



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION AGENDA
September 23, 2020
7:30 PM OPEN SESSION, CLOSED SESSION 6:45 PM**

Clerk Phillips read the following statement:

STATEMENT OF PRESIDING OFFICER

"In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting specifically, the time, date and public call in information were included in the meeting that was electronically sent to the Echoes Sentinel and posted on the Township Website. The agenda and public handouts for this meeting can be viewed online at www.longhillnj.gov. A public comment period will be held in the order it is listed on the meeting agenda.

EXECUTIVE SESSION:

20-257 EXECUTIVE SESSION

- Personnel
 - Zoning Officer
- Potential Litigation
 - Mt. Laurel

MOVED by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township, that Resolution 20-257 is hereby approved. **SECONDED** by: Committeeman Dorsi. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

CALL MEETING TO ORDER:

Mayor Rae **opened the public session** of the meeting at 7:39 pm.

All present recited the **Pledge of Allegiance**.

ROLL CALL: Committeeman Dorsi, Committeeman Schuler, Committeeman Verlezza, Deputy Mayor Piserchia, and Mayor Rae were present via teleconference. Also present via teleconference were Attorney Pidgeon, Administrator Malool, and Clerk Phillips.

ORDINANCE(S):

**ORDINANCE 462-20 (SECOND READING / ADOPTION)
AUTHORIZING REPAIRS (INCLUDING PAINTING) TO THE MILLINGTON SCHOOLHOUSE AND APPROPRIATING \$25,000 THEREFOR FROM THE OPEN SPACE TRUST FUND**

Mayor Rae opened up the **PUBLIC HEARING**.

Karen Meleta asked if this was the Ordinance for Lot 22 and received clarification that that Ordinance will be open for a public hearing on October 14, 2020.

Mayor Rae closed the **PUBLIC HEARING**.

MOVED by: Deputy Mayor Piserchia, that Ordinance #462-20 be adopted. **SECONDED** by: Committeeman Verlezza, **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

ORDINANCE 464-20 (FIRST READING / INTRODUCTION)

AN ORDINANCE REGULATING THE REMOVAL OF TREES, AMENDING CHAPTER XXIII OF THE TOWNSHIP CODE ENTITLED SHADE TREES IN ITS ENTIRETY

Attorney Pigeon revised the definition of Tree Removal Permit and a discussion ensued over the Ordinance.

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 23, 2020, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 28, 2020 by a meeting 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. To obtain details of the meeting please refer to October 28, 2020 public agenda or email municipalclerk@longhillnj.gov.

MOVED by: Deputy Mayor Piserchia, that Ordinance #464-20 be introduced and passed on first reading. **SECONDED** by: Committeeman Dorsi, **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Schuler; no, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

CONSENT AGENDA RESOLUTIONS:

Resolution No. 20-258 – 20-264 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.

- 20-258 APPROVAL AND RELEASE OF MINUTES:
- 20-259 APPROVING PAYMENT OF BILLS
- 20-260 AMENDING RESOLUTION 20-249 APPOINTING GLEN SHERMAN AS TOWNSHIP TAX ASSESSOR
- 20-261 AWARDED CONTRACT FOR GLASS REPLACEMENT AT THE MILLINGTON SCHOOLHOUSE
- 20-262 AWARDED CONTRACT FOR PAINTING MILLINGTON SCHOOLHOUSE
- 20-263 CERTIFYING ACTIVE MEMBERSHIP WITH MILLINGTON VOLUNTEER FIRE COMPANY
- 20-264 IN GRADE ADVANCEMENT – OFFICER ROBOL

MOVED by: Committeeman Schuler of the Township Committee of Long Hill Township, that Resolution 20-258 through 20-264 are hereby approved. **SECONDED** by: Deputy Mayor Piserchia. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

LIAISON REPORTS:

- **Committeeman Verlezza** spoke about the concert going on at Matthew Kantor Park on Thursday, September 24th.

- **Committeeman Dorsi** congratulated and welcomed Ian Vickery to the Millington Volunteer Fire Company.
- **Mayor Rae** reported police statistics. Mayor Rae also reported that Lt. James Marczewski has been nominated as Hometown Hero by both Meyersville Grange and New Jersey State Grange and wished Lt. Marczewski and Meyersville Grange at the National Level.

