

**READINGTON TOWNSHIP COMMITTEE
MEETING – March 16, 2020**

Mayor Heller *calls the meeting to order at 5:00 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

PRESENT: Mayor J. Heller, Deputy Mayor J. Huelsebusch, Mr. J. Albanese, Mrs. BA Fort and Mr. B. Smith

ALSO PRESENT: Administrator V. Mekovetz, Attorney S. Dragan

ABSENT: None

EXECUTIVE SESSION:

Clerk read the following Resolution:

RESOLUTION
EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-6 *et seq.*, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from the portion of the meeting in accordance with the act;

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

1. The public shall be excluded from discussion of and action upon the specified subject matter as set forth in the following Exhibit “A.”

EXHIBIT A

<u>Subject Matter</u>	<u>Basis Of Public Exclusion</u>	<u>Date Anticipated When Disclosed to Public</u>
Personnel Matters	Personnel	Certain information at the discretion of the Township Committee tonight...other Information will remain confidential
Executive Session Minutes.....	Attorney-Client Privilege.....	“ “ “
• March 2, 2020		
• March 5, 2020		
Potential Litigation.....	Attorney-Client Privilege.....	“ “ “
Affordable Housing.....	Potential Litigation.....	“ “ “
Block 48, Lot 23; Block 55, Lot 33; Block 56, Lots 1, 3, 6 & 8; Block 67, Lot 2 (Solberg Aviation).....	Litigation.....	“ “ “

It is anticipated at this time that the stated subject matter will be made public on or about the time set forth in Exhibit “A.”

2. This Resolution shall take effect immediately.

A MOTION was made by Mr. Smith to adopt this resolution, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

The meeting reconvened at 7:36 p.m.

Mayor Heller led those present in the *Salute to the Flag*.

Executive Session:

Personnel / Personnel Matters

A **MOTION** was made by Mrs. Fort to make a temporary adjustment in hours for John Tillotson and Angela DeVoe, Construction Code, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Heller	- Aye

A **MOTION** was made by Mrs. Fort to increase the salary of Claudia Linarducci, Accounts Payable Clerk, to \$25.00 per hour, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Heller	- Aye

Attorney-Client Privilege / Executive Session Minutes / March 2, 2020

A **MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of March 2, 2020 for content only, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Attorney-Client Privilege / Executive Session Minutes / March 5, 2020

A **MOTION** was made by Mrs. Fort to approve the Executive Session Minutes of March 5, 2020 for content only, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Attorney-Client Privilege / Potential Litigation

A **MOTION** was made by Mrs. Fort to authorize the Construction Code Official to move forward with the condemning and demolishing of 520 Mountain Road, contingent upon the Township having legal precedent to take this action, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Heller	- Aye

Potential Litigation / Affordable Housing

A **MOTION** was made by Mr. Smith to approve the Policies and Procedures Manual for the Rental Rehabilitation and Loan Program, seconded by Mrs. Fort and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	-Aye
Mayor Heller	- Aye

Litigation / Solberg Aviation / Block 48, Lot 23; Block 55, Lot 33; Block 56, Lot 1, 3, 6 & 8; Block 39, Lot 24 and Block 67, Lot 2

Mayor Heller stated that this matter remains in Executive Session.

CONSENT AGENDA:

Mayor Heller read the following statement:

All items listed with an asterisk “” are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*

1. * **APPROVAL OF MINUTES** of meeting of March 2nd and March 5th (2020)
2. * **Release of Board of Health Escrow / Block 73, Lot 3.46 (Gabriel)**
3. * **Release of Escrow / Block 43, Lots 16 & 16.06 (Andrews)**
4. * **Release of Board of Health Escrow / Block 73, Lot 3.25 (Mokar)**
5. * **Application for Blue Light Permit (Kohara, Adolfo)**
6. * **Resolution in Support of Submission of a Grant Proposal for Sustainable Jersey PSE&G**

The following resolution was offered for consideration:

#R-2020-42

TOWNSHIP OF READINGTON

RESOLUTION

WHEREAS, Readington Township is Sustainable Jersey Certified Silver Level and will continue to support actions and measures that improve sustainability, the Township supports the submission of a grant proposal for Sustainable Jersey PSE&G as follows:

*\$10,000 Meadow Inventory and Management Plan for Readington Open Space
\$2,000 Retention Basin Survey*

7. * **Tax Lien Redemption**

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 67.01, Lot 19.31 and,

WHEREAS, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

Tax Lien Redemption Resolution cont'd

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$26,727.03, plus a premium paid in the amount of \$44,300.00, known as Tax Sale Certificate #2019-019, to the lienholder, US Bank Cust Tow

8. * ***Tax Lien Redemption***

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, an interested party has paid to the Tax Collector the amount necessary to redeem the lien on Block 17, Lot 8 and,

WHEREAS, it is the desire of the Tax Collector to refund to the lienholder the redemption amount.

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer be authorized to refund the redemption amount of \$169,577.59, known as Tax Sale Certificate #2017-002, to the lienholder, Tad J. Dabrowski.

9. * ***Tax Refund***

The following resolution was offered for consideration:

READINGTON TOWNSHIP

HUNTERDON COUNTY, STATE OF NEW JERSEY

RESOLUTION

WHEREAS, the Readington Township Tax Collector has recommended the following refund of a property tax payment for 2020:

<u>BLOCK/LOT</u>	<u>REFUND TO</u>	<u>REASON</u>	<u>AMOUNT</u>
43/13	David & Aurora Gilliam	100% Disabled Vet	\$2,534.95

NOW THEREFORE BE IT RESOLVED by the Township Committee that the Treasurer is hereby authorized to refund the amount recommended.

10. * **Payment of Bills** – (Complete bill list is on file in Clerk’s Office)

<u>Fund Description</u>	<u>Fund No.</u>	<u>Received Total</u>
CURRENT FUND	0-01	\$ 931,983.05
SEWER APPROPRIATIONS	0-02	\$ 88.42
CURRENT FUND	9-01	\$ 34,047.55
SEWER APPROPRIATIONS	9-02	\$ 3,600.00
TRUST FUNDS	X-03	\$ 383,594.49
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 268,456.58
PAYROLL DEDUCTIONS	X-06	\$ 209,495.47
2014 CAP IMPROVEMENTS	X-14	\$ 21,507.83
2017 CAP IMPROVEMENTS	X-17	\$ 6,360.00
2018 CAP IMPROVEMENTS	X-18	<u>\$ 18,817.14</u>
 TOTAL OF ALL FUNDS		 \$ 1,877,950.53

A **MOTION** was made by Mrs. Fort to approve the Consent Agenda, seconded by Mr. Smith and on Roll Call vote the following was recorded:

- Mr. Albanese - Aye
- Mrs. Fort - Aye
- Mr. Huelsebusch - Aye
- Mr. Smith - Aye
- Mayor Heller - Aye

COMMENTS FROM THE PUBLIC for items listed on the agenda only

There were none.

PUBLIC HEARINGS

As it was after 7:45 p.m., A **MOTION** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Amending Chapter 4 of the Code of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Agricultural Advisory Board

◆ **Ordinance #03-2020**

Mayor Heller asked if there were any comments from the governing body.

There were none.

Mayor Heller asked if there were any comments from the public.

There were none.

A **MOTION** was made by Mr. Smith to close the Public Hearing and open the regular meeting, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

An Ordinance Amending Chapter 4 of the Code of the Township of Readington, County of Hunterdon and State of New Jersey Pertaining to Agricultural Advisory Board

◆ ***Ordinance #03-2020***

A ***MOTION*** was made by Mrs. Fort to adopt this ordinance, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

A ***MOTION*** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

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

◆ ***Ordinance #04-2020***

Mayor Heller asked if there were any comments from the governing body.

There were none.

Mayor Heller asked if there were any comments from the public.

There were none.

A ***MOTION*** was made by Mr. Smith to close the Public Hearing and open the regular meeting, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

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

◆ ***Ordinance #04-2020***

A ***MOTION*** was made by Mr. Fort to adopt this ordinance, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

A ***MOTION*** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing and open the regular meeting, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 148 ENTITLED “LAND DEVELOPMENT” TO ALLOW LIMITED BREWERIES AS A CONDITIONAL USE IN THE AGRICULTURAL RESIDENTIAL DEVELOPMENT ZONE

◆ Ordinance #05-2020

Mayor Heller asked if there were any comments from the governing body.

