

TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION AGENDA
APRIL 25, 2018
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 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 the Courier News. Notice was also posted on the Township Website. The notice was posted on the bulletin board in the Municipal Building on January 3, 2018 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 #18-131
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:

- PD Rank Structure (Naga)
- DPW Wastewater Staff

Contract Negotiation:

- DPW

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 #18-131 is hereby approved for Executive Session. **SECONDED** by:

ROLL CALL VOTE:

OPEN PUBLIC MEETING:

PLEDGE OF ALLEGIANCE

ROLL CALL: Clerk will call the Roll

BUDGET ADOPTION:

**RESOLUTION 18-132
2018 BUDGET TO BE READ BY TITLE ONLY AT PUBLIC HEARING**

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been made available in the Municipal Building, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

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 the budget shall be read by title only.

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution 18-132 is hereby approved and the 2018 Budget is hereby adopted. **SECONDED** by: _____ . **ROLL CALL VOTE:**

**RESOLUTION 18-133
ADOPTION OF 2018 BUDGET**

BE IT RESOLVED by the Township Committee of the Township of Long Hill, County of Morris that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$14,090,177.57for municipal purposes.

BE IT RESOLVED that the summary of revenues and appropriations are approved as attached.

**OPEN TO PUBLIC
CLOSE TO PUBLIC**

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution 18-133 is hereby approved and the 2018 Budget is hereby adopted. **SECONDED** by: _____ . **ROLL CALL VOTE:**

Mayoral Appointments with Approval of Township Committee

Library Trustee
Jonathan Kelly (unexp. Term)

Expiration of Term
December 31, 2018

CONFIRMATION OF APPOINTMENTS:

On motion of _____, seconded by _____, that Jonathan Kelly's appointment to the 2018 Boards and Committees is hereby confirmed. **ROLL CALL VOTE:**

LIAISON 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: _____ of the Township Committee of Long Hill Township, that Resolution #18-134 through #18-145 are hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

**RESOLUTION 18-134
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 18-135
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 April 11, 2018 Township Committee Meeting.

BE IT FURTHER RESOLVED that the Township Committee hereby approves the April 11, 2018 Executive Session Meeting Minutes as redacted by the Township Attorney.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-136
APPOINTING MUNICIPAL COURT JUDGE**

WHEREAS, the term of the Township Municipal Court Judge expires on May 3, 2018;
and

WHEREAS, the judge has served the Municipal Court with distinction; and

WHEREAS, the governing body wishes to re-appoint James Bride as the Judge of the Municipal Court of the Township of Long Hill

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Long Hill, County of Morris, New Jersey that James Bride is hereby re-appointed Municipal Court Judge pursuant to N.J.S.A. 2B:12-4 and in accordance with the following terms and conditions:

Term: Three (3) years commencing May 4, 2018 and ending May 3, 2021, and until a successor is appointed and qualified.

Salary: In 2018 the Judge's salary shall be \$31,193.54 prorated for the balance of this year. The Judge's salary for the years 2019 and 2020 shall be established in the salary ordinances for those years.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-137
In Grade Advancement - Novotny**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey upon the advice and recommendation of Acting Police Chief Ahmed Naga, does hereby approve the grade advancement of Officer Richard Novotny to Officer Grade X, effective May 1, 2018 at an annual salary of \$53,892.00.

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

**TOWNSHIP OF LONG HILL
RESOLUTION 18-138
Authorizing Redemption of Outside Lien - #17-0005**

WHEREAS, at the Municipal Tax Sale held on 12-15-2017, a lien was sold on Block 11901, Lot 4, also known as 72 Woodland Road North for \$415.57; and,

WHEREAS, this lien, known as Tax Sale Certificate #17-0005, was sold to US Bank Cust for PC7 Firsttrust Bank for \$415.57 and a \$1,000.00 premium; and

WHEREAS, Scott M. Itzkowitz, Esq. on behalf of the owner has redeemed Certificate #17-0005 in the amount of \$485.88; and

WHEREAS, the Tax Collector has shown proof that the redemption calculation is correct, all subsequent payment affidavit, if any, has been filed, and redemption monies has been received for redemption refund;

NOW, THEREFORE BE IT RESOLVED, that the Chief Financial Officer be authorized to issue a check in the amount of \$485.88, payable to US Bank Cust for PC7 Firsttrust Bank for the redemption of Tax Sale Certificate #17-0005.

