



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ  
TOWNSHIP COMMITTEE  
REGULAR SESSION AGENDA  
Wednesday, February 22, 2023  
7:30PM OPEN SESSION, 6:45PM CLOSED SESSION**

A draft of the Township Committee Regular Session Agenda is posted on the Township website at [www.longhillnj.gov](http://www.longhillnj.gov) on the Monday preceding the meeting.

The February 22, 2023, Township Committee Meeting will be conducted in person at Long Hill Township Municipal Court located at 915 Valley Road, Gillette.

To participate through Zoom webinar: <https://us02web.zoom.us/j/84967821364>

Or Telephone: +1 929 436 2866

Webinar ID: 849 6782 1364 Passcode: 645780

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

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

**1. STATEMENT OF PRESIDING OFFICER**

*"In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting specifically, the time, date and public call in information were included in the meeting that was electronically sent to the Echoes Sentinel and Morris Daily Record and posted on the Township Website. The agenda and public handouts for this meeting can be viewed online at [www.longhillnj.gov](http://www.longhillnj.gov). A public comment period will be held in the order it is listed on the meeting agenda.*

**2. EXECUTIVE SESSION:**

23-069 EXECUTIVE SESSION

- Contract Negotiation – Thermoplastics
- Personnel

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolution 23-069 is hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

**3. CALL MEETING TO ORDER:**

**4. ORDINANCE(S):**

**ORDINANCE 511-23 (FIRST READING / INTRODUCTION)**

**SETTING FEES FOR LEAD PAINT INSPECTIONS AND SUPPLEMENTING AND AMENDING CHAPTER 16 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, February 22, 2023 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, March 8, 2023 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 March 8, 2023, public agenda, or email [municipalclerk@longhillnj.gov](mailto:municipalclerk@longhillnj.gov).

**MOVED** by: \_\_\_\_\_, that Ordinance 511-23 be introduced and passed on first reading.  
**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**ORDINANCE 510-23 (SECOND READING / ADOPTION)**  
**CONCERNING OFF-ROAD VEHICLES AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE TOWNSHIP CODE ENTITLED “POLICE REGULATIONS”**

**PUBLIC HEARING**

**MOVED** by: \_\_\_\_\_, that Ordinance 510-23 be adopted. **SECONDED** by: \_\_\_\_\_,  
**ROLL CALL VOTE**

**5. CONSENT AGENDA RESOLUTIONS:**

Resolution No. 23-070 – 23-074 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.

- 23-070 APPROVAL AND RELEASE OF MINUTES
- 23-071 APPROVING PAYMENT OF BILLS
- 23-072 CONFIRMING ORDER FOR STIRLING FIRE COMPANY
- 23-073 AUTHORIZATION OF FUNDS FOR CLEAN COMMUNITIES DPW WORKER
- 23-074 RESOLUTION AUTHORIZING PURCHASE OF AUDIO VIDEO EQUIPMENT

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolution 23-070 through 23-074 are hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

**6. LIAISON REPORTS**

**7. ADMINISTRATOR’S REPORT:**

**8. DISCUSSION:**

- Food truck

**9. OLD/NEW BUSINESS:**

**ACCEPT RESIGNATION**

Brian Johnstone – Board of Adjustment

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_ **ALL IN FAVOR:**

**TOWNSHIP COMMITTEE APPOINTMENTS**

MOVE: Jessica Brennan from Alt #2 to unexpired member term

TERM EXPIRES: 12/31/2024

MOVE: Tom Flatley from Alt #2 to unexpired Alt #1 term

TERM EXPIRES: 12/31/2024

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_ **ALL IN FAVOR**

**10. ANNOUNCEMENTS:**

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

12. ADJOURNMENT

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**RESOLUTION 23-069  
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 Negotiation – Thermoplastics
- Personnel

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**ORDINANCE 511-23  
SETTING FEES FOR LEAD PAINT INSPECTIONS AND SUPPLEMENTING AND AMENDING  
CHAPTER 16 OF THE TOWNSHIP CODE ENTITLED “PROPERTY MAINTENANCE”**

**WHEREAS**, *N.J.S.A. 52:27D-437.16* requires local housing inspection agencies to “inspect every single-family, two-family and multiple rental dwellings located within the municipality at tenant turnover for lead-based paint hazards or within two years of the effective date of [the statute]” and goes on to provide that “thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-based certification pursuant to [the statute]”; and

**WHEREAS**, the statute goes on to provide that, “the municipality charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection,”; and

