DRAFT 1-25-2016

# TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
# TOWNSHIP COMMITTEE
# REGULAR SESSION AGENDA
# January 27, 2016
# 7:30 PM OPEN SESSION, 6:45 Closed Session

*A draft of the Township Committee Regular Session Agenda is posted on the Township website at **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 18, 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 #16-075**
**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:

- Central Park (Kurz) Property update
- Eberle property update

Potential Litigation

- Wastewater Treatment Plant Upgrades

**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 #16-075 is hereby approved for Executive Session. **SECONDED** by:

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## OPEN PUBLIC MEETING:

## PLEDGE OF ALLEGIANCE

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

**Oath of Office: Officer Theresa Da Silva**
**Life Saving Citations - Chief Mazzeo**

**Board Appointments –** Johnstone & Lawrence – Recreation Advisory Committee

**Presentation: Rick Sapir** Options for Transitioning Operation of Wastewater Facility to the Private Sector

## 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 Resolution #16-063 through #16-073 are hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

**RESOLUTION # 16-063**
**(Amendment to Resolution #15-127)**
**Special Item of Revenue and Appropriation**
**Chapter 159; NJSA 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS,** the Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, our Office of Emergency Management Director has advised that in order for Township of Long Hill to be awarded for the 2014 Emergency Management Assistance Grant this resolution must be passed by June 30, 2015.

**NOW, THEREFORE, BE IT RESOLVED**, that Township of Long Hill in the County of Morris, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2015 in the sum of $5,000, in addition, the $5,000 matching fund will be provided thru OEM director's annual salary,

**BE IT FURTHER RESOLVED**, that the like sum of $5,000 is hereby appropriated under the caption Emergency Management Assistance; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the New Jersey Department of Law and Public Safety in the amount of $5,000.00.

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**RESOLUTION 16-064**
**WAIVE PERMIT FEES FOR STIRLING FIRE COMPANY**

**WHEREAS,** the Stirling Fire Company would like to install an emergency generator for their firehouse, located at 321 Somerset Street, Stirling, New Jersey and

**WHEREAS,** the installation of this generator requires a Zoning Board initial application fee for the approval of said generator.

**BE IT RESOLVED** by the Township Committee of the Township of Long Hill that all application fees associated with this generator application are waived.

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**RESOLUTION 16-065**
**ACCEPTING RESIGNATION - BREMER**

**BE IT RESOLVED**, that the Township Committee herby accepts the resignation and request for retirement effective April 1, 2016 from Theodore L. Bremer, Jr., Sergeant of the Long Hill Police Department, who has been employed by the Township since April 1, 1991.

We wish Sergeant Bremer the very best, and we thank him for his 25 years of service to our Township.

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**RESOLUTION 16-066**
**APPROVING IN-GRADE ADVANCEMENT [Sutton]**

**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 Michael Mazzeo, does hereby approve the advancement of Officer Ronald Sutton to Officer XI, effective January 28, 2016 at an annual salary of $50,196.00.

**BE IT FURTHER RESOLVED**, that this advancement is consistent with the P.B.A. Collective Bargaining Agreement.

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**RESOLUTION 16-067**
**APPROVING IN-GRADE ADVANCEMENT [Ciambriello]**

**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 Michael Mazzeo, does hereby approve the advancement of Sergeant Alexis Ciambriello to Sergeant Grade II effective February 1, 2016 at an annual salary of $113,520.00.

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

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**RESOLUTION 16-068**
**APPROVING SPECIAL EVENT LICENSE**
**[Stirling Street Fair]**

**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 the license for the event to the "Sponsor" Long Hill Chamber of Commerce, for their Special Event to be held on April 24, 2016 on Main Ave in Stirling: from 10:00 AM – 5:00 PM.

**BE IT FURTHER RESOLVED** that the Police Department Patrols will monitor vehicle and pedestrian traffic for the event.

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**RESOLUTION 16-069**
**APPROVING SPECIAL EVENT LICENSE**
**[Taste of the Town]**

**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 the license for the event to the "Sponsor" Long Hill 150th Anniversary Celebrations Committee, for their Special Event to be held on March 23, 2016 at Town Hall, 915 Valley Road, Gillette; from 6:00 PM – 7:30 PM.

