

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
MARCH 26, 2009**

Mayor Tubbs called the regular meeting of the Township Committee of the Township of Chatham to order at 7:38 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 8, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2009; and notice was filed with the Township Clerk on January 8, 2009.

Mayor Tubbs led the flag salute.

Roll Call

Answering present to the roll call were Committeeman Gallop, Committeeman O'Connor, and Committeeman Brower, Mayor Tubbs. Deputy Mayor Hagner was absent.

Approval of Agenda

Committeeman O'Connor moved to approve the agenda. Committeeman Gallop seconded the motion, and it carried unanimously.

Proclamation

Mayor Tubbs read the attached proclamation declaring April as Donate Life Month. Former Mayor Susan Hoag and Lenore Ford were present to accept the proclamation. Mrs. Ford thanked the Township Committee for their support. She also said that in August 2008, Acting Governor Codey signed the Heroes Act, which put into law a provision requiring DMV staff to ask people renewing their licenses if they want to be organ donors. The Heroes Act will also create a Donor Awareness Component in the curriculum in every public high school and state college in New Jersey beginning in September 2009.

Reports

Committeeman Brower reported that there have not been any new cases added to the Public Assistance Program. Two cases have been removed from the rolls, and there are some cases still pending. He also said that the Assistance Program is not a giveaway program, and that the applicants need to meet certain requirements to become eligible. Committeeman Brower also reported that he has been in touch with White Buffalo, Inc. to see if there have been any changes in the deer management program that would allow culling in neighborhoods. Furthermore, the Senior Citizens had a good turnout for a fundraiser. Committee O'Connor reported that SEAMLESS met, and had a presentation from the Morris County Planner regarding COAH. He also reported that Long Hill Township would no longer be a member of the Ten Towns Committee. Committeeman Gallop reported that he has been in touch with Morris County regarding the Swamp Loop. Since the project was put on hold, he asked the County if it would be possible to proceed with some part of the lane marking in Chatham Township. The County has agreed to support putting some shared lane markings on Southern Boulevard. Committeeman Brower warned about potholes in areas where bicyclists ride. He also addressed a resolution from Parsippany-Troy Hills supporting Assembly Bill A3570 that would abolish COAH and hopefully provide an impetus for the development of a more reasonable approach to affordable housing. He suggested that the Township Committee pass a similar resolution supporting this pending legislation. Mayor Tubbs reported that the Friends of the Library held a very successful book sale. He also reported that a meeting was held regarding emergency preparedness and fire safety at the multi-family dwellings in the Township, and Fire Official Barry Howard is working on a draft ordinance regarding Knox-boxes. Administrator Ciccarone added that single-family homes are exempt from Knox-box requirements, but the Township can still work with them to voluntarily participate in such a safety system. Mayor Tubbs also reported that St. Hubert's Animal Welfare Center is in the running for a Million Dollar

Makeover prize from www.ZooToo.com. Additionally, the groundbreaking ceremony for the St. Hubert's expansion project will be on April 3, 2009 at 11:00 AM. Committeeman Brower asked about the Knox-boxes. Mayor Tubbs said that the issue was originally brought to his attention by Fire Chief Jim Condu, and he subsequently discussed it with the condo associations and Fire Official Barry Howard. Administrator Ciccarone reported that he and Public Works Director Joe Barilla went out to examine Swamp Road in response to concerns raised by a resident about road maintenance. In conjunction with Engineer Ruschke, they have begun working on a maintenance plan, and the road will be substantially reconstructed in a manner that does not involve obtaining NJDEP permits.

