



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION MEETING MINUTES
September 22, 2021
7:30 PM OPEN SESSION, CLOSED SESSION 6:45 PM**

Clerk Phillips read the following statement:

STATEMENT OF PRESIDING OFFICER

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

EXECUTIVE SESSION:

21-243 EXECUTIVE SESSION

- Contract Negotiations – LHTV contract, Land Acquisitions
- Contract Negotiation / Attorney Client Privilege
- Personnel – Vaccination Policy

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-243 is hereby approved. **SECONDED** by: Committeeman Dorsi. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

CALL MEETING TO ORDER:

Mayor Piserchia **opened the public session** of the meeting at 7:35 pm.

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

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

PROCLAMATION / PRESENTATIONS

- **Small Business Administration Office of Disaster Assistance** - Laurie Dana and Jack Camp from SBA Public Affairs Specialist spoke about how residents can receive relief from FEMA. The Township Committee spoke about putting the information on the website. Information will also be sent out from OEM Director.
- **Childhood Cancer Awareness Month** – Mayor Piserchia presented the Proclamation to Grace Eline and Aubrey Eline the Childhood Cancer Awareness Month.

ORDINANCE(S):

ORDINANCE 479-21 (FIRST READING / INTRODUCTION)

AN ORDINANCE CONCERNING SHADE TREES AND AMENDING CHAPTER XXIII OF THE TOWNSHIP CODE ENTITLED "SHADE TREES"

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 22, 2021 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 27, 2021 by a meeting when and where or at such time and place to

which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. To obtain details of the meeting please refer to October 27, 2021, public agenda, or email municipalclerk@longhillnj.gov.

MOVED by: Deputy Mayor Rae, that Ordinance 479-21 be introduced and passed on first reading as revised. **SECONDED** by: Committeeman Lavender, **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- Ordinance 479-21 will be considered for second reading and adoption at the October 27th, 2021, meeting.

ORDINANCE 480-21 (FIRST READING / INTRODUCTION)
REGULATING BAMBOO AND SUPPLEMENTING AND AMENDING CHAPTER XVI OF THE TOWNSHIP CODE ENTITLED “PROPERTY MAINTENANCE”

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, September 22, 2021 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 27, 2021 by a meeting when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. To obtain details of the meeting please refer to October 27, 2021, public agenda, or email municipalclerk@longhillnj.gov.

MOVED by: Committeeman Lavender, that Ordinance 480-21 be introduced and passed on first reading. **SECONDED** by: Committeeman Dorsi, **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- Ordinance 480-21 will be considered for second reading and adoption at the October 27th 2021 meeting.

CONSENT AGENDA RESOLUTIONS:

Resolution No. 21-244 – 21-252 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.

- 21-244 APPROVAL AND RELEASE OF MINUTES:
- 21-245 APPROVING PAYMENT OF BILLS
- 21-246 APPROVING SPECIAL EVENT LICENSE – TOUR DE SUMMER CAMPS NJ
- 21-247 AUTHORIZATION TO CONDUCT BLOCK PARTY- HOMESTEAD ROAD AND COTTAGE PLACE
- 21-248 APPOINTING PROBATIONARY LABORER - NICHOLSON
- 21-249 APPROVING SPECIAL EVENT LICENSE – 2022 STIRLING STREET FAIR
- 21-250 AUTHORIZING RELEASE OF ESCROWS
- 21-251 RESOLUTION AUTHORIZING THE LONG HILL TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE LONG HILL TOWNSHIP POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

21-252 ACCEPTING RESIGNATION – MILLER

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-244 through 21-252 with Deputy Mayor Rae abstaining from Resolution 21-251 are hereby approved.

SECONDED by: Committeeman Lavender. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

21-253 TERMINATING CONTRACT WITH CROSSROADS PAVING COMPANY FOR THE CONSTRUCTION OF IMPROVEMENTS TO CROSS HILL ROAD

- Attorney Pidgeon spoke about Resolution 21-253 and Attorney Hacking and President Gomes were there to represent Crossroads Paving Company. After a discussion the Township Committee decided not to move forward with Resolution 21-253.

ORDINANCE 481-21 (FIRST READING / INTRODUCTION)**CAP ORDINANCE – CROSS HILL ROAD**

- The Township Committee didn't move forward with Ordinance 481-21.

