



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
SPECIAL MEETING AGENDA – NOVEMBER 23, 2020
5:30 PM OPEN SESSION, CLOSED SESSION 5:00 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. A public comment period will be held in the order it is listed on the meeting agenda.

EXECUTIVE SESSION:

20-309 EXECUTIVE SESSION

- Attorney-Client Privilege
- Contract Negotiations

MOVED by: Committeeman Dorsi of the Township Committee of Long Hill Township, that Resolution 20-309 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.

CALL MEETING TO ORDER:

Mayor Rae **opened the public session** of the meeting at 5:34 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.

RESOLUTION

20-310 RESOLUTION APPOINTING HEARING OFFICER IN CONNECTION WITH POLICE DEPARTMENT DISCIPLINARY MATTER

MOVED by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township, that Resolutions 20-310 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.

20-311 AUTHORIZING STIRLING FIRE COMPANY COIN TOSS

20-312 AUTHORIZING MILLINGTON FIRE COMPANY COIN TOSS

MOVED by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township that Resolution 20-312 and 20-311 are 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.

20-313 DEMANDING THAT THE NEW JERSEY STATE LEGISLATURE ACCEPT ITS RESPONSIBILITY TO ADMINISTER THE PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION UNTIL SUCH TIMES AS IT HAS PROMULGATED RULES GOVERNING ITS IMPLEMENTATION

MOVED by: Deputy Mayor Piserchia of the Township Committee of Long Hill Township, that Resolutions 20-313 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.

DISCUSSION:

- Garbage Bid – A discussion ensued about the two bidders that submitted bids. Attorney Pidgeon advised the Township Committee pursuant to Local Public Contracts Law needed to award to the lowest responsible bidder. Administrator Malool spoke about including bulk pick up. Attorney Pidgeon spoke about requiring a change order at the December 9th meeting. The cost of the bulk pick up would be \$20,750 for the first 3 years with pick up being 6 times.

20-314 RESOLUTION AWARDING CONTRACT FOR SOLID WASTE COLLECTION

MOVED by: Committeeman Schuler of the Township Committee of Long Hill Township, that Resolution 20-314 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.

- Executive Order 195 – Mayor Rae spoke about Executive Order 195 and how it gives municipalities the ability to regulate business hours for non-essential businesses. A discussion ensued and the Township Committee decided that the residents and businesses should be able to decide for themselves. Committeeman Dorsi and Mayor Rae spoke about supporting small businesses in town as holiday gifts.

MEETING OPEN TO THE PUBLIC:

Mayor Rae asked **Clerk Phillips** if there was any written letter or electronic mail sent for public comment. Clerk Phillips reported that none were submitted.

Lisa Veliz Waweru, questioned Resolution 20-313 and how Long Hill has been affected by Fair Share Housing. Mayor Rae spoke and clarified.

Administrator Malool spoke about parking permits going on sale December 7th at 8:30am.

The Township Committee wished everyone a Happy Thanksgiving.

ADJOURNMENT

On motion by Committeeman Dorsi and seconded by Committeeman Schuler, and carried unanimously to adjourn at 6:13pm.

Respectfully submitted,

Megan Phillips

Megan Phillips

Approved: December 9, 2020

**RESOLUTION 20-309
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:

- Attorney-Client Privilege
- Contract Negotiations

**RESOLUTION 20-310
RESOLUTION APPOINTING HEARING OFFICER IN CONNECTION WITH POLICE DEPARTMENT
DISCIPLINARY MATTER**

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

“The governing body of any municipality, by ordinance, may create and establish, . . . a police force. . . . Any such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the force and for the discipline of its members. . . .”; and

WHEREAS, Township Code § 2-14.2 designates the Township Committee as the "appropriate authority" for the Long Hill Township Police Department; and

WHEREAS, Township Code § 2-14.6 provides that, “If the penalty will involve a suspension of more than five days, a demotion or dismissal from the Department, an independent hearing officer appointed by the Township Committee shall conduct the hearing and make recommended findings and conclusions to the Township Committee which shall retain full authority to accept, reject or modify the hearing officer's recommendation and to make a final determination”; and