There were none.

Mayor Heller asked if there were any comments from the public.

There were none.

A ***MOTION*** was made by Mr. Smith to close the Public Hearing and open the regular meeting, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 148 ENTITLED “LAND DEVELOPMENT” TO ALLOW LIMITED BREWERIES AS A CONDITIONAL USE IN THE AGRICULTURAL RESIDENTIAL DEVELOPMENT ZONE

◆ Ordinance #05-2020

A ***MOTION*** was made by Mrs. Fort to adopt this ordinance, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

A ***MOTION*** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18 OF THE CODE OF READINGTON TOWNSHIP, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING TO THE ENVIRONMENTAL COMMISSION

◆ Ordinance #06-2020

Mayor Heller asked if there were any comments from the governing body.

There were none.

Mayor Heller asked if there were any comments from the public.

There were none.

A ***MOTION*** was made by Mr. Smith to close the Public Hearing and open the regular meeting, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18 OF THE CODE OF
READINGTON TOWNSHIP, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY
PERTAINING TO THE ENVIRONMENTAL COMMISSION***

◆ Ordinance #06-2020

A ***MOTION*** was made by Mrs. Smith to adopt this ordinance, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

A ***MOTION*** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE AMENDING CHAPTER 148 OF THE GENERAL CODE OF THE TOWNSHIP
OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING
TO TREE REMOVAL AND REPLACEMENT***

◆ Ordinance #07-2020

Mayor Heller asked if there were any comments from the governing body.

There were none.

Mayor Heller asked if there were any comments from the public.

There were none.

A ***MOTION*** was made by Mr. Smith to close the Public Hearing and open the regular meeting, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE AMENDING CHAPTER 148 OF THE GENERAL CODE OF THE TOWNSHIP
OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY PERTAINING
TO TREE REMOVAL AND REPLACEMENT***

◆ Ordinance #07-2020

A ***MOTION*** was made by Mrs. Fort to adopt this ordinance, seconded by Mr. Huelsebusch and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

A ***MOTION*** was made by Mr. Smith to adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF READINGTON ENTITLED "SPECIAL EVENTS"

◆ Ordinance #08-2020

Mayor Heller asked if there were any comments from the governing body.

Mr. Huelsebusch commented that there are varying degrees of attendance for special events, with some being held on our open space properties and inquired whether there should be a scale of fees, dependent upon the number of participants, to restore the properties that potentially could be damaged.

Mayor Heller asked if there were any comments from the public.

Bob Schoenfeld, Oldwick Road, inquired if the entire ordinance is new or if this is an amendment to an already existing ordinance and also questioned if an open space property is damaged, who bears of the responsibility of restoration.

Neil Henrickson, Glenmont Road, commented that in the case of restoration, if the soil is compacted and eroded, it is nearly impossible to restore; therefore, he stressed that prevention should be the focus.

A MOTION was made by Mr. Smith to close the Public Hearing and open the regular meeting, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

Clerk read by Title:

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF READINGTON ENTITLED "SPECIAL EVENTS"

◆ Ordinance #08-2020

A MOTION was made by Mrs. Fort to adopt this ordinance, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

CORRESPONDENCE / OTHER INFORMATION

1. Notice of Hearing from Day Pitney, LLP, on behalf of Lamington River Farms, regarding ***Application for Amended Preliminary and Final Site Plan Approval to Modify the Approved Plan for Country Club Renovations.*** No action taken.
2. Notice to Adjoining Municipalities from Denise Filardo, Clinton Township Planning Board Secretary, regarding ***Adoption of the 2020 Reexamination Report and Amendment of the Land Use Plan Element of the Clinton Township Master Plan.*** No action taken.
3. Letter dated February 24, 2020 from Dana Burley, Clerk of the NJ General Assembly, regarding ***Resolutions Urging Counties and Municipalities to Create 2020 Census Complete Count and Designating March 12 through March 20 of 2020 "Get Out the Count Week" to Encourage Full Census Count of New Jersey's Population.*** No action taken.

NEW BUSINESS

1. ***Introduction of 2020 Municipal Budget***

Mr. Smith explained that beyond the normal increases, the Township is proposing the addition of 1¢ to the taxes so that when the Townships appropriates for the usual business of paving roads and purchasing equipment, rather than putting 5% down and bonding long term for the remainder, the plan is to put 5% plus \$262,00 down to start a “pay as we go” process. Mr. Smith continued that the net is a 3¢ increase in taxes. Mayor Heller added that reducing the bonding will also reduce paying interest on purchases in years to come.

The following resolution was offered for consideration:

#R-2020-43

TOWNSHIP OF READINGTON

HUNTERDON COUNTY, NEW JERSEY

Re: *Introduction of 2020 Budget*

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Readington, Hunterdon County, New Jersey for the year 2020.

BE IT FURTHER RESOLVED, that the said budget be published in the Hunterdon County Democrat in the issue of March 19, 2020, and that a hearing on the Budget will be held at the Municipal Building on April 20, 2020 at 7:45 o’clock (P.M.) or as soon thereafter as the matter may be reached.

A **MOTION** was made by Mrs. Fort to introduce this resolution, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

2. ***An Ordinance Repealing and Replacing Chapter 137, Housing, Affordable, Article III "Municipal Housing Liaison" of the Code of the Township of Readington and Chapter 148, Article XI, Section 148-111 "COAH Development Fees", Chapter 148, Article XIII "Affordable Housing" and Amending Article II "Definition of Terms" Section 148-9 "Definitions" of the Township of Readington's Land Development Ordinance to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Township's Affordable Housing Obligations***

Attorney Dragan gave a brief summary of the amended provisions and requirements to bring the affordable housing ordinances into compliance.

The following ordinance was offered for introduction:

AN ORDINANCE REPEALING AND REPLACING CHAPTER 137, HOUSING, AFFORDABLE, ARTICLE III “MUNICIPAL HOUSING LIAISON” OF THE CODE OF THE TOWNSHIP OF READINGTON AND CHAPTER 148, ARTICLE XI, SECTION 148-111 “COAH DEVELOPMENT FEES”, CHAPTER 148, ARTICLE XIII “AFFORDABLE HOUSING” AND AMENDING ARTICLE II “DEFINITION OF TERMS’ SECTION 148-9 ‘DEFINITIONS’ OF THE TOWNSHIP OF READINGTON’S LAND DEVELOPMENT ORDINANCE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS

Ordinance #09- 2020

BE IT ORDAINED by the Township Committee of the Township of Readington, Hunterdon County, New Jersey, that the Code of the Township of Readington is hereby amended to include provisions addressing Readington’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with *N.J.A.C. 5:93-1, et seq.*, as amended and supplemented, *N.J.A.C. 5:80-26.1, et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

SECTION I. This Ordinance implements and incorporates the Housing Element and Fair Share Plan adopted by the Planning Board pursuant to the Municipal Land Use Law at *N.J.S.A. 40:55D-1 et seq.* and endorsed by the Governing Body. It addresses the requirements of *N.J.A.C. 5:93-1, et seq.*, as amended and supplemented, *N.J.A.C. 5:80-26.1, et seq.* as amended and supplemented, with one exception regarding the provision of very-low income housing as described in more detail below, and the New Jersey Fair Housing Act of 1985.

SECTION II. Chapter 137 of the Code of the Township of Readington entitled “Housing, Affordable Article III Municipal Housing Liaison” is hereby deleted in its entirety and shall be replaced with the following:

CHAPTER 137 HOUSING, AFFORDABLE, ARTICLE III MUNICIPAL HOUSING LIAISON, ADMINISTRATIVE AGENT, AFFIRMATIVE MARKETING ENFORCEMENT.

Section 137-13. Definitions. As used in this article, terms and definitions shall be the same as set forth in Section 148-9, “Definitions” found in Article II “Definition of Terms”, Chapter 148 of the Land Use Code.