LIAISON REPORTS:

- **Committeeman Dorsi** thanked DPW and the fire departments for the Hurricane Ida cleanup. Committeeman Dorsi also spoke about the Millington Food Truck and Octoberfest event at Millington Fire Department.
- **Committeeman Verlezza** gave police statistics and spoke about how to receive police assistance at the Police Department due to the Hurricane Ida damage.
- **Committeeman Lavender** spoke about October recreation programs and events.
- **Mayor Piserchia** thanked Congressman Malinowski and FEMA for coming out to Long Hill and their concern to the placed damaged by Hurricane Ida. Mayor Piserchia also reported that September is suicide prevention month.

ADMINISTRATOR'S REPORT:

- **Administrator Malool** spoke about mosquito issues and EHD disease that is affecting the deer population.

DISCUSSION:

- **Police headquarters** – The Township Committee spoke about the flood damage from Hurricane Ida at the police department. A short-term plan was discussed to approve a resolution for emergency spending to get the operations at the current police headquarters up and running. The Township Committee also spoke about a long-term solution.

OLD/NEW BUSINESS:

- **Committeeman Dorsi** spoke about the upcoming elections and received clarification from the Clerk.
- **Committeeman Lavender** shared that CAC committee has been working diligently to be able to incorporate Zoom to in person meetings. CAC member, Guy Roshto, joined the meeting remotely from Zoom and was able to communicate to the Township Committee.

ANNOUNCEMENTS:

- The regularly scheduled October 13th Township Committee Meeting will now be on October 6th.
- Community Clean Up Day – Saturday, September 25th – 8:00am – 12:00pm
- Boy Scouts Fall Mum Sale – Saturday, September 25th
- WITH Grace Initiative Wine Event – Friday, September 24th
- Millington Food Truck Festival – Saturday, September 25th 12:00pm

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

- **Charles Arentowicz, Millington** – spoke about police trailers, an article in NY Times about an COVID-19 barriers, Resolution 12-190, and Resolution 21-252.
- **Tom Grosskopf – Gillette** – asked the Township Committee to consider other invasive species in proposed Ordinance, spoke about the new Zoom aspect, asked money being allocated to Police, Fire, First Aid for emergencies, and spoke about tree ordinance.

ADJOURNMENT

On motion by Deputy Mayor Rae and seconded by Committeeman Dorsi and carried unanimously to adjourn at 10:12pm.

Respectfully submitted,

Megan Phillips

Megan Phillips

Approved: October 6, 2021

**RESOLUTION 21-243
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:

- Contract negotiations – Land Acquisitions, LHTV contract
- Personnel – Vaccination Policy

**ORDINANCE 479-21
AN ORDINANCE CONCERNING SHADE TREES AND AMENDING CHAPTER XXIII OF THE
TOWNSHIP CODE ENTITLED “SHADE TREES”
ORDINANCE 479-21
AN ORDINANCE CONCERNING SHADE TREES AND AMENDING CHAPTER XXIII
OF THE TOWNSHIP CODE ENTITLED “SHADE TREES”**

WHEREAS, implementation of the new Shade Tree Ordinance has shown that several amendments and clarifications are needed;

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

Section 1. Chapter XXIII of the Township Code entitled “Shade Trees” is hereby supplemented and amended to read as follows:

“Chapter 23 Shade Trees

Section 23-1 Purpose and Intent

- A. The purpose of this section is:
 1. To preserve and protect trees within the Township of Long Hill, which helps to preserve water quality, abate noise, and enhance the ambience and character of the community.
 2. To control the indiscriminate destruction of trees which has been shown to have severe detrimental environmental, ecological and economic effects including increased soil erosion and surface drainage problems, creation of insect breeding sites, decreased oxygen production, decreased property values and increased Township costs and thereby to eliminate a threat to the public health, welfare and safety.
 3. To protect the semirural character and natural resources of the Township, consistent with the goals and objectives of the Master Plan. This section is not intended to restrict homeowners from removing dead, diseased, or hazardous trees. It is not intended to restrict homeowners from conducting routine pruning of trees or other maintenance procedures.

- B. This section places special emphasis on the preservation of trees around the perimeter of a property to create Conservation Areas based upon setback requirement pursuant to the Township of Long Hill Zoning Code. The ordinance will also provide a sound management structure for the removal of trees in the Township.

Section 23-2 Definitions

Diameter at Breast Height (“DBH”) shall mean the diameter of a tree measured 4’6” above the uphill/highest side above grade.

