



**TOWNSHIP COMMITTEE**  
**REGULAR SESSION AGENDA [FINAL REVISION]**  
**October 9, 2013**  
**7:00 PM EXECUTIVE SESSION; 7:30 PM OPEN SESSION**

**STATEMENT OF ADEQUATE NOTICE**

**ADEQUATE NOTICE** Mayor's Statement re: Adequate Notice of Meeting.

"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 15, 2013; posted on the bulletin board in the Municipal Building on January 15, 2013 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk."

**EXECUTIVE SESSION:**

**RESOLUTION 13-311**  
**EXECUTIVE SESSION**  
October 9, 2013

**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:

Attorney Client Privilege:

- Lounsberry

Contract Negotiations:

- DPW Contract
- PBA Contract

Property Acquisition:

- Kurz Update

**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. **MOVED** by \_\_\_\_\_; that Resolution#13- 311 be approved.

**SECONDED** by:\_\_\_\_\_. **VOICE VOTE:**

**OPEN PUBLIC SESSION**

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE – Bruce Meringolo, Committeeman**

**ROLL CALL:** Clerk will call the Roll

**COMMITTEE LIAISON REPORTS:**

**DISCUSSION / ACTION ITEMS:**

- Best Practices Worksheet

**ORDINANCES:**

**ORDINANCE PUBLIC HEARING/CONSIDERATION OF ADOPTION:**

**ORDINANCE #313-13  
ACCEPTING A DEVISE OF REAL PROPERTY LOCATED AT  
80 WESTERN BOULEVARD, GILLETTE**

**STATEMENT OF PURPOSE:** *To accept a testamentary donation of real property to the Township.*

**WHEREAS**, Estelle K. Wilhelm, formerly of Gillette, died testate in Morris County, New Jersey, on September 28, 2012; and

**WHEREAS**, Ms. Wilhelm, in her Last Will and Testament dated February 14, 2006, devised her real property located at 80 Western Blvd., Gillette to the Township of Long Hill, without restriction or qualification; and

**WHEREAS**, the Local Lands and Buildings Law, at N.J.S.A. 40A:12-5, provides that "any . . . municipality, by ordinance, may provide for the acquisition of any real property . . . by . . . devise . . ."; and

**WHEREAS**, the Township Committee wishes to accept Ms. Wilhelm's generous donation to the Township.

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

**Section 1.** The Township of Long Hill does hereby accept the testamentary devise of 80 Western Blvd., Gillette, subject to the following conditions:

- Title to the premises shall be good and marketable, and insurable by a title insurance company of the Township's choice authorized to do business in the State of New Jersey.
- The results of the Township's due diligence evaluation of the property, which may include environmental testing, shall be acceptable to the Township.

**Section 2.** The Township Attorney is hereby authorized to conduct due diligence, and, if the results of that due diligence are satisfactory, to accept and record a deed from the Estate of Estelle K. Wilhelm conveying the property to the Township.

**Section 3.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 5.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, Sept. 11, 2013, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, Oct. 9, 2013, at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR, Clerk

**OPEN TO THE PUBLIC FOR COMMENT**

**CLOSE PUBLIC COMMENT**

**MOVED** by \_\_\_\_\_; that Ordinance 313-13 be passed on final reading and adopted. **SECONDED** by: \_\_\_\_\_

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**RESOLUTIONS:**

**RESOLUTION 13-317  
ACCEPTING RESIGNATION - Fagnoli**

**BE IT RESOLVED**, that the Township Committee hereby accepts the resignation of John Fagnoli effective September 12, 2013.

**MOVED** by \_\_\_\_\_; that Resolution#13-317 be approved. **SECONDED** by: \_\_\_\_\_

**Mayoral appointments – Zoning Board of Adjustment**

Richard Keegan would be moved up from first alternate due to the resignation of John Fagnoli.

