



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION AGENDA
Wednesday, August 14, 2024
7:30PM OPEN SESSION, 6:30PM CLOSED SESSION**

A draft of the Township Committee Regular Session Agenda is posted on the Township website at www.longhillnj.gov on the Monday preceding the meeting.

The August 14, 2024, Township Committee Meeting will be conducted in person at Long Hill Township Municipal Court is located at 915 Valley Road, Gillette.

To participate through Zoom webinar:

<https://us02web.zoom.us/j/86185455825?pwd=N6guy5PFjU2e2bh9JnOtQp7K0Ceqt3.1>

Or Telephone: +1 929 436 2866

Webinar ID: 861 8545 5825 Passcode: 608963

To watch on website please visit: <http://longhillnj.gov/LHT-TV.html>

To watch live on LHTV visit: Comcast channel 29, Verizon channel 38, Verizon channel 2137 (HD)

1. 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, Morris Daily Record 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.

2. EXECUTIVE SESSION:

24-204 EXECUTIVE SESSION

- Personnel - Nonunion employees, Township Committee appointment
- Contract Negotiations- NJ Transit, Public Works
- Litigation - Tax Foreclosure
- Attorney- Client - Affordable Housing, Sunrise Detox

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution 24-204 is hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

3. CALL MEETING TO ORDER:

4. PROCLAMATION / PRESENTATIONS

- JCP&L
- Chamber of Commerce

5. ORDINANCE(S):

CAPTIAL ORDINANCE 549-24 (FIRST READING / INTRODUCTION)

AN ORDINANCE AMENDING CAPITAL ORDINANCE NO. 546-24 ENTITLED "[AN ORDINANCE] PROVIDING FOR VARIOUS IMPROVEMENTS ... AND APPROPRIATING \$2,570,000.00 THEREFOR FROM VARIOUS FUNDS OF THE TOWNSHIP" AND AUTHORIZING THE APPROPRIATION OF

FUNDS FOR THE PURCHASE OF A DUMP TRUCK BODY AND PURCHASE OF A PICKUP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS

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, August 14, 2024 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, September 4, 2024, 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 Wednesday, September 4, 2024, public agenda, or email municipalclerk@longhillnj.gov.

MOVED by: _____, that Ordinance 549-24 be adopted. **SECONDED** by: _____,
ROLL CALL VOTE

ORDINANCE 550-24 (FIRST READING / INTRODUCTION)

AMENDING CHAPTER 29 OF THE TOWNSHIP CODE ENTITLED “UNIFORM CONSTRUCTION CODE AND CONSTRUCTION REQUIREMENTS”

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, August 14, 2024 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, September 4, 2024, 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 Wednesday, September 4, 2024, public agenda, or email municipalclerk@longhillnj.gov.

MOVED by: _____, that Ordinance 550-24 be adopted. **SECONDED** by: _____,
ROLL CALL VOTE

ORDINANCE 543-24 (SECOND READING / ADOPTION)

ESTABLISHING A CONSTRUCTION RECORDS CLEARANCE CERTIFICATE AND SUPPLEMENTING AND AMENDING CHAPTER 29 OF THE TOWNSHIP CODE ENTITLED “UNIFORM CONSTRUCTION CODE AND CONSTRUCTION REQUIREMENTS”

PUBLIC HEARING

MOVED by: _____, that Ordinance 543-24 be adopted. **SECONDED** by: _____,
ROLL CALL VOTE

ORDINANCE 547-24 (SECOND READING / ADOPTION)

UPDATING THE POLICE DEPARTMENT ORGANIZATION CHART BY ELIMINATING THE POSITION OF CHIEF, CLARIFYING THE DUTIES OF THE PUBLIC SAFETY DIRECTOR AND THE OFFICER IN CHARGE AND AMENDING CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED “ADMINISTRATION.”

PUBLIC HEARING

MOVED by: _____, that Ordinance 547-24 be adopted. **SECONDED** by: _____,
ROLL CALL VOTE

ORDINANCE 548-24 (SECOND READING / ADOPTION)

AMENDING AN ORDINANCE AMENDING SECTION 146 OF THE TOWNSHIP LAND USE ORDINANCE TO INCLUDE REQUIREMENTS FOR MAINTENANCE AND REPAIR OF STORMWATER MANAGEMENT SYSTEMS

PUBLIC HEARING

MOVED by: _____, that Ordinance 548-24 be adopted. **SECONDED** by: _____,
ROLL CALL VOTE

6. CONSENT AGENDA RESOLUTIONS:

Resolution No. 24-205 – 24-220 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.

