



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ  
TOWNSHIP COMMITTEE  
REGULAR SESSION MEETING MINUTES  
October 14, 2020  
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 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.

**EXECUTIVE SESSION:**

20-265 EXECUTIVE SESSION

- Personnel
- Contract Negotiations

**MOVED** by: Committeeman Schuler of the Township Committee of Long Hill Township, that Resolution 20-265 is hereby approved. **SECONDED** by: Deputy Mayor Piserchia. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

Mayor Rae **opened the public session** of the meeting at 7:39 pm.

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

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

**Mayor Rae** spoke about the passing of Dawn Wolf. Dawn was a Planning and Zoning Coordinator and resident for over 30 years and will be missed. Thoughts and prayer are with the family.

**ORDINANCE(S):**

**ORDINANCE 463-20 (SECOND READING / ADOPTION)**

**CREATING A NEW R-MF5 ZONE AND SUPPLEMENTING AND AMENDING SECTION 122 OF THE TOWNSHIP LAND USE ORDINANCE ENTITLED "ZONE DISTRICTS AND USE REGULATIONS"**

The Municipal Clerk sent notice of the public hearing on the ordinance to all property owners within 200' and others by certified mail as required by N.J.S.A. 40:55D-62.1, and that an affidavit of service is on file.

**Mayor Rae opened up the PUBLIC HEARING.**

**Committeeman Dorsi** excused himself.

**Charlie Friedman, 82 Laura Drive** – Mr. Friedman spoke about Fair Share Agreement and Mid-point review and the percentage of which would be affordable unit's versus for profit units. Attorney Pidgeon clarified with an explanation on COAH and the percentages. Mr. Friedman went on to talk about 2020 Master Plan Land Use Assessment Survey and how the LoPresti site is mostly residential and asked if we had immunity from builders remedy lawsuits until 2025. Attorney Pidgeon provided clarification that we are only immune if we build the sites in our settlement. Mayor Rae went on to speak about the 2025 round and everyone to go to Legislative at the State level because they advocate to the courts.

**Michelle Allegro, 2 Williams Street Flemington** – Ms. Allegro is the attorney representing the Allegro family on Lot 23 and spoke about the issue of flooding. Mayor Rae provided clarification that these issues will be brought in front of the Planning Board when professionals will be able to answer raised by residents. Committeeman Schuler spoke about how they will not be able to build on the wetlands.

**Robert Vanderstreet, 143 King Drive** – Mr. Vanderstreet asked why this project couldn't be built in a different location. Attorney Pidgeon and Mayor Rae spoke about how the developer wrote to Fair Share housing addressing that we had a short fall in our settlement and they were ready, willing, and able to build.

**Chris Santon, 88 Laura Drive** – Mr. Santon asked about if the 20 ft. setbacks could be adjusted. Committeeman Schuler clarified the setbacks and height with the buildable lots. Mr. Santon asked if there was any financial gains from any current or former committee members from the sale of this property. Mayor Rae told Mr. Santon to pursue proper avenues if he felt that way. Mr. Santon shared quotes from the Master Plan Land Use Assessment Survey and wants leave Long Hill Township.

**Charlie Mejia, 471 Valley Road** – Mr. Mejia asked when will the affordable housing end and why was this site chosen. Attorney Pidgeon spoke about how the Township will have protection until the 2025 round. Mayor Rae spoke about how Elite sent letter to Fair Share showing the shortfall in the obligation of Long Hill Township Settlement Agreement. Committeeman Schuler spoke about how Elite was the redeveloper for Valley and Main (Thermoplastics) which was not developable and sought another property to develop. Deputy Mayor Piserchia spoke builders remedy lawsuits we would lose and it would be in the hands of the builder.

**Prasanti Repaka, 55 Laura Drive** – Ms. Repaka asked if the schools would be able to accommodate more kids in its facilities. Deputy Mayor Piserchia spoke about a study from Rutgers University and spoke about the numbers currently enrolled in the schools. Mayor Rae spoke about how Fair Share Housing doesn't factor in schools or infrastructure issues when coming up with its settlements. Ms. Repaka spoke putting out a survey to the residents as we have immunity until 2025. Mayor Rae clarified that we have immunity until 2025 if we abide by the settlement agreement which includes building on the LoPresti site.

**Karen Meleta, 23 Lackawana Blvd** - Ms. Meleta asked if the Fair Share Housing obligation would allow the town to violate environmental laws and if they would be allowed to confiscate private property. Ms. Meleta received clarification from Attorney Pidgeon that the applicant still has to receive site plan approval abiding by all ordinances and statutes but would be allowed to confiscate property with just compensation under Eminent Domain laws. Ms. Meleta spoke about seeking a builder and received clarification that we have to deal with the developers who comes forward.

**Mathangi Srinivas, 40 Laura Drive** – Ms. Srinivas voiced frustration on the potential developments on Laura Drive and suggested setting up a TASK force for each potential site. Mayor Rae spoke about the inaccuracies of a lawsuit against the town. Committeeman Schuler spoke about how the developer came to Fair Share Housing and about the town property owned under Green Acres Open Space for the purpose of active recreation. Ms. Srinivas asked why towns weren't aligning to fight Fair Share Housing and Attorney Pidgeon clarified that 320 towns formed a consortium back in 2015 in which the court ruled

in Fair Share Housing. Mayor Rae urged her to speak to State Legislatures. Mr. Santon spoke about allegations and Mayor Rae spoke about taking proper avenues if he felt that way.

**Regis Laboubee, 20 Laura Drive** – Mr. Laboubee questioned the public hearing process at the planning board and the size of the lot and received clarification from Mayor Rae and Attorney Pidgeon.

**Mary Olsen, 496 Valley Road** – Ms. Olsen asked if she could address the board privately and asked if it was public knowledge who purchased the property in 2016. Attorney Pidgeon explained it was public knowledge.

**Charles Arentowicz, 605 Heritage Road** – Mr. Arentowicz spoke about signing a settlement agreement with Elite and received clarification from Mayor Rae that Elite submitted an application to the planning board for a different site. Mr. Arentowicz discussed the timeline on the 2015 round with Fair Share Housing and questioned Deputy Mayor Piserchia's number in regards to the Rutgers study.

