

**TOWNSHIP COMMITTEE
JULY 9, 2019 MINUTES**

The Tewksbury Township Committee met on the above date at the Municipal Building, Mountainville, NJ.

The meeting was called to order at 6:38 PM, roll call held and a quorum established. Mayor William Voyce presided.

Other officials in attendance were Township Committee members Dana Desiderio (on phone), Peter Melick and William Voyce.

Absent: Becker and DiMare.

Jennifer Ader Acting Municipal Clerk and John Eskilson Interim Administrator, Francis Linnus Township Attorney were in attendance.

There were (6) six members of the Lebanon Township Committee including the Municipal Clerk in attendance.

There were approximately (3) three members of the public in attendance.

1. Open Public Meetings Statement

Mayor Voyce opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, transmitting a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on January 4, 2019.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Executive Session

BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Township Committee which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Township Committee may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence.

- Personnel

Mr. Melick made a motion to enter executive session at 6:40 PM, seconded by Ms. Desiderio. Ayes: Desiderio, Melick, Voyce. Nays: None. Absent: Becker, DiMare

4. Reconvened

The meeting reconvened at 7:19 PM. The public entered into the meeting hall.

The meeting was called to order at 7:32 PM, roll call held and a quorum established.

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Mayor William Voyce presided.

Other officials in attendance were Township Committee members Robert Becker, Peter Melick and William Voyce.

Absent: Desiderio and DiMare.

Jennifer Ader Acting Municipal Clerk and John Eskilson Interim Administrator, Francis Linnus Township Attorney, Stan Shrek Township Engineer, and Timothy Barlow Chief of Police were in attendance.

There were approximately (33) thirty three members of the public in attendance.

5. Swearing in of Police Officer

Chief Tim Barlow administered the Oath of Office to Officer

6. Swearing in of Police Officer

Chief Tim Barlow administered the Oath of Office to Officer

7. Swearing in of Sergeant Timothy R. Hanft

Chief Tim Barlow administered the Oath of Office to Sergeant Timothy R. Hanft

8. Public Participation

There were no other comments from the public.

9. Actions to be taken

Ordinance Public Hearing/Adoption

**TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
ORDINANCE NO. 06-2019**

**AN ORDINANCE ESTABLISHING SALARY RANGES OFF OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF TEWSKBURY**

WHEREAS, the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey is required to establish by Ordinance the salary or salary ranges of officers and employees of the Township of Tewksbury; and

WHEREAS, there is an existing Ordinance settee forth salary ranges of officers and employees of the Township of Tewksbury not covered under a collective negotiations agreement; and

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WHEREAS, the Township Committee desires to adopt an Ordinance, effective January 1, 2019, establishing the salary ranges of officers and employees of the Township of Tewksbury not covered by a collective negotiations agreement; and

WHEREAS, it is the intention that this Ordinance shall replace and repeal all other pre-existing ordinances setting forth the salary ranges of officers and employees of the Township of Tewksbury not covered under a collective negotiations agreement.

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

SECTION ONE: There is hereby established the following salaries and/or rates of compensation for the officers and employees of the Township of Tewksbury not covered by a collective negotiations agreement, effective January 1, 2019, as follows

Position	Status	Salary Range	
		Minimum	Maximum
Township Committee		\$ 4,000.00	\$ 5,000.00
Administrator	Part Time	\$ 20,000.00	\$ 50,000.00
Administrator	Full Time	\$ 50,000.00	\$ 95,000.00
Municipal Clerk	Full Time	\$ 50,000.00	\$ 71,000.00
Deputy Municipal Clerk	Full Time	\$ 30,000.00	\$ 50,000.00
Secretary/Receptionist	Part Time	\$15.00/hr.	\$25.00/hr.
Perc Test Witness	Part Time	\$50.00/inspection	\$100.00/inspection
Fire Marshall	Part Time	\$25.00/hr.	\$40.00/hr.
Construction Official	Full Time	\$ 90,000.00	\$ 120,000.00
Plumbing Subcode Official & Inspector	Part Time	\$40.00/hr.	\$50.00/hr.
Electrical Subcode Official	Part Time	\$30.00/hr.	\$42.00/hr.
Technical Assistant	Full Time	\$ 40,000.00	\$ 60,000.00
Chief Financial Officer	Full Time	\$ 75,000.00	\$ 100,000.00
Tax Collector	Part Time	\$ 10,000.00	\$ 45,000.00
Tax Collector	Full Time	\$ 50,000.00	\$ 80,000.00
Finance Assistant/Purchasing Agent	Full Time	\$ 45,000.00	\$ 60,000.00
Tax Assessor	Part Time	\$ 30,000.00	\$ 60,000.00
Financial Assistant	Part Time	\$14.00/hr.	\$35.00/hr.
Land Use Administrator	Full Time	\$ 84,000.00	\$ 96,000.00
Zoning Officer	Part Time	25.00/hr.	35.00/hr.

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Chief of Police	Full Time	\$ 130,000.00	\$ 150,000.00
Police Secretary	Full Time	\$ 40,000.00	\$ 60,000.00
DPW Superintendent	Full Time	\$ 80,000.00	\$ 105,000.00
Municipal Court Judge	Part Time	\$ 10,000.00	\$ 20,000.00
Municipal Court Prosecutor	Part Time	\$ 7,000.00	\$ 10,000.00
Municipal Court Public Defender	Part Time	\$150.00/case	\$250.00/case
Court Administrator	Part Time	\$ 15,000.00	\$ 25,000.00
Violations Clerk	Part Time	\$17.00/hr.	\$22.00/hr.
Court Translator	Part Time	\$17.00/hr.	\$22.00/hr.
Court Security	Part Time	\$130.00/session	\$160.00/session
Alternate Prosecutor	Part Time	\$300/session	\$500/session

SECTION TWO: Normal pay periods for Township employees and officials shall be bi-monthly provided that the Township Administrator may establish suitable pay periods as approved by the Township Committee.

SECTION THREE: The actual salaries of particular officers and employees may have been previously set by Resolution of the Township Committee, and it is intended that the adoption of this Ordinance shall not affect any Resolutions affixing the actual salaries or compensation of officers or employees, provided that said salaries or compensation are within the ranges set forth above.

SECTION FOUR: Nothing herein shall be intended to amend or in any way change any collective negotiations agreement with reference to those officers or employees who are members of the collective negotiations unit, and to the extent that there is a discrepancy between any collective negotiations agreement and the range of salaries set forth herein, the terms of the collective negotiations agreement shall prevail.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication as provided by law.

William Voyce
Mayor

Mr. Melick made a motion to open the Public Hearing on Ordinance #06-2019, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None, Absent: Desiderio, DiMare.

Ms. Ader provided proof of publication dated 06-20-2019 from the Hunterdon County Democrat.

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There being no comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #06-2019, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Mr. Melick made a motion for adoption of ordinance #06-2019, seconded by Mr. Becker. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

**ORDINANCE NO. 07-2019
TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY**

AN ORDINANCE AMENDING THE MUNICIPAL CODE, CHAPTER 15.12 AFFORDABLE HOUSING PROGRAM OF THE TOWNSHIP OF TEWKSBURY TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Code of the Township of Tewksbury is hereby amended to include provisions addressing Tewksbury's constitutional obligation to provide for its fair share of very-low-, low-, and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended and supplemented. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

NOW, THEREFORE BE IT ORDAINED, that Chapter 15.12 "Affordable Housing Program" is hereby deleted and replaced with the following text:

Chapter 15.12 AFFORDABLE HOUSING ORDINANCE

15.12.10 Purpose.

The purpose of this chapter is to create the administrative mechanisms to carry out the Township's responsibility to assist in making available affordable housing.

15.12.20 Definitions.

A. The following terms when used in this Ordinance shall have the meanings given in this Section:

"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

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Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative Agent” means the entity duly designated and responsible for administering the affordability controls on low- and moderate-income units created in the Township of Tewksbury to ensure that the restricted units are affirmatively marketed and sold or rented, as applicable, only to very low-, low- and moderate-income households.

“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 new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 Housing Development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100) percent affordable housing 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 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 wherein the unit is situated are sixty-two (62) years of age or older; or 2) at least eighty (80) percent of the units are occupied by one person who is fifty-five (55) years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative Living Arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas.

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Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted Living Residence” means a facility that is 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, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) or any successor state agency.

“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 requires 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 included in a proposed development including the holder of an option to contract to 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 limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-Income Household” means a household with a total gross annual household income equal to fifty (50) percent or less of the regional median household income by

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household size.

“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 and 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 housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-Income Household” means a household with a total gross annual household income in excess of fifty (50) percent but less than eighty (80) percent of the regional median household income by household size.

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

“Municipal Housing Liaison” means the municipal employee duly designated by the governing body with the responsibility for monitoring, reporting oversight and general administration of the affordable housing program for the Township of Tewksbury.

“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 eighty (80) percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building

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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 an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as 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, et seq.

“Very Low-Income Household” means a household with a total gross annual household income equal to thirty (30) percent or less of the regional median household income by household size.

“Very Low-Income Unit: mans 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 purposes of a rehabilitation program.

15.12.30 Applicability.

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Tewksbury.
- B. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

15.12.40 Accessory Apartment Program.

- A. Definition. For the purpose of this section, the definition of an “affordable accessory apartment” shall be as follows:
 - 1. An affordable accessory apartment shall be a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance which is created to be occupied by a low- or moderate-income household in accordance with the applicable provisions of the substantive rules at N.J.A.C. 5:93-1 et seq. The affordable accessory apartment may be created within an existing dwelling unit, may

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be created within an existing structure on the lot or may be an addition to an existing home or accessory building.

- B. All accessory apartments shall meet the following conditions:
1. 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).
 2. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
 3. At the time of initial occupancy of the unit and for at least ten (10) years thereafter, the accessory apartment shall be rented only to a household which is either a low- or moderate-income household.
 4. Rents of accessory apartments shall be affordable to low- or moderate-income households as per the UHAC regulations.
 5. 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.
 6. 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.
 7. The Township of Tewksbury accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 8. No accessory apartment created as a result of this chapter or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
- C. The maximum number of creditable accessory apartments shall be equal to no more than 10 or an amount equal to ten (10) percent of the Township of Tewksbury's fair share obligation, whichever is greater (additional units may be approved if the municipality has demonstrated successful completion of its accessory apartment program.).
- D. The Township of Tewksbury shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:

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1. 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.
 2. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with these requirements and/or the provisions of this chapter. All denials shall be in writing with the reasons clearly stated.
 3. Subject to availability of funds, the Township of Tewksbury shall provide 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.
- E. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
1. 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;
 2. Rough elevations showing the modifications of any exterior building façade to which changes are proposed; and
 3. 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 required building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.