- 24-205 APPROVAL AND RELEASE OF MINUTES
- 24-206 APPROVING PAYMENT OF BILLS
- 24-207 ACCEPT HPAC ARTIFACT DONATION
- 24-208 AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS
- 24-209 AUTHORIZING THE CANCELLATION OF CERTAIN TRUST FUND BALANCES
- 24-210 APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM ALCOHOL EDUCATION REHABILITATION AND ENFORCEMENT FUND IN THE SUM OF \$612.92.
- 24-211 APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM CLEAN COMMUNITIES PROGRAM IN THE SUM OF \$27,885.08.
- 24-212 EXTENSION OF 2024 THIRD QUARTER PROPERTY TAX GRACE PERIOD
- 24-213 AUTHORIZING REFUND OF OVERBILLED TAXES
- 24-214 CERTIFYING ACTIVE MEMBERSHIP WITH STIRLING VOLUNTEER FIRE COMPANY FOR NEW JERSEY STATE FIREMEN'S ASSOCIATION ELIGIBILITY – HENRY PARK
- 24-215 BANNER APPROVAL FOR PEDIATRIC CANCER AWARENESS MONTH
- 24-216 AUTHORIZING REFUND FOR CONSTRUCTION
- 24-217 APPOINTING DEPUTY OEM COORDINATOR – FULLAGAR
- 24-218 AUTHORIZING RELEASE OF ESCROWS
- 24-219 AUTHORIZING INDEPENDENT ADMINISTRATIVE SERVICES CONTRACT WITH HART HALSEY LLC DBA EXTRA DUTY SOLUTIONS FOR CONSULTING SERVICES IN CONNECTION WITH OUTSIDE POLICE DUTIES
- 24-220 RESOLUTION RATIFYING SUMMARY OF BENEFITS AMENDING AND EXTENDING COLLECTIVE BARGAINING AGREEMENTS WITH LONG HILL TOWNSHIP DPW

MOVED by: _____ of the Township Committee of Long Hill Township, that Resolution 24-205 through 24-220 are hereby approved. **SECONDED** by: _____. **ROLL CALL VOTE:**

7. **COMMITTEE REPORTS:**

8. **ADMINISTRATOR'S REPORT:**

9. **DISCUSSION:**

- Park Mobile

10. **OLD/NEW BUSINESS:**

11. **ANNOUNCEMENTS:**

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

13. **ADJOURNMENT**

**RESOLUTION 24-204
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 - Nonunion employees, Township Committee appointment
- Contract Negotiations - NJ Transit, Public Works
- Litigation - Tax Foreclosure
- Attorney- Client - Affordable Housing, Sunrise Detox

CAPITAL ORDINANCE 549-24

AN ORDINANCE AMENDING CAPITAL ORDINANCE NO. 546-24 ENTITLED “[AN ORDINANCE] PROVIDING FOR VARIOUS IMPROVEMENTS ... AND APPROPRIATING \$2,570,000.00 THEREFOR FROM VARIOUS FUNDS OF THE TOWNSHIP” AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE PURCHASE OF A DUMP TRUCK BODY AND PURCHASE OF A PICKUP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Capital Ordinance No. 546-24 entitled [An Ordinance] Providing for Various Improvements in and by the Township of Long Hill, in the County of Morris, New Jersey, and appropriating \$2,570,000.00 Therefor from Various Funds of the Township” was adopted by the Township Committee on July 17, 2024; and

WHEREAS, Section 2 of Ordinance 546-24 provided in relevant part that, “The improvement hereby authorized and the several purchases for the financing of which the appropriation is made as provided in Section 1 of this Ordinance are as follows:... (g) DPW equipment to include vehicle wash recycler, large dump truck...”; and

WHEREAS, DPW Director Gallo has asked the Township to purchase a Dump Truck Body and Pick Up Truck rather than purchasing a Large Dump Truck;

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 Capital Ordinance 546-24 is hereby amended as follows:

Section 1. Paragraph “(g)” of section 2 is amended as follows:

Section 2. The improvement hereby authorized and the several purchases for the financing of which the appropriation is made as provided in Section 1 of this Ordinance are as follows... (g) DPW equipment to include vehicle wash recycler, ~~large dump truck~~ Dump Truck Body and Pick Up Truck with snowplow

Section 2. In all other respects Capital Ordinance 546-24 shall remain in full force and effect.

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.

**ORDINANCE 550-24
AMENDING CHAPTER 29 OF THE TOWNSHIP CODE ENTITLED "UNIFORM CONSTRUCTION
CODE AND CONSTRUCTION REQUIREMENTS"**

WHEREAS, *N.J.A.C. 5:23-2.27* provides that:

In the case of discontinuance of a building project, the volume of the work actually completed shall be computed. Any excess for the uncompleted work shall be returned to the permit holder; except that all penalties that may have been imposed on the permit holder under the requirements of the regulations shall first be collected. Plan review fees are not refundable.

