

**READINGTON TOWNSHIP COMMITTEE  
MEETING – November 16, 2009**

Mayor Allen *calls the meeting to order at 6:30 p.m.* announcing that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

**PRESENT:** Mayor J. Allen, Mrs. B Muir, Mr. Frank Gatti, Mr. T. Auriemma, Mr. G. Shamey

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

**ABSENT:** None

**EXECUTIVE SESSION:**

Clerk read the following Resolution:

**RESOLUTION**  
**EXECUTIVE SESSION**

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

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

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

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

**EXHIBIT A**

<b><u>Subject Matter</u></b>	<b><u>Basis Of Public Exclusion</u></b>	<b><u>Date Anticipate When Disclosed to Public</u></b>
Municipal Court.....	Personnel.....	Certain information at the discretion of Township Committee tonight...other information will remain
Police Department.....	Personnel.....	“ “ “
Holland Brook (Block 53, Lot 5.02). Contract Negotiations.....		“ “ “
Amawalk (Block 93, Lot 1)..... Contract Negotiations.....		“ “ “
Main Street (Block 34, Lot 8)..... Contract Negotiations.....		“ “ “
Lackland Associates..... Contract Negotiations..... (Block 64, Lots 26 & 40)		“ “ “
Winfield Management/..... Contract Negotiations..... Sewer Agreement		“ “ “
Professional Services/..... Contract Negotiations..... Energy Audit		“ “ “
Executive Session Minutes..... Attorney-Client Privilege..... (November 4, 2009)		“ “ “

Block 48, Lot 23; Block 55, Lot 33,. Litigation..... “ “ “  
Block 56, Lots 1, 3, 6 & 8; Block  
Lot 24 and Block 67, Lot 2  
(Solberg Aviation/Hromoho)

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

2. This Resolution shall take effect immediately.

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

The meeting reconvened 8:00 p.m.

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

**Mayor Allen announced that the following business was completed during Executive Session:**

***Personnel/Municipal Court***

A **MOTION** was made by Mr. Shamey to appoint Debra Hamrah as full-time Deputy Court Administrator, at a salary of \$37,000 effective November 23, 2009, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mr. Shamey - Aye  
Mayor Allen - Aye

A **MOTION** was made by Mr. Shamey to appoint Nicole Heater as Court Administrator at an annual salary of \$43,000 effective October 26, 2009, with a \$2,000 increase upon completion of her Court Administrator’s certification, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mr. Shamey - Aye  
Mayor Allen - Aye

***Personnel/Police Department***

A **MOTION** was made by Mr. Gatti to appoint Lt. Sebastian Donaruma Chief of Police, effective January 1, 2010, upon the retirement of Chief Paganessi, seconded by Mr. Shamey and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mr. Shamey - Aye  
Mayor Allen - Aye

***Contract Negotiations/Holland Brook (Block 53, Lot 5.02)***

The following resolution was offered for consideration:

**#R-2009-116**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the State Agriculture Development Committee (SADC) certified the Fair Market Value (FMV) of \$17,500 per acre for the development easement on the Holland Brook (Block 53, Lot 5.02- 24 acres) farm, which is contained in Readington Township's 2005A Round Planning Incentive Grant II list of farms; and

**WHEREAS**, the SADC approved the ten (10) year allocation of \$408,240.00 to be appropriated from the Garden State Preservation Trust, Farmland Preservation Fund, for Readington Township's Planning Incentive Grant VIII application, conditioned upon Garden State Preservation Trust, legislative and gubernatorial appropriation; and

**WHEREAS**, based on Readington Township's application, the County of Hunterdon will provide a cost share for the purchase of the development easements, holding title to the development easements.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington, County of Hunterdon, State of New Jersey:

1. Approves the purchase of the development easement on Block 53, Lot 5.02 (Holland Brook).
2. Commits to funding of the purchase of the development easement on Block 53, Lot 5.02 (Holland Brook).
3. Authorizes funding pursuant to the Township's ten (10) year funding plan.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is directed to forward certified copies of this Resolution to the County Agricultural Development Board and the State Agricultural Development Committee as requested and required.

**A MOTION** was made by Mr. Shamey to adopt this resolution, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mr. Shamey	- Aye
Mayor Allen	- Aye

***Contract Negotiations/Amawalk (Block 93, Lot 1)***

Mayor Allen stated that this matter remains in Executive Session.