ADMINISTRATOR'S REPORT:

- **Administrator Malool** reported that DPW has been completing lawn cutting and crack sealing and will be planting the 21 Challenge Grant Trees next week. Administrator Malool provided clarification on the SCBA discussion from last meeting.

DISCUSSION:

- Halloween / Halloween Parade – The Township Committee decided to hold its annual Halloween Parade on Sunday, Oct 18th at Matthew G Kantor Park with a rain date of October 25th.
- First Aid Trunk or Treat – The Township Committee decided to allow the First Aid Trunk or Treat in the Town Hall parking lot.

OLD/NEW BUSINESS:

- Committeeman Schuler asked when Town Hall will be opening up and Mayor Rae said no date as of yet.
- Deputy Mayor Piserchia would like to recognize the passing of Supreme Court Justice Ruth Bader Ginsburg.

Mayoral Appointment

Recreation Committee
Kathleen Petrones Tighe (5yr)

Expiration of Term
December 31, 2024

- Mayor Rae reported that Terry Carruthers has stepped down and resigned and would like to appoint Susan Garretson Friedman as Chair, and move Tom Flatley to Vice Chair. Mayor Rae wishes Terry Carruthers all the best.

ANNOUNCEMENTS:

- Mayor Rae spoke about the upcoming election and changes under Governor Murphy's Executive Order No.177.
- Deputy Mayor Piserchia, Mayor Rae and Chief Naga have all been involved in "A Way Out" which will be having a free Naloxone at participating pharmacies from Sept 24-26.
- Mayor Rae reminded everyone to fill out the Census.
- Mayor Rae spoke about Spotted Lantern and reminded residents to report them to Department of Agriculture.
- Deputy Mayor Piserchia spoke about the Free Shred Day at the library on October 17th 10:00am-2:00pm.

MEETING OPEN TO THE PUBLIC: Remarks and Statements Pertaining to Any Matter -Comments and remarks will be limited to 3 Minutes

- Vice President of the School Board Kim Case spoke about hybrid learning and superintendent transition period, in addition to second round interviews for the superintendent. The next Board of Education meeting will be held virtually on October 5th.
- Charles Arentowicz asked where the timer was.

ADJOURNMENT

On motion by Deputy Mayor Piserchia and seconded by Committeeman Dorsi, and carried unanimously to adjourn into executive session with no further action at 8:29pm.

Respectfully submitted,

Megan Phillips

Megan Phillips
Approved: October 14, 2020

**RESOLUTION 20-257
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:

- Personnel
 - Zoning Officer

**ORDINANCE 462-20
AUTHORIZING REPAIRS (INCLUDING PAINTING) TO THE MILLINGTON SCHOOLHOUSE AND
APPROPRIATING \$25,000 THEREFOR FROM THE OPEN SPACE TRUST FUND**

***Statement of purpose:** to authorize the appropriation of funds from the Open Space Trust Fund to complete repairs (including painting) at the historic Millington Schoolhouse.*

WHEREAS, the Township has a duly adopted “Municipal Open Space, Recreation and Farmland and Historic Trust Fund” to be used for the purposes of acquiring, developing and maintaining lands for recreation and conservation purposes and acquiring farmland for farmland preservation purposes; and

WHEREAS, in 1997 the voters approved a proposition allocating one half of one cent (\$.005) of the annual levy of two cents (\$.02) per one hundred dollars (\$100) of assessed value for the renovation and rehabilitation of historic structures within the Township; and

WHEREAS, the historic Millington Schoolhouse needs repairs (including painting); and

WHEREAS, the proposed repairs have been approved by both the New Jersey Historic Preservation Office and the Morris County Historic Preservation Office;

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 completion of repairs (including painting) at the historic Millington Schoolhouse is hereby authorized.

Section 2. There is hereby appropriated \$25,000 from the Township Open Space, Recreation and Farmland and Historic Trust Fund to cover the cost thereof.

Section 3. This ordinance shall take effect immediately upon final passage and publication as required by law.