15.12.50 Alternative Living Arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
1. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a twenty- (20)-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty- (30)-year controls

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on affordability in accordance with UHAC, unless an alternative commitment is approved.

- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

15.12.60 Inclusionary Zoning.

- A. To implement the fair share plan, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning shall be permitted within the following zones:
 1. South Oldwick Residential District. This zone was created as a planned unit development and permits townhomes. A maximum of seventy-six (76) units are permitted, two (2) of which must be reserved for affordable housing.
 2. Townhouse Village District. This zone was created as a result of mediation with COAH. The zone permits a maximum of thirty (30) units. Of the total, three (3) must be reserved for affordable housing.
 3. Village Business District. This zone seeks to protect the balance between businesses and residential uses and the existing character of the Township's hamlets and villages. Business uses are permitted to have up to two (2) dwellings units in addition to the non-residential use. The second dwelling is required to be an affordable unit.

15.12.70 Phasing Schedule for Inclusionary Zoning.

In inclusionary developments the following schedule shall be followed:

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

15.12.80 New Construction.

- 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

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unit shall be a low-income unit. At least thirteen (13) percent of all restricted rental units shall be very low-income units (affordable to a household earning thirty percent or less of regional median income by household size). The very low-income units shall be counted as part of the required number of low-income units within the development.

2. In each affordable development, at least fifty (50) percent of the restricted units within each bedroom distribution shall be very low- or low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - a. The combined number of efficiency and one-bedroom units shall be no greater than twenty (20) percent of the total low- and moderate-income units;
 - b. At least thirty (30) percent of all low- and moderate-income units shall be two-bedroom units;
 - c. At least twenty (20) percent of all low- and moderate-income units shall be three-bedroom units; and
 - d. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
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. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
2. All restricted townhouse dwelling units and all restricted units in other multi-story buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - a. An adaptable toilet and bathing facility on the first floor; and
 - b. An adaptable kitchen on the first floor; and
 - c. An interior accessible route of travel on the first floor; and

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- d. 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
- e. If not all of the foregoing requirements in 2.a. through 2.d. can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.a. through 2.d. above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Tewksbury has collected funds from the developer sufficient to make ten (10) percent of the adaptable entrances in the development accessible:
 - (i) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (ii) To this end, the builder of restricted units shall deposit funds within the Township of Tewksbury's Affordable Housing Trust Fund sufficient to install accessible entrances in ten (10) percent of the affordable units that have been constructed with adaptable entrances.
 - (iii) The funds deposited under paragraph f.(ii) above shall be used by the Township of Tewksbury for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (iv) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Tewksbury for the conversion of adaptable to accessible entrances.
 - (v) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
 - (vi) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

C. Design:

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1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. 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, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth below.
 - a. Regional income limits shall be established for the region that the Township is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four (4) is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median income for a household of four (4). The income limit for a moderate-income unit for a household of four shall be eighty (80) percent of the regional weighted average median income for a family of four (4). The income limit for a low-income unit for a household of four shall be fifty (50) percent of the HUD determination of the regional weighted average median income for a family of four (4). The income limit for a very low-income unit for a household of four (4) shall be thirty (30) percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - b. The income limits published by the Affordable Housing Professionals of New Jersey are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018 and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
 - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits and applying the same percentage increase to the Regional Asset Limit

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

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60) percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two (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, provided that at least thirteen (13) percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70) percent of median income, and each affordable development must achieve an affordability average of fifty-five (55) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three (3) different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, 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 three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, 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; and

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- c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

- 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five (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 twenty-eight (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 thirty (30) percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, 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 rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

15.12.90 Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

15.12.100 Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;

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- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

15.12.110 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 for a period of at least thirty (30) years, until Tewksbury takes action to release the unit from such requirements; prior to such action, 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.
- 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 without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference 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 following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

15.12.120 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

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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 master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- 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 anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 15.10.150.

15.12.130 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 fifty (50) percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than eighty (80) percent of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Township Committee, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one (1) year.
- D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and

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condominium or homeowner association fees, as applicable) does not exceed thirty-three (33) percent of the household's eligible monthly income.

15.12.140 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

- B. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five (95) percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

15.12.150 Capital Improvements To Ownership Units.

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

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

15.12.160 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

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remain subject to the requirements of this Ordinance for a period of at least thirty (30) years (excluding accessory apartments), until Tewksbury takes action to release the unit from such requirements. Prior to such action, 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.

- 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 Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within thirty (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 on the property containing the unit.

15.12.170 Rent Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed 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.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least fifteen (15) percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

15.12.180 Tenant Income Eligibility.

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- 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 thirty (30) percent of the regional median household income by household size.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to fifty (50) percent of the regional median household income by household size.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than eighty (80) percent of the regional median household income by household size.

- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35) percent (forty (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 thirty-five (35) percent (forty (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 thirty-five (35) percent (forty (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 reliable anticipated 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 A.1. through B.5. above with the Administrative Agent, who shall counsel the household on budgeting.

15.12.190 Municipal Housing Liaison.

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The purpose of the following sections is to create the administrative mechanisms needed for the execution of the Township of Tewksbury's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.

- A. Establishment of position and compensation; powers and duties.
1. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Township of Tewksbury.
 2. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
 3. The Municipal Housing Liaison shall be responsible for monitoring, reporting, oversight and general administration of the affordable housing program for the Township of Tewksbury, including the following responsibilities which may not be contracted out to an Administrative Agent:
 - a. Serving as the Township of Tewksbury's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households.
 - b. Monitoring the status of all restricted units in the Township of Tewksbury's Housing Element and Fair Share Plan.
 - c. Compiling, verifying and publishing on the Township's website all referenced monitoring reports as required by the Court.
 - d. Coordinating meetings with affordable housing providers and the administrative agent(s) as applicable.
 - e. Attending continuing education programs as required to obtain and maintain certification as a Municipal Housing Liaison.
 4. Subject approval by the Court, the Township of Tewksbury may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of the Township of Tewksbury. If the Township of Tewksbury contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.
 5. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of Municipal Housing Liaison.

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15.12.200 Administrative Agent.

The purpose of the following sections is to create the administrative mechanisms needed for the execution of the Township of Tewksbury's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.

A. Establishment of position; powers and duties.

An Administrative Agent may be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

B. Affirmative Marketing.

1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Tewksbury and the provisions of N.J.A.C. 5:80-26.15.
2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
3. Notifying (which notification may be by email) the following entities of the availability of affordable housing units in the Township of Tewksbury and providing them with copies of or links to application forms: the Central Jersey Housing Resource Center and the New Jersey Housing Resource Center.

C. Household Certification.

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

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5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located.
6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Tewksbury when referring households for certification to affordable units.

D. Affordability Controls.

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit.
2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate.
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hunterdon County Register of Deeds or Hunterdon County Clerk's office after the termination of the affordability controls for each restricted unit.
4. Communicating with lenders regarding foreclosures.
5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

E. Resales and Re-rentals.

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

F. Processing Requests from Unit Owners.

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance.
2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements

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resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.

3. Notifying the municipality of an owner's intent to sell a restricted unit.
4. Making determinations on requests by owners of restricted units for hardship waivers.

G. Enforcement.

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it.
2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent.
3. Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made.
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4.
5. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund.
6. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Committee and the Court, setting forth procedures for administering the affordability controls.

H. Additional Responsibilities.

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
2. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison.
3. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

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15.12.210 Affordable Marketing Requirements.

- A. The Township of Tewksbury shall adopt by resolution an Affirmative Marketing Plan, that is 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 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 marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Middlesex and Somerset Counties.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Tewksbury shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. 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.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the Hunterdon County Library Headquarters; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

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- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Tewksbury along with copies of application forms to the following entities: the Central Jersey Housing Resource Center and the New Jersey Housing Resource Center.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

15.12.220 Enforcement of Affordable Housing Regulations.

- A. Upon the occurrence of a breach of any of the regulations governing an 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, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in 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(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of sixty (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 adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - a. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed ninety (90) days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - b. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Tewksbury Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an Owner who has rented a 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 that would result in the termination of the Owner's equity or other interest in the

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unit, in the nature of a mortgage foreclosure. Any such 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- or moderate-income unit.

- a. The 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
- b. 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 the full 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- (2)-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.
- c. 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.
- d. 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

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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.

- e. 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.
- f. 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.

15.12.230 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED by the Tewksbury Township Committee that this ordinance shall take effect immediately upon publication following final passage and the filing of a copy hereof with the Hunterdon County Planning Board and the Highlands Council.

William Voyce
Mayor

Mr. Becker made a motion to open the Public Hearing on Ordinance #07-2019, seconded by Mr. Melick. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None, Absent: Desiderio, DiMare.

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Ms. Ader provided proof of publication dated 06-20-2019 from the Hunterdon County Democrat, and proof that the Land Use Board did not find the ordinance 07-2019 inconsistent with the Master Plan.

There being no comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #07-2019, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Mr. Becker made a motion for adoption of ordinance #07-2019, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

**ORDINANCE NO. 08-2019
TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY**

AN ORDINANCE AMENDING THE MUNICIPAL CODE, CHAPTER 15.10 AFFORDABLE HOUSING DEVELOPMENT FEE OF THE TOWNSHIP OF TEWKSBURY TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT

WHEREAS, in Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and the State constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH); and

WHEREAS, pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and correspondence spending plans.

NOW, THEREFORE BE IT ORDAINED by the Committee of the Township of Tewksbury, Hunterdon County, New Jersey, that Chapter 15.10 "Affordable Housing Development Fee" be amended as outlined on the following pages regulating the collection and disposition of development fees to be used in connection with the Township's affordable housing programs, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Chapter 15.10 - AFFORDABLE HOUSING DEVELOPMENT FEE

15.10.010 Purpose.

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- A. In *Holmdel Builder's Association vs. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the New Jersey Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the State-wide Nonresidential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- C. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

15.10.020 Basic requirements.

- A. Township of Tewksbury shall not spend development fees until a plan has been approved for spending such fees.

15.10.030 Definitions.

The following terms, as used in this chapter, shall have the following meanings:

"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 one hundred (100) percent affordable development.

"COAH" or the "council" means the New Jersey Council on Affordable Housing established under the Fair Housing Act or any successor state agency.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development fee" means money paid by a developer for the improvement of property as authorized by *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990) and the

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Fair Housing Act of 1985, N.J.S.A. 52:27d-301, *et seq.*, and regulated by applicable COAH Rules.

"Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

"Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

15.10.040 Residential development fees.

A. Imposed fees.

1. Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half (1½) percent of the equalized assessed value for residential development provided no increased density is permitted.
2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of six (6) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two (2) units, the fees would equal one and a half (1½) percent of the equalized assessed value on the first two (2) units; and the specified higher percentage of six (6) percent of the equalized assessed value for the two (2) additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and

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developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
3. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
4. Fees shall not be charged for new decks, porches or additions.

15.10.050 Nonresidential development fees.

A. Imposed fees.

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2½) percent of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2½) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2½) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2½) percent development fee, unless otherwise exempted below.

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2. The two and a half (2½) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in the Form N-RDF "State of New Jersey Non-residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three (3) years after that event or after the issuance of the final Certificate of Occupancy of the non-residential development, whichever is later.
5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Tewksbury as a lien against the real property of the owner.

15.10.060 Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.

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- D. Within ninety (90) days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within ten (10) business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Township of Tewksbury fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- H. Fifty (50) percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected prior to the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees.
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the county board of taxation. Pending a review and determination by the board, collected fees shall be placed in an interest bearing escrow account by the Township of Tewksbury. Appeals from a determination of the board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge nonresidential development fees imposed by filing a challenge with the director of the division of taxation. Pending a review and determination by the director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Tewksbury. Appeals from a determination of the director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of

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such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

15.10.070 Affordable housing trust fund.

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of affordable units and fractional payments in lieu;
 - 2. Developer contributed funds to make ten (10) percent of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - 3. Rental income from municipally-operated units;
 - 4. Repayments from affordable housing program loans;
 - 5. Recapture funds;
 - 6. Proceeds from the sale of affordable units; and
 - 7. Any other funds collected in connection with the Tewksbury Township's Affordable Housing Program.
- C. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities.

15.10.080 Use of funds.

- A. The expenditure of all funds shall conform to an approved spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any approved activity to address the Township of Tewksbury's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: Preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartments, a market to affordable program, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable

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housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the housing element and fair share plan, or any other permitted activity as specified in the approved spending plan.

- B. Funds shall not be expended to reimburse the Township of Tewksbury for past housing activities.
- C. At least thirty (30) percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal fair share plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30) percent or less of median income by region.
 - 1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described in the spending plan.
 - 2. Affordability assistance to households earning thirty (30) percent or less of median income may include buying down the cost of low- or moderate-income units in the municipal fair share plan to make them affordable to households earning thirty (30) percent or less of median income. The specific programs to be used for very low-income affordability assistance shall be identified and described within the spending plan.
 - 3. Payments in lieu of constructing affordable units on-site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Township of Tewksbury may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance.
- E. No more than twenty (20) percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a housing element and fair share plan, and/or administer an affirmative marketing program or a rehabilitation program.

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1. In the case of a rehabilitation program, no more than twenty (20) percent of the revenues collected from development fees shall be expended for such administrative expenses.
2. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or securing a judgment from the court are not eligible uses of the affordable housing trust fund.

15.10.090 Monitoring.

The Township of Tewksbury shall complete and return to the Department of Community Affairs all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on-site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Tewksbury's housing program, as well as to the expenditure of revenues and implementation of the plan.

15.10.0100 Ongoing collection of fees.

The ability for the Township of Tewksbury to impose, collect and expend development fees shall expire with its substantive unless the Tewksbury Township has filed an adopted housing element and fair share plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance or, in the alternative, sought approval of the housing plan and development fee ordinance from the court. If the Township of Tewksbury fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Township of Tewksbury shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township of Tewksbury retroactively impose a development fee on such a development. The Township of Tewksbury shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

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All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED by the Tewksbury Township Committee that this ordinance shall take effect immediately upon publication following final passage and the filing of a copy hereof with the Hunterdon County Planning Board and the Highlands Council.

William Voyce
Mayor

Mr. Melick made a motion to open the Public Hearing on Ordinance #08-2019, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None, Absent: Desiderio, DiMare.

Ms. Ader provided proof of publication dated 06-20-2019 from the Hunterdon County Democrat, and proof that the Land Use Board did not find the ordinance 08-2019 inconsistent with the Master Plan.

There being no comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #08-2019, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Mr. Melick made a motion for adoption of ordinance #08-2019, seconded by Mr. Becker. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

**ORDINANCE NO. 09-2019
TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY**

AN ORDINANCE AMENDING TEWKSBURY TOWNSHIP DEVELOPMENT CODE, ARTICLE II: PURPOSE, Article III DEFINITIONS, And Article VII ZONING PROVISIONS TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC).

WHEREAS, the Tewksbury Township Development Code, Article III DEFINITIONS are hereby amended to include provisions addressing Tewksbury's constitutional obligation to provide for its fair share of very-low, low, and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended and supplemented. This Ordinance is intended to provide assurances that very-low, low, and moderate-income units (together referred to as "affordable units") are allowed in designated zones and that they are created with controls on affordability overtime and that very-low, low, and moderate-income households shall occupy those units.

NOW, THEREFORE BE IT ORDAINED, that the following amendments are hereby adopted:

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ARTICLE II: PURPOSE

§200 Subsection Q is hereby deleted

ARTICLE III: DEFINITIONS

§ 301: WORDS AND TERMS DEFINE

“Administrative Agent” shall mean the entity duly designated and responsible for administering the affordability controls on very-low, low, and moderate-income units created in the Township of Tewksbury to ensure that the restricted units are affirmatively marketed and sold or rented, as applicable, only to very-low, low, and moderate households. For purposes of this section all references to the title and role of the Housing Consultant are transferred to the Administrative Agent. A fuller explanation of the responsibilities and role of the Administrative Agent may be found in the Tewksbury Municipal Code Chapter 15.12 Affordable Housing Ordinance.

“Affordable” shall mean a sales price or rent level that is within the means of a very-low, low, or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 Housing, (Project/s or Development/s)” shall mean any project or development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100) percent affordable housing development. Affordable Housing may also be used as a general term of art to apply to all tier levels of affordable housing (i.e. very-low, low, and moderate housing units.).

“Affordable Housing Program(s)” Shall mean any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation. The Affordable Housing Program first adopted as Ordinance No.7-86 of the Township of Tewksbury and codified as Tewksbury Municipal Code §15.12, was replaced by a new Affordable Housing Ordinance in May 2019. The Housing Fund & Housing Officer positions have been renamed and modified below.

“Affordable Unit/s (Affordable Housing Unit/s)” shall mean a housing unit proposed or created pursuant to the Act and/or funded through an affordable housing trust fund.

“Affordable Housing Trust Fund”. The Housing Fund is now known as the Affordable Housing Trust Fund (AHTF). AHTF rules can be found at §15.10.070 of the Tewksbury Municipal Code. All mentions in this section to the Housing Fund are now replaced with the Affordable Housing Trust Fund (AHTF).

“Certified Household” shall mean a household that has been certified by an Administrative Agent as a very- low, low, or moderate-income household.

“COAH” Means the New Jersey Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) or any successor state agency.

“Development” shall mean 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.

“Developer” shall mean any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development

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including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

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

“Municipal Housing Liaison” Shall mean the municipal employee duly designated by the governing body with the responsibility for monitoring, reporting oversight and general administration of the affordable housing program for the Township of Tewksbury. The previous title and role of the Housing Officer is transferred to the Municipal Housing Liaison.

“Moderate-Income Household” shall mean a household with a total gross annual household income in excess of fifty (50) percent but less than eighty (80) percent of the regional median household income by household size.

“Moderate-Income Unit” shall mean a restricted unit that is affordable to a moderate-income household.

“Low-Income Household” shall mean a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-Income Unit” shall mean a restricted unit that is affordable to a low-income household.

“Very Low-Income Household” shall mean a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very Low-Income Unit” shall mean a restricted unit that is affordable to a very low-income household.

“UHAC” shall mean the Uniform Housing Affordability Controls set forth in NJAC 5:80-26, et. seq.

ARTICLE VII: Zoning Provisions

§ 707 - ZONING FOR AFFORDABLE HOUSING

A. Purpose. The purpose of this Section and related zoning provisions and the Affordable Housing Ordinance, codified as

Municipal Code 15.12, is to assure a reasonable opportunity to provide for the Township's fair share of very-low, low- and moderate-income housing, as directed by the Supreme Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended and supplemented.

B. Required Participation.

1. The developer of any land in a zoning district designated as having an obligation to participate in the affordable housing program shall have a responsibility to participate in the production of very-low, low, and moderate-income housing.

2. In order to prevent the densities from inflating land costs that might be passed on to a third-party and thereby jeopardizing the number of affordable housing units that might be built when the intent is to subsidize the development of affordable housing, no application providing for increased intensities of development shall be approved unless the Approving Authority resolution granting approval contains a condition that the requirements for very-low, low, and/or moderate income affordable housing units shall be binding upon the applicant and all heirs, personal representatives, successors and assigns.

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3. Subdivision and site plan approval on properties where the actual construction of affordable housing is required shall be denied unless the developer complies with the obligation to provide affordable housing pursuant to this Section, and the Approving Authority may impose any reasonable conditions to secure such undertaking.

4. Each affordable housing unit produced within a development required to contain affordable housing units shall comply with the affordability controls, the period of time during which the affordability controls apply, and all other rules and regulations as set forth in the Township's Housing Ordinance, codified at Municipal Code §15:12. All such units shall comply with any applicable regulations of the Council on Affordable Housing as to physical features of the unit (such as, but not limited to, facilities, entrances and parking). Units pursuant to Sections 709, 710, 710.1, and 713 shall be created so that at least one-half of the total of those created shall be affordable to low income units.

C. Waivers for Affordable Housing

The Approving Authority, when acting upon an application which includes provisions for affordable housing, shall waive those portions of the following standards if they do not create health and safety concerns for either the Township or the future residents of a development and they are not in conflict with the Residential Site Improvement Standards as promulgated by the State of New Jersey, otherwise the standard provisions of this Ordinance shall apply.

1. Curbs and gutters may be waived except in locations where drainage control and/or erosion control are necessary. When curbs and/or gutters are required, they shall conform to Section 603, except as modified by the following:

- a. Standard Concrete Vertical Curb. The curb shall be 8 inches wide on the top, 9 inches wide on the bottom and 20 inches high with a 6 inches exposed face after the street paving is completed. The standard curb section shall be 10 feet in length with performed bituminous cellular-type expansion joint material 2-inch thick spaced not more than 20 feet apart, shall be set in accordance with approved lines and grades, and radial curbs shall be formed in a smooth curve. The finish shall be a smooth float finish with corners rounded. Curbs shall be constructed using Class B concrete having a 28-day comprehensive strength of 4,500 p.s.i. and shall be air entrained.
- b. Rolled Concrete Curbing. The curb shall be 24 inches wide, 6 inches deep on the street pavement side, 10 inches deep on the lot side, and shall have a 1-inch depression below the pavement side located about one-third the distance from the pavement edge. The side adjacent to the street pavement shall be flush with the finished pavement surface.
- c. Sloped Curbing. The curb shall be at least 14 inches wide at the base, set in the ground at least 18 inches on the _____ side away from the street and at least 13 inches on the side abutting the street. The face of the curb shall angle way form the street pavement at least 30 degrees, but not more than 45 degrees, and have a flat surface at least 10 inches after the street paving is completed. The top of

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the curb shall be at least 2 inches wide measured between the top end of the angled face and the vertical side away from the street.