§ Section 137-14 Municipal Housing Liaison

A. The Township shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Township's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Township's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). The Township of Readington shall adopt this Ordinance which creates the position of Municipal Housing Liaison and the Township of Readington shall adopt a Resolution which appoints the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

Ordinance #09-2020 cont'd:

- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Readington, including the following responsibilities, which may not be contracted out to the Administrative Agent:
- (1) Serving as Readington Township's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (2) Monitoring the status of all restricted units in Readington Township's Fair Share Plan;
 - (3) Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- C. Subject to the approval of the Court, the Township shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).
- D. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

§ Section 137-15 Administrative Agent

The Township shall designate one or more Administrative Agents to implement the terms of this Ordinance, subject to Court approval. The Township may act as Administrative Agent for some or all restricted units within the Township; in that case, the Township shall designate the Municipal Housing Liaison to serve on its behalf. Otherwise, the Township may designate an independent entity to serve as Administrative Agent, which entity shall serve under contract and shall report to the municipality. All Administrative Agents shall be properly qualified to serve in this capacity. ***The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.*** The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- A. Affirmative Marketing:
- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township and the provisions of N.J.A.C. 5:80-26.15; and
 - (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

Ordinance #09-2020 cont'd:

B. Household Certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of *N.J.A.C. 5:80-26.1 et seq.*;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township when referring households for certification to affordable units; and
- (7) Notifying the following entities of the availability of affordable housing units in the Township: Fair Share Housing Center, the New Jersey State Conference of the NAACP, including the New Brunswick, Plainfield Area, Perth Amboy and Metuchen/Edison branches, the Latino Action Network, NORWSCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

C. Affordability Controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hunterdon County Register of Deeds or Hunterdon County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to *N.J.A.C. 5:80-26.10*.

D. Resales and Re-rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

Ordinance #09-2020 cont'd:

E. Processing Requests from Unit Owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- (3) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

- (1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (3) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in *N.J.A.C. 5:80-26.18(d)4*;
- (5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Governing Body and the Court, setting forth procedures for administering the affordability controls.

A. Additional Responsibilities:

- (1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
- (3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Ordinance #09-2020 cont'd:

§ Section 137-16 Affirmative Marketing Requirements

- A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, which is 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 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 marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex, and Somerset Counties.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- 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 Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Township, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, including the New Brunswick, Plainfield Area, Perth Amboy and Metuchen/Edison branches, the Latino Action Network, NORWSCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ Section 137-17 Enforcement of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing an 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, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

Ordinance #09-2020 cont'd:

- 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(s) 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 adjudged 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:
 - (a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Readington Township Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented a 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 that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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- or moderate-income unit.
 - (a) The 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (b) 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 the full 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.

Ordinance #09-2020 cont'd:

- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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 III. Article II entitled "Definition of Terms" in Chapter 148 of the Land Development Ordinance is hereby amended as follows:

§ Section 148-9 Definitions

1. The following new terms shall be added as follows:

"Housing 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 designated by the Township to administer affordable units in accordance with this Ordinance, *N.J.A.C. 5:93*, and UHAC (*N.J.A.C. 5:80-26.1*).

"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 new restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within *N.J.A.C. 5:93-7.4*, and, 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.

Ordinance #09-2020 cont'd:

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, inclusionary development, municipal construction projects or a one hundred percent (100%) affordable housing developments, supportive and special needs projects, extensions of controls, and market-to-affordable projects.

“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 Housing Act and approved for crediting by the Court 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 wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age 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.

"Alternative living arrangement" means a building in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

“COAH” of the “Council” mean the New Jersey Council on Affordable Housing, as established by the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301, et seq.*) which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

“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 requires 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 included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development fee” means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:93-8.8*.

“Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

Ordinance #09-2020 cont'd:

“Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or 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 regional median household income by household size.

“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 and 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 housing region, as adopted annually by the Township pursuant to this ordinance, by COAH or a successor entity approved by the Court.

“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 regional median household income by household size.

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

“Municipal Housing Liaison” means an employee charged by the governing body with the responsibility for oversight and administration of the Affordable Housing Program for the Township of Readington.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between spouses; 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 duly adopted Regional Income Limits published annually by COAH or a successor entity.

“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.

Ordinance #09-2020 cont'd:

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of *N.J.A.C. 5:80-26.1*, as 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 regional median household income by household size.

“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 purposes of a rehabilitation program.

2. The following terms shall be deleted from section 148-9 and shall be replaced by the terms set forth above:

COAH

The New Jersey Council of Affordable Housing.
[Added 5-17-1993]

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be Included in a proposed development, including the holder of any option or contract to purchase or any other person having enforceable proprietary interest in such land.

DEVELOPMENT FEES

Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.
[Added 5-17-1993]

EQUALIZED ASSESSED VALUE

The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.
[Added 5-17-1993]

SECTION IV. Article XIII entitled “Affordable Housing “ in Chapter 148 of the Land Development Ordinance is deleted in its entirety and shall be replaced with the following:

ARTICLE XIII AFFORDABLE HOUSING

§ Section 148-117 Short Title

This section of the “Code of the Township of Readington” shall be known as the “Affordable Housing Ordinance of the Township of Readington.”

Ordinance #09-2020 cont'd:

§ Section 148-117.1 Purpose

- A. This section of the Readington Code sets forth regulations regarding the very-low-, low-, and moderate-income housing units in the Township consistent with the provisions known as the “Substantive Rules of the New Jersey Council on Affordable Housing”, N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq., except where modified by the requirements for very-low income housing as established in P.L. 2008, c.46 (the “Roberts Bill”, codified at N.J.S.A. 52:27D-329.1) as reflected in the terms of a Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”) such that the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 17, 2008, to be affordable households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Township’s constitutional obligation to provide a fair share of affordable housing for very-low-, low-, and moderate-income households.
- B. This Ordinance is intended to assure that very-low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.
- C. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.

§ Section 117.2 Monitoring and Reporting Requirements

The Township shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- A. Beginning on July 19, 2019, and on every anniversary of that date through July 19, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs (“NJDCA”), Council on Affordable Housing (“COAH”), or Local Government Services (“NJLGS”), or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the NJDCA, COAH, or NJLGS. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- B. Beginning on July 19, 2019, and on every anniversary of that date through July 19, 2025, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
- C. By July 1, 2020, as required pursuant to *N.J.S.A. 52:27D-313*, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity. Any interested party may by motion request a hearing before the Court regarding these issues.
- D. As part of its annual reporting and midpoint review reporting, the Township will include annual reports as to (1) changes in circumstances relative to sewer including any already existing or anticipated increase in capacity through reclaimed sewer or plant expansion; and (2) reporting on applications for existing or anticipated capacity.

Ordinance #09-2020 cont'd:

- E. By July 19, 2022, and every third year thereafter, as required by *N.J.S.A. 52:27D-329.1*, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

§ Section 148-117.3 Applicability

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Readington pursuant to the Township's most recently adopted Housing Element and Fair Share Plan.
- B. Moreover, this Ordinance shall apply to all developments that contain very-low-, low-and moderate-income housing units, including any currently unanticipated future developments that will provide very-low, low- and moderate-income housing units.
- C. Projects receiving Federal Low Income Housing Tax Credit financing shall comply with the income and bedroom distribution requirements of UHAC at *N.J.A.C. 5:80-26.3* (with the exception that the UHAC requirement for 10 percent of the affordable units in rental projects being required to be at 35 percent of median income be modified as required by the statutory requirement, *N.J.S.A. 52:27D-329.1* to 13 percent of affordable units in such projects shall be required to be at 30 percent of median income) and the length of the affordability controls applicable to such projects shall be not less than a thirty (30) year compliance period plus a 15 year extended use period.

Section 148-117.4 Township-wide Mandatory Set-Aside

- A. Any multi-family development, including single-family attached residential development, providing a minimum of five (5) new housing units created through any Planning Board action on subdivision or site plan applications; municipal rezoning; Zoning Board use or density variance; redevelopment plan or rehabilitation plan with a minimum density of six (6) units per acre is required to include a minimum affordable housing set-aside of 20%.
- B. At least 50% of the affordable units in each development shall be affordable to low-income housing. At least 13% of all affordable units in rental developments shall be affordable to very-low-income households.
- C. All such affordable units, including bedroom distribution, shall be governed by the controls on affordability and affirmatively marketed in conformance with UHAC, *N.J.A.C. 5:80-26.1 et seq.*, or any successor regulation, and all other applicable law.
- D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
- E. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Township to grant such rezoning, variance or other relief.
- F. This Township-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the Township's Settlement Agreement with FSHC or Fair Share Plan, for which density and set-aside requirements shall be governed by the specific standards as set forth therein. The Township shall maintain this mandatory set-aside provision through at least July 8, 2025 at which time the Township may determine to extend the applicability of the provision.