**Robin Greene, 7 Laura Drive** – Ms. Greene spoke about environmental, road concerns and her concerns as not being heard as a resident. Mayor Rae clarified that when this Ordinance was in front of the planning board for a Master Plan consistency review there is no public comment. Mayor Rae and Committeeman Schuler clarified what will be discussed at the planning board.

**Michael DiSarno, 169 King Drive** – Mr. DiSarno spoke about the Mt. Laurel Doctrine and the timeline. Attorney Pidgeon and Committeeman Schuler spoke about the affordable housing obligations and the history of Mt. Laurel Doctrine. A discussion ensued about the next round of affordable housing in 2025.

**Nitin Bhat, 68 Laura Drive** – Mr. Bhat spoke about eminent domain and building the outstanding units ourselves. Attorney Pidgeon spoke about paying fair market value taking property for eminent domain. A discussion ensued about the 10 affordable units.

**Charlie Friedman, 82 Laura Drive** – spoke about Mary Olson comment and received clarification from Attorney Pidgeon on the factors that attribute to the number of units the town is obligated to build from Fair Share Housing. Mayor Rae spoke about the ordinance requiring a public hearing and the Township Committee will take into consideration the public comments before voting and clarified that 1/16 of the town completed the Master Plan Land Use Assessment Survey. Committee Verlezza clarified that if there was a builder's remedy lawsuit the town's obligation would be greater than current obligation. Mr. Friedman urged the Township Committee to vote no.

**Don Farnell, 7 Trent Place** – Mr. Farnell questioned the specifications and asked if planning board can deny an application for affordable housing if they don't abide by the towns design standards. Attorney Pidgeon advised that he couldn't advise on a different application in front of planning board. Mr. Farnell encouraged residents to participate in planning board process.

Mayor Rae closed the **PUBLIC HEARING**.

**Committeeman Schuler** spoke about his displeasure and understands the legal risks associated with not passing the ordinance. Committeeman Schuler discussed wanting to have an open dialogue with Fair Share Housing and wanted to ask for more time to find a new location.

**Deputy Mayor Piserchia** spoke about how raising the road wasn't a feasible option at this time and how all speakers are bordering the property in question. Deputy Mayor Piserchia spoke about how the settlement was as close to optimal as they could get and how he supports the ordinance but is disappointed.

**MOTION:** Deputy Mayor Piserchia to extend the meeting past the 11:00pm mark as per Ordinance 16-96.  
**SECOND:** Committeeman Schuler. **VOTE: ALL IN FAVOR**

**Committeeman Verlezza** spoke about feeling the resident's pain and had Attorney Pidgeon clarify maybe needing the additional 5 units build for a future round.

Mayor Rae and Attorney Pidgeon spoke about the ability of the Township Committee to adopt the Ordinance by a majority of its full membership, and it must state the reasons for disregarding the Planning Board's recommendations in the record.

**MOVED** by: Deputy Mayor Piserchia that Ordinance 463-20 be adopted. **SECONDED** by: Committeeman Verlezza, **ROLL CALL VOTE** Committeeman Dorsi; abstain, Committeeman Schuler; no, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

20-283            SETTING FORTH THE REASONS FOR REJECTING THE PLANNING BOARD'S  
 COMMENTS CONCERNING ORDINANCE 463-20 CREATING A NEW R-MF5 ZONE

**MOVED** by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township, that Resolution 20-283 be hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Dorsi; abstain, Committeeman Schuler; abstain, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

Mayor Rae invited Robert Beinfield from Hawkins Delafield, Bryan Morris from Phoenix Advisors, Ray Sarinelli from Nisivoccia and Randy Bahr, CFO on as panelist to speak on behalf of the resolutions.

- Administrator Malool spoke about a tentative closing date on the sewer plant being October 22, 2020 and needing to pass the resolutions complete the sale.
- Mr. Beinfield and Mr. Morris spoke clarified the proposed resolutions.

20-281            RESOLUTION OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS,  
 NEW JERSEY, AUTHORIZING THE PAYMENT, PREPAYMENT, REDEMPTION  
 AND/OR ECONOMIC DEFEASANCE OF OUTSTANDING DEBT OF THE TOWNSHIP  
 AND CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

**MOVED** by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township, that Resolution 20-281 is hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

20-282            APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE  
 BUDGET AMENDING 2020 SEWER UTILITY OPERATION BUDGET IN THE SUM OF  
 \$12,700,000

**MOVED** by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township, that Resolution 20-281 is hereby approved. **SECONDED** by: Committeeman Schuler. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

**ORDINANCE 465-20 (FIRST READING / INTRODUCTION)**  
**AN ORDINANCE INCREASING THE ANNUAL FEES FOR LIQUOR LICENSES AND AMENDING  
 CHAPTER VI OF THE TOWNSHIP CODE ENTITLED "ALCOHOLIC BEVERAGE CONTROL"**

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 14, 2020 will

be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Thursday, November 12, 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 November 12, 2020 public agenda or email [municipalclerk@longhillnj.gov](mailto:municipalclerk@longhillnj.gov).

**MOVED** by: Committeeman Schuler, that Ordinance 465-20 be introduced and passed on first reading.  
**SECONDED** by: Deputy Mayor Piserchia. **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

**ORDINANCE 466-20 (TABLED)**

**AN ORDINANCE PERMITTING APARTMENTS IN ACCESSORY BUILDINGS FOR SENIOR CITIZENS WHO ARE MEMBERS OF THE SAME HOUSEHOLD AS THE RESIDENTS OF THE SINGLE FAMILY RESIDENCE ON THE PROPERTY AND SUPPLEMENTING AND AMENDING SECTION LU-124 OF THE TOWNSHIP LAND USE ORDINANCE ENTITLED ASUPPLEMENTAL USE REGULATIONS**

**ORDINANCE 466-20 was tabled until the October 28, 2020 meeting.**

**CONSENT AGENDA RESOLUTIONS:**

Mayor Rae revised the title of Resolution 20-278 and pulled Resolution 20-279 as per Committeeman Schuler's request.

Resolution No. 20-266 – 20-280 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.