Reports by Sub-Committees

Chatham Joint Recreation Advisory Committee

Bill Karpowic, the 2009 Chairman of the Recreation Committee, presented the Annual Report of the Chatham Joint Recreation Advisory Committee. Some of the 2008 accomplishments include the successful implementation of background checks for volunteer coaches, the formalization of sports committees, and the inclusion of league coordinators who monitor coaches. 2009 objectives include the completion of a long-term recreation master plan. Mr. Karpowic also said that some of the sports subaccounts have surpluses, and the Recreation Committee advises that these funds be used wisely, perhaps for the purchase of equipment, to help subsidize field maintenance, or to control registration fees. He also said that the recreation website has been an integral part of the recreation program, and they are looking into ways to enhance the capabilities of the website. The Recreation Committee would also like to run a lecture series for parents that would address how to keep youth sports in a proper perspective, as well as injury prevention. Committeeman O'Connor asked Mr. Karpowic to elaborate on a section of his written report regarding coordination of potential projects at Shunpike Field. Mr. Karpowic explained that there is a possibility that both Shunpike and Shepard Kollock might be taken out of use at the same time for reconstruction, and the Recreation Committee wants to be able to provide input in discussions on this matter. Committeeman Gallop thanked Mr. Karpowic for taking over the chairmanship of the Recreation Committee. Mr. Karpowic added that Steve Barna is the Board of Education's representative to the Recreation Committee, and he has helped make the Recreation Committee a very cohesive group. Committeeman Brower said that when work begins on Shunpike Field, it would be helpful to have input from the Recreation Committee early in the process. Mr. Karpowic added that the Baseball Committee has sponsorship money available, but is reluctant to begin a field project now because of possible pending work at Shunpike and Shepard Kollock. Mayor Tubbs said that he would like to see an anonymous feedback mechanism created so that parents and players can comment on the coaches, both positively and negatively. He also suggested that the Mason Report be taken into account when the recreation master plan is developed. Mayor Tubbs also commented on vandalism on recreation facilities. Administrator Ciccarone commented on the possible scheduling conflict with Shunpike and Shepard Kollock, and said that they will try hard to avoid having both fields out of use at the same time.

Colony Pool Advisory Committee

Terry Santora presented the 2009 Annual Report of the Colony Pool Advisory Committee. She said that Community Pass is being used again. Scanners have been purchased so that members' cards can be scanned upon their admission into the facility. Water volleyball was a big hit with the young teenagers. The snack bar was brought up to code, and 2 trees were taken down. Paul Chaput held two very successful tennis clinics in the fall, and the paddle tennis membership has been doubled. Mayor Tubbs added that the scanners were purchased in conjunction with a recommendation that better care needed to be taken to monitor who was using the pool. Committeeman Gallop asked about registration numbers. Mrs. Santora said that registration just began, so numbers are not available yet. Committeeman Brower asked about replacing trees by the tennis courts. Administrator Ciccarone said that he would speak to Mr. Barilla about tree replacement.

Library of the Chathams

Diane O'Brien presented the 2009 Annual Report of the Library of the Chathams. She began by entertaining questions on her written report about 2008. Committeeman O'Connor asked if the

proposed improvements have been resolved. Mrs. O'Brien said that there is always something more to be done. Currently there are issues with the Library's roof and some electrical work. Mrs. O'Brien added that the Library has not needed to request additional capital funds from the township or the Borough. For 2009, Mrs. O'Brien pointed out that the Library has become busier as a result of the economic downturn, and she discussed steps that the Library has taken to help people. Committeeman Brower asked about having a book drop-off at the Senior Center. Mrs. O'Brien said that they almost had one, but they need to wait for some pending negotiations between Morris County and the M.A.I.N. network. Committeeman Gallop praised the Library's efforts to help job hunters, and suggested that Library staff could help educate people about online networking sites. He also asked how often the Library surveys residents about what services they would like to see implemented or where improvements could be made. Mrs. O'Brien said that the last community-wide survey was conducted prior to the building addition, and there is also a suggestion box. The availability of parking at the Library still remains an issue.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.
Seeing none, Mayor Tubbs closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

ORDINANCE 2009-04

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County Morris, State of New Jersey that Chapter XXIX, Affordable Housing Administration, of the Code of the Township of Chatham is hereby repealed in its entirety and the following ordinance to address the requirements of the Council on Affordable Housing (COAH) regarding compliance with the municipality's prior round and third round affordable housing obligations is hereby adopted in its place:

Section 1. Affordable Housing Obligation

- (a) 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.
- (b) The Township of Chatham 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 Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Township of Chatham shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of Chatham shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of Chatham Municipal Building, Municipal Clerk's Office, 58 Meyersville Road, Chatham, NJ 07928, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:
"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or

through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

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

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

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

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

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

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

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

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

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent 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” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

