

**1. CALL TO ORDER**

Mayor Severino called the meeting to order at 7:00 p.m.

- 2. **"Sunshine Law" Announcement-** Adequate notice of this public meeting has been provided by Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

**3. FLAG SALUTE**

**4. ROLL CALL**

	Present	Absent
Mr. Severino	X	
Mr. Hirt	X	
Mr. Sroka		X
Mr. Neary	X	
Mr. Mazza	X	

Also present J.P. Jost, Attorney, Robert C. Clerico, P.E., Beth McManus, Planner for Affordable Housing Matters, Grace Brennan, CFO and Municipal Clerk Ella M. Ruta.

**5. APPROVAL OF PRIOR MEETING MINUTES**

- a. Regular and Executive Session Meeting Minutes of October 17, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt					X	
Mr. Sroka						X
Mr. Neary		X	X			
Mr. Mazza	X		X			

Motion carried

**6. VISITORS**

**7. REPORTS RECEIVED - Acknowledged**

- a. Road Dept.- Week Ending; 10/12/18; 10/19/18; 10/26/18;
- b. Municipal Court – September 2018 – briefly discussed was revenue from the UT Municipal Court. Mayor Severino will contact Trooper Walsh, former liaison from NJ State Police.
- c. Public Safety Coordinator – nothing to report. Said he conversed with the Mayor.
- d. Engineer’s Report
  - Will follow up on signage and markings at Perryville Road/Railroad Crossing.
  - Questioning if 2018 Country Acres Road project could be completed this year due to cold weather and the contractor moving the start date back.
  - NJDOT did a great job paving Frontage Road intersection.
  - Pattenburg Quarry submitted an application for their 2019 Annual License. The Application will be placed on the UT Planning Board agenda scheduled for tomorrow night. After the Planning Boards review it will come

before the Committee for approval as there are elements of the site that are not consistent with the Township's Code.

- Liberty Quarry did not yet submit Application for 2019 Annual License.

Mayor Severino asked about asphalt left from repairs to Railroad Crossing that is in close proximity to the C-1 Stream. Mayor Severino requested that the asphalt to be removed, but not sure who should be contacted. Engineer Clerico offered to send an email to his contact at Norfolk Southern.

## 8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Mazza reported the following:

- Memorandum from Hunterdon County Municipal Clerks seeking resources for Emerald Ash Borer. Mayor Severino said it is a FYI to municipalities.
- Raritan Headwaters is looking for financial support to conduct the 29<sup>th</sup> Watershed –wide Annual Stream Cleanup. Monies from Clean Communities will be donated for the cleanup.
- Letter from NJDOT announcing grants for Local Freight Impact Fund. Engineer Clerico said that the letter also states that one of the criteria to apply for the grant is a minimum of 10% large truck volume within the project limits. No road would qualify in the Township.

## 9. PUBLIC COMMENTS

Daniel Knipe, 21 County Road 635, explained in detail the reason he is bringing soil fill to his property. He said they are having a severe flooding problem due to erosion on the property. Mr. Knipe said that Mr. Mazza stopped by this morning and advised of the person he should be contacting at the County Soil Conservation office. Mr. Knipe also added that heavy trucks are utilizing his property every day to make a U-turn on Van Syckles Road making the problem worse. Brief discussion ensued regarding wetlands regulations and quality of the fill that can be brought to the property. Engineer Clerico offered to provide information and/or regulations for properties located in Flood Plains. He also suggested Mr. Knipe seek professional advice.

## 10. PUBLIC HEARING

### 11. OLD BUSINESS - None

### 12. NEW ORDINANCES

Atty. Jost asked Beth McManus to explain the following Ordinances to the Township Committee and the public. She gave a general description and overview of each ordinance.