- 20-266 APPROVAL AND RELEASE OF MINUTES:
- 20-267 APPROVING PAYMENT OF BILLS
- 20-268 A RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF LONG HILL AUTHORIZING THE ADOPTION OF THE 2020 MORRIS COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE
- 20-269 AUTHORIZING RELEASE OF ESCROW – Atlantic Infrared Inc.
- 20-270 AUTHORIZING RELEASE OF ESCROW – Supreme Industries, Inc.
- 20-271 AUTHORIZING RELEASE OF ESCROW – Topline Construction Corporation
- 20-272 AUTHORIZING REFUND OF SEPTIC ABANDONMENT
- 20-273 DUPLICATE SEWER PAYMENT REFUNDS
- 20-274 AUTHORIZING CANCELLATION OF TAXES RECEIVABLE
- 20-275 2019 DUPLICATE TAX PAYMENT REFUND 356 MERCER ST.
- 20-276 AUTHORIZING REFUND OF OVERBILLED TAX RECEIVABLE
- 20-277 AUTHORIZING REFUND OF OVERBILLED TAX RECEIVABLE - QFARMS
- 20-278 APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM EMERGENCY MANAGEMENT ASSISTANCE GRANT IN THE SUM OF \$10,000.00

20-280                   REGARDING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT MADE AT REMOTE TOWNSHIP COMMITTEE MEETINGS

**MOVED** by: Committeeman Schuler of the Township Committee of Long Hill Township, that Resolution 20-266 through 20-278 and 20-280 are hereby approved. **SECONDED** by: Deputy Mayor Piserchia. **ROLL CALL VOTE** Committeeman Dorsi; yes, Committeeman Schuler; yes, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

Committeeman Schuler spoke about how he felt that this is creating an unnecessary position.

20-279                   RESOLUTION APPOINTING ADMINISTRATIVE ASSISTANT

**MOVED** by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township, that Resolution 20-279 is hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Schuler; no, Committeeman Verlezza; yes, Deputy Mayor Piserchia; yes, Mayor Rae; yes.

**LIAISON REPORTS:**

- Committeeman Dorsi reported that DPW planted 21 trees for the Challenge Grant.
- Committeeman Verlezza spoke about visiting the Township website for more information going on with the Recreation Department.
- Deputy Mayor Piserchia gave a report on the October 2, 2020 COVID 19 Task Force meeting. Reported that CFO Randy Bahr and OEM Director Shayne Daly are working together to submit to FEMA for reimbursement for COVID-19 and Tropical Storm Isaias.
- Mayor Rae reported that police were deployed and used narcan twice end of September and early October and both patients are recovering. Mayor Rae reported that there is a school crossing guard position opening.

**ADMINISTRATOR'S REPORT:**

- Administrator Malool reported that Turtle Rock Park work is almost complete. Also reported that work on Millington Schoolhouse has begun, windows have been repaired and replaced and painting and woodwork next week. Thee sewer plant is tentatively closing next Thursday. Also reported that Long Hill will be receiving \$96,560 reimbursement grant under the NJ CARES Grant.

**DISCUSSION:**

- **Traffic Light - Valley and Mountain** – Mayor Rae spoke about the request from the County to pay an additional \$22,000 in addition to the \$30,000 we already budgeted for. Administrator Malool suggested advising we only budgeted for the \$30,000 and we don't have any additional money. A discussion ensued and the Township Committee decided to give the flexibility to Administrator Malool to negotiate.
- **Veterans Banners** – Mayor Rae gave a special thanks to Barbara Grillo who has done the Veterans banner. Administrator Malool was authorized to use the Mayor and Committee Special Projects budget to finance the banners.

**OLD/NEW BUSINESS:**

- Committeeman Schuler made a motion to open up Town Hall safety. Mayor Rae and Deputy Mayor Piserchia spoke about the uptick in COVID-19.

**ANNOUNCEMENTS:**

- Mayor Rae asked residents to vote in the upcoming election.
- Flu Shots available from Bernard's Board of Health clinic will be at Peapack/Gladstone Friday, October 16<sup>th</sup> 9:00-11:00am
- Halloween parade will be this Saturday, October 17<sup>th</sup> 2020 at Kantor Park starting at 3:00pm. Pre-registration is required.
- Shredding Day at the Library is this Saturday, October 17<sup>th</sup> 2020
- Committeeman Schuler received clarification on garage pick up from DPW Director Gallo.
- Administrator Malool reported that the garage bid was postponed will be October 23, 2020.
- First Aid Squad Trunk or Treat will be October 24<sup>th</sup>.

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

- **none**

**ADJOURNMENT**

On motion by Deputy Mayor Piserchia and seconded by Committeeman Schuler, and carried unanimously to adjourn at 12:38am.

Respectfully submitted,

*Megan Phillips*

Megan Phillips  
Approved: October 28, 2020

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**RESOLUTION 20-265  
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

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**ORDINANCE 463-20  
CREATING A NEW R-MF5 ZONE AND SUPPLEMENTING AND AMENDING SECTION 122 OF THE  
TOWNSHIP LAND USE ORDINANCE ENTITLED  
“ZONE DISTRICTS AND USE REGULATIONS”**

**Statement of Purpose:** *To rezone lot 22 in block 11001 to permit the construction of 15 affordable housing units to make up for the loss of 10 units at the Valley Road redevelopment area which were part of the Township's settlement with the Fair Share Housing Center.*

**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 Committee adopted an ordinance creating an R-MF 4 - Multi Family Residential Zone 4, an R-MF4 O Multi Family Residential 4 Overlay Zone, an RAHO Redevelopment Affordable Housing Overlay Zone and a MU-O Mixed Use Overlay Zone; and

**WHEREAS**, it has now been determined that 10 affordable units at the Valley Road redevelopment area that were included in the Township's settlement with FSHC cannot be built; and

**WHEREAS**, the Township Committee recognizes that it has a constitutional obligation to make up the 10 affordable units lost as a result of the redevelopment area property not being developable because of environmental constraints; and

**WHEREAS**, the Township has entered into a settlement agreement with Elite Properties at Long Hill, LLC in which the Township agreed to rezone property known as Block 11001, Lot 22 to permit the construction of 100 rental units, including 15 affordable units, to replace the residential units that cannot be developed in the Valley Road redevelopment area;



**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.** There is hereby created a new Section 122.3B entitled "R-MF 5 - Multi Family Residential Zone 5" which reads as follows:

**"122.3B R-MF 5 - Multi Family Residential Zone 5**

a. Purpose

The purpose of the R-MF 5 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 5 zone applies to a lot on the north side of Valley Road, east of Mountain Avenue. This lot is known as Block 11001, Lot 22.

