



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION MEETING MINUTES
October 27, 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:

21-269 EXECUTIVE SESSION

- Personnel – Intern, Township Bus, Vaccination Policy, QPA
- Contract Negotiation – ARP Funding, Professional Service Contract, Community Options, Land Diversion
- Land Acquisition

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-269 is 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.

CALL MEETING TO ORDER:

Mayor Piserchia **opened the public session** of the meeting at 7:31 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.

ORDINANCE(S):

ORDINANCE 479-21 (SECOND READING / ADOPTION)

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

Mayor Piserchia **OPENED PUBLIC HEARING** seeing no comments **CLOSED PUBLIC HEARING**.

MOVED by: Deputy Mayor Rae that Ordinance 479-21 be adopted. **SECONDED** by: Committeeman Lavender, **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

ORDINANCE 480-21 (SECOND READING / ADOPTION)

REGULATING BAMBOO AND SUPPLEMENTING AND AMENDING CHAPTER XVI OF THE TOWNSHIP CODE ENTITLED "PROPERTY MAINTENANCE"

Attorney Pidgeon clarified replacing Zoning Officer with Code Enforcement Officer.

Mayor Piserchia **OPENED PUBLIC HEARING** seeing no comments **CLOSED PUBLIC HEARING.**

MOVED by: Committeeman Lavender, that Ordinance 480-21 be adopted. **SECONDED** by: Committeeman Dorsi, **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

ORDINANCE 482-21 (SECOND READING / ADOPTION)
CONCERNING THE POLICE DEPARTMENT AND AMENDING CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED “ADMINISTRATION”

Mayor Piserchia OPEN PUBLIC HEARING

- **Police Chief Naga** spoke about comments made by Committeeman Dorsi at the last township committee meeting.

MOVED by: Committeeman Verlezza, that Ordinance 482-21 be adopted. **SECONDED** by: Committeeman Lavender, **ROLL CALL VOTE** Committeeman Dorsi; no, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; abstain, Mayor Piserchia; yes.

BOND ORDINANCE 483-21 (FIRST READING)
BOND ORDINANCE PROVIDING FOR THE REMEDIATION OF THE POLICE HEADQUARTERS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$461,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$438,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

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, October 27, 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, November 10, 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 November 10, 2021, public agenda, or email municipalclerk@longhillnj.gov.

MOVED by: Committeeman Lavender, that Ordinance 483-21 be introduced and passed on first reading. **SECONDED** by: Deputy Mayor Rae, **ROLL CALL VOTE** Committeeman Dorsi; abstain, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

Ordinance 483-21 will be considered for second reading and adoption at the November 10, 2021, meeting.

CONSENT AGENDA RESOLUTIONS:

Resolution No. 21-270 – 21-277 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.

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| 21-270 | APPROVAL AND RELEASE OF MINUTES: |
| 21-271 | APPROVING PAYMENT OF BILLS |
| 21-272 | AUTHORIZING REDEMPTION OF OUTSIDE LIEN - #19-0016 |
| 21-273 | AUTHORIZING REDEMPTION OF OUTSIDE LIEN - #19-0020 |

- 21-274 AUTHORIZING THE PURCHASE AND PLANTING OF TREES AT MATTHEW G. KANTOR MEMORIAL PARK AND APPROPRIATING \$7,785.00 THEREFOR FROM THE OPEN SPACE TRUST FUND
- 21-275 STIRLING FIRE DEPARTMENT: COIN TOSS
- 21-276 RATE INCREASE – NUZZO
- 21-277 IN GRADE ADVANCEMENT – ROBOL

MOVED by: Committeeman Lavender of the Township Committee of Long Hill Township, that Resolution 21-270 through 21-277 with Deputy Mayor Rae abstaining from Resolution 21-277 are hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

LIAISON REPORTS:

- **Committeeman Lavender** spoke about various upcoming recreation activities.
- **Committeeman Verlezza** gave police statistics and spoke about events attended by Long Hill Township Police.
- **Committeeman Dorsi** reported that DPW is doing crack sealing and fall cleanup.
- **Mayor Piserchia** thanked the First Aid for sponsoring the Trunk or Treat and spoke about volunteering for the First Aid Squad. Mayor Piserchia also clarified the letter sent out from JCPL co-op

ADMINISTRATOR'S REPORT:

- **Administrator Malool** reiterated Mayor Piserchia's comments on the JCPL co-op. Administrator Malool provided an update on the new position that Shayne Daly has taken.

