

**TOWNSHIP OF LONG HILL
TOWNSHIP COMMITTEE MEETING MINUTES
OCTOBER 25, 2017**

Mayor Schuler read the following statement:

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 12th, 2017 edition, and electronically sent to the Courier News and posted in the January 6, 2017 edition. The notice was posted on the bulletin board in the Municipal Building on January 4, 2017 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 #17-277
EXECUTIVE SESSION**

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

Attorney Client

- Affordable Housing

Personnel

- Personnel Matter updates

Litigation/Potential Litigation

- Zoning Violation
- DeMaio Litigation

Contract Negotiations

- Charging Station

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: Committeeman Meringolo of the Township Committee of the Township of Long Hill that Resolution #17-277 is hereby approved for Executive Session. **SECONDED** by: Committeeman Piserchia

ROLL CALL VOTE: All in favor

Mayor Schuler opened the meeting at 7:36 PM.

All present recited the Pledge of Allegiance.

ROLL CALL: Committeeman Dorsi, Committeeman Meringolo, Committeeman Piserchia, and Mayor Schuler were present.

LIAISON REPORTS:

Committeeman Meringolo:

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- Cooper headstone project is complete, please visit the new site.
- Will be attending a local Board of Education meeting in November to discuss enrollment and PILOT programs

Committeeman Piserchia: Will save his report for Old business

Committeeman Dorsi: No report

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: Committeeman Meringolo of the Township Committee of Long Hill Township, that Resolutions #17-278 through #17-283 are hereby approved. **SECONDED** by: Committeeman Piserchia. **ROLL CALL VOTE:** All in favor.

**TOWNSHIP OF LONG HILL
RESOLUTION 17-278
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.

**TOWNSHIP OF LONG HILL
RESOLUTION 17-279
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 October 11th, 2017 Township Committee Meetings.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the October 11th, 2017 Executive Session Meeting Minutes as redacted by the Township Attorney.

**TOWNSHIP OF LONG HILL
RESOLUTION 17-280
APPOINT JOINT INSURANCE FUND COMMISSIONER**

BE IT RESOLVED by the Township Committee of the Township of Long that Nancy Malool is hereby appointed Joint Insurance Fund Commissioner for the remainder of 2017. *(JIF Bylaws Article III).*

**TOWNSHIP OF LONG HILL
RESOLUTION 17-281**

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RESOLUTION APPROVING BOHLER ENGINEERING CONTRACT CHANGE ORDER

WHEREAS, James R. Houston, Jr., PE & PLS, PP, CMA, of Bohler Engineering NJ, LLC (“Bohler”), submitted a proposal dated November 30, 2016 to serve as the Township’s engineering expert in the DeMaio sewer improvement project litigation that is pending in the Superior Court of New Jersey at Docket No. MRS-L-1120-16; and

WHEREAS, Bohler estimated that its total charges would be approximately \$18,500; and

WHEREAS, Resolution #16-321 adopted November 30, 2016, authorized a professional services contract with Bohler but capped the contract amount at \$5,000, with the realization that amount would have to be increased as the litigation progressed; and

WHEREAS, Bohler has already submitted invoices totaling approximately \$17,000; and

WHEREAS, additional time will be spent by James Houston testifying as an expert witness at trial; and

WHEREAS, *N.J.A.C. 5:30-11.6* provides that “change order [to a professional services contract] should be within the scope of activities of the original contract,” and goes on to provide that “the 20% limitation of *N.J.A.C. 5:30-11.3(a)9* shall not apply to professional and consulting contracts”;

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 change order #1 to the Bohler contract is hereby approved by increasing the authorized maximum amount of the contract from \$5,000 to \$30,000.

**TOWNSHIP OF LONG HILL
RESOLUTION 17-282
RESOLUTION APPOINTING ADMINISTRATIVE ASSISTANT**

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. Gretchen McCarthy is hereby appointed a part-time Administrative Assistant (with no benefits)

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assigned to the Administrator's office, effective October 23, 2017.

2. Gretchen McCarthy shall work 27.5 hours per week and be compensated at the rate of \$25.00 per hour.
3. In all other respects, Gretchen McCarthy's employment and benefits will be subject to the terms and conditions set forth in the Township Personnel Policies and Procedures Manual.
4. This appointment is contingent upon satisfactory completion of a background check.

**TOWNSHIP OF LONG HILL
RESOLUTION 17- 283
RESOLUTION APPOINTING TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL
("TACO")**

WHEREAS, there is currently a vacancy in the position of Technical Assistant to the Construction Official ("TACO"); and

WHEREAS, N.J.S.A. 52:27D-126 provides that:

"The governing body of any municipality shall appoint a construction official, any necessary subcode officials and technical assistants to assist such officials to administer and enforce the [Uniform Construction] Code . . .