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 5 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 seven (7) acres.
3. The maximum number of residential units shall be 100.
4. Not less than fifteen (15) 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 twenty (20) 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.
6. No more than fifteen (15) units, inclusive of affordable units, shall be three (3) bedroom units.
7. These bulk standards shall apply to development in the R-MF 5 zone:
  - a. Minimum lot size: 7 acres.
  - b. Minimum lot width: 200 feet.

- c. Structure shall be a pitched roof structure. Maximum building height for pitched roof structure: 3 residential stories over parking or 50 feet, whichever is less. "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.
- d. Minimum front yard: 30 feet.
- e. Minimum side yard: 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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**ORDINANCE 465-20**  
**AN ORDINANCE INCREASING THE ANNUAL FEES FOR LIQUOR LICENSES AND AMENDING**  
**CHAPTER VI OF THE TOWNSHIP CODE ENTITLED "ALCOHOLIC BEVERAGE CONTROL"**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Chapter VI of the Township Code entitled "Alcoholic Beverage Control" is amended as follows:

**Section 1.** Subsection 6-3.4 entitled "License Fees; Maximum Number" is amended to read as follows:

**"6-3.4 License Fees; Maximum Number.** The annual fee for licenses for the sale or distribution of alcoholic beverages in the Township shall be as follows:

<u>Class of License</u>	<u>Annual Fee</u>	
Plenary retail consumption	\$ 2,500.00	<del>\$2,448.00</del>
Seasonal retail consumption	\$1,875.00	<del>\$1,836.00</del>
Plenary retail distribution	\$ 2,088.00	<del>\$1,008.00</del>
Limited retail distribution	\$ 63	

Club § 188

**Section 2.** The last paragraph of subsection 6-3.4 shall remain unchanged.

**Section 3.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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

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**ORDINANCE 466-20**

**AN ORDINANCE PERMITTING APARTMENTS IN ACCESSORY BUILDINGS FOR SENIOR CITIZENS WHO ARE MEMBERS OF THE SAME HOUSEHOLD AS THE RESIDENTS OF THE SINGLE FAMILY RESIDENCE ON THE PROPERTY AND SUPPLEMENTING AND AMENDING SECTION LU-124 OF THE TOWNSHIP LAND USE ORDINANCE ENTITLED ASUPPLEMENTAL USE REGULATIONS**

**WHEREAS**, the Township Land Use Ordinance currently permits senior suites within a single family residence for senior members of the household; and

**WHEREAS**, the Township Committee wishes to also permit senior apartments in accessory buildings on single family lots in residential zones;

**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 §LU-124 of the Township Land Use Ordinance entitled ASupplemental Use Regulations@ is hereby supplemented and amended as follows:

**Section 1.** The title of §LU-124.8 is hereby changed from “Senior Suites” to “Senior Apartments”.

**Section 2.** Section LU-124.8, as re-titled, is hereby supplemented and amended to read as follows:

**“§ LU-124.8 Senior Suites Apartments.**

**A. Senior Suites Apartments within a Single Family Residence.** The establishment of a suite with separate housekeeping facilities within a single family residence for senior members of the household shall be a permitted accessory use in the C, R-2, R-3 and R-4 zones provided the following requirements are met:

- a. The suite shall not comprise more than 650 square feet of floor area of one story of the dwelling, nor shall more than two persons occupy the suite.

- b. The applicant shall provide a plan for the proposed separate housekeeping facility which provides sufficient information for the Construction Official to determine that all Ordinance requirements will be met.
- c. The suite may be established upon filing a notice of intent with the Township Administrator by the owner and shall expire upon the sale or the transfer of title of the property or upon the vacation of the premises by the senior member of the household, whichever occurs first. Upon expiration, the suite shall be removed, and the residence converted back to its original use.
- d. At the time of the establishment of the senior suite, a new deed shall be recorded in the Morris County Clerk's Office containing a restriction to the effect that if the suite is not occupied and used as envisioned by this subsection it shall be removed and the residence shall comply with all requirements for a single family detached dwelling applicable to the zone in which it is located.
- e. During the month of January of each year, the owner shall provide to the Code Enforcement Officer, on forms provided, certification that the above standards and conditions are being met.

#### **B. Senior Apartments in Accessory Buildings**

Subject to the limitations set forth in this subsection, any single family residential property located in the C, R-2, R-3, and R-4 zones may be improved to contain not more than one senior apartment located in an accessory building on the parcel, provided the following standards and requirements are met:

- a. There shall be a principal residential structure on the parcel which contains not more than one dwelling unit.
- b. The senior apartment may only be occupied by a senior member of the household residing in the principal residence on the property. Not more than two people may occupy the apartment and at least one of them shall qualify as the senior member of the household as defined below.
- c. The apartment shall not comprise more than 650 square feet and not more than two persons may occupy the apartment.
- d. The senior apartment unit may be located over a detached garage that serves the principal residential structure on the parcel or may be located within an existing accessory building not used as a garage for the principal residential use.
- e. In the case of new accessory buildings, bulk requirements for the applicable zone shall be met.
- f. The applicant shall provide a plan for the proposed senior apartment which provides sufficient information for the Construction Official to determine that all Ordinance requirements will be met.
- g. The senior apartment may be established upon filing a notice of intent with the Township Administrator by the owner and shall expire upon the sale or the

transfer of title of the property or upon the vacation of the premises by the senior member of the household, whichever occurs first. Upon expiration, the senior apartment shall be removed, and the accessory building converted back to its original use or to another use permitted in the zone.

h. At the time of the establishment of the senior apartment, a new deed shall be recorded in the Morris County Clerk's Office containing a restriction to the effect that if the apartment is not occupied and used as envisioned by this subsection it shall be removed and the property shall comply with all requirements for a single family detached dwelling applicable to the zone in which it is located.

i. During the month of January of each year, the owner shall provide to the Code Enforcement Officer, on forms provided, certification that the above standards and conditions are being met.