WHEREAS, the Township Administrator recommends the appointment of Lester to serve as hearing officer at a rate of \$175 per hour, with a total not to exceed \$10,000 for the remainder of 2020; and;

WHEREAS, the Township Committee has reviewed the qualifications of Lester Taylor and has determined that retaining him is in the best interests of the Township;

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 hereby appoints Lester to act as a hearing officer in any police disciplinary hearing which may commence in 2020.
2. Lester Taylor shall be compensated at the rate of \$175 per hour, not to exceed \$10,000 for serving as hearing officer during 2020.
3. Lester Taylor shall submit a written report of findings, conclusions and recommendations to the Township Committee once a hearing has concluded.

**RESOLUTION 20-311
AUTHORIZING STIRLING FIRE COMPANY COIN TOSS**

WHEREAS, the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey received a request from the Stirling Volunteer Fire Company to conduct a coin toss at the intersection of Valley Road and Mountain Avenue in Gillette on November 27, 2020 from 9:00 am to 4:00 pm.

WHEREAS, Morris County Board of Chosen Freeholders approved on their November 9, 2020 regular meeting, the Stirling Volunteer Fire Department to hold a coin toss event on November 27, 2020 from 9:00 am to 4:00 pm. at the intersection of Mountain Ave and Valley Rd in Gillette.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, authorizes the Stirling Volunteer Fire Company to conduct a coin toss on Valley Road on November 27, 2020.

**RESOLUTION 20-312
AUTHORIZING MILLINGTON FIRE COMPANY COIN TOSS**

WHEREAS, the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey received a request from the Millington Volunteer Fire Company to conduct a coin toss at the intersection of Long Hill Road and Basking Ridge Road on December 5, 2020 from 9:00 am to 1:00 pm.

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

BE IT FURTHER RESOLVED that the Township Committee of the Township of Long Hill, County of Morris, State of New Jersey, authorizes the Millington Volunteer Fire Company to conduct a coin toss on Long Hill Road and Basking Ridge Road on December 5, 2020 pending approval from Morris County Board of Chosen Freeholders

**RESOLUTION 20-313
DEMANDING THAT THE NEW JERSEY STATE LEGISLATURE ACCEPT ITS RESPONSIBILITY TO
ADMINISTER THE PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER
ACTION UNTIL SUCH TIMES AS IT HAS PROMULGATED RULES GOVERNING ITS
IMPLEMENTATION**

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, "must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefor" (*10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 67 N.J. 151, 174 (1975)); and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

"Therefore, proof of a municipality's bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low and moderate income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is "realistic" will depend on whether there is in fact a likelihood-to the extent economic conditions allow-that the lower income housing will actually be constructed. Plaintiff's case will ordinarily include proof of the municipality's fair share of the regional need and defendant's proof of its satisfaction. Good or bad faith, at least on this issue,

will be irrelevant.” (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 220–22 (1983)); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders’ remedies should be used to force compliance by municipalities, reasoning that:

Experience . . . has demonstrated to us that builder’s remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder’s remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff’s proposed project is clearly contrary to sound land use planning. We emphasize that the builder’s remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 279–80 (1983)); and

WHEREAS, the New Jersey Legislature responded quickly to the Court’s Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing (“COAH”) which as the Court noted in Mount Laurel IV “ . . . was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions.” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 4 (2015)); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules which provided clear guidance to municipalities as to how they could meet their affordable housing obligation; and

WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, Long Hill Township, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH’s failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance, like the COAH rules did, the Supreme Court in Mount Laurel IV set forth vague standards that have led to a complex system of non-uniform implementation; and

WHEREAS, as a result of the Supreme Court’s decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear and concise procedural and substantive

rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center (“FSHC”) and to gain court approval of settlement agreements negotiated with FSHC; and

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

“In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 34 (2015)); and

WHEREAS, it has been five years since the Mount Laurel IV opinion was issued and, to the detriment of each municipality in New Jersey and to the future viability of the State, neither the Legislature nor the Governor nor COAH have taken any action to remedy the situation; and

WHEREAS, if the Governor, the Legislature and COAH continue to ignore their responsibilities, municipalities will once again face a burdensome, time-consuming and expensive process to obtain Fourth Round Mount Laurel compliance starting in 2025;

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 demand that the Governor and the Legislature cease their unconscionable disregard of this most important provision of the State constitution and take immediate and decisive action to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.