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,000.00 (premium) to the aforementioned lien holder.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-139
EXTENSION OF CONTRACT FOR
COMPUTER CONSULTING SERVICES [ATON COMPUTING]**

WHEREAS, the Township of Long Hill awards a contract to ATON Computing in Somerville, NJ on July 1, 2015 for Computer Consulting Services by Resolution 15-208 at the base bid amount of \$118/hr; and

WHEREAS, the Township Committee hereby wishes to extend the contract for a second year term, there will be no increase beginning July 1, 2018 through June 30, 2019; and

WHEREAS, ATON Computing has agreed to adhere to the same terms, conditions and amount of \$118/hr as indicated in the contract as per letter dated April 18, 2018; and

WHEREAS, the Chief Financial Officer has filed a certification of availability of funds in the Management Information System budget line item; as required by the Local Budget Law;

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

1. The extension of the computer consulting services contract is hereby awarded for a one year term, ATON Computing, One East High Street, Somerville, NJ 08876 with the contract expiring June 30, 2019

The contract is estimated to be for a total number of 416 hours per year in the amount of \$50,000.00, per year

**TOWNSHIP OF LONG HILL
RESOLUTION #18- 140**

**RESOLUTION RENAMING THE PROMOTION AND ENHANCEMENT COMMITTEE
AS THE BEAUTIFICATION COMMITTEE**

WHEREAS, the Township Committee by motion adopted March 28, 2007 created the “Promotion and Enhancement Committee” consisting of seven members appointed by the Township Committee and to serve at the pleasure of the Township Committee; and

WHEREAS, residents have a formed a 501(c)(3) corporation named The Promotion Enhancement Committee, the sole purpose of which is to raise money for veterans’ flags; and

WHEREAS, Township Administrator Nancy Malool has recommended that the Township Promotion and Enhancement Committee be renamed the “Beautification Committee” so as to avoid confusion with the newly-created 501(c)(3);

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 Promotion and Enhancement Committee is hereby renamed the “Beautification Committee.”

**TOWNSHIP OF LONG HILL
RESOLUTION 18-141
AUTHORIZATION TO CONDUCT BLOCK PARTY- MAGNA DRIVE**

BE IT RESOLVED that the Township Committee of the Township of Long Hill does hereby approve the request for a block party to be held on Magna Drive on Monday, May 28, 2018, from 3:00 p.m. until 8:00 p.m., as noted in a letter received on April 18, 2018.

BE IT FURTHER RESOLVED that the Township Committee does hereby approve the request for the road closure(s) with the provision that barricades are obtained from the Department of Public Works.

**TOWNSHIP OF LONG HILL
RESOLUTION #18-142
AUTHORIZING REFUND OF RECREATION DEPOSIT**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill upon the advice and recommendation of the Recreation Director, does hereby authorize the following refunds:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>PROGRAM</u>
Marcy Buckler	16 Sunny Slope, Millington	\$90.00	Yoga
Manikandan Eswaran	78 Knoll Court, Millington	\$265	Summer Rec. Camp

**TOWNSHIP OF LONG HILL
RESOLUTION #18-143
ENDORISING HOUSING ELEMENT AND FAIR SHARE PLAN
AS ADOPTED BY THE PLANNING BOARD**

WHEREAS, the Township of Long Hill (the “Township”) has participated in the New Jersey Council on Affordable Housing (“COAH”) process since it was created in 1985 and has satisfied all of its housing obligations pursuant to the *New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.*, and COAH’s rules and regulations; and