***Contract Negotiations/Block 34, Lot 8 (Main Street)***

Mayor Allen stated that this matter remains in Executive Session.

***Contract Negotiations/Block 64, Lots 26 & 40 (Lackland Associates)***

Mayor Allen stated that this matter remains in Executive Session.

***Contract Negotiations/Winfield Management Corp/Sewer Agreement***

**A MOTION** was made by Mr. Shamey to approve this Sewer Agreement as amended, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Auriemma - Aye  
Mr. Gatti - Aye  
Mrs. Muir - Aye  
Mr. Shamey - Aye  
Mayor Allen - Aye

***Contract Negotiations/Professional Services/Energy Audit***

The following resolution was offered for consideration:

***#R-2009-117***

***WHEREAS***, the Township of Readington desires to apply for a Local Government Energy Audit Program grant from the New Jersey Board of Public Utilities, Office of Clean Energy in the amount of \$12,253 for the purpose of conducting an energy audit; and,

***WHEREAS***, the Township of Readington has previously submitted Part A of the Application to the Office of Clean Energy and has completed Part B of the Application, including scope of work; solicitation of quotations from vendors; a recommendation and cost proposal from Steven Winter Associates, Inc. who has been determined to be the most advantageous, price and other factors considered; and facility data forms for each facility to be audited; and,

***WHEREAS***, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

***WHEREAS***, the Director may also approve the insertion of an item of appropriation for equal amount; and,

***WHEREAS***, the Township of Readington may, by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and;

***WHEREAS***, a Request for Proposals was issued under State Contract #T2545 and two (2) proposals were received and evaluated, with Steven Winter Associates, Inc. being recommended by the Energy Sub-Committee of the Green Team as the most advantageous, price and other factors considered;

***NOW, THEREFORE, BE IT RESOLVED***, that upon notice of the Board of Public Utilities' Office of Clean Energy, the Township of Readington herewith accepts the award of a grant to conduct an energy audit in the amount of \$12,253; and,

***BE IT FURTHER RESOLVED*** that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$12,253 which is anticipated to be available from the Office of Clean Energy from the aforementioned Grant; and,

***BE IT FURTHER RESOLVED***, that the like sum of \$12,253 is hereby appropriated under the caption Energy Audit; and,

***BE IT FURTHER RESOLVED***, that the sum of \$4,084 representing the amount required for the Township of Readington share of the aforementioned undertaking appears in the 2009 budget under the caption of Energy Audit and is hereby appropriated under the caption of Energy Audit; and,

***BE IT FURTHER RESOLVED*** that upon receipt of the Notice of Award from the Office of Clean Energy the Township of Readington is authorized to enter into a contract with Steven Winter Associates, Inc. pursuant to the proposal received for said services; and,

**Resolution #R-2009-117 cont'd:**

**BE IT FURTHER RESOLVED** that pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the services are ordered, and a separate certification of availability of funds is made by the Chief Finance Officer; and,

**BE IT FURTHER RESOLVED** that a copy of Part A and cover sheets of Part B Forms of the Local Government Energy Audit Program grant application be annexed hereto and a copy be submitted to the Director of the Division of Local Government Services with this resolution.

A **MOTION** was made by Mr. Shamey to adopt this resolution, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mr. Shamey	- Aye
Mayor Allen	- Aye

**Attorney-Client Privilege/Executive Session Minutes (November 4, 2009)**

A **MOTION** was made by Mrs. Muir to approve the Executive Session Minutes of November 4, 2009 for content only, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

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

Mayor Allen stated that this matter remains in Executive Session.

**Contract Negotiations/Block 94, Lot 17/Maintenance Contract**

A **MOTION** was made by Mr. Gatti to approve the contract as written, seconded by Mrs. Muir and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mr. Shamey	- Aye
Mayor Allen	- Aye

**CONSENT AGENDA:**

Mayor Allen read the following statement:

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

- ρ1. **APPROVAL OF MINUTES** of meeting of November 4, 2009
- ρ2. **Adoption of Fair Housing Marketing Plan**

The following resolution was offered for consideration:

**#R-2009-118**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, the Township of Readington, Hunterdon County, received third round substantive certification from the Council on Affordable Housing (COAH) on October 14, 2009; and

**WHEREAS**, pursuant to the COAH Compliance Report dated August 24, 2009, the Township must adopt by Resolution an affirmative marketing plan within 45-days of COAH's grant of substantive certification.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Readington does hereby adopt the Affirmative Fair Housing Marketing Plan, dated October 2009, as attached hereto as Appendix "A."