Enforcement Officer shall mean the Code Enforcement Officer.

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

Healthy Tree shall mean a tree exhibiting good structural integrity, free of serious diseases, and maintaining the normal appearance and displaying the normal vigor and growth characteristics of the species as determined by the Township Public Works Manager.

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

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

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

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

Tree shall mean any self-supporting, single stem, perennial woody plant which reaches a typical height of 12 feet or more at maturity and has a typical mature DBH of six inches or greater.

Tree Removal Registration shall mean the document that must be filed with the Township Clerk on the official Township form before a property owner or tenant removes a tree with a DBH of 6" or greater.

Unhealthy Tree shall mean a tree that is in poor condition or represents a hazard with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and/or its status as a host for plant pest or disease, endangering the tree itself, or other trees or plants, with infection or infestation, that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices

Section 23-3 Responsible Officials; Enforcement

Enforcement Officer. The Code Enforcement officer is hereby authorized to enforce the regulations set forth within the Township Code.

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

- A. It shall be unlawful to commit any of the following acts with respect to Township Trees within parks and public property or within Township rights-of-way without the prior written permission of the Public Works Manager.
1. Cut, prune, break, injure, alter or remove any tree; or cut, unduly disturb or interfere in any way with any root of a tree or trees.
 2. Spray any tree with a chemical.
 3. Fasten any rope, wire, sign, or other device to a tree or trees or to any guard about such a tree or trees.
 4. Install, remove or injure any guard or device placed to protect any trees.
 5. Obstruct access of air, water, or fertilizer to the roots of such tree or trees.
 6. String any wires or lines through a public park.
 7. Remove any tree without obtaining written permission from the Public Works Manager pursuant to section 23-5 below.

- B. The Public Works Manager shall grant such written permission if the activity for which such permission is requested is in the public interest and, except in the case of removal, is not likely to materially injure any Township tree. The Public Works Manager shall render his or her decision within 30 days after submission of a complete application. Failure of the Public Works Manager to render a decision within such 30-day period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.
- C. Any person or persons who cause damage to any tree(s) by machines, autos, etc. shall be held liable for damages to the tree or trees. Damages shall be corrected or repaired by the liable person or persons billed for the damages and shall be liable to the penalties set forth in section 1-5 of this Code.

Section 23-5. Removal of Township Trees

- A. Any Township tree determined to be unhealthy or hazardous by the Public Works Manager may be removed by the Township at its expense. The Township may, in its sole discretion, replace any tree that it removes.
- B. A resident may not remove a Township tree unless he or she first files a registration form and obtains written permission from the Public Works Manager. Permission to remove healthy Township trees located in the Township right of way immediately adjacent to a resident's property may be granted by the Public Works Manager, in his sole discretion, if the following conditions are met:
 - a. The cost of the removal is borne solely by the resident.
 - b. The resident, at his or her sole expense, plants a replacement tree in accordance with section 23-11 below.

Section 23-6 Landmark Trees

- A. The Shade Tree Commission or its Chair upon request, shall determine whether any tree qualifies as a "Landmark Tree." A tree may qualify as a Landmark Tree if it meets one (1) or more of the following criteria:
 1. The tree species is rare.
 2. The tree is more than one-hundred (100) years of age.
 3. The tree is of an abnormal height or has an abnormal trunk diameter or dripline diameter for a tree of its species.
 4. The quality of the tree foliage is abnormal for a tree of its species.
 5. The location, shade value, fragrance, erosion control, aesthetic, features or scenic enhancement of such tree is of especial importance to the Township.
- B. All trees designated as Landmark Trees, shall be shown on a map with appropriate code marks signifying each tree's designation, number, species, age, size and other distinguishing characteristics for ready reference and periodic monitoring.
- C. If the owner or owners of the property on which a Landmark Tree is located consents thereto, the Township may identify such tree as a Landmark Tree by the placement of a suitable marker thereon.
- D. If and when, any Landmark Tree is removed, the Shade Tree Commission shall arrange for the necessary changes to be made to the official Landmark Tree inventory records and Township Map.

Section 23-7 Protection of Trees on Private Property

- A. Any person wishing to remove one or more trees with a DBH of greater than 12", shall file a registration form with the Township Clerk which shall include a description of the tree(s) to be removed, their species, their size, their health and their location on the property.

