



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ**  
**TOWNSHIP COMMITTEE**  
**REGULAR SESSION AGENDA - REVISED**  
**September 28, 2016**  
**7:30 PM OPEN SESSION, Closed Session 6:45 PM**

*A draft of the Township Committee Regular Session Agenda is posted on the Township website at [www.longhillnj.us](http://www.longhillnj.us) on the Monday preceding the meeting.*

**STATEMENT OF ADEQUATE NOTICE**

"In compliance with the Open Public Meetings Law of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and posted in the January 14, 2016 edition, and electronically sent to the Courier News and posted in the January 12, 2016 edition. The notice was posted on the bulletin board in the Municipal Building on January 5, 2016 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 #16-263**  
**EXECUTIVE SESSION**

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

Property Acquisition:

- Land Diversion Update – Central / Passaic Park

Litigation:

- DeMaio Electrical

Personnel:

- DPW Retirements/Replacements

Attorney/Client Privilege

- American Legion Post 484/MTI Integrated Partnership Proposal
- **Mt. Laurel Fair Housing Litigation**

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

**MOVED** by: \_\_\_\_\_ of the Township Committee of the Township of Long Hill that Resolution #16-263 is hereby approved for Executive Session. **SECONDED** by:

**ROLL CALL VOTE:**

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**OPEN PUBLIC MEETING:**

**PLEDGE OF ALLEGIANCE**

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

**PRESENTATION: Recognition of Accreditation**

**GUEST:** Harry Delgado, Accreditation Program Manager NJSACOP

**PROCLAMATION:**

- Childhood Cancer Awareness Month

**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: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolutions #16-264 through #16-273 are hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

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**RESOLUTION #16-264  
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 #16-265  
CERTIFYING ACTIVE MEMBERSHIP WITH MILLINGTON VOLUNTEER FIRE COMPANY FOR  
NEW JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY**

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

- Joseph Fronapfel
- Peter Bott
- Alex Sibilla

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**RESOLUTION #16-266  
APPROVAL OF 2017 TRAIN STATION PARKING FEES**

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that the following are the fees for the 2017 Train Station Parking Permits of the Township of Long Hill:

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

**BE IT FURTHER RESOLVED**, that the Township shall sell 150 parking permits for Millington Train Station, 65 parking permits for Stirling Train Station and 140 parking permits for the Gillette Train Station. Sale date is scheduled for Monday, **December 5, 2017**.

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**RESOLUTION #16-267  
AUTHORIZING THE EXECUTION OF RENEWAL AGREEMENT WITH MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL**

**WHEREAS**, the Township of Long Hill authorizes the Township Administrator to enter into a Renewal Cooperative Pricing Agreement with the Morris County Cooperative pricing Council, hereinafter referred to as the "Lead Agency" for the conduct of certain functions relating to the purchase of work materials and supplies for their respective jurisdictions; and

**WHEREAS**, this Resolution shall be known and may be cited as the "Renewal" Cooperative Pricing Council Resolution of Long Hill Township; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:11-15(5), the Township Committee of Long Hill is hereby authorized to enter into a "Renewal" Cooperative Pricing Agreement with the Lead Agency or any other contracting unit with the County of Morris or adjoining counties for the purpose of work, materials and supplies; and

**WHEREAS**, the Lead Agency entering into contracts on behalf of the Township of Long Hill shall be responsible for complying with the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-1 et-seq.) and all other provisions of the revised statutes of the State of New Jersey; and

**WHEREAS**, the Renewal Cooperative Pricing Council resolution shall be effective October 1, 2016 and such membership shall be for the duration of five (5) years, expiring on September 30, 2021, unless the Lead Agency and the Division of Local Government Services, elects to withdraw.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that the Township Administrator is hereby authorized to execute the Renewal Cooperative Pricing Council Agreement.

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**RESOLUTION #16-268  
(Amending Resolution 16-035)  
DESIGNATING THE OFFICIAL DEPOSITORIES & SIGNATURES ON BANK ACCOUNTS**

**BE IT RESOLVED** by the Township Committee of the Township of Long Hill that the following banks are hereby designated as depositories for funds for the Township of Long Hill for 2016 and checking accounts as indicated, shall be maintained as follows:

**Investors Bank**

- Current Account
- Federal / State Grant Account
- Capital Account
- Open Space Trust Account
- Public Parking Enterprise Account
- Recycling Trust Account
- Other Trust Account
- Unemployment Trust
- Animal Trust Account
- Law Enforcement Trust
- COAH Trust
- Payroll Account
- Recreation Account
- Clerk Account
- Tax Account
- Sewer Account
- Credit Fee Account

**Bank of America**

- Escrows Account

**BE IT FURTHER RESOLVED** by the Township Committee that the following banks are hereby designated as depositories for saving funds and escrow accounts for the Township of Long Hill for the year 2016:

- Millington Bank, Millington, N.J.
- JPMorgan Chase Bank, Stirling, N.J.
- Bank of America, Stirling, N.J.
- New Jersey Cash Management Plan, Trenton, N.J.
- PNC Bank, Stirling, N.J.
- Peapack Gladstone Bank, Warren, N.J.
- Investors Bank, Stirling, N.J.
- TD Bank, Warren, N.J.
- Santander Bank, Stirling, N.J.

**BE IT FURTHER RESOLVED** that all withdrawals against the foregoing accounts shall bear the signatures of the following officials of said Township: Chief Financial Officer, and Township Administrator. In the absence of the Chief Financial Officer or Township Administrator, the Mayor or Township Clerk may sign, and Assistant Treasurer may sign for the Payroll account.

**BE IT FURTHER RESOLVED** that in the event of illness or absence of the Township Administrator, Mayor, Chief Financial Officer, Deputy Mayor or Township Clerk that two (2) of the required signatures will be sufficient for a ten (10) day period upon due notification to said banks.

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**RESOLUTION #16-269  
APPROVAL AND RELEASE OF MINUTES**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the September 20th, 2016 Township Committee Special Meeting.

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**RESOLUTION #16-270**

**ACCEPTING RESIGNATION - Desch**

**BE IT RESOLVED** that the Township Committee hereby accepts the resignation effective September 30th, 2016 from Richard Desch, Long Hill Township Department of Public Works Utility Person Class Two. We wish Mr. Desch the best of luck in his retirement.

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**RESOLUTION #16-271  
ACCEPTING RESIGNATION - Davis**

**BE IT RESOLVED** that the Township Committee hereby accepts the resignation effective September 30th, 2016 from Joe Davis, Long Hill Township Department of Public Works Foreman, Equipment Operator, Truck Driver Class One. We wish Mr. Davis the best of luck in his retirement.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 16-272  
APPROVING SPECIAL EVENT LICENSE  
[Long Hill Township P.B.A 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-16-20 for the event to the "Sponsor" Long Hill Township P.B.A Civic Association, for their "Pro Wrestling" Style Fundraiser to be held 6:00 PM – 11:00 PM on October 15, 2016; at the Long Hill Township Community Center, Warren Ave, Stirling NJ 07980.

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**TOWNSHIP OF LONG HILL  
RESOLUTION 16-273**

**APPROVING A CHANGE ORDER TO KLEINFELDER EAST, INC. PROFESSIONAL SERVICES CONTRACT FOR LITIGATION SUPPORT SERVICES**

**WHEREAS**, the Township, by Resolution 13-170, adopted April 24, 2013, awarded a Professional Services Contract to Kleinfelder East, Inc. (formerly "Omni Environmental LLC") ("Kleinfelder") in accordance with its April 5, 2013 proposal to provide final design and NJEIFP (New Jersey Environmental Infrastructure Financing Program) support services for the Township Wastewater System Improvements Project, at a cost not to exceed \$110,350; and

**WHEREAS**, DeMaio Electrical Company, Inc. (“DeMaio”), the general contractor on that project, has filed a lawsuit in the Superior Court of New Jersey, Law Division, Morris County, at Docket No. MRS-L-1120-16, seeking damages in the amount of \$545,541.98 which it claims it is due for additional work it performed; and

**WHEREAS**, Kleinfelder has now submitted a proposal dated September 16, 2016 to provide litigation support services at an estimated cost of \$45,700; and

**WHEREAS**, N.J.A.C. 5:30-11.6 entitled “Change Orders for Professional Services . . .” provides in relevant part that:

“If the change is not within the scope of activities of the original contract and the contract was awarded without competitive bidding . . . as is the case for professional services . . . , any change beyond the original scope of activities shall be made by amendatory contract and approved by the governing body.”;

and

**WHEREAS**, the Township needs the assistance of Kleinfelder to defend itself in the lawsuit brought by DeMaio; and

**WHEREAS**, the Chief Financial Officer has certified in writing the availability of good 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**, Kleinfelder has completed and submitted a Business Entity Disclosure Certification which certifies that Kleinfelder has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous year and that the contracts will prohibit Kleinfelder from making any reportable contributions through the term of the contract.

**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. An amendatory contract with Kleinfelder to provide litigation support services in accordance with its September 16, 2016 proposal, in an amount not to exceed \$45,700, is hereby approved.
2. The amendatory 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 the Township Attorney.
3. The Township Clerk, in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(1), is directed to publish a notice once in the official newspaper stating the nature, duration, service and amount of this amendatory contract.
4. The Township Clerk shall make copies of this Resolution available for public inspection at the Municipal Building, 915 Valley Road, Gillette, New Jersey 07933, during regular business hours.
5. This contract shall be charged to 01-2016-0020-0193-2-00277. The certification of available funds by the Chief Financial Officer shall be attached to the original of this Resolution and shall be maintained in the files of the Township Clerk.

Approved as to Form and Legality

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John R. Pidgeon,  
Township Attorney

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**RESOLUTION**

**TOWNSHIP OF LONG HILL  
RESOLUTION 16-274**

**AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO REQUEST A  
PREAPPLICATION CONFERENCE WITH GREEN ACRES IN CONNECTION WITH  
THE PROPOSED EXCHANGE OF LANDS WITH PARTHENON REALTY, LLC**

**WHEREAS**, the Township of Long Hill (the “Township”) is the owner of Lot 3 in Block 11301; and

**WHEREAS**, Parthenon Realty, LLC (“Parthenon”) is the owner of Lot 4 in Block 11301 and Lot 15 in Block 11401; and

**WHEREAS**, the Township and Parthenon have negotiated a proposed exchange of lands that will give the new Township park access to the traffic light at Plainfield Road; and

**WHEREAS**, the Township property was acquired with a combination of Green Acres funds, Morris County Open Space Trust funds and Township Open Space Trust funds; and

**WHEREAS**, as a result, the Township must obtain the approval of Morris County, the Commissioner of Environmental Protection and the State House Commission for the exchange or it will be void and of no legal effect; and

**WHEREAS**, the Township Committee has determined that the proposed diversion will fulfill a compelling public need by providing safe access to and from the new Township park and will thereby mitigate a hazard to the public health, safety and welfare; and

**WHEREAS**, there is no feasible, reasonable and available alternative to the proposed diversion; and

**WHEREAS**, Green Acres regulations require that, prior to submitting an application for approval of a diversion of parkland, a local government unit must contact Green Acres to request



information on the Department's rules pertaining to the proposed diversion of parkland and the related procedural requirements and to request a preapplication conference with Green Acres [minor diversions - N.J.A.C. 7:36-26.4; major diversions - N.J.A.C. 7:36-26.9];

**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 Mayor and Township Clerk are hereby authorized and directed to sign the attached Letter of Intent to exchange lands with Parthenon Realty, LLC, a copy of which is attached hereto and which is incorporated herein by reference.
2. The Township Administrator is hereby authorized and directed to request a preapplication meeting with Green Acres in accordance with the applicable regulations.
3. The Township Engineer is hereby authorized to perform any additional work necessary to file the request for a preapplication meeting. The Engineer's invoices shall be charged to the Township's Open Space Trust fund.

Approved as to Form and Legality

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John R. Pidgeon,  
Township Attorney

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolutions #16-274 is hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

## **ORDINANCES**

### **ORDINANCE INTRODUCTION**

#### **TOWNSHIP OF LONG HILL ORDINANCE # 389-16**

**SUPPLEMENTING AND AMENDING CHAPTER II OF THE TOWNSHIP CODE  
ENTITLED "ADMINISTRATION" TO ALLOW TOWNSHIP COMMITTEE  
MEMBERS TO ATTEND REGULAR MEETINGS BY TELE-CONFERENCE IF THE  
MEETING WOULD OTHERWISE HAVE TO BE CANCELLED  
DUE TO THE LACK OF A QUORUM**

*Statement of purpose: to allow members of the Township Committee to attend regular meetings by tele-conference in cases where there will not be a quorum of members attending in person.*

**BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter II of the Township Code entitled “Administration” is hereby supplemented and amended as follows:

**Section 1.** Subsection 2-3.2 entitled “Regular Meetings” is hereby supplemented and amended by adding the following new paragraph at the end of the existing paragraph:

“If it is determined that a regular meeting will have to be cancelled because of a lack of a quorum, members of the governing body may attend that regular meeting by tele-conference under the following conditions:

- a. All requirements of the Open Public Meetings Act N.J.S.A. 4:10-8 et seq. are met.
- b. The member or members of the Governing Body attending the meeting by speaker phone can be heard by all other members of the Governing Body whether they are attending the meeting in person or electronically as well as members of the public attendance at the meeting.
- c. The member or members of the Governing Body attending the meeting by speaker phone are able to hear comments by other members of the Governing Body as well as members of the public.