## NOTICE

**PLEASE TAKE NOTICE** that the following ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, held on November 7, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of the municipal building, 140 Perryville Road Hampton, New Jersey 08827 on December 19, 2018 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

## ORDINANCE NO. 2018-12

**AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING CHAPTER 30 OF THE CODE OF THE TOWNSHIP OF UNION TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT****Section I. Section 30-28, "Fair Share Plan" of Chapter XXX, "Land Use", Repealed and Replaced.**

That §30-28, "Fair Share Plan" of the Township Code is hereby repealed in its entirety and replaced by new §30-28, entitled "Fair Share Affordable Housing", which shall read as follows:

**§30-28.1. Affordable Housing Obligation: General Program Purposes, Procedures**

- A. This section of the Township Code sets forth regulations regarding the 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 to 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 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. The Union Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at *N.J.S.A. 40:55D-1, et seq.* The Plan has also been endorsed by the Township Committee of the Township of Union. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- D. 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.
- E. The Township shall file monitoring and status reports with Fair Share Housing Center ("FSHC") and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring evaluation report prepared by the Special Master in accordance with *N.J.A.C. 5:91* shall be available to the public at the Union Municipal Building, 140 Perryville Road, Hampton, New Jersey 08827.
- F. On or about May 2 of each year through the end of the period of Third Round Judgment of Repose, the Township will provide annual reporting of the status of all affordable

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housing activity within the municipality through posting on the municipal website with a copy of such posting provided to all parties to the Township's Court-approved Settlement Agreements, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.

- G. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in the Township's Court-approved agreement with FSHC. The Township agrees to comply with those provisions as follows:
1. By July 1, 2020, the Township must prepare a midpoint realistic opportunity review, as required pursuant to N.J.S.A. 52:27D-313, which 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 and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.
  2. Within 30 days of May 2, 2021 and May 2, 2024 the Township shall prepare a review of compliance with the very-low income housing requirements required by N.J.S.A. 52:27D-329.1 and its Court-approved Settlement Agreement with FSHC. 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 the family very-low income requirements referenced herein and in the Township's Settlement Agreement with FSHC. 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 housing obligation.

**§30-28.2. Definitions.** As used herein the following terms shall have the following meanings:

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

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

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

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, *N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.*

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

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in *N.J.A.C. 5:93-7.4*; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented.

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

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

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

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to *N.J.A.C. 5:93*, and/or funded through an affordable housing trust fund.

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

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

“Alternative living arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the 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.

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

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

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

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

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

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

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

“Development Fee” means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:93-8*.

“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 (*N.J.S.A. 54:1-35a through 54:1-35c*).

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of *N.J.A.C. 5:93-5*.

"Housing Element" means the portion of the Township's Master Plan, required by the Municipal Land Use Law ("MLUL"), *N.J.S.A. 40:55D-28b(3)* and the Act, that includes the information required by *N.J.A.C. 5:93-5.1* and establishes the Township's fair share obligation.

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

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

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

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

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

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH or approved by the NJ Superior Court.

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

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

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

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

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

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

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

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

“Special master” means an expert appointed by a judge to make sure that judicial orders are followed. A master’s function is essentially investigative, compiling evidence or documents to inform some future action by the court.

“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% or less of the median household income.

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

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

### **§30-28.3. Township-wide Mandatory Set-Aside**

- A. Paragraph 8 of the May 2, 2018 Settlement Agreement requires the Township to adopt a Township-wide ordinance that requires any new development in the Township to include a set-aside for low- and moderate-income households of not less than 20%, in accordance with the requirements of N.J.S.A. 52:27D-329.9.a of the Fair Housing Act. That section of the Act requires any municipality that is required to conform to the Highlands Regional Master Plan to reserve at least 20% of newly constructed residential units in those municipalities for low- or moderate-income households, to the extent that it is economically feasible. Consistent with those requirements, this section of the ordinance hereby requires that 20% of the units created in any new residential development in the Township – which shall be understood to include all housing types (single-family, multi-family, townhouse, etc.) construction or the subdivision of lots for such construction – must be affordable to low- and moderate-income households.
- B. This Township-wide mandatory set-aside requirement does not supersede the effects or requirements of the Inclusionary Overlay Zoning Districts established per section §30-4.18 et seq. for any inclusionary residential development that occurs within the boundaries of those districts.
- C. In the event that the inclusionary set-aside of the total number of residential units does not result in a full integer, the developer may choose one of two options of addressing the fractional unit:
  1. The developer shall round the set-aside upward to construct a whole additional affordable unit; or
  2. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units, but must also make a payment in-lieu of constructing the fractional additional unit (“fractional payment in-lieu”).
    - (a) The fractional payment in-lieu amount shall be calculated as the fractional unit multiplied by the base payment in-lieu dollar amount established in §30-28.4.C.1 of the Township Code.
  3. For Example: If seven (7) total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:
    - (a) The developer shall round up the 0.4 unit to one (1) whole affordable unit so as to construct a total of two (2) affordable housing units, in accordance with §30-28.3.C.1; or

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(b) In accordance with §30-28.3.C.2, the developer shall round the set-aside downward so as to construct only (1) affordable unit AND shall pay into the Township’s affordable housing trust fund a fractional in-lieu payment equal to the dollar amount established in §30-28.4.C.1 multiplied by 0.4 units.