WHEREAS, paragraph "m" of § 29-1.2. of the Township Code entitled "Construction Permit Fees" is inconsistent with the DCA rule;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter 29 of the Township Code entitled "Uniform Construction Code and Construction Requirements" is hereby amended as follows:

Section 1. Paragraph "m" of § 29-1.2. of the Township Code entitled "Construction Permit Fees" is hereby deleted, as follows:

§ 29-1.2. Construction Permit Fees

~~m. No refund will be given after 45 days of issuance of a permit. Prior to the 45 days of issuance, a 20% plan review cost of the permit will be held from the refund, along with any DCA costs.~~

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.

**ORDINANCE 543-24
ESTABLISHING A CONSTRUCTION RECORDS CLEARANCE CERTIFICATE AND
SUPPLEMENTING AND AMENDING CHAPTER 29 OF THE TOWNSHIP CODE ENTITLED "UNIFORM
CONSTRUCTION CODE AND CONSTRUCTION REQUIREMENTS"**

BE IT ORDAINED by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey that Chapter 29 of the Township Code entitled "Uniform Construction Code and Construction Requirements" is hereby supplemented and amended as follows:

Section 1. There is hereby created a new section 29-3 entitled "Construction Records Clearance Certificate" which reads as follows:

29-3 CONSTRUCTION RECORDS CLEARANCE CERTIFICATE

29-3.1 When Required.

- a) No building or structure shall be occupied in whole or in part prior to the issuance of a certificate of construction records clearance (CRC). A CRC shall be required prior to the sale of any residential or commercial structure and prior to the rental of any tenant space in a commercial structure within the Township.
- b) A CRC shall be issued if, but only if, there are no open construction permits on the premises. If there are any open construction permits, the CRC shall be issued only on completion of all final inspections and approvals and issuance of appropriate Uniform Construction Code certificates.
- c) Exceptions. The following transactions are exempt from obtaining a CRC as long as no change in physical occupancy occurs:
 1. Transfer of title to correct a previously recorded deed.
 2. Title eligible to be recorded as an ancient deed pursuant to N.J.S.A. 46:16-7.
 3. Transfer of title between husband and wife, whether or not relating to divorce, or between former spouses if the transfer is incident to an order or judgment from any court of competent jurisdiction.
 4. Transfer of title relating to new construction for which a certificate of occupancy is required.
 5. Transfer of title by or to an executor, administrator or court order which affects a distribution of a descendant's estate in accordance with the provisions of the descendant's will or the intestate laws of the state.
 6. Transfer of title due to refinancing, home equity loans, second mortgages.
 7. Transfer of title by or to a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors.
 8. Residential rentals.

29-3.2 Responsibility.

No owner shall permit the sale of a residential or commercial premises or rental of commercial premises covered under this section unless the requisite CRC has been issued. No purchaser or tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners, tenants and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least 10 business days prior to the change of ownership and/or occupancy on the form available from the Construction Office.

29-3.4 Fees.

The applicant fee shall be established by resolution of the Township Committee.

29-3.5 Violations and Penalties.

- a) Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by the penalties set forth in section 1-5 of the Township Code.
- b) The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

Section 2. Any or 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 become effective immediately upon final passage and publication as required by law.

ORDINANCE 547-24

UPDATING THE POLICE DEPARTMENT ORGANIZATION CHART BY ELIMINATING THE POSITION OF CHIEF, CLARIFYING THE DUTIES OF THE PUBLIC SAFETY DIRECTOR AND THE OFFICER IN CHARGE AND AMENDING CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED “ADMINISTRATION.”

WHEREAS, the Township retained the services of Municipal Resources, Inc. (“MRI”) to develop a high-level overview of the Long Hill Township Police Department for the purposes of assessing risk management and potential organizational enhancements; and

WHEREAS, MRI issued its report in October 2022, and the Township Committee has implemented a number of the recommendations contained therein; and

WHEREAS, the Township Committee thereafter saw the need for an experienced professional to review the study prepared by MRI and to develop an implementation plan; and

WHEREAS, retired Long Hill Chief of Police and current Harding Township Administrator Robert Falzarano was found to be a uniquely-qualified candidate to perform that function; and

WHEREAS, Long Hill Township thereafter entered into a shared services agreement with Harding Township to authorize Robert Falzarano to provide police assessment and consulting services for the Long Hill Township Police Department; and