- B. No fee shall be charged for a tree removal registration, however, failure to file the registration form before removing the trees in accordance with paragraph "A" above shall subject a property owner and/or tenant to the penalties set forth in section 23-13 below.

Section 23-8 Exemptions from Permit Requirement and Penalties

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

- A. Activities lawfully conducted on public lands or rights-of-way by or on behalf of a local, federal, state, county or other governmental agency or entity or utility company.
- B. Trees removed in compliance with a woodland management plan that has been approved by NJDEP pursuant to N.J.S.A. 54:4-23.3 and N.J.A.C. 18:15-2.7 as part of an approved farmland assessment and that is on file with the Township Tax Assessor.
- C. Any activity protected by the Right to Farm Act, N.J.S.A. 4:1 C-9 et seq. or any other State statute or regulation in an area in which local regulation has been preempted.
- D. Trees removed in accordance with a site plan or subdivision plan approved by the Township Planning Board or Zoning Board of Adjustment.
- E. Trees removed by a nursery on its own property in the normal course of business.

Section 23-10 Nonliability of Township

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

Section 23-11 Tree Replacement for Township Trees removed pursuant to Section 23-5

The Shade Tree Commission shall require that Township trees removed pursuant to Section 23-5 of this ordinance be replaced under the following guidelines:

- A. Trees should be replaced on a 1:1 basis.
- B. Deciduous replacement trees should be a minimum of 2 – 2.5" caliper, balled and burlapped and suitable for Zone 6 and guaranteed for two years.
- C. Evergreen replacement trees should also be balled and burlapped and of a minimum size of 7' - 8' in height and suitable for Zone 6 and guaranteed for two years.
- D. When appropriate, the Shade Tree Commission may permit the planting of hedges or other screening as an alternative to replacement tree(s) if same would provide a more suitable visual barrier and/or better serve the purpose of this section.
- E. The preferred tree replacement locations should be on the actual tree removal site, however in lieu of providing a replacement tree on site, an applicant may request that the Shade Tree Commission allow the applicant to contribute \$300 per tree to the Township Tree Trust Fund as established by section 23-12 below.

Section 23-12 Township Tree Trust Fund

- A. Tree Trust Fund. All contributions to the Township Tree Trust Fund pursuant to paragraph "E" of section 23-11 above shall be deposited in a separate interest-bearing Tree Trust Fund. All interest accrued in the Tree Trust Fund shall only be used on eligible tree replacement and maintenance activities.
- B. Use of the Money. The Township may use revenues and interest collected from the Tree Trust Fund for any purpose which promotes the planting and maintenance of trees in the Township. Such activities include, but are not limited to planting trees in the Township rights-of-way, in Township parks and on other public lands.

- C. Expenditure of funds from the Township Tree Trust Fund shall be approved by resolution of the governing body.

Section 23-13 Violations and Penalties

Any person violating or causing to be violated any of the provisions this section shall be subject to the penalties set forth in section 1-5 of the Township Code. Any person removing or destroying a Township tree in violation of this ordinance shall replace each tree destroyed or removed with another tree of the same species or a species approved by the Shade Tree Commission, at least two inches in diameter measured at a point four feet above the ground. Each tree destroyed or removed in violation of this section shall be considered a separate offense. Failure to file a registration prior to removal or destruction of a tree on private property as required by Section 23-7 shall be a violation of this section. The minimum fine for a violation of this section shall be \$100. Each day said violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.”

Section 2. In case any article, section or provisions of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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

**ORDINANCE 480-21
REGULATING BAMBOO AND SUPPLEMENTING AND AMENDING CHAPTER XVI OF THE
TOWNSHIP CODE ENTITLED “PROPERTY MAINTENANCE”**

WHEREAS, running bamboo can invade neighboring properties and damage adjoining sidewalks and roadways in the right-of-way; and

WHEREAS, the Township seeks to prohibit new plantings of running bamboo and to establish standards to govern existing plantings of running bamboo to better protect native species and surrounding property owners;

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 Chapter XVI of the Township Code entitled “Property Maintenance” is hereby supplemented and amended as follows:

Section 1. There is hereby created a new section 16-9 entitled “Bamboo” which reads as follows:

“16-9 BAMBOO

16-9.1 Purpose.

The purpose of this chapter is to protect and promote the public health through the control of the growth of running bamboo-type species.