WHEREAS, several iterations of COAH’s 3rd round rules first adopted in 2004 have been challenged and overturned by the courts; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court, in response to a motion filed by the Fair Share Housing Center, found that the COAH administrative process had become non-functioning and as a result returned primary jurisdiction over affordable housing matters to the trial courts (*In the matter of the adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. (2015); and

WHEREAS, in doing so, the Supreme Court established a transitional process for municipalities that participated in the administrative process before COAH to file a declaratory judgment action with the trial court seeking to declare their housing elements and fair share plans as being constitutionally compliant and seeking similar protection to those that municipalities would have received if they had continued to proceed before COAH; and

WHEREAS, the Township filed a Declaratory Judgement action, captioned *In the Matter of the Application of the Township of Long Hill for Determination of Mount Laurel Compliance*, with the Honorable Stephan C. Hansbury, P.J.Ch. (“Judge Hansbury”) of the Superior Court of New Jersey, Morris County, at Docket No. MRS-L-1660-15, on July 6, 2015 (the “Declaratory Judgement Action”); and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement thereof by the Governing Body; and

WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total affordable housing obligation of the Township of Long Hill; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement thereof by the Governing Body; and

WHEREAS, Judge Hansbury retired, so the Township’s Declaratory Judgment action is now being handled by the Honorable Michael E. Hubner, J.S.C.; and

WHEREAS, the Township and Fair Share Housing Center entered into a settlement agreement which was memorialized in a September 27, 2017 letter (“Settlement Agreement”); and

WHEREAS, the Settlement Agreement provided in relevant part that:

“13. The Township shall adopt an updated Housing Element and Fair Share Plan consistent with this Agreement which will be submitted to the Court for review and approval, and shall propose and adopt any new or modified ordinances required to implement this Agreement, within 120 days of the entry of an order by the Court approving this Agreement pursuant to paragraph 22, unless a longer time period is otherwise specifically referenced in another provision of this Agreement.”; and

WHEREAS, a Fairness and Preliminary Compliance Hearing was held before Judge Hubner on December 15, 2017; and

WHEREAS, the Court scheduled a Final Compliance Hearing for June 15, 2018; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Township Planning Board held a public hearing on the Housing Element and the Fair Share Plan on March 27, 2018; and

WHEREAS, the Planning Board determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Township’s April 23, 1996 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare; and

WHEREAS, members of the public participated in the Planning Board hearing and provided their comments; and

WHEREAS, the Board made the following findings of fact:

1. The Housing Element and Fair Share Plan satisfied the Court-approved affordable housing obligations that resulted from the Settlement Agreement between Long Hill Township and the Fair Share Housing Center dated September 27, 2017.

2. The Housing Element addresses Long Hill Township's cumulative housing obligations through 2025 and complies with the mandatory requirements for a housing element set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-310, et seq.

3. With respect to the Fair Share Plan, the Planning Board has concluded that the Fair Share Plan is consistent with the Court-approved affordable housing obligation for Long Hill Township.

4. Based on the Board Planner's testimony and documentary evidence as well as the Township's review of site suitability of the inclusionary sites, the Planning Board concluded that each of the compliant sites is suitable for inclusionary housing.

WHEREAS, the Township Planning Board, by Resolution adopted April 10, 2018 adopted the Housing Element prepared by the Planning Board Planner, Kevin O'Brien, of Shamrock Enterprises, Ltd., and dated April 10, 2018, and the Fair Share Plan prepared by Township Planner, Jessica Caldwell, of J. Caldwell & Associates LLC dated April 10, 2018; and

WHEREAS, the Settlement Agreement provides in paragraph 14 that, "The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH..."; and

WHEREAS, in accordance with the requirements of paragraph 14 of the Settlement Agreement, the Long Hill Township Committee on April 11, 2018 introduced Ordinance #413-18 entitled "An Ordinance Adopting Zoning Regulations Necessary to Implement the

Township’s Mt. Laurel Settlement Agreement with Fair Share Housing Center and Supplementing and Amending Section 122 of the Township Land Use Ordinance Entitled ‘Zone Districts and Use Regulations’”;

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 Long Hill Township Committee hereby endorses the Housing Element and Fair Share Plan as described in the preamble, and as adopted by the Township Planning Board on April 10, 2018.

