

The 2010 Annual Reorganization Meeting of the East Amwell Township Committee was called to order at 1:00 p.m. by Municipal Clerk Teresa R. Stahl. Present were Committee members Patricia Cregar, Peter Kneski, Timothy Martin, C. Larry Tatsch and Linda Fair Lenox. Also in attendance were Township Administrator Timothy Matheny and Attorney Richard Cushing, Esq.

The Township Clerk welcomed the members of the public to the Annual Reorganization Meeting of East Amwell Township.

In compliance with the Open Public Meetings Act, Mrs. Stahl announced that notice of this meeting had been published in the December 24, 2009, issue of the Hunterdon County Democrat and that a copy of the agenda for this meeting had been forwarded to the Hunterdon County Democrat, the Times of Trenton, the Courier News, the Star Ledger, posted on the bulletin board and filed in the Township Clerk's Office on January 1, 2010.

The meeting opened with the Pledge of Allegiance to the American Flag.

CERTIFICATION OF NOVEMBER 3, 2009, ELECTION RESULTS

Mrs. Stahl presented the Certification of Election held on November 3, 2009, from the Hunterdon County Board of Canvassers certifying the election of Linda Fair Lenox to a three-year term on the Township Committee.

OATH OF OFFICE FOR LINDA FAIR LENOX: Judge Samuel D. Lenox administered the Oath of Office to Ms. Lenox with her mother, Jacqueline, holding the Bible.

NOMINATIONS FOR MAYOR: Mrs. Stahl called for nominations for Mayor of East Amwell Township for the year 2010.

Peter Kneski was nominated by Ms. Lenox and seconded by Mr. Tatsch as Mayor for 2010.

With no more nominations, motion by Mr. Tatsch, seconded by Ms. Lenox, followed by a unanimous favorable vote to close nominations and have the secretary cast the ballot appointing Peter Kneski as Mayor for 2010.

Mayor Kneski thanked the Township Committee for their assistance in 2009, noting that he was looking forward to serving again in 2010. He stated that it was an honor and privilege to serve as Mayor, and he thanked the Township Committee for their support.

Mayor Kneski was sworn into office by Mr. Cushing with his wife, Barbara, holding the Bible.

NOMINATIONS FOR DEPUTY MAYOR: Mayor Kneski called for nominations for Deputy Mayor of East Amwell Township for 2010.

Mrs. Cregar made a motion to appoint Linda Lenox as Deputy Mayor for 2010, seconded by Mr. Martin. With no other nominations, motion by Mr. Tatsch, seconded by Mr. Martin, followed by a unanimous favorable vote close nominations and have the secretary cast the ballot appointing Linda Lenox as Deputy Mayor for 2010.

Deputy Mayor Lenox was sworn in by her father, Judge Samuel D. Lenox, with her mother, Jacqueline, holding the Bible.

Mayor Kneski announced that the following resolutions will be read by title.

RESOLUTION DESIGNATING A MEETING SCHEDULE:

R E S O L U T I O N #01-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that during 2010 the Township Committee will hold regularly scheduled meetings on the second Thursday of each month and a second meeting in

December on December 29, 2010. All regular meetings will be 7:30 P.M. in the main meeting room of the Municipal Building, 1070 Route 202/31, Ringoes, New Jersey 08551.

BE IT FURTHER RESOLVED that all meetings will be held in compliance with the Open Public Meetings Act. Special meetings shall be at the call of the Mayor or written request by a member of the Township Committee to the Clerk and be posted in accordance to the 48 hour notice regulations (as per N.J.S.A. 10:4 et. al.); and

BE IT FURTHER RESOLVED that in the event a regular meeting is canceled due to an emergency, the Township Committee will meet at 9:00 A.M. prevailing time on Saturday following at the same place to consider the agenda as prepared for the canceled meeting; and

BE IT FURTHER RESOLVED that the Township Committee may approve the payment of bills at any scheduled meeting of each month; and

BE IT FURTHER RESOLVED THAT ALL BILLS FOR PAYMENT by the Township Committee shall be presented to the CFO/Treasurer's Office no later than the end of the business day on Friday prior to the scheduled meeting; and

BE IT FINALLY RESOLVED that this Resolution shall be published in the Hunterdon County Democrat, issue of January 7, 2010.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Tatsch, seconded by Mrs. Cregar, and carried with unanimous favorable vote that the Resolution Designating a Meeting Schedule be approved.

RESOLUTION REGARDING THE ORGANIZATION OF THE MEETING:

R E S O L U T I O N #02-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Order of Business and the conducting of business at all regular meetings shall be as follows:

1. Call to order and statement of compliance with the Open Public Meetings Act.
2. Pledge of Allegiance to the American Flag.
3. Agenda Review by Township Clerk.
4. Announcements.
5. Presentation of Minutes.
6. Open To the Public/Topics Not on the Agenda.
7. Introduction of Ordinances and/or Public Hearings and/or Special Presentations.
8. Special Committee Reports.
9. Standing Committee Reports.
10. Unfinished Business.
11. New Business.
12. Open To The Public.
13. Administrative Reports.
14. Correspondence.
15. Adjournment.

BE IT FURTHER RESOLVED that all matters to be presented to the Township Committee at their regularly scheduled meeting shall be delivered in written form to the Township Clerk's Office not later than noon on the Monday prior to the meeting. This requirement will be strictly enforced except for emergency matters.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Deputy Mayor Lenox, seconded by Mr. Martin, and carried unanimously to approve the resolution Regarding Organization of the Meeting.

RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER:

RESOLUTION #03-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Hunterdon County Democrat be established as the Official Newspaper; the Times of Trenton is designated as the daily newspaper having the greatest likelihood of informing the public within the area of jurisdiction of the Township of its meetings.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mrs. Cregar, seconded by Mr. Tatsch, and adopted by a unanimous favorable vote that the Resolution Designating the Official Newspaper be approved.