WHEREAS, Robert Falzarano issued a comprehensive report dated November 21, 2023, in which he made a number of findings and recommendations; and

WHEREAS, after reviewing Robert Falzarano’s report and consulting with Mr. Falzarano, it was determined that the best way to implement the recommendations contained in the MRI and Falzarano reports was to hire a Public Safety Director with the requisite knowledge and experience to oversee the operations of the Police Department and to obtain new accreditation for the Long Hill Township Police Department;

WHEREAS, the Township Committee adopted Ordinance #531-24 on February 14, 2024, creating the position of Public Safety Director and adopted Resolution 24-082 on February 28, 2024, appointing former Long Hill Township Police Chief Michael Peoples as Public Safety Director; and

WHEREAS Ordinance 531-24 also designated the Township Public Safety Director as the "Appropriate

Authority" pursuant to N.J.S.A. 40A:14-118; and

WHEREAS, the Appellate Division of the Superior Court of New Jersey held in *Policemen's Benev. Ass'n, North Brunswick, Local 160 v. Township of North Brunswick*, 318 N.J. Super. 544, 552 that, " It is abundantly clear that the Legislature recognized that if a municipality opted not to create the position of chief of police, a municipality's police department would require leadership in the daily operations of the department. N.J.S.A. 40A:14-118 does not prohibit the Director of Police from also being the "appropriate authority," and

WHEREAS, the court in that case upheld the North Brunswick ordinance, where:

"the Township . . . opted not to name a Chief of Police, the Public Safety Director [was]vested with such authority, without a Chief of Police, and all police officers [were] subordinate to the Director of Police in accordance with rank, and the Public Safety Director [was] entitled to assume duties ordinarily assigned to the Chief of Police, including directing daily operations of the Police Department."

WHEREAS, the Supreme Court's decision in *Fraternal Order of Police, Newark Lodge No. 12 v. City of Newark*, 244 N.J. 75, 109 (2020) was primarily concerned with the legality of a civilian complaint review board, the court did note that the Newark ordinance provided that:

The **Public Safety Director** is ultimately in charge of the imposition of discipline; is the official designated to be "the appropriate authority" to set procedures for the police department and, specifically, for the disciplining of officers; and can direct the initiation of formal disciplinary charges against an officer. Id. at 109/

WHEREAS, the Township needs to clarify the duties of the Public Safety Director to include the authority to direct the daily operations of the Police Department while the position of Police Chief remains vacant; and

WHEREAS, in the absence of a Chief, The Appropriate Authority shall appoint an Officer-in Charge to be responsible for the sworn law enforcement functions of the Police Department, including emergency scene management;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter 2 of the Township Code entitled "Administration" is hereby amended as follows:

Section 1. Section 2-14 entitled "Police Department" is hereby amended by amending subsection 2-14.1 entitled "Establishment" to read as follows:

§ 2-14 POLICE DEPARTMENT

§ 2-14.1 Establishment.

A Police Department is hereby established in the Township, under the name of "Police Department of the Township of Long Hill, Morris County, New Jersey."

The following positions and line of authority are hereby created:

~~One Chief of Police (vacant)~~

One Captain
Three ~~Two~~ Lieutenants
 Eight Sergeants
 Sixteen Police Officers (plus additional officers equal to the vacancies in Superior Officer ranks set forth above).

The creation of these positions shall not require the Township Committee to fill each position and any position hereunder established may, in the sole discretion of the Township Committee, remain vacant.

The Appropriate Authority shall appoint an Officer-in-Charge law enforcement executive to be responsible for the sworn law enforcement functions of the Police Department, only to the degree that such functions require the oversight of the sworn officers of the department, including emergency scene management, and does not extend to the full power and duties of Chief of Police, as enumerated in NJSA 40A-14-118. The Appropriate Authority shall select a sworn officer from within the highest existing rank of the Police Department to serve as the Officer in Charge. For example, if there is one Captain and there are three lieutenants, the Captain shall be designated as the Officer in Charge. If the Captain's position is vacant, any one of the lieutenants, without regard to seniority, may be named as the Officer in Charge.

§ 2-14.2 Designation of Appropriate Authority.

In accordance with N.J.S.A. 40A:14-118, the Township Public Safety Director is hereby designated as the "Appropriate Authority."