2. The Township Attorney is hereby authorized and directed to file this Housing Element and Fair Share Plan with Judge Hubner, along with a certified copy of this Resolution, the Planning Board’s April 10, 2018 Resolution, Township Committee Resolution #18-127 entitled “Resolution Requesting the Court to Review and Approve Updated Township Affordable Housing Trust Fund Spending Plan”, and Ordinance #413-18.

**TOWNSHIP OF LONG HILL
RESOLUTION 18-144
ACCEPTING RESIGNATION - Testa**

BE IT RESOLVED, that the Township Committee hereby accepts the resignation of Wastewater Control Operator Vincent Testa, effective April 17, 2018.

**TOWNSHIP OF LONG HILL
RESOLUTION #18-145**

WHEREAS, the Township of Long Hill requires the services of a professional affordable housing administrator and rehabilitation agent; and

WHEREAS, a contract for professional services may be awarded without public bidding pursuant to *N.J.S.A. 40A:11-5(1)(a)(l)*; and

WHEREAS, the Township Chief Financial Officer in accordance with *N.J.A.C.* 5:34-5.1 has certified in writing to the Township Committee the availability of adequate funds to pay the maximum amount of this contract; and

WHEREAS, CGP&H has submitted a proposal dated April 23, 2018;

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 Clerk are authorized to sign a professional services agreement with CGP&H in accordance with its proposal dated April 23, 2018, the terms of which are incorporated herein by reference, as follows:

1. Term: Commencing April 24, 2018 and ending December 31, 2018
2. Compensation: As set forth in the proposal

2. The Township Clerk in accordance with the provisions of *N.J.S.A.* 40A:11-5(1)(a)(I), is directed to publish a notice once in the *Echoes-Sentinel* stating the nature, duration, service and amount of this contract.

3. The Township Clerk shall make copies of this resolution available for public inspection at the Township Hall, 915 Valley Road, Gillette, New Jersey during regular business hours.

4. This contract shall be charged to budget line item _____. The certification of available funds by the Township Chief Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

SECOND READING/ADOPTION

**TOWNSHIP OF LONG HILL
ORDINANCE #410-18**

**AN ORDINANCE CONCERNING PERFORMANCE AND MAINTENANCE
GUARANTEES AND AMENDING SECTION 183 OF THE TOWNSHIP LAND USE
ORDINANCE ENTITLED “PERFORMANCE AND MAINTENANCE GUARANTEES,
ENGINEERING INSPECTION FEES” AND REPEALING PARTS OF SECTION 184
ENTITLED “IMPROVEMENTS”**

WHEREAS, Chapter 312 of the Laws of 2016, which became effective January 16, 2018, and which is codified as N.J.S.A. 40:55D-53, made significant changes to the performance and maintenance provisions of the Municipal Land Use Law (“MLUL”); and

WHEREAS, the Township Land Use Ordinance must be amended to reflect those changes;

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 183 of the Township Land Use Ordinance (1996) and Section 184 entitled “Improvements” are amended as follows:

Section 1. Subsection 183.1 entitled “Performance Guarantees” is amended in its entirety as set forth on Exhibit “A”, which is attached hereto and incorporated herein by reference.

Section 2. Subsection 184.2 entitled “Performance Guaranties Required for Certain Installations” and Subsection 184.3 entitled “Amount or Equivalent of Guaranty” are hereby repealed.

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.

APPENDIX A

183 PERFORMANCE AND MAINTENANCE GUARANTEES; ENGINEERING INSPECTION FEES

183-1 Guarantees required; surety; release. Before filing a final subdivision plat or recording a minor subdivision deed or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of *N.J.S.A. 40:55D-65*, a developer shall furnish a performance guarantee, and provide for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection.