**BE IT FURTHER RESOLVED** that the Police Department Patrols will monitor vehicle traffic for the event.

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**RESOLUTION 16-070**
**AMENDMENT TO THE 2016 TEMPORARY BUDGET**
(Amendment 1)

**WHEREAS**, 40A:4-19 Local Budget Act provides that where any contracts, commitments, or payments are to be made prior to the final adoption of the 2016 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

**WHEREAS**, the total appropriations in the 2015 budget, less appropriations made for Capital Improvement Fund, Debt services and relief of the poor are as follows:

| | | |
|---|---|---|
| General - Total General Appropriation | $ | 12,052,112 |

**WHEREAS**, 26.25% of the total appropriations in the 2015 Budget less appropriations made for Capital Improvement Fund, Debt services and relief of the poor are as follows:

| | | |
|---|---|---|
| General - | $ | 3,163,679 |

**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 temporary appropriations be amended and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records:

| | Temp Budget | New Budget |
|---|---|---|
| **RECREATION AND EDUCATION** | | |
| Celebration of Public Event – Other Expenses | $3,675 | $54,000 |

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**RESOLUTION #16-071**
**AUTHORIZING RELEASE OF ESCROWS**

**WHEREAS**, the Planning & Zoning Administrator, Board Engineer, Board Attorney, Township Planner have certified that there are no outstanding invoices and have approved the release of the following escrows.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release the following escrows as per N.J.S.A. 40:55D-53.1.

**Developer's Escrow**

| | |
|---|---|
| Bisogno, Loeffler,& Zelley, LLC B11702 L21 | 362.50 |

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**RESOLUTION 16-072**
**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 16-073**
**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 January 4, 2016 Township Committee Re-Organization Meeting.

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## RESOLUTIONS:

**RESOLUTION #16-074**
**AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOTS 5, 6, 8, 31 & 32 IN BLOCK 11514 AND LOTS 1, 2, 3 & 4 IN BLOCK 10401 QUALIFIES AS AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.**

**WHEREAS,** the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq*. (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

**WHEREAS**, the Town wishes to utilize the Planning Board's knowledge and expertise in exploring whether the following parcels with frontage on Passaic Valley Road, as depicted on the map attached hereto as Exhibit A and identified on the official tax map of the Town as Block 11514, Lots 5, 6, 8, 31 & 32 and Block 10401, Lots 1, 2, 3 and 4 (collectively, the "Study Area") meet the criteria established by the Act; and

**WHEREAS,** pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS,** the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS,** pursuant to P.L. 2013, Chapter 159, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area"); and

**WHEREAS**, the Township Committee finds it to be in the best interest of the Township and its residents to authorize the Township's Planning Board to undertake such preliminary investigation of the study area as shown on the Map attached hereto and made a part hereof as Schedule A, as a Condemnation Redevelopment Area; and

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

## I. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A.*40A:12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including *N.J.S.A.*40A:12A-5, to be designated as a Condemnation Redevelopment Area.

## II. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

## III. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Condemnation Redevelopment Area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Condemnation Redevelopment Area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

## V. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Condemnation Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a

recommendation to the Township Committee in the form of a re4solution as to whether the Town should designate all or part of the Study Area as a Condemnation Redevelopment Area. Such recommendation shall be submitted to the Township Committee by April 30, 2016.

**VI. SEVERABILITY**

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**VII. AVAILABILITY OF THE RESOLUTION**

A copy of this Resolution shall be available for public inspection at the offices of the Town Clerk.

**BE IT FURTHER RESOLVED** that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Condemnation Redevelopment Area; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Long Hill.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**MOVED** by: _____ of the Township Committee of the Township of Long Hill that Resolution #16-074 is hereby approved. **SECONDED** by: **ROLL CALL VOTE:**

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## ORDINANCES:

### ORDINANCE INTRODUCTION

**ORDINANCE # 376-16**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE TOWNSHIP LAND USE ORDINANCE AS RECOMMENDED BY THE PLANNING BOARD WITH RESPECT TO THROUGH LOTS AND SUPPLEMENTING AND AMENDING SECTION 133 OF THE TOWNSHIP LAND USE ORDINANCE (1996) ENTITLED "YARD AND BUILDING REQUIREMENTS"**

***STATEMENT OF PURPOSE:*** *To allow homeowners of qualified "through lots" to designate one of the adjoining streets as the front and the other as the rear and thus allow accessory structures to be constructed in the designated rear yard.*

