



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ**  
**TOWNSHIP COMMITTEE**  
**REGULAR SESSION AGENDA REVISED JUNE 10, 2020**  
**JUNE 10, 2020**  
**7:30 PM OPEN SESSION, CLOSED SESSION 6:45 PM**

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

The Long Hill Township Committee regularly scheduled meeting on June 10, 2020 at 7:30pm will now be held through teleconference.

Join the webinar:

<https://us02web.zoom.us/j/84134984015>

Password: 531327

Or iPhone one-tap:

US: +13126266799,,84134984015#,,1#,531327# or +19294362866,,84134984015#,,1#,531327#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 or +1 346 248 7799 or  
+1 669 900 6833 or +1 253 215 8782

Webinar ID: 841 3498 4015

Password: 531327

**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 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:**

20-165 EXECUTIVE SESSION

- Contract Negotiations
  - MOU with Community Options
  - IT
- Land Acquisition
  - 691 Long Hill Road, Gillette
- Potential Litigation
  - Mt. Laurel

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolution #20-165 is hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

**3. CALL MEETING TO ORDER:**

**4. ORDINANCE(S):**

**ORDINANCE 459-20 (SECOND READING / ADOPTION)**  
**CALENDAR YEAR 2020 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**PUBLIC HEARING**

**MOVED** by: \_\_\_\_\_, that Ordinance #459-20 be adopted. **SECONDED** by: \_\_\_\_\_,  
**ROLL CALL VOTE**

20-166            2020 BUDGET TO BE READ BY TITLE ONLY AT PUBLIC HEARING

20-167            ADOPTION OF 2020 MUNICIPAL BUDGET

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolution 20-166 and 20-167 are hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

**ORDINANCE 460-20 (FIRST READING / INTRODUCTION)**  
**REVISING BULK STANDARDS IN THE R-MF ZONE AND AMENDING SECTION 122 OF THE TOWNSHIP LAND USE ORDINANCE ENTITLED "ZONE DISTRICTS AND USE REGULATIONS"**

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, June 10, 2020, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, July 15, 2020 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 July 15, 2020 public agenda or email [municipalclerk@longhillnj.gov](mailto:municipalclerk@longhillnj.gov).

**MOVED** by: \_\_\_\_\_, that Ordinance #460-20 be introduced and passed on first reading.  
**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**CAPITAL ORDINANCE 461-20 (FIRST READING / INTRODUCTION)**  
**PROVIDING FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$1,177,036.00 THEREFOR FROM VARIOUS FUNDS OF THE TOWNSHIP**

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, June 10, 2020, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, July 15, 2020 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 July 15, 2020 public agenda or email [municipalclerk@longhillnj.gov](mailto:municipalclerk@longhillnj.gov).

**MOVED** by: \_\_\_\_\_, that Ordinance #461-20 be introduced and passed on first reading.  
**SECONDED** by: \_\_\_\_\_, **ROLL CALL VOTE**

**5. CONSENT AGENDA RESOLUTIONS:**

Resolution No. 20-168 – 20-178 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.

- 20-168 APPROVAL AND RELEASE OF MINUTES:
- 20-169 APPROVING PAYMENT OF BILLS
- 20-170 RESOLUTION FOR TOWNSHIP OF LONG HILL TO PARTICIPATE IN THE PASSAIC COUNTY COOPERATIVE PRICING AGREEMENT SYSTEM ID# 38PCCP
- 20-171 AUTHORIZING RELEASE OF ESCROWS
- 20-172 AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING (“MOU”) WITH COMMUNITY OPTIONS TO DEVELOP A GROUP HOME AND TO CONTRIBUTE \$100,000 IN AFFORDABLE HOUSING TRUST FUNDS TOWARD SUCH PROJECT
- 20-173 WAIVING MILLINGTON RAILROAD STATION SUBTENANT’S RENT FOR APRIL AND MAY SINCE THE BUSINESS WAS CLOSED DURING THAT TIME BECAUSE OF COVID-19
- 20-174 APPOINTING PROBATIONARY LABORER - BISIG
- 20-175 RESOLUTION HOLDING ENFORCEMENT OF CERTAIN TOWNSHIP ORDINANCES IN ABEYANCE IN ORDER TO ASSIST LOCAL BUSINESSES AS THEY REOPEN FOLLOWING THE LIFTING OF COVID-19 EXECUTIVE ORDERS
- 20-176 AUTHORIZING PROFESSIONAL SERVICE CONTRACT: NISIVOCIA & COMPANY
- 20-177 RESOLUTION FOR DEDICATION BY RIDER A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR AFFORDABLE HOUSING TRUST FUND REQUIRED BY N.J.S.A. 40A:12-1 et seq.
- 20-178 COVID-19 EXPANSION OF PREMISES PERMIT [CRI LONG HILL INC & THE PRIMAVERA INC]