**ORDINANCE 464-20
AN ORDINANCE REGULATING THE REMOVAL OF TREES, AMENDING CHAPTER
XXIII OF THE TOWNSHIP CODE ENTITLED SHADE TREES IN ITS ENTIRETY**

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that the Township Code and the Township Land Use Ordinance are hereby supplemented and amended as follows:

Section 1. Title. Chapter XXIII of the Township Code entitled “Shade Trees” is amended in its entirety to read as follows:

Chapter 23 Shade Trees

Section 23-1 Purpose and Intent

- A. The purpose of this section is:
1. To preserve and protect trees within the Township of Long Hill, which helps to preserve water quality, abate noise, and enhance the ambience and character of the community.
 2. To control the indiscriminate destruction of trees which has been shown to have severe detrimental environmental, ecological and economic effects including increased soil erosion and surface drainage problems, creation of insect breeding sites, decreased oxygen production, decreased property values and increased Township costs and thereby to eliminate a threat to the public health, welfare and safety.
 3. To protect the semirural character and natural resources of the Township, consistent with the goals and objectives of the Master Plan. This section is not intended to restrict homeowners from removing dead, diseased, or hazardous trees. It is not intended to restrict homeowners from conducting routine pruning of trees or other maintenance procedures.
- B. This section places special emphasis on the preservation of trees around the perimeter of a property to create Conservation Areas based upon setback requirement pursuant to the Township of Long Hill Zoning Code. The ordinance will also provide a sound management structure for the removal of trees in the Township.

Section 23-2 Definitions

Diameter at Breast Height shall mean the diameter of a tree measured 4'6" above the uphill/highest side above grade.

Enforcement Officer shall mean the Code Enforcement Officer.

Hazardous Tree shall mean a tree that must meet the following two criteria: (1) The tree, or a tree part, must be at an increased likelihood of failure, usually due to the presence of some structural defect e.g. the presence of a significant amount of decay in a portion of the tree, and (2) there must be one or more targets present. A target may be any person or property that could potentially be damaged or injured should a failure occur. If there are no targets present there is no risk and the tree will not be considered a hazard, even if it is structurally unsound and likely to fail at any time.

Landmark Trees shall mean any tree designated and identified by the Township Shade Tree Commission meeting the criteria for designation.

Township Trees shall mean trees located on Township property or within Township right-of-way.

Private Trees shall mean any tree other than a Township tree.

Screening shall mean one or more trees or hedges which provide a visual barrier between properties.

Tree shall mean any woody perennial plant having a diameter of six inches measured at a point 4'6" above grade.

Tree Removal Permit shall mean a permit issued by the Shade Tree Commission or the chair of the Shade Tree Commission authorizing the applicant permission to remove a Township tree.

Tree Removal Registration shall mean a registration filed with the Township Clerk on the official Township form before a property owner or tenant removes a tree 12' in diameter or greater from private property.

Section 23-3 Responsible Officials; Enforcement

- A. .Administration. The Shade Tree Commission shall be responsible for administration of this section.
- B. Enforcement Officer. The Code Enforcement officer is hereby authorized to enforce the regulations set forth within the Township Code.

Section 23-4 Prohibition and Requirements with Respect to Township Trees

- A. It shall be unlawful to commit any of the following acts with respect to Township Trees within parks and public property or within Township right-of-way without the prior written permission of the Shade Tree Commission.
 - 1. Cut, prune, break, injure, alter or remove any tree; or cut, unduly disturb or interfere in any way with any root of a tree or trees.
 - 2. Spray any tree with a chemical.
 - 3. Fasten any rope, wire, sign, or other device to a tree or trees or to any guard about such a tree or trees.
 - 4. Install, remove or injure any guard or device placed to protect any trees.
 - 5. Obstruct access of air, water, or fertilizer to the roots of such tree or trees.
 - 6. String any wires or lines through a public park.
- B. The Shade Tree Commission shall grant such written permission if the activity for which such permission is requested is in the public interest and is not likely to materially injure any Township tree.
- C. Any person or persons who cause damage to any tree(s) by machines, autos, etc. shall be held liable for damages to the tree or trees. Damages shall be corrected or repaired by the liable person or persons billed for the damages and shall be liable to the penalties set forth in section 1-5 of this Code.

Section 23-5 Tree Protection

- a. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant.
- b. Snow fencing used for tree protection shall be firmly secured along the dripline but shall be no less than six (6) feet from the trunk.
- c. The grade of land located within the dripline shall not be lowered or raised unless compensated by welling or retaining wall methods; and in no event shall be permitted within the dripline or within six (6) feet of any remaining trees, whichever is greater.
- d. Any excavation within the dripline, or within six (6) feet of the trunk of a remaining tree, whichever is greater, shall be done by airspade or hand-operated equipment.
- e. Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in the Tree Replacement section of this ordinance.