**C. Definitions.**

For purposes of this Ordinance, certain terms and phrases are defined as follows:

'Senior Member of a Household' shall mean a person 62 years of age or older who is the father, mother, father-in-law, mother-in-law, grandfather, grandmother, grandfather-in-law or grandmother-in-law of a permanent resident of the principal residential structure on the property."

**Section 3.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 4.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

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

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**RESOLUTION 20-266  
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 December 11, 2013 and September 9, 2020 Township Committee Meeting.

**BE IT FURTHER RESOLVED** that the Township Committee hereby approves September 9, 2020 Executive Session Meeting Minutes as redacted by the Township Attorney.

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**RESOLUTION 20-267  
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 20-268  
A RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF LONG HILL  
AUTHORIZING THE ADOPTION OF THE 2020 MORRIS COUNTY, NEW JERSEY HAZARD  
MITIGATION PLAN UPDATE**

**WHEREAS**, all jurisdictions within Morris County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Morris County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Morris County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Long Hill:

- 1) Adopts in its entirety, the 2020 Morris County Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

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**RESOLUTION 20-269  
AUTHORIZING RELEASE OF ESCROW – Atlantic Infrared Inc.**

**WHEREAS**, Atlantic Infrared Inc., posted in Escrow monies used to pay Police for Police Traffic Detail, and

**WHEREAS**, the Police Department has determined that the project has been completed and no more Escrow is required from Atlantic Infrared Inc.,

**BE IT RESOLVED**, the Township Committee of the Township of Long Hill upon the advice and recommendation of the Acting Chief Financial Officer, does hereby authorize the release of the remaining Police Traffic Detail Escrow of \$2,795.51 to:

Atlantic Infrared Inc.  
PO Box 1826  
Pleasant Beach, NJ 08742

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**RESOLUTION 20-270  
AUTHORIZING RELEASE OF ESCROW – Supreme Industries, Inc.**

**WHEREAS**, Supreme Industries, Inc., posted in Escrow monies used to pay Police for Police Traffic Detail, and

**WHEREAS**, the Police Department has received escrow but no police traffic services were performed for Supreme Industries, Inc.,

**BE IT RESOLVED**, the Township Committee of the Township of Long Hill upon the advice and recommendation of the Acting Chief Financial Officer, does hereby authorize the release of the Police Traffic Detail Escrow of \$20,000.00 to:

Supreme Industries, Inc.  
216 Bogue Road  
Horwinton, CT 06791

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**RESOLUTION 20-271  
AUTHORIZING RELEASE OF ESCROW – Topline Construction Corporation**

**WHEREAS**, Topline Construction Corporation, posted in Escrow monies used to pay Police for Police Traffic Detail, and

**WHEREAS**, the Police Department has determined that the project has been completed and no more Escrow is required from Topline Construction Corp., Inc.,

**BE IT RESOLVED**, the Township Committee of the Township of Long Hill upon the advice and recommendation of the Acting Chief Financial Officer, does hereby authorize the release of the Police Traffic Detail Escrow of \$7,691.76 to:

Topline Construction Corp.  
22 Fifth Street  
Somerville, NJ 08876

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**RESOLUTION 20-272  
AUTHORIZING REFUND OF SEPTIC ABANDONMENT**

**BE IT RESOLVED**, that the Township Committee of the Township of Long Hill upon the advice and recommendation of the Bernard's Township Health Department, does hereby authorize the following refund:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>REASON</u>
Simple Tank Services	717 North Ave Plainfield, NJ 07060	\$100.00	Duplicate payment for 2032 Valley Road Septic Abandonment

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**RESOLUTION 20-273  
DUPLICATE SEWER PAYMENT REFUNDS**

**WHEREAS**, There are numerous refunds to be issued for the overpayment of sewer service charges for the year of 2020; and

**WHEREAS**, the Township Committee of the Township of Long Hill does hereby authorize the following below refunds due to a duplicate sewer payment;

**NOW, THEREFORE BE IT RESOLVED**, the Tax Collector has verified payments received and the Chief Finance Officer is hereby authorized to refund the following amounts stated below:

<u>ACCOUNT</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
13107/1	Schaan, Fred	85 Maple Ave. Stirling	\$401.94
10104/13	Hoagland, James & Cassese,	10 Rianbow Drive, Millington	\$438.48
10201/10.11	Daglian, Brian & Victoria	679 Heritage Road, Millington	\$ 40.00
10301/16.21	Pisane, Louis & Barbara	34 Stonhedge Road, Millington	\$142.70
10701/2	Sunrise at Gillette	133-134 Sunrise Drive, Gillette	\$194.51
10701/1002	Yang, Yang	59 Sunrise Drive, Gillette	\$475.02 (2019)
10702/1901	Baweja Neelam & Shyam	97 Sunrise Drive, Gillette	\$ 73.08
11001/50	Lieberman, Joseph & Aloysius	44 Johnson Avenue, Gillette	\$ 40.00
11401/18T01	Thai-Thai Cuisine	1168 Valley Road, Stirling	\$292.32
11511/31	Morch, Camilla & Russo, John	289 Main Avenue, Stirling	\$ 73.08
11701/26.01	Galdi, Alfred & Christine	1470 Valley Road, Millington	\$493.18
11801/22	Chuffo, Anthony & Cora	9 Stacey Court, Millington	\$ 88.66
12101/3.14	Dozier, Christine	29 Cooper Lane, Millington	\$274.05
12301/1T02	Prism Millington LLC	50 Division Street, Millington	\$1,537.31
12807/12	Jordan, Robert & Bonnie Sue	152 Bungalow Terrace, Millington	\$ 91.35
13002/23	Swenson, Meredith	352 Chestnut Street, Stirling	\$ 40.00
13006/14	CPM Associates LLC	331 Elm Street, Stirling	\$279.85
13101/22.01	Mecca, Christopher & Jamie	50 St. Josephs Drive, Stirling	\$ 40.00
13202/6	Flagstad, David & Kathleen	12 Skyview Terrace, Stirling	\$ 20.00
13906/1	Chiera, Rosina	625 Meyersville Road, Gillette	\$347.13

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**RESOLUTION 20-274  
AUTHORIZING CANCELLATION OF TAXES RECEIVABLE**

**WHEREAS**, The Tax Assessor has advised the Tax Collector that the following individuals have applied for and received an exemption from taxes under N.J.S.A. 54:04-03.30 as a "100% permanently and totally disabled veteran", and

**WHEREAS**, the second half of 2020 taxes should be cancelled as a result of the exemption effective as detailed below; and

Owner	Property Location	Block	Lot	Amount	Effective Date
Paul Rottstock	356 Mercer St.	11602	30	\$ 3,596.37	10-01-2019
Victoria Lanner (W) Robert B. Lanner	14 Stacey Ct.	11801	16	\$7,172.99	01-01-2019

**WHEREAS**, the total 2020 taxes amount of \$10,769.36 as analyzed;

**NOW, THEREFORE BE IT RESOLVED**, the Tax Collector is hereby authorized to cancel the amount of \$10,769.36 from the records for the tax year 2020.