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township, that Resolution 20-168 through 20-178 are hereby approved. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

**6. LIAISON REPORTS:**

**7. ADMINISTRATOR’S REPORT:**

**8. DISCUSSION:**

- Stirling Lake

- Grant Writers
- Garbage Contract

9. **OLD/NEW BUSINESS:**

- **ADDITION TO TOWNSHIP COMMITTEE APPOINTMENTS**  
**COMMUNICATIONS ADVISORY COMMITTEE**  
Scott Lavender (3yrs) expiration 6/10/2023

**MOVED** by: \_\_\_\_\_ of the Township Committee of Long Hill Township Scott Lavender to Communications Advisory Committee. **SECONDED** by: \_\_\_\_\_. **ROLL CALL VOTE:**

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 20-165  
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
  - MOU with Community Options
  - IT
- Land Acquisition
  - 691 Long Hill T Road, Gillette
- Potential Litigation
  - Mt. Laurel

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**ORDINANCE 459-20  
CALENDAR YEAR 2020  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

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

**WHEREAS**, the Township Committee of the Township of Long Hill in the County of Morris finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$380,437.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Long Hill, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Long Hill shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$380,437.96, and that the CY 2020 municipal budget for the Township of Long Hill be approved and adopted in accordance with this ordinance; and,

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

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

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

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**RESOLUTION 20-166**

**2020 BUDGET TO BE READ BY TITLE ONLY AT PUBLIC HEARING**

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

**WHEREAS**, these conditions have been met;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Long Hill in the County of Morris and State of New Jersey that the budget shall be read by title only.

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**RESOLUTION 20-167**

**ADOPTION OF 2020 BUDGET**

**BE IT RESOLVED** by the Township Committee of the Township of Long Hill, County of Morris that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$15,119,194.75 for municipal purposes.

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

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**ORDINANCE 460-20**

**REVISING BULK STANDARS IN THE R-MF ZONE AND AMENDING SECTION 122 OF THE TOWNSHIP LAND USE ORDINANCE ENTITLED "ZONE DISTRICTS AND USE REGULATIONS"**

**WHEREAS**, Long Hill Township filed an affordable housing declaratory judgment action in the Superior Court of New Jersey, Morris County, on July 6, 2015 at Docket No. MRS-L-1660-15; and

**WHEREAS**, the Township thereafter settled its declaratory judgment action with the Fair Share Housing Center ("FSHC") and the terms of that settlement were memorialized in an agreement dated September 27, 2017 and which were incorporated in a Final Judgment of Compliance and Repose entered by the Court on June 15, 2018; and

**WHEREAS**, the settlement agreement with FSHC provides that:

- "13. The Township . . . shall propose and adopt any new or modified ordinances required to implement this agreement . . .