16-9.2 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Running Bamboo means any bamboo in the genus *bhyllostachys*, including *bhyllostachys aureosulchea*.

16-9.3 Prohibition.

No owner, tenant, or occupant of any property or person, corporation or other entity, shall plant, install, or cause or permit the planting or installation of any running bamboo upon any property located within the Township of Long Hill.

16-9.4 Control of growth and duty to confine.

All persons must control the growth of existing running bamboo. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter. In the event any running bamboo is located upon any property within the Township of Long Hill prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the running bamboo from the property, and all affected properties. Failure to properly confine such running bamboo shall require removal as set forth below. The cost of said removal shall be at the property owner's expense.

16-9.5 Inspections.

All places and premises in the Township of Long Hill shall be subject to inspection by the Township Zoning Officer or his or her designee. An inspection shall only be made if that official has received a written complaint from a neighboring property owner asserting that the provisions of this chapter have been violated.

16-9.6 Removal or abatement.

- A. In the event running bamboo is present on and after the date of adoption of this chapter and a complaint is received by the Township regarding an encroachment of any running bamboo, and the Zoning Officer of the Township or his or her designee, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborly private or public property or public right-of-way (hereinafter "the affected property"), the Township shall serve notice to the running bamboo property owner in writing that the running bamboo has invaded other private or public property(ies) or public right(s)-of-way and demand the removal of the running bamboo from the affected property and demand approved confinement against future encroachment or, in the alternative, the total removal from the property owner's property. Notice shall be provided to the running bamboo property owner, as well as to the owner of the affected property, by certified, return receipt requested mail and regular mail. Within 30 days of receipt of such notice, the running bamboo property owner shall submit to the Zoning Officer of the Township or his or her designee, with a copy to the owner of the affected property, a plan for the removal of the running bamboo from the affected property, which plan shall include restoration of the affected property after removal. Within 90 days of receipt of the Zoning Officer's approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Zoning Officer.
- B. The cost of abatement and/or removal shall be borne by the running bamboo property owner.

- C. If the running bamboo property owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the running bamboo species and the Township may thereafter recover the cost of such removal from the property owner and place a lien on the subject real property for purposes of recovering the cost of the running bamboo removal.

16-9.7 Violations and penalties.

- A. Any person violating any section of this chapter shall, upon conviction thereof, be liable to the penalties set forth in § 1-5 of this Code. Each and every day a violation of this section shall exist shall constitute a separate violation. In addition, the Zoning Officer or his or her designee may request and the Municipal Court may grant a specific performance remedy.
- B. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the proper parties.”

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.

**RESOLUTION 21-244
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the September 8, 2021.

BE IT FURTHER RESOLVED that the Township Committee hereby approves September 8, 2021 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 21-245
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 21-246
APPROVING SPECIAL EVENT LICENSE – TOUR DE SUMMER CAMPS NJ**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, Chief of Police and Director of DPW, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to

RESOLUTION AUTHORIZING THE LONG HILL TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE LONG HILL TOWNSHIP POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the governing body of LONG HILL TOWNSHIP that the LONG HILL TOWNSHIP POLICE DEPARTMENT is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from September 22, 2021 to December 31, 2021; and

NOW THEREFORE BE IT FURTHER RESOLVED that LONG HILL TOWNSHIP POLICE DEPARTMENT is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the LONG HILL TOWNSHIP POLICE DEPARTMENT without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that the LONG HILL TOWNSHIP POLICE DEPARTMENT is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes: (1) utility truck, (1) 5 Ton Truck, & (1) MRAP

BE IT FURTHER RESOLVED that the LONG HILL TOWNSHIP POLICE DEPARTMENT shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the LONG HILL TOWNSHIP POLICE DEPARTMENT shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made

available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from September 22, 2021 to December 31, 2021.

**RESOLUTION 21-252
ACCEPTING RESIGNATION – MILLER**

BE IT RESOLVED, that the Township Committee hereby accepts the resignation of James Miller from Department of Public Works, effective October 1, 2021.