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**RESOLUTION 20-275  
2019 DUPLICATE TAX PAYMENT REFUND 356 MERCER ST.**

**WHEREAS**, Title Closing Services, LLC d/b/a Weichert Title Agency, 1909 Route 70 East, Cherry Hill, NJ 08003 made a duplicate payment of \$1,831.59 for 2019 3<sup>rd</sup> Quarter taxes on BL 11602 L 30 356 Mercer St. Stirling

**WHEREAS**, the Township Committee of the Township of Long Hill does hereby authorize the following refund due to a duplicate 2019 payment of taxes for a total of \$1,831.59 on Block 11602 Lot 30.



**NOW, THEREFORE BE IT RESOLVED**, the Tax Collector has verified payments received and the Finance director is hereby authorized to refund the amount of \$1,831.59 for the duplicate payment and overpayment total.

**Make check payable to:**  
 Weichert Title Agency  
 1909 Route 70 East  
 Cherry Hill, NJ 08003

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**RESOLUTION 20-276  
 AUTHORIZING REFUND OF OVERBILLED TAX RECEIVABLE**

**WHEREAS**, due to the application and approval of a charitable organization by the Tax Assessor on the following parcel, the amount paid in the first half of 2020 exceeded the total for the year

Owner	Property Location	Block	Lot	Qual	Amount
COMMUNITY OPTIONS INC.	225 Gates Ave.	13504	8		\$ 5,329.20

**WHEREAS**, the total 2020 overpaid amount is \$5,329.20 as analyzed;

**NOW, THEREFORE BE IT RESOLVED**, the Tax Collector has verified payments received and the Finance director is hereby authorized to refund the amount of \$5,329.20 for the overpayment total.

**Make check payable to:**  
 Community Options Inc.  
 16 Farber Rd.  
 Princeton, NJ 08540

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**RESOLUTION 20-277  
 AUTHORIZING REFUND OF OVERBILLED TAX RECEIVABLE – QFARMS**

**WHEREAS**, due to a reduction of the assessed value on the following parcels, the amount paid in the first half of 2020 exceeded the total for the year

Owner	Property Location	Block	Lot	Qual	Amount
ARS PASSIC INC %FORST	Sussex Ave.	11602	30	QFAR M	\$ 35.85
ARS PASSIC INC %FORST	Sussex Ave.	11609	1	QFAR M	\$ 35.85
ARS PASSIC INC %FORST	Sussex Ave.	11704	1	QFAR M	\$ 130.08
ARS PASSIC INC %FORST	Sussex Ave.	11705	1	QFAR M	\$ 282.01
ARS PASSIC INC %FORST	Sussex Ave.	11706	1	QFAR M	\$ 157.75
ARS PASSIC INC %FORST	Sussex Ave.	11706	21	QFAR M	\$ 66.91

**WHEREAS**, the total 2020 overpaid amount is \$708.45 as analyzed;

**NOW, THEREFORE BE IT RESOLVED**, the Tax Collector has verified payments received and the Finance director is hereby authorized to refund the amount of \$708.45 for the overpayment total.

**Make check payable to:**

ARS Passaic Inc.  
81 Industrial Rd.  
Berkeley Heights, NJ 07922

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**RESOLUTION 20-278**

**APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM EMERGENCY MANAGEMENT ASSISTANCE GRANT IN THE SUM OF \$10,000.00**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Township of Long Hill, in the County of Morris, hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$10,000.00 pursuant to a grant received from the "Emergency Management Assistance Grant"; and

**BE IT FURTHER RESOLVED** that a like sum of \$10,000.00 be appropriated under the title "Emergency Management Assistance Grant".

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

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**RESOLUTION 20-279**

**RESOLUTION APPOINTING ADMINISTRATIVE ASSISTANT**

**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. Thomas Delia is hereby appointed a full-time Administrative Assistant, effective October 13, 2020.
2. Thomas Delia shall work 37½ hours per week and be compensated at an annual salary of \$45,000, which shall be prorated for the balance of 2020.
3. In all other respects, Thomas Delia's employment and benefits will be subject to the terms and conditions set forth in the Township Personnel Policies and Procedures Manual.
4. Thomas Delia shall perform such duties as are assigned to him by the Township Administrator

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**RESOLUTION 20-280**

**REGARDING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT MADE AT REMOTE TOWNSHIP COMMITTEE MEETINGS**

**BE IT RESOLVED**, by the Township Committee of the Township of Long Hill, that during a Governor-

declared emergency, the Township Committee may hold its meetings via Zoom or some other similar platform. Such meetings will be conducted in accordance with DCA regulations set forth at N.J.A.C. 5:39-1.1 through 1.7, as follows:

1. When utilizing an electronic communications platform or Internet-accessible technology to hold a remote public meeting, the Township Clerk shall also provide a telephonic conference line allowing members of public with limited or no internet access to listen and provide public comment.
2. The governing body will allow members of the public to make public comment by audio or by audio and video. In advance of the remote public meeting, public comments may be submitted by electronic mail and in written letter form to the Township Clerk by noon on the Wednesday preceding the meeting..
3. Public comments submitted through electronic mail or written letter before the remote public meeting will be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public listening. If the governing body elects to summarize duplicative comments, it will not summarize certain duplicative comments while reading other duplicative comments individually.
4. Speakers must state their name and address and shall limit their comments to three minutes.
5. If reading from a prepared statement, speakers shall provide a copy via email to the Clerk's Office at municipalclerk@longhillnj.us so it may be properly reflected in the minutes.
6. If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor shall mute or keep on mute, or direct appropriate staff to mute or keep on mute, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.
7. In addition to transmitting notice to the newspapers, notice of Township Committee meetings must also be posted on the door of the main public entrance to town hall as well as the door for any designated and clearly delineated handicap accessible entrance to said building, such that the notice is viewable from the outside, and on the Township website.
8. Remote public meetings shall be subject to the requirements of the Open Public Meetings Act, and all other applicable ordinances, statutes and regulations.
9. This resolution shall take effect immediately.