- “14. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.”; and

**WHEREAS**, in accordance with the terms of the settlement agreement, the Township Planning Board has prepared and submitted to the Township Committee for its consideration ordinances creating a new R-MF 4 - Multi Family Residential Zone 4, R-MF4 O Multi Family Residential 4 Overlay Zone, RAHO Redevelopment Affordable Housing Overlay Zone and MU-O Mixed Use Overlay Zone; and

**WHEREAS**, the Township Committee adopted that ordinance as Ordinance No. 413-18 on May 9, 2028; and

**WHEREAS**, minor modifications are needed to the bulk standards in the R-MZ 4 zone;

**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 122.3A of the Township Land Use Ordinance entitled “Zone Districts and Use Regulations” is hereby amended as follows:

**Section 1.** Section 122.3A entitled “R-MF 4 - Multi Family Residential Zone 4” which reads as follows:

**“122.3AR-MF 4 - Multi Family Residential Zone 4**

a. Purpose

The purpose of the R-MF 4 zone district is to provide zoning for affordable housing which allows a realistic opportunity for the construction of very low, low and moderate income housing.

b. Location

The location of the R-MF 4 zone applies to a lot on the south side of Valley Road, east of Mountain Avenue. This lot is known as Block 10801, Lot 3.

c. Permitted Uses

Multi-family dwelling units for the provision of inclusionary affordable housing pursuant to the “Low- and Moderate-Income Housing Requirements” below shall be permitted uses in the R-MF 4 zone district.

d. Low and Moderate Income Housing Requirements

1. This property shall be used for inclusionary affordable housing multi family dwelling units.
2. The minimum lot area shall be not less than five (5) acres.
3. The maximum density for residential development shall not exceed twelve (12) dwelling units per acre, unless a higher number is set forth in the Township's September 27, 2017 settlement agreement with the Fair Share Housing Center.
4. Not less than 9 units or fifteen (15%) percent of the total number of units shall be affordable to very low, low and moderate income households for rental units and not less than 12 units or twenty (20%) percent of any for sale units shall be affordable to very low,

low and moderate income households. Any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of more than or equal to 0.5 shall be rounded up.

5. The affordable units must meet the income and bedroom distribution requirements of N.J. Stat. § 52:27D-329.1 and N.J.A.C. 5:80-26.3. Not more than 20% of the affordable units and not more than 10% of the market units may have 3 or more bedrooms.

6. These bulk standards shall apply to development in the R-MF 4 zone:

- a. Minimum lot size: 5 acres.
- b. Minimum lot width: 250 feet.
- c. Maximum building height ~~3 stories or 45 feet~~ for pitched roof structures: 3 residential stories over parking or 50 feet. "Height" shall mean the vertical distance from a plane representing the average ground elevation around the foundation to a point 1/2 the distance between the top of the uppermost plate and the highest point of a pitched roof.  
(1) Buildings facing Valley Road may not exceed 2.5 stories or 35 feet.
- d. Maximum building height for non-pitched roof structures: 3 residential stories over parking or 45 feet. "Height" shall mean the vertical distance from a plane representing the average ground elevation around the foundation to the top of the highest beams for a flat roof or to the deck level of a mansard roof.
- d. Minimum front yard: 50 feet.
- e. Minimum side yard: ~~30 feet~~ 20 feet
- f. Minimum rear yard: 50 feet.
- g. Maximum building coverage: 20%.
- h. Maximum lot coverage: 40%.
- i. Floor Area Ratio: 0.5.
- j. Buffer: 10 feet."
- k. Parking: 1.5 spaces per unit

**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.

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**CAPITAL ORDINANCE 461-20  
 PROVIDING FOR VARIOUS IMPROVEMENTS IN AND BY THE  
 TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW  
 JERSEY, AND APPROPRIATING \$1,177,036.00 THEREFOR FROM  
 VARIOUS FUNDS 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, New Jersey. For the said improvement or purpose stated in said Section 2, there is hereby appropriated the sum of \$1,177,036.00, to the extent of \$680,670.00 from the Capital Improvement Fund and \$496,366.00 from the State of New Jersey Department of Transportation.

