

WEST AMWELL TOWNSHIP COMMITTEE MEETING

August 19, 2020

Regular Meeting – 7:30 PM

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The regularly scheduled meeting of the West Amwell Township Committee was called to order at 7:30 PM. Present were Mayor James Cally, Deputy Mayor Stephen Bergenfeld, Committeemen John Dale and Lucas Lyons along with Township Clerk Maria Andrews and Township Attorney Katrina Campbell.

Township Clerk Andrews announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and Trenton Times on January 13, 2020, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. A copy of this notice is and has been available to the public and is on file in the office of the Township Clerk.

AGENDA REVIEW BY TOWNSHIP CLERK

Township Clerk Andrews noted there were no changes to the posted agenda.

ANNOUNCEMENTS

The following announcements were made:

- Summer Hours end 9/1/20: Regular Hours Resume 8:30 AM – 3:30 PM, Monday – Friday
- The Municipal Offices will be CLOSED Monday 9/7/20: Labor Day Holiday
- Kindly Turn Cell Phones off During the Meeting

PRESENTATION OF MINUTES

A motion by Bergenfeld, seconded by Dale to approve the Committee's 7/15/20 regular session minutes with no revisions noted was unanimously approved by voice vote.

A motion by Bergenfeld, seconded by Dale to approve the Committee's 7/15/20 executive session minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Mayor Cally opened the floor to public comment. Seeing no members of the public come forward, he closed the floor to public comment.

SPECIAL PRESENTATIONS

Reports by Department Heads

DPW Director Rollero had provided an email outlining the 3rd Annual Delaware River Clean-Up taking place on 9/19/20 at 8:30 AM. It was noted for the record that a link was put on the Township website for anyone interested in volunteering.

Dave Beaumont of the Finance Advisory Committee provided an update on the equalized valuation. He explained the school tax is based on the equalized valuation of all 3 towns (*West Amwell, Lambertville and Stockton*) recent real estate sales. He noted that our Tax Assessor's process provides for only the sales occurring January – June to be utilized in the calculations. Mr. Beaumont stated that during those months there were 40 sales. He said this year sales are down because of the COVID-19 pandemic and noted only 3 sales were useful, while 3 other properties sold for more than they were assessed for. If nothing changes, Mr. Beaumont explained the equalized valuation will be higher than the ratable which could mean a \$20,000,000.00 difference.

It was noted that one of the properties may be usable if the Tax Assessor changes the code. Attorney Campbell commented that there are 32 unusable codes Tax Assessor's utilize and even if one is changed, the State may override it. Mr. Beaumont clarified that he is working with the Tax Assessor on this matter because he believes the reason the property was determined to be unusable may be inaccurate.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance 08, 2020: AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, AMENDING CHAPTER 51 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL ENTITLED “AFFORDABLE HOUSING” TO ADDRESS THE REQUIREMENTS OF THE FAIR SHARE HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE OBLIGATIONS

Mayor Cally read Ordinance 08, 2020 by title.

ORDINANCE 08, 2020

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, AMENDING CHAPTER 51 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL ENTITLED “AFFORDABLE HOUSING” TO ADDRESS THE REQUIREMENTS OF THE FAIR SHARE HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), the Township of West Amwell filed an action for declaratory judgment requesting that the Court declare that the Township has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low- and moderate-income families and individuals; and

WHEREAS, in order to carry out such constitutional obligation, the Township Committee of the Township of West Amwell adopted an ordinance on November 20, 2019 (Ordinance No. 14-19) to include provisions addressing the Township’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1 et seq., as amended and supplemented; N.J.A.C. 5:80-26.1 et seq., as amended and supplemented; and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Township of West Amwell Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Housing Element and Fair Share Plan has been endorsed by the Township Committee and Mayor; and

WHEREAS, the Township Code must be further amended to comply with the directives of the Superior Court and the Township’s Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of West Amwell as follows:

Section 1. The Township Committee of the Township of West Amwell, County of Hunterdon, and State of New Jersey, hereby amends Chapter 51 the Code of the Township of West Amwell entitled “Affordable Housing” as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