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

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

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

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

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

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

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

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

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

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

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

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

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

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

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

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

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

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

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

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

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

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

Section 3. Affordable Housing Programs

The Township of Chatham has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 1. The Township of Chatham’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
 3. The Township of Chatham will address its rehabilitation requirement of 19 units through its participation in the Morris County Homeowner Rehabilitation Program.
 4. The program is maintained by the Morris County Division of Community Development. The program is funded through the U.S. Department of Housing and Urban Development (HUD). This program is a cooperative effort of the federal government through the Morris County Board of Chosen Freeholders and 37 municipalities to meet housing and neighborhood needs throughout the County. The Housing Rehabilitation Program is only one of the many activities receiving funding through this annual grant. Funds are to be used for major repairs or conditions related to health or safety. Examples of Work: roof replacement, furnace replacement, upgrade electrical, construct new well or septic, sewer or water hook-ups, provide handicapped access; and Type of Assistance: No Interest, No Payment 6-Year or 10-Year Forgivable Loan (Term is dependent on amount of assistance).
 5. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter-occupied units the control period will be enforced with a deed restriction.
 6. The Township of Chatham shall dedicate a minimum of \$10,000 from its Housing Trust Fund for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 7. The Township of Chatham shall designate, subject to the approval of COAH, the Morris County Division of Community Development to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The County shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the County.
 8. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

- iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
- (b) An Accessory Apartment program.
1. All accessory apartments shall meet the following conditions:
 - i. Accessory apartments are permitted by the Zoning Ordinance for various zoning districts, provided the units are affordable to low- and moderate-income households. Accessory apartments may be developed as low-income or moderate-income units (accessory apartments may be limited to only low- or only moderate-income units as determined in the Fair Share Plan).
 - ii. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes, and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
 - iii. At the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to a household which is either a low- or moderate-income household.
 - iv. Rents of accessory apartments shall be affordable to low- or moderate-income households as per COAH and UHAC regulations.
 - v. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment.
 - vi. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
 - vii. The Township of Chatham's accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - viii. No accessory apartment created as a result of this article or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
 2. The maximum number of creditable accessory apartments shall be equal to 10 units or 10 percent of the Township of Chatham fair share obligation, whichever is greater (Additional units may be approved by COAH if the municipality has demonstrated successful completion of its accessory apartment program).
 3. The Township of Chatham shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:
 - i. The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.
 - ii. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this section/article. All denials shall be in writing with the reasons clearly stated.
 - iii. In accordance with COAH requirements, the Township of Chatham shall provide from its Housing Trust Fund at least \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

4. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
 - i. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
 - ii. Rough elevations showing the modifications of any exterior building façade to which changes are proposed; and
 - iii. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.

(c) A Market to Affordable program.

1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii below, the market to affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units as per the Fair Share Plan).
2. The following provisions shall apply to market to affordable programs:
 - i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - iii. The municipality will provide from its Housing Trust Fund a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
 - iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10 percent of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market to affordable program.)
3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and
 - iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however:
 - A. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - B. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

(d) Extending of Controls.

1. During the third affordable housing period, the existing controls on 75 affordable units in the Township of Chatham will expire before 2018.
2. The Township of Chatham intends to extend the controls on these units
3. The Township intends to extend the affordability restrictions for another 30-year period administratively at the time of resale.

(e) Special Needs Housing.

1. A special needs program is hereby established to permit the construction of a special needs structure municipal property with an entity that will be determined at a later date.
2. The Township also intends to work with the provider of an existing group home to expand the existing facility by two (2) bedrooms and to carry forward the 12 credits of affordable units from the existing group home.
3. These bedrooms shall be for individuals that meet the definition of very low income that is an individual with a total gross annual income equal to 30 percent or less of the median income.

Section 4. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (b) 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.
 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent 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 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different 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 used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. 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 used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate 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 based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Utilities. 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.

Section 5. Affirmative Marketing Requirements

- (a) The Township of Chatham 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.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs

all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.

- (c) The Administrative Agent designated by the Township of Chatham shall assure the affirmative marketing of all affordable units 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 Chatham.

Section 6. 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 sex with separate bedrooms; and
 - 3. 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.

Section 7. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township of Chatham elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the 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 requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title 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.

Section 8. 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.

Section 9. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 10. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent 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).

Section 11. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of Chatham elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Morris. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 12. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 13. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent 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 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 14. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Township of Chatham is established by this ordinance. The Township of Chatham shall make the actual appointment of the MHL by means of a resolution.
 - 1. The MHL must be either a full-time or part-time employee of Township of Chatham
 - 2. The person appointed as the MHL must be reported to COAH for approval.
 - 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 - 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Chatham including the

following responsibilities which may not be contracted out to the Administrative Agent:

- i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Township of Chatham's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Township of Chatham shall designate by resolution of the Township Committee, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) 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 COAH. 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).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 15. 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:
 - i. A fine of not more than \$2,000 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;
 - ii. 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 Chatham Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. 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.

Section 16. 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 17. Repealer

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

Section 18. Severability

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 19. Effective Date

This ordinance shall take effect as provided by law.

Mayor Tubbs opened the Public Hearing on Ordinance 2009-04.
Seeing none, Mayor Tubbs closed the public Hearing.

Committeeman Brower voiced his opposition to COAH. Mayor Tubbs said that he agreed with Committeeman Brower on several points, but said that the passage of Ordinance 2009-04 would help to protect the Township.

Committeeman O'Connor moved to adopt Ordinance 2009-04. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Nay; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

Consent Agenda

**RESOLUTION 2009-083
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS AND MINUTES
FROM VARIOUS BOARDS AND COMMITTEES**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

- Tax Collector – February
- Animal Control – February
- Chatham Emergency Squad – February
- Municipal Court – February
- Construction Official – February
- Police Department – February
- Public Works – February

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following minutes from various boards and committees be acknowledged as received:
Board of Health – January

Open Space – February

**RESOLUTION 2009-084
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on March 12, 2009 and March 18, 2009.

**RESOLUTION 2009-085
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on March 12, 2009.

**RESOLUTION 2009-086
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM TO AWARD CONTRACT FOR TANGLEWOOD WASTEWATER
TREATMENT PLANT PRIMARY CLARIFIER REPAIRS**

WHEREAS, the Township Committee of the Township of Chatham has received bids for Tanglewood Wastewater Treatment Plant Primary Clarifier Repairs and,

WHEREAS, “Certification of Availability of Funds” is annexed hereto:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee on this day, March 26, 2009 that:

- 1) Contract for Tanglewood Wastewater Treatment Plant Primary Clarifier Repairs be and is hereby awarded to:
Blooming Glen Contractors, Inc.
PO Box 391
Blooming Glen, PA 18911
On their total bid of \$65,774.00.
- 2) The exact title of the appropriation to be charged is: Ordinance 2008-16.
- 3) This Resolution shall take effect immediately.

**RESOLUTION 2009-087
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING RAFFLES FOR ST HUBERTS GIRALDA**

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by St. Hubert’s Giralda on June 5, 2009, at the Presbyterian Church, 240 Southern Boulevard, Chatham Township, are hereby approved.

**RESOLUTION 2009-088
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING RAFFLES FOR KIWANIS CLUB OF THE CHATHAMS**

BE IT RESOLVED by the Township Committee of the Township of Chatham that on-premise raffles to be conducted by the Kiwanis Club of the Chathams for cash prizes (50/50) of less than \$400.00 at Charlie Brown’s Steakhouse, 522 Southern Boulevard are hereby approved on the following dates:

- 2009 – May 19, 26; June 16, 23, 30; July 21, 28; August 18, 25; September 12, 22, 29; October 20, 27; November 17, 24; December 15, 22, 29.
- 2010 – January 19, 26; February 16, 23; March 16, 23, 30; April 20, 27.

RESOLUTION 2009-089

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING
TEMPORARY BUDGET APPROPRIATION FOR 2009**

WHEREAS, 40A: 4-19.1 Local Budget Law provides that when budget dates have been extended, temporary appropriations may be made to provide for the period until the budget is adopted;

WHEREAS, the Director of the Division of Local Government Services has extended the dates for adoption of the budget, and

WHEREAS, the total appropriations in the 2008 Budget, less appropriations made for capital improvement fund, debt service, and relief of the poor (public assistance) are as follows:

General	\$ 10,508,588.20
Sewer No. 1	\$ 1,541,000.00
Sewer No. 2	\$ 392,650.00

WHEREAS, 34.4% of the total appropriations in the 2008 Budget less appropriations for capital improvement fund debt service and relief of the poor (public assistance) in the said 2008 Budget is as follows:

General	\$ 3,623,361.14
Sewer No. 1	\$ 531,336.80
Sewer No. 2	\$ 135,385.72

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, that the following temporary appropriations be made in addition to the temporary appropriations approved in Resolution 2009- 021 and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

General Administration	
Salaries and Wages	\$ 19,500.00
Other Expenses	5,500.00

Mayor and Twp. Committee	
Salaries and Wages	
Other Expenses	\$100.00

Municipal Clerk	
Salaries and Wages	\$9,500.00
Other Expenses	\$2,100.00

Financial Administration	
Salaries and Wages	\$ 700.00
Other Expenses	200.00

Audit Services	
Other Expenses	\$ 3,000.00

Computerized Data Processing	
Salaries and Wages	\$3,000.00
Other Expenses	300.00