**WHEREAS**, the statute also provides that fees established pursuant to this subsection shall be dedicated to meeting the costs of implementing and enforcing the law and shall not be used for any other purpose;

**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 16 of of the Township Code Entitled “Property Maintenance” is hereby supplemented and amended as follows:

**Section 1.** There is hereby created a new Section 16-10 entitled “Lead-Based Paint Hazard Inspections of Rental Properties Constructed Prior to 1978” which reads as follows:

**“16-10 LEAD-BASED PAINT HAZARD INSPECTIONS OF RENTAL PROPERTIES  
CONSTRUCTED PRIOR TO 1978**

**16-10.1 Lead-based Hazard Inspections of Rental Properties Constructed Prior to 1978.**

In accordance with the requirements of *N.J.S.A. 52:27D*, which is incorporated herein by reference, every single-family, two-family and multiple rental dwelling located within Township of Long Hill that was constructed prior to 1978, shall be inspected by the Township Code Enforcement Officer for lead-based paint hazards within two years of the effective date of *N.J.S.A. 52:27D-437.16*, or upon tenant turnover, whichever is sooner.

Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-based certification pursuant to *N.J.S.A. 52:27D-437.16*.

**16-10.2 Fees.**

The fee for a lead-based paint inspection shall be \$50.00 per rental unit inspected, payable at the time of the application for a lead-safe certification. All fees collected shall be dedicated to meeting the cost of implementing and enforcing inspections and shall not be used for any other purpose.

In addition, there shall be an additional fee of \$20.00 per unit inspected, that shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to *N.J.S.A. 52:27D-437.4*, unless the Department of Community Affairs has already assessed an additional inspection fee of \$20 pursuant to the provisions of *N.J.S.A. 52:27D-437.10*. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

**16-10.3 Violations and Penalties.**

Any person, firm or corporation who violates any provision of this section shall, upon conviction, be liable to the penalties set forth in Chapter 1, Section 1-5 of this Code.

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

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**ORDINANCE 510-23  
CONCERNING OFF-ROAD VEHICLES AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF  
THE TOWNSHIP CODE ENTITLED "POLICE REGULATIONS"**

**STATEMENT OF PURPOSE:** To regulate off-road vehicles and thereby preserve the peace and quiet of residential neighborhoods.

**WHEREAS**, the governing body has received complaints from residents whose peace and quiet has been disturbed by their neighbors operating off-road vehicles; and

**WHEREAS**, it is in the best interest of the Township and the general welfare of its residents to regulate off-road vehicles so as to mitigate the noise generated by such vehicles;

**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 3 of the Township Code entitled "Police Regulations" is hereby supplemented and amended as follows:

**Section 1.** There is hereby created a new Section 3-18 entitled "Off-Road Vehicles" which reads as follows:

**3-18 OFF-ROAD VEHICLES.**

**3-18.1. Definitions.**

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

*Off-Road Vehicle (ORV)* shall mean motor vehicles which are capable of human transport and designed or used for the purpose of recreation off the public right-of-way, including, but not limited to, all-terrain vehicles (ATV's), trail/dirt bikes, mini-bikes, go-carts and snowmobiles. Excluded from this definition are lawn mowers, tractors or farm, lawn, garden or similar equipment for residential use, or business or agricultural/farming

activities, when used for purposes for which each was designed.

### **3-18.2. Regulations/Prohibited Acts.**

- A. It shall be unlawful to operate any ORV under the following circumstances:
- (1) On the property of another person or party, unless the operator of the ORV has written permission of the owner or legal occupant of said property to operate the ORV thereon or said property owner is present. Said written permission must be exhibited to police officers upon request.
  - (2) On any public street, sidewalk or bike path within the Township of Long Hill.
  - (3) On public property unless written permission for operation of ORVs on said property has been specifically given by the applicable public authority.
  - (4) Within 450 feet of a residence, other than the operator's:
  - (5) When it creates any harsh, objectionable or unreasonable noise so as to disturb or interfere with the peace and quiet of other persons or which produces noise in violation of Chapter 3-15 of the Code of the Township of Long Hill, titled "Noise."
- B. No person shall operate or cause to be operated any ORV not equipped with a factory- installed or functionally equivalent muffler in good working order and in constant operation; or
- C. It shall be unlawful for the owner or person having control or custody of an ORV to allow or enable a minor under (under age 18) to operate said ORV in a manner violating any section of this ordinance. When a minor operates an ORV in violation of this ordinance, it shall be a rebuttable presumption that the parent or guardian enabled the ORV to be so operated and such parent or guardian shall be an additional responsible party.
- D. Exemptions:
- (1) ORVs specifically used for farming activities under the New Jersey Right-to-Farm regulations, yard work and snow removal.
  - (2) ORVs engaged in governmental or emergency functions included but not limited to utility repair, search and rescue operations, fire fighting or vehicles engaged in scientific research in otherwise inaccessible areas.
  - (3) ORVs in transit to or from public roadways or when being loaded or unloading from their transport vehicles.
  - (4) Lawn mowers, tractors, lawn, garden or similar equipment for residential use. This equipment must however operate with a factory-installed or functionally equivalent muffler.
  - (5) Public celebrations that are government sponsored or government permitted events.
  - (6) Safety training by a certified instructor under the Motorcycles Safety Foundation (MSF) or another sanctioned curriculum and with written, permitted