CHAPTER 51 AFFORDABLE HOUSING

ARTICLE I. General Program Purposes, Procedures

§ 51-1 Affordable Housing Obligation. – *No change*

§51-1.1. Reporting requirements

A. Trust fund activity. *On the first anniversary of the entry of the order granting West Amwell a final judgment of compliance and repose in In re Township of West Amwell Compliance with Mount Laurel Third Round Affordable Housing Obligation, and every anniversary thereafter through the end of the repose period, the Township shall provide annual reporting of its affordable housing trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services, 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 New Jersey Department of Community Affairs, Council on Affordable Housing or Division of Local Government Services. The reporting shall include an accounting of all affordable housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.*

B. Affordable housing activity. *On the first anniversary of the entry of the order granting West Amwell a final judgment of compliance and repose in In re Township of West Amwell Compliance with Mount Laurel Third Round Affordable Housing Obligation, and every anniversary thereafter through the end of the repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the Township through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the court-appointed special master and Fair Share Housing Center. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its affordable housing 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 Township, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the court regarding these issues.*

C. Very low-income housing. *For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the order granting West Amwell a final judgment of compliance and repose in In re Township of West Amwell Compliance with Mount Laurel Third Round Affordable Housing Obligation, and every third year thereafter, the Township will post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Township, with copies provided to Fair Share Housing Center, on the issue of whether the Township has complied with its very low-income housing obligation.*

§ 51-2 Definitions – No change

§ 51-3 Mandatory Affordable Housing Set-aside – No change

§ 51-4 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:

| Maximum Minimum Percentage of Low- Moderate- Income | Percentage Market-Rate Units and | of |
|---|--|------------------------|
| | <u>Completed</u> | <u>Units Completed</u> |
| | 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. Utilities and Common Elements. In inclusionary developments, affordable units shall utilize the same type of heating source as the market units within the development, and the occupants of the affordable units shall have access to all of the same common elements and facilities as the occupants of the market units within the development.

D. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- (1) Affordable units in a development shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units, ***including that 13% shall be very-low income.***
- (3) At least 13% of all affordable rental units ***within each bedroom distribution*** shall be very low-income units (affordable to households earning 30% or less of median income). The very low-income units shall be counted as part of the required number of low income units within the development.
- (4) ***At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.***
- (5) ***A maximum of 25 percent of the Township’s obligation may be met with age restricted units. At least half of all affordable units in the Township’s Plan shall be available to families.***
- (46) 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.

(§7) 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 restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

(2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- (a) An adaptable toilet and bathing facility on the first floor;
- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel on the first floor;
- (d) An interior accessible route of travel shall not be required between stories within an individual unit;
- (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 West Amwell'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 West Amwell.

(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 West Amwell's affordable housing trust fund in care of the Chief Financial Officer 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 impracticable to meet the requirements on the site. 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 in COAH, utilizing the regional income limits established by COAH or as determined by the Court or other appropriate jurisdiction.~~ ***utilizing the most recently published regional weighted average of the uncapped Section 8 income limits by HUD and by the Superior Court.***

(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.

(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 ~~10%~~ ***13%*** of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income, ***with such very low-income units counted toward the low-income housing requirement.***

(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 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.
- (10) The rent of low- and moderate-income units may be increased annually in accordance with N.J.A.C. 5:80-26.12(b), which requires rent increases to be consistent with the regional income limits ~~published by COAH, or as otherwise established by the Court or other appropriate jurisdiction.~~ 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~~ **HUD** for its Section 8 program.

§ 51-5 Condominium and Homeowners Association Fees. – *No change*

ARTICLE II. Affordable Unit Controls and Requirements

§ 51-6 Purpose. – *No change*

§ 51-7 Affirmative Marketing.

A. 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 2 and covers the period of deed restriction.

B. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3, consisting of Hunterdon, Middlesex and Somerset Counties.

C. Although the Township has the ultimate responsibility for implementing all aspects of West Amwell's affordable housing program, 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.