DISCUSSION:

- Best Practice Inventory

- 21-278 AUTHORIZING THE TOWNSHIP CLERK TO FILE CERTIFICATION OF TOWNSHIP COMMITTEE REVIEW OF 2021 BEST PRACTICES INVENTORY

MOVED by: Committeeman Lavender of the Township Committee of Long Hill Township, that Resolution 21-278 is hereby approved. **SECONDED** by: Deputy Mayor Rae. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- **Fence Ordinance** – Administrator Malool and Attorney Pidgeon spoke about implementing a fence ordinance regarding not putting fences in a township right of way. The Township Committee agreed to introduce an ordinance at an upcoming meeting.
- **MSH generator** – Administrator Malool spoke about a request for a generator for Millington School House and setback requirements. Committeeman Lavender spoke about reaching out to the neighbor. Administrator Malool to reach out to neighbors.
- **Park Rules and Regulations** – Attorney Pidgeon spoke about a request from Recreation Director Lisa Scanlon to prohibit drones.

- 21-279 AMENDING TOWNSHIP PARK RULES AND REGULATIONS TO PROHIBIT DRONES

The Township Committee tabled Resolution 21-279 to the November 10, 2021, meeting.

- **Parking Permits** – Clerk Phillips spoke about the Township Committee allowing daily parking passes for Gillette and Stirling for 2021. The Township Committee spoke about researching the cost of a parking attendant to the Gillette and Stirling train stations based off the decline in the sales of the passes.

21-280 APPROVAL OF 2022 TRAIN STATION PARKING FEES

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-278 is hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- **Emergency Purchasing Follow Up** – A discussion ensued about determining who should be the person appointed to call the emergency.

21-268 ESTABLISHING PROCEDURE FOR DETERMINING THAT EMERGENCY PURCHASING MAY BE IMPLEMENTED

MOVED by: Committeeman Verlezza of the Township Committee of Long Hill Township, that Resolution 21-268 is hereby approved. **SECONDED** by: Deputy Mayor Rae. **ROLL CALL VOTE:** Committeeman Dorsi; no, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

OLD/NEW BUSINESS:

- Deputy Mayor Rae spoke about policy decisions including Fire Department budgets and treatment of volunteers.
- Committeeman Dorsi spoke about the emergency work being performed on Meadowview and a grant received from Investors Bank.

ANNOUNCEMENTS:

- Starting 10/24/2021, you must dial the area code for all calls. This change supports 988 as the new 3-digit code to reach the National Suicide Prevention Lifeline. Visit [Verizon.com/988](https://www.verizon.com/988) for more information.
- Election Day is November 2, 2021. Polling locations will be open 6am-8pm. Early voting started on October 23rd and will go until October 31st. There are (7) locations in Morris County – Madison is the closest to Long Hill. You can go and vote on the machine Thurs-Sat 10am – 8pm and Sunday 10am – 6pm.
- Halloween is October 31st.
- Committeeman Lavender spoke about replenishing food for the pantry for Saint Vincent by the Boy Scouts.
- Friends of the Library will be hosting Shred It Day on November 6th.
- Presentation on November 4th – Dorothy Smullen Invasive Species you Need to Know.

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

- **Richard Kortmann – Greenwood Drive** – spoke about storm water maintenance and a discussion ensued.

- **Thomas Kielich – Madison Street** – spoke about Storm Water Management issues. Deputy Mayor Rae spoke about making storm water management a priority.