§ 2-14.3 [Reserved]. ~~Chief of Police; Powers and Duties.~~

~~The Township may appoint a Chief of Police who shall have all of the powers set forth in N.J.S.A. 40A:14-118 and who shall be directly responsible to the Public Safety Director as the appropriate authority for the efficiency and routine day-to-day operations of the Police Department. The Chief of Police shall, pursuant to policies established by the Township Committee Appropriate Authority:~~

- ~~a. Administer and enforce rules and regulations and special emergency directives for the to disposition and discipline of the force and its officers and personnel.~~
- ~~b. Have, exercise and discharge the functions, powers and duties of the force.~~
- ~~c. Prescribe the duties and assignments of all subordinates and other personnel.~~
- ~~d. Delegate authority as the Chief may deem necessary for the efficient operation of the force to be exercised under the Chief's direction and supervision.~~
- ~~e. Report at least monthly to the Administrator in such form as shall be prescribed by the Township Committee on the operation of the force during the preceding month and make such other reports as may be requested by the Township Committee.~~

Section 2. Paragraph "d4" in Code section 2-23 entitled "Public Safety Director" is hereby supplemented and amended to read as follows:

4. The duties of the Public Safety Director shall include but not be limited to the following:
 - (a) Administer and enforce the rules and regulations and special emergency directives for the disposition and discipline of the Police Department ~~force~~ and its officers and personnel.
 - (b) Have, exercise and discharge the functions, powers, and duties of the Chief Executive Officer of the Police Department;
 - (c) Prescribe the duties and assignments of all subordinates and other personnel. members

~~and officers subordinates and other personnel, subject to the provisions of N.J.S.A. 40A:14-118.~~

- (d) Delegate such authority as ~~he or she~~ may be deemed necessary for the efficient operation of the Police Department force to be exercised under the direction and control of the Director of Public Safety ~~his or her direction and supervision.~~
- (e) Report at least monthly to the Administrator in such form as shall be prescribed by the Township Committee on the operation of the force during the preceding month, and make such other reports as may be requested by the Township Committee.
- (f) Provide the Administrator and Township Committee with recommendations related to conditions of the Police Department and its improvements and needs.
- (g) Obtain and maintain State and National accreditation of the Police Department.
- (h) Examine all applicants for positions on the police force and recommend candidates for appointment by the Township Committee.
- (i) Prefer charges against and in his or her discretion, pending a final hearing on the charges, suspend any officer or member of the force and otherwise exercise control over all subordinates, subject to law and, where appropriate, after consultation with the Morris County Prosecutor's Office and/or Office of the Attorney General.”.
- (j) Employ special police in emergencies and discharge them at the expiration of the emergency.
- (k) Establish performance criteria for the Police Department as a whole as well as its individual members and conduct periodic evaluations to assure compliance with those criteria.
- (l) Keep abreast of the public safety requirements of the Township and formulate policies, plans and procedures responsive to determined needs.
- (m) Develop organization, manpower and resource recommendations and upon approval of same by the Township Committee, effect their implementation.
- (n) Establish and maintain relations with school, civil and private organizations to assure a full understanding of the public safety effort.
- (o) Conduct public relations and public information programs on behalf of the Police Department in order to maintain the required relationship between the Police Department and the citizens of the Township.
- (p) Promote a close liaison with the various agencies of the Township, and to attend all meetings of the Township Committee, when necessary, to better coordinate the functioning of the Police Department with the work of all municipal agencies.
- (q) Regularly review the ordinances of the Township dealing with public safety to assure their propriety with the prevailing public safety needs of the Township.
- (r) Annually prepare a budget request for the Police Department and administer same.
- (s) Plan and implement an ongoing program of training and education, subject to the approval of the Township Committee for all members of the Police Department, so that they will be fully apprised of current developments in law enforcement.
- (t) Otherwise function in an executive coordination capacity in evaluating, planning, organizing, and assisting the Police Department.

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.

**ORDINANCE 548-24
AMENDING AN ORDINANCE AMENDING SECTION 146 OF THE TOWNSHIP LAND USE
ORDINANCE TO INCLUDE REQUIREMENTS FOR MAINTENANCE AND REPAIR OF
STORMWATER MANAGEMENT SYSTEMS**

Statement of Purpose: To amend the requirements for Stormwater Management to include mandatory maintenance requirements and reporting of maintenance activities on stormwater management systems constructed as a part of a major stormwater development.