Ordinance #09-2020 cont'd:

§ Section 148-117.5 Alternative Living Arrangements

- A. The administration of an alternative living arrangement shall be in compliance with *N.J.A.C. 5:93-5.8* and UHAC, with the following exceptions:
 - (1) Affirmative marketing (*N.J.A.C. 5:80-26.15*), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (2) Affordability average and bedroom distribution (*N.J.A.C. 5:80-26.3*).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ Section 148-117.6 Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

§ Section 148-117.7 New Construction

- 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. At least 13 percent of all restricted rental units shall be very-low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very-low income units shall be counted as part of the required number of low-income units within the development.
 - (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very-low or low-income units.
 - (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

Ordinance #09-2020 cont'd:

- (d) 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. This 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 the following:
- (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:
 - (a) An adaptable toilet and bathing facility on the first floor; and
 - (b) An adaptable kitchen on the first floor; and
 - (c) An interior accessible route of travel on the first floor; and
 - (d) 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
 - (e) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - (f) 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*, or evidence that the Township has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

- [1] 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.
- [2] To this end, the builder of restricted units shall deposit funds within the Township of Readington's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
- [3] The funds deposited under paragraph 6)b) above shall be used by the Township of Readington for the sole purpose of making the adaptable entrance of an 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.
- [4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township for the conversion of adaptable to accessible entrances.

Ordinance #09-2020 cont'd:

- [5] 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 that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township's Director of Finance, or their designee, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- [6] 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*.

C. Design:

- (1) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. 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, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court and detailed herein.

"Regional income units shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year."

- (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 rental 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, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.

Ordinance #09-2020 cont'd:

- (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 sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household;
and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
and
 - (c) 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 size household, including an allowance for tenant paid utilities, 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.

Ordinance #09-2020 cont'd:

- (10) The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

§ Section 148-117.8 Utilities

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

§ Section 148-117.9 Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ Section 148-117.10 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 for a period of at least thirty (30) years, until the Township takes action to release the unit from such requirements; prior to such action, 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.
- 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 without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial 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 restrictions set forth in 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 following the removal of the restrictions provided under *N.J.A.C. 5:80-26.5(a)*, as may be amended and supplemented.

Ordinance #09-2020 cont'd:

§ Section 148-117.11 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 master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- 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 anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. (See Section 148-117.4 Capital Improvements to Ownership Units).

§ Section 148-117.12 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. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Governing Body, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. 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 eligible monthly income.

§ Section 148-117.13 Limitations on Indebtedness Secured by Ownership Unit; Subordination

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

Ordinance #09-2020 cont'd:

- B. With the exception of First Purchase Money Mortgages, 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 the unit, as such price is determined by the Administrative Agent in accordance with *N.J.A.C. 5:80-26.6(b)*.

§ Section 148-117.14 Capital Improvements To Ownership Units

- A. 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 made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ Section 148-117.15 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 for a period of at least 30 years, until the Township takes action to release the unit from such requirements. Prior to such action, 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.
- 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 on the property containing the unit.

§ Section 148-117.16 Rent Restrictions for Rental Units; Leases

- A. A written lease shall be required for all restricted rental units 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.

Ordinance #09-2020 cont'd:

- 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.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§ Section 148-117.17 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 the regional median household income by household size.
 - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, 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 reliable anticipated 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 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Ordinance #09-2020 cont'd:

§ Section 148-117.18 Development Fees

A. Purpose:

- (1) In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), *N.J.S.A. 52:27D-301 et seq.*, and the State Constitution, subject to COAH's adoption of rules.
- (2) COAH was authorized by P.L. 2008, c. 46, Section 8 (*N.J.S.A. 52:27D-329.2*), and the Statewide Nonresidential Development Fee Act (*N.J.S.A. 40:55D-8.1* through *40:55D-8.7*) to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH- or court-approved spending plan may retain fees collected from nonresidential development.
- (3) In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the “Mount Laurel IV” decision, the Supreme Court remanded COAH’s duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 7, 2025 are under the Court’s jurisdiction and are subject to approval by the Court.
- (4) This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at *N.J.A.C. 5:93-8*.

B. Basic Requirements:

- (1) COAH had previously approved ordinances adopting and amending Section 148-111, which established the Township’s affordable housing trust fund. The Township’s development fee ordinance which has been further amended remains effective pursuant to the Superior Court’s jurisdiction in accordance with *N.J.A.C. 5:93.8*.
- (2) At such time that the Court approves the Township’s Amended Third Round Housing Element and Fair Share Plan and the Amended Third Round Spending Plan, the Township may begin spending development fees in conformance with *N.J.A.C. 5:93-8* for the new 2020 Plan activities.

C. Residential Development Fees:

- (1) Imposed fees.
 - (a) Within all Zoning Districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.

Ordinance #09-2020 cont'd:

- (b) When an increase in residential density pursuant to *N.J.S.A. 40:55D-70d(5)* (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(2) Eligible exactions, ineligible exactions and exemptions for residential development.

- (a) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (b) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (c) In addition to the construction of new principal and/or accessory buildings, development fees shall be imposed and collected for the construction of additions or expansions to existing buildings, for the change or conversion of an existing building to accommodate a more intense use, and/or for the demolition and replacement of an existing building provided that:
 - [1] The development fee shall be calculated on the increase in the equalized assessed value of the improved building.
 - [2] No development fee shall be collected for a demolition and replacement of a residential building resulting from a natural disaster.
 - [3] No development fee shall be collected for the construction of an "accessory structure" which is not a "building" as these terms are defined in the Township "Land Development Ordinance."

D. Nonresidential Development Fees:

(1) Imposed fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

Ordinance #09-2020 cont'd:

- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- (2) Eligible exactions, ineligible exactions and exemptions for nonresidential development.
 - (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two-and-one-half-percent (2.5%) development fee, unless otherwise exempted below.
 - (b) The two-and-one-half-percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - (c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
 - (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
 - (e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

E. Collection Procedures:

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (3) The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

Ordinance #09-2020 cont'd:

- (5) The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Township of Readington fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (*N.J.S.A. 40:55D-8.6*).
- (8) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- (9) Appeal of development fees.
 - (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township of Readington. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, *N.J.S.A. 54:48-1 et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (b) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township of Readington. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, *N.J.S.A. 54:48-1 et seq.*, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

F. Affordable Housing Trust Fund:

- (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Director of Finance, or their designee, for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - (a) Payments in lieu of on-site construction of affordable units;
 - (b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) Rental income from municipally operated units;
 - (c) Repayments from affordable housing program loans;

Ordinance #09-2020 cont'd:

- (e) Recapture funds;
 - (f) Proceeds from the sale of affordable units; and
 - (g) Any other funds collected in connection with the Township of Readington's affordable housing program.
- (3) The Township of Readington previously provided COAH with written authorization, in the form of three-party escrow agreements between the municipality, Unity Bank, and COAH, to permit COAH to direct the disbursement of the funds as provided for in *N.J.A.C. 5:93-8*. The Superior Court shall now have such jurisdiction to direct the disbursement of the Township's trust funds per *N.J.A.C. 5:93-8*.
- (4) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

G. Use of Funds:

- (1) The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market-to-affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to *N.J.A.C. 5:93-8.16* and specified in the approved spending plan.
- (2) Funds may be expended to reimburse the Township of Readington for past housing activities.
- (3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
- (a) Affordability assistance programs may include closing cost assistance, rental assistance, assistance with homeowners' association or condominium fees and special assessments and assistance with emergency repairs.
 - (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Township of Readington may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with *N.J.A.C. 5:93-8.16*.

Ordinance #09-2020 cont'd:

- (5) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements set forth in the Court-approved July 19, 2019 executed Settlement Agreement with Fair Share Housing Center. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

H. Monitoring:

- (1) On or about July 19 of each year through 2025, the Township of Readington shall provide annual reporting of trust fund activity to the DCA, COAH, or NJLGS, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or NJLGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Readington's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

I. Ongoing Collection of Fees:

- (1) The ability for the Township of Readington to impose, collect and expend development fees shall expire with its Court-issued Judgment of Compliance and Repose unless the Township of Readington has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgment Action, and has received the Court's approval of its development fee ordinance. If the Township of Readington fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Township of Readington shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall the Township of Readington retroactively impose a development fee on such a development. The Township of Readington shall not expend development fees after the expiration of its Judgment of Compliance and Repose.