**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 Various roads including .but not limited to River Road, Broadview Road, Jersey Ave., Jodi Lane, Kalson Road, Longview Terrace, Newark Avenue, Preston Drive, Springbrook Road, Woodland Road and Heritage Road in and by the Township including. Said Improvement shall include reconstruction, surfacing or resurfacing the roadway to the extent of Class B construction, together with studies, curbing, structures, storm water drainage, catch basins milling, equipment, work and materials necessary therefor or incidental thereto: (b) Police Equipment to include Evidence Management system: (c) Equipment and apparatus for the Stirling and Millington Fire Companies to include turn out gear, hose replacement, rescue equipment and Communications equipment: (d) Recreation equipment to include Wibit replacement piece, Meyersville Tennis Court repairs and LED Lighting for Kantor Basketball/Tennis Courts: (e) Public Works equipment and Improvements to include a Pick up Truck with lift gate and plow, paving of DPW parking lot and Improvements to Main avenue streetscapes: (f) Improvement to the Long Hill Municipal Building.

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.

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**RESOLUTION 20-168  
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 May 27, 2020 Township Committee Meeting.

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves May 27, 2020 Executive Session Meeting Minutes as redacted by the Township Attorney.

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**RESOLUTION 20-169  
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 20-170  
RESOLUTION FOR TOWNSHIP OF LONG HILL TO PARTICIPATE IN THE PASSAIC COUNTY  
COOPERATIVE PRICING AGREEMENT SYSTEM ID# 38PCCP**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the County of Passaic, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on June 10, 2020 the governing body of the Township of Long Hill, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

**NOW, THEREFORE BE IT RESOLVED** as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Long Hill

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

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**RESOLUTION 20-171  
AUTHORIZING RELEASE OF ESCROWS**

**WHEREAS**, the Planning & Zoning Coordinator, Board Engineer, Board Attorney, Township Planner have certified that there are no outstanding invoices and have approved the release of the following escrows.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LONG HILL IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release the following escrows plus any applicable interest as per N.J.S.A. 40:55D-53.1.

**DEVELOPER'S ESCROW**

Mark Neri / Acct. 21068                      \$100.00

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**RESOLUTION 20-172  
AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING ("MOU") WITH  
COMMUNITY OPTIONS TO DEVELOP A GROUP HOME AND TO CONTRIBUTE \$100,000 IN  
AFFORDABLE HOUSING TRUST FUNDS TOWARD SUCH PROJECT**

**WHEREAS**, the Township of Long Hill ("Township") is in the process of preparing an update to the Township Master Plan Housing Element ("Plan"); and

**WHEREAS**, the Plan will include housing for those with developmental disabilities; and  
**WHEREAS**, Community Options is qualified to develop and administer housing programs for the developmentally disabled; and

**WHEREAS**, Community Options has proposed developing a group home at property which is identified in the MOU, but which has been redacted until Community Options enters into a contract to identify the property; and

**WHEREAS**, the Township wishes to contribute \$100,000 in affordable housing trust funds toward the development of that project;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the Mayor and Clerk are hereby authorized and directed to execute the attached Memorandum of Understanding with Community Options.

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**RESOLUTION 20-173**

**WAIVING MILLINGTON RAILROAD STATION SUBTENANT’S RENT FOR APRIL AND MAY SINCE THE BUSINESS WAS CLOSED DURING THAT TIME BECAUSE OF COVID-19**

**WHEREAS**, Millington Station Café, Inc. (the “Café”) entered into an agreement with Long Hill Township on February 19, 1992 to sublease the Millington Railroad Station building for a ten (10) year term commencing August 1, 1992 and ending upon termination of the underlying lease; and

**WHEREAS**, the Café was closed during the months of April and May as a result of Executive Orders issued by Governor Phil Murphy in response to the COVID-19 pandemic;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey that it does hereby waive the payment of rent by the Café during the months of April and May 2020.

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**RESOLUTION 20-174**

**APPOINTING PROBATIONARY LABORER - BISIG**

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

1. Upon the advice and recommendation of Public Works Director Al Gallo, that Tyler Bisig be appointed as Truck Driver/Laborer Class 4.
2. This appointment shall be effective on June 15, 2020 at an hourly probationary rate of \$15.50. Following the probationary period (not to exceed more than six months) the new rate shall be \$19.50 per hour.
3. Mr. Love will be a member of the Long Hill Public Works Association and a copy of the Agreement shall be provided.