Section 23-6 Landmark Trees

- A. The Shade Tree Commission or its Chair upon request, shall determine whether any tree qualifies as a "Landmark Tree". A tree may qualify as a Landmark Tree if it meets one (1) or more of the following criteria:
 - 1. The tree species is rare.
 - 2. The tree is more than one-hundred (100) years of age.
 - 3. The tree is of an abnormal height or has an abnormal trunk diameter or dripline diameter for a tree of its species.
 - 4. The quality of the tree foliage is abnormal for a tree of its species.

5. The location, shade value, fragrance, erosion control, aesthetic, features or scenic enhancement of such tree is of especial importance to the Township.
- B. All trees designated as Landmark Trees, shall be shown on a map with appropriate code marks signifying each tree's designation, number, species, age, size and other distinguishing characteristics for ready reference and periodic monitoring.
- C. If the owner or owners of the property on which a Landmark Tree is located consents thereto, the Township may identify such tree as a Landmark Tree by the placement of a suitable marker thereon.
- D. If and when, any Landmark Tree is removed, the Shade Tree Commission shall arrange for the necessary changes to be made to the official Landmark Tree inventory records and Township Map.

Section 23-7 Protection of Trees on Private Property

- A. Any person wishing to remove one or more trees greater than 12" in diameter, shall file a registration form with the Township Clerk which shall include a description of the tree(s) to be removed, their species, their size, their health and their location on the property.
- B. No fee shall be charged for a tree removal registration, however, failure to file the registration form before removing the trees in accordance with paragraph "A" above shall subject a property owner and/or tenant to the penalties set forth in section 23-12 below.

Section 23-8 Exemptions from Permit Requirement and Penalties

The following lands, activities and uses shall be exempt from the terms and conditions of this section and shall also be exempt from any violations or penalties.

- A. Activities lawfully conducted on public lands or rights-of-way by or on behalf of a local, federal, state, county or other governmental agency or entity or utility company.

Section 23-9 Notice to Owner or Occupant to Remove or Maintain Dangerous Trees

The Enforcement Officer may require the removal or maintenance of a tree that is dangerous to public safety, at the expense of the owner or occupant of a property, upon serving written notice that the same will be removed or pruned to make the situation safe within a 30 day period.

Section 23-10 Nonliability of Township

- A. Nothing in this section shall be deemed to impose any liability upon the Township or its officers or employees or agents or upon the Commission or any of the Commissioners.
- B. Nothing in this section shall be deemed to relieve the owner and/or occupant of any private property from the duty to keep trees and shrubs thereon in a safe condition.

Section 23-11 Tree Replacement

The Shade Tree Commission may recommend that Township trees be replaced under the following guidelines:

- A. Trees should be replaced on a 1:1 basis.
- B. Deciduous replacement trees should be a minimum of 2 – 2.5" caliper, balled and burlapped and suitable for Zone 6 and guaranteed for two years.
- C. Evergreen replacement trees should also be balled and burlapped and of a minimum size of 7' - 8' in height and suitable for Zone 6 and guaranteed for two years.
- D. In some instances, it may be appropriate to plant hedges or other screening as an alternative to replacement tree(s) if same would provide a more suitable visual barrier and/or better serve the purpose of this section.
- E. The preferred tree replacement locations should be on the actual tree removal site, however in lieu of providing a replacement tree on site, the owner of the property must contribute \$300 per

tree to the Township of Long Hill Tree Fund to be used for the replacement of trees on public property or Township right-of-way.

Section 23-12 Violations and Penalties

Ay person violating or causing to be violated any of the provisions this section shall be subject to the penalties set forth in section 1-5 of the Township Code and shall replace each tree destroyed or removed in violation of this section with another tree of the same species, at least two inches in diameter measured at a point four feet above the ground. Each tree destroyed or removed in violation of this section shall be considered a separate offense. Failure to secure a permit prior to removal or destruction shall be a violation of this section.

Section 2. In case any article, section or provisions 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 3. This ordinance shall become effective immediately upon final passage and publication as required by law.