**WHEREAS,** the Planning Board has recommended certain changes to Subsection 133.1 in Section 130 of the Township Land Use Ordinance entitled "Yard and Building Requirements", as outlined in a December 30, 2015 memorandum from Planning Board Planner, Kevin O'Brien, so as to allow homeowners of qualified through lots to designate one of the adjoining streets as the front yard and the other as the rear yard and thus permit accessory structures to be constructed in the designated rear yard;

**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 subsection 133.1 in section 130 of the Township Land Use Ordinance entitled

"Yard and Building Requirements" is hereby supplemented and amended by adding the following new subparagraph "a"[1]:

**Section 1**. *133.1 All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located. Corner and through lots shall provide the minimum front yard requirements for the respective zone for both streets, for both principal and accessory buildings. On corner and through lots of twenty thousand (20,000) square feet or less in area, the minimum front yard requirement for one (1) of the fronting streets may be reduced to not less than sixty (60) percent of the requirement for the zone in which the lot is located.*

*a. In a residential zone, one of the front yards of a residential through lot may be designated as the rear yard in accordance with the following:*

1. *The lot must meet all required setback regulations for the zone in which it is located.*
2. *The designated rear yard shall be the same distance as the required front yard setback.*
3. *No accessory structures may be placed between the designated rear yard setback and the adjoining street.*
4. *The designated rear yard shall be closed to all vehicular access to the property.*
5. *The designated rear yard shall provide a buffer to the adjoining street by means of shrubbery, trees or other natural buffer. Fences and walls in the designated rear yard shall follow the regulations for fences and walls in the front yard.*
6. *The designated rear yard shall generally be opposite the front door to the home and subject to the approval of the Administrative Officer, who shall consider the context of the neighborhood in rendering a decision.*
7. *Applicants shall submit a Zoning Permit application to the Administrative Officer.*
8. *A negative decision of the Administrative Officer may be appealed to the Township Zoning Board of Adjustment in the same manner as an appeal in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-70a.*

**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.

[1]Additions in text indicated by underline; deletions by strikeouts.

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, January 27, 2016, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, March 9, 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.

Cathy Reese, RMC, CMR,
Township Clerk

**MOVED** by: _____ of the Township Committee of the Township of Long Hill that Ordinance #376-16 be approved on first reading with the Open Public Hearing scheduled for March 9, 2016. **SECONDED by:_____. ROLL CALL VOTE:**

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**ORDINANCE # 377 -16**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE PERMANENT SIGN REGULATIONS IN THE TOWNSHIP LAND USE ORDINANCE AS RECOMMENDED BY THE PLANNING BOARD AND AMENDING SECTION 155 OF THE TOWNSHIP CODE ENTITLED "SIGNS"**

***STATEMENT OF PURPOSE:*** *To make the Township's permanent sign regulations clearer and easier to understand and to reduce the regulatory burden on property owners.*

**SEE ATTACHED COPY**

**MOVED** by: _____ of the Township Committee of the Township of Long Hill that Ordinance #377-16 be approved on first reading with the Open Public Hearing scheduled for March 9, 2016. **SECONDED by:_____. ROLL CALL VOTE:**

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## COMMITTEE LIAISON REPORTS:

## DISCUSSION / ACTION ITEMS:

- Direct Install Energy Assessment

## OLD BUSINESS:

## NEW BUSINESS:

## Announcements/Correspondence:

- Dog License Renewals are due by January 31 per state law. Effective February 1 you will receive a late charge of $10. Rabies must be current thru Nov. 1, 2016.

- Elvis is coming to Long Hill!
  The Elks are hosting a tribute show to Elvis performed by Jim Barone at the Elks Lodge on Feb 4th at 7 pm in support of Michele Lardiere who suffered a brain aneurysm. Tickets are $25 in advance. Please see Kevin Lynn or email formicheleandbob@gmai.com

- Chamber of Commerce Meeting February 2 @ 5:00 PM at Regency Landscaping in Millington

- 4th Annual Morris County Public Safety Youth Academy schedule for Fall of 2016 is accepting enrollment for Morris County youths, grades 9 through 12. Go to www.morrisoem.org to register.

## MEETING OPEN TO THE PUBLIC:

- Remarks and Statements Pertaining to Any Matter

- Comments and remarks will be limited to 3 Minutes

## ADJOURNMENT