RESOLUTION REGARDING COPIES OF THE AGENDA AND MINUTES:

RESOLUTION #04-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that in accordance with the Open Public Meetings Act as adopted on October 21, 1975 as amended, the Township Clerk shall post a copy of the agenda for all regular Township Committee meetings, a copy of the minutes of previous meetings, and a copy of the notice for any special meeting on the bulletin board in the municipal building at least 48 hours prior to any meeting. A copy of the agenda for all regular meetings shall be forwarded to the Hunterdon County Democrat, the Times of Trenton, the Star Ledger, the Courier News, posted on the bulletin board and filed in the Clerk's office. A copy of an agenda for a special meeting will be forwarded to the Hunterdon County Democrat, the Times of Trenton and the Star Ledger, posted on the bulletin board and filed in the Clerk's office. A copy of the agenda for all regular township meetings will be mailed to any individual so requesting for a fee of \$30.00 per year or \$2.00 per meeting per committee or board. Agendas for regular meetings will be e-mailed to individuals upon request at no cost.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Deputy Mayor Lenox, seconded by Mr. Martin, and carried unanimously to approve the Resolution regarding copies of the agenda and the minutes.

TEMPORARY BUDGET

RESOLUTION #05-10

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2010 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS the date of this resolution is within the first thirty days of January 2010, and

WHEREAS, the total appropriation in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance,

is \$2,163,507; and

WHEREAS, one-fourth of the total appropriations in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum \$540,877;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the following shall be the Temporary Budget for the Township of East Amwell for the year beginning January 1, 2010, and that a certified copy of this resolution be transmitted to the Treasurer for her records:

EAST AMWELL TOWNSHIP TEMPORARY BUDGET 2010

GENERAL GOVERNMENT

Salary and Wages \$28,000

Other Expenses \$ 8,000

MAYOR AND COUNCIL

Salary and Wages \$ 3,500

Other Expenses \$ 200

MUNICIPAL CLERK

Salary and Wages \$20,000

Other Expenses \$ 3,500

FINANCIAL ADMINISTRATION

Salary and Wages \$12,000

Other Expenses \$ 5,000

AUDITOR: Other Expenses \$15,000

REVENUE ADMINISTRATION

Salary and Wages \$10,000

Other Expenses \$ 3,000

TAX ASSESSMENT

Salary and Wages \$ 8,000

Other Expenses \$ 4,000

LEGAL: Other Expenses \$ 15,000

ENGINEERING SERVICES: Other Expenses \$ 5,000

HISTORIC SITES COMMITTEE:

Salary and Wages \$ 500

Other Expenses \$ 1,000

AGRICULTURAL ADVISORY

Salary and Wages \$ 300

Other Expenses \$ 100

PLANNING BOARD

Salary and Wages \$ 5,000

Other Expenses \$ 5,000

ZONING BOARD OF ADJUSTMENT

Salary and Wages \$ 8,500

Other Expenses \$ 3,000

AFFORDABLE HOUSING AGENCY:

Salary and Wages \$ 2,500

Other Expenses \$ 1,500

CODE ENFORCEMENT

Salary and Wages \$ 20,000

Other Expenses \$ 1,000

LIABILITY INSURANCE: Other Expenses \$ 32,000

WORKER'S COMP. INSURANCE: Other Expenses \$ 16,000

EMPLOYEES GROUP INSURANCE: Other Expenses \$ 38,000

POLICE: Other Expenses \$ 5,000

EMERGENCY MANAGEMENT: Other Expenses \$ 1,000

MUNICIPAL PROSECUTOR: Salary & Wages \$ 3,500

STREETS AND ROADS MAINTENANCE

Salary and Wages \$ 80,000

Other Expenses \$ 27,211

SOLID WASTE COLLECTION:

Certifying Officer for P.E.R.S.....	Jane Luhrs
Insurance Fund Commissioner.....	Peter Kneski, Mayor
Deputy Insurance Fund Commissioner.....	Timothy L. Matheny
Safety Coordinator.....	Timothy L. Matheny
PEOSHA Officer.....	Robert Kadezabek
Deputy Court Administrator.....	Dawn Augustine
Zoning Officer.....	Richard McManus
Alternate Zoning Officer.....	Robert Miller
Secretary to Board of Health – Temporary Assignment.....	Carolyn Fritsch
Secretary to Construction Office – Temporary Assignment.....	Pamela Dymek
Secretary to Zoning Officer.....	Maria Andrews
Substitute Building Inspector	Peter Ball
Substitute Mechanical & Construction Inspector.....	Mark Fornaciari
Substitute Mechanical, Fire, Construction & Electrical Inspector.....	Phillip Izzo
Dog Census Taker(s)	<u>To be appointed in 2011</u>
Local Public Assistance Director & Housing Placement Officer	Helen Kuhl
DPW Superintendent (probationary until Nov. 11, 2010).....	Robert Kadezabek
DPW Employee	Jason Silverthorn
DPW Employee	Joseph Adamow
DPW Employee (probationary until February 1, 2010)	Sean Hepler
Recycling Coordinator & Clean Communities Director	Joyce Corboy
Township Historian.....	Jim Davidson
Municipal Housing Liaison/Administrative Agent.....	James Robbins
Municipal Stormwater Coordinator.....	Dennis O’Neal, P.E.
Summer Playground Directors.....	Alice Scott
.....Devon Bowman	Jean Hyatt
.....Timothy Loveland	
Senior Citizen Liaison.....	Jesse Denton
Municipal Coordinator Office of Aging.....	Jesse Denton
Farmland Preservation Office Administrator.....	Judith Conard
Hunterdon County:	
Solid Waste Advisory Council	Will Harrison
Solid Waste Advisory Council Alternate.....	Sande Katz
Hunterdon Area Rural Transit Representative.....	Bela Kamensky
911 Coordinator.....	Karl Posselt
<u>Environmental Commission</u>	
Chairperson - one year term	Suzanne Parsons
3 year term	Mike Petrus
3 year term	Suzanne Parsons
Alternate I - (1 year unexpired term).....	Joseph Angelone
Alternate II – 2 year term.....	Edward Feinberg
Associate- 1 year term	Blaine Hummel
Youth Member – 1 year term.....	Krysten Hanntz
Youth Member – 1 year term	Katey Hanney
<u>Board of Health</u>	
3 year term	Tracy Carluccio
3 year term	Larry Tatsch
3 year term.....	Ted Peyrek III
Alternate I term – 2 year term.....	James Rosso
Alternate II – 1 year unexpired term.....	VACANT
<u>Board of Adjustment</u>	
4 year term.....	Nancy Cunningham
Alternate I – 2 year term.....	Diana Garrett
<u>Planning Board</u>	
Class I: Mayor or Mayor's Designee	
- 1 year term	Peter Kneski
Class II: Township Official	
- 1 year term	Dart Sageser
Class III: Township Committee	
- 1 year term	Linda Lenox
Class IV: 4 year term	Fred Gardner
Class IV: 4 year term.....	Bela Kamensky
Alternate I – 2 year term.....	Joe Wolfgang