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**RESOLUTION 20-175**

**RESOLUTION HOLDING ENFORCEMENT OF CERTIN TOWNSHIP ORDINANCES IN ABEYANCE IN ORDER TO ASSIST LOCAL BUSINESSES AS THEY REOPEN FOLLOWING THE LIFTING OF COVID-19 EXECUTIVE ORDERS**

**STATEMENT OF PURPOSE:** *By adopting this resolution and relaxing enforcement of certain land use regulations for the short term, the governing body hopes to mitigate the devastating impact that COVID-19 and the restrictions adopted in response thereto have had on local businesses*

**WHEREAS**, in response to the COVID-19 pandemic, Governor Phil Murphy issued Executive Order 103 on March 9, 2020 declaring and proclaiming a public health emergency and state of emergency in the State of New Jersey; and

**WHEREAS**, Governor Murphy thereafter issued Executive Order 107 on March 21, 2020 which provided in relevant part:

“The brick and mortar premises of all non-essential retail businesses must close to the public as long as this Order remains in effect”; and

**WHEREAS**, Executive Order 107 allowed essential retail businesses to remain open but with very strict restrictions; and

**WHEREAS**, Executive Order 107 further provided that:

“All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses”; and

**WHEREAS**, Governor Murphy issued Executive Order 142 on May 13, 2020 relaxing the restrictions on non-essential retail businesses to allow curbside service; and

**WHEREAS**, Governor Murphy issued Executive Order 108 on March 21, 2020 preempting all local regulations and orders issued in response to the COVID-19 pandemic; and

**WHEREAS**, on May 18, 2020, Governor Murphy unveiled a multi-stage plan for reopening New Jersey's businesses and activities closed for the coronavirus outbreak, but no timeline for future stages was included and it is anticipated that Stage 3 will include limits on the number of patrons who can enter the buildings in which the businesses are conducted; and

**WHEREAS**, on June 3, 2020, Governor Murphy issued Executive Order 150 which provides that: Effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” are permitted to offer in-person service at outdoor areas. . .”

**WHEREAS**, Executive Order 150 further provides that:

"Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any additional density and social distancing requirements imposed by municipalities on food or beverage establishments offering in-person service at outdoor areas are not inconsistent with Executive Order No. 108 (2020). If a municipality seeks to close off a roadway for which it would need county or State approval, it still must obtain that approval.

Municipalities that make outdoor shared spaces such as sidewalks, streets, or parks, available for use by food or beverage establishments should equitably divide these spaces among food or beverage establishments that can feasibly use it."

**WHEREAS**, local businesses were already facing challenges before the COVID-19 pandemic as a result of competition from online retailers and other factors; and

**WHEREAS**, the Township Committee wants to help local businesses to survive and prosper by holding enforcement of certain Township ordinances in abeyance to mitigate COVID-19's devastating effects on the economy of COVID-19; and

**WHEREAS**, the standards for outdoor dining, as permitted as some conditional uses are set forth in section 124-13 as follows:

"124.13 Outdoor Dining

- a. Outdoor dining facilities shall be a permitted use in the B-1-5, B-1-20, M, MH and B-D zones subject to the following conditions: (Ord. No. 392-2016 § 6)
  1. The outdoor dining facility shall be part of a permitted restaurant use located on the same lot.
  2. The outdoor dining use will not involve any outdoor speaker systems or outdoor music playing of any kind.
  3. If outdoor dining is on a sidewalk, a four (4) foot sidewalk clearance must be provided.
  4. In Village Business zones (B-1-5, B-1-20, MH and M) outdoor dining shall be permitted between the hours of 6:00 a.m. and 10:00 p.m.; in the Commercial zones (B-D), outdoor dining shall be permitted between the hours of 6:00 a.m. and 11:00 p.m. (Ord. No. 392-2016 § 6)
  5. A sketch showing the proposed location of tables, chairs and umbrellas shall be prepared and submitted to the Zoning Officer for approval prior to the use of the outdoor area.
- b. An outdoor dining facility does not have to be located along a sidewalk that is contiguous to a building.
- c. The outdoor dining facility must obtain all applicable Board of Health and other required permits.
- e. If all of the above criteria are met, no Board appearance shall be required."