Assessment of Taxes	
Salaries and Wages	\$6,200.00
Other Expenses	\$400.00

Collection of Taxes	
Salaries and Wages	\$5,300.00
Other Expenses	500.00

Legal Services and Costs

Salaries and Wages	\$4,400.00
Other Expenses	8,000.00
Municipal Prosecutor	
Salaries and Wages	\$2,100.00
Other Expenses	100.00
Engineering Services and Costs	
Other Expenses	\$ 10,000.00
Public Building and Grounds	
Salaries and Wages	\$38,000.00
Other Expenses	8,000.00
Planning Board	
Salaries and Wages	\$1,300.00
Other Expenses	2,000.00
Board of Adjustment	
Salaries and Wages	\$800.00
Other Expenses	1,000.00
Insurance	
Liability	
Worker's Compensation	
Group Insurance Plan	120,000.00
Public Safety	
Fire	
Other Expenses	\$ 12,000.00
Aid to Volunteer Fire Co.	
Police	
Salaries and Wages	\$210,000.00
Other Expenses	14,000.00
Police Dispatch / 911	
Salaries and Wages	\$19,000.00
Other Expenses	300.00
First Aid Organization – Contribution	
Emergency Management Services	
Salaries and Wages	\$1,000.00
Other Expenses	200.00
Road Repairs and Maintenance	
Salaries and Wages	\$50,000.00
Other Expenses	15,000.00
Tree Protection	\$300.00
Environmental Commission	\$700.00
Solid Waste Collection	
Salaries and Wages	\$14,000.00
Other Expenses	11,500.00
Vehicle Maintenance	
Other Expenses	\$ 5,500.00
Board of Health	
Salaries and Wages	\$800.00
Other Expenses	7,800.00

Animal Control Service	
Other Expenses	\$3,000.00
Administration of Public Assistance	
Salaries and Wages	\$925.00
Other Expenses	
Recreation Services and Programs	
Salaries and Wages	\$ 10,300.00
Other Expenses	5,000.00
Colony Pool	
Salaries and Wages	
Other Expenses	7,000.00
Maintenance of Parks	
Other Expenses	
Celebration of Public Event, Anniversary or Holiday	\$1,000.00
Code Enforcement and Administration	
Salaries and Wages	\$24,000.00
Other Expenses	4,000.00
Utilities:	
Electricity	\$10,000.00
Street Lighting	4,500.00
Telephone	6,000.00
Water	2,000.00
Natural Gas	7,000.00
Gasoline	8,500.00
Social Security System (O.A.S.I.)	\$20,000.00
Municipal Court	
Salaries and Wages	\$12,000.00
Other Expenses	1,000.00
Public Defender	
Other Expenses	\$250.00
Maintenance of Joint Free Public Library	\$64,000.00
Affordable Housing	
Salaries and Wages	\$500.00
Other Expenses	
PERS	\$244,058.00
PFRS	\$510,158.00
<u>Water Pollution Control - Sewer Utility No. 1</u>	
Salaries and Wages	\$44,000.00
Other Expenses	80,000.00
Social Security	<u>3,500.00</u>
<u>Total</u>	<u>\$127,500.00.</u>

Capital Outlay \$ 7,500.00

Water Pollution Control - Sewer Utility No. 2

Salaries and Wages \$8,300.00
 Other Expenses 24,000.00
 Social Security 700.00
 Sub-total **\$33,000.00**

Capital Outlay \$ 7,000.00

Payment of Bond Principal
 Payment of Bond Interest
Total **\$40,000.00**

**RESOLUTION 2009-090
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
 CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING
 OVERPAYMENT OF TAXES**

WHEREAS, due to inadvertence, error, tax appeal settlement or judgement, an overpayment of property taxes has been made for the following property; and
WHEREAS, the Tax Collector has recommended the refund of such overpayment,
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER NAME & ADDRESS</u>	<u>AMOUNT</u>
48.04	22	Simonetti, John & Gayle 88 Hampton Road Chatham, NJ 07928	\$5000.45

**RESOLUTION 2009-091
 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
 CHATHAM AUTHORIZING TRANSFERS OF APPROPRIATION RESERVES**

WHEREAS, the Township Committee of the Township of Chatham, County of Morris has determined that certain appropriations, in the 2008 municipal budget, are not sufficient to meet anticipated expenses; and
WHEREAS, during the first three months of any fiscal year, N.J.S. 40A: 4-59 authorizes transfers from appropriation reserves for the immediately preceding fiscal year to pay claims authorized or incurred during said preceding year where there is an excess in any appropriation reserves over and above the amount deemed necessary to fulfill its purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris that the following transfers of appropriation reserves are hereby authorized:

Appropriation Reserves	To	From
Engineering	\$14,000	
Dispatch S&W		\$14,000
Total	\$14,000	\$14,000

Committeeman Brower moved to adopt the Consent Agenda. Committeeman O'Connor seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

Introduction of Budget

RESOLUTION 2009-082

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING
2009 MUNICIPAL BUDGET**

BE IT RESOLVED of the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2009.