Local Public Assistance

1 year term..... Barbara Weber Berry
 2 year term (unexpired one year term) VACANT

Agricultural Advisory Committee

All Linda Lenox
 One Bill duFosse
 Year Kit Crisafulli
 Terms Frances Gavigan

Farmland/Open Space Preservation Committee

Mayor’s Designee – 1 year term Patricia Cregar
 3 year term..... Dick Ginman
 3 year term..... Bill duFosse
 Alternate II..... Joan Sank
 Agricultural Advisory Liaison – 1 year..... Bill duFosse
 Environmental Commission Liaison – 1 year..... Toni Robbi
 Planning Board Liaison – 1 year..... Fred Gardner
 Recreation Committee Liaison – 1 year..... Angelo Lovisa
 Historic Preservation Liaison – 1 year..... Kathy Cannelongo

Historic Preservation

4 year term Kathy Cannelongo
 4 year term David Harding
 Alternate I – 2 year term..... Peg Sullivan
 Alternate II – 1 year unexpired term..... VACANT

Recycling Committee

Environmental Com. Member - 1 year term Mike Petrus
 Township Committee Member - 1 year term..... Timothy Martin
 SWAC – 1 year term..... Will Harrison
 2 year term..... Maurice Dessell
 2 year term..... Mark DiDonato
 2 year term..... Sande Katz
 2 year term..... VACANT
 1 year term (unexpired)..... VACANT
 1 year term (unexpired)..... VACANT

Recreation Committee

3 year term Angelo Lovisa
 3 year term (2 year unexpired term)..... Michael Dendis
 Alternate I – 2 year term..... VACANT
 Alternate II – unexpired 1 year term)..... VACANT

Office of Emergency Management Council

1 year term..... Charles Soos
 1 year term..... Jeff Luster
 1 year term..... Timothy Mathews

Sourlands Municipal Alliance Council (one year term)

Regular Member Tracy Carluccio
 Alternate Member Toni Robbi

Clawson Park Advisory (all one year terms)

..... Patricia Cregar
 Terry Welsh
 Barbara Golda
 Will Harrison
 Margaret Sullivan
 Mike Petrus
 Dick Ginman

Cross Acceptance & Plan Endorsement Ad Hoc (one year terms)

..... Don Reilly
 Gail Glashoff
 C. Larry Tatsch

Larison’s Corner District Advisory

..... Linda Lenox
 Dick Ginman
 Dart Sageser

Water Quality Management Plan Advisory

- Tracy Carluccio
- Peter Kneski
- Roger DeLay
- Joseph Skupien

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A motion was made by Deputy Mayor Lenox, seconded by Mr. Tatsch, and carried unanimously to approve the Mayor's appointments.

OATHS OF OFFICE for the Mayor's Appointments were administered by Mr. Cushing to those individuals in attendance at this meeting.

Mr. Cushing told the members of the public that he represents six municipal governments, and he felt well qualified in his comments. In comparison to some other municipalities, he explained that in East Amwell Township, there is very little or no personal disputes between the governing officials, "which is terrific." He further commented that the volunteers appointed by the Township "...are very bright and do a super job, and it gives me great pleasure to swear you in." Members of the audience applauded the comments.

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES:

R E S O L U T I O N #06-10

WHEREAS the Township of East Amwell has a need to acquire accounting services, engineering services, land survey services to maintain the tax maps, and legal services as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5); and

WHEREAS, the Treasurer has determined and certified in writing that the value of the acquisition of each service will or may exceed \$17,500; and

WHEREAS, the anticipated term of these contracts is one year (and may be extended as approved by this governing body); and

WHEREAS, each of the following agencies have completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of East Amwell in the previous one year, and that the contract will prohibit the agency from making any reportable contributions through the term of the contract; and

WHEREAS sufficient funds are available in the 2010 Temporary Budget and will be made available in the 2010 Municipal Budget for the Township of East Amwell (as required in N.J.A.C. 5:30-5.4).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, as follows:

The Mayor and Township Clerk are hereby authorized and directed to execute contracts with the following persons and firms for the year 2010:

- a. Charles M. Case, a Registered Municipal Accountant, of WithumSmith & Brown
- b. Dennis O'Neal, a Professional Engineer, of Hopewell Valley Engineering
- c. Donald Kamp, a Licensed Land Surveyor, of Hopewell Valley Engineering
- d. Richard Cushing, an Attorney, of Gebhardt & Kiefer, P.C.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the January 7, 2010, issue of the Hunterdon County Democrat.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Tatsch, seconded by Mrs. Cregar, and adopted on unanimous favorable vote that the Resolution Authorizing Professional Services be approved.

RESOLUTION APPOINTING MUNICIPAL PROSECUTOR:

R E S O L U T I O N # 07-10

WHEREAS pursuant to P.L. 1996, c95, 14., a municipality may employ an attorney-at-law as a prosecutor, under the supervision of the Attorney General or county prosecutor.

NOW, THEREFORE, BE IT RESOLVED that pursuant to P.L. 1996, c95, 14, Robert A. Ballard Jr. is appointed as East Amwell Township Prosecutor for 2010. Mr. Ballard will serve with the privileges and unities currently enjoyed by the Attorney General, prosecutor and their respective designees.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Martin, seconded by Deputy Mayor Lenox, and carried by unanimous favorable vote to approve the above resolution.

RESOLUTION APPOINTING THE PUBLIC DEFENDER:

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R E S O L U T I O N #08-10

WHEREAS pursuant to P.L. 1997, c. 256 (N.J.S.A. *2B:24-1), a municipality may employ an attorney-at-law as a public defender,

NOW, THEREFORE, BE IT RESOLVED that pursuant to P.L. 1997, c. 256 (N.J.S.A. *2B:24-1), Jeffrey Weinstein is appointed as East Amwell Township Public Defender for 2010 to represent defendants assigned to the Municipal Public Defender in municipal court.

By Order of the Township Committee,

Peter Kneski, Mayor

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Deputy Mayor Lenox made the motion, seconded by Mrs. Cregar, and it was carried unanimously to approve the Resolution Appointing the Public Defender.