**WHEREAS**, sidewalk sales are defined in section 3-5.1 of the Township Land Use Ordinance as:

" . . . a retail sale of a short term and temporary in nature conducted in the front or side yard of a business adjacent to the indoor establishment of the tenant or owner without permanent improvements made to the site."; and

**WHEREAS**, subsections 3-5.2 through 3-5.4 of Section 3-5 of the Township Code entitled "Sidewalk Sales" set forth the following regulations governing sidewalk sales:

**"3-5.2 Sidewalk Sales Permitted.**

A business may conduct no more than four (4) such sales in any year. Each sale is limited to no more than ten (10) calendar days. Sales shall be conducted only between 8:00 a.m. and 8:00 p.m., prevailing time.

It shall be unlawful for any person to conduct a sidewalk sale in the Township without first obtaining a Sidewalk Sale Permit from the Clerk. There shall be no fee to obtain a Sidewalk Sale Permit. All Permits issued pursuant to the provisions of this section shall be conspicuously displayed during the entire period of the sidewalk sale.

**3-5.3 Outdoor Plant Sales Permitted.**

Any retail business lawfully operating in the Township in full compliance with the Township Zoning Ordinance and other applicable ordinances and regulations shall be permitted to conduct outdoor plant sales from March 15 through October 31 of each year.

**3-5.4 Safety Regulations.**

No walkway normally used by pedestrians or vehicles shall be blocked by any merchandise offered for sale. A three (3') foot passage way for pedestrians shall be left open and merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street, alley, driveway or fire lane.

Merchandise shall be kept in a neat and orderly fashion at all times. Such sales shall not be operated in any manner which would cause a nuisance or create a fire safety or traffic hazard. Goods may be stored out of doors, at the vendors own risk, during the permitted sale.

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

1. Restaurants and other eating establishments that do not have an outdoor eating area on their site plan as approved by the Township Planning Board or Zoning Board of Adjustment, may be permitted to have outdoor dining subject to the general restrictions set forth in Section 124-13 of the Township Land Use Ordinance.
2. During the pendency of this Resolution, sidewalk sales shall be permitted in the commercial zones subject to the requirements set forth in section 3-5.2 of the Township Land Use Ordinance except that:
  - a Sidewalk sales shall be permitted in these zones on an unlimited number of days and not just on four (4) days as permitted by subsection 3-5.2.
  - b Outdoor plant sales shall be permitted during the pendency of this resolution and not just between March 15 and October 31.
3. The provisions of this resolution shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety and welfare.
4. Sale of alcoholic beverages in connection with outdoor dining permitted pursuant to this Resolution shall be limited by the establishment's liquor license and the applicable rules and regulations of the Division of Alcoholic Beverage Control as may be modified during this COVID-19 emergency.
5. This resolution does not repeal or amend any Township land use ordinances or land development approvals and all land use ordinances and development approvals will be strictly enforced upon termination of this resolution.
6. All businesses must comply with all COVID-19 executive orders issued by Governor Murphy, and those executive orders will supersede anything in this resolution which is inconsistent with those orders.
7. All local businesses must comply with all applicable health statutes, ordinances and regulations, and must obtain any and all permits required by the Township Health Department.

8. All local businesses must comply with all orders and directives issued by the Chief of Police.

9. Outdoor dining and merchandise sales as outlined above may be permitted with the permission of the Township Zoning Officer, the Police Chief and the Fire Official, in consultation with the Health Officer. Applications shall be submitted on forms provided by the Township Zoning Officer.