GENERAL REVENUE

Surplus Anticipated	\$1,844,140.00
Miscellaneous Revenue Anticipated	\$1,986,310.62
Receipts from Delinquent Taxes	\$ 375,000.00
Amount to be Raised by Taxation for Municipal Purposes	<u>\$8,865,624.87</u>
Total Revenues	\$13,071,075.49

GENERAL APPROPRIATIONS

Operation Including Contingent (within cap)	\$8,884,801.00
Deferred Charges & Statutory Expenditures- Municipal (within cap)	\$1,021,072.00
Operations (outside cap)	\$ 953,060.76
Capital Improvements	\$ 50,000.00
Municipal Debt Service	\$ 953,600.00
Deferred Charges	\$ 8,400.00
Reserve for Uncollected Taxes	<u>\$ 1,200,141.73</u>
Total Appropriations	\$13,071,075.49

BE IT FURTHER RESOLVED that said Budget be published in the Chatham Courier in the issue of April 9, 2009.

The Governing Body of the Township of Chatham does hereby approve the following as the Budget for the year 2009:

Ayes: Nays: Abstain: Absent:

Notice is hereby given that the within budget is a true copy of the budget approved by resolution of the governing body on the 26th day of March 2009.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 30, 2009 at 7:30 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2009 may be presented by taxpayers or other interested persons.

Administrator Ciccarone said that the 2009 Municipal Budget is the second one to be introduced since the State mandated a cap on the tax levy. The budget is well within both the spending cap and tax levy cap. In 2009, the maximum allowable amount to be raised through property taxes is \$8,884,369.00. The budget as presented would raise \$8,865,624.87. State Aid has been reduced by \$44,000, which the Township has been able to absorb by the use of surplus money. The work force has been reduced through attrition, as only one new police officer will be hired to replace the two officers that retired in 2008. Notable increases include the following: Police Salaries - \$78,000; DPW Salaries - \$60,000; Joint Library Funding Contribution - \$50,000; Utilities - \$58,000; Health Insurance - \$120,000; Reserve for Uncollected Taxes – \$60,270.

Committeeman Brower asked why the Library contribution is increasing by so much.

Administrator Ciccarone explained that the contribution is based on population, and because of population growth in the Township, the contribution has gone up. He also explained the reserve for uncollected taxes. Committeeman Brower asked about properties where taxes are not paid.

Administrator Ciccarone explained how tax sales work, but said that such issues are different from the reserve for uncollected taxes. Committeeman Brower asked what happens to the money raised from the sale of foreclosed properties. Administrator Ciccarone said that it would be added to the surplus, as would any other extra income beyond that which is anticipated. He also said that the miscellaneous revenues are down, anticipated revenues from construction are staying the same, and \$1.8 million in surplus is to be used. Committeeman Brower asked about the Township's bond rating. Administrator Ciccarone said that there is nothing that would negatively affect the Township's bond rating, and the Township would remain an attractive customer to those banks that have money to lend. He then went on to explain the budget