RESOLUTION REGARDING PAYMENT OF TAXES:

R E S O L U T I O N #09-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that taxes shall be collected quarterly on February 1st 2010; May 1st 2010; August 1st 2010, and November 1st 2010 and that interest will be charged at the rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment. There will be a ten-day grace period after which unpaid taxes will then be charged interest from the due date. This Resolution shall be published in the January 7, 2010, issue of the Hunterdon County Democrat.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and approved on a unanimous favorable vote that the Resolution Regarding Payment of Taxes be approved.

RESOLUTION REGARDING PENALTY ON DELINQUENT TAXES:

RESOLUTION #10 -10

A RESOLUTION IMPLEMENTING P.L. 1991, C. 75, AND FIXING THE AMOUNT OF PENALTY ON DELINQUENT TAXES AND OTHER LIENS.

WHEREAS, P.L. 1991, c. 75, has authorized municipalities to fix by resolution a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 on accounts of the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years who does not pay that delinquency prior to the end of the calendar year; and

WHEREAS, the Mayor and Committee of the Township of East Amwell have decided that the non-payment of taxes is a matter of grave concern to the Township, and that such a penalty is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of East Amwell that the penalty authorized by P.L. 1991, c. 75, be fixed in the amount of six percent (6%) of all taxes due on any delinquency greater than \$10,000.00 which remains unpaid at the close of each calendar year. The Tax Collector is authorized to calculate the amount of any such penalty and to add the amount of the penalty to the other municipal charges and liens owing as to any given parcel at the end of the calendar year.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mrs. Cregar, seconded by Mr. Martin, and carried by a unanimous favorable vote, approving the resolution.

RESOLUTION AUTHORIZING CANCELLATION OF PROPERTY TAX CREDITS AND DELINQUENCIES:

RESOLUTION #11 - 10

WHEREAS, the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, has been informed by the Tax Collector that from time to time there are property tax credits or delinquencies on certain properties located within the Township of East Amwell, and

WHEREAS, pursuant to N.J.S.A. 40A:5-17.1, a resolution may be adopted by the governing body of a municipality authorizing a municipal employee to process without further action on the part of the governing body the cancellation of any property tax credit or delinquency of less than \$5.00;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Tax Collector be authorized to cancel any property tax credit or delinquency of less than \$5.00 without further action on the part of the Township Committee and that such action be noted in the Tax Duplicate for the Township of East Amwell.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and carried unanimously by favorable vote.

RESOLUTION FOR RETURNED CHECKS:

RESOLUTION #12-10

WHEREAS, the Township of East Amwell may charge a fee for returned checks,

AND, WHEREAS, it is the desire of the Township of East Amwell to collect such a fee,

THEREFORE, be it resolved by the Township of East Amwell, Hunterdon County, State of New Jersey, to set a fee of \$20.00 payable to the Township for dishonored checks to the Municipality for taxes and/or other fees.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and carried unanimously to approve the resolution for returned checks.

RESOLUTION TO AUTHORIZE THE FILING OF CORRECTIVE APPEALS

RESOLUTION #13-10

WHEREAS the Hunterdon County Board of Taxation has been advised by the Attorney General's Office that the Municipal or Tax Attorney should file tax appeals on behalf of the municipality; and

WHEREAS, the Hunterdon County Board of Taxation will no longer accept tax appeals from Municipal Tax Assessors as was permitted in the past provided a resolution was adopted;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Township Committee of the Township of East Amwell that the Township Attorney is authorized to file tax appeals and settlement stipulations on behalf of the Township of East Amwell pursuant to this resolution; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Hunterdon County Board of Taxation with advice copies to the Township Attorney and the Tax Assessor.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Martin, seconded by Mrs. Cregar, and adopted by unanimous favorable vote that the Resolution to Authorize the Assessor to File Corrective Appeals be approved.

RESOLUTION NAMING OFFICIAL DEPOSITORIES:

RESOLUTION #14-10

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution adopted by a majority vote of the full membership thereof, designate a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of East Amwell, County of Hunterdon, State of New Jersey, that the Treasurer and the Assistant Treasurer with the Treasurer's consent be designated as Custodian of all funds of this municipality and is

directed to deposit such funds in one or more of the following financial organizations pending investment or reinvestment thereof:

- TD Bank
- State of New Jersey Cash Management Fund
- PNC Bank
- Skylands Community Bank
- Hopewell Community Bank

BE IT FURTHER RESOLVED that prior to the deposit of any municipal funds in the above mentioned depositories, said bank shall file with the Treasurer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-4).

By Order of the Township Committee

Peter Kneski, Mayor

Motion by Mr. Tatsch, seconded by Deputy Mayor Lenox, and adopted on unanimous favorable vote approving the Resolution Naming Official Depositories.

RESOLUTION AUTHORIZING INVESTMENT OF IDLE FUNDS AND TRANSFER OF FUNDS was read by the Clerk.

RESOLUTION #15-10

WHEREAS, it is necessary to transfer funds by wire for investment of idle funds in legal investment vehicles, and to occasionally wire funds to pay current and/or capital expenses;

WHEREAS, it is necessary to make inter-fund transfers between bank accounts of the Township of East Amwell;

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Treasurer and the Assistant Treasurer are hereby authorized to request bids and to award bids for the investment of idle funds solely in legally authorized investment vehicles to the investing institution, and

BE IT FURTHER RESOLVED that the Treasurer and/or Assistant Treasurer are hereby authorized to make inter-fund transfers, to transfer funds by wire, or by check solely for the following purposes and subject to all pertinent regulations:

1. Inter-fund transfers to or from Township checking accounts to other Township accounts.
2. Transfers to or from Township checking accounts to or from accounts specified by banks or the State of New Jersey Cash Management Funds solely for the purpose of investing for the account of the Township of East Amwell.
3. To or from Township checking accounts to pay current or capital expenses.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Deputy Mayor Lenox, seconded by Mr. Tatsch, and adopted on unanimous favorable vote that the Resolution Authorizing investment of Idle Funds or Transfer of Funds be approved.

