

WEST AMWELL TOWNSHIP COMMITTEE MEETING

November 20, 2019 - 7:30 p.m.

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 Deputy Mayor Gary Hoyer, Committeemen James Cally and John Dale along with Township Clerk Maria Andrews.

Deputy Mayor Hoyer 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 10, 2019, 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.

FLAG SALUTE

Deputy Mayor Hoyer led those in attendance in the pledge to the nation's flag.

AGENDA REVIEW BY TOWNSHIP CLERK

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

ANNOUNCEMENTS

- The Clerk's Office Will be Closed on Tuesday 12/3/19 for Mandatory Training
- December Township Committee Meetings are the 4th and 30th
- The First Annual Township Tree Lighting is: Friday 12/6/19 at 6 PM
- Special Thanks to the Bergenfeld Family for Donating the Township's Holiday Tree and to the DPW for Planting it
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During the Meeting

PRESENTATION OF MINUTES

A motion by Dale, seconded by Cally to approve the Township Committee's 10/16/19 Regular Session minutes with no revisions noted was unanimously approved by voice vote.

A motion by Dale, seconded by Cally to approve the Township Committee's 10/16/19 Closed Session minutes with no revisions noted was unanimously approved by voice vote.

OPEN TO THE PUBLIC/TOPICS NOT ON THE AGENDA

Deputy Mayor Hoyer opened the floor to public comment. Beth Ann Mitzen of 522 Route 31 North came forward and expressed concern over the garbage her neighbors leave out at the end of the driveway. She requested the Committee consider changing the language in Chapter 99 of the Code to state that "refuse cannot be placed out before dusk the night before scheduled pickup and must be removed by dusk the next day if not picked up on its scheduled day."

Ms. Mitzen commented that the property owner seems to have no control over the tenants living next door to her. She stated the property owner will no longer take her calls and the Township's Recycling Coordinator Ryan Rollero expressed that he cannot compel property owners to remove the trash because the ordinance doesn't prohibit people from leaving their trash curbside for extended periods of time.

Ms. Mitzen remarked there are animals all over the township that can get into the garbage when it's left out but noted this is not a problem at this particular property because it is located on the State highway.

Deputy Mayor Hoyer commented that the Committee will take the matter under advisement.

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John Hencheck a Lambertville resident from Quarry Lane came forward and commented that he was attending the meeting this evening to ask that West Amwell pursue requesting the State owned parcel on the corner of Quarry Lane be “put back into” the parcel owned by Washington State Park. He noted he is a local historian and has asked the Historic Sites Council, Lambertville and the County to get involved in this cause.

Dave Beaumont of 205 Rock Road West spoke up from the public saying he is familiar with this parcel and noted it has a beautiful rock wall and bridge on it.

Barbara Hencheck spoke up from the public remarking her relatives marched up Quarry Lane and expressed passion for the historic value of the surrounding properties. She commented that she believes it is important to think of the area as, “The Amwells” rather than as separate towns.

Deputy Mayor Hoyer thanked the Hencheck’s for coming to the meeting and bringing this matter to the Committee’s attention.

Seeing no other members of the public come forward, Deputy Mayor Hoyer closed the floor to public comment.

SPECIAL PRESENTATIONS

Historic Preservation Update from Chair Linda Weber

Linda Weber, Chair of the Historic Preservation Committee came forward and commented that the Historic group is terrific. She noted they have been meeting bi-monthly since May 2019 and have obtained digital copies of all of the nomination forms for historic properties in West Amwell. Ms. Weber explained the forms have a wealth of history and architectural facts. Her plan is to post a summary of each historic property with photos on the Township website.

Ms. Weber highlighted that the Committee hosted a walking tour of Mt. Airy and that they are working on preserving images through archival sleeves. They intend to produce a Historic Calendar in 2021 to commemorate the Township’s 175th anniversary. It was noted for the record that the Committee expressed support for the Historic Committee’s efforts and thanked Ms. Weber for updating them on their projects and future plans. It was also noted that the Committee agreed to establish a budget for the Historic Committee in 2020.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction: Ordinance 16, 2019 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 68 “CONSTRUCTION CODES, UNIFORM,” SECTION 3 “FEES,” OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO REVISE THE CONSTRUCTION FEES

Deputy Mayor Hoyer read Ordinance 16, 2019 by title.

Construction Office Manager Gail Brewi commented that the fee increases will help offset the costs to implement the required new software since the State announced they will no longer support the Permits NJ software after June 2020.

ORDINANCE 16, 2019

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 68 “CONSTRUCTION CODES, UNIFORM,” SECTION 3 “FEES,” OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO REVISE THE CONSTRUCTION FEES.

WHEREAS, the Township Committee of the Township of West Amwell, in consultation with the Township Construction Department, wishes to revise its Construction Code fees; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 68 “Construction Code, Uniform,” Section 3 “Fees,” of the Code of the Township of West Amwell shall be created as follows:

Section 1.

§68-3 (B) Schedule I, Building subcode shall be:

A minimum fee for the building subcode shall be \$75.

- (1) New construction for additions per cubic foot of the building or structure volume
 - (a) Additions (new construction): \$0.3800;
 - (b) Premanufactured construction: \$0.3800.
 - [1] \$1 to \$50,000 estimated cost \$25.
 - [2] \$50,001 to \$100,000 estimated cost: \$20.
 - [3] Over \$100,001 estimated cost: \$15.
- (2) Rehabilitation includes repair, alteration, renovation and reconstruction:
 - (a) Minimum building fee: \$75.
 - [1] \$1 to \$50,000 estimated cost: \$35.
 - [2] \$50,001 to \$100,000 estimated cost: \$26.
 - [3] Over \$100,001 estimated cost: \$22.
- (3) Minor work:
 - (a) \$1 to \$50,000 estimated cost: \$25.
 - (b) \$50,001 to \$100,000 estimated cost: \$20.
 - (c) Over \$100,001 estimated cost: \$15.
- (4) Roofing, siding, fence:
 - (a) \$1 to \$50,000 estimated cost: \$20.
 - (b) \$50,001 to \$100,000 estimated cost: \$15.
 - (c) Over \$100,001 estimated cost: \$25.
- (5) Sign, pylon:
 - (a) First 100 square feet: \$6.
 - (b) Next 400 square feet: \$3.
 - (c) Each additional square foot thereafter: \$1.50.
- (6) Sign, ground or wall:
 - (a) First 100 square feet: \$3.
 - (b) Next 400 square feet: \$2.
 - (c) Each additional square foot: \$1.50.
- (7) Temporary structures: \$100.
- (8) Open structural towers:
 - (a) \$1 to \$50,000 estimated cost: \$35.
 - (b) \$50,001 to \$100,000 estimated cost: \$26.
 - (c) Over \$100,001 estimated cost: \$22.
- (9) Relocation of a structure: minimum fee \$200.
- (10) Radon vent system or remediation
 - (a) Radon vent system (new construction): \$96.
 - (b) Radon remediation: \$96
- (11) Deck or balcony:
 - (a) One dollar to \$50,000 estimated cost: \$30.
 - (b) Fifty thousand one dollars to \$100,000 estimated cost: \$26.
 - (c) Over \$100,001 estimated cost: \$20.
- (12) Retaining wall
 - (a) Class III residential retaining wall: Flat fee of \$150
 - (b) Retaining wall of any size other than Class III residential:
 - [1] One dollar to \$50,000 estimated cost: \$35.
 - [2] Fifty thousand one dollars to \$100,000 estimated cost: \$26.
 - [3] Over \$100,001 estimated cost: \$22.