**BE IT FURTHER RESOLVED** that a copy of adopted plan and certified resolution shall be submitted to COAH within 45-days of COAH's grant of substantive certification or no later than November 27, 2009.

*(Appendix "A" On File in Clerk's Office)*

- ρ3. **Resolution Authorizing Hunterdon County Cooperative Purchase** – rock salt

The following resolution was offered for consideration:

**#R-2009-119**

**TOWNSHIP OF READINGTON  
RESOLUTION**

**WHEREAS**, pursuant to *N.J.S.A. 40A:11-10 et seq.*, Readington Township authorized a joint agreement with the County of Hunterdon at the September 8, 2009 Township Committee meeting; and

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders, in accordance with this agreement, has awarded the bid for rock salt to Atlantic Salt, Inc. at a price of \$52.00 per ton, not to exceed \$104,000 ; and

**WHEREAS**, pursuant to *N.J.S.A. 5:34-5* the Governing Body is required to award this contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Readington does hereby award the contract for the purchase of rock salt for the 2009/2010 season (October 20, 2009 to October 19, 2010) to Atlantic Salt, Inc. at a price of \$ 52.00 per ton.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be sent to the County of Hunterdon Purchasing Department.

- ρ4. **Greenbrook Racing** – return of police escrow (\$625.11)

- ρ5. **Blue Light Permit** – Robert Schoenfeld

- ρ6. **Payment of Bills** – (Complete bill list is on file in Clerk's Office)

Fund Description	Fund No.	Received Total
CURRENT FUND	9-01	\$ 343,945.67
SEWER APPROPRIATIONS	9-02	\$ 42,641.25
TRUST FUNDS	X-03	\$ 13,953.89
MISC REFUND, COUNTY TAX, LIENS	X-05	\$ 10,066.60
PAYROLL DEDUCTIONS	X-06	\$ 188,656.72
2008 CAPITAL	X-88	<u>\$ 467,661.50</u>
<b>TOTAL OF ALL FUNDS</b>		<b>\$ 1,066,925.63</b>

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

Mr. Auriemma - Aye  
 Mrs. Muir - Aye  
 Mr. Gatti - Aye  
 Mr. Shamey - Aye  
 Mayor Allen - Aye

***PUBLIC HEARINGS***

As it was after 8:00 p.m., A **MOTION** was made by Mrs. Muir adjourn the regular meeting to hold a Public Hearing, seconded by Mr. Gatti with a vote of ayes all, nays none recorded.

Clerk read by Title:

***AN ORDINANCE AMENDING ORDINANCE AMENDING SEC. 148, ET. SEQ. OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON TO PROVIDE REGULATIONS PERTINENT TO THE TOWNSHIP'S THIRD ROUND FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS AS REQUIRED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING***

***ORDINANCE #30-2009***

Mayor Allen stated that Readington Township's third round fair share plan was certified by the Council on Affordable Housing and the Township has 45 days to pass all various ordinances and regulations that would support substantive certification and this is one of the ordinances.

Mayor Allen asked if there were any comments from the Governing Body.

There were none.

Mayor Allen asked if there were any comments from the Public.

There were none.

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

Clerk read by Title:

***AN ORDINANCE AMENDING ORDINANCE AMENDING SEC. 148, ET. SEQ. OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF READINGTON TO PROVIDE REGULATIONS PERTINENT TO THE TOWNSHIP'S THIRD ROUND FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS AS REQUIRED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING***

**ORDINANCE #30-2009**

**Ordinance #30-2009 cont'd:**

**BE IT ORDAINED**, by the Township Committee of the Township of Readington, County of Hunterdon, as follows:

**Section 1.** Section 148 of the Land Development Ordinance of the Township of Readington shall be amended to provide a new sub-section, following Sec. 148-118, et seq. of Article XIII entitled "Affordable Housing" to contain the following new provisions pertinent to the Township's third round fair share affordable housing obligations:

**Section 2. Intent**

This section of the Township Code sets forth regulations regarding the low and moderate income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing for the period beginning June 2, 2008 with amendments through October 20, 2008", N.J.A.C. 5:97 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). These regulations are also intended to provide assurances that low and moderate income units (the "affordable units") are created with controls on affordability over time and that low and moderate income people occupy these units. These regulations shall apply except where inconsistent with applicable law.