§ Section 148-117.19 Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing as an action in lieu of prerogative writ in the Superior Court, Law Division in the County with jurisdiction over the Township's affordable housing proceedings, or in such other manner as the Superior Court may direct.

SECTION IV. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

Ordinance #09-2020 cont'd:

SECTION V. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. If any provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION VII. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

A **MOTION** was made by Mrs. Fort to introduce this ordinance, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

The Public Hearing was scheduled for April 20, 2020 at 7:45 p.m.

3. ***A Resolution of the Township Committee of the Township of Readington Adopting an Affordable Housing Spending Plan***

Attorney Dragan maintained that there is a spending plan in place which designates how the Township will take in the monies received through the affordable housing development fees.

The following resolution was offered for consideration:

#R-2020-44

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON ADOPTING AN AFFORDABLE HOUSING SPENDING PLAN

WHEREAS, regulations adopted by the New Jersey Council on Affordable Housing (COAH) required a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan by COAH prior to spending any of the funds in its trust fund; and

WHEREAS, these regulations required a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;

Resolution #R-2020-44 cont'd:

6. A plan to spend the trust fund balance in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;
7. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan; and
8. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

WHEREAS, the Township of Readington has prepared a Spending Plan consistent with the Township's Settlement Agreement with Fair Share Housing Center, dated July 19, 2019; and

WHEREAS, because COAH is no longer a functioning administrative agency, it will not approve any spending plan, including the Township's; and

WHEREAS, the Township of Readington shall therefore seek review and approval of its adopted and endorsed Spending Plan as part of its obligations under the terms of the Court-approved Settlement Agreement between the Township of Readington and Fair Share Housing Center.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Readington hereby adopt and endorse the Spending Plan attached hereto; and

BE IT FURTHER RESOLVED that the Township of Readington hereby requests that the Special Master and/or the Court review and approve its Spending Plan.

A MOTION was made by Mrs. Fort to adopt this resolution, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

4. **Resolution of the Committee of the Township of Readington, Hunterdon County, New Jersey, of Intent to Fund Spending Plan Shortfall for Affordable Housing Programs in the Township's Housing Element and Fair Share Plan**

Attorney Dragan explained that this is a mandated resolution stating that in the event the Township be unable to raise the money through the affordable housing trust fund, the Township will bond to cover the funding.

The following resolution was offered for consideration:

#R-2020-45

RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF READINGTON, HUNTERDON COUNTY, NEW JERSEY, OF INTENT TO FUND SPENDING PLAN SHORTFALL FOR AFFORDABLE HOUSING PROGRAMS IN THE TOWNSHIP'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, pursuant to the substantive regulations of the New Jersey Council on Affordable Housing ("COAH"), certain portions of the Township's amended Housing Element and Fair Share Plan scheduled for public hearing at the Planning Board on March 23, 2020 may require a financial commitment by the Township; and

Resolution #R-2020-45 cont'd:

WHEREAS, the municipality must resolve to address and shortfall in the funding of its affordable housing programs as set forth in the Spending Plan and the Fair Share Plan, including its willingness to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the Fair Share Plan;

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Readington, in the County of Hunterdon, and State of New Jersey, as follows:

1. To the degree that the funds required for the implementation of the Township's Fair Share Plan, as will be more particularly set forth in the Township's approved Spending Plan, are not available at the time they are needed from all available affordable housing funding sources, the Township resolves to provide the funding needed to cover any shortfall through appropriations in the Township's annual budget, bonding, or any other legal means, with the understanding that any future affordable housing funding which becomes available may be used to reimburse the Township for the costs incurred.

A MOTION was made by Mrs. Fort to adopt this resolution, seconded by Mr. Albanese and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

5. An Ordinance to Adopt an Air Safety and Hazardous Zoning Ordinance

Mr. Smith explained that this is to bring the Township into compliance with the Air Safety and Zone Act of 1983, previously passed but invalidated in the Prerogative Writ case.

The following ordinance was offered for introduction:

**ORDINANCE TO ADOPT AN AIR SAFETY AND
HAZARDOUS ZONING ORDINANCE**

ORDINANCE #10-2020

WHEREAS, Solberg-Hunterdon Airport is the only public-use airport in Readington Township; and

WHEREAS, the Air Safety and Zoning Act of 1983, N.J.S.A. 6:1-80 et seq. ("Act"), and its accompanying regulations, N.J.A.C. 16:62-1 et seq., require municipalities with an airport to enact an Air Safety and Hazardous Zoning ordinance; and

WHEREAS, the Township seeks to comply with the requirements of this legislation; and

WHEREAS, the bounds of the Air Safety Zone are measured from an airport's runways and the Township recently received confirmation from the New Jersey Department of Transportation as to the official approved length of Solberg-Hunterdon Airport's runways (see Exhibit 1);

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Readington, in the County of Hunterdon and State of New Jersey, that the Air Safety and Hazardous Zoning Ordinance will be adopted as follows:

Ordinance #10-2020 cont'd:

Chapter [X]. Solberg-Hunterdon Air Safety Airport District (Overlay District) - Air Safety and Hazardous Zoning

A. Purpose

1. Air Safety and Zoning: The “Air Safety and Zoning Act of 1983”, P.L. 1983, chapter 260, and the provisions of N.J.A.C. 16:62, “Air Safety and Zoning” authorizes municipalities to delineate airport safety zones, regulate land uses within the delineated zones, and regulate the height of structures and plantings so as to promote the public safety and to promote compatible land uses and compatible development in and around public use airports. As used in this Ordinance, “airport” or “airports” shall mean and refer the public use airport in Readington Township, Hunterdon County, New Jersey with a FAA activation date of March 1942, located in Block 56, Lot 3, and commonly known as Solberg-Hunterdon Airport
2. Solberg-Hunterdon Air Safety Airport District: An overlay district and airport safety zones are herein established at Solberg-Hunterdon Airport in accordance with the provisions of the “Air Safety and Zoning Act of 1983”, P.L. 1983, chapter 260, and the provisions of N.J.A.C. 16:62, “Air Safety and Zoning”.

B. General Provisions

1. This section establishes minimum standards for the control of airport and aeronautical hazards and shall take precedence over any other ordinance of the Township in conflict or inconsistent herewith.
2. No person shall build, rebuild, create or cause to be built, rebuilt or created any object, structure, or plant, or cause to be planted or permit to grow any tree or vegetation, which will interfere with, diminish, change or obstruct the airspace or landing and takeoff area available for the landing and takeoff of aircraft at public use airports.
3. This section shall not require the removal or lowering of, or other change or alteration of any structure or tree not conforming to the rules when this chapter was adopted, or otherwise allow interference with the continuance of any nonconforming use. No prior nonconforming structure or tree or vegetation may be increased in height or allowed to increase in height so that its nonconformance is greater than at the time this chapter was adopted, i.e., no such structure may be increased in height and any tree may be required to be trimmed down to its original nonconforming height.
4. Nothing in this section shall be construed as limiting the power of the Commissioner regarding the design, placement, location, or operation of airports or other aeronautical facilities.
5. This section is subject to review and approval by the Commissioner of Transportation.
6. The review of applications under this section is limited to the purposes of this chapter as they relate to the public health, safety and welfare.

C. Coordination with other Aviation Regulatory Agencies

1. State License Required: Airports in the Air Safety District shall maintain a current valid license from the State of New Jersey pursuant to the provisions of N.J.A.C. 16:54, “Licensing of Aeronautical and Aerospace Facilities”. Failure to maintain a current valid NJ license renders the development rights granted within this ordinance invalid, and the underlying zoning regulations shall apply.

