

February 27, 2018
Caucus/Public Meeting
7:00 PM
Agenda No. 1

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 5, 2018. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net). At this time please silence or turn off your cell phone.
3.
 - a. Roll Call.
 - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
 - c. Approve Reports of Municipal Officers.
 - d. Approve Minutes of January 30, 2018 Meeting.
 - e. Presentations:
 1. Chief Riccio – School Security.
 2. Students of the Month.
 3. CDBG Check Recipients.

Consent Agenda

“All matters listed under item “Consent Agenda” will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately.”

4. Resolutions:

- ___1. Authorize Emergency Temporary Appropriations.
- ___2. Authorize Receipt of Bids – Demolition & Secure Property at 589 Allen Road.
- ___3. Authorize Receipt of Bids – Bernie J. Cooke Park Reconstruction Improvements.
- ___4. Authorize Award of 2nd Year Contract – Public Safety Uniforms.
- ___5. Authorize Award of Bid – Purchase & Delivery of One Automated Refuse Collection Vehicle.
- ___6. Authorize Award of Bid – Purchase & Delivery of One Metal Refuse Truck.
- ___7. Authorize Award of Contract - Public Safety AEGIS Software Suite.
- ___8. Authorize Award of Contract through Stafford Township Cooperative – Grass Seed, etc.
- ___9. Authorize Amendment to the 2017 Affordable Housing Trust Fund Spending Plan.
- ___10. Authorize Amendment to the Housing Rehabilitation Program Manual.
- ___11. Authorize the Adoption of the Township of Brick Affirmative Marketing Plan.
- ___12. Authorize Execution of Shared Services with County of Ocean – Child Restraint Grant Program 2018.
- ___13. Authorize Appointment to the Housing Authority.
- ___14. Oppose Beekeeping Regulations.
- ___15. Authorize Special Events Permit – Engagement Party.
- ___16. Bond Releases/Reductions:
 - a. Performance Bond Release – Mark Fusari – 256 Mantoloking Rd.
- ___17. Tax Collector:
 - a. 100% DAV Refund & Cancel Taxes – Block 382.39 Lot 2.
 - b. Tax Overpayments – 2008.
 - c. Tax Overpayments – 2009.
 - d. Tax Overpayments – 2010.
 - e. Tax Overpayments – 2018.
 - f. Cancel Credit Balances 2005 – 2007.

*******End of Consent Agenda*******

- ___18. Bill Resolution – Computer 2018.
- ___19. Bill Resolution – Manual 2018.

5. Ordinance on First Reading:

- ___1. Amend Chapter 245 – Land Use – Temporary Sleeping Quarters.
- ___2. Amend Chapter 245 – Affordable Housing.

6. Ordinance on Second Reading

- ___1. Amend Chapter 2-118 Administrative Code – Police Staffing Limits.

7. Public Comments.

Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.

**February 27, 2018
Caucus/Public Meeting
7:00 PM
Agenda No. 1**

8. Council Comments.
9. Motion to Adjourn.

**And any other matters which may come before Council.
Formal Action may be taken at all meetings.**

***** Next scheduled Caucus/Public meeting of the Township Council will be on Tuesday, March 13, 2018 at 7:00 p.m.**

RESOLUTION

WHEREAS, New Jersey Statute 40:A4-20 provides that a resolution adopted by a 2/3 vote of the full membership, may make emergency temporary appropriations for any purposes for which appropriations may be lawfully made for the period between the beginning of the current fiscal year and the date of adoption of the budget for said year; and,

WHEREAS, a resolution adopting a temporary budget was passed on January 1, 2018 by the Township Council; and,

WHEREAS, it is the intention of the Township Council to increment the appropriations in the 2018 Temporary Budget and any prior temporary emergency appropriations, by the amounts set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED that the following emergency temporary appropriations be made to increment the amounts established in the Temporary Budget of 2018 and all subsequent amendments, including prior Temporary Emergencies, if any, and a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services and a copy be transmitted to the Purchasing Agent and Chief Financial Officer and his record:

OPERATIONS

GENERAL GOVERNMENT FUNCTIONS

General Administration:		
S&W	\$	65,000.00
OE	\$	-
Purchasing:		
S&W	\$	35,000.00
OE	\$	20,000.00
Human Resources:		
S&W	\$	30,000.00
OE	\$	-
Mayor:		
S&W	\$	20,000.00
OE	\$	-
Council:		
S&W	\$	5,000.00
OE	\$	-
Township Clerk:		
S&W	\$	90,000.00
OE	\$	-
Election:		
OE	\$	-
Financial Administration:		
S&W	\$	50,000.00
OE	\$	-
Audit Services:		
OE	\$	-
Data Processing:		
S&W	\$	60,000.00
OE	\$	-
Tax Collector:		
S&W	\$	75,000.00
OE	\$	10,000.00
Tax Assessor:		
S&W	\$	45,000.00
OE	\$	-
Legal Services:		
OE	\$	-
Historic Preservation		
S&W	\$	115.00
OE	\$	-
Engineering:		
S&W	\$	105,000.00

Agenda #	Date
4-1	2/27/18
Agenda #	Date

OE	\$	10,000.00	
Subtotal General Government Functions			\$ 2,348,000.00
LAND USE ADMINISTRATION			
Planning Board:			
S&W	\$	-	
OE	\$	-	
Land Use:			
S&W	\$	45,000.00	
OE	\$	-	
Shade Tree:			
S&W	\$	300.00	
OE	\$	-	
Board of Adjustment			
S&W	\$	-	
OE	\$	-	
Affordable Housing:			
S&W	\$	-	
OE	\$	-	
Subtotal Land Use Administration			\$ 248,125.00
CODE ENFORCEMENT & ADMINISTRATION			
Inspections:			
S&W	\$	15,000.00	
OE	\$	-	
Code Enforcement:			
S&W	\$	40,000.00	
OE	\$	-	
Subtotal Code Enforcement			\$ 675,600.00
INSURANCE			
Liability:			
OE	\$	423,500.00	
Worker's Compensation:			
OE	\$	575,000.00	
Employee Group:			
OE	\$	2,500,000.00	
Subtotal Insurance			\$ 8,498,500.00
PUBLIC SAFETY FUNCTIONS			
Police:			
S&W	\$	1,750,000.00	
OE	\$	30,000.00	
Special Police:			
S&W	\$	-	
OE	\$	-	
Crossing Guard:			
S&W	\$	25,000.00	
OE	\$	-	
Police Explorers:			
OE	\$	5,000.00	
Police Vehicles & Equipment:			
OE	\$	211,500.00	
Police Dispatch/911:			
S&W	\$	130,000.00	
OE	\$	-	
Emergency Management:			

S&W	\$	5,000.00	
OE	\$	-	
Municipal Prosecutor:			
OE	\$	10,000.00	
Subtotal Public Safety Functions			\$ 7,656,735.00

PUBLIC WORKS FUNCTIONS

Roads:			
OE	\$	200,000.00	
Bus Transportation:			
OE	\$	-	
Solid Waste Collection:			
S&W	\$	750,000.00	
OE	\$	8,000.00	
Building and Grounds:			
S&W	\$	60,000.00	
OE	\$	75,000.00	
Vehicle Maintenance:			
S&W	\$	180,000.00	
OE	\$	200,000.00	
Subtotal Public Works Functions			\$ 3,704,125.00

HEALTH & HUMAN SERVICES FUNCTIONS

Community Services Act:			
OE	\$	-	
Senior Citizens:			
S&W	\$	-	
OE	\$	6,000.00	
Environmental Health Services:			
S&W	\$	200.00	
OE	\$	-	
Animal Control:			
OE	\$	5,000.00	
Subtotal Health & Human Services			\$ 110,925.00

PARKS & RECREATION FUNCTIONS

Recreation:			
S&W	\$	65,000.00	
OE	\$	5,000.00	
Maintenance of Parks:			
S&W	\$	100,000.00	
OE	\$	25,000.00	
Beach:			
S&W	\$	-	
OE	\$	5,000.00	
Subtotal Park & Recreation Functions			\$ 755,000.00

UTILITY EXPENSES

Electricity:			
OE	\$	38,000.00	
Street Lights:			
OE	\$	60,000.00	
Telephone:			
OE	\$	23,000.00	
Water:			
OE	\$	-	

Gas (Natural):			
OE	\$	30,000.00	
Telecommunications:			
OE	\$	2,500.00	
Gasoline:			
OE	\$	100,000.00	
Subtotal Utility Expenses			\$ 978,500.00

LANDFILL EXPENSES

Solid Waste Disposal	\$	500,000.00	
Subtotal Landfill Expenses			\$ 1,235,000.00

STATUTORY EXPENDITURES

PERS:			
OE	\$	2,311,100.00	
DCRP:			
OE	\$	5,000.00	
Short Term Disability:			
OE	\$	20,000.00	
SOCIAL SECURITY			
OE	\$	250,000.00	
PFRS:			
OE	\$	4,044,500.00	
Subtotal Statutory Expenses			\$ 7,443,475.00

MUNICIPAL COURT

Court:			
S&W	\$	70,000.00	
OE	\$	-	
Public Defender:			
OE	\$	20,000.00	
Subtotal Municipal Court			\$ 331,125.00

EMT SERVICES

EMT Services:			
S&W	\$	300,000.00	
OE	\$	50,000.00	
Subtotal EMT Services			\$ 847,000.00

FEDERAL & STATE GRANTS

ROID Grant			
OE	\$	12,800.00	
Subtotal Grants			\$ 147,900.00

GRAND TOTAL OPERATING EXPENDITURES **\$ 34,980,010.00**

WHEREAS, 26.25% (twenty six and one quarter percent) of the total appropriations of the 2017 budget, exclusive of any appropriations made for the Debt Service, Capital Improvement Fund and Public Assistance is in the sum of **\$19,708,877.53**.

The dedicated revenue anticipated during the year 2018 from State and Federal aid for maintenance of libraries, dog licenses, bequest, escheat, federal grant, donations, deposits for main extensions and service connections, Recycling Program, Housing and Community Development, Planning and Zoning Boards of Adjustment, Disposal of Forfeited Property, Construction Code Fees, DARE Program, MACADA Program, Special Tax Liquidations Proceeds Account, Developer's Fees, Festival of All Seasons Donations, Affinity Credit Card Program, Drivers Education Donations, Police Dept. Donations, Municipal Public Defender, PBA Road Job Account, Open Space, Recreation, Farmland, and Historic Preservation Trust, Human Services Account, Brick Unreimbursed Medical and Child Care Account (Cafeteria Plans), Parks and Playgrounds Recreation Rider, Snow Removal Trust, and POAA Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, it has been brought to the attention of the governing body of the Township of Brick, that the Property Maintenance Board is desirous of receiving bids for the following item:

DEMOLISH THE STRUCTURES AND SECURE THE PROPERTY LOCATED at 589 ALLEN ROAD, BRICK, N.J. 08723, BLOCK 194.03, LOT 5 and PLACE A LIEN ON THE PROPERTY TO COVER THE COSTS FOR SAME INCLUDING ALL REASONABLE ATTORNEYS' FEES INCURRED IN THIS MATTER PURSUANT TO N.J.S.A. 40:48-2.5 et seq.,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY as follows:

1. The Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
2. The Division of Purchasing and Contracting is hereby authorized to prepare the bid specifications for the above mentioned project.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of February 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
42	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, it has been brought to the attention of the governing body of the Township of Brick the Division of Purchasing and Contracting is desirous of receiving bids for the following project:

BERNIE J. COOKE PARK RECONSTRUCTION IMPROVEMENTS

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY, as follows:

1. That the Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
2. That the Consulting Engineer for the project, CME Associates, is hereby authorized to prepare formal bid specifications for the above mentioned project.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-3	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, on March 7, 2017 the Township Council awarded contracts to Samzie's Uniforms and Gall's LLC (formerly Red the Uniform Tailor) for Public Safety Uniforms; and

WHEREAS, the contract award was for two (2) one (1) year contracts with a second year contract award pending the successful completion of previous year; and

WHEREAS, the Police Chief concurs that Year One contract has been successfully completed and recommends award Year Two of the contract to Samzie's Uniforms and Galls LLC.

NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. That the Township hereby awards Year Two for the Public Safety Uniforms to:
 - Samzie's Uniforms, 28 Scotch Road, Ewing, NJ 08628
 - Galls, LLC, 1340 Russell Cave Road, Lexington, KY 40505
2. That Year Two contract shall commence on March 8, 2018 and end on March 7, 2019.
3. That all terms and conditions of the original contract shall remain the same.
4. That a copy of this resolution shall be forwarded to Samzie's Uniforms, Galls LLC, Business Administrator, Police Chief, Chief Financial Officer and the Purchasing Agent.
5. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of March, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of March, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-4	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Division of Purchasing and Contracting received bids for the Purchase and Delivery of One (1) 33 C.Y. Automated Refuse Collection Vehicle on Friday, February 16, 2018; and

WHEREAS, the bids have been reviewed by the Acting Director of Public Works; and

WHEREAS, the Acting Director of Public Works has recommended award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specifications; and

WHEREAS, the Acting Director of Public Works has recommended award to Hunter Jersey Peterbilt, 524 Monmouth Road, P.O. Box 729, Clarksburg, NJ 08510.

NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the bid for the Purchase and Delivery of one (1) 2019 Peterbilt 520 is hereby awarded to Hunter Jersey Peterbilt, 524 Monmouth Road, P.O. Box 729, Clarksburg, NJ 08510 in the amount of \$269,983.00.
2. That delivery shall be FOB Township of Brick Public Works within 120 days after receipt of order.
3. That the Chief Financial Officer has submitted a Certificate of Available Funds in the total amount of \$269,983.00 and is attached hereto.
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That a copy of this resolution shall be forwarded to Hunter Jersey Peterbilt, Business Administrator, Chief Financial Officer, Acting Director of Public Works and the Purchasing Agent.

CERTIFICATION

I, Lynette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-5	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Division of Purchasing and Contracting received bids for the Purchase and Delivery of One (1) Metal Refuse Truck on Friday, February 16, 2018; and

WHEREAS, the bids have been reviewed by the Acting Director of Public Works; and

WHEREAS, the bid submitted by Winner Ford of Cherry Hill, 250 Berlin Road, Cherry Hill, NJ 08034 is hereby rejected in its entirety as non-responsive for failure to submit a bid price; and

WHEREAS, the Acting Director of Public Works has recommended award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specifications; and

WHEREAS, the Acting Director of Public Works has recommended award to Route 23 Automall, LLC, 1301 Route 23, Butler, NJ 07405.

NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the bid submitted by Winner Ford of Cherry Hill, 250 Berlin Road, Cherry Hill, NJ 08034 is hereby rejected in its entirety as non-responsive for failure to submit a bid price.
2. That the bid for the Purchase and Delivery of one (1) 2018 Ford F750 is hereby awarded to Route 23 Automall, LLC, 1301 Route 23, Butler, NJ 07405 in the amount of \$121,837.10 (\$117,627.10 for vehicle and \$4,210.00 for extended warranty).
3. That delivery shall be FOB Township of Brick Public Works within 180 working days after receipt of order.
4. That the Chief Financial Officer has submitted a Certificate of Available Funds in the total amount of \$121,837.10 and is attached hereto.
5. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
6. That a copy of this resolution shall be forwarded to Route 23 Automall, LLC, Winner Ford of Cherry Hill, Business Administrator, Chief Financial Officer, Acting Director of Public Works and the Purchasing Agent.

CERTIFICATION

I, Lynette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

Agenda #	Date
4-6	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION AUTHORIZING THE AWARD OF AN ALTERNATIVE PROCESS CONTRACT

WHEREAS, the Township of Brick has a need to acquire services as an alternative process contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Purchasing Agent of the Township of Brick has determined and certified in writing that the value of the service will exceed \$17,500; and

WHEREAS, the business entity has submitted a proposal indicating they will provide maintenance and support services for the Aegis Public Safety Software Suite utilized by the Brick Police Department; and

WHEREAS, the business entity has completed and submitted a Business Entity Disclosure Certification which certifies that the entity has not made any reportable contributions to a political or candidate committee in the Township of Brick in the previous one year, and that the contract will prohibit the entity from making any reportable contributions through the term of the contract; and

WHEREAS, pursuant to C.271, the business entity has completed and submitted a Political Contribution Disclosure Form.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the Township Council of the Township of Brick does hereby award a contract to **Tyler Technologies, Inc., 840 W. Long Lake Road, Troy, Michigan 49098** to provide maintenance and support of the Aegis Public Safety Software Suite in accordance with the provisions of N.J.S.A. 40A:11.5 (dd).
2. That the contract shall be in accordance with the proposal on file in the Office of the Township Clerk in the amount of \$149,967.00.
3. That this contract is awarded as an Alternative Process Contract in compliance with N.J.S.A. 19:44 A-20.4 et seq.
4. That the Business Disclosure Entity Certification, Political Contribution Disclosure Form, Stockholder Disclosure Form and the Determination of Value be placed on file with this Resolution.
5. That the term of this contract is for a period of one (1) year commencing on March 1, 2018.
6. That a Certificate of Availability of Funds has been provided by the Chief Financial Officer and is attached hereto.
7. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the Office of the Township Clerk during normal business hours.
8. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

Agenda #	Date
4-7	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Township of Brick is a participating agency under the Stafford Township Co-Operative Pricing System known as ID# 33-OCCP; and

WHEREAS, Stafford Township as the Lead Agency has bid for the Purchase and Supply of Grass Seed, Fertilizer, Lime Stone and Field Supplies under the contract #33-OCCP 2018-001; and

WHEREAS, said bid meets the requirements of the Township of Brick; and

WHEREAS, a contract has been awarded by said Lead Agency to Reed & Perrine Sales, Inc., The Sherwin-Williams Company and SiteOne Landscape Supply (formerly John Deere Landscapes, Inc.); and

WHEREAS, the Township of Brick desires to join the above said contracts; and

WHEREAS, the Business Administrator recommends award by this Council.

NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That a subsidiary contract for the Purchase and Supply of Grass Seed, Fertilizer, Lime Stone and Field Supplies is hereby awarded to the following vendors in accordance with the attached Schedule of Pricing:
 - Reed & Perrine Sales, Inc., P.O. Box 100, 396 Main Street, Tennent, NJ 07763 – Schedule A
 - The Sherwin-Williams Company, 1101 Prospect Avenue, Cleveland, OH 44115 – Schedule B
 - SiteOne Landscape Supply, LLC, 1385 E. 36th Street, Cleveland, OH 44114 – Schedule C
2. That this shall be a two (2) year contract beginning March 7, 2018 to March 6, 2020 as awarded by the lead agency.
3. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
4. That a copy of this resolution shall be forwarded to Reed & Perrine Sales, The Sherwin-Williams Company, SiteOne Landscape Supply, Stafford Township (Coop Lead Agency), Business Administrator, Acting Director of Public Works, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	2/Date
4-8	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

**Resolution of Approval of the Amendment to the
2017 Affordable Housing Trust Fund Spending Plan of the Township Brick**

WHEREAS, the Planning Board of the Township of Brick, Ocean County, State of New Jersey, adopted the Fair Share and Housing Plan Element on March 22, 2017, pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, the court granted the Township of Brick a Declaratory Judgement of Compliance and Repose on December 13, 2017 requiring the Township to make certain changes and amendments to revise the Spending Plan to include allocation of resources for a Rental Rehabilitation program; and

WHEREAS, the Township received initial approval of its Development Fee ordinance from COAH on April 13, 1993; and

WHEREAS, the approved Development Fee ordinance establishes an Affordable Housing Trust Fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

Agenda #	Date
49	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township has complied with every requirement needed for approval of its Spending Plan as originally proposed and as amended through the previous 2012 Amended Spending Plan.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of February, 2018, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, that:

1. The Township Council hereby approves the revision to the 2017 Affordable Housing Spending Plan of the March 22, 2017 Adopted Fair Share and Housing Plan Element to include a provision to spend funds for the rehabilitation of rental units.
2. The Township Council submits this 2017 Affordable Housing Spending Plan to the Court Master for review and approval.
3. The Township Council hereby requests that the Court Master review and approve the 2017 Affordable Housing Spending Plan revision for the Township of Brick.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING A REHABILITATION MANUAL FOR THE TOWNSHIP OF BRICK AND REQUESTING JUDICIAL REVIEW AND APPROVAL OF SAME

WHEREAS, on December 13, 2017, Honorable Marlene Lynch Ford, J.S.C. entered a Judgment of Compliance in favor of the Township of Brick; and

WHEREAS, as part of the December 13, 2017 order, it became required of the Township to adopt an amended Rehabilitation Manual to properly implement the Township's Rehabilitation Program; and

WHEREAS, in accordance with the regulations of N.J.A.C. 5:93-1, et seq., N.J.A.C. 5:97-1, et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26., et seq., and the terms of a settlement agreement between the Township and the Fair Share Housing Center in the Matter of the Township of Brick, County of Ocean, Docket No. OCN-L-001867-15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Township of Brick is required to adopt by resolution a Rehabilitation Manual to ensure that the funds set aside in the Township's Spending Plan for its Rehabilitation Program will be properly administered, effectively marketed to low and moderate income households, and comply with UHAC and COAH regulations.

WHEREAS, the Township of Brick has prepared an amended Rehabilitation Manual consistent with applicable regulations and the Township's settlement agreement; and

WHEREAS, the Township of Brick seeks review and approval of its Rehabilitation Manual as part of its obligations under the Settlement Agreement between the Township of Brick and Fair Share housing Center.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Brick, County of Ocean, State of New Jersey, do hereby adopt the amendment and revisions to the Rehabilitation Manual on file in the Township Clerk's Office; and

BE IT FURTHER RESOLVED THAT the Township of Brick hereby requests that the Special master and/or Court review and approve its amended, adopted Rehabilitation Plan.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

Agenda #	Date
4-10	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

**RESOLUTION OF THE TOWNSHIP OF BRICK
ADOPTING AN 'AFFIRMATIVE MARKETING PLAN'
AS REQUIRED UNDER THE
FAIR HOUSING ACT
AND
NEW JERSEY UNIFORM HOUSING AFFORDABILITY CONTROLS**

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, *et seq.*), the TOWNSHIP OF BRICK is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the TOWNSHIP OF BRICK are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within the applicable Housing Region 4, the Housing Region encompassing the TOWNSHIP OF BRICK.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the TOWNSHIP OF BRICK, County of Ocean, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing
Plan**

- A. All affordable housing units in the Township of Brick shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey.
- B. The Township of Brick has a Prior Round obligation that it has fulfilled, with surplus credits to be applied to the Third Round, a RDP obligation and an Unmet Need that was established in accordance with a Declaratory Judgement of Compliance and Repose on December 13, 2017. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Township's prior round Fair share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the TOWNSHIP OF BRICK. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the TOWNSHIP OF BRICK, shall undertake all of the following strategies:
 - 1. Publication of one advertisement in a newspaper of general circulation within the housing region
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 - 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target

Revised

Agenda #	2/	Date
4-11		2/27/18
Agenda #		Date
Agenda #		Date
Agenda #		Date

those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Brick is located in Housing Region 4, consisting of Ocean, Mercer and Monmouth Counties.

F. Policy on Nondiscrimination and Accessibility

With respect to the treatment of applicants, the Affordable Housing Administrator will not discriminate against any individual or family because of race, color, national origin, religion, gender, disability, familial status or presence of children in a household. Reasonable accommodations will be offered to all disabled persons who request accommodations due to disability at any time during the application, resident selection and rent up process.

G. Training

- a. The Affordable Housing Administrator shall provide property management staff with all relevant regulations and Fair Housing provisions. All property management staff shall be required to follow the procedures and policies adopted by the Owner and Managing Agent.
- b. On-site training programs shall include marketing, outreach, data collection, reporting, and record keeping. Property management staff shall annually receive instruction regarding fair housing laws and the Affirmative Marketing Plan.

H. Marketing and Outreach

- a. All advertising shall display the Equal Housing Opportunity logo or the phrase "Equal Housing Opportunity."
- b. Consistent with the resident population each Development was designed to serve, the marketing of each unit will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements for applicants nor will preference be given to local residents for any Development.

Special marketing outreach consideration will be given to the following populations:

- a. Handicapped and Disabled Persons

I. Compliance Assessment

- a. The Affordable Housing Administrator will review the Affirmative Marketing Plan every five years and update as needed to ensure compliance. The advertising sources will be included in the review to determine if past sources should be changed or expanded.
- b. The Affordable Housing Administrator will annually assess the success of affirmative marketing actions for the Township. If the demographic data of the applicants and residents vary from the jurisdiction's population data, advertising efforts and outreach will be targeted to underrepresented groups in an attempt to balance the applicants and residents with the demographics of the jurisdiction.

J. Record Keeping

- a. The Affordable Housing Administrator shall establish and maintain an Affirmative Marketing file to hold advertisements, flyers, and other public

information documents to demonstrate that the appropriate logo and language have been used. Additionally, the Affordable Housing Administrator shall keep records of its activities in implementing the affirmative marketing plan, including other community outreach efforts and its annual analysis.

- b. The Affordable Housing Administrator shall keep up-to-date records based on census data, applications, and surveys about community residents, applicants, residents of the project, and records about tenant selection or rejection.
 - c. The Affordable Housing Administrator shall provide staff access to any pertinent books, documents, papers or other records of their assisted properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.
- K. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restriction and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in the *Ocean Star*, *Asbury Park Press* and *Trenton Times*.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application;
 - h. Application fees.
 4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Ocean County and the other two of which shall be circulated primarily outside of Ocean County but within the housing region.

5. The following regional radio station shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

a. WOBM 92.7

L. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Brick Township Municipal Building
2. Brick Township Web Site
3. Developer's Sales/Rental Offices
4. Ocean County Administration Building
5. Monmouth County Administration Building
6. Mercer County Administration Building
7. Ocean County -Brick Township Branch Library
8. Monmouth County Library Headquarters
9. Mercer County Library Headquarters

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

M. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Monmouth, Mercer and Ocean Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Ocean County Board of Realtors
Monmouth County Board of Realtors
Mercer County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Mercer, Monmouth and Ocean

Welfare or Social Service Board (via the Director)
Rental Assistance Office (local office of DCA)
Office on Aging
Housing Authority (municipal or county)
Community Action Agencies
Community Development Departments

N. The following is a listing of community contact person(s) and/or organizations in Ocean, Mercer and Monmouth Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of low and moderate income units:

This list shall be maintained and updated and shall as part of its regional affirmative marketing strategies during the period of its judgment of repose provide notice to those organizations of all available affordable housing units.

Agency Name	Address	Contact
Ocean County Board of Social Services	1027 Hooper Avenue, Toms River, NJ 08574	732-349-1500 or http://www.co.ocean.nj.us/SocialServices/
Ocean, Inc.	S&F Plaza, 2008 Rt. 37 East – Suite 12, Toms River, NJ 08753	732-288-2619 or www.oceaninc.org
New Jersey Housing Mortgage Finance Agency	637 South Clinton Ave, Trenton, NJ 08744	www.njhousing.gov or call 211
Homes for All	309 Hooper Ave, Toms River, NJ 08753	732-286-7929 or www.homesforallnj.org
New Jersey Housing Resource Center	637 South Clinton Avenue, P.O. Box 18550, Trenton, NJ 08650	1-877-428-8844 or http://www.nj.gov/njhrc/find/
ARC of Ocean County	815 Cedar Bridge Ave, Lakewood, NJ 08701	732-363-3335 or http://www.arcocean.org/
Fair Share Housing Center	510 Park Blvd., Cherry Hill, NJ 08002	856-665-5444 or http://fairsharehousing.org/
New Jersey State Conference of the NAACP	4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203	601-310-0211 or http://www.njscaacp.org/
Latino Action Network	PO Box 943, Freehold, NJ 07728	973-418-7012 or http://latinoaction.blogspot.com/
NAACP Toms River Branch	PO Box 5144, Toms River 08754	732-363-0025 or http://www.naacp.org/
NAACP Ocean County/Lakewood Branch	PO Box 836, 14 Clifton Ave S, Lakewood, NJ 08701	732-363-0025 or http://www.njscaacp.org/
Supportive Housing Association	15 Alden St # 14, Cranford, NJ 07016	908-931-1131 or http://shanj.org/

- O. Other neighborhood-based, nonprofit housing agencies that maintain waiting lists or make referrals for below market rate housing will also be contacted
- P. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4 comprised of Ocean, Mercer and Monmouth Counties.
- Q. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low- and moderate-income households; to place income eligible households in low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of low- and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- R. The Administrative Agent shall provide or direct qualified low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- S. The Affordable Housing Administrator will contact local civic and community organizations representative of the ethnic and cultural diversity of the area in order to disseminate information about the Development. Groups representing the handicapped and the elderly will also be contacted. Where necessary and in consultation with the Owner, the Affordable Housing Administrator will publish its marketing materials in multiple languages in order to better reach potential applicants in the area with language limitations.

- T.. All developers/owners of low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- U. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or reoccupancy of units continues to be necessary.
- V. The Administrative Agent shall provide the Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

RESOLUTION

WHEREAS, the FY18 Child Restraint Program Grant (herein referred to as "CRG") is a program run by the Ocean County Sheriff's Office (hereinafter referred to as "Sheriff's Office") for the purpose of inspecting and installing child restraints in vehicles; and

WHEREAS, the CRG receives funding from the State of New Jersey and the County of Ocean; and

WHEREAS, the Sheriff's Office and the Municipality have determined it to be in their mutual interest for the Municipality to designate Nationally Certified Child Passenger Safety Technicians (hereinafter referred as CPS Technicians) to be assigned to CRG; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in the Act to enter joint agreements for the provision of governmental services; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such an agreement be authorized by resolution; and

WHEREAS, the Municipality wishes to enter into an Agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of CPS Technicians employed by the Municipality to the Child Restraint Group.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean, State of New Jersey as follows:

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to Shared Services Agreement between the Township of Brick and the County of Ocean for the FY18 Child Restraint Program Grant (CRG) retroactive from October 1, 2017 and shall continue in full force and effect until September 30, 2018.
2. A Copy of the Agreement will be on file for public inspection in the Office of the Township Clerk.
3. A certified copy of this Resolution shall be provided by the Office of the Township Clerk to the Township Attorney, Chief of Police, Purchasing Agent, Business Administrator, Ocean County Sheriff's Office and the Ocean County Board of Chosen Freeholders.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	2/Date
4-12	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Township Council of the Township of Brick has been advised that there is a vacancy on the Brick Township Housing Authority due to Kim Terebush's term expiring March 14, 2018; and

WHEREAS, the Township Council is desirous of filling such vacancy; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. That Samantha Anokye, 57 Baywood Boulevard, Brick, NJ 08723 be and hereby is appointed by the Township Council as a member of the Brick Township Housing Authority for a five year term effective March 15, 2018 and expiring on March 14, 2023.
2. That a certified copy of this resolution be forwarded to:
 - a. The Secretary of the Brick Township Housing Authority.
 - b. Samantha Anokye

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-13	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, New Jersey's state insect is the honey bee; and

WHEREAS honey bees are of benefit to mankind, and to New Jersey in particular, by providing plant pollination, honey, wax, other beneficial hive products and recreation for the beekeeper; and

WHEREAS, New Jersey is among the leading states in agricultural products dependent on beekeeping throughout the United States, i.e., second in blueberry production and third in cranberry production; and imports over 15,000 honeybee colonies annually for crop pollination; and

WHEREAS, New Jersey is also the home of many gardeners who, just like commercial farmers, depend upon insect pollination for home gardens; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without creating a detriment to public health and safety if the bees are properly located, managed and maintained; and

WHEREAS, the New Jersey Department of Agriculture has published new beekeeping regulations in the New Jersey Register that would severely restrict beekeeping in the state, while also putting the burden of managing and enforcing these regulations on the municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. We join Mayor John G. Ducey in opposing the counterintuitive and onerous proposed regulations.
2. We support concurrent resolutions sponsored by Assemblyman Ronald S. Dancer (LD12) and Senator Jeff Van Drew (LD1) which oppose the proposed beekeeping resolutions as "inconsistent with the intent of the Legislature" stating that unless the rules are amended or withdrawn within 30 days, they will seek to invalidate the rules.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	2/Date
4-14	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Socialife Event Planning, 740 River Road #211, Fair Haven, NJ 07704 has applied for a special event permit to conduct an Engagement Party at Brennan Boat Co., Inc., 831 Route 70, Brick on March 24, 2018 in accordance with Chapter 393 of the Code of the Township of Brick; and

WHEREAS, the Municipal Clerk has requested, and received, a report from the various departments on the effect of the special event and the recommendations are incorporated herein; and

WHEREAS, the Mayor and Council desire to approve Socialife Event Planning's request for special event application to conduct an Engagement Party at the Brennan Boat Co. Inc., 831 Route 70, Brick on March 24, 2018 with the conditions and restrictions detailed below.

BE IT RESOLVED, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Socialife Event Planning's request for special event application to conduct an Engagement Party at Brennan Boat Co. Inc., 831 Route 70, Brick on Saturday March 24, 2018 between the hours of 7:00 pm and 11:00 pm, with the conditions and restrictions as follows:

- 1) All fire lanes, emergency access and fire zones must remain open and accessible at all times and all occupancy loads for the tenant space, if utilized, be maintained. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 2) A tent permit must be obtained from the Bureau of Fire Safety at least 4 days prior to the event.
- 3) Vehicular traffic is not permitted in the area of the tent or in the fire lanes.
- 4) Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
- 5) Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police and Socialife Event Planning.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
415	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Mark Fusari, 11 Hearthstone Terrace, PO Box 1902, Livingston, NJ 07039 had posted Bond Safeguard Insurance Company Bond No. 5042267 in the amount of \$276,000.00 and a cash performance bond in the amount of \$30,666.00 to guarantee certain site improvements to Block 86.04 Lot 23.01 (256 Mantoloking Road, BA-2789) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated February 15, 2018 has advised that portions of the required improvements have been completed and are acceptable; and

WHEREAS, the Township Engineer recommends that Bond Safeguard Insurance Company Bond No. 5042267 in the amount of \$276,000.00 can be reduced to \$90,578.47 returning \$185,421.53 and the cash performance bond in the amount of \$30,666.00 be reduced to \$10,064.27 returning \$20,601.73 until project completion; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, as follows:

1. That Bond Safeguard Insurance Company Bond No. 5042267 in the amount of \$276,000.00 can be reduced to \$90,578.47 returning \$185,421.53 and the cash performance bond in the amount of \$30,666.00 be reduced to \$10,064.27 returning \$20,601.73 until project completion; and
2. That the Township Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-16a	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV has been granted on Block 382.39, Lot 2, Account # 308768 as of 1-1-2017.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
382.39/2/308768 25 Toronto Dr.	Heroter, Charles	\$2,568.78

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on February 27, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-17a	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2008.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1210.03/212/625219 87 Mansfield Dr.	Casapullo & Dominic & Joy	\$1,155.68
378.22/26/207756 10 Homewood Dr.	Ryan, James & Mary & Duffy C.	6.87
1210.03/100/622389 128 Everst Dr.	Rosa, Bonnie	5.19
382.36/11/308681 22 Bow Dr.	Glazewski, Joseph & Jane	652.97
211.04/12.01/103943 25 Toronto Dr.	Winter, Michael	1,855.08
1033.05/31/521188 9 Aldgate Dr.	Rosso, John & Diana	7.31
869.15/9/415585 147 Besante Blvd.	Grano, Carl & Dianna	5.06
139/3.01/102430 498 Riverside Dr. So.	DiMinno, Frank Jr. & Margaret	40.00
1192.12/22/624856 99 Blake Circle	Beeden, Arletta	24.42
1380/22/624856 155 Beverly Blvd.	Pica, Peter & Patricia	5.07

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-176	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2009.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
625/1/312051 129 Breton Rd.	Mindo, Michael & Patricia	\$230.09
926/33/517362 596 Princeton Ave.	Carmella, Trocano	19.90
1385.04/3/725267 508 Albermarle Rd.	Guarino, Lynda & Ferchak, Michael	350.06
548.06/5/311288 136 Drum Point Rd.	Hamilton, Neil	25.52

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-17c	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2010.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
380.05/11/208776 62 Yorkwood Dr.	Walters, Robert & Sheila	\$48.86
830/21.01/414809 1659 Route 88	Syndale Corp.	20.49
380.04/9/208652 93 Meadowbrook Rd.	Carpenter, Jill	177.82

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-17d	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2018.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
870.09/26/417394 15 Sleepy Hollow Dr.	Gayley, Harry & Claire	\$1,221.85
171/3/102720 414 Raleigh	Group 21 Title Agency	50.00

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-17e	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are a number of unclaimed credits existing on record from 2005-2007. Credit balances have been reviewed by Auditor.

WHEREAS, The Tax Collector has repeatedly, unsuccessfully attempted to locate the proper party, is requesting authorization to cancel said credits from the tax ledger. Should at any time in the future a taxpayer come forward, the Township will refund any and all monies due the individual property owner or bank who was responsible for the overpayment. A detailed credit list is on file in the tax office.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector is authorized to cancel credit balances as stated, totaled below.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on this 27 day of February, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this Township this 27th day of February, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

2005 \$1,598.29
2006 \$3,257.27
2007 \$7,274.49

Agenda #	Date
4-17f	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING SECTION 245-296M.(1)(d) OF THE CODE OF THE TOWNSHIP OF BRICK

WHEREAS, by Ordinance Number 36-14, the Township Council of the Township of Brick amended Chapter 245 of the Codified Ordinance of the Township of Brick to permit a temporary encampment as an accessory use to a place of assembly until December 31, 2015; and

WHEREAS, Ordinance Number 36-14 is Codified in Chapter 245-296 of the Township Code; and

WHEREAS, The Township Council wishes to extend the duration of Chapter 245-296M.(1)(d) to permit a temporary encampment as an accessory use to a place of assembly until December 31, 2018.

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

Section 245-296M.(1)(d) of the Code of the Township of Brick is hereby amended to read as follows:

M.(1)(d). Termination date. The validity of a temporary encampment accessory use to a place of assembly shall expire on December 31, 2018.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 27th day of February, 2018, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of March, 2018 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

Agenda #	2/Date
5-1	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

**TOWNSHIP OF BRICK
COUNTY OF OCEAN**

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF
OCEAN AND STATE OF NEW JERSEY REPEALING AND
REPLACING, CHAPTER 245, PART 2, ARTICLE V "AFFORDABLE
HOUSING" TO THE CODE OF THE TOWNSHIP OF BRICK TO
ADDRESS THE REQUIREMENTS OF THE NJ SUPERIOR COURT**

BE IT ORDAINED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the "Code of the Township of Brick " ("Code") is hereby amended as follows:

**Chapter 245
AFFORDABLE HOUSING**

**ARTICLE V
General Program Purposes, Procedures**

§ 40-1. Affordable Housing Obligation.

A. This section of the Township Code sets forth regulations regarding the low and moderate income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing", *N.J.A.C. 5:93 et seq.*, the Uniform Housing Affordability Controls ("UHAC"), *N.J.A.C. 5:80-26.1 et seq.* except where modified by the terms of a Settlement Agreement between the Township and Fair Share Housing Center ("FSHC") such that the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 1, 2008, to be affordable to households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Township's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill", codified at *N.J.S.A. 52:40D-329.1*).

B. This Ordinance is intended to assure that very-low, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very-low, low- and moderate-income households shall occupy these units. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded

Agenda #	Date
5-2	2/27/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

with low-income housing tax credit financing)_except where inconsistent with applicable law.

- C. The Brick Township Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at *N.J.S.A.* 40:55D-1, et seq. The Plan has also been endorsed by the Township Council of the Township of Brick. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of *N.J.A.C.* 5:93, as may be amended and supplemented.
- E. The Township shall file monitoring and status reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring evaluation report prepared by the Special Master in accordance with *N.J.A.C.* 5:91 shall be available to the public at the Brick Township Municipal Building, 401 Chambers Bridge Road, Brick, NJ 08723.
- F. On or about September 40 of each year through the end of the period of Third Round Judgment of Repose, the Township will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to all parties to the Township's Court-approved Settlement Agreements, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and Fair Share Housing Center ("FSHC").
- G. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in the Township's agreement with FSHC. The Township agrees to comply with those provisions as follows:
 - 1. By July 1, 2020, the Township must prepare a midpoint realistic opportunity review, as required pursuant to *N.J.S.A.* 52:40D-313, which the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or

supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.

2. Within 30 days of September 4, 2020 and September 4, 2023 the Township shall prepare a review of compliance with the very low income housing requirements required by N.J.S.A. 52:40D-329.1 and its Settlement Agreement with Fair Share Housing Center. The Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein and in the Township's Settlement Agreement with FSHC. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation.

§ 40-2. Definitions. As used herein the following terms shall have the following meanings:

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (*N.J.S.A.* 52:40D-301 et seq.).

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

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, *N.J.A.C.* 5:91, *N.J.A.C.* 5:93 and *N.J.A.C.* 5:80-26.1 et seq.

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

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in *N.J.A.C. 5:93-7.4*; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented.

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

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

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

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to *N.J.A.C. 5:93*, and/or funded through an affordable housing trust fund.

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

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and

congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

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

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (*N.J.S.A. 52:40D-301 et seq.*).

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

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

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

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

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of *N.J.A.C. 5:93-5*.

"Housing Element" means the portion of the Township's Master Plan, required by the Municipal Land Use Law ("MLUL"), *N.J.S.A. 40:55D-28b(3)* and the Act, that includes the information required by *N.J.A.C. 5:93-5.1* and establishes the Township's fair share obligation.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to:

new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

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

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

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

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

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH or approved by the NJ Superior Court.

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

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

“Multifamily Residential Development” means residential development comprising 10 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 nonresidential 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% of the regional median as defined by adopted/approved Regional Income Limits.

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

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

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

“Special master” means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

“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% or less of the median household income.

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

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

§42.1 . Affordable housing set-aside.

[Added 5-9-2017 by Ord. No. 7-17]

A. Requirements for affordable housing in multifamily residential developments.
All development approvals for new multifamily residential development in the Township shall include a set-aside for affordable housing as described herein.

1. Purpose. The purpose of these provisions is to supplement § 245-42 to provide for affordable housing in new multifamily developments in

accordance with a conditional order of compliance entered on January 27, 2017, and the Brick Township Housing Plan Element and Fair Share Plan, as adopted by the Brick Township Planning Board on March 22, 2017, and endorsed by the Brick Township Council on April 25, 2017 and the Declaratory Judgement of Compliance and Repose approved by the Court on December 13, 2017.

2. Applicability. The requirement for the new mandatory provision of affordable housing as set forth in this section shall apply to all new applications for land use approvals, made after the effective date of this section, for multifamily residential developments of 10 or more units, including applications for use or density variances, site plans, or subdivisions, and applications for land use approvals made pursuant to a new or amended redevelopment plan adopted after the effective date of this section pursuant to a finding of an area in need of redevelopment rehabilitation. These provisions shall likewise govern substantial revisions to previously approved developments. A substantial revision to a development approval shall, for the purpose of these affordable housing regulations, be any revision that increases the number of multifamily residential units by 10 or more units.
3. Set-aside requirements for multifamily development. All development approvals for multifamily residential development shall provide an affordable housing set-aside of 15% of the residential units in a rental development and 20% of the residential units in a for-sale development. At least 50% of the affordable units in each development shall be affordable to low-income households including 13% in rental developments affordable to very-low-income households.
 - a. When required set-aside results in a number that is not a whole number, the set-aside requirements shall be rounded to the closest whole number.
 - b. At the developer's option, or per the terms of a developer or redeveloper agreement with the Township, the developer may provide a greater affordable housing set-aside than required by this section.
 - c. A developer of a multifamily residential development may not intentionally avoid the requirements of this section by, for example, subdividing a project into two lots and then make each of them a number of units just below the threshold.
 - d. A developer of a multifamily residential development may provide a payment in lieu of construction to fund the construction of affordable housing required by this section on another site within the Township. The amount of the contribution shall be calculated in accordance with N.J.A.C. 5:97-6.4 (c) 3. The Township should use a current table and not the one

contained in this section when calculating payments in lieu.

- e. The set-aside requirement of this section shall not be interpreted to convey upon any property owner or applicant the right to develop multifamily housing by entitlement or variance nor shall it be construed to impose any obligation on the part of the Township or its land use board's agencies to approve any such application.
- f. Provision of affordable housing units in accordance with this section shall otherwise comply with the requirements for affordable housing set forth in Article V.

§ 40-3. New Construction. The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

- A. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

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

- B. Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.
- C. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- D. 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% of the restricted units within each bedroom distribution shall be low-income units.
3. Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.
4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
 - (b) At least 30% of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20% of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

E. Accessibility Requirements:

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

- (d) An interior accessible route of travel shall not be required between stories within an individual unit;
- (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A.* 52:40D-311a et seq.) and the Barrier Free Subcode, *N.J.A.C.* 5:23-7, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

(1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

(2) To this end, the builder of restricted units shall deposit funds within the Township of Brick's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

(3) The funds deposited under paragraph (2) herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

(4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Brick.

(5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, *N.J.A.C.* 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Brick's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds

are deposited into the affordable housing trust fund and appropriately earmarked.

(6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is 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*.

F. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;

- (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:
- (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.

9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

- a. Regional income limits shall be established for the Region 4 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 4. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
10. The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.
11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 40-4. Condominium and Homeowners Association Fees.

- A. For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

§ 40-5. Reserved.

§ 40-6. Reserved.

§ 40-7. Reserved.

§ 40-8. Reserved.

**ARTICLE II
Affordable Unit Controls and Requirements**

§ 40-9. Purpose.

- A. The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate- income housing units.

§ 40-10. Affirmative Marketing.

- A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with *N.J.A.C. 5:80-26.15*, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 4 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 4, comprised of Mercer, Monmouth and Ocean Counties.
- D. The Administrative Agent designated by the Township shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Brick.

§ 40-11. Occupancy Standards.

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

1. Provide an occupant for each bedroom;
 2. Provide separate bedrooms for parents and children;
 3. Provide children of different sexes with separate bedrooms; and
 4. Prevent more than two persons from occupying a single bedroom.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§ 40-12. Selection of Occupants of Affordable Housing Units.

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

§ 40-13. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with *N.J.A.C. 5:80-26.5*, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
- B. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- D. 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.
- E. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under *N.J.A.C. 5:80-26.5(a)*, as may be amended and supplemented.

§ 40-14. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

§ 40-15. Buyer Income Eligibility.

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

§ 40-16. Limitations on indebtedness secured by ownership unit; subordination.

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

- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with *N.J.A.C. 5:80-26.6(b)*.

§ 40-17. Control Periods for Restricted Rental Units.

- A. Control periods for restricted rental units shall be in accordance with *N.J.A.C. 5:80-26.11*, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.
 - 1. Restricted rental units created as part of developments receiving nine percent (9%) Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.
- B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Ocean. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

§ 40-17.1 Expiration of Controls.

- A. In the event that a property is approaching the expiration of controls the Township of Brick shall have the option to extend those controls through the expenditure of Affordable Housing Trust Funds through the following options:
 - 1. Purchase and resell or rent the unit in compliance with income eligibility requirements with a 30 year affordable housing deed restriction.

2. Purchase and resell as a market rate unit, depositing the proceeds of the sale in the Affordable Housing Trust Fund to devoted solely to the creation, rehabilitation or maintenance of low and moderate income housing with the authority and approval of the Brick Township Council
3. Impose extension of expiring affordability controls via Township Council resolution.
4. Expenditure of Affordable Housing Trust funds for the purchase of additional 30 year deed restrictions to expiring affordability controls on rental and for sale units.
5. Expenditure of Affordable Housing Trust funds for the recapture of properties in Foreclosure for the purposes of retaining and extended affordability controls on properties for 30 years.

§ 40-18. Price Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

§ 40-19. Tenant Income Eligibility.

- A. Tenant income eligibility shall be in accordance with *N.J.A.C. 5:80-26.13*, as may be amended and supplemented, and shall be determined as follows:
 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.

3. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to *N.J.A.C. 5:80-26.16*, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

§ 40-20. Conversions.

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

§ 40-21. Alternative Living Arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with *N.J.A.C. 5:93-5.8* and UHAC, with the following exceptions:

- a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 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 UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 40-22. Scattered Site Affordable Housing Units.

Scattered-site affordable housing units for single-family residential sale and rental and multi-family rental or condo units shall be permitted in all residential and the B-1 and B-2 commercial zones, provided that:

- A. The site is approved by the Township Council by resolution.
- B. The dwelling units are single-family detached units.
- C. The site shall meet the area, yard and building requirements which conform to the zone in which the site is located. No site plan or variance approval shall be required.
- D. The developer is a not-for-profit corporation.
- E. The housing unit shall be utilized and legally restricted to affordable housing in accordance with the provisions of N.J.A.C. 5:93 et seq, the Uniform Housing Affordability Controls N.J.A.C. 5:80-26.1 et seq., except where modified by the terms of a Settlement Agreement and the Court.

§ 40-23. Reserved.

**ARTICLE III
Administration**

§ 40-24. Municipal Housing Liaison.

- A. The position of Municipal Housing Liaison for the Township of Brick is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Township Council and be subject to the approval by the Superior Court.
- B. The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Brick.

- C. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in *N.J.A.C. 5:93*.
- D. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Brick, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - 1. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - 2. The implementation of the Affirmative Marketing Plan and affordability controls.
 - 3. When applicable, supervising any contracting Administrative Agent.
 - 4. Monitoring the status of all restricted units in the Township of Brick's Fair Share Plan;
 - 5. Compiling, verifying and submitting annual reports as required by the Superior Court;
 - 6. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - 7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

§ 40-25. Administrative Agent.

- A. The Township shall designate by resolution of the Township Council, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with *N.J.A.C. 5:93* and UHAC.
- B. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

- C The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in *N.J.A.C.* 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
 2. Affirmative Marketing;
 3. Household Certification;
 4. Affordability Controls;
 5. Records retention;
 6. Resale and re-rental;
 7. Processing requests from unit owners; and
 8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.
 9. The Administrative Agent shall, as delegated by the Township Council, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§ 40-26. Enforcement of Affordable Housing Regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to *N.J.S.A. 2A:58-11* alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than \$500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - (b) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Brick Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
 - C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection

with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

- H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§ 40-40. Appeals. Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Township.

Article IV
Development Fees

§ 40-28. Purpose.

- A. 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. 52:40d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. COAH was authorized by P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:40D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7) 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 COAH or a court of competent jurisdiction and have a COAH- or court-approved spending plan may retain fees collected from nonresidential development.
- C. In *Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court's jurisdiction and are subject to approval by the Court.
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38.¹ Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be

¹ Editor's Note: See N.J.S.A. 52:40D-329.2 and N.J.S.A. 40:55D-8.1 through 40:55D-8.7, respectively.

interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-8.

§ 40-29. Basic requirements.

- A. This section shall become effective at such time that the Superior Court approves the Township's development fee ordinance in accordance with N.J.A.C. 5:93.8.
- B. COAH approved the Township's initial Spending Plan on July 7, 1998 and subsequently on May 9, 2017. Subsequently, in an Order of December 18, 2017, the Superior Court approved the Township's Amended Third Round Spending Plan on February 27, 2018. Thusly, Brick may spend development fees in conformance with N.J.A.C. 5:93-8.

§ 40-30. Definitions.

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

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Fair Housing Act

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

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE — 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 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES — 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.

§ 40-31. Residential development fees.

- A. Imposed fees. Within all Zoning Districts, residential development, except for development of the types of development specifically exempted below, shall pay a fee of 1.0% of the equalized assessed value for residential development, addition or conversions, provided no increased density is permitted. Examples of residential developments for which a fee is to be imposed includes:
- (1) New Residential single-family and multi-family structures
 - (2) Residential additions
 - (3) Residential conversions of garages, basements or attics
 - (4) Detached accessory enclosed garages
 - (5) Detached enclosed pool houses
 - (6) Detached enclosed studios, workshops, hobby shops, or accessory buildings that provide additional living or habitable space
- B. The following improvements to existing residential dwellings shall not be required to pay a development fee:
- (1) Attached or detached decks
 - (2) Sheds
 - (3) Fences
 - (4) Open Porches
 - (5) Gazebos, pergolas, trellises or open structures
 - (6) Inground and Aboveground pools
- C. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1% of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the

site has not changed during the two-year period preceding the filing of such a variance application.

- D. Eligible exactions, ineligible exactions and exemptions for residential development.
- (1) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, provided the development is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - (2) The residential portions of a mixed-use inclusionary or market rate development shall be subject to the 1% (one-percent) development fee; unless otherwise exempt below.
 - (3) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - (4) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - (5) Developers of residential structures demolished and replaced as a result of a natural disaster, shall be exempt from paying a development fee for a dwelling unit the same size of the demolished unit or smaller. A 1% fee shall be required to be paid on any additional square footage over the previously existing structure.
 - (6) Developers of tax exempt and nonprofit uses shall be exempt from paying development fees.

§ 40-32. Nonresidential development fees.

- A. Imposed fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

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

- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5 % development fee, unless otherwise exempted below.
- (2) The 2.5 % fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

- (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Brick as a lien against the real property of the owner.

§ 40-33. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- 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 notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should Brick 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 (N.J.S.A. 40:55D-8.6).

- H. Fifty percent 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 Brick. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 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 nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Brick. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 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.

§ 40-34. Affordable housing trust fund.

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of affordable units;

- (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units, if applicable;
 - (4) Repayments from affordable housing program loans, if applicable;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with Brick's affordable housing program.
- C. The Superior Court shall now have such jurisdiction to direct the disbursement of the Township's trust funds per N.J.A.C. 5:93-8.
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

§ 40-35. 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'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, extending or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, scattered site development and rehabilitation or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable 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. 5:93-8 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse Brick for past housing activities.
- C. At least 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 of the affordability assistance portion of development fees

collected shall be used to provide affordability assistance to those households earning 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 homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - (2) Affordability assistance to households earning 30% 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% 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. Brick 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. 5:93-8.16.
- E. No more than 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 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 monitoring requirements set forth in the Court-approved December 13, 2017 executed Settlement Agreement with Fair Share Housing Center. 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.

§ 40-36. Monitoring.

On or about January 1st of each year through 2025, Brick shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or Local Government Services ("LGS")), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with

extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Brick's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

§ 40-37. Ongoing collection of fees.

The ability for Brick to impose, collect and expend development fees shall expire with its Court-issued Judgment of Compliance unless Brick has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgment Action, and has received the court's approval of its development fee ordinance. If Brick fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, 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 (N.J.S.A. 52:40D-320). Brick shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall Brick retroactively impose a development fee on such a development. Brick shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance and Repose.

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

Section IV. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

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

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Brick, in the County of Ocean, State of New Jersey, held on the 27th day of February, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Council to be held in the meeting room of the Municipal Building, located at 401 Chambers Bridge Road, in the Township of Brick on 13th day of March, 2018, and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING SECTION 2-118 OF THE TOWNSHIP CODE, TO ESTABLISH STAFFING LIMITS FOR THE POLICE DEPARTMENT

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

SECTION 1. The Township Code of the Township of Brick is hereby amended and supplemented so as to amend Section 2-118, entitled "Staffing Limits," so as to establish new staffing limits for the Police Department. The amended Section 2-118 shall read as follows:

§2-118 Staffing Limits

A. The following staffing limits shall apply to the Police Department:

- (1) There shall be no more than one Chief.
- (2) There shall be no more than one Deputy Chief.
- (3) There shall be up to, but no more than, four Captains.
- (4) There shall be up to, but no more than, nine Lieutenants.
- (5) There shall be up to, but no more than, 23 Sergeants.

B. If at the time this section becomes effective there are officers in excess of the numbers herein provided, all such officers shall continue their rank but, upon their departure, no appointment shall be made to their rank, until the limits provided herein are reached.

SECTION 2. Any provision of Section 2-118 not specifically amended herein shall remain the same.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 13th day of February, 2018, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of February, 2018 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.


LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

Agenda #	Date
5-1	2/13/18
Agenda #	Date
6-1	2/27/18
Agenda #	Date
Agenda #	Date