RESOLUTION AUTHORIZING SIGNATURES ON TOWNSHIP BANK ACCOUNTS:

RESOLUTION #16-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the following accounts be deposited in the TD Bank through 2010 and checks drawn against these accounts be signed as follows:

Petty Cash Fund by Teresa R. Stahl, Township Clerk, or Carolyn Fritsch, Deputy Clerk; Current Fund, Capital Account, Animal Control Trust Fund, Escrow Trust Account, Green Trust Account, Housing Trust Account, Federal and State Grant Account, Open Space Recreation, Farm and Historic Trust Preservation Fund, Payroll Account, Unemployment Compensation Fund by any three of the following people: Peter Kneski, Mayor; Linda F. Lenox, Deputy Mayor; Patricia A. Cregar, Committee; Teresa R. Stahl, Clerk; Carolyn Fritsch, Deputy Clerk, or Timothy L. Matheny, Township Administrator; Jane Luhrs, Treasurer; Maria Andrews, Assistant Treasurer Deposits for the Redemption of Tax Sale Certificates by Mary Hyland, Tax Collector or Pamela Dymek, Assistant Tax Collector, or Jane Luhrs, Treasurer Municipal Court General Account, Municipal Court Bail Account, Municipal Court OE Account by Cindy Hooven, Court Administrator Public Assistance I and Public Assistance II Bank Accounts by Helen Kuhl, Director of Public Assistance, or Jane Luhrs, Treasurer, or Maria Andrews, Assistant Treasurer

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mr. Martin, seconded by Mr. Tatsch, and adopted on unanimous favorable vote that the Resolution Authorizing Signatures on Township Bank Accounts be approved.

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE CERTAIN CHECKS:

R E S O L U T I O N #17-10

WHEREAS the East Amwell Township Committee may approve the payment of bills at any scheduled meeting of each month, and properly approved vouchers must be submitted no later than the Friday prior to the meeting;

WHEREAS the East Amwell Township Committee might be prevented from holding a regularly scheduled meeting due to some unforeseen emergency,

WHEREAS it is the intent of the Township Committee to provide payroll checks for all personnel at regular intervals and

WHEREAS it is necessary for certain funds to be paid to the State of New Jersey for Employee and Dependent health benefits coverage, PERS, deferred compensation, utility bills and lease bills and debt service by specific dates,

WHEREAS it is the intent of the Township Committee to pay local taxes to the East Amwell Board of Education, Hunterdon Central High School and The County of Hunterdon at regular intervals, and

WHEREAS due to unforeseen circumstances a regular meeting may be canceled due to not obtaining a quorum.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Treasurer be authorized to prepare and the Mayor, Deputy Mayor or a Committeeman; the Township Clerk or the Deputy Clerk; and the Treasurer or Assistant Treasurer be authorized to sign the following checks or wire transfer funds:

A. Payroll checks will be issued every two weeks, starting with January 14, 2010. Department of Public Works employees will receive 80 hours of pay and any overtime incurred during the two week period upon submission of a time card verified by the Department of Public

Works Superintendent or the DPW Supervisor.

B. Transfer of Funds to the New Jersey Employee and Dependent Health Benefits coverage, Deferred Compensation to Lincoln Financial, and PERS on a timely basis.

C Checks payable to the East Amwell Board of Education, Hunterdon Central High School and the County of Hunterdon on a timely basis.

D. Checks or wires payable to utilities, lease companies and debt service payments to insure payments made by specific dates.

BE IT FURTHER RESOLVED that the Treasurer shall include a statement of the issuance of such checks as listed above as part of the Financial Report presented at the next regularly scheduled meeting.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Mrs. Cregar, seconded by Deputy Mayor Lenox, and adopted on unanimous favorable vote that the Resolution Authorizing the Treasurer to Issue Certain Checks be approved.

RESOLUTION TO AUTHORIZE THE USE OF THE MUNICIPAL BUILDING:

RESOLUTION # 18-10

BE IT RESOLVED by the Township Committee of the Township of East Amwell, County of Hunterdon, State of New Jersey, that the Township Clerk is hereby authorized to schedule use of the Municipal Building by the East Amwell Democratic Association, the East Amwell Republican Organization and other community groups subject to the requested date not conflicting with the regular meeting schedule of any Township Board or Committee.

By Order of the Township Committee,

Peter Kneski, Mayor

Motion by Deputy Mayor Lenox, seconded by Mrs. Cregar, and adopted on unanimous favorable vote that the Resolution to Authorize Use of the Municipal Building by the East Amwell Democratic Association, the East Amwell Republican Organization and other community groups be approved.

RESOLUTION TO HIRE PROFESSIONALS:

RESOLUTION #19-10

WHEREAS the Township of East Amwell has a need to acquire services as outlined below as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5); and

WHEREAS, the Treasurer has determined and certified in writing that the value of the acquisition of each service will or may exceed \$17,500; and

WHEREAS, the anticipated term of these contracts is one year (and may be extended as approved by this governing body); and

WHEREAS, the following agencies have completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of East Amwell in the previous one year, and that the contract will prohibit the agency from making any portable contributions through the

shall be computed round trip from home to job site or from municipal building to job site - using the lesser distance.

SECTION FOUR: For attendance at special meetings, even if they precede a regular meeting, and attendance at more than two Township meetings a month the municipal clerk shall be granted compensatory time. The Court Administrator is entitled to compensatory time for night court sessions and police call outs outside of her normal (8:30AM-3:00PM) working hours.

SECTION FIVE: Substitute secretarial services for board and committees shall be compensated at the current pay rate for the employee performing the substitute secretarial services or \$16.00 per hour, whichever is higher.

SECTION SIX: Full time for office staff shall be considered 30 hours or more per week, Public Works employees 40 hours, excluding temporary help, and seasonal workers. Overtime is over 40 hours, which will be compensated at a rate of time and one half, subject to approval of the DPW Superintendent for DPW employees or the Township Administrator for all other employees.

SECTION SEVEN: A) All employees referenced in Section Six as full time, receiving a salary and/or working an average of 30 hours per week for East Amwell Township, will be entitled to apply for full hospitalization coverage.

For the purposes of medical benefits all previously (prior to 2004) qualified employees are grandfathered under the benefits schedule.

B) Employees identified as those in Section Six and Section Seven shall be entitled to receive short-term disability insurance and receive either a \$525 annual dental and eyeglass reimbursement or if the employee chooses, participation in the State Dental Plan with the Township paying 50% of the premium cost. Unused portions of the \$525 annual dental and eye glass reimbursement may be carried over for a period of three (3) years up to a maximum of \$1575. At the end of the three (3) year period unused portions will be lost. Reimbursement will be made upon submission of documentation of bills to the Treasurer to be put on the bill list. It is the employees' responsibility to submit bills for reimbursement on a semi-annual basis.

C) The Tax Assessor, Construction Official, and sub-code inspectors, who are shared with other municipalities, will not be eligible to receive full hospital coverage through East Amwell Township.

SECTION EIGHT: Hourly employees working an average of 20 hours, but not considered full time, will receive pay for the number of hours normally scheduled for a holiday that falls on their regular work day.

SECTION NINE: DPW personnel and employees considered full-time shall be entitled up to 5 bereavement days (death of a spouse or partner, child, parent or sibling) and 3 for grandparents, mother- or father-in-law and sister- or brother-in-law with full salary paid for the days during 2008. Part-time employees working an average of 20 hours, will be granted bereavement leave for the hours scheduled during the 5 day or 3 day period based on the above categories. Bereavement leave will be granted within these guidelines from date of death through the date of the funeral. Extenuating circumstances will be considered on a case by case basis by the Township Administrator for use outside of these parameters.

SECTION TEN: An employee's request for a vacation or "leave of absence" of up to two consecutive calendar weeks, will be considered by the Township Administrator or DPW Superintendent. A request for more than two consecutive calendar weeks will require Township Committee approval and must be submitted in a timely fashion for consideration. Such request will be treated on an individual basis, based on the circumstances as they exist at the time of the request, such as available personnel for coverage.

SECTION ELEVEN: A) All full-time employees and regularly scheduled part-time employees, including Jane Luhrs, are eligible for vacation, sick days and personal days. Annual vacations are based on the calendar year and are determined by number of scheduled work days per week and length of service, and are accrued as follows. For purposes of calculating vacation time for

part time employees, 6 hours ordinarily equals one day. Employees with a shorter regular work day will use the hours normally worked in a day to compute this benefit time.

<u>Years Of Service</u>	<u>Days Worked Per Week</u>	<u>Sick Days</u>	<u>Vacation Days</u>	<u>Personal Days</u>
Year 1 Hired Between January 1 st and March 31 st	5	5	8	3
	4	4	6	2½
	3	3	4	2
	2	2	2	1½
	1	1	0	0
Hired Between April 1 st and June 30 th	5	3	6	2
	4	2	4	1 ½
	3	1	2	1
	2	0	0	0
	1	0	0	0
Hired Between July 1 st and September 30 th	5	2	4	2
	4	1	2	1½
	3	0	0	1
	2	0	0	0
	1	0	0	0
Hired During 4 th Quarter	0	0	0	0

Years of Service	Days Worked Per Week	Sick Days	Vacation Days	Personal Days
Beginning January 1 st into Second Calendar Year Of Employment 2-5 Years	5	5	10	3
	4	4	8	2 ½
	3	3	6	2
	2	2	4	1 ½
	1	1	2	0
6-10 Years	5	5	13	3
	4	4	10	2 ½
	3	3	8	2
	2	2	5	1 ½
	1	1	3	1
11-15 Years	5	5	15	3
	4	4	12	2 ½
	3	3	9	2
	2	2	7	1 ½
	1	1	5	1
16-20 Years	5	5	18	3
	4	4	15	2 ½
	3	3	11	2
	2	2	9	1 ½
	1	1	7	1

	5	5	20	3
	4	4	18	2½
	3	3	15	2
	2	2	11	1½
21-25 Years	1	1	9	1
	5	5	25	3
	4	4	23	2½
	3	3	20	2
	2	2	16	1½
25+ Years	1	1	14	1

For vacation purposes, the following personnel’s vacation, sick and personal days are based on the average hours as noted:

Marianne Busher, Tax Assessor	15 Hours
Jane Luhrs, Treasurer/CFO	25 Hours
Judith Conard, Farmland/Open Space Administrator/Secretary	7.5 Hours
Richard McManus, Zoning Officer	12 Hours
Mary Hyland, Tax Collector	24 hours
Carolyn Fritsch, Deputy Clerk	20 Hours

B. Employees can carry over a maximum of 5 vacation days until the end of the following calendar year. Vacation days will be lost if not used by that time. The Township Administrator may grant additional short time carry over on a case by case basis for exigent circumstances. Personal days cannot be carried over.

C. At the end of the calendar year, sick days not used may be accumulated up to a maximum of 35 days. Any person leaving the employ of East Amwell Township will not be compensated for any accumulated sick days.

D. A part-time employee may not apply for multiple consecutive vacation days for their regularly scheduled hours without Township Administrator approval. Vacation time is defined as a day when you would normally report to work/call in days.

E. Vacation, Sick and Personal time benefits are not grandfathered under the benefits schedule and are subject to revision, either increased or decreased, due to changes in average hours worked per week.

F. The following table is to be used in conjunction with the longevity table currently contained in the employee policy manual for calculating Vacation, Sick and Personal Days as well as for determining the number of scheduled/posted “in office” days and hours for the following staff positions.

Clerk, Deputy Clerk, Office Assistant, Tax Collector, Court Administrator, Farmland/Open Space Administrator, Planning Board Administrative Officer, Board of Adjustment Administrative Officer, Zoning Officer, Board of Health Administrative Officer/Secretary, Construction Secretary, Zoning Secretary, Assistant Tax Collector, Road Department Secretary, Assistant Treasurer.

Average Hours Worked Per Week	Equivalent Number Of Days Worked For V/S/P Purposes	Minimum Number Of “In Office” Scheduled/Posted Days	Minimum Number Of “In Office” Scheduled/Posted Hours
6-11	1	1/2	3
12-17	2	1	5
18-23	3	2	10

INTRODUCTION OF ORDINANCE 10-01: AN ORDINANCE TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

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ORDINANCE 10-01
EAST AMWELL TOWNSHIP

AN ORDINANCE TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The East Amwell Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways East Amwell Township shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of East Amwell shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of East Amwell Municipal Building, Municipal Clerk's Office, 1070 Route 202, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 3. Affordable Housing Programs

The Township of East Amwell has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 1. Township of East Amwell’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
 3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of thirty(30) years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
 4. The Township of East Amwell shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 5. The Township shall not adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township of East Amwell

6. The Township of East Amwell shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
 7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
- (b) An Accessory Apartment program.
1. All accessory apartments shall meet the following conditions:
 - i. Accessory apartments are permitted by the Zoning Ordinance for various zoning districts, provided the units are affordable to low- and moderate-income households. Accessory apartments may be developed as low-income or moderate-income units (accessory apartments may be limited to only low- or only moderate-income units as determined in the Fair Share Plan).
 - ii. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
 - iii. At the time of initial occupancy of the unit and for at least thirty (30) years thereafter, the accessory apartment shall be rented only to a household which is either a low- or moderate-income household.
 - iv. Rents of accessory apartments shall be affordable to low- or moderate-income households as per COAH and UHAC regulations.
 - v. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment.
 - vi. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
 - vii. The Township of East Amwell accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - viii. No accessory apartment created as a result of this article or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
 2. The maximum number of creditable accessory apartments shall be equal to no more than 10.
 3. Township of East Amwell shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:

- i. The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.
 - ii. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this section/article. All denials shall be in writing with the reasons clearly stated.
 - iii. In accordance with COAH requirements, Township of East Amwell shall provide at least \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
 4. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
 - i. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
 - ii. Rough elevations showing the modifications of any exterior building façade to which changes are proposed; and
 - iii. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.
- (c) A Municipally Sponsored program.
1. A municipally sponsored program will be established when and if needed to satisfy the Township's COAH obligations to provide for the construction of 26 affordable units on a site to be determined in the Township of East Amwell. Subject to the provisions of 2iii below, a municipally sponsored program may produce both low- and moderate-income units.
 2. The following provisions shall apply to any municipally sponsored program:
 - i. At the time they are offered for sale or rental, eligible units may be new.
 - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.

(d) Special Needs Housing

1. A special needs program is hereby established to permit the construction of two special needs structures on sites to be determined by the sponsors of the housing and the Township of East Amwell.
2. Specifically, the Township intends to work with Easter Seals of New Jersey to provide five (5) very low income bedrooms and with Monarch Housing Associates Inc. to provide six (6) very low income bedrooms.
3. These bedrooms shall be for individuals that meet the definition of very low income, that is an individual with a total gross annual income equal to 30 percent or less of the median income, and are individuals of the population served by the sponsoring special needs agency.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7 Reserved

Section 8. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (b) Accessibility Requirements:
1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of East Amwell has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within the Township of East Amwell's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the Township of East Amwell for the sole purpose of making the adaptable

entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of East Amwell
- E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of East Amwell's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
 - ii. The Township of East Amwell recognizes that : N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income households, i.e. households earning 30% or less of the median income. It intends to address this requirement in its effort to provide special needs rental housing in cooperation with providers of such housing.
- 4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- 5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 9. Affirmative Marketing Requirements

- (a) The township of East Amwell shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- (c) The Administrative Agent designated by the Township of East Amwell shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to Township of East Amwell.

Section 10. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
1. Provide an occupant for each bedroom;
 2. Provide children of different sex with separate bedrooms; and
 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township of East Amwell elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 12. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements.

Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 13. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 14. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 15. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of East Amwell elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 16. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the

Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 17. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 18. Administration

- (a) The position of Municipal Housing Liaison (MHL) for Township of East Amwell is established by this ordinance. The Township of East Amwell shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of Township of East Amwell.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of East Amwell, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.

- iv. Monitoring the status of all restricted units in the Township of East Amwell's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Township of East Amwell shall designate by resolution of the Township Committee, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 19. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be

considered a separate and specific violation of these provisions and not as a continuing offense;

- ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of East Amwell Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 20. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

This ordinance repeals and replaces Chapter 4 of the Township Code in its entirety as well as any other Ordinances or parts of Ordinances inconsistent herewith to the extent of such inconsistency.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

By Order of the Township Committee,

Peter Kneski, Mayor

Attest: _____
Teresa R. Stahl, RMC/CMC
Municipal Clerk

Introduced: January 3, 2010

Adopted:

+++++
Motion by Mr. Tatsch, seconded by Mrs. Cregar, and carried unanimously to introduce Ordinance 10-01. The ordinance will be published in the January 7, 2010, issue of the Hunterdon County Democrat, and the public hearing will be at a special meeting held by the Township Committee on Thursday, January 21, 2009, at 7:30 p.m. at the East Amwell Township building, 1070 Route 202/31, Ringoes, NJ 08551.

ANNOUNCEMENTS were read by Mayor Kneski:

THE 2010 REORGANIZATION MEETING SCHEDULE for boards and committees is listed on tonight's agenda and the bulletin board, and Mayor Kneski read the dates into the record.

CHRISTMAS TREES may be dropped off at the Department of Public Works' grit yard any day during January (during regular business hours). All trim must be removed.

2010 DOG LICENSES ARE DUE: A Rabies Clinics is scheduled for January 23, 2010, from 1 PM to 4 PM in the garage, and licenses will be mailed.

COMMENTS BY TOWNSHIP COMMITTEE MEMBERS:

Mayor Peter Kneski:

Mayor Kneski first wanted to thank all the volunteers for participating, appreciating all their efforts and time away from their families in serving the Township. He recognized the importance of their participation and thanked them again for volunteering.

Mayor Kneski thanked the Township Committee for a job well done in 2009, recognizing that it was not an easy year with state and other issues, and he felt that the Committee came through very well. He also thanked the staff of East Amwell Township as being "terrific assets."

Mayor Kneski recapped some of the highlights in 2009, as follows:

In early 2009, a meeting between East Amwell, West Amwell, and Delaware Township was held to discuss shared services as a cost saving measure; discussions are still continuing. He also noted that the municipality will be working with the County on shared services in the coming year.

An energy audit was done on the municipal facilities to determine potential savings, and a presentation by the firm who prepared the audit will be given at the January 14, 2010, Township Committee meeting. Funding for the audit was mostly provided by state grants, and staff is pursuing further grants to implement the cost saving measures.

The five-year road program was finalized in 2009. Prior to that time, roads were addressed on a case-by-case basis. A long term program, prepared by the Township DPW and the Township Engineer, will be beneficial in terms of projects, budgeting, and state grant funding opportunities. The plan will be updated annually and is flexible in nature.

Farmland and open space preservation is still very aggressively being pursued, with 38% of the Township preserved at this time. Continued preservation efforts will be made going forward, and leveraging county and state funding is the goal.

Road projects last year included Back Brook and Lindbergh Road overlays, which were funded by NJ Department of Transportation (DOT) Grants. The NJ DOT also provided funding in the amount of \$160,000 for overlay work on Dutch Lane to be done in 2010. The Township will continue to aggressively pursue grant funding.

A joint police study was done with West Amwell Township and the City of Lambertville. At one point there was a possibility that East Amwell Township would have to pay for State Police services, which is not the case now. Having the results of the study for future need is a benefit to the Township.

Staff has assisted in the revamping of the Township's website, and Mayor Kneski recommended that the public look at the site as a source of information for the community.

In closing, Mayor Kneski stated that he was looking forward to 2010 in terms of grant state funding, shared services with the County and local neighboring communities, grants for solar energy, and continued farmland/open space preservation. It may be a difficult year in terms of state aid, but he hoped for a positive future.

Deputy Mayor Linda Lenox:

Deputy Mayor Linda Lenox philosophically commented on an emotional year in 2009 "with lots of anger and neighbor disputes." Deputy Mayor Lenox stated that she loves East Amwell Township and loves living here. She mentioned other complaints of high taxes, noting that New Jersey has high taxes in general.

Deputy Mayor Lenox provided anecdotal information about a friend who lives in Ewing, pays \$7,000 in taxes, has had a car burglarized, and hears gunshots outside her door. She also mentioned that she works in Trenton, and several months ago, a fellow state worker who parks two spots away from her in a lot was brutally stabbed and robbed, making his home vulnerable to future attacks. She felt that paying a little more than \$7,000 a year in taxes, sleeping well at night, and being able to walk around safely at night in a town like East Amwell was tremendous. She hoped that next year there would be more tolerance and compassion in the town.

Deputy Mayor Lenox stated that she was here for all the residents and would help them as best as she could and concluded by saying "God Bless You."

Township Committee Member Patricia Cregar:

Township Committee member Patricia Cregar commented that she would like to see the regular Township Committee meetings as well attended as the reorganization meeting was today.

Mrs. Cregar provided a brief update on Clawson Park, stating that the advisory committee meets as needed, and last year, they met in April, May, August, and October to discuss issues. The Township Committee sends matters concerning the park to the advisory committee so that they will be able to provide recommendations. Mrs. Cregar outlined some park activities and initiatives, as follows: a Girls on the Run Program for girls in grades 3 - 5 took place for a twelve week period in the fall, and as a community project, the team will be providing a free standing schematic of the park trails length and distances this summer; thanks to Environmental Commission and assistance from Dick Ginman, Mike Petrus, and Toni Robbi, Rutgers Master Gardener's Program members created a rain garden at the park; the large flower bed was planted by volunteer scouts this past summer; benches created 10 years ago by Eagle Scout Mike Myers were finally installed by the DPW this year; there are some drainage issues on the east and west sides of the park, causing some flooding - the engineer is working on a conceptual plan for remediation, paid for out of the open space trust fund for maintenance; dedicated volunteers who regularly keep an eye on the park and lock the tennis court (i.e., the gate to the park is being left open on a trial basis so that State Police can drive in at intervals) include the following: Heather Shaffer, Harold Samms, Will Harrison, Barbara Golda, Barry Cregar, Ed Godown; Mike Soklaski; Peter Gardner; Fred Cronce, Sandy Rowe, Patsy and David Wang Iverson, (and for the record, Pamela Dymek).

Mrs. Cregar thanked everyone for their service and wished them all a Happy New Year.

Township Committee Member Larry Tatsch:

Township Committee member Larry Tatsch praised the dedicated volunteers who served with no remuneration with the goal of helping the Township. He also thanked the Township Committee and Administrator Matheny for their service and concurred that the rest of the staff worked well together.

Mr. Tatsch spoke about the following items: he mentioned COAH (Council on Affordable Housing) and the fact that the Township worked very hard in achieving Third Round Certification, which protects the municipality from builders remedy (i.e., developers can circumvent local zoning). The current COAH obligation for East Amwell Township is 55 units; however, in 2011 COAH will review development figures for the last few years and reallocate the obligation. Mr. Tatsch hoped that the number would decrease, and he was proud of the work accomplished.

Mr. Tatsch explained that the municipality has worked very hard for a number of years to preserve the Meszaros properties. There has been state grant funding for a soil and site investigation in the amount of approximately \$200,000; some issues were discovered, which "are not disastrous," i.e., there is a little contamination. The next step is remediation, and work will continue this year. The intent is to acquire the three properties for preservation as part of the Sourland Trail System since the properties are in a key area for connection of the trail system. There are numerous lien holders, who have been contacted about issues, and progress is being made.

Traffic and speeding on the municipality's rural roads has always been a concern of the residents, and the Township has been using their speed data equipment to provide data to the police to get enforcement. There has been some success, but the Township is now looking into some new approaches to increase enforcement, and discussions are currently taking place.

Township Committee Member Timothy Martin:

Township Committee Member Timothy Martin agreed that East Amwell Township is a wonderful community, commenting about the great volunteers, staff, and elected officials. He explained that he got involved about five years ago, and he was amazed by the incredible

volunteers in the community. He commented that paid employees in the private sector do not perform as well as the volunteers in East Amwell Township! He wished everyone a Happy New Year.

OPEN TO THE PUBLIC

Mayor Kneski recognized County Freeholder Ron Sworen in the audience. He then asked if there were any comments from the public.

Fred Gardner, 46 North Hill Road, thanked the governing body for all their hard work producing real success. He looked forward to the Township Committee's continued provision of good governance in 2010.

Mayor Kneski asked Freeholder Sworen for his comments today. Freeholder Sworen wished everyone a Happy New Year. He looked forward to more shared service agreements, noting that the new Freeholder, Robert Walton, was the former Mayor of Hampton Borough and knows first-hand the importance of shared services; Freeholder Sworen stated that "there was lots of potential" now with a third vote from Freeholder Walton.

Freeholder Sworen also spoke about changes in the Open Space Tax to be collected effective January 1, i.e., there has been an outcry about historic bridges during proposed road projects. He noted the costs of repairs to be borne by the County as a normal practice, and using the Open Space Trust Fund to pay for repairs to the historic bridges is the proposal.

Freeholder Sworen concluded by inviting everyone to attend the Reorganization of the Freeholder Board on Tuesday, January 5, at 3 p.m. at the County.

Frances Gavigan, 123 Wertsville Road, thanked the Township Committee and Freeholders for listening to residents in the Southern part of the County and looked forward to some dialogue about roads and bridges and continued communication.

Motion by Mr. Martin, seconded by Deputy Mayor Lenox, and it was carried unanimously to close to the public.

ADJOURNMENT

There being no further business, a motion was made by Mr. Tatsch, seconded by Mrs. Cregar, and it was carried unanimously to adjourn the meeting at 2:04 p.m.

Teresa R. Stahl, RMC/CMC, Municipal Clerk