(1)

(a) The developer shall furnish a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in section 15 of [P.L.1991, c.256 \(C.40:55D-53.4\)](#), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 ([C.46:23-9.9](#) et seq.; repealed by section 2 of

P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

A successor developer must furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit,

The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A performance guarantee shall include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by Township ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, Township Engineer, or other municipal official designated by ordinance. At no time may the Township hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the zoning officer, Township Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall furnish to the Township a "safety and stabilization

guarantee,” in favor of the Township. At the developer’s option, a “safety and stabilization guarantee” may be furnished either as a separate guarantee or as a line item of the performance guarantee. A “safety and stabilization guarantee” shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

- (i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
- (ii) work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township’s intent to claim payment under the guarantee. The Township shall not provide notice of its intent to claim payment under a “safety and stabilization guarantee” until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

The Township shall release a separate “safety and stabilization guarantee” to a developer upon the developer’s furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

The Township shall release a “safety and stabilization guarantee” upon the Township Engineer’s determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2)

- (a) The developer shall post with the Township, prior to the release of

a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

a The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

b If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.).

c.

(1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the

public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section.

d.

(1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee” to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.

(2) If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney’s fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer’s list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney’s fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a “safety and stabilization guarantee,” the Township may retain cash equal to the amount of the remaining “safety and stabilization guarantee” .

e. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section

shall be followed.

f. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Township Engineer.

g.

(1) The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The Township may require the developer to post the inspection fees in escrow in an amount:

(a) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of *P.L.1991, c.256 (C.40:55D-53.4)*.

(2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

(4) If the Township determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require

inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

h. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

i. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer.

184 IMPROVEMENTS

184.2 Performance Guaranties Required for Certain Installations Underground Utilities; Topsoil

~~— Prior to the granting of final approval of a major subdivision, the applicant shall have installed or shall have furnished performance guarantees in accordance with the provisions of this Section for the ultimate installation of the following where deemed necessary or appropriate by the approving authority:~~

~~a. — All improvements to be constructed in accordance with road, water and sewer ordinances in the Township.~~

~~b. — Curbs and/or gutters are to be installed on both sides of all roads and shall conform to all Township ordinances as required by the approving authority. Sidewalks are to be provided for as specified by the approving authority.~~

~~c. — Street signs shall match those in use throughout the Township.~~

~~d. — The applicant shall install street lights, including fixtures. Street lights shall be installed so as to minimize future maintenance costs to the Township while still providing adequate lighting for purposes of traffic and safety. Street lights be installed in accordance with the standards of Section 153.2.~~

-
e. ~~Shade trees to be located as directed by the Township Shade Tree Committee in accordance with the requirements set forth in Section 1S3.~~

-
f. ~~Monuments, to be of the size and shape required by N.J.S.A. 47:23-9.9 et seq., as amended and supplemented, and to be placed in accordance with said statute.~~

-
g. ~~Water mains, culverts and storm sewers shall be properly connected with an approved system and shall be adequate to handle all present and probable future development. All sewer connection fees for all lots shall be paid to the Township. All the above listed improvements shall be subject to inspection and approval of the Township Engineer, who shall be notified by the developer at least forty eight (48) hours prior to construction.~~

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h. ~~Public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.~~

-
i. In all developments where underground installation of utilities is required, the developer shall arrange with the serving utility for the underground installation of the utility's local distribution service lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Regulatory Commissioners and shall submit to the approving authority prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; provided, however, that lots in such subdivisions which abut existing streets where overhead electric or telephone distribution supply lines have therefore been installed on any portion of the streets involved may be supplied with electric and telephone service from such overhead lines or extensions thereof, but the service connections from the utilities overhead lines shall be installed underground; provided, also, that telephone service pedestals, distribution transformers; switches and appurtenances may be above the ground. No underground installation should be covered until inspected and approved. No topsoil shall be removed from the site nor used as spoil

~~unless approved by the Township Committee. Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches of cover to all area of the subdivision and shall be stabilized by seeding or planting.~~

~~184.3 Amount or Equivalent of Guaranty~~

~~————— No final plats shall be approved by the approving authority until the completion of all such required improvements has been certified through the approving authority by the Township Engineer, unless the applicant shall have filed with the Township the performance guaranty and the engineering inspection escrow required by this Section and shall have executed a developer's agreement as required by Section 184.1. In addition, no final plat shall be approved until the required maintenance guaranty is filed for all completed improvements.~~

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, March 14, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, April 25, 2018 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.