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- (13) Pool - In-ground or aboveground:
 - (a) One dollar to \$50,000 estimated cost: \$30.
 - (b) Over \$50,001 estimated cost: \$26.

(14) Asbestos hazard abatement: \$118

(15) Lead hazard abatement: \$196

Section 2:

68-3 (C). Schedule II, Plumbing subcode fee shall be:
A minimum fee for the plumbing subcode shall be \$75

- (1) Water closet: \$22.
- (2) Urinal/bidet: \$22.
- (3) Bath tub: \$22.
- (4) Lavatory: \$22.
- (5) Shower: \$22.
- (6) Floor drain: \$22.
- (7) Sink: \$22.
- (8) Dishwasher: \$22.
- (9) Drinking foundation: \$22.
- (10) Washing machine: \$22.
- (11) Hose bibb: \$22.
- (12) Water heater: \$60.
- (13) Fuel oil piping: \$100.
- (14) Gas piping: \$100.
 - (a) First four: \$100.
 - (b) Each additional: \$25.
- (15) Other fixtures: \$22.
- (16) Backflow preventer: \$100.
- (17) Steam boiler: \$100.
- (18) Hot water boiler: \$100.
- (19) Sewer pump: \$100.
- (20) Interceptor/separator: \$100.
- (21) Grease trap: \$90.
- (22) Sewer connection: \$100.
- (23) Water service connect: \$100.
- (24) LP tank: \$75.
- (25) Stacks: \$22.
- (26) Furnace: \$100.
- (27) Air conditioning: \$100.
- (28) Condensate: \$22.
- (29) Other special devices: \$100.

Section 3:

68-3 (D). Schedule III, Electrical subcode fee shall be:
A minimum fee for the electrical subcode shall be \$75

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- (1) Receptacles and fixtures:
 - (a) First 50: \$60.
 - (b) Each additional 25: \$25.
- (2) Motors and electrical devices:
 - (a) Over 1 horsepower, up to 10 horsepower: \$15.
 - (b) Up to 30 horsepower: \$75.
 - (c) Greater than 30 horsepower up to 100 horsepower: \$150.
 - (d) Greater than 100 horsepower: \$1,200.
- (3) Transformers, generators and electrical devices:
 - (a) Over 1 kw, up to 10.0 kw: \$15.
 - (b) Up to 45.0 kw: \$75.
 - (c) Up to 112.5 kw: \$150.
 - (d) Larger than above: \$1,200.
- (4) Service panels, subpanels, and motor control center.
 - (a) Service panels:
 - [1] Less than or equal to 200 amps: \$75.
 - [2] Greater than 200 amps but less than or equal to 800 amps: \$150.
 - (b) Subpanels:
 - [1] Less than or equal to 200 amps: \$75.
 - [2] Greater than 200 amps but less than or equal to 800 amps: \$150.
 - (c) Motor control center:
 - [1] Less than or equal to 200 amps: \$75.
 - [2] Greater than 200 amps but less than or equal to 800 amps: \$150.
- (5) Spa, hot tub, fountain: \$60.
- (6) Storable pool/hydro massage tub: \$15.
- (7) Solar systems:
 - (a) Disconnects, backfed breakers, subpanels, service panels:
 - [1] Less than or equal to 200 amps: \$75.
 - [2] Greater than 200 amps but less than or equal to 800 amps: \$150.
 - [3] Over 1,000 amps: \$1,200.
 - (b) Inverters, PV systems:
 - [1] Over 1 kw up to 10.0 kw: \$15.
 - [2] Up to 45 kw: \$75.
 - [3] Up to 112 kw: \$150.
 - [4] Larger than above: \$1,200.
 - c) Panels:
 - [1] First 50: \$60.
 - [2] Each additional 25: \$25.
 - (d) PV arrays
 - [1] 1 kw to 10.0 kw: \$15.
 - [2] 10.1kw to 45 kw: \$75.
 - [3] 45.1 to 112 kw: \$150.
 - [4] over 112: \$1,200.
 - (e) Car chargers: \$75

Section 4:

68-3 (E). Schedule IV, Fire subcode, all use groups. Fire protection and other hazardous equipment: sprinklers, standpipes and risers; detectors (smoke and heat), smoke-control system; pre-engineered suppression systems; gas- and oil-fired appliances not connected to the plumbing system; fire pump; fireplaces; chimney relining; solid-fuel appliances (wood and coal); kitchen exhaust systems, including incinerators; crematoriums; and flammable and combustible liquid storage systems, spray booths and underground water service (fire protection, underground water storage tanks.) A minimum fee for the fire subcode shall be \$75

- (1) Fire subcode application fee or miscellaneous inspection.
 - (a) Minimum: \$75.
- (2) Fire subcode fee for renovations, alterations and repairs.

- (a) Fifteen dollars per \$1,000 of cost up to \$250,000.
- (b) Ten dollars per \$1,000 of cost up to \$250,000 to \$1,000,000 and \$50 per \$1,000 of cost over \$1,000,001.

(3) Flammable/combustible tanks (commercial and new construction):

Size of Tank (gallons)	Fee
1 to 1,000	\$100
1,001 to 1,500	\$125
1,501 to 2,000	\$175
2,001 to 2,500	\$225
2,501 to 3,000	\$275
3,001 to 3,500	\$350
3,501 to 4,000	\$400
4,001 to 4,500	\$450
4,501 to 5,000	\$500
5,001 to 10,000	\$550
Over 10,000	\$675

(5) Sprinkler heads.

Number of Heads	Fee
Up to 20	\$110
21 to 100	\$220
101 to 200	\$550
201 to 400	\$1,000
401 to 1,000	\$1,250
Over 1,000	\$2,000

(6) The fee for each standpipe shall be \$275.

(7) Pre-engineered systems (commercial).

- (a) Wet chemical: \$200.
- (b) Dry chemical: \$200.
- (c) CO2 suppression: \$200.
- (d) Foam suppression: \$325.
- (e) FM200 suppression: \$325.
- (f) Other: \$200.

(8) The fee for each gas- or oil-fired appliance that is not connected to the plumbing system shall be \$75.

(9) Kitchen exhaust/ventilation.

- (a) Residential hood exhaust: \$60.
- (b) Commercial hood: \$200.
- (c) Commercial heat sensor (retrofit only): \$150.

(10) (Reserved)

(11) The fee for each incinerator shall be \$600.

(12) The fee for each crematorium shall be \$600.

(13) Inspection of smoke-sensitive alarm devices: \$50 per inspection.

(14) Alarms.

(a) Alarm systems.

Number of Devices	Fee
1 to 20	\$100
21 to 100	\$175
101 to 200	\$400
201 to 400	\$1,000
401 to 1,000	\$1,250
Over 1,000	\$1,500
Panel	\$125

(b) 110v interconnected alarms (smoke and carbon monoxide):

- [1] Up to 12 (per dwelling unit): \$150.
- [2] Each additional (per dwelling unit): \$7.50.

(c) Smoke/fire damper: \$75.