ADJOURNMENT

On motion by Committeeman Lavender and seconded by Committeeman Verlezza and carried unanimously to adjourn to executive session with no further action at 9:55pm.

Respectfully submitted,

Megan Phillips

Megan Phillips

Approved: November 10, 2021

**RESOLUTION 21-269
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 – Intern, Township Bus, Vaccination Policy
- Contract Negotiation – ARP Funding, Professional Service Contract, Community Options, Land Diversion
- Land Acquisition

**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 *Phyllostachys*, including *Phyllostachys Aureosulchea* or any monopodial bamboo.

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 Code Enforcement 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 Code Enforcement 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/neighboring 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 Code Enforcement 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 Code Enforcement Officer's approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Code Enforcement 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 Code Enforcement 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.

**ORDINANCE 482-21
CONCERNING THE POLICE DEPARTMENT AND AMENDING CHAPTER 2 OF THE TOWNSHIP
CODE ENTITLED “ADMINISTRATION”**

WHEREAS, *N.J.S.A. 40A:14-118* provides that:

“Any such ordinance, or rules and regulations, shall provide that the chief of police, if such position is established, shall be the head of the police force and that he shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof. . . . ”; and

WHEREAS, Section 2-14.2 of the Township Code designates the Township Committee as the appropriate authority; and

WHEREAS, Section 2-14.3 of the Township Code goes on to provide that:

“The Township shall appoint a Chief of Police who shall have all the powers set forth in *N.J.S.A. 40A:14-118* and shall be directly responsible to the Administrator for the efficiency and routine day-to-day operations of the Police Department . . . ”; and

WHEREAS, Section 2-14.3 violates the clear language of *N.J.S.A. 40A:14-118* and should be amended;

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 2-14 entitled "Police Department" in Chapter 2 of the Township Code entitled "Administration" is hereby amended as follows:

Section 1. Section 2-14.3 entitled "Chief of Police; Powers and Duties" is amended to read as follows:

"The Township shall appoint a Chief of Police who shall have all of the powers set forth in *N.J.S.A. 40A:14-118* and he shall be directly responsible to the ~~Administrator~~ Township Committee as the appropriate authority for the efficiency and routine day-to-day operations of the Police Department."

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 483-21

BOND ORDINANCE PROVIDING FOR THE REMEDIATION OF THE POLICE HEADQUARTERS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$461,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$438,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Long Hill, in the County of Morris, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$461,000, said sum, except as described below, being inclusive of all appropriations heretofore made therefor and including the sum of \$23,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of an emergency appropriation adopted by the governing body of the Township on October 6, 2021, and including any moneys received or expected to be received by the Township from the Federal Emergency Management Agency or the State of New Jersey, or agencies thereof, as a grant-in-aid of financing said improvement, and excluding the amount of \$461,000 heretofore appropriated therefor by virtue of an emergency resolution adopted by the governing body of the Township on October 6, 2021.

Section 2. For the financing of said improvement or purpose and said emergency appropriation and to meet the part of said \$461,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$438,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said

bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$438,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the remediation of the Police Headquarters located at 264 Mercer Street in and by the Township, including all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$438,000.

(c) The estimated cost of said purpose is \$461,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$23,000 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$438,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$80,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account any grants referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Township

(the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at not less than par at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary 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 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**RESOLUTION 21-270
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 October 6, 2021

BE IT FURTHER RESOLVED that the Township Committee hereby approves October 6, 2021 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 21-271
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 21-272
AUTHORIZING REDEMPTION OF OUTSIDE LIEN - #19-0016**

WHEREAS, funds have been remitted by COMERICA BANK on behalf of CORELOGIC, to redeem tax sale certificate #19-0016 for Block 12702 Lot 18, 215 BUNGALOW TER. held by CC1 NJ II LLC assessed in the name KIMBERLY & TELMO NUNES and the Township Committee must approve the distribution of these funds.