2. Piped storm water systems may be waived with swales substituted, except in situations where swales are likely to increase erosion control problems. If used, swales shall have a bottom elevation that will allow any water under the roadway or parking lot to seep out and drain away, have side slopes no steeper than 3 horizontal to 1 vertical, have a flat 4 foot wide bottom, be planted to stabilize the soils along the sides and bottom according to the soil types, have capacity for the computed runoff, be sloped to handle the rate of runoff while not eroding the soil, and allow a design flow of at least 0.5 foot per second, but not more than 2 feet per second. Intersections shall be crowned to assure positive drainage into the swales. Where pipes are installed at road/driveway crossings or other required locations, the pipes shall be continuations of the swales.

3. Street and other lighting shall be designated for locations best meeting overall public safety considerations considering intersections, public parking area, walkways, and the intensity of development. Where installed, lighting shall meet the requirements and/or objectives of Section 632.

4. Off-street parking designs may have waivers of some, but not all landscaping requirements, and may not be required to install curbing around all parking lots. Curbing will be required, however, where drainage control is needed and where erosion potential cannot adequately be addressed by alternate methods.

5. Shade tree plantings may be reduced, but not eliminated, as called for in Section 631.

6. Sidewalks shall be installed in locations determined by the approving authority to be in the interest of public safety and proper pedestrian circulation. Sidewalks need not follow all streets and in some instances may be better to follow open space corridors. The determination of whether sidewalks are needed and where they are better to follow open space corridors. The determination of whether sidewalks are needed and where they are best located shall be based on the public safety considering the intensity of development, the probable volume of pedestrian traffic, the adjoining street classification where sidewalks parallel streets, access to school bus stops, recreation areas, and the general type of improvement intended. If required, sidewalks shall meet the following requirements: Concrete sidewalks shall be at least 4 inches thick except 6 inches at driveway crossings; be Class B concreted with 28 day compressive strength of 4,500 p.s.i; and have half-inch expansion joint material every 20 feet and where they abut curbing or a structure, bituminous sidewalks shall have a minimum 4 inch base of 1½ inch crushed stone; have at least a 2 inch FABC-1 wearing surface; and have a maximum 3 percent grade.

7. Interior streets may have paving widths reduced to the width permitted for cul-de-sacs provided such reduction are done only in conjunction with nearby, expanded off-street parking spaces.

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(Ord. 11-2000 (part), 2000)

**ARTICLE VII: Zoning Provisions
§ 709 - HL HIGHLANDS DISTRICT
C. Permitted Accessory Uses**

10. Conversions for Affordable Housing. For the specific purpose of providing additional opportunities for affordable housing (specifically, very-low, low and moderate income housing) in the Township, lots: (1) whose principal use is for residential purposes, or residential and agricultural purposes; and (2) which have only one dwelling unit (being a single-family dwelling) located thereon, may have the single-family dwelling thereon either converted from a portion of the first, existing single-family dwelling, or from an accessory structure on the lot, provided the following conditions are met:

a. As required under NJAC 5:97-6.8 (b)2, the Township will provide \$20,000 (moderate unit) or \$25,000 (low-income unit) subsidy for a conversion or an accessory apartment after the unit has been restricted for certified affordable households with a 10-year deed covenant and a certification of occupancy has been issued by the Township. This is subject to availability of funds from the Township's Affordable Housing Trust Fund.

b. The maximum floor area of the second dwelling unit shall be 900 square feet and the minimum floor area of neither dwelling, following conversion, shall be less than any then required by the N.J. Housing and Mortgage Finance Agency for funding purposes;

c. The second dwelling unit shall be rented only, and only to a family that is a certified household (very-low, low or a moderate-income) by the Administrative Agent. All families must become a certified household prior to occupancy. The administrative agent will provide affirmative marketing support, household certification, waiting listing services, program documentation support, and compliance monitoring for all units.

d. Any apartment converted with an existing family in place, must have the existing family income certified as a certified household by the administrative agent. If the family is certified, the 10-year period begins based on the date of the income certification letter. In the event, that the existing family is deemed, "not-income eligible", the 10-year deed term period shall be tolled until the existing "non-income eligible" family vacates, and a new certified household occupies the residence. During the interim, the Landlord will be required to annually submit evidence of occupancy via annual lease renewals to the administrative agent, and the Landlord must notify the administrative agent immediately upon notification of vacancy or eviction of the "non-income eligible" family, so that the administrative agent can begin the re-rental process. The effective running time for the 10-year shall begin upon occupation by a certified household. All procedures are more fully explained in Municipal Code 15.12 and the Administrative Agent Operating Manual & Accessory Apartment Manual.

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e. All dwelling unit created under this program shall be deed restricted for a period of at least 10-years from the date of certification of occupancy. This 10-year deed restriction is subjected to tolling and modification if the unit is not occupied by a certified household or if the unit cannot maintain a valid certificate of occupancy. The Township will provide notice of the need for a deed restriction extension and a new deed restriction will be presented to the landlord to cover the extension period. It shall be the responsibility of the owner to pay all recording fees associated with the new deed restriction.

f. Landlords shall have an affirmative duty to notify the Administrative Agent of all evictions and vacancies within 5-Business Days of occurrence.

g. The Administrative Agent is responsible for the preparation and modification of the Affordable Housing Administrative Agent Policies & Procedures Manual and the Accessory Apartment Program Guidelines appendix. The Township has adopted and incorporated these policies and procedures manuals into its regulatory framework to further clarify and define the role and responsibilities of the Administrative Agent as well as the rules and the procedures to be followed when administering elements of Affordable Housing Program and the overall affordable housing program. These documents shall be controlling in all matters related to this subsection. These supplemental rules, policies and procedures are available for inspection at the Municipal Building during normal business hours.

h. There shall be a recorded deed or declaration of covenants and restrictions applying to such second dwelling unit running with the land (whose form has been approved by the Township Attorney): (i) limiting its subsequent rental or sale within the requirements of subsections (10)(c), (d) and (e) of this Section; and (ii) containing such provisions (including controls or affordability) described in the Tewksbury Township Affordable Housing Ordinance, which shall apply for said period of 10-years;

i. Each dwelling unit on the lot shall have its own exterior means of access which is separate from the other, and shall comply with all applicable construction and health codes;

j. The potable water supply and sewage disposal system for the dwelling units shall be adequate;

k. An accessory structure housing a dwelling unit on the lot as permitted under this Section shall meet the front, side and rear yard requirements equal to at least one-half of those required for a principal residential structure for the zoning district in which it is located;

l. For units in a dwelling, any part of which is located closer than 100 feet to the street line, expanded off-street parking area shall be provided on the lot in a manner that will not have the parking spaces for one dwelling unit blocking those of another.

**ARTICLE VII: Zoning Provisions
§ 709 - HL HIGHLANDS DISTRICT**

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D. Conditional Uses - In addition to the standards set forth in this subsection, all conditional uses shall meet other applicable design standards as set forth in Article VIII of this Ordinance.

3. Affordable housing conforming to the following requirements:

In order to provide additional opportunities for affordable housing and, in particular, to offer an opportunity to the affordable income families which include a farm worker, lots having at least 20 acres and whose principal use is a farm may also be permitted to have an accessory building used as a dwelling unit, provided:

a. Each unit shall comply with the requirements of Section 70Z, that are not amended in this Section, and the Affordable Housing Ordinance codified at Municipal Code §15.12.

b. Each such dwelling unit shall serve as living quarters for an employee of the farm, or the employee and his/her family.

c. Each such unit shall be a maximum size of two bedrooms and have a maximum floor area of 900 square feet.

d. No more than one dwelling unit shall be located in any one converted accessory building.

e. Each unit shall be located so as to have setbacks twice those required for other farm accessory buildings except no such unit shall be located in any front yard unless it is set back from the street line at least 200 feet.

f. The number of units (in addition to the principal dwelling) permitted under these provisions shall not exceed one unit per 10 acres, or one unit per 20 horse stalls, or a total of four units per lot, whichever results in the smaller number.

g. Each unit shall have its own exterior means of access separate from any other unit.

h. The potable water supply and sewage disposal system for the unit(s) and principal dwelling shall be adequate.

i. Additional off-street parking shall be made available for each unit in accordance with Section 721.

j. The property on which the housing is located shall be under Farmland Assessment.

ARTICLE VII: Zoning Provisions

§ 710 - LT LAMINGTON DISTRICT

C. Permitted Accessory Unit

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9. Conversions for Affordable Housing. For the specific purpose of providing additional opportunities for affordable housing in the Township, lots: (1) whose principal use is for residential purposes, or residential and agricultural purposes; and (2) which have only one dwelling unit (being a single-family dwelling) located thereon, may have the single-family dwelling thereon either converted from a portion of the first, existing single-family dwelling, or from an accessory structure on the lot, provided the following conditions are met:

a. As required under NJAC 5:97-6.8 (b)2, the Township will provide \$20,000 (moderate unit) or \$25,000 (low-income unit) subsidy for a conversion or an accessory apartment after the unit has been restricted for certified affordable households with 10-year a deed covenant and a certification of occupancy has been issued by the Township. Subject to availability of funds from the Township's Affordable Housing Trust Fund.

b. The maximum floor area of the second dwelling unit shall be 900 square feet and the minimum floor area of neither dwelling, following conversion, shall be less than any then required by the N.J. Housing and Mortgage Finance Agency for funding purposes;

c. The second dwelling unit shall be rented only, and only to a family that is a certified household (very-low, low or a moderate-income) by the Administrative Agent. All families must become a certified household prior to occupancy. The administrative agent will provide affirmative marketing support, household certification, waiting listing services, program documentation support, and compliance monitoring for all units.

d. Any apartment converted with an existing family in place, must have the existing family income certified as a certified household by the administrative agent. If the family is certified, the 10-year period begins based on the date of the income certification letter. In the event, that the existing family is deemed, "not-income eligible", the 10-year deed term period shall be tolled until the existing "non-income eligible" family vacates, and a new certified household occupies the residence. During the interim, the Landlord will be required to annually submit evidence of occupancy via annual lease renewals to the administrative agent, and the Landlord must notify the administrative agent immediately upon notification of vacancy or eviction of the "non-income eligible" family, so that the administrative agent can begin the re-rental process. The effective running time for the 10-year shall begin upon occupation by a certified household. All procedures are more fully explained in Municipal Code 15.12 and the Administrative Agent Operating Manual & Accessory Apartment Manual.

e. All dwelling unit created under this program shall be deed restricted for a period of at least 10-years from the date of certification of occupancy. This 10-year deed restriction is subjected to tolling and modification if the unit is not occupied by a certified household or if the unit cannot maintain a valid certificate of occupancy. The Township will provide notice of the need for a deed restriction extension and a new deed restriction will be presented to the landlord to cover the extension period. It shall be the responsibility of the owner to pay all recording fees associated with the new deed restriction.