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**RESOLUTION 13- 322  
AUTHORIZING THE DISBURSEMENT OF AFFORDABLE HOUSING TRUST FUNDS  
TO LOUNSBERRY MEADOW FOR THE PURPOSE OF PURCHASING AND  
INSTALLING AN EMERGENCY GENERATOR**

**WHEREAS**, the Township Committee adopted Resolution 12-253 on June 27, 2012, authorizing an agreement with Lounsberry Meadow to disburse \$403,747 to Lounsberry Meadow for affordable housing purposes (including \$70,000 for an emergency electric generator); and

**WHEREAS**, at a special meeting on July 12, 2012, the Township Committee adopted Resolution 12-254 “requesting authorization for expenditure of affordable housing trust funds on emergent affordable housing mechanisms not included in municipal fair share plan, in the form of an amendment to the spending plan pursuant to N.J.A.C. 5:97-8.11”; and

**WHEREAS**, the Township’s amended spending plan referred to in Resolution 12-254 included “\$403,747 for the Lounsberry Meadow rehabilitation, including emergency electrical generator . . . .” and

**WHEREAS**, by letter dated July 16, 2012, the Long Hill Township Clerk submitted copies of Resolution 12-254 and 12-253 to COAH; and

**WHEREAS**, on October 29, 2012, approximately three and one-half months after the Township submitted its amended spending plan to COAH, the Township along with the rest of

New Jersey and much of the East coast was ravaged by Superstorm Sandy; and

**WHEREAS**, as a result of the storm, most of Long Hill Township was without electricity for an extended period of time; and

**WHEREAS**, Lounsberry Meadow's power was restored on November 7, 2012, however, during those 7 days without heat or light, the senior and handicapped residents of Lounsberry Meadow faced what Robert Braun described in a November 2 *Star Ledger* article as a "dangerous nightmare."; and

**WHEREAS**, at its meeting on November 7, 2012, the Long Hill Township Committee decided that it was not going to risk the health, safety and welfare of the residents of Lounsberry and, accordingly, authorized the purchase and installation of a generator at Lounsberry using affordable housing trust funds in accordance with its amended spending plan that was submitted to COAH on July 16, 2012; and

**WHEREAS**, the Township Attorney submitted a letter to COAH on November 8, 2012 outlining the facts set forth in the preceding paragraphs of this preamble and again requesting authorization to spend the Township's affordable housing trust funds; and

**WHEREAS**, the Township never received the requested approval from COAH; and

**WHEREAS**, on March 27, 2013, the Township Committee adopted Resolution 13-149 affirming its proposed expenditure of \$403,757 for affordable housing purposes at Lounsberry Meadow, but reallocating the line items to be expended and increasing the amount to be appropriated for an emergency electrical generator from \$70,000 to \$86,888; and

**WHEREAS**, the Township Committee noted at its September 25, 2013 meeting that hurricane season was again approaching and affirmed its earlier decision to expend affordable housing trust funds for an emergency generator for Lounsberry Meadow, reasoning that it would be unconscionable to put the handicapped and senior citizen residents of Lounsberry through another hurricane nightmare without an emergency generator;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the

Township of Long Hill in the County of Morris, State of New Jersey as follows:

1. The Township Committee hereby affirms its previous actions appropriating \$86,888 from the Township affordable housing trust fund to Lounsberry Meadow for the purpose of purchasing and installing an emergency electrical generator.

2. The Township Chief Financial Officer is hereby authorized to transfer \$86,888 from the Township affordable housing trust fund to Lounsberry Meadow so that it can purchase an emergency electrical generator before there is another storm.

3. The Township Clerk is hereby authorized and directed to send a certified copy of this resolution to COAH.

**MOVED** by \_\_\_\_\_; that Resolution#13- 322 be approved. **SECONDED** by:\_\_\_\_\_

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**CONSENT AGENDA RESOLUTIONS:**

*The following items are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.*

**MOVED** by: \_\_\_\_\_ by the Township Committee of Long Hill Township, that Resolution #13-297, 13-312 through #13-316 are hereby approved.

**SECOND** by: \_\_\_\_\_.

**ROLL CALL VOTE:**

**RESOLUTION 13-297  
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 September 11, 2013 meeting.

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves the September 11, 2013 Executive Session Meeting Minutes as redacted by the Township Attorney.

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**RESOLUTION 13-312  
APPROVING PAYMENT OF BILLS**

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

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

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**RESOLUTION 13-313**  
**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 September 25, 2013 Regular Meeting.

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves the September 25, 2013 Executive Session Meeting Minutes as redacted by the Township Attorney.

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**RESOLUTION 13-314**  
**APPROVING SPECIAL PERMIT**  
**FOR SOCIAL AFFAIR [Long Hill Township Library]**

**WHEREAS**, the Knights of Columbus has submitted an Alcoholic Beverage Control Application for a Special Permit for a Social Affair to be held on October 19, 2013 from 6:00 p.m. to 9:00 p.m. to be held at Long Hill Township Library, 917 Valley Road, Gillette, New Jersey 07933; 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**:  
Alexandria Arnold, John Haigh, Timothy Gard and Joan Donahue  
Addresses on file in Police Headquarters
2. No one under the age of 21 shall be served alcoholic beverages. The Long Hill Township Library or it's designee shall be responsible for verifying the ages of those patrons who wish to consume 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 confined to the interior of the Long Hill Township Library. No alcoholic beverages are to be possessed or consumed outside of the Library.
5. Alcoholic beverages shall only be served and/or consumed between the hours of 6:00 p.m. and 9:00 p.m. on October 19, 2013

**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.

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**RESOLUTION 13-315**  
**APPROVING SPECIAL PERMIT**

**FOR SOCIAL AFFAIR [Knights of Columbus]**

**WHEREAS**, the Knights of Columbus has submitted an Alcoholic Beverage Control Application for a Special Permit for a Social Affair to be held on October 26, 2013 from 7:00 p.m. to 11:00 p.m. to be held at St. Vincent's De Paul Parish Center, 5 Bebout Ave, 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:**  
Daniel Gildea and Kevin Dempsey;  
Addresses on file in Police Headquarters
2. No one under the age of 21 shall be served alcoholic beverages. The Knights of Columbus or it's designee shall be responsible for verifying the ages of those patrons who wish to consume 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 confined to the interior of St. Vincent's de Paul. No alcoholic beverages are to be carried or consumed in the parking lot areas.
5. Alcoholic beverages shall only be served and/or consumed between the hours of 7:00 p.m. and 11:00 p.m. on October 26, 2013

**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.

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**RESOLUTION 13-316  
APPROVING SEWER REFUND**

**BE IT RESOLVED:** That the Township Committee of the Township of Long Hill upon the advice and recommendation of the Tax Collector, does hereby authorize a refund of 2013 Sewer Use Charge due to overpayment to:

| <b><u>BLOCK</u></b> | <b><u>LOT</u></b> | <b><u>NAME</u></b>   | <b><u>AMOUNT</u></b> |
|---------------------|-------------------|--|----------------------|
| 10702               | 2607              | Benton, James<br>132 Sunrise Dr<br>Gillette, NJ 07933                  | \$214.87             |
| 13101               | 34                | Makarewicz, Adam C. & Emily R<br>208 High Street<br>Stirling, Nj 07980 | \$548.72             |
| 12305               | 3                 | Standora, Leo<br>1869 Long Hill Rd<br>Millington, NJ 07946             | \$15.00              |
| 10103               | 20                | Luciano, Michael   | \$45.55              |

158 Rolling Hill Dr.  
Millington, NJ 07946

|       |    |  |          |
|-------|----|--|----------|
| 10101 | 15 | Delphine Lebbe & Justin M. Anderson          | \$167.20 |
|       |    | 29 Rolling Hill Dr.,<br>Millington, NJ 07946 |          |

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**OLD BUSINESS:**

**NEW BUSINESS:**

**ANNOUNCEMENTS/CORRESPONDENCE:**

**MEETING OPEN TO THE PUBLIC:** Remarks and Statements Pertaining to Any Matter

**ADJOURNMENT**