**§30-28.4. New Construction.** The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

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

B. Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.

C. Payments-in-lieu and off-site construction. The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with the requirements below:

1. The base dollar amount of the payment in-lieu of constructing an affordable unit at the time of adoption of this Ordinance shall be pursuant to COAH’s regulations and/or the amount in a development proforma on file with the Township Clerk. This amount shall be adjusted periodically by the Township to reflect the most current and accurate market conditions or better cover the cost to the Township to subsidize affordable housing construction. The payment shall be imposed as a condition of development approval by the Planning Board.

(a) During the development approval process, a developer may demonstrate to the Governing Body that the actual construction cost of an affordable unit less estimated capitalized revenue at the development in question is lower than the imposed payment in-lieu in §30-28.4.C.1. At its discretion, the Governing Body may impose a payment in-lieu amount equal or proximate to the amount estimated by the developer.

D. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

E. 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.

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2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
  3. Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very-low income households.
  4. At least half of the affordable units in each bedroom distribution within each affordable housing development shall be affordable to low-income households.
  5. 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% of the total low- and moderate-income units;
    - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
    - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
    - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  6. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- E. Accessibility Requirements:
1. The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, *N.J.A.C. 5:23-7*.
  2. All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall have the following features:
    - (a) An adaptable toilet and bathing facility on the first floor;
    - (b) An adaptable kitchen on the first floor;
    - (c) An interior accessible route of travel on the first floor;
      - (1) An interior accessible route of travel shall not be required between stories within an individual unit;

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- (e) 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
- (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% 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 Union's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

(3) The funds deposited under paragraph (2) herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

(4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Union.

(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 of Union's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

(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*.

F. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.

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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.
  - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
  - (a) A studio or efficiency unit 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 rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
  - (a) A studio or efficiency unit 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% 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% 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

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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% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26.1* shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

- (a) Regional income limits shall be established for the 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 Region 3. 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.
- (b) The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to *N.J.A.C. 5:80-26.16(b)3* shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional

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Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

10. The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.
11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**§30-28.5. Condominium and Homeowners Association Fees.**

For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

**§30-28.6. Affordable Unit Controls and Requirements**

The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

**§30-28.7. Affirmative Marketing.**

- A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with *N.J.A.C. 5:80-26.15*, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3, comprised of Hunterdon, Somerset, and Middlesex Counties.
- D. The Administrative Agent designated by the Township shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
- E. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to *N.J.A.C. 5:80-26.15(f)(5)*, Fair Share Housing

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- Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Hunterdon County NAACP, Hunterdon County Urban League, and Hunterdon County Housing Coalition, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
- F. 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.
  - G. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
  - H. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Union.

**§30-28.8. Occupancy Standards.**

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

**§30-28.9. Selection of Occupants of Affordable Housing Units.**

- A. The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.
- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions of *N.J.A.C. 5:80-26 et seq.*

**§30-28.10. 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*, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.

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- B. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. 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.
- E. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under *N.J.A.C. 5:80-26.5(a)*, as may be amended and supplemented.

**§30-28.11. 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 method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

**§30-28.12. 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% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

**§30-28.13. Limitations on indebtedness secured by ownership unit; subordination.**

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

**§30-28.14. 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*, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
  - 1. Restricted rental units created as part of developments receiving nine percent (9%) Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. 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.
- D. 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.

**§30-28.15. Price Restrictions for Rental Units; Leases.**

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

- C. Application fees (including the charge for any credit check) shall not exceed 5% 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.

**§30-28.16. 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% of median income.
  2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
  3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% 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% (40% 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% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

**§30-28.17. Conversions.**

Each affordable housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

**§30-28.18. 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.

**§30-28.19. Administration**

The following sections address the administration of affordable units.