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f. Landlords shall have an affirmative duty to notifying the Administrative Agent of all evictions and vacancies within 5-Business Days of occurrence.

g. The Administrative Agent is responsible for the preparation and modification of the Affordable Housing Administrative Agent Policies & Procedures Manual and the Accessory Apartment Program Guidelines appendix. The Township has adopted and incorporated these policies and procedures manuals into its regulatory framework to further clarify and define the role and responsibilities of the Administrative Agent as well as the rules and the procedures to be followed when administering elements of Affordable Housing Ordinance and the overall affordable housing program. These documents shall be controlling in all matters related to this subsection. These supplemental rules, policies and procedures are available for inspection at the Municipal Building during normal business hours.

h. There shall be a recorded deed or declaration of covenants and restrictions applying to such second dwelling unit running with the land (whose form has been approved by the Township Attorney): (i) limiting its subsequent rental or sale within the requirements of subsections C9 (c), (d) and (e) of this Section; and (ii) containing such provisions (including controls or affordability) described in the Tewksbury Township Affordable Housing Ordinance, which shall apply for said period of 10-years;

i. Each dwelling unit on the lot shall have its own exterior means of access which is separate from the other, and shall comply with all applicable construction and health codes;

j. The potable water supply and sewage disposal system for the dwelling units shall be adequate;

k. An accessory structure housing a dwelling unit on the lot as permitted under this Section shall meet the front, side and rear yard requirements equal to at least one-half of those required for a principal residential structure for the zoning district in which it is located;

l. For units in a dwelling, any part of which is located closer than 100 feet to the street line, expanded off-street parking area shall be provided on the lot in a manner that will not have the parking spaces for one dwelling unit blocking those of another.

ARTICLE VII: Zoning Provisions

§ 710 - LT LAMINGTON DISTRICT

D. Conditional Uses - In addition to the standards set forth in this subsection, all conditional uses shall meet other applicable design standards as set forth in Article VIII of this Ordinance.

3. Affordable housing conforming to the following requirements:

In order to provide additional opportunities for affordable housing and, in particular, to offer an opportunity to the affordable income families which include a farm worker, lots having at least 20 acres and whose principal use is a farm may also be permitted to have an accessory building used as a dwelling unit, provided:

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- a. Each unit shall comply with the requirements of Section 70Z, that are not amended in this Section, and the Affordable Housing Ordinance codified at Municipal Code §15.12.
- b. Each such dwelling unit shall serve as living quarters for an employee of the farm, or the employee and his/her family.
- c. Each such unit shall be a maximum size of two bedrooms and have a maximum floor area of 900 square feet.
- d. No more than one dwelling unit shall be located in any one converted accessory building.
- e. Each unit shall be located so as to have setbacks twice those required for other farm accessory buildings except no such unit shall be located in any front yard unless it is set back from the street line at least 200 feet.
- f. The number of units (in addition to the principal dwelling) permitted under these provisions shall not exceed one unit per 10 acres, or one unit per 20 horse stalls, or a total of four units per lot, whichever results in the smaller number.
- g. Each unit shall have its own exterior means of access separate from any other unit.
- h. The potable water supply and sewage disposal system for the unit(s) and principal dwelling shall be adequate.
- i. Additional off-street parking shall be made available for each unit in accordance with Section 721.
- j. The property on which the housing is located shall be under Farmland Assessment.

ARTICLE VII: Zoning Provisions

§ 710.1 - FP FARMLAND PRESERVATION DISTRICT

C 10. Conversions for Affordable Housing. For the specific purpose of providing additional opportunities for affordable housing in the Township, lots: (1) whose principal use is for residential purposes, or residential and agricultural purposes; and (2) which have only one dwelling unit (being a single-family dwelling) located thereon, may have the single-family dwelling thereon either converted from a portion of the first, existing single-family dwelling, or from an accessory structure on the lot, provided the following conditions are met:

- a. As required under NJAC 5:97-6.8 (b)2, the Township will provide \$20,000 (moderate unit) or \$25,000 (low-income unit) subsidy for a conversion or an accessory apartment after the unit has been restricted for certified affordable households with a ten (10) year a deed covenant and a certification of occupancy has been issued by the Township. Subject to availability of funds from the Township's Affordable Housing Trust Fund.

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- b. The maximum floor area of the second dwelling unit shall be 900 square feet and the minimum floor area of neither dwelling, following conversion, shall be less than any then required by the N.J. Housing and Mortgage Finance Agency for funding purposes;
- c. The second dwelling unit shall be rented only, and only to a family that is a certified household (very-low, low or a moderate-income) by the Administrative Agent. All families must become a certified household prior to occupancy. The administrative agent will provide affirmative marketing support, household certification, waiting listing services, program documentation support, and compliance monitoring for all units.
- d. Any apartment converted with an existing family in place, must have the existing family income certified as a certified household by the administrative agent. If the family is certified, the 10-year period begins based on the date of the income certification letter. In the event, that the existing family is deemed, "not-income eligible", the 10-year deed term period shall be tolled until the existing "non-income eligible" family vacates, and a new certified household occupies the residence. During the interim, the Landlord will be required to annually submit evidence of occupancy via annual lease renewals to the administrative agent, and the Landlord must notify the administrative agent immediately upon notification of vacancy or eviction of the "non-income eligible" family, so that the administrative agent can begin the re-rental process. The effective running time for the 10-year shall begin upon occupation by a certified household. All procedures are more fully explained in Municipal Code 15.12 and the Administrative Agent Operating Manual & Accessory Apartment Manual.
- e. All dwelling unit created under this program shall be deed restricted for a period of at least 10-years from the date of certification of occupancy. This 10-year deed restriction is subjected to tolling and modification if the unit is not occupied by a certified household or if the unit cannot maintain a valid certificate of occupancy. The Township will provide notice of the need for a deed restriction extension and a new deed restriction will be presented to the landlord to cover the extension period. It shall be the responsibility of the owner to pay all recording fees associated with the new deed restriction.
- f. Landlords shall have an affirmative duty to notifying the Administrative Agent of all evictions and vacancies within 5-Business Days of occurrence.
- g. The Administrative Agent is responsible for the preparation and modification of the Affordable Housing Administrative Agent Policies & Procedures Manual and the Accessory Apartment Program Guidelines appendix. The Township has adopted and incorporated these policies and procedures manuals into its regulatory framework to further clarify and define the role and responsibilities of the Administrative Agent as well as the rules and the procedures to be followed when administering elements of Affordable Housing Ordinance and the overall affordable housing program. These documents shall be controlling in all matters related to this subsection. These supplemental rules, policies and procedures are available for inspection at the Municipal Building during normal business hours.

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- h. There shall be a recorded deed or declaration of covenants and restrictions applying to such second dwelling unit running with the land (whose form has been approved by the Township Attorney): (i) limiting its subsequent rental or sale within the requirements of subsections C 10 (c), (d) and (e) of this Section; and (ii) containing such provisions (including controls or affordability) described in the Tewksbury Township Affordable Housing Ordinance, which shall apply for said period of 10-years;
- i. Each dwelling unit on the lot shall have its own exterior means of access which is separate from the other, and shall comply with all applicable construction and health codes;
- j. The potable water supply and sewage disposal system for the dwelling units shall be adequate;
- k. An accessory structure housing a dwelling unit on the lot as permitted under this Section shall meet the front, side and rear yard requirements equal to at least one-half of those required for a principal residential structure for the zoning district in which it is located;
- l. For units in a dwelling, any part of which is located closer than 100 feet to the street line, expanded off-street parking area shall be provided on the lot in a manner that will not have the parking spaces for one dwelling unit blocking those of another.

ARTICLE VII: Zoning Provisions

§ 710.1 - FP FARMLAND PRESERVATION DISTRICT

D. Conditional Uses - In addition to the standards set forth in this subsection, all conditional uses shall meet other applicable design standards as set forth in Article VIII of this Ordinance.

3. Affordable housing conforming to the following requirements:

In order to provide additional opportunities for affordable housing and, in particular, to offer an opportunity to the affordable income families which include a farm worker, lots having at least 20 acres and whose principal use is a farm may also be permitted to have an accessory building used as a dwelling unit, provided:

- a. Each unit shall comply with the requirements of Section 707, that are not amended in this Section, and the Affordable Housing Ordinance codified at Municipal Code §15.12.
- b. Each such dwelling unit shall serve as living quarters for an employee of the farm, or the employee and his/her family.
- c. Each such unit shall be a maximum size of two bedrooms and have a maximum floor area of 900 square feet.
- d. No more than one dwelling unit shall be located in any one converted accessory building.

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e. Each unit shall be located so as to have setbacks twice those required for other farm accessory buildings except no such unit shall be located in any front yard unless it is set back from the street line at least 200 feet.

f. The number of units (in addition to the principal dwelling) permitted under these provisions shall not exceed one unit per 10 acres, or one unit per 20 horse stalls, or a total of four units per lot, whichever results in the smaller number.

g. Each unit shall have its own exterior means of access separate from any other unit.

h. The potable water supply and sewage disposal system for the unit(s) and principal dwelling shall be adequate.

i. Additional off-street parking shall be made available for each unit in accordance with Section 721.

j. The property on which the housing is located shall be under Farmland Assessment.