Ordinance #10-2020 cont'd:

2. Conformance With State Aeronautics Regulations: Airports in the Air Safety District shall maintain conformance with the substantive and procedural standards of N.J.A.C. 16:54, “Licensing of Aeronautical and Aerospace Facilities”, N.J.A.C. 16:55, “Licensing of Aeronautical Activities”, N.J.A.C. 16:56, “Airport Safety Fund Program”, N.J.A.C. 16:59, “Air Races, Meets, and Exhibitions”, N.J.A.C. 16:59, “Aeronautical Investigation and Enforcement”, and N.J.A.C. 16:62, “Air Safety and Zoning”. Failure to maintain conformance with these regulations renders the development rights granted within this ordinance invalid, and the underlying zoning regulations shall apply.
3. Conformance With Federal Aeronautics Regulations: Airports in the Air Safety District shall maintain conformance with all lawful orders, directives, and requirements of the Federal Aviation Administration, United States Department of Transportation, United States Transportation Security Agency, and the National Transportation Safety Board. Failure to maintain conformance with these regulations renders the development rights granted within this ordinance invalid, and the underlying zoning regulations shall apply.
4. Site Planning and Internal Layout: The site planning and internal layout of airport land uses, paving, buildings and structures shall conform to such minimum internal setback and vertical height standards as may be prescribed by the applicable regulatory airport licensing and airport certification standards promulgated by the New Jersey Department of Transportation, Division of Aeronautics, and the United States Department of Transportation, Federal Aviation Administration.
5. Airport Hazard Agreements Recognized: In the event that an airport owner or operator has a written agreement with the New Jersey Department of Transportation, Division of Aeronautics, or the United States Department of Transportation, Federal Aviation Administration, for the control of airport hazards or vertical height development, the airport owner or operator shall comply with the most protective provisions of both said agreement and this Ordinance.
6. Site Plan and Zoning Review Required: All airport development shall require site plan and zoning approval from Readington Township (subject to the Act) and in accordance with the requirements of Chapter 148 Land Development.
7. Informal Development Review Procedures Encouraged: Although not a requirement, applicants for changes of use of airport land, new airport development, or airport redevelopment are encouraged to make full use of informal development review procedures that may be available from State and Federal regulatory entities and the Township. It shall be the policy of the Township to encourage such informal review processes so as to help effectuate timely and cooperative coordination between the airport and State, Federal and local levels of government.
8. Variance Procedure: No variance or other relief shall be granted by the Planning Board or Board of Adjustment before an approved permit granting relief is issued by NJDOT. The developer of a project requiring a variance or the creation or establishment of a prohibited land use or vertical height development within an Airport Safety Zone shall first apply for approval of the creation or establishment of a prohibited land use or vertical height development from the Township approving authority pursuant to the provisions of N.J.S.A. 40:55D, The Municipal Land Use Law”. If the approving authority approves the creation or establishment of a prohibited land use or vertical height development within the Airport Safety Zone such approval shall be conditioned on the developer applying for and receiving a permit from the New Jersey Department of Transportation (NJDOT) pursuant to the provisions of N.J.A.C. 16:62, “Air Safety and Zoning”. Construction, development or creation of any prohibited land use shall also not commence until they permit has been issued by the NJDOT.
9. Non-Conforming use: No airport regulated by the provisions of the Air Safety and Zoning Act of 1983 shall hereafter be classified as a nonconforming use by any ordinance of the Township or the Master Plan of the Township.

Ordinance #10-2020 cont'd:

D. Methodology used to delineate airport hazard areas

1. Airport hazard areas are delineated by the establishment of subzones and clear areas of standard sizes around and off the ends of runways and airports open to the public. The Airport Safety Zone description in in this paragraph shall be interpreted in conformance with the controlling regulations for Airport Safety Zone delineation found in N.J.A.C. 16:62, “Air Safety and Zoning.”
2. Each airport hazard area consists of a runway subzone, two runway end subzones, and two clear zones.
3. The clear zones of an airport hazard area shall consist of trapezoids located within the runway end subzone along the flight approach and departure path.
 - a. Each clear zone shall extend 1,000 feet from the end of the runway subzone, as measured along the extended center line of the runway.
 - b. The base of the clear zone shall be collocated with the end of the runway subzone and shall have a width of 250 feet. The width of the clear zone shall increase as the distance from the end of the runway safety zone increases. Its final width shall be 450 feet.
4. As licensed by the New Jersey Department of Transportation’s Bureau of Aeronautics, Solberg-Hunterdon Airport operates two runways with the following approved lengths (see Exhibit 1):
 - a. Primary Runway 4/22: 3735’ x 50’ (3000’ paved asphalt, 735’ turf)
 - b. Secondary Runway 13/31: 3442’ x 200’ (turf)

E. Delineation of the runway subzone

1. The runway subzone of an airport hazard area shall consist of a rectangle having the same center line and length as the runway, unless a shorter length is necessitated by limited property ownership at the airport.
2. The width of the runway subzone shall be 2,350 feet.
3. The exact length of the runway subzone shall be determined by one of the two following methods:
 - a. For most airports, the length of the runway subzone will be the same as the physical length of the runway.
 - b. If the physical end of a runway is closer than 200 feet from the property or easement line of the airport, as measured along the runway's extended center line, then the end of the runway subzone shall be defined by a line drawn perpendicular to the runway center line at a point 200 feet inside of the airport property or easement line. In this case, a portion of the runway will extend beyond the bounds of the runway subzone.

F. Delineation of the runway end subzones

1. The runway end subzones of an airport hazard area shall consist of trapezoids located at either end of the runway subzone along the flight approach and departure path.
2. Each runway end subzone shall extend 3,000 feet from the end of the runway subzone, as measured along the extended center line of the runway.

Ordinance #10-2020 cont'd:

3. The base of the runway end subzone shall be defined by the end of the runway subzone and shall have a width of 2,350 feet. The width of the runway end subzone shall narrow as the distance from the end of the runway subzone increases. Its final width shall be 850 feet.

G. Delineation of Clear Zones

1. The clear zones of an Airport Safety Zone shall consist of trapezoids located within the runway end subzone along the flight approach and departure path.
2. Each clear zone shall extend 1000 feet from the end of the runway subzone, as measured along the extended centerline of the runway.
3. The base of the Clear Zone shall be co-located with the end of the runway subzone, and shall have a width of 250 feet. The width of the clear zone shall increase as the distance from the end of the Runway Safety Zone increases. Its final width shall be 450 feet.

H. Methodology used to define vertical development allowed within an airport hazard area

1. Minimum obstruction ordinance standards establish the vertical limits up to which structures or trees may be allowed to be developed or grow within an airport hazard area.
2. Minimum obstruction ordinance standards are vertical standards measured in respect to elevations whose datum is the horizontal plane established by runway elevations. For example, if a point in an airport hazard area permits, at a specific point, development up to "X" feet, that means "X" feet above the runway horizontal plane and not "X" feet above the natural grade of the land at that point in the airport hazard area.
3. The vertical standards within the runway subzone of an airport hazard area are determined first by establishing the elevations at the runway center lines at the ends of the runway subzone of the airport hazard area. From those elevations at the runway subzone ends, a line is run 90° outward from each side of the runway center line for a distance of 125 feet. Within the area defined by these four points, no development is allowed above the natural grade of the soil except for runway and flight safety equipment.
 - a. The vertical standards within the remainder of the runway subzone of an airport hazard area are determined by establishing planes from the edges of the longitudinal zero-foot development restriction line, established in N.J.A.C. 16:62-3.2(b)1.ii, which slope upward and outward at a rate of seven feet horizontally to one foot vertically. This upward plane ceases when it reaches the outer longitudinal borders of the runway subzone of any airport hazard area at the elevation of 150 feet above its starting point at the longitudinal zero-foot development line.
4. The vertical standards within the runway end subzone of an airport hazard area are determined by first establishing a plane with a rising slope of one foot upward to 20 feet outward from the end of the runway subzone to the outermost end of the runway end subzone. This plane is bisected by the extended runway center line and is 250 feet in total width at its innermost dimension and widens uniformly along its three-thousand-foot length so as to have a total width of 850 feet at its outermost dimension where it intersects with the outermost portion of the runway end subzone at the elevation of 150 feet above its starting point at the zero-foot development line.
 - a. The vertical standards within the remainder of the runway end subzone of an airport hazard area are determined by establishing sloping planes from the outermost longitudinal edges of the plane established in Subsection H(4) above. These planes rise upward at a rate of one foot upward to seven feet outward from the plane established in Subsection H(4) above to where they meet the outermost longitudinal boundaries of the runway end subzone at the elevation of 150 feet.