WHEREAS, the Township of Long Hill maintains a Tier A Municipal Stormwater General Permit, which authorizes the discharge of stormwater from small municipal separate storm sewers, generally referred to as the Teir A MS4 Stormwater Permit; and

WHEREAS, the Tier A MS4 Stormwater Permit issued to the Township requires compliance with the US Environmental Protection Agency’s (EPA’s) Phase II Rules; and

WHEREAS, the Tier A MS4 Stormwater Permit requires the Township to establish requirements for the routine maintenance, repair, and recording of all stormwater management systems, both privately and publicly owned within the Township, constructed in accordance with “Major Development”, as defined in Section LU-146.2 of the Township Land Use Ordinance; and

WHEREAS, the Township is required, under the terms of the Tier A MS4 Stormwater Permit, to establish requirements within its Land Use Ordinance that, at minimum, meet the requirements set forth in the State of New Jersey, Department of Environmental Protection Rules and Regulations pertaining to Stormwater Management, NJAC 7:8.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, Sate of New Jersey, that the Township Land Use Ordinance is amended as follows:

Section 1. Section LU-146 of the Township Land Use Ordinance entitled “Stormwater Management” is amended as follows:

§ LU-146.5 Maintenance and Repair of Stormwater Management Systems.

- a. All projects meeting the definition of Major Development, as defined in §LU-146.2, shall be required to include a maintenance and reporting plan as described herein.
- b. The property owner, or design engineer, shall prepare a maintenance plan meeting the following requirements:
 - 1. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or

persons responsible for preventive and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

2. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
4. If the party responsible for maintenance identified under subsection LU-146.5.b.2 above is not a public agency, the maintenance plan and any future revisions based on subsection LU-146.5.b.6 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventive and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
6. The party responsible for maintenance identified under subsection LU-146.5.b.2 above shall perform all of the following requirements:
 - a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed;
 - c. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsection LU-146.5.b.5 and b.6 above; and
 - d. Obtain an annual stormwater maintenance permit from the township in accordance with subsection LU-146.6.
7. The requirements of subsection LU-146.5.b.2 and b.3 do not apply to stormwater management facilities that are dedicated to and accepted by the township or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department of Environmental Protection.
8. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the township shall

notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The township, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the township may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such a bill may result in a lien on the property.

- c. Nothing in this subsection shall preclude the township in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ LU-146.6 Inspection and Permitting of Stormwater Management Systems

- a. All stormwater management facilities are to be maintained by the responsible party or homeowner association in accordance with the approved maintenance plan.
- b. All stormwater management facilities for major developments are required to obtain a Stormwater Maintenance Permit from the Long Hill Township Engineering Department.
- ~~1. The Annual fee for the Stormwater Maintenance Permit shall be \$50.~~
1. The Stormwater Maintenance Permit shall be renewed each year no later than January 31st.
 2. A detailed inspection and maintenance report shall be submitted annually no later than January 31st to the Long Hill Township Engineering Department.
 3. The inspection and maintenance report shall include and not be limited to:
 - i. Stormwater inlets and manholes.
 - ii. Detention basin outflow structures.
 - iii. Trash racks and overflow grates.
 - iv. Vegetation.
 - v. Embankment erosion control.
 - vi. Sediment removal and pond maintenance.
 - vii. Mechanical Treatment Devices utilizing filters shall have a record of filter replacement as per the manufacturer's specifications.
 - viii. Green infrastructure measures.
 - ix. All other stormwater measures identified within the Operations and Maintenance Manual as system components at the time the Manual is accepted by the Township.

§ LU-146.7 Penalties

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Stormwater Management Ordinance, or otherwise violates the requirements of §LU-146, shall be liable to the penalties set forth in Chapter 1, Section 1-5 of this Code.

Section 2. In all other respects, Section LU-146 of the Township Code shall remain unchanged.

Section 3. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof and 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 of any portion thereof.

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

**RESOLUTION 24-205
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approved and release the Township Committee Minutes of July 17, 2024.

BE IT FURTHER RESOLVED that the Township Committee hereby approves July 17, 2024, Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 24-206
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 24-207
ACCEPT HPAC ARTIFACT DONATION**

WHEREAS, a donation of the following items of Passaic Township Police memorabilia of former Police Chief Thomas Rhein has been offered to the Long Hill Township Historic Preservation Advisory Committee:

- Passaic Township Police Department Badge, Brass Whistle and Billy Club
- Framed photograph of the 1930 era Chevrolet Passaic Township Police Car
- Map of Passaic Township
- Eagle Police Manual
- 2 New Jersey Association of Police Chiefs books
- 2 Framed photographs of Chief Rhein
- 2 Books on the history of Passaic Township
- Passaic Township 1866-1966 commemorative glass; and

WHEREAS, N.J.S.A. 40A:5-29 provides that any local unit is authorized and empowered to accept gifts made to it;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey authorizes the acceptance of the aforementioned items from Patrick and Adrienne White to the Long Hill Township Historic Preservation Advisory Committee

**RESOLUTION 24-208
AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS**

WHEREAS, there are outstanding checks which were drawn on the Current Fund, Payroll and Escrow Fund.