ARTICLE VII: Zoning Provisions

§ 710.2 - PM PIEDMONT DISTRICT

C. Permitted Accessory Uses.

5. Home Occupation

Conversions for Affordable Housing. For the specific purpose of providing additional opportunities for affordable housing in the Township, lots: (1) whose principal use is for residential purposes, or residential and agricultural purposes; and (2) which have only one dwelling unit (being a single-family dwelling) located thereon, may have the single-family dwelling thereon either converted from a portion of the first, existing single-family dwelling, or from an accessory structure on the lot, provided the following conditions are met:

a. As required under NJAC 5:97-6.8 (b)2, the Township will provide \$20,000 (moderate unit) or \$25,000 (low-income unit) subsidy for a conversion or an accessory apartment after the unit has been restricted for certified affordable households with a ten (10) year a deed covenant and a certification of occupancy has been issued by the Township. Subject to availability of funds from the Township's Affordable Housing Trust Fund.

b. The maximum floor area of the second dwelling unit shall be 900 square feet and the minimum floor area of neither dwelling, following conversion, shall be less than any then required by the N.J. Housing and Mortgage Finance Agency for funding purposes;

c. The second dwelling unit shall be rented only, and only to a family that is a certified household (very-low, low or a moderate-income) by the Administrative Agent. All families must become a certified household prior to occupancy. The administrative agent will

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provide affirmative marketing support, household certification, waiting listing services, program documentation support, and compliance monitoring for all units.

d. Any apartment converted with an existing family in place, must have the existing family income certified as a certified household by the administrative agent. If the family is certified, the 10-year period begins based on the date of the income certification letter. In the event, that the existing family is deemed, "not-income eligible", the 10-year deed term period shall be tolled until the existing "non-income eligible" family vacates, and a new certified household occupies the residence. During the interim, the Landlord will be required to annually submit evidence of occupancy via annual lease renewals to the administrative agent, and the Landlord must notify the administrative agent immediately upon notification of vacancy or eviction of the "non-income eligible" family, so that the administrative agent can begin the re-rental process. The effective running time for the 10-year shall begin upon occupation by a certified household. All procedures are more fully explained in Municipal Code 15.12 and the Administrative Agent Operating Manual & Accessory Apartment Manual.

e. All dwelling unit created under this program shall be deed restricted for a period of at least 10-years from the date of certification of occupancy. This 10-year deed restriction is subjected to tolling and modification if the unit is not occupied by a certified household or if the unit cannot maintain a valid certificate of occupancy. The Township will provide notice of the need for a deed restriction extension and a new deed restriction will be presented to the landlord to cover the extension period. It shall be the responsibility of the owner to pay all recording fees associated with the new deed restriction.

f. Landlords shall have an affirmative duty to notifying the Administrative Agent of all evictions and vacancies within 5-Business Days of occurrence.

g. The Administrative Agent is responsible for the preparation and modification of the Affordable Housing Administrative Agent Policies & Procedures Manual and the Accessory Apartment Program Guidelines appendix. The Township has adopted and incorporated these policies and procedures manuals into its regulatory framework to further clarify and define the role and responsibilities of the Administrative Agent as well as the rules and the procedures to be followed when administering elements of Affordable Housing Ordinance and the overall affordable housing program. These documents shall be controlling in all matters related to this subsection. These supplemental rules, policies and procedures are available for inspection at the Municipal Building during normal business hours.

h. There shall be a recorded deed or declaration of covenants and restrictions applying to such second dwelling unit running with the land (whose form has been approved by the Township Attorney): (i) limiting its subsequent rental or sale within the requirements of subsections C5 (c), (d) and (e) of this Section; and (ii) containing such provisions (including controls or affordability) described in the Tewksbury Township Affordable Housing Ordinance, which shall apply for said period of 10-years;

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- i. Each dwelling unit on the lot shall have its own exterior means of access which is separate from the other, and shall comply with all applicable construction and health codes;
- j. The potable water supply and sewage disposal system for the dwelling units shall be adequate;
- k. An accessory structure housing a dwelling unit on the lot as permitted under this Section shall meet the front, side and rear yard requirements equal to at least one-half of those required for a principal residential structure for the zoning district in which it is located;
- l. For units in a dwelling, any part of which is located closer than 100 feet to the street line, expanded off-street parking area shall be provided on the lot in a manner that will not have the parking spaces for one dwelling unit blocking those of another.

ARTICLE VII: Zoning Provisions

§ 710.2 - PM PIEDMONT DISTRICT

D. Conditional Uses - In addition to the standards set forth in this subsection, all conditional uses shall meet other applicable design standards as set forth in Article VIII of this Ordinance.

3. Affordable housing conforming to the following requirements:

In order to provide additional opportunities for affordable housing and, in particular, to offer an opportunity to the affordable income families which include a farm worker, lots having at least 20 acres and whose principal use is a farm may also be permitted to have an accessory building used as a dwelling unit, provided:

- a. Each unit shall comply with the requirements of Section 707, that are not amended in this Section, and the Affordable Housing Ordinance codified at Municipal Code §15.12.
- b. Each such dwelling unit shall serve as living quarters for an employee of the farm, or the employee and his/her family.
- c. Each such unit shall be a maximum size of two bedrooms and have a maximum floor area of 900 square feet.
- d. No more than one dwelling unit shall be located on any one converted accessory building.
- e. Each unit shall be located so as to have setbacks twice those required for other farm accessory buildings except no such unit shall be located in any front yard unless it is set back from the street line at least 200 feet.
- f. The number of units (in addition to the principal dwelling) permitted under these provisions shall not exceed one unit per 10 acres, or one unit per 20 horse stalls, or a total of four units per lot, whichever results in the smaller number.

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- g. Each unit shall have its own exterior means of access separate from any other unit.
- h. The potable water supply and sewage disposal system for the unit(s) and principal dwelling shall be adequate.
- i. Additional off-street parking shall be made available for each unit in accordance with Section 721.
- j. The property on which the housing is located shall be under Farmland Assessment.

§ 713 - TH-V TOWNHOUSE VILLAGE DISTRICT

A. Purpose. The purpose of this district is to provide a zone in Pottersville for townhouses consistent with the mediation agreement with the Council on Affordable Housing and the Township's obligation to provide opportunities for very-low, low, and moderate-income housing.

B. Permitted Principal Uses.

- 1. Townhouses
- 2. Potter/Bunk and Victorian houses.

D. Area, Yard and Bulk Requirements. The maximum density shall be 2.3 units/acre, but in any event up to, but not more than 30 units shall be permitted. Of these 30 units, there shall be 26 new market units, 3 low/moderate units in the Potter/Bunk House located on-site (which shall include a minimum of six bedrooms overall), and 1 market unit in the Victorian House which is also on-site. The overall development shall also conform to the following:

- 1. Of the three affordable units, one shall be for a low-income household at 50% of the region's median income, and two shall be for moderate income households, one at 80% of median and the other at 65.5% of median.
- 2. The lower income units shall be deed restricted for 20 years as per N.J.A.C. 5:92-12.

§714.1 - SOUTH OLDWICK RESIDENTIAL DISTRICT

E. Area, Yard, Bulk and Other District Regulations. Development under the South Oldwick Residential District regulations shall meet the following standards and conditions:

- 2. The maximum number of dwelling units permitted in the South Oldwick Residential District shall be seventy-six (76), comprising at most one detached single-family dwelling situated on the Existing House Lot (described below), and at most seventy-five (75) townhouses. Two of the townhouses shall be affordable housing units conforming to COAH standards, with one of such units being restricted for low income occupancy and the other of such units being restricted for moderate income occupancy.

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9. As to the two affordable housing townhouse dwellings, the developer(s) shall, as a condition of final approval of the development, enter agreement(s) with the Township and its Administrative Agent, whereby the developer shall affirmatively market such units for initial purchase and sell the affordable units as qualifying affordable units under regulations applicable to low, and moderate income housing promulgated by COAH and under other applicable law. One of such units shall be restricted for purchase by a low-income household earning not more than 50% of the housing region's median income and the other of such units shall be restricted for purchase by a low-income household earning not more than 80% of the housing region's median income. The affordability controls and other requirements apply, and such two units shall also be deed-restricted for 30 years pursuant to COAH regulations (including those of N.J.A.C. 5:93-9, or successor regulation). Documents in recordable form shall be submitted to the Township, and reviewed and subject to the approval of the Township Attorney, prior to the time of, or as a condition of, final approval for the development, insuring that the initial affirmative marketing of such units is carried out by the developer and that the units remain qualified as lower income units under applicable laws and regulations, for a period of at least 30 years. Pursuant to N.J.A.C. 5:93-9.3, no certificate of occupancy for initial occupancy of such unit shall be issued unless the unit is controlled by appropriate deed restrictions and COAH approved form of mortgage lien.

§ 716 - VB VILLAGE BUSINESS DISTRICT

B. Permitted Principal Uses.

3. Detached single-family dwelling.

4. One dwelling unit, in the same building with a permitted business use provided:
 - a. The business is being conducted only in the first floor and/or basement of the building;

 - b. Such dwelling unit shall have its own means of access separate from any other use in the building.

5. A second dwelling unit, in the same building with a permitted business use provided:
 - a. All requirements set forth in subsections B.4.a. and b of this Section are satisfied;

 - b. The second dwelling shall be a rental unit and rented only to a family that is a certified household (very-low, low or a moderate-income) by the Administrative Agent. All families must become a certified household prior to occupancy. The administrative agent will provide affirmative marketing support, household certification, waiting listing services, program documentation support, and compliance monitoring for all units.

 - c. The second dwelling shall, for a period of at least 10-years from the date of initial occupancy, be rented only at such rent levels affordable by very-low, low, or moderate-income households as defined pursuant to New Jersey's Fair Housing Act;

**TOWNSHIP COMMITTEE
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d. There shall be a recorded deed or declaration of covenants and restrictions applying to such second dwelling unit running with the land (whose form has been approved by the Township Attorney): (i) limiting its subsequent rental or sale within the requirements of subsections, 3, 4, & 5 of this Section; and (ii) containing such provisions (including controls or affordability) described in the Tewksbury Township Affordable Housing Ordinance, which shall apply for said period of 10-years;

e. Any apartment converted with an existing family in place, must have the existing family income certified as a certified household by the administrative agent. If the family is certified, the 10-year period begins based on the date of the income certification letter. In the event, that the existing family is deemed, "not-income eligible", the 10-year deed term period shall be tolled until the existing "non-income eligible" family vacates, and a new certified household occupies the residence. During the interim, the Landlord will be required to annually submit evidence of occupancy via annual lease renewals to the administrative agent, and the Landlord must notify the administrative agent immediately upon notification of vacancy or eviction of the "non-income eligible" family, so that the administrative agent can begin the re-rental process. The effective running time for the 10-year shall begin upon occupation by a certified household. All procedures are more fully explained in Municipal Code 15.12 and the Administrative Agent Operating Manual & Accessory Apartment Manual.

f. All dwelling unit created under this program shall be deed restricted for a period of at least 10-years from the date of certification of occupancy. This 10-year deed restriction is subjected to tolling and modification if the unit is not occupied by a certified household or if the unit cannot maintain a valid certificate of occupancy. The Township will provide notice of the need for a deed restriction extension and a new deed restriction will be presented to the landlord to cover the extension period. It shall be the responsibility of the owner to pay all recording fees associated with the new deed restriction.

g. Landlords shall have an affirmative duty to notifying the Administrative Agent of all evictions and vacancies within 5-Business Days of occurrence.

h. The Administrative Agent is responsible for the preparation and modification of the Affordable Housing Administrative Agent Policies & Procedures Manual and the Accessory Apartment Program Guidelines Appendix. The Township has adopted and incorporated these policies and procedures manuals into its regulatory framework to further clarify and define the role and responsibilities of the Administrative Agent as well as the rules and the procedures to be followed when administering elements of Affordable Housing Ordinance and the overall affordable housing program. These documents shall be controlling in all matters related to this subsection. These supplemental rules, policies and procedures are available for inspection at the Municipal Building during normal business hours.