....

"d. The commissioner, after consultation with the Code Advisory Board, may periodically require that each construction official, subcode official and technical assistant demonstrate a working knowledge of innovations in construction technology and materials, recent changes in and additions to the relevant portions of the State Uniform Construction Code and current standards of professional ethics and legal responsibilities; or, in the alternative, the commissioner, after consultation with the current advisory board, may accept successful completion of appropriate programs of such working knowledge"; and

WHEREAS, Township Administrator, Nancy Malool, has recommended the appointment of Kelly Burns, who has all of the required qualifications, to be TACO;

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

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

1. Kelly Burns is hereby appointed full-time Long Hill Township TACO, effective November 21, 2017, at an annual salary of \$54,000, which shall be prorated for the balance of 2017.
2. In all other respects, Kelly Burns' employment and benefits will be subject to the terms and conditions set forth in the Township Personnel Policies and Procedures Manual.
3. This appointment is contingent upon satisfactory completion of a background check.

ORDINANCE:

INTRODUCTION/FIRST READING

**TOWNSHIP OF LONG HILL
ORDINANCE #403-17**

AN ORDINANCE ADOPTING A NO-KNOCK REGISTRY AND SUPPLEMENTING AND AMENDING SECTION 4-3 ENTITLED "CANVASSERS, SOLICITORS AND PEDDLERS" IN CHAPTER IV OF THE TOWNSHIP CODE ENTITLED "GENERAL LICENSING"

WHEREAS, residents have complained about being disturbed by canvassers after dark; and

WHEREAS, various court cases, including *New Jersey Citizen Action v. Edison Township*, 797 F. 2d 1250 (3d Cir., 1986), have held that restricting canvassers' right to conduct door-to-door canvassing before 9:00 p.m. is unconstitutional; and

WHEREAS, the Township Committee wishes to adopt a no-knock registry ordinance to protect those residents who do not want to be disturbed;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Section 4-3 entitled "Canvassers, Solicitors and Peddlers" in Chapter IV of the Township Code entitled "General Licensing" is hereby supplemented and amended as follows:

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Section 1. There is hereby added a new section 4-3.3 entitled “Do Not Knock Registry”

which reads as follows:

4-3.3 Do Not Knock Registry

A. All residents of the Township of Long Hill may register their address with the Township Clerk to be placed on the Do Not Knock Registry, indicating that they do not want peddling, itinerant vending and door-to-door sales enterprises to approach their homes on their premises. Registration shall be by completion of a form made available by the Township Clerk's office.

B. Residents shall remain on the Do Not Knock Registry until such time as they advise the Township Clerk in writing that they wish to be removed from the list.

C. Any resident registered on the Do Not Knock Registry, pursuant to Subsection A herein, shall be able to procure from the Clerk's office a sticker for display at the residence indicating enlistment on the Long Hill Township Do Not Knock Registry. The first sticker shall be provided free of charge and may be picked up in person during regular business hours. If a replacement sticker is required, the individual may pick up a replacement at the Clerk's office at no charge. A fee for processing and mailing will be applied for any individual who desires to have the sticker mailed to him or her, which shall be payable to the Township Clerk. The sticker must be displayed in a clearly visible location.

D. The Township Clerk shall maintain the Do Not Knock Registry and allow inspection of the addresses on the registry to all persons or entities required to obtain a permit under Township Code Section 4-3.1.

E. It shall be unlawful for any person or entity required to obtain a permit pursuant to Township Code Section 4-3.1 to enter the approach and/or seek contact from a residence registered on the Do Not Knock Registry.

Section 2. The existing subsection 4-3.3 entitled “Violations and Penalties” is hereby renumbered subsection 4-3.4.

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

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this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 8. 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, October 25, 2017 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, November 29th, 2017 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.

MOVED by: Committeeman Meringolo, that Ordinance #403-17 be introduced on first reading and advertised for second reading which is scheduled for the November 29th, 2017 Meeting.

SECONDED by: Committeeman Piserchia, **ROLL CALL VOTE:** All in favor.

INTRODUCTION/FIRST READING

**TOWNSHIP OF LONG HILL
ORDINANCE #404-17**

**CREATING THE POSITION OF PLANNING AND ZONING COORDINATOR AND
SUPPLEMENTING AND AMENDING CHAPTER II OF THE TOWNSHIP CODE ENTITLED
“ADMINISTRATION”**

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

Section 1. There is hereby created a new section 2-26 entitled “Planning and Zoning Coordinator” which reads as follows:

“2-26 PLANNING AND ZONING COORDINATOR

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2-26.1 Creation of Office

The position of Long Hill Township Planning and Zoning Coordinator is hereby created.