**RESOLUTION 21-252
TERMINATING CONTRACT WITH CROSSROADS PAVING COMPANY FOR THE CONSTRUCTION
OF IMPROVEMENTS TO CROSS HILL ROAD**

WHEREAS, bids were received by the Township on June 2, 2021 for the construction of improvements to Cross Hill Road; and

WHEREAS, by Resolution 21-180 adopted June 23, 2021, the contract was awarded to the low bidder, Crossroads Paving Company, 312 Emmet Street, Newark, New Jersey; and

WHEREAS, the bid specifications provided that:

“Should the successful bidder fail to execute and deliver the Contract, Payment and Performance Bonds within ten (10) working days after the receipt of written notification by the Municipal Clerk that the Contract is ready for execution by the Contractor, the bidder shall forfeit to the Municipality as liquidated damages the security deposited with the submitted bid.”; and

WHEREAS, despite numerous request, Crossroads did not sign the Contract until August 16, 2021; and

WHEREAS, since then Crossroads has not submitted other required documentation and has informed the Township Administrator that it would be unable to commence work on the project until the spring because it had not yet ordered pipes from; and

WHEREAS, §214 of the General Conditions included in the bid specification provided that:

“Substantial completion of the road shall be accomplished within ninety (90) consecutive calendar days, plus any other extensions of time as approved by written agreement. Substantial completion time of ninety (90) consecutive calendar days shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this contract and all else necessary and incidental in connection with the performance of the contract.

Final completion of the work shall be no later than ten (10) consecutive calendar days from the date of substantial completion.”; and

WHEREAS, the specifications further provided that:

“The Owner shall have the right to declare the contractor in default in any of the following

eventualities:

9. The Owner shall be of the opinion that the contractor is or has been unnecessarily, unreasonably, or willfully delaying the performance and completion of the work;

10. The Owner shall be of the opinion that the contractor is or has been willfully or in bad faith violating any of the provisions of the Contract.

11. The Owner shall be of the opinion that the contractor is not or has not been executing the contract in good faith and in accordance with its terms;

12. The Owner shall be of the opinion that the work cannot be completed within the time herein specified or within the time to which such completion may have been extended; provided, however, that the impossibility of timely completion is, in the Owner's opinion, attributable to conditions within the contractor's control; and

The right to declare the contractor in default for any of the grounds specified or referred to herein shall be exercised by sending the contractor notice, signed by the Owner, setting forth the ground or grounds upon which such default is declared. Upon receipt of such notice, the contractor shall immediately discontinue all further operations under this contract.

The Owner, after declaring the contractor in default, may then have the work completed by such means and in such manner by contract or without public letting, or otherwise, as the Owner may deem advisable. After such completion, the Owner shall certify the expense incurred in such completion,...."; and

WHEREAS, Crossroads could have completed the job before the onset of winter if it had executed the contract and had submitted the required documentation and had ordered the materials needed for the project in a timely manner; and

WHEREAS, the Township Committee is of the opinion that Crossroads has been unnecessarily, unreasonably or willfully delaying the performance and completion of the work, that Crossroads has not been executing the contract in good faith and in accordance with its terms, and that the work cannot be completed by Crossroads within the time set forth in the specifications; and

WHEREAS, Crossroads Paving Company has been given notice of the fact that this resolution would be considered by the Township Committee as its September 22, 2021 meeting and that it would be given opportunity to be heard at that meeting.

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. Crossroads Paving Company is hereby declared to be in default of its contract with the Township to construct improvements to Cross Hill Road.

2. The Township Clerk is hereby directed to send Crossroads Paving Company a notice that it has been declared in default for the reasons set forth in this Resolution, a copy of which should be attached to the notice.

3. The Township Administrator is hereby authorized to enter into a contract with the second lowest bidder on the project.

**CAPITAL ORDINANCE 481-21
PROVIDING FOR ROAD IMPROVEMENT IN AND BY THE TOWNSHIP OF LONG HILL, IN THE
COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$65,000.00 THEREFOR FROM
CAPITAL FUND BALANCE OF THE TOWNSHIP**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL, IN THE
COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:**

Section 1 The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Long Hill, in the County of Morris, in the State of New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$65,000.00, to the extent of \$65,000.00 from the Fund Balance.

Section 2 The improvement hereby authorized and the several purposes for the financing of which the appropriation is made as provided in Section 1 of this Ordinance are as follows: (a) the improvement of Cross Hill Road. Said Improvement shall include reconstruction, surfacing or resurfacing the roadway to the extent of Class B construction, together with curbing, structures, storm water drainage, catch basins, milling, equipment, work, and materials necessary therefor or incidental thereto.

All work shall be performed according to plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

Section 3 The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 4 This ordinance shall take effect after final adoption, as provided by law.