Repeal of Prior Inconsistent Provisions

**TOWNSHIP COMMITTEE
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All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Severability Provision

If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining ordinance as a whole or any part thereof.

Effective Date Provision

BE IT FURTHER ORDAINED by the Tewksbury Township Committee that this ordinance shall take effect immediately upon publication following final passage and the filing of a copy hereof with the Hunterdon County Planning Board and the Highlands Council.

William Voyce
Mayor

Mr. Becker made a motion to open the Public Hearing on Ordinance #09-2019, seconded by Mr. Melick. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None, Absent: Desiderio, DiMare.

Ms. Ader provided proof of publication dated 06-20-2019 from the Hunterdon County Democrat, and proof that the Land Use Board did not find the ordinance 09-2019 inconsistent with the Master Plan.

There being no comments from the public, Mr. Melick made a motion to close the Public Hearing on Ordinance #09-2019, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

Mr. Becker made a motion for adoption of ordinance #09-2019, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

10. Consent Agenda

Mr. Becker motioned for the adoption of the Consent Agenda, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 73-2019 Adoption Date: July 9, 2019

A RESOLUTION SETTING THE 2019 SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE

**TOWNSHIP COMMITTEE
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TOWNSHIP OF TEWKSBURY

BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the salaries or wages to be paid to certain officers and employees of the Township of Tewksbury be, and the same are hereby determined and fixed, at the respective amount or rates for the calendar year 2019 and until same is amended.
This Resolution hereby supersedes previous salary and wage actions taken by the Township Committee.

NAME	TITLE	SALARY	MERIT PAY
<u>EXECUTIVE</u>			
Dana Desiderio	Township Committee	4,510.13/annum	
Louis DiMare	Township Committee	4,510.13/annum	
Peter Melick	Township Committee	4,510.13/annum	
Robert Becker	Township Committee	4,510.13/annum	
William Voyce	Township Committee	4,510.13/annum	
<u>ADMINISTRATION</u>			
	Administrator		
Jennifer Ader	Acting Municipal Clerk	50,000/annum	
Stephanie Koven	Perc Test Witness	75.00 /inspection	
Anthony Rosario	Fire Marshal	28.00/hour	
<u>CONSTRUCTION CODE ENFORCEMENT</u>			
Ralph Price	Construction Code Official Building sub-code and inspector, fire sub-code and inspector, electrical inspector, fire prevention official, mechanical inspector	98,838.00/annum	
Robert J. O'Connor	Plumbing Subcode Official & Inspector	46.78/hour	
Christopher Diacik	part time Electrical Subcode Official	40.80/hour	
Giuseppe Briganti	Building Code Official	40.00/hour	
Jackie Mowbray	Technical Assistant	45,000.00/annum	

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FINANCE		
Marie Kenia	Chief Financial Officer	93,846.86/annum
Marie Kenia	Tax Collector	10,404.00/annum
Judith DeMaris	Finance Assistant – Purchasing Agent	51,215.28annum
Ann Marie Obiedzinski	Tax Assessor	36,743.81/annum
Donna Mele-Parolari	Part Time Financial Assistant	25.00/hour
LAND USE		
Shana Goodchild	Land Use Administrator	92,667/annum
Sara Knies	Zoning Officer-part time	31.83/hour
POLICE		
Timothy Barlow	Chief	139,740.00/annum
Jean Marie Du Hamel	Secretary	51,364.05/annum
PUBLIC WORKS		
Kevin Pyatt	Superintendent	96,900.00
COURT		
Edward Martin	Municipal Court Judge	10,713.92/annum
Katharine Errickson	Municipal Court Prosecutor	7,640.70/annum
Scott Mitzner	Municipal Court Public Defender	200.00/per case
Julie Kosakowski	Court Administrator	19,101.74/annum
Jennifer Jeremiah	Violations Clerk	19.10/hour
Vilma Urbanski	Court Translator, Violations Bureau Court Staff	18.77/hour
Michael Clancy	Court Security	146.84/court session
Katty Wong Taylor	Alternate Prosecutor	400.00/court session

William J. Voyce
Mayor

**TOWNSHIP COMMITTEE
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TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 74-2019 Adoption Date: July 9, 2019

A RESOLUTION TO CANCEL THE BALANCE FROM ORDINANCE # 16-2006 ENTITLED "OPEN SPACE AND EMERG SVC COMM." AND ORDINANCE #07-2012 ENTITLED "FOX HILL ROAD RESTORATION" AND ORDINANCE #04-2013 ENTITLED "VARIOUS ROAD AND DRAINAGE IMPROVEMENTS" AND ORDDINANCE # 02-2014 ENTITLED "VARIOUS CAPITAL IMPROVEMENTS"

BE IT ORDAINED by the Township Committee of the Township of Tewksbury in the County of Hunterdon, New Jersey the following:

1. From Ord #16-2006 General Capital Fund \$21,121.92
2. From Ord. #07-2012 General Capital Fund. \$10,035.32
3. From Ord. #04-2013 General Capital Fund. \$600.00
4. From Ord. #02-2014 General Capital Fund. \$11,418.21
5. To the Fund Balance. \$43,175.45

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 75-2019 Adoption Date: July 9, 2019

**A RESOLUTION SETTING THE 2019 SALARY AND WAGES FOR AN EMPLOYEE OF THE
TOWNSHIP OF TEWKSBURY**

BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the salary or wage to be paid to the employee of the Township of Tewksbury be, and the same are hereby determined and fixed, at the respective amount or rates for the calendar year 2019 and until same is amended.

NAME	TITLE	SALARY
<u>CONSTRUCTION CODE ENFORCEMENT</u>		
Joseph Bevacqua	part time Electrical Subcode Official	40.00/hour Effective 7-09-19

**TOWNSHIP COMMITTEE
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William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 76-2019 Adoption Date: July 9, 2019

**A RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO
COKESBURY-CALIFON ROAD**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of Township of Tewksbury County of Hunterdon, and State of New Jersey that they formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**MA-2020-Improvements to Cokesbury Califon Road-00567**” to the New Jersey Department of Transportation on behalf of the Township of Tewksbury; and

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Tewksbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 77-2019 Adoption Date: July 9, 2019

**A RESOLUTION APPOINTING LEONARD C. HO TO THE POSITION OF CHIEF FINANCIAL OFFICER WITH
THE TOWNSHIP OF TEWKSBURY**

WHEREAS, Marie Kenia is currently serving in the position of Chief Financial Officer with the Township of Tewksbury; and

**TOWNSHIP COMMITTEE
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WHEREAS, Ms. Kenia will be retiring from service with the Township of Tewksbury effective August 31, 2019; and

WHEREAS, Ms. Kenia will be on vacation from her position as Chief Financial Officer from August 1, 2019 through August 31, 2019; and

WHEREAS, the Township is in need of an Acting Chief Financial Officer during the month of August 2019 and a Chief Financial Officer effective September 1, 2019; and

WHEREAS, the position of Chief Financial Officer has been advertised in accordance with Township policy; and

WHEREAS. Leonard C. Ho is a New Jersey licensed Certified Municipal Finance Officer and has been found to meet all the conditions of employments as the Chief Financial Officer for the Township of Tewksbury.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby appoints, Leonard C. Ho to the position of Acting Chief Financial Officer effective August 1, 2019; and

BE IT FURTHER RESOLVED that Leonard C. Ho is hereby appointed to the position of Chief Financial Officer for the Township of Tewksbury effective September 1, 2019; and

BE IT FURTHER RESOLVED, that for the purpose of compliance with *N.J.S.A. 40A:9-140.10* Said term of appointment to the position of Chief Financial Officer shall be for the period January 1, 2019 through December 31, 2022; and

BE IT FURTHER RESOLVED that the salary for Leonard C. Ho as Chief Financial Officer for the Township shall be \$70,000.00 for the period August 1, 2019 through December 31, 2019 and shall be set thereafter in accordance with Township policy; and

BE IF FURTHER RESOLVED that the Township Committee hereby authorizes the Interim Township Administrator to grant Leonard C. Ho, in accordance with Section 12.5 of the Tewksbury Personnel Policies and Procedures Manual the authority to continue outside part time employment as the Chief Financial Officer of Winfield Park, New Jersey subject to the condition that all work performed for Winfield Park be outside the normal business hours of the Township of Tewksbury.

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 78-2019

Adoption Date: July 9, 2019

**A RESOLUTION APPOINTING LEONARD C. HO TO THE POSITION OF TAX COLLECTOR WITH THE
TOWNSHIP OF TEWKSBURY**

WHEREAS, Marie Kenia is currently serving in the position of Tax Collector with the

**TOWNSHIP COMMITTEE
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Township of Tewksbury; and

WHEREAS, Ms. Kenia will be retiring from service with the Township of Tewksbury effective August 31, 2019; and

WHEREAS, Ms. Kenia will be on vacation from her position as Tax Collector from August 1, 2019 through August 31, 2019; and

WHEREAS, the Township is in need of an Acting Tax Collector during the month of August 2019 and a Tax Collector effective September 1, 2019; and

WHEREAS, the position of Tax Collector has been advertised in accordance with Township policy; and

WHEREAS. Leonard C. Ho is a New Jersey licensed Tax Collector and has been found to meet all the conditions of employments as the Tax Collector for the Township of Tewksbury.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon that it hereby appoints Leonard C. Ho to the position of Acting Chief Tax Collector effective August 1, 2019; and

BE IT FURTHER RESOLVED that Leonard C. HO is hereby appointed to the position of Tax Collector for the Township of Tewksbury effective September 1, 2019; and

BE IT FURTHER RESOLVED, that for the purpose of compliance with *N.J.S.A. 40A:9-142* said term of appointment to the position of Tax Collector shall be for the unexpired term of Marie Kenia expiring on December 31, 2021; and

BE IT FURTHER RESOLVED that the salary for Leonard C. Ho as Tax Collector for the Township shall be \$15,000.00 for the period August 1, 2019 through December 31, 2019 and shall be set thereafter in accordance with Township policy.