**§30-28.20. Municipal Housing Liaison.**

- A. The position of Municipal Housing Liaison for the Township of Union is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Township Committee and be subject to the approval by the Superior Court.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Union.
- C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in *N.J.A.C. 5:93*.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Union, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - 1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
  - 2. The implementation of the Affirmative Marketing Plan and affordability controls.
  - 3. When applicable, supervising any contracting Administrative Agent.

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4. Monitoring the status of all restricted units in the Township of Union's Fair Share Plan;
5. Compiling, verifying and submitting annual reports as required by the Superior Court;
6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

**§30-28.21. Administrative Agent.**

- A. The Township shall designate by resolution of the Township Committee, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with *N.J.A.C. 5:93* and UHAC.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- C. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in *N.J.A.C. 5:80-26.14, 16 and 18* thereof, which includes:
  1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
  2. Affirmative Marketing;
  3. Household Certification;
  4. Affordability Controls;
  5. Records retention;
  6. Resale and re-rental;
  7. Processing requests from unit owners; and
  8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
  9. The Administrative Agent shall, as delegated by the Township Committee, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**§30-28.22. Enforcement of Affordable Housing Regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to *N.J.S.A. 2A:58-11* alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Union Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the

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costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

- D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

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**§30-28.23 Appeals.** Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Township.

**Section II. Repealer.** All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section III. Severability.** If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**Section IV. Effective Date.** This ordinance shall take effect upon its passage and publication, as required by law.

\_\_\_\_\_  
Matt Severino, Mayor

Attest: \_\_\_\_\_  
Ella M. Ruta, RMC  
Municipal Clerk

First Reading: November 7, 2018  
 Publication/Full: November 15, 2018  
 Second Reading/Public Hearing: December 19, 2018  
 Publication/Title: December 27, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Mr. Sroka						X
Mr. Neary	X		X			
Mr. Mazza		X	X			

Motion carried

**NOTICE**

**PLEASE TAKE NOTICE** that the following ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, held on November 7, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of the municipal building, 140 Perryville Road Hampton, New Jersey 08827 on December 19, 2018 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk’s Office to the members of the general public who shall request the same.

\_\_\_\_\_  
Ella Ruta, R.M.C. Municipal Clerk

**ORDINANCE #2018-13**

**AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING SECTION 27, “DEVELOPMENT FEES FOR AFFORDABLE HOUSING” OF CHAPTER 30, “LAND USE” OF THE CODE OF THE TOWNSHIP OF UNION TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT**

**Section I. Section 30-27, “Development Fees for Affordable Housing” of Chapter XXX, “Land Use”, Amended.** That §30-27, “Development Fees for Affordable Housing”, of the Township Code is hereby amended as follows (Amended text is **bolded**. Deleted text is indicated with ~~strikethroughs~~ and added text is indicated with underlines.)

§30-27.1 Purpose.

...

- b. **COAH was authorized by Pursuant to P.L.2008**, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), ~~COAH is authorized~~ 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 the Council or court of competent jurisdiction and have a COAH- or court-approved spending plan may retain fees collected from nonresidential development.
- c. **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 1, 2025 are under the Court’s jurisdiction and are subject to approval by the Court.**
- d. This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38<sup>1</sup>. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. ~~5:93-8 5:97-8~~.

**(Footnote 1) Editor’s Note: See N.J.S.A. 52:27D-329.2 and N.J.S.A. 40:55D-8.1 through 40:55D-8.7, respectively.**

§30-27.2 Basic Requirements.

- a. This section shall **become effective at such time that the Superior Court approves the Township’s development fee ordinance in accordance with N.J.A.C. 5:93.8. not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.**
- b. Union Township **shall adopt and obtain Court approval of a Spending Plan that shall be part of the Township’s Amended Third Round Spending Plan. The Township** shall not spend development fees until COAH has approved a plan for spending such fees in conformance with **N.J.A.C. 5:93-8. N.J.A.C. 5: 97 8.10 and 5:96- 5.3.**

§30-27.3 Definitions.

...

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

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~~primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.~~

...

## §30-27.8 Use of Funds.

- a. The expenditure of all funds shall conform to a spending plan approved by ~~COAH~~ the Court. Funds deposited in the Housing Trust Fund may be used for any activity approved by ~~COAH~~ the Court to address the Union 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 non-residential 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 5:97-8.7 through 8.9~~ and specified in the approved spending plan.