WHEREAS, the said checks have been outstanding for more than nine (9) months; and

WHEREAS, the Chief Financial Officer is desirous of voiding these checks,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Long Hill that the following outstanding checks be cancelled, and the Chief Financial Officer is authorized and directed to void the said checks:

	<u>Check Number</u>	<u>Date Issued</u>	<u>Amount</u>
Current	21391	2/22/23	\$105.00
	21488	3/22/23	\$120.00
Payroll	35539	3/10/23	\$76.61
	35726	7/28/23	\$521.19
	35807	8/11/23	\$267.70
	35861	8/25/23	\$483.09
Escrow	208	4/28/23	\$1,539.27

**RESOLUTION 24-209
AUTHORIZING THE CANCELLATION OF CERTAIN TRUST FUND BALANCES**

WHEREAS, certain Trust Fund balances remain open and those dedicated funds are no longer needed; and

WHEREAS, the Trust Fund balances should be canceled to Fund Balance in the Current Fund;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Long Hill hereby directs that the following grant balances be canceled and directs the CFO to make the necessary journal entries to cancel the Trust balances to the Fund Balance Account of the Current Fund:

<u>Trust Account</u>	<u>Amount of Balances</u>
Fill Permits	\$ 1,000.00
Tax Title Liens Held in Trust	\$76,965.22
Title Search	\$ 200.00

**RESOLUTION 24-210
APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM ALCOHOL EDUCATION REHABILITATION AND ENFORCEMENT FUND IN THE SUM OF \$612.92.**

WHEREAS, N.J.S.A. 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 thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

NOW, THEREFORE BE IT RESOLVED that the Township of Long Hill, in the County of Morris, hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$612.92 pursuant to a grant received from the "Alcohol education rehabilitation and enforcement fund"; and

BE IT FURTHER RESOLVED that a like sum of \$612.92 be appropriated under the title “Alcohol education rehabilitation and enforcement fund”.

BE IT FURTHER RESOLVED that the Township Clerk and Chief Financial Officer are authorized to execute and file with the Director of the Division of Local Government Services, the appropriate documentation required for the Director’s approval.

RESOLUTION 24-211

APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM CLEAN COMMUNITIES PROGRAM IN THE SUM OF \$27,885.08.

WHEREAS, N.J.S.A. 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 thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

NOW, THEREFORE BE IT RESOLVED that the Township of Long Hill, in the County of Morris, hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$27,885.08 pursuant to a grant received from the “Clean Communities Program”; and

BE IT FURTHER RESOLVED that a like sum of \$27,885.08 be appropriated under the title “Clean Communities Program”.

BE IT FURTHER RESOLVED that the Township Clerk and Chief Financial Officer are authorized to execute and forward to the Director of the Division of Local Government Services, the appropriate documentation required for the Director’s approval.

RESOLUTION 24-212

EXTENSION OF 2024 THIRD QUARTER PROPERTY TAX GRACE PERIOD

WHEREAS, due to a delay in receiving the 2024 Certified Tax Rate and tax bills mailing the grace period is extended from the usual 10 days to 25 days from date of mailing.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey that the grace period for the 2024 Third Quarter Property Tax be extended until September 3rd, 2024. Payments received after that date will accrue interest from August 1, 2024.

RESOLUTION 24-213

AUTHORIZING REFUND OF OVERBILLED TAXES

WHEREAS, due to a reduction of the assessed value on the following parcels, the amount of taxes paid in the first half of 2024 exceeded the total for the year.

Owner	Property Location	Block	Lot	Overbilled Amount	Refund
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Cindy R. Gallagher	Homestead Rd.	13514	1	-\$ 288.49	\$288.49
Shree Stirling Developers	1031 Valley Rd.	10601	5	-\$ 8,207.61	\$8,207.61

WHEREAS, the Township Committee of the Township of Long Hill does hereby authorize refunds made payable to Cindy R. Gallagher and Shree Stirling Developers for the overbilled amounts.

NOW, THEREFORE BE IT RESOLVED, the Tax Collector has verified the assessed value with the Extended Tax Duplicate and the Finance Director is hereby authorized to refund:

Make checks payable: Cindy R. Gallagher
 10 Boulder Run
 Oakland NJ, 07436

Shree Stirling Developers
 96 Janelle Blvd.
 Parsippany NJ 07054

**RESOLUTION 24-214
 CERTIFYING ACTIVE MEMBERSHIP WITH STIRLING VOLUNTEER FIRE COMPANY FOR NEW
 JERSEY STATE FIREMEN’S ASSOCIATION ELIGIBILITY – HENRY PARK**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby certify that **Henry Park** is an active member of the Stirling Volunteer Fire Company and is eligible to be a member of the New Jersey State Firemen’s Association.