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 79-2019 Adoption Date: July 9, 2019

A RESOLUTION APPOINTING FUND COMMISSIONER FOR STATEWIDE INSURANCE FUND

WHEREAS, the Township of Tewksbury_(hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

**TOWNSHIP COMMITTEE
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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury (Local Unit) that William J. Voyce is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that Leonard Ho is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 80-2019 Adoption Date: July 9, 2019

**A RESOLUTION TO ACKNOWLEDGE RECEIPT OF A \$1,000.00 DONATION FROM
THE ISABEL & DAVID MAHALICK FOUNDATION TO THE TEWKSBURY POLICE DEPARTMENT**

WHEREAS, a charitable donation of \$1,000.00 was made to the Tewksbury Police Department by the Isabel & David Mahalick Foundation.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that this donation has been gratefully acknowledged and the monies will be used to purchase firearms and ammunition.

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 81-2019 Adoption Date: July 9, 2019

**A RESOLUTION SETTING THE 2019 SALARY AND WAGES FOR AN EMPLOYEE OF THE TOWNSHIP OF
TEWKSBURY**

**TOWNSHIP COMMITTEE
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BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the salary or wage to be paid to the employee of the Township of Tewksbury be, and the same are hereby determined and fixed, at the respective amount or rates for the calendar year 2019 and until same is amended.

NAME	TITLE	SALARY
<u>POLICE</u>		
Timothy Hanft	Police Sergeant	\$114,689.00
Matthew Milone	Police Recruit	\$42,025.00
Ralph Hroncich	Police Recruit	\$42,025.00

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 82-2019 Adoption Date: July 9, 2019

**A RESOLUTION APPOINTING CERTAIN TOWNSHIP PROFESSIONALS AS THE MUNICIPAL HOUSING
LIAISON FOR THE ADMINISTRATION OF THE AFFORDABLE HOUSING PROGRAM**

WHEREAS, the governing body of Tewksbury Township petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 19, 2005; and,

WHEREAS, Tewksbury Township’s Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) and COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1 et seq.); and,

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq., Tewksbury Township is required to appoint a Municipal Housing Liaison for the administration of

**TOWNSHIP COMMITTEE
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Tewksbury Township’s affordable housing program to enforce the requirements of N.J.A.C 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and,

WHEREAS, Tewksbury Township has amended its Township Code, by Ordinance, to provide for the appointment of a Municipal Housing Liaison to administer Tewksbury Township’s affordable housing program.

NOW THEREFORE IT BE RESOLVED by the Township Committee of the Township of Tewksbury in the County of Hunterdon and the State of New Jersey that the Township Administrator is hereby appointed by the Township of Tewksbury as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with the various applicable provisions of the Township of Tewksbury’s Municipal Code.

William J. Voyce
Mayor

TEWKSBURY TOWNSHIP, NEW JERSEY

Resolution No: 83-2019 Adoption Date: July 9, 2019

A RESOLUTION APPOINTING THE BACK UP TOWNSHIP FIRE MARSHAL

BE IT RESOLVED, by the Township Committee of the Township of Tewksbury, County of Hunterdon, New Jersey that the following appointment is effective 07/10/2019.

Thomas Anderson	Back Up Fire Marshal	Expires 12/31/2019
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William J. Voyce
Mayor

MISCELLANEOUS

- Claims submitted by the CFO
- Regular minutes of 6/11/19,6/17/19,6/20/19, & ES minutes of 5/14/2019, 6/11/19, 6/17/19, 6/20/19.

**TOWNSHIP COMMITTEE
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- Correspondence List –
 - a) From PS&S – Notice from AM BEST, Inc. – Block 46 Lot 6
 - b) From New Jersey Highlands Council – Gran Voucher \$1,224.50
 - c) From PS&S – NJDEP Freshwater Wetlands line Verification Block 46 Lot 6
 - d) From Readington Township – Ordinance Amending and Supplementing 04-2019 & 05-2019
 - e) From Readington Township – Ordinance # 13-2019
 - f) From State of New Jersey DOT – Resurfacing Homestead Road Agreement
 - g) From New Jersey DOT – Block 31 Lot 12.01 Highlands Act – Exemption # 5.
 - h) From State of New Jersey DEP – Block 16 Lot 24, 1500 gallon heating underground storage tank system.
- Approval of raffle of Special Music Permit – Broadway under the Stars
- Approval of Volunteer Jacqueline Moran to Scenic Roads and Bridges Commission – Class 4.

11. Actions to be taken

Ordinance Introduction -

Mr. Melick made a motion to introduce Ordinance #10-2019, seconded by Mr. Becker. The motion was approved. Ayes: Becker, Melick, Voyce. Nays: None, Absent: Desiderio, DiMare.

The public hearing will be held on August 13, 2019 at 7:30pm at Mountainville Meeting Hall, 60 Water Street, Lebanon.

ORDINANCE # 10-2019

AN ORDINANCE AUTHORIZING AND REGULATING THE TEMPORARY STREET CLOSING FOR THE PURPOSE OF A COMMUNITY FUNCTION SUCH AS A BLOCK PARTY OR NEIGHBORHOOD FESTIVAL.

12. Presentation/Discussion

Phone System – Mr. Eskilson informed the committee that the township is still looking through the proposals for the phone system. There should be substantial savings and significant upgrade in technology.

The proposal for Engineering Services for the Resurfacing of Homestead Road – The grant application that was awarded to us was \$185,000, but the projection construction cost is higher. Mr. Schrek, the Township Engineer informed the committee that the proposal is for the engineering design and surveying costs. Mr. Eskilson informed the committee that there is adequate funds in various accounts to cover the costs.

**TOWNSHIP COMMITTEE
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Mr. Melick made a motion to approve the proposal, seconded by Mr. Becker. A roll call vote was taken and the motion was approved. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare.

9. Reports

Township Committee Sub Committees & Township Committee Comments

Mr. Becker noted the following items:

Finance & Communication-

Finance subcommittee met previously and is making a recommendation for a new CFO/Tax Collector this evening.

Mr. Melick repeated what Mr. Becker stated about the CFO/Tax Collector. There is ongoing conversations and coming to a conclusion for the administrator search.

Mayor Voyce noted the following items:

COAH-

The majority of the ordinances approved this evening was from the Affordable housing subcommittee, there will be more to follow in the future.

Mr. Schrek, the Township Engineer, informed the township committee that he will have his recommendations for Beaux Champ at the August 13th meeting. The DOT grant - SAGE will be submitted prior to July 19th, for the stretch of Califon –Cokesbury Road which will include milling, and some drainage improvements. We are looking to incorporate best management practices for water filtration. Stavola had a blasting on June 6, 2019. Processed two (2) grading surface management plans. No new or changed activity at the sewer plants.

Mr. Linnus, the Township Attorney, informed the committee that the Land Trust application - Fox Hill is looking for township committee approval to participate as a co-applicant on the Highlands Exemption for general permits for trail improvements. The Land Trust is also looking for the township committee approval to construct the gravel pull off within the right of way on the Lance Property which is block 28 lot 27. The Township Engineer will be reviewing the plan and I will review the application. Mr. Eskilson was going to reach out to the township's insurance company to determine whether there will be coverage for the township in connection with the application. If the township committee decides whether they will sponsor the application, Mr. Linnus is recommending that the township enter into an agreement with the Land Trust setting forth certain provisions which would include The Land Trust be solely responsible for all fees and costs in connection with the application, the Land Trust to be solely responsible for all costs with construction, The Land Trust will contact the Lance Property owner and disclose the impact, if any on the block 28 lot 27 and obtain the property owner consent. And Tewksbury Township is looking for indemnification to hold harmless if any claims arise. Mr. Schrek has still not seen the plan for this application. Comcast discussion is being deferred to the September meeting. The Municipal

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services title #39 has not received any consent or comments from all the property owners that might be effected. NJDPES permit was filed on May 31, 2019. AT&T submitted a procedure setting forth what would need to be filed if the township favorably honors her requests for the removal of the deed restriction on the property at the Oldwick Fire Company. The deed now states that the property will only be used for firefighting purposes. If the township would like to move favorably, a resolution would need to be adopted after a public hearing. AT&T would like an answer if they should pursue this still. Mayor Voyce explained that at this meeting it could not be discussed as there was no quorum to make a decision. Affordable housing is working on deed restrictions, in order to redo the town's records to coordinate and maintain the credits we have and to go forward in the process of ultimately developing a housing element for a shared plan. Aptive Environmental will be discussed in closed session, but believe that successfully defended off the anticipated litigation and need to update the ordinance. Haddad – Staller will be discussed in closed session, along with Garrett – Brause, Clucas, and Formisano. Tax appeals have been settled last month. Ruffini, Spacek, Paffino in the process of tax appeals pending, but have not responded to the township's interrogatory, so next step is to make a motion to compel answers. Affordable housing will be scheduling a meeting with the subcommittee to develop a housing element fair share plan.

Mr. Eskilson, interim township administrator noted that in executive session he will be discussing a collective bargaining agreement and personnel.

Chief Barlow stated that there was 202 complaints for the month, 910 property checks, 156 motor vehicle checks with 66 summons and 89 warnings. The Junior Police Academy was last month with a great response from the kids and the families. The officers have already have started planning for next year. Worked with the Township Attorney over Aptive Environmental which will be discussed in closed session. Just received notice that the EMA grant which the police applied for next year, the check should be received any day. And the police have already been approved for the one coming next year as well. Police will be ordering a new vehicle and able to get a 2019 that was on the lot, so was able to get significant savings from that.

10. Executive Session

BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Township Committee which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Township Committee may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence.

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- Personnel
- Litigation
- Attorney/Client Privilege
- Collective Bargaining Agreement

Mr. Melick made a motion to enter executive session at 8:04 PM, seconded by Mr. Becker. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare

11. Reconvened

The meeting reconvened at 8:59 PM.

Mr. Melick made a motion to modify the Solicitor Ordinance with a No Knock Policy built in, seconded by Mr. Becker. Ayes: Becker, Melick, Voyce. Nays: None. Absents: Desiderio, DiMare.

The Haddad litigation and the Clucas litigation hearings which will be on Thursday will be attended by the Land Use Administrator.

The next meeting will be August 13, 2019

12. Adjournment

There being no further business, the meeting was adjourned at 9:00 PM.

Motion made by Mr. Melick, seconded by Mr. Becker. Ayes: Becker, Melick, Voyce. Nays: None. Absent: Desiderio, DiMare

Jennifer Ader
Acting Municipal Clerk