Ordinance #10-2020 cont'd:

I. Permitted and prohibited land uses within an airport hazard area

1. The following uses are permitted land uses, subject to the requirements of section C(6) above, except if used in conjunction with a prohibited land use:
 - a. Residential-single family dwelling units which are situated on a lot at least three acres in size and not located in a clear zone Residential zoning is permitted in the clear zone as long as all dwellings are physically located outside of the clear zone;
 - b. Airpark (minimum lot size of at least three acres which are not located in a clear zone);
 - c. Open space;
 - d. Agricultural;
 - e. Transportation;
 - f. Airport;
 - g. Commercial (not located in a clear zone);
 - h. Industrial (not located in a clear zone);
 2. The following uses are specifically prohibited land uses:
 - a. Residential (dwelling units) not situated on a lot of at least three acres in size;
 - b. Planned unit developments and multifamily dwellings;
 - c. Hospitals;
 - d. Schools;
 - e. Above ground bulk tank storage of compressed flammable or compressed toxic gases and liquids;
 - f. Within the runway end subzones only, the above ground bulk tank storage of flammable or toxic gases and liquids;
 - g. Uses that may attract massing birds, including land fills;
 - h. Above grade major utility transmission lines and/or mains.
- J. Permit for creation or expansion of a prohibited land use or vertical development within an airport hazard area.
1. The Commissioner may issue a permit for creation or establishment of a nonconforming use or vertical height development within an airport hazard area upon determination that:
 - a. An application in conformance with the provisions of this schedule has been properly submitted.
 - b. A conditional development approval has been granted by the appropriate municipal agency, if required.
 - c. The creation of the prohibited land use or vertical height development will not in fact create an additional airport hazard limiting the size of the area available for landing, taking off and maneuvering of aircraft.
 - d. Creation or establishment of the prohibited land use or vertical height development will not harm the public health, safety and welfare.
 2. No person may commence the construction or development of any structure, land use, or condition which is contrary to the standards of this section without a valid permit issued by the Commissioner.
 3. In considering an application for a permit, the Director may confer with and seek additional information from the applicant or any other interested party, agency, or governmental organization.
 4. In the review of an application, the Department may take into consideration any factor relevant to the hardship demonstrated by the applicant and any information relevant to the public health, safety and welfare.

Ordinance #10-2020 cont'd:

K. Municipal approval

1. A developer of a project requiring creation or establishment of a prohibited land use or vertical height development shall first apply for development approval from the appropriate municipal agency. If the municipal agency approves of the development, that approval shall be conditioned on the developer applying for and receiving a permit from the Commissioner in accordance with this section. Construction, development or creation of any prohibited land use shall not commence until a permit has been issued by the Commissioner.
2. An application for a permit will only be considered by the Department if accompanied by a letter from the municipality requesting the permit.
3. Any person proposing to create or establish a prohibited land use or vertical height development in a designated airport hazard area not subject to municipal ordinances established in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) shall present the proposed development to the municipal governing body, which shall be considered the municipal agency for purposes of these rules.

L. Permit application requirements

1. To be considered complete, an application for a permit for creation of a prohibited land use or vertical height development within an airport hazard area must include the following:
 - a. Copies of a completed airport hazard permit form. Copies of same are available at the Municipal Clerk's office.
 - b. A letter requesting issuance of a permit by the Department from the municipal agency having jurisdiction over the development, together with a copy of the conditional approval for development granted by the municipal agency, if required.
 - c. A detailed statement of the hardship condition necessitating the application for variance or relief, and a showing that the public health, safety and welfare will not be harmed by the creation of the prohibited land use or vertical height development.
 - d. Certification that the applicable airport owner(s) or authority were notified of the permit application by registered mail.
 - e. Submission of a nonrefundable permit application fee of \$75.
 - f. Submission of site plans, specifications and construction drawings detailing the substance of the proposed development for which a permit is sought. Site plans shall bear the raised seal of a New Jersey licensed professional engineer, professional planner, land surveyor or architect and shall show the location of property lines, the location of runways, the boundaries of the airport hazard area, and elevations of proposed development showing where and by what amount the development exceeds the minimum standards for vertical development adopted under this section.
 - g. Any other material deemed necessary to the permit application by the Director.
2. Applications for permits issued under the provisions of this chapter and correspondence to the Department relating to the provisions of this section should be forwarded to the following address:

New Jersey Department of Transportation
Division of Aeronautics
Air Safety and Hazardous Zoning Permits
1035 Parkway Avenue — CN 600
Trenton, New Jersey 08625

Ordinance #10-2020 cont'd:

M. Permit review procedures

1. For routine applications, review of an application shall be completed by the Division within 90 days of the date on which an application is accepted as complete.
2. Nonroutine cases, requiring the review or approval of a federal agency or any other state agency prior to issuance of a permit, shall be conducted in as timely a fashion as possible. The Director shall notify the applicant of a delay in the review process necessitated by another agency's involvement. The notification shall be provided prior to 80 days following the date of acceptance of a complete application, and shall include an estimate of the date by which a completion of the review process can be anticipated.
3. For routine cases not requiring review by other agencies, the Division may, at its discretion, extend the ninety-day review period by 30 days if determined necessary to complete the review process. The applicant and affected municipality shall be notified of this extension by the Department at least 15 days prior to the expiration of the ninety-day period.
4. Following review of an application by the Division, the Director shall determine whether to recommend to the Commissioner that the permit be granted or denied.
5. If the Director recommends denial, the applicant and municipal agency will be notified within five working days of the date of decision. An applicant who has been so notified by the Director may request an appeal before the Office of Administrative Law pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1. The applicant shall notify the Division by certified mail within 14 calendar days of notification of denial that an appeal will be forwarded to the Office of Administrative Law.
6. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1, a final determination to either deny or grant the permit application will be made by the Commissioner subsequent to the filing of an initial decision by the Administrative Law Judge who conducted the hearing.

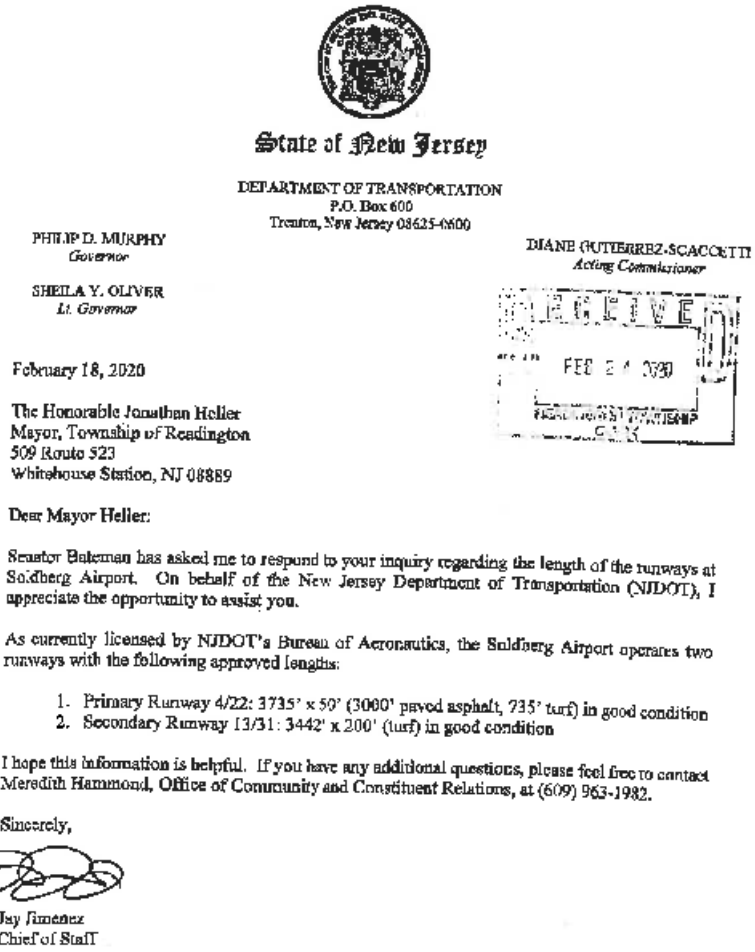
N. Permit application decisions

1. The Commissioner may take one of the following actions:
 - a. Approve the application as submitted. The applicant will receive a permit which shall be effective during the same period as the development approval granted by the municipal agency. The Department will mail a copy of the permit to the applicant and municipal agency within five working days of the date of approval.
 - b. Deny the application. The Department will mail a copy of the permit denial to the applicant and municipal agency within five working days of the date of decision.
 - c. Phased or partial approval. Where conditions warrant, the Commission may provide for a phased approval of an application. The Commissioner may also approve part of an application and deny the remainder. The nature of approvals granted and the denials shall be transmitted to the applicant and municipal agency within five working days.
 - d. Any applicant whose application was recommended for denial by the Director. An applicant who has been so notified by the Director may request an appearance before the Office of Administrative Law pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1.