**Section 3. Proportion of Low and Moderate Income Units by Sale, Rental and by Number of Bedrooms**

Except for affordable housing developments constructed pursuant to low income tax credit regulations:

- (1) At least half of the "for sale" affordable units within each affordable housing development shall be affordable to low income households.
- (2) At least half of the "rental" affordable units within each affordable housing development shall be affordable to low income households. Of the total number of affordable rental units, 13% shall be affordable to very low income households.
- (3) At least half of the affordable units in each bedroom distribution within each affordable housing development shall be affordable to low income households.

**Section 4. Bedroom Distribution of Affordable Units**

- (1) Affordable housing developments which are not limited to age-restricted households shall be structured in conjunction with realistic market demands so that:
  - (a) The combination of efficiency and one-bedroom units is no greater than 20 percent of the total number of affordable units;
  - (b) At least 30 percent of all affordable units shall be two-bedroom units.
  - (c) At least 20 percent of all affordable units shall be three-bedroom units.
- (2) Affordable housing developments that are limited to age-restricted households shall at a minimum have a total number of bedrooms equal to the number of age-restricted affordable units within the affordable housing development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

**Section 5. Establishment of Rents and Prices of Units as Related to Household Size and Number of Units**

***Ordinance #30-2009 cont'd:***

- (1) In conjunction with realistic market information the following shall be used to determine maximum rents and sales prices of the affordable units:
  - (a) Efficiency units shall be affordable to one-person households.
  - (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.
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (2) For assisted living facilities the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household.
  - (b) A one-bedroom unit shall be affordable to a one- and one-half person household.
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two, one-person households.
- (3) 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:
  - (a) provide an occupant for each unit bedroom;
  - (b) provide children of different sex with separate bedrooms; and
  - (c) prevent more than two persons from occupying a single bedroom.

**Section 6. Establishing Median Income by Household Size**

- (1) Median income by household size shall be established using a regional weighted average of the uncapped Section 8 income limits published by HUD computed as set forth in N.J.A.C. 5:97-9.2.

**Section 7. Establishing Average Rents of Affordable Units**

- (1) The maximum rent of affordable units within each affordable housing development shall be affordable to households earning no more than 60 percent of median income. The average rent for low and moderate income units shall be affordable to households earning no more than 52 percent of median income. Restricted rental units shall establish at least one rent for each bedroom type for all low and moderate income units provided at least 13 percent of all low and moderate income units are affordable to households earning no more than 30 percent of median income. For low-income rental units established in a Market to Affordable Rental Program only – the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income.
- (2) Low and moderate income units shall utilize the same heating source as market units within an inclusionary development.
- (3) Gross rents including an allowance for utilities shall be established for the various size affordable units at a rate not to exceed 30 percent of the gross monthly income of the appropriate household size as set forth in subsections 5 and 6 above. The allowance for utilities shall be consistent with the utility allowance approved by NJDCA for use in its Section 8 Program.
- (4) No affordable rental units included in the COAH requirement shall be subject to a rent control ordinance which may be adopted or in place in the Township of Readington during the time period in which affordable housing COAH controls are effective.

***Ordinance #30-2009 cont'd:***

**Section 8.     **Establishing Average Sales Prices of Affordable Units****

- (1)     The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income. Each affordable development must achieve an affordability average of 55 percent for restricted ownership units. 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. For low-income sale units established in a Market to Affordable Sales Program only – the maximum sales for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
- (2)     Low and moderate income units shall utilize the same heating source as market units within an inclusionary development.
- (3)     The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

**Section 9.     **Affordable Housing Units: Condominium or Homeowners Association Fees.****

- (1)     If an affordable housing unit is part of a condominium association or homeowner's association, the Master Deed shall reflect that the assessed affordable homeowner's fee be established at one hundred percent of the market rate fee. This percentage assessment shall be recorded in the Master Deed.

**Section 10.    **Reservation of Units****

- (1)     Low income housing units shall be reserved for households with a gross household income equal to or less than 50 percent of the median income approved by COAH.
- (2)     Very low income housing units shall be reserved for households with a gross household income equal to or less than 30 percent of the median income approved by COAH.
- (3)     Moderate income housing units shall be reserved for households with a gross household income in excess of 50 percent but less than 80 percent of the median income approved by COAH.