(d) Replacement/addition of alarms:

- [1] Up to two devices (per dwelling unit): \$75.
- [2] Each additional (per dwelling unit): \$7.50.

(15) Suppression systems.

(a) Fire pump: \$350.

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- (16) Valves (commercial).
 - (a) Dry pipe/alarm valves: \$250.
 - (b) Pre-action valves: \$250.
- (17) Smoke control system (commercial): \$350.
- (18) Spray booth (commercial): \$175.
- (19) Chimney liner/relining: \$75.
- (20) Fireplace, coal stove or wood-burning stove: \$75.
- (21) Annual fire line backflow preventer: \$100.
- (22) Yard/wall hydrants: \$200.
- (23) Water supply tank:
 - (a) Up to 10,000 gallons: \$650.
 - (b) Above 10,000 gallons (per gallon): \$00.08.
- (24) Water supply/underground piping: \$125. (\$1 per foot over 100 feet, \$125 minimum).
- (25) Clean agent systems (FM200, Novec, etc.) (commercial): \$325.
- (26) Fuel dispensing emergency cut-off: \$125.
- (27) Smoke control/evacuation system: \$325.
- (28) Generator, commercial (excludes owner-occupied detached dwelling): \$175.
- (29) Temporary trailer: \$125.
- (30) Oil Tank Removal: \$75

Section 5:

68-3(F). Schedule V, Mechanical subcode fees shall be:

A minimum fee for the mechanical subcode shall be \$75

- (1) Boiler install/replacement: \$150.
- (2) Furnace install/replacement: \$150.
- (3) Oil tank installation: \$150.
- (4) Generator installation: \$150.
- (5) Pool heater: \$150.
- (6) Gas Piping: \$150 (first 6 outlets)
- (7) AC Replacement/Installation: \$150
- (8) Water Heater: \$150
- (9) LP Tanks: \$150
- (10) Pool Heater: \$150
- (11) Unit Heater: \$150 (first 2)
- (12) Other: \$150

Section 6:

68-3(G). Plan review fees.

- (1) Prototype plans shall be calculated at 5% of construction permit.
- (2) All other fees not described as herein shall be outlined pursuant to N.J.A.C. 5:23-4.20, department fees.
- (3) Where permit fees have been waived, the plan review fees shall be calculated at 25% of construction permit fees.
- (4) The fee for review of any amendment or change to a plan that has already been released, and for any applicable joint plan review between subcodes on an application, shall be charged at a rate of \$45 per one-half hour, per subcode. Fees shall be rounded to the nearest one-half hour. A minimum fee of \$45 shall be charged.
- (5) Change of contractor fee: \$25 per subcode technical section issued.

Section 7:

68-3 (H). Demolitions (all use groups).

- (1) Storage tanks: \$75.
- (2) Accessory Structures or buildings: \$75.
 - (a) Residential: \$100.
 - (b) Commercial: \$200.

Section 8:

68-3 (I). Elevators (same as state).

- (1) Plan review: as per N.J.A.C. 5:23-4.20(c)6 and 7.
- (2) Inspection and witnessing fees: as per N.J.A.C. 5:23-12.6(a), (b) and (c).

Section 9:

68-3 (J). Certificates.

- (1) Certificate of Occupancy: The fee shall be in the amount of 10% of the new construction permit fee. The minimum shall be \$120, except for one- and two-family dwellings (R-5) wherein the minimum fee shall be \$75. This shall apply where the certificate occupancy is temporary or permanent in nature.
- (2) The fee for a Certificate of Occupancy granted to a change of use shall be \$250.
- (3) The fee for a certificate of continued occupancy shall be \$250, and shall be required for all changes of occupancy of nonresidential use groups.
 - (a) A certificate of occupancy issued for a finished basement in a residential use group, in which the work was completed prior to the issuance of a construction permit, shall be charged a flat rate of \$400.
- (4) OMITTED
- (5) Certificate of clearance:
 - (a) lead hazard abatement: \$39.
 - (b) asbestos hazard abatement: \$24
- (6) Temporary certificate of occupancy:
 - (a) There shall be no fee charged for the issuance if a temporary certificate of occupancy, provided the certificate of occupancy fee is paid at the time.
 - (b) The fee for temporary certificate of occupancy or each extension shall not exceed \$30.

Section 10:

68-3 (K). Variations.

- (1) Variation application - Class I: \$800.
- (2) Variation application - Classes II and III: \$175.
- (3) Variation application resubmission - Class I: \$300
- (4) Variation application resubmission - Class II and III: \$100.

Section 11:

68-3 (L) . Annual permit fees.

- (1) Per worker of a group in number specified by law: \$700.
- (2) Per additional worker over number specified by law: \$300.
- (3) State permit fee per subcode: \$200.
- (4) Number in core group: \$60.
- (5) Annual pool inspection: \$75.
- (6) Backflow preventer annual reinspection: \$100.

Section 12:

68-3 (M). Other fees.

- (1) State of New Jersey permit fee:
 - (a) In order to provide the training, certification and technical support programs required by the Uniform Construction Code Act, the enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee of \$1.90 per \$1,000 of value of construction. The minimum permit surcharge fee shall be \$1. Said surcharge fee shall be remitted to the Bureau of Housing Inspections, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending March 31, June 30, September 30 and December 31 and not later than one month next succeeding the end of the quarter for which its due.
 - (b) The enforcing agency shall report annually at the end of each state fiscal year to the Bureau of Housing Inspection, and no later than July 31, the total amount of the surcharge fee collected in a fiscal year. In the fiscal year in which the regulations first become effective, said report shall be for the third and fourth (state fiscal year) quarters.

Section 13:

68-3(N). Lapsed Permits. The fee for the reinstatement of a lapsed permit, for which no changes are made or required by mandated code charges, shall be 50% of the original lapsed fee.

Section 14:

68-3(O). No refunds will be given after 90 days of issuance of a permit. Prior to 90 days of issuance, the plan review fee shall be held and the remaining fees may be refunded at the discretion of the Construction Official.

Section 15:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 16.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 17. Effective Date.

This Ordinance shall take effect upon final passage and publication.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of West Amwell held on November 20, 2019 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on December 30, 2019 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 150 Rocktown Lambertville Road, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Maria Andrews
Township Clerk

A motion by Dale, seconded by Hoyer to introduce Ordinance 16, 2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

It was noted the public hearing on Ordinance 16, 2019 will be listed on the Committee's 12/30/19 agenda.

Public Hearing: Ordinance 12, 2019 – AN ORDINANCE TO CREATE CHAPTER 135 OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO PROHIBIT SMOKING IN PUBLIC PLACES

Deputy Mayor Hoyer read Ordinance 12, 2019 by title.

ORDINANCE 12, 2019

AN ORDINANCE TO CREATE CHAPTER 135 OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO PROHIBIT SMOKING IN PUBLIC PLACES.

WHEREAS, the Township of West Amwell, through adoption of West Amwell Municipal Code Chapter 135 recognizes that it is authorized to regulate smoking activities in public places within the Township of West Amwell; and

WHEREAS, the Township of West Amwell has been in contact with the West Amwell and South Hunterdon Regional High School Boards of Education about regulating smoking activities in public places owned/leased by the School Boards; and

WHEREAS, the Township Committee of the Township of West Amwell wishes to create Chapter 135 "Smoking," to prohibit smoking in public places.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 135, "Smoking" of the Code of the Township of West Amwell shall be created as follows:

Section 1.

Chapter 135. Smoking

§ 135-1. Definition.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF EDUCATION PROPERTIES

All lands and grounds owned by the Township of West Amwell Board of Education or the South Hunterdon Regional High School Board of Education, including but not limited to all recreation fields, parking areas and grounds adjacent to the buildings owned or operated by the West Amwell Board of Education or the South Hunterdon Regional High School Board of Education.

PUBLIC BUILDINGS

Any Township- or Board of Education-owned or leased building, including but not limited to all schools, municipal buildings, library, senior center, recreation center, etc., in which the public is invited, or the public is permitted.

SMOKING

The burning or use of a lighted cigar, cigarette, pipe, e-cigarette, vape or any other matter or substance which contains tobacco and/or emits a vapor or smoke.

§ 135-2. Smoking prohibited on public places; signs to be posted.

- A. Smoking in public buildings, on recreation properties and on Board of Education properties as herein defined within the Township of West Amwell is prohibited.
- B. "No Smoking" signs or the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be posted at each public building entrance and within said building, as well as at conspicuous locations on recreation properties and Board of Education properties, in a number and in a manner determined by the administrator in charge of each such building or recreation property to be sufficient to inform the public that there is no smoking allowed within the building or on any such recreation property. The signs may contain a warning that smoking within the building or on any such recreation property is subject to a fine. The failure to post any such sign shall not be a defense to a violation of this chapter.

§ 135-3. Enforcement.

The enforcement authorities of this chapter shall be the police officers of the Township of West Amwell.

§ 135-4 Violations and penalties.

- A. Any person who violated any provision of this chapter shall be subject to the following:
 - (1) A fine in the maximum amount of \$125 for the first violation.
 - (2) A fine in the maximum amount of \$200 for the second violation.
 - (3) A fine in the maximum amount of \$300 for each additional violation.
- B. The Municipal Court shall have the right, upon conviction for a first violation, to suspend such penalty upon the condition that the violator attend a program or programs relating to the harmful use of smoking and the use of tobacco products and that the violator produces proof of attending said program.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of West Amwell held on October 16, 2019 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on November 20, 2019 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 150 Rocktown Lambertville Road, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Maria Andrews
Township Clerk

A motion by Cally, seconded by Dale to open to the public for discussion on Ordinance 12, 2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Seeing no members of the public come forward, Deputy Mayor Hoyer closed the floor to public comment.

A motion by Cally, seconded by Hoyer to adopt Ordinance 12, 2019 upon said introduction, consideration and now final reading was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Public Hearing: Ordinance 13, 2019 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 109 “LAND DEVELOPMENT,” PART 2 “FEES, INSPECTIONS, GUARANTEES AND OFF-TRACT IMPROVEMENTS,” ARTICLE III “APPLICATIONS AND REVIEW FEES,” SECTION 6 “AMOUNT OF FEES AND ESCROW DEPOSITS DUE,” OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO REVISE THE FEES REQUIRED FOR LAND USE APPLICATIONS

Deputy Mayor Hoyer read Ordinance 13, 2019 by title.

Rob Tomenchok, Chairman of the Planning Board spoke up from the public and commented that the fee changes bring West Amwell in line with other surrounding municipalities.

ORDINANCE 13, 2019

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 109 “LAND DEVELOPMENT,” PART 2 “FEES, INSPECTIONS, GUARANTEES AND OFF-TRACT IMPROVEMENTS,” ARTICLE III “APPLICATION AND REVIEW FEES,” SECTION 6 “AMOUNT OF FEES AND ESCROW DEPOSITS DUE,” OF THE TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY, NEW JERSEY TO REVISE THE FEES REQUIRED FOR LAND USE APPLICATIONS

WHEREAS, the Township Committee of the Township of West Amwell, in consultation with the Township Planning Board, wishes to revise its application and review fees; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of West Amwell, County of Hunterdon, State of New Jersey that Chapter 109 “Land Development,” Part 2 “Fees, Inspections, Guarantees and Off-Tract Improvements,” Article III “Application and

Review Fees,” Section 6 “Amount of fees and escrow deposits due,” of the Code of the Township of West Amwell shall be created as follows:

Section 1.

§ 109-6(A) shall be deleted in its entirety and replaced with the following:

- A. Each applicant shall, at the time of filing a submission with the Planning Board or Board of Adjustment, submit to the Township Treasurer by certified check or money order the following sums as application fees and escrow deposits. Where one application for development includes more than one approval request, the sum of the individual required fees shall be paid. Upon presentation of payment as set forth above, the applicant/owner/agent will execute an escrow agreement (see Appendix A of this Part 2) as well as a memorandum of understanding (see Appendix B of this Part 2).

Note: If an escrow account falls below 30% of the original amount, a request for additional funds will be made to bring the escrow account up to 50% of the original amount.

Application	Fee	Escrow to be Deposited
1. Subdivision reviews		
a. Informal review	\$500*	\$1,500
*Will be credited towards fees for review if the applicant proceeds within 1 year of informal review		
b. Sketch plat or concept plan	\$500 + \$150 per lot	\$1,500 + \$250 per lot
c. Preliminary plat, major	\$1,500 + \$150 per lot or new dwelling unit	With previous sketch approval: \$4,000 + \$250 per lot Without previous sketch approval: \$5,000 + \$300 per lot
d. Final plat, major	\$750 + \$100 per lot or new dwelling unit	Final subdivision: \$1,500 + \$250 per lot With developer's agreement: additional \$1,500
e. Resubmittal of an application for preliminary or final major subdivision approval when applicant has submitted an incomplete application as deemed by the Planning Board	No further application fees required as applicant will be billed out of escrow account for any further review of an incomplete application	
f. Minor subdivision	\$750 + \$150 per lot	\$1,500 + \$1,500 per lot
g. Extension of preliminary or final approval	—	\$500
Tax Map maintenance fees. The following fees shall be paid by the applicant at the time of filing of the deeds of subdivision approval by the Planning Board or the Board of Adjustment of the Township of West Amwell for the cost of making updates and modifications to the Tax Maps of the Township of West		

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Amwell relating to said applications:

Boundary line adjustment	\$150	\$2,000
2-3 lots, including remaining land	\$450	\$3,000
4-7 lots, including remaining land	\$750	\$3,000
8-12 lots, including remaining land	\$1,000	\$3,000
13-19 lots, including remaining land	\$1,250	\$3,000
20 lots or more	\$1,500 + \$50 per lot in excess of 20	\$5,000

i. Agricultural division of land	\$100	\$2,000 + \$250 per lot
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2. Site plan reviews

a. Informal review	\$500*	\$2,500
Informal review (100% agricultural use)	\$100*	\$2,500

* Will be credited towards fees for review if the applicant proceeds within 1 year of informal review

b. Minor site plan	\$500	\$3,000
Minor site plan (100% agricultural use)	\$100	\$3,000

c. Major site plans:

Preliminary plan	\$1,500 + \$150 per dwelling unit, or if nonresidential, \$0.10 per square foot of new construction + \$25 per acre of lot area	\$3,000 + \$250 per dwelling unit, or if nonresidential, the larger of \$0.30 per square foot of building area or \$250 per acre of lot area
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Preliminary plan (100% agricultural use)	\$100	\$2,000 + \$0.30 per square foot of agricultural building area
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Final plan	\$750	\$2,000 + \$100 per dwelling unit, or if nonresidential, the larger of \$0.10 per square foot of building area or \$100 per acre of lot area
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Final plan (100% agricultural use)	\$100	\$1,500 + \$0.10 per square foot of agricultural building area
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d. Resubmittal of application for preliminary or final major subdivision approval where the applicant has submitted an application deemed incomplete by the Planning Board.	No further application fees required as applicant will be billed out of escrow account for any review of an incomplete application	
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e. Extension of preliminary or final approval		\$1,000
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f. Telecommunications installations:		
If no new tower is proposed	\$1,000	\$4,000
If a new tower is proposed	\$2,000	\$10,000
3. General development plan review	\$2,500 + \$150 per dwelling unit + \$150 per nonresidential acre	\$5,000 + \$250 per dwelling unit + \$250 per nonresidential acre
4. Conditional use	\$500 plus applicable subdivision or site plan application fees	\$2,000 plus applicable subdivision or site plan escrow deposit
5. Appeals or interpretations under N.J.S.A. 40:55D-70a and b	\$250	\$1,500
6. Request for rezoning	\$500	Initial escrow of \$2,000 required; additional escrow to be established on a case-by-case basis with each individual request being reviewed by the Township professionals as to approximate cost prior to any action being taken
7. Variances*		
*Add subdivision and site plan fees if applicable		
a. N.J.S.A. 40:55D-70c single- or two-family	\$250	\$1,500 + \$250 per variance
All others	\$500	\$1,500 + \$250 per variance
b. N.J.S.A. 40:55D-70d	\$1,000	\$2,500 per variance: commercial
c. N.J.S.A. 40:55D-70d	\$200	\$1,500 per variance: residential
8. Permits under N.J.S.A. 40:55D-34 and 40:55D-36	\$250	\$1,500
9. Boundary line agreement	\$250	\$1,500
10. List of persons within 200 feet of subject lots	\$10 or \$0.25 per name, whichever is greater	Not required
11. Special meetings	\$750*	Each applicant who requests and obtains a special meeting in connection with any application for development or appeal shall post an additional escrow as required and determined by the administrative officer of the board upon consultation with board professionals

* If requested by the applicant and approved by the board

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of West Amwell held on October 16, 2019 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on November 20, 2019 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 150 Rocktown Lambertville Road, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Maria Andrews
Township Clerk

A motion by Cally, seconded by Dale to open to the public for discussion on Ordinance 13, 2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Seeing no members of the public come forward, Deputy Mayor Hoyer closed the floor to public comment.

A motion by Dale, seconded by Cally to adopt Ordinance 13, 2019 upon said introduction, consideration and now final reading was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Public Hearing: Ordinance 14, 2019 – AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNERTON, 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

Deputy Mayor Hoyer read Ordinance 14, 2019 by title.

ORDINANCE 14, 2019

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 Code of the Township of West Amwell is to be amended 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, this Ordinance is intended to provide assurance that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units; 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, this Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 et seq., as amended and supplemented; N.J.A.C. 5:80-26.1 et seq., as amended and supplemented; and the New Jersey Fair Housing Act of 1985.

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 repeals Chapter 51 the Code of the Township of West Amwell in its entirety and replaces it with the following:

CHAPTER 51 AFFORDABLE HOUSING

ARTICLE I. General Program Purposes, Procedures

§ 51-1 Affordable Housing Obligation.

- A. This section of the Township Code sets forth regulations regarding the low and moderate income housing units in the Township consistent 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., and the Township's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low-income housing as established in P.L. 2008, c.46 (the "Roberts Bill").
- B. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- C. The West Amwell Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Plan has also been endorsed by the Township Committee of the Township of West Amwell. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as 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.

§ 51-2 Definitions.

As used herein the following terms shall have the following meanings:

ACCESSORY APARTMENT

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

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

ADAPTABLE

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

ADMINISTRATIVE AGENT

The entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING

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

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

AFFORDABLE

A sales price or rent within the means of a low- or moderate-income household as defined in N.J.S.A. 52:27D-304 ; 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

A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT

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)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93-3, and/or funded through an affordable housing trust fund.

AGENCY

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

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.

ASSISTED LIVING RESIDENCE

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

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

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

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

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

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

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.

FAIR SHARE PLAN

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.S.A. 52:27D-309 through 52:27D-314.

HOUSING ELEMENT

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(b) and establishes the Township's fair share obligation.

INCLUSIONARY DEVELOPMENT

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

A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

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

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable county, as adopted annually by COAH.

MODERATE-INCOME HOUSEHOLD

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

A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE

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

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

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 COAH's adopted Regional Income Limits published annually by COAH, or other Regional Income Limits that may be approved by the Court.

REHABILITATION

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

RENT

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

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

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the median household income.

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

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.

§ 51-3 Mandatory Affordable Housing Set-aside

Any multi-family development within the Township of West Amwell created through any Planning Board action on subdivision or site plan applications, rezoning, use variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six (6) dwelling units per acre, resulting in five or more dwelling units shall be required to set-aside at least 20 percent of said units for low- and moderate-income households. This requirement does not give any developer the right to any such rezoning, variance or other relief, nor does it establish any obligation on the part of the Township of West Amwell to grant such rezoning, variance or other relief.

§ 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 <u>Completed</u>	Percentage Market-Rate Units <u>CompletedUnits</u>	of and
	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

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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.
- (3) At least 13% of all affordable rental units 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) 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.
- (5) 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.
- (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% 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 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 for its Section 8 program.

§ 51-5 Condominium and Homeowners Association Fees.

For any affordable housing unit that is part of a condominium association and/or homeowners 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.

ARTICLE II. Affordable Unit Controls and Requirements

§ 51-6 Purpose.

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.

§ 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.

§ 51-8 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 children of different sexes with separate bedrooms;
 - (3) Provide separate bedrooms for parents and children; 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.

§ 51-9 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.*

§ 51-10 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 and, thereafter, until West Amwell takes action to release the unit from such requirements.
- B. Rehabilitated owner-occupied single-family 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. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- E. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference

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between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

- F. 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.
- G. 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.

§ 51-11 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.
- E. Sellers or resellers of restricted ownership units will be charged a fee of 2.0 percent of the sale price for services provided by the Administrative Agent related to the sale or resale of their home. This fee shall apply to sellers who submit a signed intent to sell their restricted ownership units to the Administrative Agent on or after June 1, 2016 and the fee shall be collected at closing and paid directly to the Administrative Agent."

§ 51-12 Capital Improvements To Ownership Units

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was

initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 51-13 Buyer Income Eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% 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. Notwithstanding the foregoing, however, the Administrative Agent may, in accordance with COAH's criteria, permit moderate-income purchasers to buy low-income units in housing markets determined by COAH to have an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing restrictions for low-income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

§ 51-14 Limitations on Indebtedness Secured By Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.

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- 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).

§ 51-15 Control Periods for Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years and, thereafter, until West Amwell takes action to release the unit from such requirements.
- 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 Warren. 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.

§ 51-16 Rent Restrictions for Rental Units; Leases.

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

§ 51-17 Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
- (1) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% 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.
- B. 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.

§ 51-18 Conversions.

Each 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.

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 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 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 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.

§ 51-21 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 West Amwell 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 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.

§ 51-22 Appeals.

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

Section 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is un-Constitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

I hereby certify the foregoing to be a true copy of an Ordinance passed by the West Amwell Township Committee at a duly convened meeting held on 11/20/19.

Adopted: West Amwell Township Committee

Minutes: 11/20/19

Approved:

Mayor

Date

Attest:

Municipal Clerk

Date

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of West Amwell held on October 16, 2019 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on November 20, 2019 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 150 Rocktown Lambertville Road, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Maria Andrews
Township Clerk

A motion by Cally, seconded by Dale to open to the public for discussion on Ordinance 14, 2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Linda Weber, Chair of the Historic Preservation Committee noted she is the Affordable Housing Liaison in Hopewell Township and requested the Housing Element of the Master Plan and all other relevant documents be put on the West Amwell Township website. Clerk Andrews noted that after the Committee endorses the Housing Element tonight it will be put on the website.

Seeing no other members of the public come forward, Deputy Mayor Hoyer closed the floor to public comment.

A motion by Dale, seconded by Hoyer to adopt Ordinance 14, 2019 upon said introduction, consideration and now final reading was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Public Hearing: Ordinance 15, 2019 – AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL AMENDING SECTIONS 109-116 AND 109-121 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL REGARDING ACCESSORY APARTMENTS PURSUANT TO A SETTLEMENT AGREEMENT BETWEEN THE FAIR SHARE HOUSING CENTER AND THE TOWNSHIP OF WEST AMWELL DATED DECEMBER 2, 2018 AS APPROVED BY THE SUPERIOR COURT OF NEW JERSEY, SOMERSET COUNTY LAW DIVISION ON FEBRUARY 4, 2018

Deputy Mayor Hoyer read Ordinance 15, 2019 by title.

Ordinance 15, 2019

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL AMENDING SECTIONS 109-116 AND 109-121 OF THE CODE OF THE TOWNSHIP OF WEST AMWELL REGARDING ACCESSORY APARTMENTS PURSUANT TO A SETTLEMENT AGREEMENT BETWEEN THE FAIR SHARE HOUSING CENTER AND THE TOWNSHIP OF WEST AMWELL DATED DECEMBER 2, 2018 AS APPROVED BY THE SUPERIOR COURT OF NEW JERSEY, SOMERSET COUNTY LAW DIVISION ON FEBRUARY 4, 2018

WHEREAS, the Township of West Amwell (the “Township”) entered into a Settlement Agreement with the Fair Share Housing Center dated December 2, 2018 and authorized by Resolution No. 116-2018, arising out of a Declaratory Judgment action filed by the Township seeking a delineation of the Township’s compliance with the Mt. Laurel doctrine and Fair Share Housing Act of 1985 (“Settlement Agreement”); and

WHEREAS, the Settlement Agreement was approved by the Superior Court of New Jersey, Somerset County Law Division on February 4, 2018; and

WHEREAS, the Settlement Agreement and the Court's approval require certain changes to the Township's ordinances to address compliance issues; and

WHEREAS, the Township Committee of the Township of West Amwell wishes to amend the Township's ordinances to comply with the requirements of the Settlement Agreement and Court's approval thereof and provide for an accessory apartment program;

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

SECTION 1. Section 109-116 entitled "Accessory apartments for affordable housing" is deleted in its entirety and replaced with the following:

A. Purpose.

(1) Accessory apartments are established in conjunction with the Township of West Amwell's affordable housing program, and the rules and regulations established herein shall be designed to ensure that each accessory apartment established hereunder shall be and remain creditworthy under the rules and regulations of the New Jersey Council on Affordable Housing (COAH), as may be modified by a Court of competent jurisdiction. The Township reserves the right to rescind or repeal this section at any time after the satisfaction of the Township's affordable housing obligations as specified in its certified housing plan.

(2) Not more than eleven (11) accessory apartments shall be created under this program.

(3) At least two (2) accessory apartments will be occupied by very-low income households. At least four (4) accessory apartments will be occupied by low-income households. Not more than five (5) accessory apartments will be occupied by moderate-income households.

(4) Accessory apartments shall be occupied by households meeting the income eligibility standards established by COAH or a court of competent jurisdiction as set forth in any agreement or deed restriction for a period of not less than ten (10) years. Two (2) accessory apartments shall be subject to such occupancy restriction for a period of not less than thirty (30) years.

B. Permitted Use.

Accessory apartments shall be a permitted use in all zones in West Amwell that permit single-family residential uses, provided that the appropriate approval of the existing or proposed septic system and potable water supply can be obtained.

C. Definition.

For the purpose of this section "accessory apartment" shall be defined as follows: "Accessory apartment" means a second dwelling unit located on a lot containing a single-family dwelling. Such a dwelling may be located within the principal structure, added to a principal structure, or located in a detached accessory building.

D. The creation of such a dwelling unit shall be clearly accessory to the primary use of the property as a single-family dwelling and shall in no way confer upon the property owner any future rights to subdivide the existing lot in order to place each unit on a separate lot. A deed restriction shall be applied to properties with accessory apartments specifying that such units may not be subdivided off in the future. The owner of the principal dwelling shall reside in the principal dwelling or the apartment at all times.

E. Apartments shall be established and maintained in a manner consistent with the rules and regulations of COAH, as may be modified by a court of competent jurisdiction, and all building codes.

F. The rents for accessory apartments, including an allowance for utilities, shall be affordable to qualified households as per COAH and UHAC regulations, as may be modified by a court of competent jurisdiction.

G. Accessory Apartments shall be marketed in a manner consistent with the affirmative marketing requirements of the New Jersey Council on Affordable Housing, as modified by a Court of competent jurisdiction.

G. Standards.

(1) **Lot Area.** Accessory apartments shall be permitted on lots of 20,000 square feet or greater. Accessory Apartments can be established on lots of less than 20,000 square feet, where an existing structure already exists that can be modified or altered to create an accessory apartment as long as all other standards of this chapter are met.

(2) The property on which the accessory apartment is proposed must be a conforming lot in terms of minimum required lot area, lot frontage, lot width, and lot depth. If the property on which the accessory apartment is proposed is subject to previously approved bulk variances, the addition of the accessory apartment shall not exacerbate the conditions requiring those variances.

(3) Roadway Access. The property on which the accessory apartment is proposed must abut and have direct driveway access to a public roadway.

(2) Unit size and type.

i. Accessory apartments shall contain at least 500 square feet of gross floor area and no more than 1,200 square feet, excluding garage space. No bedroom shall have a net floor area of less than 80 square feet.

ii. Each unit must contain a minimum of two rooms (one of which must be a bedroom) plus a bathroom. The bathroom must contain a flush toilet, sink, and bathroom tub or shower. Each unit must ~~and provide~~ living/sleeping space, ~~and~~ kitchen facilities, and complete sanitary facilities for the exclusive use of its occupants. All rooms must be accessible from within the apartment.

(3) The accessory apartment shall be separate from the primary residence and private and secure from all attached units. Units attached to a principal dwelling must have and maintain a separate entrance to the outdoors or to a hall from which there is direct access to the outdoors without passing through any other unit. The accessory apartment shall not have its entrance located within the principal structure.