**RESOLUTION 24-215
 BANNER APPROVAL FOR PEDIATRIC CANCER AWARENESS MONTH**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey that by recommendation of the Code Enforcement Officer as per Ordinance 3-12.4 Temporary Sign and contingent on the approval of the Morris County Commissioners and JCP&L that the Township Committee does hereby approve a banner to be hung across Valley Road, County Route 512 from September 1, 2024 to October 1, 2024 to promote WITH Grace Initiative and Pediatric Cancer Awareness.

**RESOLUTION 24-216
 AUTHORIZING REFUND FOR CONSTRUCTION**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill upon the advice and recommendation of the Construction Official, does hereby authorize the following refund:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>REASON</u>
Phillip Mastromihalis	39 Wight Street Bridgewater, NJ 08807	\$11,317	Project not completed

**RESOLUTION 24-217
 APPOINTING DEPUTY OEM COORDINATOR – FULLAGAR**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill, upon the advice and recommendation of Michael Peoples, OEM Coordinator, hereby appoints Ken Fullagar as Deputy OEM Coordinator, effective August 15, 2024.

**RESOLUTION 24-218
AUTHORIZING RELEASE OF ESCROWS**

WHEREAS, the Planning & Zoning Coordinator, 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 plus any applicable interest as per N.J.S.A. 40:55D-53.1.

Developer's Escrow

Marco Cavallari 95 E. Rayburn Road Millington, NJ 07946	Acc# 21084	\$677.42
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Village Super Market, Inc. Attn: Daniel McCarthy, Esq. 733 Mountain Avenue Springfield, NJ 07081	Acc# 21034	\$13,141.96
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**RESOLUTION 24-219
AUTHORIZING INDEPENDENT ADMINISTRATIVE SERVICES CONTRACT WITH HART HALSEY
LLC DBA EXTRA DUTY SOLUTIONS FOR CONSULTING SERVICES IN CONNECTION WITH
OUTSIDE POLICE DUTIES**

WHEREAS, the Township Committee has utilized Hart Halsey LLC DBA Extra Duty Solutions previously by Resolution 24-224, and

WHEREAS, the Township has exercised the contract term and its extensions; and

WHEREAS, the Township acquired services via competitive quote proposals; and

WHEREAS, the Qualified Purchasing Agent has reviewed the proposed agreement and finds it to be acceptable from a legal standpoint; and

WHEREAS, the Township Administrator has reviewed the proposed agreement and recommends that it be entered into;

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

1. An Independent Administrative Services contract is hereby awarded to Hart Halsey LLC dba Extra Duty Solutions as described in the preamble, for the following consideration: prorated amount of up to \$35,000.00 for the purpose to administer the Police Department's Outside Police Duty.

- 2. The term of the contract shall be from September 1, 2024 to August 31, 2025, with two (2) optional one (1) year extensions.
- 3. The Business Registration Certification and the Affirmative action form shall be placed on file with this resolution.
- 4. The Contractor shall secure and maintain insurance with the following minimum limits:

Professional Liability/Malpractice	\$1,000,000.00
Comprehensive General Liability	\$1,000,000.00
Comprehensive Automobile Liability	\$1,000,000.00
Workmen’s Compensation	Statutory

The certificates of insurance shall be acceptable to the Township Risk Manager and the Township Attorney.

- 5. 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 official newspaper stating the nature, duration, service and amount of this contract.
- 6. This contract shall be charged to a third party requesting the services. The certification of available funds by the Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

**RESOLUTION 24-220
RESOLUTION RATIFYING SUMMARY OF BENEFITS AMENDING AND EXTENDING COLLECTIVE
BARGAINING AGREEMENTS WITH LONG HILL TOWNSHIP DPW**

WHEREAS, the Township of Long Hill (“Township”) and Long Hill Township Department of Public Works have been conducting negotiations for successor Collective Bargaining Agreements; and

WHEREAS, the parties have reached agreements as outlined in the summary of negotiations which covers a five-year period retroactive to January 1, 2024, and expires on December 31, 2028; and

WHEREAS, both bargaining units have ratified and agreed to the summary of negotiations; and

WHEREAS, the Township Committee desires to approve the summary of negotiations.

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

- 1. The Township Committee hereby ratifies the summary of negotiations with Long Hill Township Department of Public Works, which was agreed to by both bargaining units on July 24, 2024.
- 2. The Administrator and Labor Attorney draft the respective contracts and authorize the Mayor and Clerk to execute said contracts.