**Section 11.    **Reoccupancy Certificates****

- (1)     Upon resale of an affordable unit, a certificate of continuing occupancy shall be required in accordance with N.J.A.C. 5:80-26.10

**Section 12.    **Phasing Of Construction****

- (1)     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 one stage or in two or more stages:

**Ordinance #30-2009 cont'd:**

<u>Minimum Percentage of Low &amp; Moderate Income Units Completed</u>	<u>Percentage of Market Housing Units Completed</u>
0	25
10	25 + 1 unit
50	50
75	75
100	90

**Section 13. Control Period for Affordable Housing**

- (1) Any conveyance of a newly constructed low or moderate income sales unit shall contain the restrictive covenants and liens that are set forth in N.J.A.C. 5:80-26 et seq.

**Section 14. Administration of Affordable Housing Program**

- (1) Readington Township is ultimately responsible for administering the affordable housing program, including affordability controls and the Affirmative Marketing Plan in accordance with the regulations of COAH pursuant to N.J.A.C. 5:97 et seq. and the UHAC pursuant to N.J.A.C. 5:80-26 et seq.
- (2) Readington Township has delegated to the Municipal Housing Liaison, this responsibility for administering the affordable housing program, including administering and enforcing the affordability controls and the Affirmative Marketing Plan of Readington Township in accordance with the provisions of this sub-chapter, the regulations of COAH pursuant to N.J.A.C. 5:96 and 5:97 et seq. and the UHAC pursuant to N.J.A.C. 5:80-26 et seq. Readington Township shall by resolution appoint the Housing Officer as the Municipal Housing Liaison.
- (3) Subject to COAH or Superior Court approval, Readington Township may contract with one or more administrative agents to administer some or all of the affordability controls and/or the Affirmative Marketing Plan in accordance with this sub-chapter, the regulations of COAH pursuant to N.J.A.C. 5:97 and 5:96 et seq. and the UHAC pursuant to N.J.A.C. 5:80-26 et seq. If Readington Township enters into such a contract, the Municipal Housing Liaison shall supervise the contracting administrative agent(s) and shall serve as liaison to the contracting administrative agent(s).
- (4) The Township of Readington intends to contract with an experienced affordable housing administrator to be the administrator of the sale and rental of all new affordable housing. The experienced affordable housing administrator will also oversee and administer income qualification of low and moderate income households; place income eligible households in low and moderate income units upon initial occupancy; place income eligible households in low and moderate income units as they become available during the period of affordability controls and enforce the terms of the required deed restrictions and mortgage loans. The experienced affordable housing administrator will specifically administer and implement:
  - (a) An administrative plan and program, and related monitoring and reporting requirements as outlined in N.J.A.C. 5:80-26.15 et seq. and Chapter 148 of the Land Development Ordinances of the Township of Readington.
  - (b) A plan for certifying and verifying the income of low and moderate income households as per N.J.A.C. 5:80-26.16

- (c) Procedures to assure that low and moderate income units are initially sold or

***Ordinance #30-2009 cont'd:***

rented to eligible households and are thereafter similarly re-sold and re-rented during the period while there are affordability controls as per N.J.A.C. 5:80-26 et seq.

- (d) The requirement that all newly constructed low and moderate income sales or rental units contain deed restrictions with appropriate mortgage liens as set forth in Appendices in N.J.A.C. 5:80-26 et seq.
- (e) The several sales/purchase options authorized under N.J.A.C. 5.80-26 et seq. except that the Township retains the right to determine by resolution whether or not to prohibit, as authorized under N.J.A.C.5:80-26 et seq., the exercise of the repayment option.
- (f) The regulations determining 1) whether installed capital improvements will authorize an increase in the maximum sales price; and 2) which items of property may be included in the sales price as per N.J.A.C.5:80-26.9.
- (5) The developers/owners of any inclusionary site shall be responsible for the experienced affordable housing administrator's administrative fee, affirmative marketing and advertising and such shall be a condition of Planning or Zoning Board approval. Subsequent to the initial sale of an affordable sale unit, the seller of an affordable sale unit shall be responsible for the experienced affordable housing administrator's administrative fee, affirmative marketing and advertising and such shall be a condition of any affordable housing deed restriction governing the affordable unit.
- (6) Readington Township reserves the right to replace the experienced affordable housing administrator with another municipal authority or other agency authorized by COAH or the Superior Court to carry out the administrative processes outlined above.