D. 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.

E. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

F. 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 West Amwell.

G. The Affirmative Marketing Plan for each affordable housing development shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in West Amwell Township, and copies of the applications forms, to the following entities: Fair Share Housing Center, the new Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

§ 51-8 Occupancy Standards. – *No change*

§ 51-9 Selection of Occupants of Affordable Housing Units. – *No change*

§ 51-10 Control Periods for Restricted Ownership Units and Enforcement Mechanisms. – *No change*

§ 51-11 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices. – *No change*

§ 51-12 Capital Improvements To Ownership Units – *No change*

§ 51-13 Buyer Income Eligibility. – *No change*

§ 51-14 Limitations on **Indebtedness Secured By Ownership Unit; Subordination.** – *No change*

§ 51-15 Control Periods for Restricted Rental Units. – *No change*

§ 51-16 Rent Restrictions for Rental Units; Leases. – *No change*

§ 51-17 Tenant Income Eligibility. – *No change*

§ 51-18 Conversions. – *No change*

ARTICLE III. Affordable Housing Administration

§ 51-19 Municipal Housing Liaison.

A. The position of Municipal Housing Liaison for the Township of West Amwell is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Township Committee and be subject to the approval of the Court ~~or COAH,~~ ~~as appropriate.~~

B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of West Amwell.

C. The Municipal Housing Liaison must ***be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of municipal housing liaison.*** ~~meet COAH's requirements for qualifications, including initial and periodic training.~~

D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of West Amwell, including the following responsibilities if not 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, unless contracted to the Administrative Agent;
- (3) When applicable, supervising all Administrative Agents;
- (4) Monitoring the status of all restricted units in the Township of West Amwell's Fair Share Plan;
- (5) Compiling, verifying and submitting annual reports as required by ***the Court; COAH;***
- (6) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and

- (7) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing ***at least annually and more often as needed.*** ~~as offered or approved by COAH.~~

§ 51-20 Administrative Agent.

A. The Township shall designate by resolution of the Township Committee, subject to the approval of the 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 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 Agents 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 Manuals, including those set forth in N.J.A.C. 5:80-26.14, 15, 16 and 18 thereof, which includes:

- (1) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing ~~as offered or approved by COAH;~~
- (2) Affirmative Marketing;
- (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.

D. Household certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;***
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;***
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;***
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;***
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and***

(6) Employing a random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units.

(7) Notifying the following entities of the availability of affordable housing units in the Borough of Milford: Fair Share Housing Center, the new Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

E. Resales and rentals:

(1) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and

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

F. Processing requests from unit owners:

(1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this chapter;

(2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

(3) Notifying the Township of an owner's intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

G. Enforcement:

(1) Securing annually from the Township a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;

(6) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Township Mayor and Committee and the court, setting forth procedures for administering the affordability controls.

(3) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Minutes: 8/19/20

A motion by Bergenfeld, seconded by Dale to open the floor to public comment on Ordinance 08, 2020 was unanimously approved by voice vote. Seeing no members of the public come forward, a motion was made by Bergenfeld and seconded by Dale to close the floor to public comment. The motion was unanimously approved by voice vote.

A motion by Lyons, seconded by Bergenfeld to adopt Ordinance 08, 2020 upon second reading was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Lyons: Yes, Cally: Yes

STANDING COMMITTEE REPORTS

- A. Open Space – No report was given
- B. Environmental – No report was given
- C. Ag Advisory – No report was given
- D. Finance Committee – No report was given

Mayor Cally updated the Committee on the Barry Road neighbor dispute noting that he and Committeeman Hoyer met with the residents and they are looking into how open space and preserved land is monitored within the Township.

UNFINISHED BUSINESS

PennEast Status Update

Dave Beaumont commented that there was some information regarding a letter sent by someone trying to file a motion to compel FERC to prohibit PennEast from pursuing properties through eminent domain. Mr. Beaumont stated the request was rejected because the person did not include the \$30,000 application fee.