**RESOLUTION 20-258
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 9, 2020 Township Committee Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves September 9, 2020 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 20-259
APPROVING PAYMENT OF BILLS**

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

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

**RESOLUTION 20-260
AMENDING RESOLUTION 20-249 APPOINTING GLEN SHERMAN AS TOWNSHIP TAX ASSESSOR**

WHEREAS, the Township Committee adopted Resolution #20-223 at its August 12, 2020 meeting accepting the retirement of Township Tax Assessor Brett Trout effective August 26, 2020; and

WHEREAS, N.J.S.A. 40A:9-148 provides that, "Every municipal tax assessor . . . shall hold his office for a term of 4 years from the first day of July next following his appointment. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term"; and

WHEREAS, Mr. Trout's term of office was scheduled to end on June 20, 2023; and

WHEREAS, the Township Administrator, the Township CFO and the Township Attorney interviewed for candidates for the position and unanimously recommended the appointment of Glen Sherman;

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. Glen Sherman is hereby appointed Township Tax Assessor, effective September 10, 2020, to

June 30, 2021, and then July 1, 2021 to June 30, 2025.

- 2. Glen Sherman’s annual salary as Assessor shall be \$30,000, which is to be prorated for the balance of 2020.

RESOLUTION 20-261
AWARDING CONTRACT FOR GLASS REPLACEMENT AT THE MILLINGTON SCHOOLHOUSE

WHEREAS, the Township Recreation Director sought quotations for glass replacement at the historic Millington Schoolhouse; and

WHEREAS, a quotation was received from Basking Ridge Glass & Mirror in the amount of \$1,392; and

WHEREAS, the Recreation Director and the Township Administrator have recommended that the contract be awarded to Basking Ridge Glass & Mirror Inc.; and

WHEREAS, the Township Chief Financial Officer in accordance with N.J.A.C. 5:30-5, has certified that sufficient funds are available to cover the full cost 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. The contract for glass replacement at the historic Millington Schoolhouse is hereby awarded to Basking Ridge Glass & Mirror in accordance with its January 21, 2020 quotation in the amount of \$1,392.
- 2. The Mayor and Clerk are hereby authorized and directed to execute the contract for glass replacement at the historic Millington Schoolhouse as outlined above.
- 3. This contract will be properly charged to the Open Space, Recreation, Farmland and Historic Preservation Trust Fund (line item of the official Township budget. 05-9999-0601-0000-6-00000).

RESOLUTION 20-262
AWARDING CONTRACT FOR PAINTING MILLINGTON SCHOOLHOUSE

WHEREAS, the Township Recreation Director sought quotations to paint the historic Millington Schoolhouse; and

WHEREAS, a quotation was received from Final Touch Painting and Carpentry Inc. in the amount of \$10,800; and

WHEREAS, the Recreation Director and the Township Administrator have recommended that the contract be awarded to Final Touch Painting and Carpentry Inc.; and

WHEREAS, the Township Chief Financial Officer in accordance with N.J.A.C. 5:30-5, has certified that sufficient funds are available to cover the full cost 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:

- 4. The contract for the painting of the historic Millington Schoolhouse is hereby awarded to Final Touch Painting and Contracting Inc. of Springfield, New Jersey in accordance with its March 9, 2020 quotation in the amount of \$10,800.
- 5. The Mayor and Clerk are hereby authorized and directed to execute the contract for the painting the historic Millington Schoolhouse as outlined above.
- 6. This contract will be properly charged to the Open Space, Recreation, Farmland and Historic Preservation Trust Fund (line item of the official Township budget. 05-9999-0601-0000-6-00000).

RESOLUTION 20-263
CERTIFYING ACTIVE MEMBERSHIP WITH MILLINGTON VOLUNTEER FIRE COMPANY

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that **Ian Vickery** is an active member of the Millington Volunteer Fire Company.

**RESOLUTION 20-264
IN GRADE ADVANCEMENT – OFFICER ROBOL**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey upon the advice and recommendation of Police Chief Ahmed Naga, does hereby approve the grade advancement of Probationary Officer John Robol to Officer Grade XI, effective September 25, 2020 at an annual salary of \$51,660.00

BE IT FURTHER RESOLVED, that this advancement is consistent with the current PBA 322 Collective Bargaining Agreement.