**Section 15. Time Period For Controls**

- (1) Newly constructed low and moderate income "rental" units shall remain affordable to low and moderate income households for a period of at least 30 years.
- (2) Newly constructed low and moderate income "for sale" units shall remain affordable to low and moderate income households for a period of at least 30 years.
- (3) Rehabilitated owner-occupied single family housing units that are improved to code standard shall be subject to affordability controls for 10 years.
- (4) Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to affordability controls for at least 10 years.
- (5) Housing units created through conversion of a non-residential structure shall be considered a new housing unit and shall be subject to affordability controls for new housing units as designated in items 1 and 2 above.
- (6) Affordability controls on accessory apartments shall be for a period of 10 years.
- (7) Affordability controls for units in alternative living arrangements shall be for a period of 30 years.
- (8) Affordability controls on market to affordable units shall be for a period of at least 30 years.

**Section 16. Selection of Occupants of Affordable Units**

***Ordinance #30-2009 cont'd:***

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

**Section 17. Affirmative Marketing Plan**

- (1) Readington Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- (3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3 comprised of Hunterdon, Middlesex and Somerset Counties.
- (4) The Administrative Agent designated by Readington Township shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (5) 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.
- (6) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (7) 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 Readington Township.
- (8) A random selection method to select occupants of low and moderate income housing will be used by the experienced affordable housing administrator in conformance with N.J.A.C.5:80-26.16 (l).
  - (a) An experienced affordable housing administrator will be selected to administer the program. The experienced affordable housing administrator has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units which income qualified households; to continue to qualify households, for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-

26. The Housing Officer within the Township of Readington is the designated municipal housing liaison to act as liaison to the experienced affordable housing administrator. The experienced affordable housing administrator shall provide

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counseling services to low and moderate income applicants on subject such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law.

- (b) All developers of low and moderate income housing units shall be required to assist in the marketing of the affordable units in their respective developments.
- (c) The marketing program shall commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program shall continue until all low income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.
- (d) The experienced affordable housing administrator will comply with monitoring and reporting requirements as per N.J.A.C.5:80-26.

**Section 18. Adaptable and Accessible Units (per N.J.A.C. 5:97-3.14)**

- (1) The first floor of all townhouse dwelling units and of all other multistory dwelling units which are affordable to low or moderate households shall be subject to the technical design standards of the Barrier Free Subcode (N.J.A.C. 5:23-7).
- (2) Each affordable townhouse unit or other affordable multistory dwelling unit that is attached to at least one other dwelling unit shall have the following features:
  - i. An adaptable toilet and bathing facility on the first floor;
  - ii. An adaptable kitchen on the first floor;
  - iii. An accessible route of travel;
    - (a) An interior accessible route of travel shall not be required between stories.
  - iv. 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
  - v. Accessible entranceways.
    - (a) The developer shall provide an accessible entranceway as set forth at N.J.A.C. 5:97-3.14 for each affordable townhouse unit or other affordable multistory dwelling unit and is attached to at least one other dwelling unit; or
    - (b) The developer shall provide funds sufficient to make 10% of the adaptable entrances in the development accessible as set forth at N.J.A.C. 5:97-3.14.
  - vi. The developer of the project shall submit a conversion plan indicating the steps necessary to convert the unit from being adaptable to accessible. Said plan shall be submitted at the time of issuance of a building permit.
  - vii. Where the developer will provide funds sufficient to make 10% of the adaptable entrances in the development accessible, the developer of the project shall submit the following to the Township, at the time of issuance of the building permit, in order to determine the required funds:

- (a) Funds sufficient to make 10% of the adaptable entrances in the development accessible; and

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- (b) A cost estimate for conversion of 10% of the adaptable entrances in the development to accessible.
- viii. In the case of an affordable unit or units which are 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 by the Township.

**Section 19. Superseding Effect.**

This ordinance supersedes any sections or portions of the Land Development Ordinance of the Township of Readington or any other Township ordinances inconsistent herewith. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 20. Severability.**

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

**Section 21. Effective Date.**

This ordinance shall be filed with COAH within seven days of adoption. It shall take effect upon final passage, adoption and publication according to law and upon filing with the Hunterdon County Planning Board.