approval from the Township Committee.

**3-18.3. ORV Standards.**

- A. It shall be unlawful for any ORV to be operated within the Township which does not conform to current federal or state standards for the type of ORV in question. If no such standard exists, then current recognized standards- setting bodies or industry trade association standards shall be used, if available.
- B. It shall be unlawful for any ORV to be operated without a factory-installed or functionally equivalent muffler in good working order and in constant operation. For two-cycle engines, a United States Forest Service approved muffler/spark arrester combination is required.

**3-18.4. Violations and Penalties.**

Any person violating any provision of this section shall, upon conviction thereof, be liable to the general penalties set forth in Section 1-5 of this Code. The violation of any subsection of this section shall constitute a separate and distinct offense independent of the violation of any other subsection. Each violation shall constitute an additional, separate and distinct offense. No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of his ordinance or from other law.

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

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**RESOLUTION 23-070  
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 February 8, 2023.

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves February 8, 2023, Executive Session Meeting Minutes as redacted by the Township Attorney.

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**RESOLUTION 23-071  
APPROVING PAYMENT OF BILLS**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

**BE IT FURTHER RESOLVED**, that the bills list be appended to the official minutes.

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**RESOLUTION 23-072  
CONFIRMING ORDER FOR STIRLING FIRE COMPANY**

**WHEREAS**, the Township has enacted purchasing policies that delineate the process that must be followed for all procurement; and

**WHEREAS**, Township policy requires compliance with the NJ Local Public Contract Law; and

**WHEREAS**, the law and policy require that funds for all purchases must be encumbered prior to ordering any goods or services; and

**WHEREAS**, the Stirling Fire Company purchased turnout gear from New Jersey Fire Equipment Company without encumbering funds or obtaining a purchase order; and

**WHEREAS**, a confirming order is defined, in part, as a purchase made without having a valid purchase order number/encumbrance of funds.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee acknowledges that the proper purchasing procedure was not followed and that a confirming order was placed; and hereby authorizes the purchase from New Jersey Fire Equipment Company in the amount of \$30,164.00.

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**RESOLUTION 23-073  
AUTHORIZATION OF FUNDS FOR CLEAN COMMUNITIES DPW WORKER**

**WHEREAS**, Robert Phillips has worked as the Clean Communities employee for more than fifteen years;

**WHEREAS**, per the recommendation of Public Works Director Al Gallo, the Township would like Phillips to retain this position for 2023;

**WHEREAS**, Phillips employment would start March 1, 2023 and would consist of two days a week for a total of 14.5 hours per week at an hourly rate of \$18.00

**BE IT FURTHER RESOLVED** that the certification of available funds by the Township Chief Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

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**RESOLUTION 23-074  
RESOLUTION AUTHORIZING PURCHASE OF AUDIO VIDEO EQUIPMENT**

**WHEREAS**, the Township needs to update its audio-video equipment in order to improve the conduct of remote and hybrid meetings held by the Township Committee and other Township boards and commissions; and

**WHEREAS**, Township Administrator Nancy Malool obtained two competitive quotations from vendors; and

**WHEREAS**, the proposal submitted by Varto Technologies is most advantageous

**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 purchase of audio-visual equipment from Varto Technologies, 195 Hackensack Street, East Rutherford, NJ, as described in its February 3, 2023 quotation, for a total cost of \$39,224.98 is hereby authorized.
2. This purchased shall be charged to budget line item(s) C04-3919-00000-4-02177,



C04-2022-19122-2-02224.

3. The certification of available funds by the Chief Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

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