.

**RESOLUTION 12-317
AMENDING TAX REFUND OF THIRD PARTY LIEN**

BE IT RESOLVED by the Township of the Township of Long Hill in the County of Morris, State of New Jersey on the advice of the Tax Collector does hereby amend Resolution 12-270 for Block 11801 Lot 10 adopted August 15, 2012 voiding check #35635 in the amount of \$1,413.04 and reissue a check in the amount of \$748.38 to FNA Jersey BIO, Inc., 575 Route 70-2nd Floor, P.O. Box 1030, Brick, NJ 08723.

Old Business:

Affordable Housing (COAH)

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Mr. Aroneo asked if there was any legislative action since the middle of August. Mr. Pidgeon said as you knew the appellate division held that COAH had the right to take the funds if they were not committed but that they had to give minimal due process to the Towns before they did it. Two days later COAH sent around the letter saying that their records indicated that we owe "this much" and if you disagree, you must send us justification. We did send them information required. Then the fair housing center went back to court and said that wasn't enough. The court held that the executive director of COAH did not have that power only COAH, the body, had the authority to do that. The problem is, since Governor Christi abolished COAH he never appoint anyone to COAH. I don't believe they even have a quorum.

Mr. Aroneo asked if anyone had the authority to make any action on the funds we have. Atty. Pidgeon said the paperwork on committee funds is in. I think our commitment is valid. We have done everything we can do to protect our money.

Sign

Mr. Piserchia thought we all took constructive advice from our residents in stride but when a six year old girl criticizes us I have to take note. She pointed out that the sign outside doesn't make any sense. Just as an update we had to order the letters. They are taking some time. Hopefully they will be in in two to three weeks and will be installed by DPW. In the interim I would suggest, we remove the letters that are out there before the Echo Sentinel puts another photograph in the paper. Mr. Schuler said part of the problem with the delay was the astronomical amount of money for those letters. As it turned out the letters are actually illuminated. Mr. Aroneo said there was a sign on the building so he was not in favor of not replacing the missing letters and removing the remaining letters. He didn't think they were necessary. Mr. Schuler said we would be doing the work ourselves.

Valley Mall

Mr. Piserchia asked if there was any information on Valley Mall. He noted there were a couple of empty stores. Mayor Mazzucco said he had spoken with the owner. Right now it is planned that Kings will move in around December. The clothing store will be moving in to the Blockbuster spot sometime in November.

Mr. Aroneo said he has some good news about that as well. At the Planning Board last night one of the things we asked them to do regarding the sign is to come up with a tree plan that would put some shade trees in there. He gave us an excellent landscaping plan with a lot more screening between the fronts of the mall. He will remove and replace the dying trees.

Mayor Mazzucco also asked about other prospective tenants and he said that he is working on some smaller tenants. I suspect that once you see the new tenants in there other spots will fill up.

Main Ave.

Mr. Schuler said DPW has been hard at work doing all the prep work in advance of the paving which is scheduled for the first week of October.

New Business:

Mr. Schuler wanted to give a Thank You to the CERT, the Police Dept. and Ken Fullager. An hour into the Lake Dance, Friday there was a thunderstorm. CERT and the Police Department got everyone safely out.

Mayor Mazzucco, Mr. Schuler and Mr. Roshto were invited to International Military Antiques. This family business has been in town for fifteen years. They do a phenomenal business in military antiques and are on National Geographic every Wednesday night. They rent equipment

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out to major movies. We had the opportunity to visit their warehouse where they store such things as helmets, boots and guns. I think the message here is that we have some interesting business in our town that would impress our residents.

Meeting Open To The Public:

Millington Street Fair is scheduled for next Sunday, 10 am -5 pm and everyone is invited. The fire companies will be there and will be selling all the memorabilia such as shirts and mugs for their big event scheduled for next year.

Adjournment

There being no further business, a motion was made by Mr. Schuler, seconded by Mr. Roshto, to adjourn the meeting at 9:30 p.m. Vote: All Ayes

Respectfully submitted,

Christine A. Gatti/mf
Township Clerk

Approved: March 13, 2013