document. Committeeman Gallop asked about the fact that 28% of the budget is for public safety and 21% is for public works. Administrator Ciccarone said that these percentages have been consistent during his tenure as Township Administrator. Committeeman Gallop also asked when the police and public works contracts expire. Administrator Ciccarone said that the police contract expires at the end on this year, and the public works contract expires at the end of 2010. Committeeman Brower asked about stimulus package money for the Southern Boulevard Firehouse. Administrator Ciccarone said that they have submitted for funds, since the Southern Boulevard Firehouse is a shovel-ready project that would create jobs for tradesmen in the region. Committeeman Brower asked about the amount of the public works budget that goes toward recreation. Administrator Ciccarone said that most of the public works budget goes toward road maintenance, however the amount that goes toward recreation is still significant. Committeeman Gallop asked if there have been any increases in the budget that have gone up disproportionately or that should cause concern. Administrator Ciccarone said that the appropriations breakdown has remained consistent. Committeeman Brower commented that there was an improvement in insurance costs when the Township became involved in the Joint Insurance Fund. Administrator Ciccarone said that the biggest insurance cost is the group health insurance plan, and he reiterated that the bulk of municipal budget costs are personnel costs. Committeeman O'Connor raised a concern about revenue. Administrator Ciccarone said that the Township does not have certain options such as parking fees and beach fees that would be available to other municipalities, thus limiting the Township to raising funds primarily through property taxes. Committeeman Brower raised a concern about deferred payments to the retirement system. Administrator Ciccarone explained that the Township is not going to exercise that option, and he explained how that program works. Administrator Ciccarone then commented on use of the surplus. Committeeman Brower spoke against having too big of a surplus, and Administrator Ciccarone warned against having too small of a surplus. Committeeman Brower asked if the Township has considered ensuring that Township funds are deposited in banks that are willing to make local loans. Administrator Ciccarone said that the focus has been on looking for the highest return possible. The local tax rate for 2009 will be .302 per \$100 of assessed value, and Mayor Tubbs and Committeeman O'Connor have proposed reducing the open space tax. The average tax bill will increase by \$29 in 2009. Mayor Tubbs said that Township employees in the Municipal Building would not be getting as high of a pay increase as the Police Department and Public Works.

Committeeman O'Connor moved to adopt Resolution 2009-082 approving the 2009 Municipal Budget. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

Introduction of Ordinances

**ORDINANCE 2009-05
AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM RANGES FOR
COMPENSATION FOR CERTAIN POSITIONS OF EMPLOYMENT IN THE
TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY,
EFFECTIVE JANUARY 1, 2009**

BE IT ORDAINED by the Township Committee of the Township of Chatham in the County of Morris, New Jersey, as follows:

Section 1. The following offices and positions of employment in the Township of Chatham in the County of Morris are hereby established and the persons occupying such offices and positions shall be compensated at the rates, or within the ranges, set forth below. Actual compensation, consistent with the salary ranges established herein, is established by Township Resolution.

<u>Office or Position of Employment</u>	<u>Minimum</u>	<u>Maximum</u>
Member of Township Committee	1.00	1,200
Township Administrator	85,000	150,000
Township Clerk/Registrar	40,000	75,000

Deputy Clerk	35,000	50,000
Secretary Bd. Of Health	3,500	10,000
Chief Financial Officer/Treasurer Part-time	3,000	15,000
Township Attorney	26,000	55,000
Administrative Assistant/Ass't. Treasurer	26,000	80,000
Accounting Clerk	24,000	55,000
Receptionist or Clerk Typist	22,000	50,000
Director Glenwood Housing	3,600	7,000
Secretary	24,000	45,000
Chief of Police/Emergency Management Coordinator	75,000	122,000
Dispatcher – Year 1 probationary (6 months)	26,000	
Dispatcher – Year 1 after probation	28,000	
Dispatcher – Year 2	30,000	
Dispatcher – Year 3	35,000	
Dispatcher – Year 4	40,000	
Dispatcher – Year 5	45,000	
Dispatcher - Year 6	48,500	55,000
Public Works Manager	65,000	110,000
Assistant Public Works Manager	56,000	95,000
Director Water Pollution Control	50,000	90,000
Tax Collector/Utility Collector	30,000	75,000
Ass't. Tax & Utility Collector	26,000	50,000
Tax Assessor (Part-time)	15,000	27,000
Ass't. Assessor	22,000	50,000
Recycling Coordinator	10,000	15,000
Escrow Accounting Clerk	3,500	5,000
Director of Recreation	45,000	100,000
Land Use Administrator and Facilities Manager	35,000	80,000
Board Manager Planning/Zoning	5,000	10,000
Planning Board Attorney	5,000	15,000
Zoning Board Attorney	5,000	15,000