10. The Township will provide for the defense of any action brought against such Township employee on account of an act or omission in the scope of his or her employment or official Township duties carried out pursuant to this resolution and indemnify the employee for ordinary or punitive damages resulting from the employee's civil violation of State or Federal law as long as the employee's actions did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong. The Township shall have exclusive control over the representation of such person defended and such person shall cooperate fully with the Township, provided, however, that such person may at any time and at such person's option take control over representation by waiving all rights to indemnification and all rights to payment for costs of defense. The Township may provide for the defense pursuant to this section by authorizing the Township Attorney to act on behalf of the person being defended, or by employing other counsel for this purpose, or by asserting the Township's right under any appropriate insurance policy which requires the insurance to provide the defense. Except as provided in Township Code Subsection 2-63.7, the Township shall not reimburse the employee for any legal costs incurred that were not authorized by the Township in writing.

11. This Resolution shall take effect when the activities authorized herein are permitted by State statutes or regulations or Executive Orders of Governor Murphy and shall expire on December 31, 2020, unless further action is taken by the governing body.

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**RESOLUTION 20-176  
AUTHORIZING PROFESSIONAL SERVICE CONTRACT: NISIVOCIA & COMPANY**

**WHEREAS**, the Township of Long Hill has a need to acquire services listed herein as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

**WHEREAS**, the Purchasing Agent has determined and certified in writing that the value of the amount of the contract will exceed (\$17,500) seventeen thousand five hundred dollars; and

**WHEREAS**, the anticipated term of the contract is one year, and the contractor listed herein have submitted proposals indicating they will provide the service needed by the Township; and

**WHEREAS**, the Finance Officer has certified in writing that sufficient funds are available; and

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill that the following appointment is hereby made for the calendar 2020, subject to entering into a formal written contract satisfactory to both parties in accordance with the Local Public Contracts Law:

Township Auditor

**NISIVOCIA & COMPANY**

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and that notice of these awards be advertised once in the Echoes Sentinel.

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**RESOLUTION 20-177  
RESOLUTION FOR DEDICATION BY RIDER  
A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR AFFORDABLE  
HOUSING TRUST FUND REQUIRED BY N.J.S.A. 40A:12-1 et seq.**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for the approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

**WHEREAS**, N.J.S.A. 40A: 12-1 et seq. provides for receipt of Affordable Housing Fees by the municipality to provide for the operating costs to administer this act; and,

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Affordable Housing Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

**BE IT FURTHER ORDAINED**, by the Governing Body of the Township of Long Hill, County of Morris, State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Affordable Housing Trust Fund.
2. The Clerk of the Township of Long Hill is hereby directed to forward two certified copies of the Resolution to the Director of the Division of Local Government Services.

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**RESOLUTION 20-178  
COVID-19 EXPANSION OF PREMISES PERMIT  
[CRI LONG HILL INC & THE PRIMAVERA INC]**

**WHEREAS**, applicants have submitted a COVID-19 Expansion of Premise Permit Application to the State of New Jersey; and

**WHEREAS**, the COVID-19 Expansion of Premises Permit will expire on November 30, 2020 and if applicants would like to expand premises permanently would have to apply for a place to place transfer (expansion of premises); and

**WHEREAS**, the Chief of Police has reviewed the application and has no objection to the granting of a special permit to be issued to the applicant to sell alcoholic in the premises noted, subject to, however, the following conditions:

1. The consumption of alcoholic beverages shall be restricted to the area as outlined in the site plan supplied with the application. No alcoholic beverages shall be possessed or consumed in any area not designated on this site plan.

2. No person under the age of 21 shall be served alcoholic beverages. The applicant shall be responsible for verifying the ages of those patrons who wish to consume alcoholic beverages, check identification to verify age, and monitor the area to prevent "hand off'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 as follows:



1. The Township Committee, the licensing authority of the municipality, has no objection to the granting of a special permit and consents thereto with the special conditions as outlined by the Chief of Police.
2. The Township Clerk is hereby authorized to approve the municipal certification on the application and submit to NJ ABC electronically.
3. All other applicable State laws, ABC regulations and Township ordinances shall remain in full force and effect.

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