2-26.2 Appointment; Term

The Planning and Zoning Coordinator shall be appointed by the Township Committee and shall serve at the pleasure of the Township Committee. The Planning and Zoning Coordinator's hours and compensation shall be set by the Township Committee.

2-26.3 Qualifications

The Planning and Zoning Coordinator shall be appointed on the basis of administrative abilities and qualifications with special regard to education, training and experience in planning and zoning, and familiarity with affordable housing, zoning ordinance enforcement, and the operations of municipal planning boards and zoning boards of adjustment. A person appointed as the Planning and Zoning Coordinator need not be a resident of the Township.

2-26.4 Powers and Duties of the Planning and Zoning Coordinator

The Planning and Zoning Coordinator shall:

- a. Supervise the staff of the Planning and Zoning Department.
- b. Supervise the activities of the Township Zoning Officer and coordinate enforcement activities between and among the Zoning Officer, the Construction Office and the Fire Official.
- c. Be the staff liaison to the Planning Board, the Zoning Board of Adjustment and the Environmental Commission, and work with the members of the boards.
- d. Interface with consulting planners and engineers employed by the Township Committee, the Planning Board and the Zoning Board of Adjustment.
- e. Act as the Municipal Housing Liaison in accordance with the provisions of N.J.A.C. 5:95-16.1, et seq., for the purpose of administering the Township's Affordable Housing Program.
- f. Be the "Administrative Officer" (as defined in Section 111 of the Township Land Use Ordinance) charged with reviewing development applications and requests for administrative waivers and determining whether they are complete in accordance with the provisions of N.J.S.A. 40:55D-10.3.
- g. Serve as a member of the Technical Review Committee, pursuant to Section 162.9 of the Township

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Land Use Ordinance.

h. Serve as the “board secretary” as that term is defined in section 111 of the Township Land Use Ordinance, for the sole purpose of signing off on subdivision and site plans.

i. Serve as recording secretary to both the Planning Board and the Zoning Board of Adjustment; attend all regular and special meetings of the boards and draft minutes for every meeting.

j. Perform such other duties as may be requested by the Township Committee.”

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, October 25, 2017, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, November 29, 2017 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.

MOVED by: Committeeman Meringolo, that Ordinance #404-17 be introduced on first reading and advertised for second reading which is scheduled for the November 29th, 2017 Meeting.

SECONDED by: Committeeman Dorsi, **ROLL CALL VOTE:** All in favor.

DISCUSSION / ACTION ITEMS:

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- Charging Station: The Charging Station project is moving forward. The Township has received two quotes for the electrical work and installation should be coming soon. There will be two dedicated parking spots for the Charging Station in the back parking lot.

OLD BUSINESS:

- Committeeman Piserchia spent some time responding to various questions that citizens had asked him and the Mayor when they had been attending the Wastewater Referendum informational hearing. Additionally Committeeman Piserchia read a letter from Sally Rubin, Executive Director of the Great Swamp Watershed Association, which supported the sale of the Wastewater System.
- Off Street Parking Ordinance Amendment – Upon advice of Attorney Pidgeon and motion of Committeeman Meringolo, seconded by Committeeman Dorsi, the Township Committee unanimously voted to repeal the motion made at the October 11, 2017 meeting dealing with the Downtown Stirling Parking Ordinance.

NEW BUSINESS: None

ANNOUNCEMENTS/CORRESPONDENCE:

- November 7th – VOTE!
- October 28th – Friends of the Library Shredding Fundraiser – 10:00 AM to 2:00 PM
Questions email longhillfol@gmail.com
- FORCE Tiger Tracks 5K Race – October 29th 7am to 10:30am at Central Middle School
- Prescription drug drop off at the Library on October 28th 10am to 2pm.
- Free Rabies Shot Clinic – November 11th 10am to 12pm at the Bernards Twp. Public Works Garage
- NJAW Information session dates: 10/17/17, and 10/30/17.

MEETING OPEN TO THE PUBLIC:

Larry Fast, Lisa Lazar, Gary Gianakis, Kathy O’Leary and Dennis Sandow made comments, asked questions and received answers on various questions relating to the sale of the Wastewater System, Affordable Housing, Property Taxes and the School System.

On motion by Committeeman Meringolo, seconded by Committeeman Dorsi, all in favor, the public portion of the meeting was adjourned at 10:13 pm.

Respectfully submitted,

Deborah Brooks, RMC, CMR
Township Clerk

Approved November 8, 2017