Website Status Update

Mr. Beaumont noted he and Rob Tomenchok had met with the representative from CivicPlus who created 2 website style mock-ups. He explained there was a clear consensus on one of them and indicated they will likely have a new, upgraded website up and running by the end of the year.

Construction Office Relocation to the Basement

Deputy Mayor Bergenfeld commented that the basement renovations are moving along and should be completed by the first week in December.

NEW BUSINESS/OTHER

Authorization of Bulk Clean-Up Day: Saturday 9/19/20 from 7:30 AM – 3:30 PM

It was noted for the record that the Committee took no issue with the proposed bulk clean-up day on 9/19/20 from 7:30 AM – 3:30 PM at the Township's Recycling Depot.

Acknowledgment: Discharge of Mortgage – Block 19 Lot 14

The Committee acknowledged receipt of the \$19,400.00 payment satisfying the 1997 Rehabilitation Mortgage loan taken out on the property known as Block 19 Lot 14.

Acknowledgment: Resignation of Waste Security Laborer A. Alicandri

Mayor Cally acknowledged receipt of Mr. Alicandi's letter of resignation and wished him well in college.

Approval: Resolution #71-2020: Hiring Waste Security Laborer J. Womack

RESOLUTION #71-2020

WHEREAS, the Township's Trash/Recycling Depot requires a Waste Security Laborer for various depot duties on Wednesday's from 12:00 PM – 5:00 PM and Saturday's from 7:30 AM – 12:30 PM; and

WHEREAS, James Womack has expressed interest in this employment opportunity; and

Minutes: 8/19/20

THEREFORE BE IT RESOLVED, by the West Amwell Township Committee that James Womack be hired as a Waste Security Laborer effective August 22, 2020 at a rate of \$15.00 per/hour subject to the 2018 NJ Paid Sick Leave Act but with no paid vacation or personal time, and no health benefits.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the West Amwell Township Committee at a meeting held on August 19, 2020.

Maria Andrews, Township Clerk, RMC

A motion by Bergenfeld, seconded by Dale approving Resolution #71-2020 was unanimously approved by roll call vote.

Bergenfeld: Yes, Dale: Yes, Lyons: Yes, Cally: Yes

Approval: Resolution #73-2020: Award Mill Road Improvement Project BID to Riverview Paving, Inc.

Explanation: This resolution awards a contract pursuant to public bidding law to Riverview Paving, Inc. for the Mill Road Improvement Project

WEST AMWELL TOWNSHIP
RESOLUTION #73-2020

WHEREAS, the West Amwell Township did advertise for the Mill Road Improvement Project; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and upon recommendation of William H. Burr, IV, P.E., Township Engineer, Riverview Paving, Inc. has been determined to be the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the West Amwell Township, County of Hunterdon, State of New Jersey that a contract is hereby awarded to Riverview Paving, Inc. in the amount of \$166,186.09 for the Mill Road Improvement Project to be completed on or before December 30, 2020 and that the Mayor and the Clerk of the West Amwell Township hereby authorized, respectively, to execute and attest to an agreement with Riverview Paving, Inc. 859 Willow Grove Street, Hackettstown, NJ 08857 pursuant to bid specifications, and in a form approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Township Clerk publish a notice of this action in the official newspaper of the Township within 10 days from the adoption of this Resolution; and

BE IT FURTHER RESOLVED that the account to be charged is C-04-55-900-2-9858 for the amount of \$166,186.09 and that the Chief Financial Officer has issued a Certificate of Available Funds (COAF) which is incorporated into this resolution.

WEST AMWELL TOWNSHIP

By: _____
James Cally, Mayor

I hereby certify that this is a true and correct copy.

Maria Andrews, Township Clerk, RMC

CERTIFICATION BY CFO

I, Thomas J. Carro, CFO of West Amwell Township, hereby certify that funds to cover this award are available in the General Capital Fund.

Thomas J. Carro, CFO

Minutes: 8/19/20

Authorization: Permit Fee Refund to Resident H. Shute

The Construction Office Manager sent a request dated 8/13/20 to the Committee seeking authorization of a \$75.00 refund for Mr. Shute because upon further review of his application by the sub code official it was determined that no electrical permit was need.