...

- d. Union Township 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, 5:96-18.~~
- e. No more than twenty (20%) percent 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 twenty (20%) percent 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 monitoring requirements set forth in the Court-approved December 22, 2017 executed Settlement Agreement with Fair Share Housing Center ~~COAH's monitoring requirements~~. 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.

## §30-27.9 Monitoring.

On the anniversary of the Judgement of Compliance and Repose for every year through 2025, Union shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS"), 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 LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from 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 Union's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court. Union Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to 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 Union Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH. (Ord. No. 2014-2 § 9)~~

§30-27.10 Ongoing Collection of Fees.

The ability for Union Township to impose, collect and expend development fees shall expire with its substantive certification unless Union Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Union Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, 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 (C.52:27D-320). ~~Union Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Union Township retroactively impose a development fee on such a development. Union Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance. (Ord. No. 2014-2 § 10)~~

**Section II. Repealer.** All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section III. Severability.** If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**Section IV. Effective Date.** This ordinance shall take effect upon its passage and publication, as required by law.

\_\_\_\_\_  
Matt Severino, Mayor

Attest: \_\_\_\_\_  
Ella M. Ruta, RMC  
Municipal Clerk

First Reading: November 7, 2018  
 Publication/Full: November 15, 2018  
 Second Reading/Public Hearing: December 19, 2018  
 Publication/Title: December 27, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			

Mr. Hirt	X		X			
Mr. Sroka						X
Mr. Neary			X			
Mr. Mazza		X	X			

Motion carried

**NOTICE**

**PLEASE TAKE NOTICE** that the following ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, held on November 7, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of the municipal building, 140 Perryville Road Hampton, New Jersey 08827 on December 19, 2018 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk’s Office to the members of the general public who shall request the same.

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Ella Ruta, R.M.C. Municipal Clerk

**ORDINANCE #2018-14**

**AN ORDINANCE OF THE TOWNSHIP OF UNION, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING CHAPTER 30 OF THE CODE OF THE TOWNSHIP OF UNION TO CREATE THE MFO MULTI-FAMILY INCLUSIONARY OVERLAY ZONE DISTRICT TO ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT**

WHEREAS, the Township of Union entered into a Settlement Agreement with Fair Share Housing Center on May 2, 2018 (hereinafter the “Settlement Agreement”) that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement grants the Township a durational adjustment of its affordable housing obligation due to the lack of public sewer and water capacity; and

WHEREAS, to address its affordable housing durational adjustment, the Township shall implement an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to low- and moderate-income households on the properties in the Township of Union known as the Foster Wheeler site (Block 13, Lot 7) and the Red Hills Quarry site (Block 22, Lots 28 and 30); and

WHEREAS, the zoning herein establishes the Multi-Family Inclusionary Overlay Zone – the MFO District – and permits multi-family and townhouse development on the properties identified above provided that such housing complies with a required 20% inclusionary set-aside requirement in for-sale development and 15% inclusionary set-aside requirement for rental development and with the requirements of this ordinance; and

WHEREAS, this Ordinance shall not take effect unless developers with interest in these sites obtain approval for sewer-service allocation to be used for residential purposes; and

WHEREAS, the revisions to the zoning map, and creation of the MFO Overlay Zoning District, are intended to fit the area shown on the map attached; and

WHEREAS, the Planning Board of the Township of Union adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Township in a manner consistent with all applicable affordable housing statutes and regulations.

NOW THEREFORE BE IT ORDAINED, by the Committee of the Township of Union, County of Hunterdon, and State of New Jersey, as follows:

**Section I. Section 3, “Establishment of Districts” in Chapter 30 entitled “Land Use” is hereby supplemented and amended to create the MFO District as follows (deletions are indicated ~~thus~~; additions are indicated thus):**

...

§30-3.2 Classes of Districts

...

**p. MFO District            Multifamily Inclusionary Overlay**

...

§30-3.5 Statement of Purpose and Intent of the Districts.

...