OPEN PUBLIC
CLOSE PUBLIC

MOVED by _____ of the Township Committee of the Township of Long Hill, that Ordinance #410-18 is hereby adopted. **SECOND** by: _____. **ROLL CALL VOTE:**

TOWNSHIP OF LONG HILL
ORDINANCE 411-18
CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.5%

unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the governing body of the Township of Long Hill in the County of Morris finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 3.5% increase in the budget for said year, amounting to \$114,225.11 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Township of Long Hill in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Long Hill shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$399,787.88 and that the CY 2018 municipal budget for the Township of Long Hill be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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, March 28, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, April 25, 2018 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.

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Township Committee of the Township of Long Hill, that Ordinance 411-18 is hereby adopted.

SECONDED by: _____, **ROLL CALL VOTE**

TOWNSHIP OF LONG HILL
ORDINANCE #412-18

AN ORDINANCE MAKING TITLE 39 OF THE NEW JERSEY STATUTES APPLICABLE TO SUNRISE AT GILLETTE AND SUPPLEMENTING AND AMENDING CHAPTER VII OF THE TOWNSHIP CODE ENTITLED “TRAFFIC”

WHEREAS, the Sunrise at Gillette Homeowners Association, in accordance with the provisions of N.J.S.A. 39:5A-1, submitted an October 18, 2017 letter and a follow-up email on February 6, 2018, requesting that Title 39 of the Revised Statutes be made applicable to Sunrise at Gillette, as shown on the site plans submitted with the email;

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. Subsection 7-38.3 of the Township Code entitled “Regulations for the Movement and the Parking of Traffic on All Other Private Property” is supplemented and amended by adding a new paragraph “p” which reads as follows:

“7-38.3 Regulations for the Movement and the Parking of Traffic on All Other Private Property.

“In accordance with the provisions of N.J.S.A. 39:5A-1, the regulations of Subtitle 1 of Title 39 are hereby made applicable to the properties listed below.

p. Property.

Sunrise at Gillette
Sunrise Drive
Gillette, N.J. 07933

1. Restricted Parking. No person shall park a vehicle anytime upon any of the streets or parts of the streets described below.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Sunrise Drive	Both	All	From its intersection with Valley Road to its intersection with the driveway entrance to Court A.

“2. Stop Intersections. The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<u>Intersection</u>	<u>Stop Sign On</u>
Sunrise Drive and Sunrise Drive (in front of 78 Sunrise Drive in Court C and facing Court F)	Sunrise Drive

Section 2. The effect of this ordinance is contingent upon signs being erected by the Sunrise at Gillette Homeowners’ Association at its sole expense as required by law to the satisfaction of the Long Hill Township Police Department and the Township Public Works Manager.

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 March 28, 2018 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, April 25, 2018 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.

OPEN PUBLIC
CLOSE PUBLIC

MOVED by: _____, of the Township Committee of the Township of Long Hill, that Ordinance 412-18 is hereby adopted.

SECONDED by: _____, **ROLL CALL VOTE**

DISCUSSION:

- Schoolhouse rental RFP
- Alarm Systems (Section 4-1.12)
- E-ticketing
- Kleinfelder Professional Services Agreement

OLD BUSINESS/NEW BUSINESS:

ANNOUNCEMENTS/CORRESPONDENCE:

- Health Screening, St. James Church, 184 Finley Ave., Basking Ridge. Registration starts April 16 9am to 4pm at Bernards Health Dept. 908-204-2520. Health Screening May 17th 7am to 9am. Information on our website.

MEETING OPEN TO THE PUBLIC:

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

ADJOURNMENT