Planning Board Secretary	2,400	7,000
Zoning Board Secretary	2,400	7,000
Secretary Environmental Commission	500	1,500
Secretary Open Space Advisory Committee	500	1,500
Construction Office Control Person	25,000	57,000
Construction Official/Building Sub-code Official/Inspector	25,000	80,000
Zoning officer/Code Enforcement Officer (PT)	10,000	18,000
Fire Sub-code Official/Inspector	4,000	18,000
Fire Prevention Official/Inspector	4,000	18,000
Municipal Judge	24,000	45,000
Municipal Court Administrator	30,000	65,000
Deputy Court Administrator/Violations Clerk	22,000	35,000
Municipal Prosecutor	12,000	30,000
Dog Licensing Clerk	2,000	4,000
Secretary Colony Pool	2,500	6,000
Director of Public Assistance	3,000	12,000
Seasonal and Hourly Positions		
Pool Manager	10,000	21,000
Assistant Pool Manager	4,600	10,000
Snack Bar Manager	4,600	9,000
Playground Director	1,800	5,000
Tennis Manager	5,000	12,000
Swim Team Coach	1,400	3,000
Swim Team Ass't. Coach	500	1,000
Recreation Aide*	5.50 HR	12.50 HR
Laborer	7.15 HR	14.00HR
Crossing Guards	7.50 HR	25.00HR
Dispatcher PT	10.00HR	25.00HR
Clerk Typist PT	7.50HR	15.00HR
Building Inspector	25.00HR	40.00HR
Plumbing Sub-code Official/Inspector	25.00 HR	40.00 HR

*Gate Attendants and Recreation Aides aged 18 and over shall be paid a minimum of \$7.15 per hour.

Section 2. Overtime for eligible employees shall be at the rate of straight time for hours exceeding 35 per week and one and one-half times employee’s regular rate of pay for hours exceeding 40 per week.

Section 3. Longevity pay for non-exempt, eligible employees as specified in the Township Personnel Policy shall be 2% of base salary for each four years of continuous service with the Township but not to exceed \$1,400.00.

Section 4. Police Dispatchers shall have pay for 13 holidays added to the above listed salaries.

Section 5. In addition to the above salary, persons appointed to the attorney positions may also receive compensation in accordance with contracts for professional services.

Section 6. Employees covered by a collective bargaining agreement shall be entitled to compensation as provided in their respective agreements.

Section 7. Salaries provided herein shall be effective January 1, 2009, except where noted, for those employed with the Township as of the adoption date of the ordinance.

Section 8. This ordinance shall take effect upon publication as provided by the law.

Administrator Ciccarone explained that the salary ordinance for 2009 is not dramatically different from the 2008 ordinance, and he noted the changes. Committeeman Brower asked about possibly providing annual bonuses rather than automatic wage increases. Administrator Ciccarone said that committee members could propose that at any time, and he explained that this ordinance would only set the salary range, and there would be a salary resolution at a future meeting to set specific salaries. Committeeman Brower raised a concern about annual salary increases for employees who have worked for the Township for a long time. Administrator Ciccarone warned that longevity is not a legal reason to withhold salary increases or terminate employment.

Committeeman O’Connor moved to introduce Ordinance 2009-05. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O’Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

Public Hearing on Ordinance 2009-05 will be scheduled for April 30, 2009.

ORDINANCE 2009-06
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain expectations; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year’s final appropriations in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$96,599.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law is advisable and necessary; and

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next to succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2009 budget year, the final appropriations of the Township of Chatham shall, in accordance with the ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$338,098.19 and that the CY 2009 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Administrator Ciccarone explained that the State has imposed 2.5% budget increase cap. If the cost of living index from the prior year is higher than 2.5%, a municipality can choose to increase the cap up to 3.5%, and they can bank it for future use. The cap bank would allow for potentially higher appropriations over the next two years. Furthermore, this ordinance would not appropriate any funds, and the funds would only be used in the next two years if necessary.

Committeeman Brower moved to introduce Ordinance 2009-06. Committeeman Gallop seconded the motion.

Roll call: Committeeman Gallop, Aye; Committeeman O'Connor, Aye; Committeeman Brower, Aye; Deputy Mayor Hagner, Absent; Mayor Tubbs, Aye.

Public Hearing on Ordinance 2009-06 will be scheduled for April 30, 2009.

Discussion

Proposals for COAH Program Administrative Agent

Administrator Ciccarone said that two proposals were received for the COAH Program Administrative Agent. He advised that the contract be awarded to Frank Piazza. Mayor Tubbs asked if this agent is required under the current plan, or if it is a requirement of the new plan. Administrator Ciccarone said that it is required by the Third Round rules, and development fees would fund the position. A resolution to award a professional service contract will be put on the agenda for the next meeting.

Hearing of Citizens/Petitions

Mayor Tubbs opened the Hearing of Citizens.
Seeing none, Mayor Tubbs closed the Hearing of Citizens.

Committeeman Brower moved to adjourn at 10:10 PM. Committeeman O'Connor seconded the motion, and it carried unanimously.

Joy M. Wiley
Municipal Clerk