*This ordinance was published in it's entirety since at the time of introduction it was still in draft form.*

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

A **MOTION** was made by Mrs. Muir to adopt this Ordinance, seconded by Mr. Gatti and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mrs. Muir	- Aye
Mr. Gatti	- Aye
Mr. Shamey	- Aye
Mayor Allen	- Aye

***CORRESPONDENCE/OTHER INFORMATION***

There was none.

**OLD BUSINESS**

1. ***Sophie Street Road Improvements***

Lloyd Tubman, Esq., of Archer and Greiner, was present to represent the developer. Ms. Tubman stated that she received a recommendation from Clay McEldowney to widen the existing Sophie Street to twenty (20) ft.

Mr. McEldowney discussed his recommendation to widen Sophie Street from fifteen (15) feet to twenty (20) feet, keeping the standard applicable to both the old and the new section the same. Mayor Allen stated that it is her understanding that the developer will pay a prorata share and the Township will pay the difference.

**A MOTION** was made by Mrs. Muir to widen Sophie Street the recommended twenty (20) feet with the Township's share of the cost being absorbed by the Township budget, seconded by Mr. Shamey and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mr. Shamey	- Aye
Mayor Allen	- Aye

The Committee also discussed whether to extend the water line or allow wells for each of the lots.

**A MOTION** was made by Mrs. Muir to allow the developer to move forward with installation of private wells on the individual lots and the installation of in ground fire water tanks as specified by the Township ordinance, seconded by Mr. Shamey and on Roll Call vote the following was recorded:

Mr. Auriemma	- Aye
Mr. Gatti	- Aye
Mrs. Muir	- Aye
Mr. Shamey	- Aye
Mayor Allen	- Aye

Engineer McEldowney asked to be excused from the meeting since he was in attendance only for the Sophie Street improvements.

Mr. Auriemma asked Engineer McEldowney about the crosswalk signs on Main Street. Engineer McEldowney stated that DPW will be installing these signs. Mr. Auriemma requested that Engineer McEldowney follow up with Scott Jesseman on the status of the signs.

2. ***Off-Road Vehicle Ordinance***

Mr. Gatti stated that he would like to defer this matter since he would like to take the time to review the memo from the Chief of Police. Mrs. Muir stated that her concern was that the exceptions were not addressed in the memo.

***NEW BUSINESS***

1. ***Rockaway Reformed Church*** – request to hang banner in late November

Administrator Mekovetz stated that the Readington Community Theater had already been approved to hang a banner at the same time. Mayor Allen requested that Administrator Mekovetz reach out to the Rockaway Reformed Church to see if they could coordinate a schedule to accommodate both requests.

ρ 2. ***Adoption of Fair Housing Marketing Plan*** – resolution

This item was addressed under Consent Agenda.

ρ 3. ***Resolution Authorizing Hunterdon County Cooperative Purchase*** – rock salt

This item was addressed under Consent Agenda.

- ρ 4. **Greenbrook Racing** – return of police escrow (\$625.11)

This item was addressed under Consent Agenda.

- ρ 5. **Blue Light Permit** – Robert Schoenfeld

This item was addressed under Consent Agenda.

**ADMINISTRATOR'S REPORT**

Administrator Mekovetz stated that she had nothing to report.

**ATTORNEY'S REPORT**

Attorney Dragan stated that a written report was submitted.

**COMMITTEE REPORT**

**Mayor Allen**

Mayor Allen stated that an Open Space Walk took place on the Cole Road Greenway on Sunday.

**Thomas Auriemma**

Mr. Auriemma stated that he had nothing to report.

**Frank Gatti**

Mr. Gatti stated that he had nothing to report.

**Beatrice Muir**

Mrs. Muir stated that she had nothing to report.

**Gerard Shamey**

Mr. Shamey stated that he had nothing to report.

**COMMENTS FROM THE PUBLIC**

Bradford Muir commented on the off road vehicle ordinance stating that the language is too vague.

Chris Grimes stated that he felt the ordinance was too extreme for those people that drive off road vehicles responsibly.

Tony DeSantis asked about the definition of the word nuisance in regard to sound levels.

Jim McQuade stated that he echoed the sentiments of the previous comments from the public.

As there was no further business, **A MOTION** was made by Mr. Shamey at 9:10 p.m. to adjourn the meeting, seconded by Mr. Gatti with vote of all ayes, nays none recorded.

Respectfully Submitted:

