

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

SPECIAL PUBLIC REGULAR MEETING

August 7, 2017

The Special Public Regular Meeting of the Township Council of the Township of Washington was held at 7:30 p.m. in the Council Meeting Room of the Municipal Complex, 350 Pascack Road, Township of Washington, New Jersey.

Council President Robert Bruno called the meeting at 7:33 p.m. by reading the following statement.

OPEN PUBLIC MEETING STATEMENT

Welcome to the scheduled Special Public Regular Meeting of August 7, 2017 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to The Bergen Record newspaper advertised on July 17, 2017 and this notice has been posted on the Township Bulletin Board.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. The fire exits are located through the double doors to your right and through the door on your left. Please silence all cell phones.

Salute to the Flag.

ROLL CALL

Council Members Peter Calamari, Steve Cascio, Thomas Sears, Michael Ullman and Council President Robert Bruno. Also present: Janet Sobkowicz, Mayor; Ken Poller, Township Attorney; Mary Anne Groh, Administrator; and Susan Witkowski, Township Clerk.

The Clerk read the totals of the list of bills July 15, 2017 through July 31, 2017:

TOTAL	2016 Reserve	\$0.00
TOTAL	2017 Current	\$416,933.78
TOTAL	Capital Fund	\$0.00
TOTAL	Animal Control	\$0.00
TOTAL	Trust Fund	\$609.20

Mayor's Report, August 7, 2017

TAX BILLS

The tax bills went out today, due to no fault of ours, it had to do with change in State aid figures from the State to the school system that had to go back to the State, and back to the County. Residents should be getting the bills tomorrow. Residents have until August 31, however if residents are late after August 31, the interest does revert to August 1. If you pay online, everything has been uploaded. If residents want to call and get the amount you can do so if you don't want to wait until the bill comes in the mail.

2017 ROAD REHABILITATION PROGRAM

It is starting Monday, August 14, subject to weather. The hours of construction will be 7:00 am - 5:00 pm only weekdays and will end before school starts. Mike Fitzpatrick Equipment Company of Oakridge did get the bid this year to do the roads. Here are the roads in this order, the order is tentative, but hopefully it will stay that way:

- Hickory Street (North of Washington)
- Taylor Avenue
- Beech Street (North of Cross)
- Chestnut Street (North of Washington)
- Clinton Avenue
- Monroe Avenue (South of Washington)
- Walnut Street (Palm to Ridgewood)
- Colonial Boulevard (South of Lincoln)
- Mountain Avenue
- Manhattan Avenue
- Edison Street
- Beechwood Drive
- Spice Drive (Spice Drive is being paid for by SUEZ Water)

In the next few days, residents will be getting a letter that will outline everything very specifically for Monday. Please make sure you look for the letter in the mail.

#### GENERAL PUBLIC DISCUSSION

A motion was made by Councilman Cascio, seconded by Councilman Sears to open the general public discussion.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

Tony Napoli, 447 Prospect Avenue, Dr. Marek Dziarmaga, 448 Prospect Avenue – Mr. Napoli asked if the tax increase is in this bill. Mayor Sobkowicz replied the school tax and county tax went up, but not the municipal tax. The increase depends on what your home is assessed. Council President Bruno stated the municipal tax rate, which the Council, Mayor and Administration can have substantial input and control, is down for the second year. Mr. Napoli asked if the sewer in front of the Toole's home, specifically the invert issue, was going to be taken care of in this road paving program, as previously mentioned. Mayor Sobkowicz stated she will reach out to the engineer and remind him. Mr. Napoli spoke of an email about reservations of putting the backflow valve in the corner of Prospect and Calvin. He spoke of the memo issued by the Mayor on May 13, from the meeting of May 9 regarding the installation of the backflow valve. He is furious that now we are hearing about reservations coming from the Director of Engineering. He is asking for another meeting. He has received a check-off list of the sewer work, dated August 4, 156 Calvin, unclogged pipe, this is 100 south from the area of the problem. Residents want the pipes replaced and the cost is \$100,000, to be off the grid would be \$250,000. Mr. Napoli stated we are the victims and there is no resolution in site. The sensor is going in tomorrow, which was the resident's suggestion not the Director of Engineering. He stated there are delays and reservations by professionals that agreed to do the job way back in May. He stated this problem is 12 years old, administrations have come and gone, but the problem is still here. He spoke of it being a health and financial issue. He asked Council to help the residents of Prospect Avenue. Dr. Dziarmaga spoke of the Council representing the residents and helping them. He stated nothing has happened, and he wants Council to be aware of this problem. He spoke of finally getting the solution and then Mr. Vladimir Wojno-Oranski, Director of Engineering, has said not to install the valve. Councilman Ullman stated he doesn't understand where this memo is coming from at the last minute, and he has questions. Mayor Sobkowicz replied Mr. Statile did see the valve; he was hesitant that it would work, Mr. Vladimir Wojno-Oranski was contacted for an opinion, and he was not sure it would work. A conversation followed on why this custom made backflow valve was ordered and why Mr. Vladimir, the Director of Engineering was not notified earlier and involved in the discussions. Council President Bruno spoke of a conversation he had with Mr. Statile, who was concerned about the pressure coming out of the pipes to open this gill, to push the water and then close it. Mr. Napoli commented on the flow of the water in the area, and he doubts there would be a problem with the pressure of

the water flow. Councilman Cascio suggested reaching out to Mr. Azzolina, who knows the sewer system since his company has done 45 square mile of sewer in this area. Councilman Calamari stated he never heard one reservation about the backflow valve. Councilman Sears stated he feels there is plenty of water coming down that pipe. A conversation followed on putting the valve in, keeping an eye on it and if it doesn't work it can be pulled out. Council President Bruno suggested having a conversation with Mr. Azzolina. A conversation followed on scheduling a meeting with the homeowners of Prospect and the Engineer. Councilman Cascio asked to let him and Councilman Calamari know the date/time of the meeting.

Ray Bernroth, 838 Crest Place – Mr. Bernroth spoke of the importance of putting signs that state “State Law, Stop for Pedestrians.” He stated the Township is the only town in Bergen County that doesn't have these signs, and he disagrees with the Police Department that they are dangerous. Mayor Sobkowicz stated Captain Hackbarth is very safety orientated and does not agree with those signs. Councilman Ullman spoke of putting signs on the side of road indicating a pedestrian crossing is coming up. Council President Bruno asked Mayor Sobkowicz to reach out to Captain Hackbarth.

Christine Riedel, 302 Hickory Street – Ms. Riedel started to address Ordinance No. 17-09 and her concern of the time limit parking. Council President Bruno stated the Ordinance is on the agenda for second reading tonight, it will be opened up to the public for comments and Ms. Riedel can comment at that time.

Ellen Dogali, 749 Wayne Place, Bernadette Gillio, 746 Wayne Place – Ms. Dogali and Ms. Gillio asked what the status of 741 Wayne Place, since it is their understanding the auction fell through. Mr. Poller explained the process and ultimately it is up to the bank. The owners, who are in Florida, still own the home, until there is a foreclosure sale. A conversation followed on the van that has been parked on the property, squatters at the property, and the pool. Mr. Poller explained the ability to lien the property for work that is authorized by law. A conversation followed on the violation notice that was issued for the fence, calling a professional to clean up the pool and putting liens on the property. Mr. Poller explained the bank involvement with the property. Councilman Sears read into the minutes Chapter 173-7, Property Maintenance. Administrator Groh spoke of the Department of Municipal's Facility's involvement in the property.

Al Gillio, 746 Wayne Place – Mr. Gillio asked if he gets in touch with the owners, what needs to be done on their part to get the van off the property. Administrator Groh advised Mr. Gillio to contact the Police Department to see what form needs to be completed. He asked if anyone knows why the auction fell through. Mr. Poller replied there is no way to find out. Mr. Gillio spoke of his concern of things being tied up in Court.

David Snyder, 91 Windsor Circle – Mr. Snyder stated surrounding towns have the “Stop for Pedestrian” signs, he doesn't understand why the Township Police Department is against them. He suggested putting the signs out on a trial basis. He also suggested repainting areas in the town where the crosswalks have faded with an optic white paint. Mayor Sobkowicz updated Mr. Snyder on the Waste Management Permit for the transfer station. The DEP did not issue the permit it is now in the hands of the BCUA. A conversation followed on the Township having an ordinance for keeping sidewalks clear of debris and ice, but not a directive to maintain sidewalks. Mayor Sobkowicz spoke of the bridge/overpass in Oradell being rehabilitated and the detours that have been suggested by the Highway Authority. She did reply with a letter suggesting a right turn at Exit 171 as part of the detour. Councilman Calamari asked Mr. Poller if an ordinance can be put in the Code for sidewalks repair/maintaining

of sidewalks. Mr. Poller replied yes, it can be done; he will review ordinances of surrounding towns.

Michael DeSena, 347 Beech Street – Mr. DeSena asked if Mr. Statile was compensated for the review of Prospect Street or was it under the general agreement. Administrator Groh replied it was under General Professional Services. Mr. DeSena requested Mr. Statile be asked if he is willing to reimburse the Township for not coordinating with the Director of Engineering in the ordering of the valve since the valve was specified incorrectly. Mr. DeSena spoke of noticing a 10 foot high weed at the northwest corner of Pascack Road and Washington Avenue, which impedes drivers from seeing pedestrians standing on the corner for the bus. Administrator Groh replied we will look into who owns that piece of property. Mr. DeSena spoke of property maintenance on a rental property on his block. He stated he does call Mr. Mazanec and the situation does get remedied. He suggested Mr. Mazanec have a repeat offenders checklist so neighbors like himself do not have to call him on a bi-monthly basis. He also spoke of overnight parking on his street and the lack of tickets issued. A conversation followed on road striping, which is done by the DMF. The County no longer does road striping, but they do provide the paint.

Joe D'Urso, 12 Viola Terrace – Mr. D'Urso spoke of his frustration of Planning and Zoning Board meetings not being televised on WCTV. He spoke at length of his concern of the 5 ordinances that are being introduced tonight along with the overlay zones that have been identified. A conversation followed on the Van Emburgh property. Mr. D'Urso spoke of other towns fighting for this. Mr. Poller spoke of the meetings/presentations which were televised, and he also explained the Developers Fee. Mr. Poller stated the Special Master, which was appointed by the Court, did physically drive around the Township and she identified the overlay zones. Mr. D'Urso also spoke of Exit 168/171 and the need of a steady light at the location during the day. Administrator Groh stated with regard to the invert on Prospect, it was not omitted.

Fred Goetz, 587 Washington Avenue – Mr. Goetz requested that ordinances be posted online so the public is able to see what will be discussed at a meeting. He also spoke of the need of a handicap ramp at the corner of Washington and Monroe, since it is going to be paved. The Township Clerk, Mrs. Witkowski, explained where the ordinances are located on the Township website, along with introduction, adoption and effective dates.

Arthur Cumming, 35 Braeburn Drive – Mr. Cumming referred to 173.7 and 173.8 of the Township Code, Property Maintenance. He spoke of being employed by the Borough of Fair Lawn as a property maintenance officer. He spoke at length of property maintenance, the implications to homeowners if properties are not maintained and foreclosure notices. He spoke of the Season's corner and the responsibility of the homeowner regarding trees/bushes obstructions since it is a public right of way and against State Law, and the requirements of the property owner.

A motion was made by Councilman Cascio, seconded by Councilman Sears to close the general public discussion.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

Council agreed to address Ordinance No. 17-09 as the next order of business on the agenda.

## ORDINANCES

### Adoption 2<sup>nd</sup> Reading

#### Ordinance No. 17-09

#### AN ORDINANCE REVISING CERTAIN TIME LIMIT PARKING WITHIN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Ullman, seconded by Councilman Calamari, to approve Resolution No. 17-261 authorizing second reading and opening of Public Hearing for Ordinance No. 17-09.

Ayes: Councilmen Calamari, Sears, Ullman, Bruno.

Nays: None.

Recuse: Councilman Cascio.

#### Resolution No. 17-261

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 17-09 entitled: AN ORDINANCE REVISING CERTAIN TIME LIMIT PARKING WITHIN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

Christine Riedel, 302 Hickory Street – Ms. Riedel stated with regard to Ordinance 17-09 and she does understand both sides, that being the parents/students and residents. She spoke of being a 2004 graduate of Westwood High School and at that time only seniors were allowed to park. She spoke of the liability on both OLGC Church and the school if students would be allowed to park at the Church. She commented on ticketing residents parking on Township streets when there is a snow emergency and also residents having an option of parking vehicles on the street. A conversation followed about the intention of Ordinance 17-09, which includes the streets and the posting of signs which would make the ordinance enforceable. Ms. Riedel suggested that no parking during school hours should be specified on the signs. Councilman Calamari stated once the ordinance is on the books, signs can be posted as needed at the suggestion of the residents.

Michael DeSena, 347 Beech Street – Mr. DeSena asked how will the Township Police enforce this ordinance of two hour time limit parking. He stated he did some research and other towns chalk the tires. Councilman Ullman replied he would defer to the police. Council President Bruno stated the Chief does spend time on the streets in the morning and afternoon, since it is between certain hours. He will check with the Chief and get back to Mr. DeSena.

Bart Losquardo, 158 Hickory Street – Mr. Losquardo stated there were close to 400 graduates in 1981, why is Council waiting until this time for something to be done. Councilman Ullman stated Council tried to approach this systematically by adding streets. He spoke at length of what he personally witnessed on Eton Street, cars blocking driveways, littering, speeding, atrocious parking and total lack of civility for the road. He stated the school was contacted, but at this time they do not have the appetite for any additional parking. Mayor Sobkowicz spoke at length of what the Chief observed while parked on the streets in the morning and the afternoon and this being a dangerous situation. She stated the safest thing is for the kids to park in the school lot. Mr. Losquardo spoke of his concern of not being able to park in front of his home if there is a two hour time limit. Councilman Sears spoke as a first responder, barely able to make the turn around the corner while driving a fire truck. He stated he has driven in the school parking lot after 9:00 a.m.

and there are multiple spots open. He spoke of residents experiencing garbage thrown on their lawn, peeling out after school and speeding. He stated residents pay high taxes and they would like to have a nice community, but the school board refuses to work with the Township. Mr. Losquardo stated that other parking issues should be enforced as well. Council President Bruno spoke of meeting with the school on this subject, and the school stating they are not receiving any complaints. He stated we did go in front of the Board requesting help and they didn't leave us much of a choice. Councilman Calamari stated last week he counted the spots at the school, and there were 400 spots, plus or minus. He feels these spots should be split between administrators, teachers and students. He spoke of the school building a 3 million dollar garage facility. He stated he will be attending the next Board of Ed meeting which will be held on Thursday, August 24 at 7:30 p.m. and hopes to see everyone there, since as Council President Bruno stated they are not hearing that parking is an issue.

Jeffrey Westefeld, 315 Fern Street – Mr. Westefeld asked if permits/visitor passes would be given to residents to park in excess of two hours in front of their homes. Mayor Sobkowitz replied she will reach out to the Police Chief. Councilman Sears suggested residents reach out to the Police Department and advise them if they or visitors wish to park for more than two hours in front of their homes. Mr. Westefeld asked if students who were parked illegally were ticketed. Mayor Sobkowitz replied some students received warnings, some received tickets. Councilman Ullman spoke of police issuing warnings and following up with tickets. He also spoke of what he, along with Council observed, including speeding, garbage and radios blasting. Councilman Cascio stated he is recusing himself since he does live on the corner of Beech and Ridgewood Road. He stated he moves both his vehicles into the street at 7:30 am every morning, and moves the vehicles back into his driveway at 8:05, so his patients can park on the street. He stated this is a suggestion he has for residents.

Christine Romero, 189 Hickory Street – Ms. Romero stated the juniors are parking on the streets, since there is parking for the seniors in the lots at school. She spoke at length of the limited two hour parking being unfair to the residents, and suggested decals, as well as parking signs that say “No Commuter Parking/Residents Only.” A conversation followed on warnings that were issued, as well as letters that were given to the students with regard to changes in parking. Ms. Romero asked which streets were surveyed. Councilman Cascio spoke of the roads that were surveyed. Council President Bruno spoke of reaching out to the Captain and Chief regarding visitor permits/decals. He stated it is a not safe situation for the town and encouraged residents to attend the Board of Ed meetings.

Laurie Andrisano, 315 South Chestnut Street – Ms. Andrisano stated she is directly impacted by this issue and thanked Council for taking this issue seriously since it is a safety issue. She stated residents should be able to park in front of their homes, but she agrees with the two hour parking so students cannot park in front of her home.

Neil Mandano, 259 South Chestnut Street – Mr. Mandano thanked Council for taking this issue seriously. He spoke of the chaotic situation that ensues in the morning/afternoon and the parking spreading from one street to another. He feels the limited two hour parking is reasonable. He feels parking stickers are a good suggestion and it is a quality of life issue. He stated he personally emailed Dr. Gonzalez, the school superintendent, and he made it a totally non-issue for the school. He stated he will attend the Board of Ed meetings, because once this becomes a school problem, it will not be a town problem.

Alexander Ruiz, 534 Cypress Street – Mr. Ruiz spoke of the lack of teenagers in the room that this Ordinance would affect and if there will be implementation to inform the students of the two hour time limit. Council President Bruno stated the Superintendent and the President of the Board will communicate this to all students. Councilman Ullman spoke of his support for the Ordinance. Councilman Calamari stated the police do have the discretion of issuing warnings, not tickets the first week.

Joe D'Urso, 12 Viola Terrace – Mr. D'Urso spoke of the ordinance passing and then advising the school. He spoke of the pricing that the Church offered. Councilman Calamari stated the Church's pricing was for the whole lot. The Pastor is on vacation and he will reach out to him upon his return. He stated Ridgewood has an agreement with a neighboring Church which was shown to the Church as well as the school. Mr. D'Urso suggested having the teachers/staff park at the Church at a reasonable price, providing decals and this being a tough situation for both the town and the school. Council President stated this is a no win situation, but Council does need to address safety concerns of the residents.

Fred Goetz, 587 Washington Avenue – Mr. Goetz suggested Council go back and revisit the Ordinance and take into consideration the resident's concerns. He spoke at length of commuter parking on his block, his belief that this Ordinance would not solve any safety issues and signage. He ask that Council reconsider reintroducing the Ordinance with more narrow definition, such as 8:00 am to 3:00 pm, two hour parking. Councilman Ullman stated Council is amending an existing Ordinance, and if the Ordinance is flawed, it has been since it was originally introduced. He spoke of this subject being discussed the entire summer and Council having to create a no parking quadrant in town. Mr. Goetz stated he is sorry to hear the school board is not cooperating but he hopes that Council entertains other options.

John Andrisano, 315 South Chestnut Street – Mr. Andrisano spoke of this being a safety issue with cars speeding on the block. He stated he moved to this particular area because it was nice a quiet, but it has changed. He doesn't mind the limited 2 hour parking since this is for the safety of his children.

Chris Seiglie, 297 South Chestnut Street – Mr. Seiglie stated he also moved into this area from Oradell because it was a quiet street. He is a new parent and is concerned about the safety of his child. He doesn't mind the two our parking.

A motion was made by Councilman Sears, seconded by Councilman Ullman, to close the Public Hearing on Ordinance No. 17-09.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

Councilman Calamari spoke of tabling this ordinance until all questions are answered regarding permits, OLG, and ticketing those who park distances from the curb and parking close to fire hydrants. He would like to make a motion to table this ordinance until those questions are answered. Councilman Ullman stated there are ordinances that prohibit parking near a fire hydrant, too close to curbs and corners. He stated if the Board of Ed and OLG come to an agreement, parking signs will not be put up or possibly removed. Council President Bruno spoke of his frustration of the wheels of progress moving slowly, and he is afraid Council will be speaking about this issue next year. A conversation followed if the Ordinance prohibiting overnight parking references calling the police if a resident chooses to park on Township streets overnight. Council President Bruno asked if anyone would like to second Councilman's Calamari motion. There was no second to the motion.

A motion was made by Councilman Sears, seconded by Councilman Ullman to adopt Ordinance No. 17-09.

Ayes: Councilman Sears, Ullman, Bruno.

Nays: Councilman Calamari.

Recuse: Councilman Cascio.

Ordinance 17-09

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 223 of the Code of the Township of Washington entitled "Vehicles and Traffic" be and is hereby amended as follows:

1. § 223-73. Schedule XVIII: Time Limit Parking is hereby amended by adding the following streets:

Name of Street	Side	Time Limit; Hours/Days	Location
"Beech Street	Both	2 hours; school days	Between Ridgewood Rd. and Lincoln Ave."
"Bergen Avenue	Both	2 hours; school days	Entire Length"
"Calvin Street	Both	2 hours; school days	Between Bergen Ave. and Lincoln Ave."
	Both	2 hours; school days	Entire Length"
"Fern Street	Both	2 hours; school days	Between Bergen Ave. and Lincoln Ave."
"Hickory Street	Both	2 hours; school days	Between Bergen Ave. and Lincoln Ave."
"Howard Street	Both	2 hours; school days	Between Ridgewood Rd. and Lincoln Ave."
"Maple Avenue	Both	2 hours; school days	Entire length"
"Mountain Avenue	Both	2 hours; school days	Between Ridgewood Rd. and Lincoln Ave."
"Pershing Avenue	Both	2 hours; school days	Entire length"
"Prospect Avenue	Both	2 hours; school days	Entire length"
"South Chestnut Street	Both	2 hours; school days	Entire length"
"Sussex Road	Both	2 hours; school days and Lincoln Ave."	Between Eton Rd.
"Times Square	Both	2 hours; school days	Entire length"
"Walnut Street	Both	2 hours; school days	Between Bergen Ave. and Lincoln Ave."
"Webster Avenue	Both	2 hours; school days	Entire length"

2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

A motion by Councilman Ullman, seconded by Councilman Sears, to pass Resolution No. 17-276.

Ayes: Councilmen Sears, Ullman, Bruno.

Nays: Councilman Calamari.

Recuse: Councilman Cascio.

Resolution No. 17-276

Emergency Resolution No. 17-09

*(EMERGENCY RESOLUTION NOT APPROVED/DID NOT PASS 2/3 VOTES NEEDED)*

WHEREAS, N.J.S.A. 40:69A-181(b) provides that an ordinance may take effect less than 20 days after final passage and approval if the Township Council shall adopt a resolution declaring an emergency, and at least two-thirds of all the members of the Township Council vote in favor of such resolution; and

WHEREAS, the Township Council of the Township of Washington has determined that an emergency exists in connection with the improvements authorized by Ordinance No. 17-09, and that such emergency as well as the general welfare of the Township of Washington would be served by having Ordinance No. 17-09 take effect less than 20 days after final passage and approval;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington that Ordinance No. 17-09 shall take effect immediately pursuant to law upon the adoption of this Resolution by at least two-thirds of all the members of the Township Council.

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Adoption 2<sup>nd</sup> Reading

Ordinance No. 17-07

AN ORDINANCE ESTABLISHING A TOWNSHIP OF WASHINGTON ANTI-NEPOTISM POLICY

A motion was made by Councilman Cascio, seconded by Councilman Calamari, to approve Resolution No. 17-259 authorizing second reading and opening of Public Hearing for Ordinance No. 17-07.

Ayes: Councilmen Cascio, Calamari, Sears, Ullman, Bruno.

Nays: None.

RESOLUTION No. 17-259

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 17-07 entitled: AN ORDINANCE ESTABLISHING A TOWNSHIP OF WASHINGTON ANTI-NEPOTISM POLICY be

read on second reading and the public hearing be held thereon pursuant to law.

Seeing no one, the following motion was made to close the public hearing.

A motion was made Councilman Cascio, seconded by Councilman Sears, to close the public hearing.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

A motion was made by Councilman Sears, seconded by Councilman Cascio to adopt Ordinance No. 17-07.

Ayes: Councilman Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

#### Ordinance No. 17-07

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that the Code of the Township of Washington is hereby amended by creating Chapter 72, entitled, "Anti-Nepotism Policy" as follows:

1. "CHAPTER 72. Anti-Nepotism Policy.

§72-1. Definitions.

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

#### CONTRACTORS

Shall mean contractors, independent contractors, subcontractors, vendors, professionals appointed pursuant to the Fair and Open Process or the Non-Fair and Open Process or any person or business working for the Township whose employment with the Township is limited in scope or duration to a specific project with the Township and subject to either a bid proposal or a solicitation of quotes. (Examples include, but are not limited to, road projects and construction projects). Employment with Contractors shall be considered for the purpose of this section as employment with the Township.

#### DEPARTMENT

Shall mean any department within the government structure of the Township of Washington, whether existing pursuant to the Township Code or pursuant to the laws of the State of New Jersey.

#### ELECTED OFFICIAL

Shall mean any person holding the position of Mayor or Council member of the Township of Washington.

#### RELATIVE

Shall mean spouse or significant other, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt or any other person related by blood or marriage.

#### SUPERVISOR

Shall mean any employee of the Township of Washington having supervisory duties and powers over another employee within the Township of Washington.

#### TEMPORARY EMPLOYMENT

Shall mean any employment (or employee thereunder) which is not full-time or regular part-time, and shall include, without limitation, seasonal employees including, but not limited to, seasonal employees affiliated with Township recreation and leaf pick-up programs.

§72-2. Applicability.

This Chapter shall apply to appointments to all boards, commissions and committees of the Township of Washington.

A. The prohibitions set forth in these Anti-Nepotism regulations shall apply to all Contractors, and full-time and regular part-time positions of the Township of Washington, but shall not apply to any Temporary Employment.

B. Subject to the exception in Subsection 72-3 below, this section and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of this Chapter, and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation or the hiring or promotion of any person currently employed by the Township of Washington as of the effective date of this Chapter which may technically be in violation of the terms hereof but for its prospective application. For purposes of interpreting this exception, persons appointed to positions of employment with the Township of Washington for a set term shall be considered current employees notwithstanding the fact that the then term may have ended. Such persons holding positions of employment with the Township of Washington under a set term may be hired to any position in the Township, rehired, reappointed or promoted, as may be the case, without violating this Chapter.

§72-3. Restrictions on Hiring, Supervision and Promotions of Employees.

The following restrictions shall apply to the hiring and promotion of employees to employment positions for the Township of Washington:

A. Elected Officials. No elected official of the Township of Washington shall be considered for employment or hired to a position of employment with the Township of Washington either during his or her term of office or within four (4) years after the expiration of the term. No elected official shall serve as Council liaison to any Department that employs any Relative of that elected official.

B. Relative of Elected Officials. No person who is a Relative of any elected official of the Township of Washington shall be considered for employment as an employee of the Township of Washington. This shall not restrict nor prohibit the continued employment of individuals to a position with the Township of Washington where a Relative of an employee is elected as a Mayor or Council member after the date of the employee's start of employment with the Township of Washington.

C. Promotion of Existing Employees. Notwithstanding the prospective applications as to the remainder of this Chapter as applied above, no elected official may participate in the promotion process or hiring process in the Department of any existing employee who is a Relative of the elected official as the case may be. The elected official shall abstain from participation in such personnel action as it applies to such Relative.

D. Appointments. No Relative of an elected official of the Township of Washington shall be appointed to the position of any Township of Washington professional who receives compensation, or any Township of Washington Board or Commission which has more than an advisory role and/or one in which the members receive compensation.

E. Department Heads. No person who is a Relative of any Department head of the Township of Washington shall be considered for

employment as an employee of the Township of Washington. This shall not restrict nor prohibit the continued employment of individuals to a position with the Township of Washington where a Relative of a Department head is hired before the effective date of this Chapter.

§72-4. Purpose.

This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Township of Washington, but is solely intended to eliminate the potential for preferential treatment of the Relatives of the members of the governing body and/or any Department head.

§72-5. Current Employees.

Except as may be otherwise expressly provided for herein, this Chapter shall not affect the employment of any present Township of Washington employee, nor shall it be construed or enforced in such manner as to violate, abridge or impair any rights of individuals employed or affiliated with the Township under any collective bargaining agreement, employment contract, or any state or federal law protecting the employment rights of any such individuals.”

2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

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Adoption 2<sup>nd</sup> Reading  
Ordinance No. 17-08

AN ORDINANCE AMENDING THE FIREHOUSE PARKING LOT REGULATIONS

A motion was made by Councilman Cascio, seconded by Councilman Sears, to approve Resolution No. 17-260 authorizing second reading and opening of Public Hearing for Ordinance No. 17-08.

Ayes: Councilmen Cascio, Calamari, Sears, Ullman, Bruno.  
Nays: None.

RESOLUTION No. 17-260

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 17-08 entitled: AN ORDINANCE AMENDING THE FIREHOUSE PARKING LOT REGULATIONS be read on second reading and the public hearing be held thereon pursuant to law.

Fred Goetz, 587 Washington Avenue – Mr. Goetz would like this ordinance to be explained since there is a commuter parking shortage and parking issues on adjacent streets because of it. Councilman Sears stated we have 35 spots and will be selling 35 permanent spots at \$200.00 each and this will be the residents spot for the year. We will no longer be selling 70 permits and having multiple complaints and sending police officers down. Mr. Goetz stated we are

short commuter parking every year and if alternatives can be looked at, such as the red house and opening up more commuter parking.

A motion was made Councilman Sears, seconded by Councilman Calamari, to close the public hearing.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

A motion was made by Councilman Ullman, seconded by Councilman Sears to adopt Ordinance No. 17-08.

Ayes: Councilman Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

#### Ordinance No. 17-08

### AN ORDINANCE AMENDING THE FIREHOUSE PARKING LOT REGULATIONS

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 223 of the Code of the Township of Washington entitled Article V, Firehouse Parking Lot, be and is hereby amended by revising the following sections:

1. "§ 223-32. Permit required.

No person shall park a vehicle upon the parking lot adjacent to and part of the firehouse building of the Volunteer Fire Department of the Township of Washington without a permit issued hereunder. Vehicles shall be parked only within their numbered and assigned parking stall delineated on the lot. If no parking stall is available, vehicles shall not be parked anywhere else upon the lot notwithstanding the issuance of a permit hereunder."

2. "§223-35. Fee.

There shall be a permit fee of \$200.00 for any Township of Washington resident which shall be due and payable upon issuance of a permit as herein provided.

§223-36. Permit limitations.

One (1) permit issued shall be for a maximum of two (2) Township of Washington registered vehicles per address. A permit shall only be transferrable to a replacement vehicle registered to the same address upon written notification to the Township Clerk."

3. "§223-38. Applications, issuance and renewal of permits.

The application for issuance and renewal of permits shall be governed by the following procedure:

A. Any person not holding a current permit may request an application for a permit for the upcoming licensing year by request to the Clerk of the Township of Washington. Such request must be received no later than the last Township business day in September of the current licensing year.

B. On the first Township business day in September of the current licensing year, the Clerk of the Township of Washington shall mail application forms for the upcoming licensing year to all current permit holders and to all persons requesting applications in accordance with Subsection A above.

C. Completed applications for the upcoming licensing year must be submitted in person together with proof of residency in the Township, current driver's license, vehicle registration and vehicle insurance to the Clerk of the Township of Washington not later than third (3<sup>rd</sup>) Tuesday in October of the current licensing year.

D. The number of parking spaces will be limited to thirty-five (35) which will be numbered and the permit issued will correspond with the space each year.

E. If the number of properly completed applications timely received by the Township Clerk exceeds the number of permits to be issued for the upcoming licensing year, the Township Clerk shall hold a public drawing from all properly completed applications. This drawing shall be conducted on the Monday immediately before the Thanksgiving holiday in November of the current licensing year. The Township Clerk shall draw the applications, recording the order of the drawing. Permits shall be awarded in the order of drawing. That applicant not receiving permits shall be placed on a list of alternates in the order drawn and shall receive permits in the order drawn if and as vacancies occur. The master list of permit holders as well as the list of alternates shall be maintained by the Township Clerk, which list shall be open to public inspection at all times.

F. Alternates receiving permits for less than a full licensing year shall have their permit fees prorated according to the duration of their permits. A permit holder whose permit is terminated prior to the end of a licensing year shall receive no refund.

G. The Master List of permit holders shall be provided to the Township of Washington Police Department, and shall be updated if any alternates receive permits during the licensing year.”

4. “§223-40. Parking restrictions.

A. Parking permitted under this Article shall be limited to those spaces designated as such on the parking lot property.

B. Parking shall be limited to the period from Monday through Friday, between the hours of 5:00 a.m. and 11:00 p.m.

C. No more than one authorized vehicle per family may be parked in the parking lot during any permitted period.”

5. “§223-42. Violations and penalties.

No vehicle shall park or stand in a parking stall without displaying the required parking permit placard for such stall. Any person convicted of a violation of any provision of this Article shall be liable to a penalty of not more than \$100.00 per day for each offense. In addition to any applicable daily fine, any unauthorized vehicles shall be subject to being towed away by the Township. In such case, the owner shall be responsible to pay all costs associated with the removal and storage of such vehicle which may result from such removal before regaining possession of vehicle. ”

6. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

7. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

8. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

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Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-10

AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF EMPLOYEES AND CERTAIN INDEPENDENT CONTRACTORS IN SAID MUNICIPALITY FOR THE YEAR 2017

A motion was made by Councilman Sears, seconded by Councilman Ullman, to introduce and pass Ordinance No. 17-10 at first reading by title.

Councilman Calamari asked under Department of Recreation, Teen Program, \$11.15 an hour, he would to know what position that is in the teen program. Administrator Groh replied the Township has an obligation under the contract with the teen center in Westwood to have someone there.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

The following resolution, Resolution No. 17-262 was presented and adopted on a motion by Councilman Sears, seconded by Councilman Calamari.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

Resolution No. 17-262

WHEREAS, Ordinance No. 17-10 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF EMPLOYEES AND CERTAIN INDEPENDENT CONTRACTORS IN SAID MUNICIPALITY FOR THE YEAR 2017 was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 21st day of August, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 17-10

AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF EMPLOYEES AND CERTAIN INDEPENDENT CONTRACTORS IN SAID MUNICIPALITY FOR THE YEAR 2017

BE IT ORDAINED, by the Township Council of the Township of Washington, in the County of Bergen, New Jersey that the maximum wages, compensation, stipends and salaries are hereby established for employees and certain independent contractors of the Township of Washington for the year 2017 as follows, on a per annum basis and payable semimonthly, unless otherwise noted:

<b><u>Department of Administration</u></b>	<b><u>Annual Rate Unless Otherwise Noted</u></b>
1. Director of Administration/Business Administrator	\$100,000.00
2. Administrative Secretary	38,000.00
3. a) Purchasing Assistant/Payroll Clerk (Full-Time)	43,000.00
b) Purchasing Assistant/Payroll Clerk (Part-Time)	20,000.00
4. Floating Staff (Part-Time)	15.00/hr.
5. Grants Consultant	6,000.00
<b><u>Mayor &amp; Council – Payable Quarterly</u></b>	
1. Mayor	9,936.00
2. Council President	6,367.00
3. Councilperson	6,143.50
<b><u>Office of the Township Clerk/Health Department</u></b>	
1. Township Clerk (RMC)	69,020.00
2. Election Officer	400.00/election
3. Special Secretary to the Township Clerk/Secretary to Board of Health (25 Hours per week)	20,800.00
4. Board of Health - Meeting Pay	75.00/meeting
5. Registrar	2,000.00
6. Deputy Registrar	1,702.00
<b><u>Department of Finance</u></b>	
1. Treasurer	100.00
2. Chief Financial Officer	30,000.00
3. Director (Payable One Time in December)	1,250.00
4. Deputy Treasurer/Finance Assistant/Benefits Coordinator	44,200.00
5. Tax Collector	5,250.00
6. Assistant to Tax Collector (Part-Time)	16.50/hr.
7. Tax Assessor (Average minimum of 20 hours per week, at least 5 hours shall be office hours)	25,997.20
8. Assistant to the Tax Assessor	5,824.00
<b><u>Department of Law</u></b>	
1. Director/Township Attorney	72,023.39

In addition thereto, services in connection with proceedings before any court or administrative tribunal or agency; and special projects; all of this shall be reasonably compensated in accordance with Township policies at the rate of \$135.00 per hour.

**Department of Engineering**

1. Director (Payable One Time in December) 1,250.00

**Department of Public Affairs**

1. Director (Payable One Time in December) 1,250.00

**Land Use Administration**

1. Planning and Zoning Board Secretary  
 a. Officer Hours – 20/week 16,640.00\*  
 b. Meeting Fee 75.00/meeting  
 \* - Split to 2 lines in Budgets

2. Zoning Officer 6,900.00

3. Code Enforcement Official 6,300.00

**Uniform Construction Code Agency**

1. Construction Code Official 27,553.19

2. Plumbing Sub-Code Official 10,871.66

3. Electrical Sub-Code Official 13,447.73

4. Fire Sub-Code Official 8,104.77

5. Technical Assistant (Part-Time) 20,800.00  
 (25 hours weekly)

6. Technical Assistant (Part-Time) 16.00/hr.  
 (Not to exceed \$9,360.00/year)

7. Building/Plumbing Inspector (Part-Time) 35.00/hr.  
 (not to exceed \$14,000.00 per year)

8. Substitute Inspectors – Hourly 35.00/hr.

9. Certificate of Continued Occupancy Inspections (CCO) 50.00/each

10. Certificate of Smoke & Carbon Monoxide Detector Compliance 50.00/each

11. Fire Inspection 25.00/each

**Department of Public Safety**

1. Crossing Guards/School Monitors  
 Starting until 6 months – Hourly Maximum 16.02/hr.  
 6 months to 1 year – Hourly Maximum 16.85/hr.  
 Over 1 year – Hourly Maximum 17.67/hr.

School Crossing Guards are entitled to maximum 4 days regular pay per school year in the event school is closed due to emergency closing/inclement weather. One (1) week pay for Holiday Recess. Two (2) days' pay for Winter Recess. One (1) week pay for Spring Recess. Not to exceed 19.75 hours or less hours usually worked by individuals. In addition not to exceed 5 holidays, non-state or Federal holidays (based on hours usually worked by individual)

2.	Records Clerk (Part-Time) (16 Hours Weekly)	12,480.00
3.	Director (Payable One Time in December)	1,250.00
4.	Special Police Officers	25.00/hr.
5.	Police Chief	175,655.00
6.	Dispatchers (Full-Time) Dispatchers (Part-Time)	39,214.00 26.81/hr.
7.	OEM Coordinator (Payable One Time in December)	1,000.00
8.	OEM Deputies (Payable One Time in December)	800.00

**Department of Fire Protection**

1.	Director (Payable One Time in December)	1,250.00
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**Prosecutor's Office**

1.	Prosecutor Base includes two (2) court sessions per month. Extra court sessions shall be paid at the rate of \$75.00 per session, payable upon completion of a payment voucher.	6,722.34
2.	Alternate Prosecutor – Per Session (not to exceed \$500.00 per year)	75.00/each

**Department of Municipal Facilities**

1.	Secretary (Part-Time) (20 hours weekly)	14,560.00
2.	Superintendent without Certification Certified Superintendent Acting Superintendent	73,588.00 76,088.00 35.00/hr.
3.	Director (Payable One Time in December)	1,250.00
4.	Recycling Coordinator (Payable Upon Timely Submission of Recycling Tonnage Grant Report to BCUA)	1,000.00

**Department of Health**

1.	Director (Payable One Time in December)	1,250.00
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**Department of Recreation**

1.	Superintendent	9,963.00
2.	Cheerleading Instructors	8.75/hr.
3.	Summer Recreation Director	
	a. Pre-Season	22.00/hr.
	b. Season	4,900.00
4.	Summer Recreation Coordinators	18.50/hr.
5.	Summer Recreation Counselors	8.75/hr.
6.	Teen Program	11.15/hr.
7.	Director (Payable One Time in December)	1,250.00

**Office of Municipal Court**

1.	Municipal Court Administrator	30.00/hr.
2.	Judge Includes 2 sessions per month. Extra sessions shall be paid at \$175.00 per session, payable upon completion of a payment voucher	10,086.05
3.	Violations Clerk	16.00/hr.

**Annual Mileage Allowance – Payable Quarterly**

1.	Business Administrator	600.00
2.	Clerk	600.00
3.	Building/Plumbing Inspector	250.00
4.	Electrical Sub-Code Official	250.00
5.	Fire Sub-Code Official	250.00
6.	Tax Assessor	300.00

**Per Hour Maximum**

Persons holding any of the positions listed below are employed on any hourly basis and shall be paid upon submission of properly prepared forms as approved by the Administrator. None of the employees are defined as full time employees and are not entitled to hospitalization and group life insurance plans available to full-time employees and paid for by the Township.

1.	Department of Municipal Facilities	
	a. Seasonal Workers – Hourly Maximum	15.00/hr.
	b. Seasonal Workers (w/ CDL) – Hourly Maximum	16.00/hr.
	c. Senior Van Driver	16.19/hr.
2.	Miscellaneous – All Departments	
	a. Employees Not Otherwise Classified – Hourly Maximum	15.00/hr.

**Contractual Non-Salaried Services**

The professional services listed in this section are strictly contractual in nature and in no way shall be construed to create any relationship with the Township of Washington, other than as independent contractor.

1. Board Attorneys

Payable annually in December for attendance at meetings, hearings, preparation of routine resolutions, motions, consultations and other routine matters in connection therewith but exclusive of litigation, applicant related work and other extraordinary matters this shall be paid in accordance with relevant Township ordinances and practices upon submission of requisitions and vouchers as required by Township practices.

Planning Board Attorney 6,500.00  
Zoning Board Attorney 4,862.00

2. Public Defender – Hourly 25.00  
Public Defender shall be compensated for Court Appearances only. Not to exceed \$200.00 per case.

3. Uniform Fire Safety Act  
a. Fire Official 4,500.00  
b. Fire Inspectors 2,000.00  
c. Substitute Fire Inspectors 25.00/hr.

1. Retroactivity – As to all employees employed as of the effective date of this ordinance, the foregoing rates shall be payable as of (a) January 1, 2017; (b) his/her date of employment; or (c) his/her one-year anniversary date, whichever is later.

2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All ordinances or any provisions of any ordinance inconsistent with the provisions of this ordinance except prior appropriations for this purpose herein stated, are hereby repealed as to such inconsistencies and not otherwise.

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Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-11

**AN ORDINANCE IMPOSING A FEE FOR ISSUANCE OF REPLACEMENT ANIMAL LICENSE TAGS**

A motion was made by Councilman Sears, seconded by Councilman Cascio, to introduce and pass Ordinance No. 17-11 at first reading by title.

A conversation followed on the cost of a tag. Councilman Ullman feels the \$2.00 is not gaining anything, since the cost of processing that lost tag is in

excess of \$2.00. A conversation followed on the animal licensing process and how many tags are ordered each year. According to Tyco Animal Control, the Township is one of the lowest charging towns at \$10.00, we do have the ability to go up to \$18.00 and we also do not charge a replacement fee as do many other towns.

Ayes: Councilmen Calamari, Cascio, Sears, Bruno.  
Nays: Councilman Ullman.

The following resolution, Resolution No. 17-263 was presented and adopted on a motion by Councilman Calamari, seconded by Councilman Sears.

Ayes: Councilmen Calamari, Sears, Ullman, Bruno.  
Nays: Councilman Cascio.

#### Resolution No. 17-263

WHEREAS, Ordinance No. 17-11 entitled: AN ORDINANCE IMPOSING A FEE FOR ISSUANCE OF REPLACEMENT ANIMAL LICENSING TAGS was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 21st day of August, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

#### Ordinance No. 17-11

AN ORDINANCE IMPOSING A FEE FOR ISSUANCE OF REPLACEMENT ANIMAL LICENSING TAGS

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 97 of the Code of the Township of Washington entitled "Dogs and Other Animals", be and is hereby amended by revising the following sections:

1. Section 97-3 of the Code is hereby amended by adding the following provision at the end of the current provision:

"In the event that a registration tag is lost, the Township Clerk shall issue a replacement registration tag upon the filing with the Township Clerk of an affidavit of lost registration tag on behalf of the subject animal and payment of a replacement fee of \$2.00."

2. "Section 97-14 of the Code is hereby amended by replacing the final sentence thereof with the following provision:

"In the event that a registration tag is lost, the Township Clerk shall issue a replacement registration tag upon the filing with the Township Clerk of an affidavit of lost registration tag on behalf of the subject animal and payment of a replacement fee of \$2.00."

3. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

4. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

5. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

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Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-12

AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF CLOTHING ALLOWANCE OF OFFICERS AND FIREFIGHTERS OF THE FIRE DEPARTMENT IN SAID MUNICIPALITY FOR THE YEAR 2017

A motion was made by Councilman Ullman, seconded by Councilman Calamari, to introduce and pass Ordinance No. 17-12 at first reading by title.

Ayes: Councilmen Calamari, Cascio, Ullman, Bruno.  
Nays: None.  
Recuse: Councilman Sears.

The following resolution, Resolution No. 17-264 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Calamari.

Ayes: Councilmen Calamari, Cascio, Ullman, Bruno.  
Nays: None.  
Recuse: Councilman Sears.

Resolution No. 17-264

WHEREAS, Ordinance No. 17-12 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF CLOTHING ALLOWANCE OF OFFICERS AND FIREFIGHTERS OF THE FIRE DEPARTMENT IN SAID MUNICIPALITY FOR THE YEAR 2017 was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 21<sup>st</sup> day of August, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

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Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-13

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 239 OF THE TOWNSHIP CODE, ENTITLED "LAND DEVELOPMENT," CHAPTER 238 OF THE TOWNSHIP CODE ENTITLED "HOUSING TRUST FUND," AND ARTICLE XVII OF CHAPTER 5 OF THE TOWNSHIP CODE, "ENTITLED MUNICIPAL HOUSING LIASON," TO ADDRESS THE REQUIREMENTS OF THE NEW JERSEY FAIR HOUSING ACT AND THE NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS AS THEY PERTAIN TO COMPLIANCE WITH MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS

Mr. Poller explained the ordinances that are coming pertain to the implementation of settlement of the Housing Element and Fair Share Plan that has already been adopted by the Planning Board. He stated the only Ordinance that is not in here is the Ordinance with respect to Franklin Court which will be discussed in Closed Session.

A motion was made by Councilman Ullman, seconded by Councilman Sears, to introduce and pass Ordinance No. 17-13 at first reading by title.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

The following resolution, Resolution No. 17-265 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Calamari.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

WHEREAS, Ordinance No. 17-13 entitled: AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 239 OF THE TOWNSHIP CODE, ENTITLED "LAND DEVELOPMENT", CHAPTER 238 OF THE TOWNSHIP CODE ENTITLED, "HOUSING TRUST FUND", AND ARTICLE XVII OF CHAPTER 5 OF THE TOWNSHIP CODE, "ENTITLED MUNICIPAL HOUSING LIAISON", TO ADDRESS THE REQUIREMENTS OF THE NEW JERSEY FAIR HOUSING ACT AND THE NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS AS THEY PERTAIN TO COMPLIANCE WITH MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 11th day of September, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 17-13

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, AMENDING CHAPTER 239 OF THE TOWNSHIP CODE, ENTITLED "LAND DEVELOPMENT", CHAPTER 238 OF THE TOWNSHIP CODE ENTITLED, "HOUSING TRUST FUND", AND ARTICLE XVII OF CHAPTER 5 OF THE TOWNSHIP CODE, "ENTITLED MUNICIPAL HOUSING LIAISON", TO ADDRESS THE REQUIREMENTS OF THE NEW JERSEY FAIR HOUSING ACT AND THE NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS AS THEY PERTAIN TO COMPLIANCE WITH MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Washington Township Planning Board adopted the Washington Township Housing Plan Element and Fair Share Plan on July 26, 2017; and

WHEREAS, the Washington Township Council endorsed the Washington Township Housing Plan Element and Fair Share Plan on August 7, 2017; and

WHEREAS, it has become necessary to adopt this new Affordable Housing Ordinance to implement and incorporate the Township's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, 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 and whereas this ordinance sets forth the administrative mechanisms necessary to implement the Township's revised Fair Share Plan.

BE IT ORDAINED, by the Township Council of the Township of Washington in the County of Bergen and State of New Jersey as follows:

SECTION 1. Chapter 238 of the Township of Washington Code entitled "Housing Trust Fund" is hereby deleted in its entirety.

SECTION 2. Chapters 5-96, 5-97 and 5-98 of the Township of Washington Code entitled "Municipal Housing Liaison" are hereby deleted in their entirety and replaced with the following new Chapter 5-96:

§5-96. Purpose. There is hereby established the position of Municipal Housing Liaison for the Township of Washington. The purpose of this position is to create the administrative mechanism responsible for administering the Township of Washington's affordable housing program. The powers and duties of the Municipal Housing Liaison shall be as described in Chapter 239-113.

SECTION 3. Chapter 239 of the Township of Washington Code is hereby amended to establish Article XXI, entitled "Affordable Housing", as follows:

§239-110. Purpose and Applicability

A. Purpose. The purpose of these provisions is to provide a realistic opportunity for the construction of Washington Township's constitutional obligation to provide for its fair share of affordable housing for households with low- and moderate-incomes, as directed by the Superior Court of New Jersey and is consistent with N.J.A.C. 5:93-1 et seq., as amended and supplemented by N.J.A.C. 5:80-26.1 et seq. and N.J.S.A. 52:27D-301 et seq.

B. Applicability. The provisions of this Ordinance shall apply:

- (1) To all affordable housing developments and affordable housing units that currently exist within the Township of Washington;
- (2) To all affordable housing developments and affordable housing units that are proposed to be created pursuant to the Township of Washington's Housing Element and Fair Share Plan;
- (3) To all other affordable housing developments and housing units that are created pursuant to actions by the Township of Washington, its Planning Board, or its Zoning Board of Adjustment.

§239-111 Definitions. The following terms, when used in this Ordinance, shall have the following meanings:

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

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

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“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 any residential development that consists of dwelling units that are affordable to persons and families of low or moderate income within the meaning of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301et al.) and is included in or approved pursuant to the Housing Element and Fair Share Plan, or otherwise addresses the Township’s fair share obligation. This includes, but is not limited to, an inclusionary development, a municipal construction project or a 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 approved for crediting by COAH, its successor entity, or the Court 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 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 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. 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 DCA; 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 its successor entity.

“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.

“Development fee” means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

“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.

“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 50 percent or less of the median household income.

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

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement 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 50 percent but less than 80 percent of the median household income.

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

“Multifamily Residential Development” means a residential development that is located in buildings that contain five (5) or more dwelling units, including, but not limited to, dwelling units that are located one over another, garden apartments, townhouse developments, multistory apartment or condominium buildings, and mixed-use developments containing a combination of non-residential and residential uses.

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

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

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

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

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

“Restricted unit” means a dwelling unit, whether a rental unit or 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 the Agency’s Urban Home Ownership Recovery program (UHORP) or Market Oriented Neighborhood Investment program (MONI).

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

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

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

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

239-112 Certificates of Occupancy. Certificates of occupancy for developments which include affordable housing units shall be subject to the following additional provisions:

- A. Phasing Schedule for Inclusionary Development. Affordable housing units shall be built, occupied and receive certificates of occupancy in accordance with the following schedule:

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

- B. No initial occupancy of a low- or moderate-income housing sales unit shall be permitted prior to issuance of a certificate of occupancy, and no certificate of occupancy for initial occupancy of a low- or moderate-income housing sales unit shall be issued unless there is a written determination by the Administrative Agent that the unit is to be controlled by a deed restriction and mortgage lien as adopted by COAH or its successor entity.
- C. A certificate of reoccupancy for any occupancy of a low- or moderate-income housing sales unit resulting from a resale shall be required, and the Township shall not issue such certificate unless there is a written determination by the Administrative Agent that the unit is to be controlled by the deed restriction and mortgage lien required by COAH or its successor entity.

- D. The certificate of reoccupancy shall not be required where there is a

written determination by the Administrative Agent that controls are allowed to expire or that the repayment option is being exercised pursuant to N.J.A.C. 5:92-12.3.

239-113 Administration

A. Municipal Housing Liaison

1. Washington Township shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Washington Township shall adopt an Ordinance creating the position of Municipal Housing Liaison and shall adopt a Resolution appointing said Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by COAH, its successor entity, or the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Washington Township, including the following responsibilities which may not be contracted out to the Administrative Agent:
  - (a) Serving as Washington Township'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 Washington Township's Fair Share Plan;
  - (c) Compiling, verifying and submitting annual monitoring reports as may be required by COAH, its successor entity, or the Court;
  - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and,
  - (e) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
3. Subject to the approval of COAH, its successor entity, or the Court, Washington Township shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with the UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH, its successor entity, or the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

B. Administrative Agent

1. The Administrative Agent shall be an independent entity serving under contract 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 the UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

(a) Affirmative Marketing:

- (i) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of Washington Township and the provisions of N.J.A.C. 5:80-26.15; and,
- (ii) 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.

(b) Household Certification:

- (i) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (ii) 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;
- (iii) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (iv) 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.;
- (v) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and,
- (vi) Employing a random selection process as provided in the Affirmative Marketing Plan of Washington Township when referring households for certification to affordable units.

(c) Affordability Controls:

- (i) 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;
- (ii) 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;
- (iii) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or Bergen County Clerk's office after the termination of the affordability controls for each restricted unit;
- (iv) Communicating with lenders regarding foreclosures; and,

- (v) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

(d) Resales and Rerentals:

- (i) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and,
- (ii) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

(e) Processing Requests from Unit Owners:

- (i) 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;
- (ii) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- (iii) Notifying the municipality of an owner's intent to sell a restricted unit; and,
- (iv) Making determinations on requests by owners of restricted units for hardship waivers.

(f) Enforcement:

- (i) 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;
- (ii) 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;
- (iii) The posting annually in all rental properties, including two-family homes, of 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;
- (iv) 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;
- (v) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and,

- (vi) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and COAH, its successor entity, or the Court, setting forth procedures for administering the affordability controls.

(g) Additional Responsibilities:

- (i) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder;
- (ii) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by COAH, its successor entity, or the Court; and,
- (iii) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

C. Affirmative Marketing Requirements

- (1) Washington Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, its successor entity, or the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units that 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 1 and is required to be followed throughout the period of restriction.
- (3) The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex counties.
- (4) 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 shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- (5) In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) The Affirmative Marketing 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.

- (7) The affirmative marketing process for available affordable units shall begin at least four months (i.e., 120 days) prior to the expected date of occupancy.
- (8) Applications for affordable housing shall be available in several locations, including, at a minimum, the county administration building and the county library for each county within the housing region; the Washington Township Municipal Building and the Washington Public Library; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- (9) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

#### D. Occupancy Standards

- (1) 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;
  - (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.

#### E. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (1) 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 Washington Township 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.
- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) 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.
- (4) 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.

- (5) 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.
- (6) 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.

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

- (1) 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; and,
  - (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.

G. Buyer Income Eligibility

- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Council, and subject to the approval of COAH, its successor entity or the court, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- (3) 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 year.

- (4) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

#### H. Limitations on Indebtedness Secured by Ownership Unit, Subordination

- (1) 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.
- (2) 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 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).

#### I. Capital Improvements to Ownership Units

- (1) 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.
- (2) 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 (e.g., refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### J. Control Periods for Restricted Rental Units

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Washington Township 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.
- (2) 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 Bergen County. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (3) A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - (a) Sublease or assignment of the lease of the unit;
  - (b) Sale or other voluntary transfer of the ownership of the unit; or,
  - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

#### K. Rent Restrictions for Rental Units, Leases

- (1) 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.
- (2) 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.
- (3) 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.
- (4) No rent control ordinance or other pricing restriction shall be applicable to either the market-rate units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

#### L. Tenant Income Eligibility

- (1) 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:
  - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income;

- (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income; and,
  - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) 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 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (a) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - (b) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (c) The household is currently in substandard or overcrowded living conditions;
  - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or,
  - (e) 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.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances enumerated in this subsection with the Administrative Agent, who shall counsel the household on budgeting.

M. 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 regional income limits established by COAH or a successor entity.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent

of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.

- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different 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
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate 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 rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

239-114 Requirements for affordable housing. Developments which include affordable housing units shall be subject to the following provisions:

A. Low-income housing. Low-income housing shall be affordable, according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located, and subject to affordability controls.

B. Moderate-income housing. Moderate-income housing shall be affordable, according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to or more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located, and subject to affordability controls.

C. In accordance with N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) at least 13 percent of the affordable units provided within the Township shall be reserved for very low income households, i.e., households earning 30 percent or less of the median income, and of that amount at least 50 percent shall be reserved for very low income families (i.e., non-age restricted and not reserved for special needs populations). For developments with eight (8) or more affordable housing units on site, at least 13 percent of all low- and moderate-income units shall be affordable to households earning no more than 30 percent of median income. A minimum of 50 percent of these units shall be reserved for very low income families.

D. Age restriction. The sales and rentals of not more than 25 percent of the affordable housing units constructed within the Township may be age restricted to senior citizens as defined by and in accordance with the Federal Fair Housing Act and as regulated by N.J.A.C. 5:92-14, provided that no more than 25 percent of the total affordable housing units constructed within the Township shall be age restricted. A request to age restrict housing units may only be granted after the Planning Board or Board of Adjustment has received the consent of the Township Council. In designing its project, the applicant may propose constructing the senior citizen restricted affordable units in the same building or buildings in order to maximize the potential of preserving a more tranquil

lifestyle for the senior citizen resident; and to the foregoing extent, the requirement of integration of the affordable units with conventional units is modified.

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

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;
  - (b) At least 30 percent of all low- and moderate-income units are two bedroom units;
  - (c) At least 20 percent of all low- and moderate-income units are three bedroom units; and
  - (d) The remainder, if any, may be allocated at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

F. Location and design. Low- and moderate-income housing shall be designed in accordance with the following provisions:

- (1) The low- and moderate-income housing units shall be sited on the tract in locations at least as accessible to common open space and community facilities as market-priced dwelling units. Rental units may be concentrated for ownership and management unit reasons.
- (2) The exterior design of the low- and moderate-income housing units shall be harmonious in scale, texture, and materials with the market-priced units on the tract.
- (3) Deed restrictions. Developers of housing units for low- and moderate-income households shall enter into a written agreement, binding on all successors-in-interest, in accordance with current COAH regulations or Court requirements for Resale/Rental Control, at the time of sale, resale, rental or re-rental regardless of the availability of Federal, State, County or Township subsidy programs.
- (4) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

G. Utilities

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

- (2) 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 the DCA for its Section 8 program.

#### H. 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:

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

- (i) An adaptable toilet and bathing facility on the first floor; and,

- (ii) An adaptable kitchen on the first floor; and,

- (iii) An interior accessible route of travel on the first floor; and,

- (iv) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and,

- (v) If not all of the foregoing requirements in this paragraph can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the foregoing requirements in this paragraph have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and,

- (vi) 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 Washington Township has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

- [a] 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.

- [b] To this end, the builder of restricted units shall deposit funds within the Washington Township Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

- [c] The funds deposited under the terms of this paragraph shall be used by Washington Township 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 requests an accessible entrance.

[d] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of Washington Township for the conversion of adaptable to accessible entrances.

[e] 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 Washington Township Affordable Housing Trust Fund.

(vii) 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.

#### 239-115 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 the 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 COAH, its successor entity, or the Court;

(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

(3) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with the UHAC, unless an alternative commitment is approved by COAH, its successor entity, or the Court.

B. 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.

#### 239-116 Enforcement of Affordable Housing Regulations

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, 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 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 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 Washington Township 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 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 (2) years or until such earlier time as the Owner shall make a claim with the

municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- (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 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.

#### 239-117 Appeals

- A. Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court or with COAH or its successor entity, as may be applicable under law.

SECTION 4. This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

SECTION 5. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 6. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 7. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

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Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-14

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 239, ENTITLED "LAND DEVELOPMENT" TO IMPOSE A MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENT OF NEW MULTI-FAMILY RESIDENTIAL DEVELOPMENT

A motion was made by Councilman Calamari, seconded by Councilman Ullman, to introduce and pass Ordinance No. 17-14 at first reading by title.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

The following resolution, Resolution No. 17-266 was presented and adopted on a motion by Councilman Sears, seconded by Councilman Ullman.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

Resolution No. 17-266

WHEREAS, Ordinance No. 17-14 entitled: AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 239, ENTITLED "LAND DEVELOPMENT" TO IMPOSE A MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENT OF NEW MULTI-FAMILY RESIDENTIAL DEVELOPMENT was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 11th day of September, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 17-14

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 239, ENTITLED "LAND DEVELOPMENT" TO IMPOSE A MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENT ON NEW MULTI-FAMILY RESIDENTIAL DEVELOPMENT

WHEREAS, the Washington Township Planning Board adopted the Washington Township Housing Element and Fair Share Plan on July 26, 2017; and

WHEREAS, the Township Council of the Township of Washington endorsed the Washington Township Housing Element and Fair Share Plan on August 7, 2017; and

WHEREAS, pursuant to Township's settlement with the Fair Share Housing Center, the Washington Township Housing Plan Element and Fair Share Plan requires the Township of Washington to adopt a mandatory affordable housing set aside requirement for all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density of the site, a rezoning permitting multi-family residential housing where none permitted or new or amended redevelopment plan.

NOW, THEREFORE, BE IT ORDAINED by the Township of Washington, County of Bergen, State of New Jersey as follows:

Section 1. Chapter 239, of the Township Code is hereby amended to add a new Section in Article XXII, Mandatory Affordable Housing Set-aside, as follows:

§239-120 Mandatory Affordable Housing Set-Aside.

A. Purpose

Unless otherwise required by existing zoning or an adopted redevelopment plan, all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or a new or revised redevelopment plan shall be required to provide an affordable housing set-aside as follows:

- (1) Required affordable housing units shall be equal to 20% of the number of housing units proposed in the application for units offered for sale.
- (2) Required affordable housing units shall be equal to 15% of the number of housing units proposed in the application for units offered for rent.

B. Affordable housing units may be provided on-site or off-site within the Township and are subject to the provisions of the Township's Affordable Housing Ordinance.

SECTION 2. This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

SECTION 3. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 4. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-15

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 239a OF THE TOWNSHIP CODE, ENTITLED "DEVELOPMENT FEES" TO UPDATE PROVISIONS ASSOCIATED WITH AFFORDABLE HOUSING DEVELOPMENT FEES

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to introduce and pass Ordinance No. 17-15 at first reading by title.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

The following resolution, Resolution No. 17-267 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Sears.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

Resolution No. 17-267

WHEREAS, Ordinance No. 17-15 entitled: AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 239a OF THE TOWNSHIP CODE, ENTITLED "DEVELOPMENT FEES" TO UPDATE PROVISIONS ASSOCIATED WITH AFFORDABLE HOUSING DEVELOPMENT FEES was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 11th day of September, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 17-15

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 239a OF THE TOWNSHIP CODE, ENTITLED "DEVELOPMENT FEES" TO UPDATE PROVISIONS ASSOCIATED WITH AFFORDABLE HOUSING DEVELOPMENT FEES

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 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules; and

WHEREAS, pursuant to PL 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]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, and municipalities that are under the jurisdiction of a court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development; and

WHEREAS, pursuant to the March 10, 2015 Order of the New Jersey Supreme Court in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (*Mount Laurel IV*), the Court transferred all COAH's functions, powers, and duties to the Courts, and thus, any and all references to COAH shall mean the Courts or successor agency to COAH if such entity is established by statute; and

WHEREAS, this ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Court's regulations and in accordance PL 2008, c.46, Sections 8 and 32 through 38.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Washington in the County of Bergen and State of New Jersey as follows:

SECTION 1. Chapter 239A, Development Fees relating to Mount Laurel housing, is hereby deleted in its entirety and replaced with the following new Chapter 239A:

§239A. Affordable Housing Development Fees

A-1 Purpose. In *Holmdel Builder's Association V. Holmdel Township*, 121 NJ 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 Council on Affordable Housing's (COAH's) adoption of rules.

A. Pursuant to PL 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), the Council on Affordable Housing (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 a court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.

B. Pursuant to the March 10, 2015 Supreme Court Order in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (*Mount Laurel IV*), the Court transferred all COAH's functions, powers, and duties to the Courts. Any and all references to COAH shall mean the Courts or successor agency to COAH if such entity is established by statute.

C. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to the Court's regulations and in accordance PL 2008, c.46, sections 8 and 32 through 38.

A-2 Basic Requirements

A. This Ordinance shall not become effective until approved by the Court pursuant to N.J.A.C. 5:96-5.1.

B. The Township of Washington shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

C. This Ordinance shall be interpreted within the framework of COAH's last adopted rules on development fees, codified at N.J.A.C. 5:97-8, as same may be interpreted and applied by the Court.

### A-3 Definitions

A. The following terms, as used in this ordinance, shall have the following meanings:

“Affordable housing development” means any residential development that consists of dwelling units that are affordable to persons and families of low or moderate income within the meaning of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301et al.) and is included in or approved pursuant to the Housing Element and Fair Share Plan, or otherwise addresses the Township's fair share obligation. This includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act or the Courts or successor agency to COAH if such entity is established by statute.

“Development fee” means money paid by a developer for the improvement of property as permitted in Holmdel Builder's Association v. Holmdel Township. 121 NJ 550 (1990) and in N.J.A.C. 5:93-8.

“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.

“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.

### A-4 Imposition of Affordable Housing Development Fees

#### A. Residential Development

- (1) Within all the Township zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half percent (1.5%) of the equalized assessed value for residential development, provided that no increased density

is permitted.

- (2) Where an increase in density is permitted through a variance granted pursuant to N.J.S.A. 40:55D-70d(5) or a rezoning, redevelopment plan, or redevelopment plan amendment that is adopted after the effective date of this ordinance, developers shall be required to pay a development fee of six percent (6.0%) 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 a set-aside of affordable housing units. 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.

#### B. Nonresidential Development

- (1) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements for all new non-residential construction on an unimproved lot or lots, provided that no increase in floor area is permitted.
- (2) Non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half percent (2.5%) of the increase in total equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- (4) Developers that convert any portion of an existing residential structure to a nonresidential use shall pay a development fee of two and one-half percent (2.5%). The development fee shall be calculated based on the increase in the equalized assessed value of the converted structure.

#### A-5 Eligible Exactions, Ineligible Exactions and Exemptions

##### A. Residential Development

- (1) Developers of low- and moderate-income housing shall be exempt from paying development fees, including developments where the developer is providing affordable units elsewhere in the Township or is making a payment in lieu of construction of on-site affordable housing units and

further provided that the minimum number of affordable units required for the development is completed in accordance with this chapter. A payment-in-lieu-of-construction or development fee payment shall only be used to fund affordable housing activities within the Township in accordance with N.J.A.C. 5:97 or as approved by COAH or the Court.

- (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 applicable development 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) Development fees shall be imposed and collected when an existing non-owner occupied residential structure is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (5) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, which requires the issuance of a Certificate of Occupancy (for example, when a single-family home is converted to a two-family home or a single-family home is converted to an apartment building). The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- (6) Development fees shall be imposed and collected when a Certificate of Occupancy is issued for a new residential unit on a newly created lot that is the result of a subdivision. The development fee shall be calculated on the equalized assessed value of the land and improvements.
- (7) Additions to existing homes and improvements such as decks, patios and like shall be exempt from the payment of a development fee.

#### B. Nonresidential Development

- (1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.
- (2) The two and one-half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing building footprint, reconstruction, renovations and repairs.
- (3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance

with the exemptions required pursuant to P.L.2008, c.46, 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 P.L.2008, c.46 shall be subject to the development 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 years after that event or after the issuance of the final certificate of occupancy for the non-residential development, whichever is later.
- (5) If a property that was exempted from the collection of a non-residential 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 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Washington as a lien against the real property of the owner.
- (6) Developers that have received final approval prior to the adoption of a municipal development fee ordinance shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval.
- (7) Exempted from these provisions shall be approvals for the following classes of development:
  - (a) Utility facilities
  - (b) Educational, cultural and outdoor recreational facilities
  - (c) Quasi-public uses, including clubs, lodges and similar uses
  - (d) Public uses
  - (e) Hospital uses

#### A-6 Collection of Fees

- 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 non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential 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.
- D. Within 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 shall notify 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 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 associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Township of Washington fail to determine or notify the developer of the amount of the development fee within 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 percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at 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 Washington. 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 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 non-residential 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 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Washington. 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 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

#### A-7 Affordable Housing Trust Fund

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer of the Township for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds, if collected by the Township, 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 construction of affordable units, shall be separately identifiable from other payments as a sub-account within the Affordable Housing Trust Fund;
  - (2) developer contributed funds to make ten percent (10%) 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 Township of Washington's affordable housing program.
- C. Within seven days from the opening of the trust fund account, the Township of Washington shall provide the Court with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and the Court to permit the Court to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the housing trust fund shall only be used to fund eligible affordable housing activities approved by the Court.

#### A-8 Use of Funds

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township of Washington'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 apartment, market to affordable, or regional housing partnership programs; conversion of existing non-residential 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 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 activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and

specified in the approved spending plan.

B. Funds shall not be expended to reimburse the Township of Washington for past affordable housing activities.

C. At least thirty percent (30%) 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 (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) 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 homeowner's association or condominium fees and special assessments, and assistance with emergency repairs.

(2) Affordability assistance to households earning 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 30 percent or less of median income.

(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 Washington 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, in accordance with N.J.A.C. 5:96-18.

E. No more than twenty percent (20%) 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 an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

#### A-9 Monitoring

A. The Township of Washington shall complete and return to the New Jersey Department of Community Affairs (NJDCA), Local Government Services, all monitoring forms required in connection with the collection of development fees from residential and non-residential 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 its housing program, as well as in

connection with the expenditure of revenues and implementation of the plan approved by the Court.

- B. All monitoring reports shall be completed on forms designed by the NJDCA or successor entity for that purpose.

A-10 Ongoing Collection of Fees

- A. The ability for the Township of Washington to impose, collect and expend development fees shall expire with the end of the repose period covered by its judgment of compliance unless the Township of Washington has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated administrative entity of the State of New Jersey, has petitioned for a judgment of compliance or substantive certification, and has received approval of its development fee ordinance by the entity that will be reviewing the Housing Element and Fair Share Plan.
- B. If the Township of Washington fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, 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 Washington shall not impose a development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance, nor shall the Township of Washington retroactively impose a development fee on such a development. The Township of Washington shall not expend any development fees after the expiration of its judgment of compliance.

SECTION 2. This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

SECTION 3. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 4. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

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Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-16

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS O-R DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Sears, seconded by Councilman Cascio, to introduce and pass Ordinance No. 17-16 at first reading by title.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

The following resolution, Resolution No. 17-268 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Sears.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

Resolution No. 17-268

WHEREAS, Ordinance No. 17-16 entitled: AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS O-R DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 11th day of September, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 17-16

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS O-R DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON

WHEREAS, the Planning Board of the Township of Washington adopted the Washington Township Housing Plan Element and Fair Share Plan on July 26, 2017, and the Township Council endorsed same on August 7, 2017;

WHEREAS, the Washington Township Housing Plan Element and Fair Share Plan, as adopted on July 26, 2017, recommends the establishment of a multi-family affordable housing overlay zone to capture affordable housing opportunities on sites beyond those specifically identified and mentioned in the Washington Township Housing Plan Element and Fair Share Plan;

WHEREAS, it has become necessary to amend Article IX, entitled "Class O-R District," of the Township of Washington Zoning Ordinance, and adopt this new ordinance to implement and incorporate the Township's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the

requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and,

WHEREAS, 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 and sets forth the administrative mechanisms necessary to implement the Township's revised Housing Element and Fair Share Plan.

BE IT ORDAINED, by the Township Council of the Township of Washington in the County of Bergen and State of New Jersey as follows:

SECTION 1. Article IX, entitled "Class O-R District," of the Township of Washington's Zoning Ordinance is hereby amended to add a new Section 245-59.1 as follows:

§245-59.1 Affordable Housing Overlay District

A. Purpose. The purpose of the Affordable Housing Overlay District is to provide development that contributes to the Township of Washington's municipal affordable housing obligation, while allowing developers increased flexibility to provide more residential units when a required on-site affordable housing set-aside is provided.

B. Location. There is hereby established an Affordable Housing Overlay District, comprised of the following lands and premises shown and designated on the Tax Assessment Map of the Township of Washington as revised: Block 3202.01 Lot 3, containing a total area consisting of approximately 9.7 acres.

C. Permitted Uses

(1) Multi-family residential apartments

D. Development Standards. The standards contained in the Affordable Housing Overlay shall supersede the existing O-R District standards for area, yard, frontage, height and other bulk requirements. The remaining provisions of the Washington Township Land Use and Zoning regulations shall apply as appropriate.

(1) Maximum Residential Density: 15 dwelling units per acre

(2) Maximum Permitted Building Height: Three (3) stories or 35 feet

(3) Maximum Impervious Lot Coverage: 80 percent

(4) Minimum Landscape Buffer: A minimum 20 foot wide landscape buffer shall be provided adjacent to any property line abutting a single-family residential use.

(5) Minimum Front Yard Setback: 50 feet

(6) Minimum Side Yard Setback: 30 feet

(7) Minimum Rear Yard Setback: 30 feet

E. Affordable Housing Requirements

(1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be reserved as affordable units.

(2) At least 50 percent of the affordable units shall be affordable to very

low and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.

- (3) At least 13 percent of the total number of affordable rental units shall be affordable to very low income households.
- (4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Township's Affirmative Marketing Plan.
- (5) Affordability controls shall be maintained for a minimum of 30 years.
- (6) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority or entity.
- (7) All affordable units shall be subject to the provisions of the Township's Affordable Housing Ordinance.

SECTION 2. Article II: Classes of Districts Sections 245-3 and 245-4 are hereby amended to include the Affordable Housing Overlay District referenced herein.

SECTION 3. This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

SECTION 3. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 4. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

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Introduction 1<sup>st</sup> Reading  
Ordinance No. 17-17

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS AA DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Sears, to introduce and pass Ordinance No. 17-17 at first reading by title.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None.

The following resolution, Resolution No. 17-269 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Sears.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.  
Nays: None

Resolution No. 17-269

WHEREAS, Ordinance No. 17-17 entitled: AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS AA DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 7<sup>th</sup> day of August, 2017; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 11<sup>th</sup> day of September, 2017, at 7:30 PM, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 17-17

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS AA DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON

WHEREAS, the Planning Board of the Township of Washington adopted the Washington Township Housing Plan Element and Fair Share Plan on July 26, 2017, and the Township Council endorsed same on August 7, 2017;

WHEREAS, the Washington Township Housing Plan Element and Fair Share Plan, as adopted on July 26, 2017, recommends the establishment of a multi-family affordable housing overlay zone to capture affordable housing opportunities on sites beyond those specifically identified and mentioned in the Washington Township Housing Plan Element and Fair Share Plan;

WHEREAS, it has become necessary to amend Article VI, entitled "Class AA District," of the Township of Washington Zoning Ordinance, and adopt this new ordinance to implement and incorporate the Township's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and,

WHEREAS, 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 and sets forth the administrative mechanisms necessary to implement the Township's revised Housing Element and Fair Share Plan.

BE IT ORDAINED, by the Township Council of the Township of Washington in the County of Bergen and State of New Jersey as follows:

SECTION 1. Article VI, entitled "Class AA District," of the Township of Washington's Zoning Ordinance is hereby amended to add a new Section 245-26.3 as follows:

§245-26.3: Affordable Housing Overlay District

A. Purpose. The purpose of the Affordable Housing Overlay District is to provide development that contributes to the Township of Washington's municipal affordable housing obligation, while allowing developers increased flexibility to provide more residential units when a required on-site affordable housing set-aside is provided.

B. Location. There is hereby established an Affordable Housing Overlay District, comprised of the following lands and premises shown and designated on the Tax Assessment Map of the Township of Washington as revised, (and as shown in Attachment A): Block 3405 Lot 1 containing a total area consisting of approximately 2.4 acres.

C. Permitted Uses

(1) Multi-family residential apartments

(2) Townhouses

D. Development Standards. The standards contained in the Affordable Housing Overlay shall supersede the existing AA District standards for area, yard, frontage, height and other bulk requirements. The remaining provisions of the Washington Township Land Use and Zoning regulations shall apply as appropriate.

(1) Townhouse developments shall conform to the minimum requirements of Chapter 245-70.B and 245-71.

(2) Multi-family developments shall provide the following minimum setbacks:

(a) Front yard: 50 feet

(b) Side yard combined: 60 feet

(c) Rear yard: 30 feet

(3) Townhouse and multi-family developments shall not exceed the following maximum requirements:

(a) Maximum Residential Density: 8 dwelling units per acre

(b) Maximum Permitted Building Height: Three (3) stories or 35 feet

(c) Maximum Impervious Lot Coverage: 80 percent

(4) Townhouse and multi-family developments shall provide a minimum landscape buffer of 20 feet wide adjacent to any property line abutting an existing single-family residential use.

E. Affordable Housing Requirements

(1) A minimum of 15 percent of rental units and 20 percent of for-sale units shall be reserved as affordable units.

(2) At least 50 percent of the affordable units shall be affordable to very low

and low-income households. If only one (1) affordable unit is created in a project, the unit shall be a very low or low-income unit.

- (3) At least 13 percent of the total number of affordable rental units shall be affordable to very low income households.
- (4) The affordable units shall be affirmatively marketed to the housing region in accordance with the Township's Affirmative Marketing Plan.
- (5) Affordability controls shall be maintained for a minimum of 30 years.
- (6) Rental increases shall be in accordance with percentages approved by COAH or other applicable affordable housing authority or entity.
- (7) All affordable units shall be subject to the provisions of the Township's Affordable Housing Ordinance.

SECTION 2. Article II: Classes of Districts Sections 245-3 and 245-4 are hereby amended to include the Affordable Housing Overlay District referenced herein.

SECTION 3. This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

SECTION 3. All ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION 4. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board

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INDIVIDUAL RESOLUTIONS: None.

#### CONSENT AGENDA

All of the following items have been determined to have the unanimous consent of Council and will be enacted in one motion. Should any item require independent consideration, any Council Member may have such item removed from the Consent Agenda.

A motion was made by Councilman Calamari, seconded by Councilman Sears, to the Consent Agenda.

Ayes: Councilman Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

#### Resolution No. 17-270

#### Endorsement of Housing Element and Fair Share Plan

WHEREAS, the New Jersey Supreme Court, in the case entitled *In re N.J.A.C. 5:96 and 5:97*, 221 N.J. 1 (2015) and commonly referred to as *Mt. Laurel IV*, declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each municipality must, by its land use regulations, make realistically possible the opportunity for an appropriate

variety and choice of housing for all categories of people who may desire to live there, including those of low and moderate income, and that this constitutional obligation requires that all municipalities must provide a realistic opportunity for the construction of their fair share of the present and prospective regional need for low and moderate income housing; and

WHEREAS, as part of *Mt. Laurel IV*, the New Jersey Supreme Court determined that, after many opportunities, the Council on Affordable Housing (COAH) had failed to meet its legislative obligation to promulgate rules establishing municipal affordable housing obligations and compliance mechanisms for meeting those obligations, and proceeded to refer the process to the courts to resume their role as the forum for evaluating municipal compliance with Mount Laurel obligations; and

WHEREAS, on July 1, 2015, the Township of Washington ("Township") filed a declaratory judgment action in the Superior Court of New Jersey in accordance with the principles espoused by the New Jersey Supreme Court in *Mt. Laurel IV*, which action was resolved pursuant to settlement agreements approved by the Township Council and which were entered into with participating parties Fair Share Housing Center and Franklin Court, LLC, and such settlements were thereafter approved by the Superior Court at a Fairness Hearing conducted on May 11, 2017, which was open to the public and to all interested parties; and

WHEREAS, the Township caused to be prepared a Housing Plan Element and Fair Share Plan dated July 26, 2017 (inclusive of an Errata sheet reflecting requirements of the special court master in the Township's declaratory judgment action), in accordance with the approved settlement terms, and same was duly entered into evidence before the Township Planning Board at a public meeting held on July 26, 2017, in accordance with all notice requirements, where the Planning Board reviewed and considered the Master Plan Amendment Housing Plan Element and Fair Share Plan report; and

WHEREAS, on July 26, 2017, the Township Planning Board adopted a resolution approving the Master Plan Amendment Housing Plan Element and Fair Share Plan report dated July 26, 2017, after finding and concluding that the Master Plan Amendment Housing Plan Element and Fair Share Plan dated July 26, 2017, was in conformity with the settlement agreements and was in conformity with the Township's affordable housing obligations as approved by the Superior Court at the Fairness Hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby approves and endorses the Master Plan Amendment Housing Plan Element and Fair Share Plan dated July 26, 2017 adopted by the Township Planning Board and all of its constituent components to address and provide for the Township's Mount Laurel obligations.

Resolution No. 17-271

Authorize the Execution of the Shared Services Agreement of County-Owned Emergency and Non-Emergency Equipment

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) promotes the broad use of shared services as a technique to reduce local expenses funded by property tax payers; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) allows for any local unit to enter into an agreement with any other local unit or units to provide or receive any services that each local participating in the Agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the County of Bergen (the "County") has a program to provide municipalities with emergency and non-emergency vehicles pursuant to the terms of a Shared Services Agreement Sharing of County-Owned Emergency and Non-Emergency Equipment; and

WHEREAS, the County and the Township of Washington (the "Township") seek to enter into such a shared services agreement to memorialize the terms under which the Township will be authorized to request from the County various emergency and non-emergency vehicles owned by the County;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township approves of the proposed shared services agreement as referenced herein between the Township and the County, a copy of which is on file with the Township;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Shared Services Agreement Sharing of County-Owned Emergency and Non-Emergency Equipment with the County for the above stated purpose.

Resolution No. 17-272

Authorize the refund of the balance of engineering escrow monies to SUEZ for water system improvement project on Madeline Court, Fern Street and Cross Street in the amount of \$1,436.00

WHEREAS, United Water (Suez) posted engineering escrow monies in 2014 for a water system improvement project on Madeline Court, Fern Street & Cross Street in the Township of Washington; and

WHEREAS, Suez is requesting the return of escrow monies that remain in their escrow account, as the project is now complete; and

WHEREAS, the Engineer, Azzolina & Feury, approved a refund of escrow, pending payment of their final invoices, per their correspondence on July 5, 2017. Outstanding invoices have been satisfied; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow money in the amount of \$1436.00 to the above.

Resolution No. 17-273

Authorize release of Performance Surety Bond No. 9151535 to SUEZ in the amount of \$63,425.00

WHEREAS, Suez (the "Utility") posted with the Township of Washington (the "Township") Performance Surety Bond No. 9151535 (the "Bond") in the amount of \$63,425.00 in connection with the above-referenced Project and the related Road Opening Permit; and

WHEREAS, the work for which the Bond was posted has been completed, and the Utility has requested a release of the Bond; and

WHEREAS, Azzolina & Feury Engineering, Inc. (the "Engineer") has reviewed such request and has made such inspections as the Engineer deems appropriate, and has issued a recommendation to the Mayor and Township Council in connection with the Bond by letter dated July 5, 2017, a copy of which is annexed hereto (the "Engineer's report and recommendation"); and

WHEREAS, the Township Council has considered the Engineer's report and recommendation, and is of the opinion that action should be taken in accordance with such report and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington as follows:

1. The Engineer's report and recommendation is hereby approved and adopted, and action hereunder is authorized for the release of the Bond posted by the Utility with the Township.

2. The release of the Bond is conditioned up the following:

(a) Sufficient funds must be on deposit in the Legal and Engineering Escrow posted by the Utility for the payment of the Engineer's outstanding vouchers in the combined amount of \$301.00.

3. The Finance Department shall confirm that there are sufficient funds on deposit with the Township in the Legal and Engineering Services Escrow Account to pay all submitted vouchers. Upon the verification by the Finance Department that there are sufficient funds on deposit to pay all submitted vouchers for professional services, the Bond, as well as any excess amount remaining in the Legal and Engineering Services Escrow Account after payment of said vouchers may be released.

4. A copy of this Resolution, with a copy of the Engineer's report and recommendation annexed hereto, shall be forwarded to the Utility by certified mail.

Resolution No. 17-274

Authorize extension of due date for 3<sup>rd</sup> quarter taxes

WHEREAS, the 2017 tax rate for the Township of Washington had not been established by the statutory mailing date, and

WHEREAS, the tax bills were mailed on August 7, 2017,

NOW, THEREFORE BE IT RESOLVED, by the Township Mayor and Council of the Township of Washington, County of Bergen, that an extension of time is granted for payment of the third quarter 2017 taxes originally due August 1, 2017 is hereby granted until August 31, 2017.

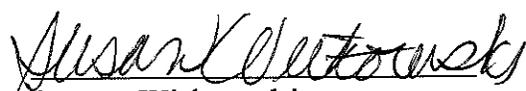
BE IT FURTHER RESOLVED that all tax payments submitted after August 31, 2017 will accrue interest from August 1, 2017 in accordance with the New Jersey Statues.

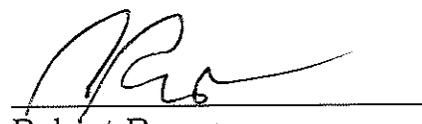
A motion was made by Councilman Sears, seconded by Councilman Calamari to adjourn to Conference Agenda.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None

Time Noted: 10:48 p.m.

  
Susan Witkowski  
Township Clerk

  
Robert Bruno  
Council President

Approved: October 30, 2017



TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

CONFERENCE MEETING MINUTES

August 7, 2017

Members present: Peter Calamari, Steve Cascio, Tom Sears, Michael Ullman and Robert Bruno. Also present: Janet Sobkowicz, Mayor; Ken Poller, Township Attorney; Mary Anne Groh, Administrator; and Susan Witkowski, Township Clerk.

Current Business

Alternative Property Acquisition – Councilman Calamari spoke of how using the Township's existing properties would be better instead of acquiring property. He spoke of rebuilding the firehouse from scratch and also moving the Ambulance Corps into the building so it can be a total volunteer emergency services building. He spoke of being leery of the Township acquiring properties due to what has occurred in the past. He spoke of the red house, which the Township owns. He stated Councilman Sears and he did speak to a handful of volunteers informally, but he feels a formal meeting should be held. A conversation followed on the Bethany Church, which was sold last week. Council President Bruno suggested looking at other buildings in the Township before knocking down the firehouse. The Ambulance Corp owns the building they occupy, but there is a reversion clause that if they don't use the building for that purpose it goes back to the Township. Councilman Sears spoke of grants coming out for the Fire Department which are due in March. Comments were made on obtaining an assessment of the buildings and the value of the property which the firehouse is located on currently. Mayor Sobkowicz stated she would like to put both the Fire Department and the Ambulance Corp on Pascack Road due to the current traffic conditions. Council agreed a needs study needs to be done by a third party and a central location for volunteers needs to be discussed.

Prospect Street – discussed during the Public Regular Meeting

Overall sewer grid system – A conversation followed on sewer maps being requested from Azzolina & Fuery. A formal request will be made to Mr. Azzolina tonight during Closed Session.

Zoning Board Vacancies – The Township Clerk, Ms. Witkowski, will reach out to the alternate member to see if he would like to become a full member. She will also reach out to others who are interested.

Project Tracker – Council President Bruno spoke of what he wishes to accomplish with this Project Tracker. Councilman Sears spoke of Engine 43 and the need for four rear tires. Administrator Groh spoke of her concern with the tracker, which she feels is not intended to list every item that is going on. Councilman Ullman requested that Ms. Morrone attend a meeting regarding the Corrective Action Plan. A conversation followed on Beech Street, and why it is being paved since it was paved five years ago. Beech Street north of Cross has a rating of 14.5 out of 18/19, the lower the rating the worse the condition. Mr. Statile will look at the reason for the paving. A conversation followed on the dump truck, leaf pusher and the computers in Town Hall. Mayor Sobkowicz stated she understands the computers are a State contract, but she would like to get another quote. The fence at the library belongs to the shopping center and they have been contacted several times by the library. Replacement of missing signs in the Township was discussed, and taking monies left over from the Road Program to replace those signs. A conversation followed on the reserve from Republic Trust, which is the settlement from Town Hall, and these monies not being constrained as far as what to spend it on. Councilman Cascio suggested hiring an inspector, since the building is almost

30 years old identifying any defects he may find, and use the remaining monies for other things within Town Hall. A conversation followed if any documents are available pertaining to this lawsuit.

A motion was made by Councilman Calamari, seconded by Councilman Sears to adjourn Conference Session and enter into Closed Session.

Ayes: Councilman Calamari, Cascio, Sears, Ullman, Bruno.

Nays: None.

Resolution No. 17-275

Closed Session

WHEREAS, the public is invited to attend all Meetings (whether denoted public or conference sessions) of the Township Council in accordance with its general practice and the Open Public Meetings Act; and

WHEREAS, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of the public bodies at which any business affecting the public is discussed or acted upon in any way except as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12), which provides for the exclusion of the public from the portion of a meeting at which certain enumerated matters are to be discussed; and

WHEREAS, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting (denoted as an "executive" or "closed" session) in which the following matters are to be discussed:

1. Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provision of subsection a. of this section.

2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendation, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

5. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law-

7. Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent

that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer -**POTENTIAL LITIGATION**

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

BE IT FURTHER RESOLVED, that notice is hereby given that the Township Council may find it necessary to take action at the conclusion of the executive/closed session; that such action if taken, will occur in open session; that you are invited to stay in the Municipal Building during the executive/closed session; that the doors to the Council chambers will be opened and an announcement will be made if the Township Council will be going into open session; and you may be present during such open session.

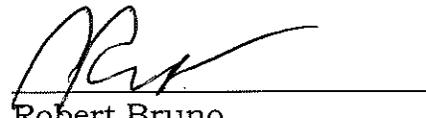
       The Township Council anticipates that an open session will be necessary.

  X   The Township Council anticipates that an open session will not be necessary.

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	X			
Calamari	X	Calamari		Calamari	X			
Cascio		Cascio		Cascio	X			
Sears		Sears	X	Sears	X			
Ullman		Ullman		Ullman	X			

Time Noted: 11:27 p.m.

  
 Susan Witkowski  
 Township Clerk

  
 Robert Bruno  
 Council President

Approved: October 30, 2017