(4) If the apartment is located on the second floor, there shall be at least two means of access to the outdoors, available at all times, as approved by the Construction Official. Exterior stairways for the accessory apartment shall be located at the rear or side of the structure.

(5) Parking.

(a) A minimum of one off-street parking space per bedroom shall be provided for an accessory apartment situated in the side yard or rear yard only, provided that no more than two spaces shall be required in addition to existing on-site parking. Such parking spaces shall be reserved for use by the occupants of the accessory apartment. In no case can the parking provided for an accessory apartment result in a reduction of the existing parking for a principal dwelling below two spaces.

(b) Where new paved or gravel driveways or parking areas are proposed, a minimum five-foot setback from any side or rear property line shall be maintained. Landscaping and/or solid fencing shall be provided to screen such areas from adjacent properties and shall be depicted on the proposed site plan.

(6) Building setbacks. No new accessory apartment shall be located in any front yard setback. Building setbacks should be consistent within the zoning district and be within the building envelope.

(7) There shall be no more than one accessory apartment on any lot.

(8) The property must be in compliance with all applicable building and health codes.

H. Building height. Notwithstanding the building height limitations that apply to accessory structures elsewhere in the Township's Zoning Regulations, structures containing an accessory apartment which is developed in a manner consistent with this section shall be permitted to build up to 2 1/2 stories and not exceeding 35 feet.

I. Building permits; Certificate of Occupancy.

(a) A Certificate of Occupancy shall be required prior to the occupancy of the accessory apartment by the initial tenant consistent with the Township Code.

(b) Prior to the issuance of a Certificate of Occupancy for the initial tenant of the accessory apartment, there shall be a deed restriction recorded applying to the property running with the land that sets forth the applicable affordability controls.

(c) Prior to the issuance of a building permit and / or Certificate of Occupancy for an accessory apartment, a Zoning Permit Application, a site plan and architectural plans (signed and sealed by the appropriate professional) shall be submitted to the Zoning Officer for review to determine compliance with this Section and other applicable zoning requirements. Plans shall accurately depict the location, size and appearance of the proposed structure. Any construction relative to the creation of an accessory apartment shall be architecturally treated in a manner which is consistent with the appearance of other structures on site.

(d) Prior to the issuance of any approvals herein, the property owner shall submit proof that the proposed or existing septic system and potable water supply meets all requirements of the Board of Health or other applicable government agency.

(e) In addition, before a building permit and / or Certificate of Occupancy is issued, the applicant shall have entered into and recorded an agreement with the Township specifying that the proposed accessory apartment will be constructed, occupied and maintained in a manner consistent with the requirements of COAH (as modified by a court of competent jurisdiction), including:

- (i) the appropriate length of deed restriction;
- (ii) the status of the units as very low-, low-, or moderate-income units;
- (iii) the method and timing of payments/subsidies being paid by the Township; and
- (iv) any other relevant or pertinent items consistent with the intent and purpose of

this section and this program in general.

(e) If the unit is located on the second floor, prior to the issuance of building permits or a Certificate of Occupancy, the Construction Code Official shall inspect the unit for proper ingress and egress.

(g) The property owner must submit an affidavit of continuing use every two years.

J. Illegally created apartments.

In the case of any accessory apartment created illegally or without the proper approvals or permits which the property owner desires to legitimize as an accessory apartment under this Section, all of the requirements of this Section shall apply.

SECTION 2. Section 109-121 entitled "Accessory apartments" is deleted in its entirety.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of West Amwell for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Hunterdon County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 7. This Ordinance shall take effect upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing thereof with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

By Order of the Township Committee

Attest:

Zachary T. Rich, Mayor

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to open to the public for discussion on Ordinance 15, 2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Minutes: 11/20/19

Kylie Osgood of 147 Rocktown-Lambertville Road came forward and questioned the language in Section 1-D: stating, "The owner of the principal dwelling shall reside in the principal dwelling or the apartment at all times." Mr. Osgood expressed concern over his ability to establish an affordable housing accessory apartment unit with this restriction and asked if the language could be taken out.

Clerk Andrews explained that she believed from the discussions at the Planning Board, this language was required because if the property wasn't owner occupied the affordable housing unit wouldn't be an "accessory" use and the property would then essentially become an apartment building. She noted the Planning Board Attorney or Township Attorney could provide further clarification on this matter.

Committeeman Cally noted the ordinance needed to be introduced this evening in order to comply with the timeframe of the Court's Settlement Agreement, but commented that this issue could be further reviewed.

Seeing no other members of the public come forward, Deputy Mayor Hoyer closed the floor to public comment.

A motion by Dale, seconded by Cally to adopt Ordinance 15, 2019 upon said introduction, consideration and now final reading was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

STANDING COMMITTEE REPORTS

It was noted for the record that no reports were given.

UNFINISHED BUSINESS

PennEast Status

It was noted for the record that no status update was provided.

School Facilities

It was noted for the record that no report was provided.

NEW BUSINESS/OTHER

Resolution: #106-2019: Promotion of Edward J. Skillman to Police Lieutenant

Resolution #106-2019

RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF WEST AMWELL APPROVING THE PROMOTION OF SERGEANT EJ SKILLMAN TO THE RANK OF LIEUTENANT.

WHEREAS, the Township Committee wishes to make a promotion to the position of Lieutenant of the West Amwell Township Police Department; and

WHEREAS, the promotion process was initiated in August of 2019 and completed in accordance with the Rules and Regulations of the West Amwell Township Police Department; and

WHEREAS, on October 16, 2019, the Township Committee chose Sergeant Edward J. Skillman, III to be promoted to the rank of Lieutenant; and

WHEREAS, prior to his promotion Sergeant Skillman was earning a total salary of \$113,252.58 which included his salary as Sergeant and a stipend for his role as Acting Officer in Charge; and

WHEREAS, the current PBA Contract does not provide for a salary for the position of Lieutenant; and

WHEREAS, the current PBA contract is set to expire on December 31, 2019 and the Committee has initiated the process of re-negotiating the PBA Contract for 2020 and beyond; and

WHEREAS, the position of Lieutenant and an accompanying salary will be included in the 2020 contract; and

WHEREAS, the Township Committee has determined that Lieutenant Skillman's salary and stipend for 2019 shall remain the same as prior to his promotion; and

WHEREAS, it is anticipated that a new Lieutenant's salary will be negotiated for 2020 which will eliminate the need for a stipend for Officer in Charge.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of West Amwell hereby memorializes the promotion of Sergeant Edward J. Skillman, III to the rank of Lieutenant effective October 16, 2019 and Lieutenant Skillman, as the highest-ranking officer of the West Amwell Township Police Department, shall serve as Officer in Charge.

BE IT FURTHER RESOLVED that Lieutenant Skillman's salary for 2019 shall not change as a result of the promotion and he will continue to receive a stipend in 2019 for his role as Officer in Charge.

ATTEST:

TOWNSHIP OF WEST AMWELL

Maria Andrews, Township Clerk

Mayor Zachary Rich

Dated:

I, Maria Andrews, Clerk of the Township of West Amwell, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the West Amwell Township Committee at a meeting held on November 20, 2019.

Dated:

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Cally to approve Resolution #106-2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #107-2019: Calling for Study Committee to Review the Open Public Records Act

**Resolution #107-2019
Resolution Calling for Study Commission to Review the Open Public Records Act**

WHEREAS, the West Amwell Township Committee strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, West Amwell Township has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, West Amwell Township received and responded to 92 OPRA requests in 2017, 83 OPRA requests in 2018, and to date has received and responded to 62 OPRA requests as of September 1, 2019; and

WHEREAS, the West Amwell Township municipal staff has spent approximately 15 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 35 hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, West Amwell Township must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees and costs; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of West Amwell Township appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

I hereby certify the foregoing to be a true copy of a Resolution approved by the West Amwell Township Committee at a regular meeting held on November 20, 2019.

Maria Andrews, Township Clerk, RMC

A motion by Dale, seconded by Cally to approve Resolution #107-2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #108-2019: Appointment of Substitute Inspector M. Wright

Resolution #108-2019
Appointment of Substitute Inspector

WHEREAS, the Township of West Amwell is in need of a Substitute Inspector (Building, Plumbing, Mechanical and Fire); and

WHEREAS, the Construction Office has recommended Michael Wright be appointed to temporarily fill this position for a period not to exceed 90 days; and

WHEREAS, Michael Wright has expressed an interest in serving as the Substitute Inspector for the time period specified; and

Minutes: 11/20/19

WHEREAS, Michael Wright will be compensated at an hourly rate of \$40.00 and will provide a weekly accounting of all hours worked; and

THEREFORE BE IT RESOLVED that Michael Wright be appointed as the Substitute Inspector effective November 21, 2019.

I hereby certify the foregoing to be a true copy of a Resolution approved by the West Amwell Township Committee at their regular meeting on November 20, 2019.

Maria Andrews, Township Clerk, RMC

A motion by Cally, seconded by Dale to approve Resolution #108-2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Resolution #110-2019: Endorsing the Housing Element

**RESOLUTION #110-2019
WEST AMWELL TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED
BY THE PLANNING BOARD**

WHEREAS, the Township of West Amwell has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court's March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

WHEREAS, a Fairness Hearing was held on January 31, 2019, at which a settlement agreement between the Township and Fair Share Housing Center ("FSHC") was approved, and said approval was later memorialized by an Order entered by the Court on February 4, 2019; and

WHEREAS, in accordance with the terms of the settlement agreement and the Court's Order, the Township's planner prepared a Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Township Planning Board held a public hearing on the Housing Element and Fair Share Plan on August 20, 2019 and adopted the Housing Element and Fair Share Plan on the same day; and

WHEREAS, a true copy of the adopted Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

WHEREAS, the Township Committee of the Township of West Amwell wishes to endorse the Housing Element and Fair Share Plan and seeks approval of the Housing Element and Fair Share Plan from the Court.

BE IT RESOLVED, by the Township Committee of the Township of West Amwell in the County of Hunterdon, and the State of New Jersey:

1. That it hereby endorses the Housing Element and Fair Share Plan, as adopted by the West Amwell Township Planning Board on August 20, 2019 attached hereto as Exhibit A.
2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, and (ii) any additional documents the professionals deem necessary or desirable.

3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.
5. That a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the Fair Share Plan; and
6. That notice of this endorsement and a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Township of West Amwell municipal clerk's office during the regular business hours for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

I hereby certify that the above resolution is a true and exact copy of a Resolution adopted at a meeting of the Township Committee of the Township of West Amwell held on the 20th day of November, 2019.

Maria Andrews, RMC
Township of West Amwell

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 20th day of November, 2019

A motion by Cally, seconded by Dale to approve Resolution #110-2019 was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Hoyer: Yes

Authorization: Request from Lt. Skillman to Post the Detective Position

It was noted for the record that the Committee authorized the posting of the Detective position within the Police Department.

Discussion: Construction Office Permitting Software

Construction Office Manager Gail Brewi provided the Committee with an overview of the 3 programs she analyzed:

Mitchell Humphrey & Co. (Government Software Solutions)

SDL – Spatial Data Logic (Municipal Management Software Solutions)

Edmunds GovTech

Ms. Brewi noted the cost comparisons and indicated the objective is to maintain historical data for West Amwell's construction permit files since 2008 and East Amwell's construction permit files since 2015 when the shared service began, to improve departmental efficiency and to maintain fiscal responsibility for the Township.

Ms. Brewi highlighted the following points regarding the Edmunds software:

1. They are the current financial software provider for the Township
2. They are committed to providing personal service and meeting the timeline request
3. They will not increase the maintenance fees for the life of the contract
4. There is no new software purchase required for the Township
5. The maintenance fees include all Federal and State mandated charges, annual upgrades and enhancements
6. They will maintain permitting software integrity with Tax Assessor's Mod IV database to ensure integrity of property owner records
7. The conversion will include integration of all West Amwell interlocal office correspondence, templates, forms, checklists and applications, etc.
8. Allows the Township expansion to integrate across all departments for a total solution of municipal management in the future, if desired
9. West Amwell will be considered an "active training client" for 6 months
10. The program can be utilized to provide real time information to residents, contractors and employees reducing workload and improving efficiency

Minutes: 11/20/19

It was noted for the record that the Committee supported the Construction Office's decision to pursue Edmunds as the new permitting software system.

Discussion: Email dated 11/6/19 from B. Mitzen, re: Requested Changes to Garbage Ordinance

It was noted for the record that this matter was discussed during the "Open to the Public" section on the agenda because Ms. Mitzen spoke up during that time.

Discussion: Animal Control Services, re: Letter from Advanced Animal Control Dated 10/29/19

Clerk Andrews noted the letter she received from Advanced Animal Control was unsolicited and explained they would like to be considered to provide animal control service to the Township. Deputy Mayor Hoyer commented the Committee will take the letter under advisement.

Discussion: Best Practices Inventory Dated 10/29/19

It was noted for the record that the Committee acknowledged receipt of the Best Practices Inventory.

OPEN TO THE PUBLIC

Deputy Mayor Hoyer opened the floor to public comment. Dave Beaumont of 205 Rock Road West came forward and said he is still reviewing the student performance testing data per Mayor Rich's request. He indicated he is about 99% done compiling everything and asked how the Committee would like to receive his report. Committeeman Cally suggested Mr. Beaumont summarize the data in an email and then present it at a meeting.

Mr. Beaumont and Mr. Tomenchok then asked about upgrading the Township website and suggested money be set aside in the 2020 budget for this if it is still something the Committee wished to pursue. Deputy Mayor Hoyer remarked the Technology and Communications Committees should work together on this project.

Mr. Beaumont stated he will try and coordinate a subcommittee meeting in the next few weeks.

Seeing no other members of the public come forward, Deputy Mayor Hoyer closed the floor to public comment.

ADMINISTRATIVE

Treasurer: Bill List 11/20/19

A motion by Cally, seconded by Dale to approve the vouchers for payment as listed on the 11/20/19 bill list was unanimously approved by roll call vote.

Cally: Yes, Dale: Yes, Rich: Yes

CORRESPONDENCE

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

ADJOURNMENT

A motion by Cally, seconded by Hoyer to adjourn the meeting was unanimously approved.

The meeting adjourned at 9:41 PM.

Maria Andrews, Township Clerk, RMC

Approved: 12/4/19