**RESOLUTION 20-314
RESOLUTION AWARDING CONTRACT FOR SOLID WASTE COLLECTION**

WHEREAS, the Township of Long Hill issued a Notice to Bidders seeking bids for the collection of solid waste in the Township; and

WHEREAS, at the bid opening on November 6, 2020, bids were received from Grand Sanitation Service, Inc., 1630 South 2nd Street, Plainfield, NJ 07063, and Republic Services of New Jersey, LLC, d/b/a Marpal Disposal, 1861 Wayside Road, Tinton Falls, NJ 07724; and

WHEREAS, paragraph “D” of section 3.1 of the bid specifications provided that, “the Township Committee may, at its discretion, award the contract to the bidder whose aggregate bid price for the chosen option, or any combination of options, is the lowest responsible bidder . . .”; and

WHEREAS, Alternative B - solid waste only - to provide containers and collection from named Township locations along with Alternative B Option #1 Traditional providing for one pick up per week/per

household/2 can limit - 52 collections per house per year - household garbage - are in the best interests of the Township and its residents; and

WHEREAS, Grand Sanitation's bid included an Alternate B base bid for the three-year term of the contract in the aggregate amount of \$86,964, plus a bid for Alternate B Option #1 in the amount of \$1,043,640, for a grand total of \$1,130,604; and

WHEREAS, Republic Services' bid included an Alternate B base bid for the three-year term of the contract in the aggregate amount of \$158,024, plus a bid for Alternate B Option #1 in the amount of \$1,089,912, for a grand total of \$1,247,936; and

WHEREAS, Grand Sanitation's aggregate bid price for the chosen combination of options is \$117,332 lower than Republic Services bid over the three-year term of the contract; and

WHEREAS, Grand Sanitation's bid has been reviewed and has been determined to be in compliance with the bid specifications; and

WHEREAS, Grand Sanitation, therefore, is the lowest responsible bidder;

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 follow:

4. A contract for the collection of solid waste consisting of Alternative B - solid waste only base bids for the collection of solid waste from the Township locations set forth in the bid specifications and one pick up per week, per household with a two-can limit of household garbage (52 collections per house per year) is hereby awarded to Grand Sanitation Service, Inc. in accordance with its bid dated November 6, 2020.
5. The contract shall be for a term of three (3) calendar years with two (2) one-year options (exercisable in the sole discretion of the Township Committee) commencing on January 1, 2021.
6. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Grand Sanitation Service, Inc. in accordance with the bid specifications and its bid proposal, in form approved by the Township Attorney.
7. Grand Sanitation Service, Inc. shall comply with all requirements set forth in the bid specifications and its bid.
8. This contract will be charged to budget line item 01-2021-0026-0305-2-00544. A certificate of available funds by the Township Chief Financial Officer will be attached to the original of this Resolution and will be maintained in the files of the Township Clerk.
9. In accordance with the requirements of N.J.S.A. 40A:11-15 this Contract is contingent upon appropriations being made by the Township in its 2021, 2022 and 2023 budgets. If funds sufficient to pay the charges set forth in paragraph 1 are not appropriated in each year's budget, this Contract will be voidable by the Township upon seventy-two (72) hours written notice to the Contractor. In addition, if the contractual amount is included in each annual budget but if any of such budgets exceeds the limitation imposed by N.J.S.A. 40A:4-45.2 (the CAP law) and said budget is rejected by the voters in a referendum as provided for in N.J.S.A. 40A:45-3a, the contract shall be voidable by the Township upon seventy-two (72) hours written notice to Contractor.