**o. Multifamily Inclusionary Overlay (MFO): To address its affordable housing durational adjustment in accordance with the requirements of the Settlement Agreement entered on May 2, 2018 between Union Township and Fair Share Housing Center, the Township shall implement an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to low- and moderate-income households on the properties in the Township of Union known as the Foster Wheeler site (Block 13, Lot 7) and the Red Hills Quarry site (Block 22, Lots 28 and 30). This Ordinance establishes the Multi-Family Inclusionary Overlay Zone – the MFO District –and permits multi-family and townhouse development on the properties identified above provided that such housing complies with a required 20% inclusionary set-aside requirement in for-sale development and 15% inclusionary set-aside requirement for rental development and with the requirements of this ordinance. This Ordinance shall not take effect unless developers with interest in these sites obtain approval for sewer-service allocation to be used for residential purposes.**

**Section II. Section 4, “District Regulations” in Chapter 30 entitled “Land Use” is hereby supplemented and amended to create the MFO District as follows (deletions are indicated ~~thus~~; additions are indicated thus):**

**§30-4.18 MFO Multi-family Inclusionary Overlay Zone.**

**a. Purpose and area of application.**

**To address its affordable housing durational adjustment in accordance with the requirements of the Settlement Agreement entered on May 2, 2018 between Union Township and Fair Share**

Housing Center, the Township shall implement an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to low- and moderate-income households on the properties in the Township of Union known as the Foster Wheeler site (Block 13, Lot 7) and the Red Hills Quarry site (Block 22, Lots 28 and 30). This Ordinance establishes the Multi-Family Inclusionary Overlay Zone – the MFO District – and permits multi-family and townhouse development on the properties identified above provided that such housing complies with a required 20% inclusionary set-aside requirement in for-sale development and 15% inclusionary set-aside requirement for rental development and with the requirements of this ordinance. This Ordinance shall not take effect unless developers with interest in these sites obtain approval for sewer-service allocation to be used for residential purposes.

b. Permitted Uses.

The following housing types are permitted in the MFO District, provided that 20% of all units created in the zone must be affordable to low- and moderate-income households in accordance with all applicable regulations of the Council on Affordable Housing (“COAH”), as well as the Fair Housing Act (N.J.S.A. 52-27D-301 et seq.), and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.).

1. Townhome dwellings
2. Multi-family dwellings
3. Municipal buildings and uses.

c. Accessory Uses.

1. Accessory uses and structures customarily incidental to permitted uses.
2. A property manager’s unit, provided the housing type is a permitted use.
3. Sewerage and sewage treatment, water, fire protection, stormwater management and other utility facilities.
4. Parking and loading in accordance with the requirements of Section 30-7.
5. Signs in accordance with the requirements of Section 30-8.
6. Community facilities and recreational open space areas such as a clubhouse, parks, recreation areas or facilities, tennis courts, bikeways, playgrounds and swimming facilities, along with structures and necessary features appurtenant thereto.

d. Conditional Uses.

1. None.

e. Prohibited Uses.

1. Any use other than those uses listed above are prohibited.

f. Requirements

1. Minimum tract area: 50 acres
2. Minimum lot width: 500 feet
3. Minimum lot depth: 500 feet
4. Minimum front yard setback: 100 feet
5. Minimum side or rear yard setback
  - (i) Adjacent to a nonresidential zone district: 100 feet
  - (ii) Adjacent to a residential zone district: 50 feet
6. Density: 8 dwelling units per acre shall be permitted in this zone, except that it shall be increased to 10 dwelling units per acre if the site is developed as rental housing.
7. Minimum distance between multi-family or townhome buildings:
  - (i) Front to any building: 60 feet
  - (ii) Rear to any building: 60 feet
  - (iii) Side to any building: 20 feet
8. Maximum building coverage: 30%
9. Maximum impervious coverage: 50%
10. Building Design
  - (i) Maximum building height: 2.5 stories / 35 feet
  - (ii) Maximum units per building
    - (1) Townhouses: 8
    - (2) Multifamily: 20
  - (iii) Maximum building length: 300 feet
11. An overall theme of design and architectural mode shall be utilized within the development for the purpose of presenting an aesthetically desirable effect, and shall be such that they provide varied building elevations, design and structural appearance within the context of the overall theme.

12. Buildings with flat roofs shall be prohibited. Buildings roofs shall be pitched and may include hipped roofs and gable roofs.
13. The front façade of a building shall not continue on the same plane for a linear distance of more than 75 feet. Minimum two-foot offsets shall be required at breaks in the facade planes.
14. Driveway and garage parking for individual units or buildings shall not face public or private streets. Rear vehicle access, including alley, garage and parking lot access, is required for townhome units.
15. Parking setback from property line: 100 feet.
16. Mechanical equipment shall be screened from view of public streets and residentially zoned lots. Screening shall consist of plantings, fencing or other material found acceptable by the approving authority.
17. All multi-family and townhome buildings shall be provided with an aesthetically pleasing and functional landscape component. Building foundation plantings, planting clusters located in strategic areas, shade trees along roadways and sidewalks shall be incorporated into an overall landscape plan.
18. Street trees shall be provided along all public and private roads.
19. Circulation & Parking.
  - (i) Parking Standards: The required number of parking spaces shall be determined according to the Residential Site Improvement Standards at N.J.A.C. 5:21-4.14
  - (ii) Minimum distance to off-street parking space: 10 feet
  - (iii) Maximum distance between off-street parking space and the unit served: 200 feet
  - (iv) Sidewalks shall be provided along all both sides of public and private streets and interior drives.

**Section III. Continuation.** In all other respects, the Chapter 30 of the Township of Union's municipal code shall remain unchanged.

**Section IV. Severability.** If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section V. Interpretation.** If the specific terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Union, then this Ordinance shall be enforced.

**Section VI. Repealer.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section VII. Enactment.** This Ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption, and publication by the Township Committee of the Township of Union in the manner prescribed by law.

\_\_\_\_\_  
Matt Severino, Mayor

Attest: \_\_\_\_\_  
Ella M. Ruta, RMC  
Municipal Clerk

First Reading: November 7, 2018  
 Publication/Full: November 15, 2018  
 Second Reading/Public Hearing: December 19, 2018  
 Publication/Title: December 27, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka						X
Mr. Neary			X			
Mr. Mazza	X		X			

Motion carried

**13. NEW BUSINESS**

a. The following Resolution was introduced for approval:

**Township of Union  
Hunterdon County**

**RESOLUTION #2018-98**

**Resolution to Ratify Prior Approval**

**Whereas**, the Application for Social Affair Permit was submitted by Safe in Hunterdon on October 20, 2018 to be held on November 4, 2018, and;

**Whereas** the next Township Committee meeting would not be held until November 7, 2018, and;

**Whereas** the Township Committee verbally approved the Permit to the Municipal Clerk and agreed to ratify said approval at the next scheduled meeting of the Township Committee:

**Now therefore be it resolved that** the Township Committee of the Township of Union hereby ratify and affirm approval of the Social Affair Permit for Safe in Hunterdon held on November 4, 2018.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			

MINUTES OF REGULAR MEETING November 7, 2018

Mr. Hirt			X			
Mr. Sroka						X
Mr. Neary		X	X			
Mr. Mazza	X		X			

Motion carried

b. The following Resolution was introduced for approval:

**Resolution #2018-99**

UNION TOWNSHIP, HUNTERDON COUNTY  
 APPROPRIATION TRANSFER(S)

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2018 Appropriations in the following accounts:

TO: Engineering OE	10516520	\$10,000.00
Gasoline	10546020	5,000.00
Building & Grounds	10531020	5,000.00
	Total	\$20,000.00

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM: Legal	10515520	\$ 5,000.00
Planning Board OE	10518020	5,000.00
Employee Group Ins.	10522020	10,000.00
	Total	\$20,000.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A: 4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Date: November 7, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka						X
Mr. Neary			X			
Mr. Mazza	X		X			

Motion carried

c. The following Resolution was introduced for approval:

**RESOLUTION #2018-100**

**UNION TOWNSHIP; HUNTERDON COUNTY**

**AUTHORIZING CONTRACT FOR LEGAL SERVICES 2018-2019**

**Martin Allen, Esq. Special Outside Legal Counsel – Tax Appeal**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, the Attorney is hereby retained by the Contracting Unit to represent the Contracting Unit in relation to defense of the tax appeals entitled, Kramer Electronics Holdings, LLC v. Union Township, docket nos. 008335-2014, 001373-2015, 002189-2017, 004856-2018 and any other tax appeals filed by this taxpayer concerning the same subject matter in the Tax Court of New Jersey; and

WHEREAS, the Attorney shall keep the Contracting Unit advised of all developments in the above matters; and

WHEREAS, the Attorney shall report to the Township Tax Assessor; and

WHEREAS, this contract shall cover the period from November 7, 2018 for a period of twelve months till November 6, 2019, and may be extended from time to time.