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**RESOLUTION 20-281**

**RESOLUTION OF THE TOWNSHIP OF LONG HILL, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE PAYMENT, PREPAYMENT, REDEMPTION AND/OR ECONOMIC DEFEASANCE OF OUTSTANDING DEBT OF THE TOWNSHIP AND CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the Township of Long Hill, in the County of Morris, New Jersey (the "Township") has previously issued (a) \$3,684,000 aggregate principal amount of its General Bonds of 2011 (the "2011 Bonds"), dated July 18, 2011, and (b) \$3,730,000 aggregate principal amount of its General Refunding Bonds of 2016 (the "2016 Bonds"), dated June 15, 2016; and

**WHEREAS**, the 2011 Bonds are outstanding in the aggregate principal amount of \$2,084,000 (the "Outstanding 2011 Bonds") and the 2016 Bonds are outstanding in the aggregate principal amount of \$2,610,000 (the "Outstanding 2016 Bonds") and, together with the Outstanding 2011 Bonds, the "Outstanding Bonds"; and

**WHEREAS**, the Township has outstanding bonds that were issued to the New Jersey Infrastructure Bank (the "NJIB", formerly known as the New Jersey Environmental Infrastructure Trust) and the State of New Jersey (the "State") in 2010 (in the approximate principal amount of \$628,047.13) and 2014 (in the approximate principal amount of \$2,297,745.80) (collectively, the "Outstanding NJIB Program Bonds"); and

**WHEREAS**, the Township has outstanding bond anticipation notes in the principal amount of \$2,047,000 that mature on May 28, 2021 (the "Outstanding Notes" and, together with the Outstanding Bonds and the Outstanding NJIB Program Bonds, the "Outstanding Debt"); and

**WHEREAS**, the Township is selling its sewer system assets to New Jersey American Water, Inc. (the "Asset Sale"); and

**WHEREAS**, the Township is desirous of using monies received from the Asset Sale to pay, prepay, redeem and/or economically defease the Outstanding Debt and authorizing various actions to be undertaken in connection therewith;

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

Appointment of Escrow Agent. The Township does hereby appoint The Bank of New York Mellon, or such other bank or trust company as may be determined by the Chief Financial Officer, the Administrator or the Mayor of the Township (the "Authorized Township Officials"), as escrow agent (the "Escrow Agent") with respect to monies to be held for the payment and prepayment of the Outstanding Bonds and the Outstanding Notes and any other monies as may be desirable as determined by an Authorized Township Official.

Escrow Deposit Agreement. The substance and form of the escrow deposit agreement on file with the Township Clerk (the "Escrow Deposit Agreement"), by and between the Township and the Escrow Agent, are hereby approved, adopted and agreed to by the Township, with such modifications, additions or deletions as may hereafter be approved by an Authorized Township Official after consultation with bond counsel to the Township ("Bond Counsel"). An Authorized Township Official, or any one or more of them, are hereby jointly and severally authorized and directed to execute and deliver the Escrow Deposit Agreement and to carry out the transactions contemplated thereby. The execution of the Escrow Deposit Agreement by an Authorized Township Official shall be conclusive evidence of any approval required by this Section.

Purchase of Securities. In connection with the payment, prepayment, redemption and/or economic defeasance of the Outstanding Bonds and the Outstanding Notes, the Authorized Township Officials are each hereby authorized and directed, if necessary and desirable, to execute an initial and final Subscription for Purchase and Issue of United States Treasury Securities - State and Local Government Series Time Deposit Securities ("SLGS"), and any related certification, each in form and substance satisfactory to Bond Counsel. The Escrow Agent, the financial advisor to the Township (the "Financial Advisor") and Bond Counsel are each hereby authorized and directed, if necessary and desirable, to execute and submit said initial and final SLGS subscription on behalf of the Township. After consultation with Bond Counsel and the Financial Advisor, the Authorized Township Officials are each hereby authorized and directed, if necessary and desirable, to execute and deliver any agreement, letter of instruction or other document relating to the purchase of securities other than SLGS (the "Open Market Securities"). The SLGS and/or the Open Market Securities shall be deposited in the escrow account established by the Escrow Deposit Agreement or such other account as may be determined by the Authorized Township Official after consultation with Bond Counsel.

Redemption of the Outstanding Bonds. The Township hereby irrevocably elects to redeem (a) on July 15, 2021, the Outstanding 2011 Bonds maturing on and after July 15, 2022, and (b) on February 15, 2025, the Outstanding 2016 Bonds maturing on and after February 15, 2026, each at a redemption price equal to 100% of the principal amount thereof, plus interest accrued thereon to the date fixed for redemption. Upon delivery of the Escrow Deposit Agreement, the Township hereby gives to the Escrow Agent irrevocable instructions to give notices of redemption and/or refunding of the Outstanding Bonds at such times and in such manner as are set forth in the Escrow Deposit Agreement. Such notices of redemption and/or refunding shall be substantially in the forms attached to the Escrow Deposit Agreement, with such modifications, additions or omissions as are deemed necessary or desirable by an Authorized

Township Official and the Escrow Agent. The election set forth in this Section shall be effective upon the execution and delivery of the Escrow Deposit Agreement.

Appointment of Verification Agent. The Township does hereby appoint Nisivoccia LLP, Mount Arlington, New Jersey, as verification agent (the "Verification Agent") with respect to the Outstanding Bonds. The verification agent shall, among other things, deliver to the Township, the Escrow Agent and Bond Counsel a letter or a report verifying the sufficiency of the escrow deposit to accomplish the payment, prepayment, redemption and/or economic defeasance of the Outstanding Bonds.