A motion by Bergenfeld, seconded by Lyons authorizing the \$75.00 refund to Mr. Shute was unanimously approved by voice vote.

Discussion: Donation Request from Hunterdon County Meals on Wheels

Attorney Campbell noted that the Constitution of the State of New Jersey does not allow municipalities to make donations because governing bodies cannot donate taxpayer's money.

Discussion: Municipal Cleaning Services

Township Clerk Andrews noted that there are some issues with the consistency of the current cleaning service which prompted her to seek quotes from other providers. She explained the cleaning service Johanna Farms uses came highly recommended. They submitted a quote for \$27.00 higher than what is currently being paid monthly. Clerk Andrews commented that she believes this service provider will be a better fit for the Township's needs. It was noted for the record that the current cleaning company will finish out the year per their contract and that the Committee authorized the additional expense for the new provider in 2021.

Discussion: Request from Historic preservation for the 175th Anniversary Celebration in 2021

Linda Weber, Chair of the Historic Committee noted next year marks the 175th anniversary of the Township becoming incorporated and requested an Ad-Hoc Committee be formed to begin planning the festivities. Additionally, Ms. Weber requested the Township Committee consider establishing a budget for the event. It was noted for the record that the Committee supported the celebration idea and the establishment of a small budget, but no members of the Ad-Hoc Committee were identified.

Lastly, Ms. Weber brought up the memorial sign out front at the Municipal Building which was recently refurbished as an Eagle Scout project. Ms. Weber commented that the sign needs clarification indicating that it is "dedicated in circa 1948 to the World War II Veterans who were township residents *at that time.*" She suggested the sign be rededicated in November on Veteran's Day to kick off next year's anniversary celebration.

Mr. Tomenchok spoke up from the public saying he believes the Scout's account has funding left over from this project that could be utilized for the clarifying signage and stated he would reach out to the family.

Ms. Smith-Casey spoke up from the public commenting that her relative, Jeannette Stoy, who is named on the sign, is still living and suggested it would be nice to ask her to participate in the rededication ceremony.

It was noted for the record that the Committee took no issue with the proposed rededication.

OPEN TO THE PUBLIC

Mayor Cally opened the meeting to public comment. Harry Heller, the OEM Director came forward and provided a storm update noting he recently submitted to the State for a \$10,000 refund on behalf of the Township for expenses related to the COVID-19 pandemic. He also suggested the Committee follow the Freeholder's lead to get JCP&L's attention regarding their terrible storm response, noting live wires were down and unattended for 3 days on Rock Road East.

Lastly, Mr. Heller remarked that the County Hazardous Mitigation Plan must be updated this year and indicated each department will need to review their portion and get back to him.

Seeing no other members of the public come forward, a motion was made by Dale and seconded by Bergenfeld to close the floor to public comment.

Minutes: 8/19/20

OTHER – Closed Session

Resolution #72-2020: Closed Session – Personnel/Contracts – Litigation/Affordable Housing

A motion by Bergenfeld, seconded by Lyons to approve Resolution #72-2020 and enter into closed session was unanimously approved by voice vote.

Resolution #72-2020

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Mt. Laurel Litigation, personnel, contracts and subjects falling under Attorney-Client privilege.
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to return to open session was unanimously approved by voice vote.

It was noted for the record that the Committee was in closed session from 8:23 PM – 9:20 PM.

Upon returning to open session the Committee briefly discussed department coverage, noting the Tax Office must be staffed during all weeks of collection.

ADMINISTRATIVE

Treasurer: 8/19/20 Bill List

A motion by Bergenfeld, seconded by Dale to approve the 8/19/20 bill list was unanimously approved by voice vote.

CORRESPONDENCE

The Committee ordered the correspondence listed on the agenda, filed.

ADJOURNMENT

A motion by Dale, seconded by Bergenfeld to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:30 PM.

Maria Andrews, Township Clerk, RMC

Approved: 9/2/20