WHEREAS, the Tax Collector has shown proof that the redemption calculation is correct, and all redemption monies have been received for redemption.

NOW, THEREFORE BE IT RESOLVED by the Committee of the Township of Long Hill, County of Morris, State of New Jersey that the Treasurer is authorized to remit payment of \$1,581.57 plus a premium of \$1,400.00 for a total of \$2,981.57 to the lienholder:

Make Redemption check payable to:
TRYSTONE CAPITAL ASSETS, LLC
PO BOX 1030
BRICK, NJ 08723

**RESOLUTION 21-273
AUTHORIZING REDEMPTION OF OUTSIDE LIEN - #19-0020**

WHEREAS, funds have been remitted by ANDREA GURNICZ to redeem tax sale certificate #19-0020 for Block 13503 Lot 25, 301 LONG HILL RD. held by CC1 NJ II LLC assessed in the name ANDREA GURNICZ and the Township Committee must approve the distribution of these funds.

WHEREAS, the Tax Collector has shown proof that the redemption calculation is correct, and all redemption monies have been received for redemption.

NOW, THEREFORE BE IT RESOLVED by the Committee of the Township of Long Hill, County of Morris, State of New Jersey that the Treasurer is authorized to remit payment of \$2,658.90 plus a premium of \$1,600.00 for a total of \$4,258.90 to the lienholder:

Make Redemption check payable to:
TRYSTONE CAPITAL ASSETS, LLC
PO BOX 1030
BRICK, NJ 08723

**RESOLUTION 21-274
AUTHORIZING THE PURCHASE AND PLANTING OF TREES AT MATTHEW G. KANTOR
MEMORIAL PARK AND APPROPRIATING \$7,785.00 THEREFOR FROM THE OPEN SPACE TRUST
FUND**

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

WHEREAS, the Township has obtained two competitive quotations as required by the Local Public Contracts Law (N.J.S.A. 40A:11-6.1) for the purchase and planting of trees at the Matthew G. Kantor Memorial Park;

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

Section 1. The purchase forty of trees (including planting) at the Matthew G. Kantor

Memorial Park is hereby authorized.

Section 2. There is hereby appropriated \$7,785.00 from the Township Open Space Trust Fund to cover the cost thereof.

Section 3. A contract is hereby awarded to Rose Valley Nursey to provide and plant 40 Thuja "Green Giant" 5-6' trees (with a guarantee) in accordance with its quotation in the amount of \$7,785.00

**RESOLUTION 21-275
AUTHORIZING STIRLING FIRE COMPANY COIN TOSS**

WHEREAS, the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey received a request from the Stirling Volunteer Fire Company to conduct a coin toss at the intersection of Valley Road and Mountain Avenue in Gillette on November 26, 2021 from 9:30 am to 5:30 pm.

WHEREAS, Application was sent to Morris County Board of Chosen Freeholders and awaiting approval,

BE IT FURTHER RESOLVED that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, authorizes the Stirling Volunteer Fire Company to conduct a coin toss on Valley Road on November 26, 2021.

**RESOLUTION 21-276
RATE INCREASE – NUZZO**

BE IT RESOLVED, the Township Committee approved Resolution 21-192 Appointing Probationary Laborer Nuzzo; and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey does hereby approve the rate increase for Oreste Nuzzo to \$21.50 an hour, retroactive until October 7, 2021.

**RESOLUTION 21-277
IN GRADE ADVANCEMENT – OFFICER ROBOL**

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 and recommendation of Police Chief Ahmed Naga, does hereby approve the grade advancement of Probationary Officer John Robol to Officer Grade X, effective September 25, 2021 at an annual salary of \$58,625.00.