Prepayment of Outstanding NJIB Program Bonds. The Authorized Township Officials are each hereby authorized and directed, after consultation with and upon the advice of Bond Counsel and the Financial Advisor, to take such actions as are necessary, useful, convenient or desirable to accomplish the prepayment of the Outstanding NJIB Program Bonds including without limitation the execution and delivery of any documents (a) required by the NJIB and (b) required to transfer funds to or as may be directed by the NJIB.

Transfer of Funds. The Authorized Township Officials are each hereby authorized and directed, if necessary and desirable after consultation with and upon the advice of Bond Counsel and the Financial Advisor, (a) to deposit in the escrow account established by the Escrow Deposit Agreement and (b) to transfer to the NJIB, all or a portion of the moneys budgeted by the Township to pay the principal of and interest on the Outstanding Bonds and the Outstanding NJIB Program Bonds, as applicable.

Excess Disposition Proceeds and IRS Filing. The Authorized Township Officials are each hereby authorized and directed to take such action with respect to monies received from the Asset Sale that are deemed "excess disposition proceeds" under the Internal Revenue Code of 1986, as amended, and the regulations thereunder (the "Code") as may be necessary or desirable after consultation with and upon the advice of Bond Counsel, including investing all or a portion of such monies at a yield not in excess of the yield on the Outstanding Bonds and/or the yield on the Outstanding NJIB Program Bonds. The Authorized Township Officials are each hereby authorized and directed, if necessary and desirable after consultation with Bond Counsel, to file a notice with the Internal Revenue Service as to the payment, prepayment and/or economic defeasance of the Outstanding Bonds in furtherance of the remedial action provisions of the Code applicable to the sale of governmental assets financed with the sale of tax-exempt bonds.

Anticipatory Remedial Action Election. The proceeds of the Outstanding Bonds financed governmental assets in addition to those assets being sold in the Asset Sale (the "Other Assets"). The Township does not currently expect to sell any of the Other Assets. In order to preserve maximum flexibility and latitude with respect to the Other Assets, the Township hereby determines, in accordance with the provisions of section 1.141-12(d) of the Treasury Regulations issued pursuant to the Code, to redeem and/or defease the Outstanding Bonds that have financed the Other Assets.

Actions to be Taken on Behalf of the Township. The Authorized Township Officials are hereby authorized and directed to do all matters necessary, useful, convenient or desirable to accomplish the payment, prepayment, redemption and/or economic defeasance of the Outstanding Debt, including without limitation, the payment of the costs and expenses associated with the foregoing.

Prior Action. All action taken to date by Township officials, employees and professionals with respect to the payment, prepayment, redemption and/or economic defeasance of the Outstanding Debt be and the same hereby are ratified, approved, confirmed and adopted in all respects.

Capitalized Terms. Unless a different meaning is clear from the context, all capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

Effective Date. This resolution shall take effect immediately.

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**RESOLUTION 20-282**  
**APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET AMENDING**  
**2020 SEWER UTILITY OPERATION BUDGET IN THE SUM OF \$12,700,000**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

**WHEREAS**, the Township has a contract for the sale of it's Sewer Utility Operation in the amount and wishes to amend its 2020 Sewer Utility Operation budget to include this amount as revenue in the amount of \$12,700,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Long Hill hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Dedicated Revenue for Sewer Utility	
Sale of Sewer Utility Operations	\$12,700,000

**BE IT FURTHER RESOLVED** that a like sum of \$12,700,000 be and the same is hereby appropriated under the caption of:

Dedicated Sewer Utility Appropriations	
Operating:	
Other Expenses	\$1,500,000
Debt Services	
Payment of Note, Bond Principal and Interest	\$11,200,000

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**RESOLUTION 20-283**  
**SETTING FORTH THE REASONS FOR REJECTING THE PLANNING BOARD'S COMMENTS**  
**CONCERNING ORDINANCE 463-20 CREATING A NEW R-MF5 ZONE**

**WHEREAS**, the Township Committee, at its September 9, 2020 meeting, introduced Ordinance 463-20 creating a new R-MF5 Zone and supplementing and amending §122 of the Township Land Use Ordinance entitled "Zone District and Use Regulations"; and

**WHEREAS**, the Clerk thereafter referred the Ordinance to the Planning Board in accordance with the requirements of *Municipal Land Use Law* at N.J.S.A. 40:55D-26 which provides that:

"Prior to the adoption of a development regulation . . . the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation . . . which are inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matters as the Board deems appropriate. The governing body, when considering the adoption of the development regulation . . . shall review the report of the Planning Board and may disapprove or change any recommendations by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations . . ."; and

**WHEREAS**, the Planning Board reviewed the Ordinance and voted at its September 22, 2020 meeting to recommend Ordinance #463-20 for adoption based upon a finding that it is not inconsistent with the Master Plan; and

**WHEREAS**, the planning board went on to recommend that, “the following revisions be made prior to the final reading and adoption of the Ordinance:

- 1) Change the minimum front yard setback requirement to 50'.
- 2) Change the minimum side yard setback to 30'.
- 3) With regard to the overall density on the site, rather than using the language “the maximum number of residential units shall be 100”, the Board felt consistency with previous ordinances would be better, thus using the language “the maximum density for residential development shall not exceed twelve (12) dwelling units per acre”; and

**WHEREAS**, *N.J.S.A. 40:55D-62* provides that:

“The governing body may adopt . . . the zoning ordinance . . . Such ordinance shall be adopted after the planning board has adopted the land use plan element and the housing plan element of the master plan, and all of the provisions of such zoning ordinance . . . shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; provided that the governing body may adopt a zoning ordinance . . . which in whole or part is inconsistent with or is not inconsistent with or designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote or the majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance . . .”; and

**WHEREAS**, the Township Committee has considered the recommendations of the Planning Board, but rejects them because the cited sections of the ordinance were required by the Affordable Housing Settlement Agreement with Elite Properties at Long Hill LLC which was approved by the Township Committee by the adoption of Resolution 20-251 at its September 9, 2020 meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Ordinance 463-20 creating a new R-MF5 Zone be adopted as introduced for the reasons set forth in the preamble.