If technological problems prevent participation by any members of the Governing Body who are not physically present at the meeting, the meeting shall be held without them as long as there is still a quorum present to conduct the meeting, or unless a majority of those present in person and by tele-conference vote to adjourn the meeting.” For purposes of this ordinance, "tele-conference" means either video conference or telephone.

**Section 2.** Subsection 2-3.3 entitled “Special Meetings” is hereby amended to read as follows:

**“2-3.3 Special Meetings.**

The Mayor or any two (2) members of the Township Committee may call special meetings, upon proper notice to all members of the Committee and the public in accordance with the Open Public Meetings Act. No item may be considered at a special meeting unless it was included in the agenda. No vote or action of the Committee shall be rescinded at any special meeting unless there be present at such meeting as many Committee members as were present at the meeting when such vote or action was taken.

In the case of special meetings which have been scheduled with less than ten (10) days notice, members of the Governing Body may attend that special meeting by ~~telephone~~ tele-conference under the following conditions:

- a. All requirements of the Open Public Meetings Act N.J.S.A. 4:10-8 et seq. are met.
- b. The member or members of the Governing Body attending the meeting by speaker phone can be heard by all other members of the Governing Body whether they are attending the meeting in person or electronically as well as members of the public attendance at the meeting.
- c. The member or members of the Governing Body attending the meeting by speaker phone are able to hear comments by other members of the Governing Body as well as members of the public.

If technological problems prevent participation by those members of the Governing Body who are not physically present at the meeting, the meeting shall be held without them as long as there is a quorum present in person to conduct the meeting, or unless a majority of those present in person and by ~~telephone~~ tele-conference vote to adjourn the meeting. For purposes of this ordinance, "tele-conference" means either video conference or telephone."

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

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

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

**NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 28, 2016 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, October 26, 2016 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.

\_\_\_\_\_  
Deborah Brooks, RMC, CMR, Clerk

**OPEN Public Hearing**  
**CLOSE Public Hearing**

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Ordinance 389-16 is hereby approved on first reading, with the public hearing scheduled for October 26, 2016. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

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**ORDINANCE INTRODUCTION**

**ORDINANCE #390-16**

**AN ORDINANCE ESTABLISHING NEW STOP INTERSECTIONS  
AND SUPPLEMENTING AND AMENDING CHAPTER VII  
OF THE TOWNSHIP CODE ENTITLED "TRAFFIC"**

**WHEREAS**, the Traffic Section the Township Police Department in memoranda dated September 7, 2016 has recommended establishing additional stop intersections; and

**WHEREAS**, all of the recommended stop intersections are on totally self-contained municipal roads and therefore do not require NJDOT approval;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter VII of the Township Code entitled "Traffic" is hereby supplemented and amended as follows:

**Section 1.** Section 7-24 entitled “Stop Intersections” is supplemented and amended by adding the following intersections in alphabetical order:

**“7-24 STOP INTERSECTIONS**

Pursuant to the provisions of *N.J.S.A. 39:4-140*, the intersections described are hereby designated as stop intersections. Stop signs shall be installed as provided therein:

<b>Intersection</b>	<b>Stop Sign On</b>
Daugherty Avenue and Mitchell Road	Daugherty Avenue
Milton Avenue and Mitchell Road	Milton Avenue

**Section 2.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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

**NOTICE**

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 28, 2016 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, October 26, 2016 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.

\_\_\_\_\_  
Deborah Brooks  
Township Clerk

**OPEN Public Hearing**  
**CLOSE Public Hearing**

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Ordinance 390-16 is hereby approved on first reading, with the public hearing scheduled for October 26, 2016. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

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**COMMITTEE LIAISON REPORTS:**

**DISCUSSION / ACTION ITEMS**

- Recommended Ordinance Changes from the Planning Board and the Ordinance Subcommittee – Kevin O’Brien memo of July 14, 2016
- Tree Stump removal
- Permanent Sign Ordinance
- Traffic Control Light at Gillette School

**OLD BUSINESS / Administrator’s Report:**

**NEW BUSINESS:**

**Announcements/Correspondence: Flu Clinic**

**MEETING OPEN TO THE PUBLIC:**

- Remarks and Statements Pertaining to Any Matter
- Comments and remarks will be limited to 3 Minutes

**ADJOURNMENT**