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

**RESOLUTION 21-278
AUTHORIZING THE TOWNSHIP CLERK TO FILE CERTIFICATION OF TOWNSHIP COMMITTEE
REVIEW OF 2021 BEST PRACTICES INVENTORY**

WHEREAS, in accordance with the State of New Jersey Fiscal Year Appropriations Act, (PL 2011, c.85), the Division of Local Government Services has distributed the 2021 Best Practices Inventory to municipalities; and

WHEREAS, a component of the inventory is a public review of the completed inventory by the respective governing body's;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey the inventory has been completed by the Chief Finance Officer on October 22, 2021 and the Township Clerk is hereby authorized to file the necessary certification to the Division of Local Government Services.

**RESOLUTION 21-279
AMENDING TOWNSHIP PARK RULES AND REGULATIONS TO PROHIBIT DRONES**

WHEREAS, Township Code Section 11-2 provides that:

“Rules and regulations applicable to Township parks and recreational facilities may be adopted by the Township Committee by resolution. Those rules and regulations are incorporated herein by reference and are enforceable pursuant to [Township Code] Section 11-3”; and

WHEREAS, Township Code Section 11-3 provides that:

“Any person who violates any provision of this chapter, including any rules and regulations adopted by the Township Committee by resolution pursuant to Section 11-2 . . . , shall be liable to the penalties stated in Chapter I, Section 1-5 of [the Township Code]; and

WHEREAS, Recreation Director Lisa Scanlon has received complaints regarding the flying of drones at Township parks and has recommended amending the Rules and Regulations to prohibit them;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, pursuant to the provisions of Section 11-2 of the Township Code, as follows:

1. The Long Hill Township Recreation Department Park Rules and Regulations are hereby supplemented and amended by adding the following new rule:
“24. The flying and/or launching of unmanned aircraft by the public, including model or remote control airplanes, helicopters, recreational drones and rockets is prohibited. This shall not prohibit any federal, state, county or municipal agency, law enforcement agency or emergency services organization from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.”
2. The Park Rules and Regulations as amended by this resolution shall remain in full force and effect until further action of the Township Committee.
3. In accordance with the provisions of Section 11-3 of the Township Code, any person who violates this new rule as well as any of the other rules and regulations shall be liable to the penalties stated in Section 1-5 of the Township Code.

**RESOLUTION 21-280
APPROVAL OF 2022 TRAIN STATION PARKING FEES**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that the following are the fees for the 2022 Train Station Parking Permits of the Township of Long Hill:

Millington Train Station	Yearly	\$240.00	After July 1 st	\$120.00
Stirling Train Station	Yearly	\$290.00	After July 1 st	\$145.00
Gillette Train Station	Yearly	\$340.00	After July 1 st	\$170.00
Daily		\$ 5.00		

BE IT RESOLVED, that the Township shall sell on a first come, first served basis 150 parking permits for Millington Train Station, 65 parking permits for Stirling Train Station and 140 parking permits for the Gillette Train Station

BE IT FURTHER RESOLVED, that the Township will conduct the sale on **Monday, December 6, 2021** online with the option to submit an application at Town Hall.

**RESOLUTION 21-268
ESTABLISHING PROCEDURE FOR DETERMINING THAT EMERGENCY PURCHASING MAY BE
IMPLEMENTED**

WHEREAS, the Department of Community Affairs' rule concerning emergency purchases and contracts provides in relevant part that:

"The governing body of each contracting unit shall adopt rules or regulations . . . to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A. 40A:11-6 . . . may be implemented. Such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions. ' (N.J.A.C. 5:34-6.1); and

WHEREAS, during and after Tropical Storm Ida, the Deputy Mayor made such determinations;
and

WHEREAS, the Township Committee wishes to formalize that procedure as required by the DCA rule;

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 is hereby as the person responsible for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to *N.J.S.A. 40A:11-6* may be implemented.
2. In the absence of the Mayor, the Deputy Mayor is hereby designated as the person responsible for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to *N.J.S.A. 40A:11-6* may be implemented.
3. In the absence of both the Mayor and Deputy Mayor, the senior member of the Township Committee shall be designated as the person responsible for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to *N.J.S.A. 40A:11-6* may be implemented.
4. This Resolution shall take effect immediately.