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, NJ, as follows:

- a. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with MARTIN ALLEN, ESQ. of DiFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER & FLAUM, P.C. Attorneys at Law of the State of New Jersey
  1. For the services, set forth in paragraph 1 above, the consideration shall be at the following hourly rates: \$200.00 per hour for services of any Partner Attorney of the Attorney; and \$185.00 per hour for any Associate Attorney of the Attorney. The agreement is for a not to exceed amount of \$30,000.00. Any exceedance of that limit will require the issuance of a change order.
  2. The consideration for services shall be paid as vouchers as submitted and approved by the Contracting Unit. The Attorney will be reimbursed for out-of-pocket expenses as incurred.
- b. This contract is awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Martin Allen, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
- c. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the **2018** adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: November 7, 2018

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2018 Temporary/Adopted Budget to award a contract to Martin Allen, Esq., as appropriated under the line item "Legal".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka						X
Mr. Neary	X		X			
Mr. Mazza			X			

Motion carried subject to submission of required form by Atty. Allen.

d. Discussion – CY 2018 Best Practices Inventory

CFO Brennan stated she emailed the document to the Committee members for review. She asked if Committee members had questions. No questions were asked. She said it is the State requirement that each Committee member has been provided with the copy that is certified and submitted to the State.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt						X
Mr. Sroka	X		X			
Mr. Neary		X	X			
Mr. Mazza			X			

Motion carried

14. REPORTS

a. Attorney’s Report

- Atty. Jost said that the State of NJ changed the sick leave regulations. He contacted the Township Labor Attorney and stated that his office will be providing revisions to the Township’s Personnel Manual that would keep us in compliance with new requirements.

Asked that the following motion be approved tonight:

To authorize Personnel Administrator to make the necessary changes as suggested by the labor Attorney, subject to the Committee ratification at the next Committee meeting in December.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt	X		X			

Mr. Sroka						X
Mr. Neary			X			
Mr. Mazza		X	X			

Motion carried

- Asked if the Committee would be interested in introducing an Ordinance regarding fill. Atty. Jost said he forwarded a sample ordinance some time ago. Mr. Neary said he did not agree with some of the language in the Ordinance. Atty. Jost stated that the Ordinance would have to be reviewed and revised to fit the Township needs. He offered to resend the sample ordinance.

**b. Committee Report -**

Mr. Hirt reported the following:

- Said the scaffolding is left on the corner house, Main Street in Pattenburg. Some minor improvements were made, but a lot of work is still required to complete the renovation.

Mr. Mazza reported the following:

- Thanked the volunteers from Bethlehem Presbyterian Church for doing a great job cleaning and mulching at the Finn Road Park and around the Municipal Building.
- Extended his thanks to Craig Hermann, Road Foreman who recently retired for his years of service.
- Congratulated Messrs. Severino and Stothoff for winning recent election.

**c. Mayor’s Report**

- Stated that Joe Peake resigned as the Township Recycling Coordinator. Matt Boyden, Recycling Attendant will be performing interim duties and expressed his interest in the position. Salary and job description of the position will be discussed with Personnel Administrator and Personnel Liaison. Grace Brennan said the appointment to the position will be made at the next Committee meeting. Mrs. Brennan also asked that the postage machine be moved out of Planning Board office due to the volume of applications before the Board. The Committee agreed.

**15. PUBLIC COMMENT –**

Don VanFossen apprised the Committee of a crack in the newly reconstructed Bridge at Exit 11. Engineer Clerico will contact appropriate County and State agencies.

**16. PAYMENTS OF BILLS**

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt	X		X			
Mr. Sroka						X
Mr. Neary		X	X			
Mr. Mazza			X			

Motion carried

**15. EXECUTIVE SESSION**

**17. ADJOURNMENT**

There being no further business to come before the Township Committee at this time Mr. Mazza made a motion to adjourn the meeting at 8:03 p.m. Mr. Hirt seconded the motion. Motion carried by unanimous favorable roll call vote.

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Transcribed by: Ella M. Ruta, Municipal Clerk

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Matt Severino, Mayor