Ordinance #10-2020 cont'd:

O. Notice to Prospective Buyers

1. Pursuant to N.J.S.A. 6:1-85.2, any person who sells or transfers property in the Air Safety Airport Zone and appearing on a municipal map used for tax purposes shall provide notice to a prospective buyer that the property is located in an Air Safety Airport Zone, prior to the signing of a contract of sale. Failure to provide such notice may result in the suspension or revocation of the person's license to engage in real estate sales or other appropriate disciplinary action by the New Jersey Real Estate Commission in the case of a person subject to the jurisdiction of the Commission as provided by N.J.S.A. 6:1-85.2.



A MOTION was made by Mrs. Fort to introduce this ordinance, seconded by Mr. Smith and on Roll Call vote the following was recorded:

- Mr. Albanese - Aye
- Mrs. Fort - Aye
- Mr. Huelsebusch - Aye
- Mr. Smith - Aye
- Mayor Heller - Aye

The Public Hearing was scheduled for April 6, 2020 at 7:45 p.m.

6. ***An Ordinance to Provide for the Acceptance of Certain Conservation Easements Dedicated on a Portion of Block 51.02, Lot 38 in the Township of Readington, County of Hunterdon and State of New Jersey from Eleanore D. Charnecky***

The following ordinance was offered for introduction:

AN ORDINANCE TO PROVIDE FOR THE ACCEPTANCE OF CERTAIN CONSERVATION EASEMENTS DEDICATED ON A PORTION OF BLOCK 51.02, LOT 38 IN THE TOWNSHIP OF READINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY FROM ELEANORE D. CHARNECKY

Ordinance #11-2020

BE IT ORDAINED by the Mayor and Township Committee of the Township of Readington, County of Hunterdon and State of New Jersey, as follows:

Section 1. The Township of Readington does hereby accept the dedication of a certain Stream Corridor Conservation Easement over two separate areas of Block 51.02, Lot 38 in the Township of Readington, granted to the Township by the property owner Eleanore D. Charnecky (hereinafter "Owner"), described as "Conservation Easement #1" and "Conservation Easement #2" as more particularly set forth in the metes and bounds description set forth within the easement document which is on file in the office of the Readington Township Clerk at the municipal building, 509 County Route 523, Whitehouse Station, N.J and may be inspected during regular business hours.

The purpose of the said Stream Corridor Conservation Easement is to preserve the areas within the easement essentially "as is". The easement document grants the Township the right but not the obligation to access, maintain, inspect or otherwise exercise enforcement and other rights over the easement area and the Township accepts this dedication under those circumstances.

Section 2. This easement is being acquired pursuant to N.J.S.A. 40A:12-3, 4 and 5, et seq. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date.

This ordinance shall take effect immediately upon final adoption and publication according to law. It shall be recorded in the Hunterdon County Clerk's Office in addition to the Easement document.

A MOTION was made by Mrs. Fort to introduce this ordinance, seconded by Mr. Smith and on Roll Call vote the following was recorded:

Mr. Albanese	- Aye
Mrs. Fort	- Aye
Mr. Huelsebusch	- Aye
Mr. Smith	- Aye
Mayor Heller	- Aye

The Public Hearing was scheduled for April 6, 2020 at 7:45 p.m.

7. ***Request to Hold Whitehouse Annual Coin Toss Fundraisers for Year 2020***

A MOTION was made by Mr. Smith to approve the Annual Coin Toss fundraisers, seconded by Mr. Albanese with a vote of ayes all, nays none recorded.

8. ***Resolution in Recognition of Michael Breslow Attaining Eagle Scout***

The following resolution was offered for consideration:

#R-2019-46

***TOWNSHIP OF READINGTON
RESOLUTION***

WHEREAS, Michael Breslow a valued member of his Boy Scout Troop 186, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America; and

WHEREAS, Eagle Scout Candidate Michael Breslow’s Eagle Project involved transforming an old plot of land into a community garden; and

WHEREAS, Michael spent several weeks researching various plant species, learning their growth life and blooming cycles; and

WHEREAS, Michael removed dirt and rocks from the plot, replacing the soil with nutrient enriched soil; and

WHEREAS, Michael managed several fellow scouts to assist with the planting, mulching the garden and watering for several weeks until the garden began to grow.

WHEREAS, the Eagle Scout is the highest rank of recognition offered in Scouting; and

WHEREAS, on April 20, 2020 Michael Breslow will be presented with the coveted Eagle Scout Award and is well deserving of this recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington hereby commends Eagle Scout Scott Michael Breslow for his diligence, determination, and dedication in pursuing the highest honor awarded by the Boy Scouts of America and congratulates him on attaining the rank of Eagle Scout.

A MOTION was made by Mr. Smith to adopt this resolution, seconded by Mr. Huelsebusch with a vote of ayes all, nays none recorded.

9. ***Environmental Commission Vacancy*** - memorandum dated February 27, 2020 from Ann Marie Lehberger, Environmental Commission Secretary

A MOTION was made by Mr. Smith to appoint Robert Becker as a full member to fill the unexpired term (12/31/22) created by the resignation of Judith Tutula and appoint Jeff Charney to move up to the position of 1st Alternate to for a one (1) year term to expire 12/31/20, seconded by Mrs. Fort with a vote of ayes all, nays none recorded.

10. **** Release of Board of Health Escrow / Block 73, Lot 3.46 (Gabriel)***

This matter was addressed under the Consent Agenda.

11. **** Release of Escrow / Block 43, Lots 16 & 16.06 (Andrews)***

This matter was addressed under the Consent Agenda.

12. * *Release of Board of Health Escrow / Block 73, Lot 3.25 (Mokar)*

This matter was addressed under the Consent Agenda.

13. * *Application for Blue Light Permit (Kohara, Adolfo)*

This matter was addressed under the Consent Agenda.

14. * *Resolution in Support of Submission of a Grant Proposal for Sustainable Jersey PSE&G*

This matter was addressed under the Consent Agenda.

ADMINISTRATOR'S REPORT

Administrator Mekovetz reported that due to the length of some of the ordinances, publications may need to be sent to the Courier News for legal advertising since the Democrat is requesting additional lead time for lengthy ordinances.

Administrator Mekovetz announced that the Municipal Building and facilities will be closed to the public effective Tuesday, March 17th although municipal staff will continue to work.

ATTORNEY'S REPORT

Attorney Dragan stated that she had nothing further to report.

COMMITTEE REPORTS

JOHN ALBANESE

Mayor Albanese had nothing further to report.

BETTY ANN FORT

Mrs. Fort stated that she had nothing further to report.

JONATHAN HELLER

Mr. Heller announced that during these unprecedented times it may be necessary to share services with other towns for emergency services and the police department. Mr. Heller continued that at this time the Township is following the guidelines under the Hunterdon County Board of Health in conjunction with the New Jersey Department of Health and the Centers for Disease Control (CDC). Mayor Heller added that the Township is working to come up with legal procedures to potentially live stream meetings, pointing out that non-essential meetings will be cancelled. Mayor Heller recommended that residents sign up for list serve for updates on the latest Township news.

JUERGEN HUELSEBUSCH

Mr. Huelsebusch stated that the volunteer trail sessions are continuing.

BENJAMIN SMITH

Mr. Smith had nothing further to report.

COMMENTS FROM THE PUBLIC

Jerry Cook, Railroad Lane, commented on procedures for the handling of meetings during the pandemic.

Ed Nagle, High Ridge Court, inquired on the maps associated with the airport safety zoning ordinance.

COMMENTS FROM THE GOVERNING BODY

There were none.

As there was no further business, ***A MOTION*** was made by Mr. Smith at 8:55 p.m. to adjourn the meeting, seconded by Mr. Albanese with vote of ayes all, nays none recorded.

Respectfully Submitted:

Vita Mekovetz, *RMC/MMC/QPA*
Municipal Clerk