

**HARDING TOWNSHIP COMMITTEE MEETING
MAY 21, 2008
REGULAR MEETING**

TABLE OF CONTENTS

ROLL CALL	2
EXECUTIVE SESSION DETERMINATION	2
RETURN TO OPEN SESSION	3
REVIEW OF TENTATIVE AGENDAS FOR FUTURE MEETINGS.....	3
MINUTES	3
ORDINANCES/RESOLUTIONS	
Ordinances – Public Hearing	
Ordinance 6-08 – Establishing the Position and Duties of Municipal Housing Liaison	3
Resolutions – Consent	
Resolution TC 08-115 – Release of Grading Escrow (Balog)	7
Resolution TC 08-116 – Release of Performance Bond Escrow (Balog)	7
Resolution TC 08-117 – Release of Performance Bond Escrow (McCarthy)	7
Resolution TC 08-118 – Release of Plan Review Escrow (Hewit)	8
Resolution TC 08-119 – Release of Plan Review Escrow (Alfieri/Kurkewicz).....	8
Resolution TC 08-120 – Release of Plan Review Escrow (Pinheiro/Zhao).....	8
Resolution TC 08-121 – Release of Plan Review Escrow (First Presbyterian Church).....	8
Resolution TC 08-122 – Release of Engineering Escrow (First Presbyterian Church).....	9
Resolution TC 08-123 – Release of Performance Bond Escrow (First Presbyterian Church)	9
Resolution – Non-Consent	
Resolution TC 08-124 – Bill List	9
Resolution TC 08-125 – Appointment of Municipal Housing Liaison	9
ANNOUNCEMENTS/REPORTS/PRESENTATIONS	
COAH Update	10
CORRESPONDENCE.....	11
DEPARTMENT REPORTS.....	11
HEARING PERSONS PRESENT	11
EXECUTIVE SESSION – Resolution TC ES – 08-126.....	2
ADJOURNMENT	12

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

Mr. Lanzerotti, Chairman, called the regular meeting of the Harding Township Committee to order at 6:30 P.M. and announced that adequate notice for this meeting had been given as required by law.

ROLL CALL: Present – Mr. Bartlett, Mr. Lanzerotti, Mr. Murray, Mr. Rybka and Mr. Ward
Absent – None
Also Present – Ms. McKane, Township Administrator, Ms. Lande, Township Attorney
Number of members of the public present: approx. 20

EXECUTIVE SESSION DETERMINATION:

Executive Session would be necessary to discuss matters regarding:

- Contract Negotiation – Morris Township
- Litigation – Combe Fill South

RESOLUTION TC ES-08-126:

A motion was made by Mr. Bartlett and seconded by Mr. Ward to introduce the executive session resolution.

There being no discussion, the roll was called. Resolution TC-ES 08-126 was approved by a vote of all ayes.

WHEREAS, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, the Township Committee is of the opinion that such circumstances presently exist.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS AND STATE OF NEW JERSEY on this 20th day of February, 2008 as follows:

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The subject matters to be discussed are as follows:
 - Litigation – Combe Fill South
 - Personnel Matter –
 - Contract Negotiation – Morris Township
 - Attorney-Client Privilege –
 - Collective Bargaining Agreement –
 - Other – as authorized by N.J.S.A. 10:4-12 –
3. Minutes reflecting the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, shall be promptly available to the public when the matters discussed are resolved, to the extent that making such matters public shall not be inconsistent with section N.J.S.A. 10:4-12.
4. The Township Committee may come back into open session and take further action.
5. This Resolution shall take effect immediately.

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

A motion was made by Mr. Ward and seconded by Mr. Rybka to reopen the meeting to the public. Vote: All Ayes

Returned to Open Session 7:35 pm

REVIEW OF TENTATIVE AGENDAS FOR FUTURE MEETINGS:

Ms. McKane reviewed the Tentative Agenda for future meetings.

MINUTES:

A motion was made by Mr. Murray and seconded by Mr. Ward to introduce the minutes of Agenda Meeting, April 2, 2008; and Regular Meeting, April 16, 2008. There being no further discussion, the minutes were approved by a vote of all ayes.

DISCUSSION – Proposed Mount Kemble Recreation Facility

Morris Township Proposal on Playing Fields

Mr. Lanzerotti thanked the Harding Township School for allowing the Township Committee to use their facility for the special meeting last night. He reviewed the items discussed during executive session and added that the executive session minutes would be available for the public to view once approved.

Mr. Lanzerotti made the following statement:

“The Township Committee does not oppose ball fields on this site. While not unanimous, the consensus of the Township Committee is that the broad concept proposal by Morris Township is inconsistent with the current character of Harding Township regarding recreational facilities and fields. The current concept in Harding Township is based firmly on past practices over the last eighty years in the development and maintenance of our parks and fields. These past practices are what our citizens and predecessor Township Officials saw as being in the best interests of all Harding citizens. The Township athletic fields at the school and at Barrett Field are classic playing fields using natural turf, no lighting, and rudimentary benches where citizens bring lawn chairs to games. Both sets of fields are also near sensitive environmental areas. This is the model of athletic fields that Harding citizens have supported in the past and support at present.”

ORDINANCES/RESOLUTIONS

Ordinances – Public Hearing

Ordinance 6-08 – Establishing the Position and Duties of Municipal Housing Liaison

Mr. Lanzerotti reviewed the Ordinance. A motion was made by Mr. Murray and seconded by Mr. Bartlett to open the Ordinance for public hearing. Vote: All Ayes

Mr. Rybka asked if the Township Committee has heard back from the Planning Board regarding this Ordinance. Ms. McKane indicated that we have, and they have no issues with the Ordinance.

Seeing no further comments from the Township Committee or the public, a motion was made by Mr. Murray and seconded by Mr. Bartlett to close the public hearing. Vote: All Ayes.

A motion was made by Mr. Murray and seconded by Mr. Bartlett to adopt Ordinance 6-08. Roll Call Vote: All Ayes

"AN ORDINANCE AMENDING CHAPTER 5 (ADMINISTRATION OF GOVERNMENT) AND 105 (LAND USE AND DEVELOPMENT) OF THE CODE OF THE TOWNSHIP OF HARDING TO ESTABLISH THE POSITION AND DUTIES OF THE MUNICIPAL HOUSING LIAISON AND PROVIDING FOR THE ADMINISTRATION OF AFFORDABLE HOUSING PURSUANT TO THE FAIR HOUSING ACT OF 1985"

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1: Chapter 5, Administration of Government, is hereby amended by adding a new Article IX, entitled Affordable Housing Administration, to read as follows:

**ARTICLE IX
Affordable Housing Administration**

5-50. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of the township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

5.51. Definitions.

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

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Township of Harding.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Township of Harding to ensure that the affordable units under administration are affirmatively marketed and sold or rented, as applicable, only to low and moderate income households.

5-53. Municipal Housing Liaison.

- A. There is hereby established the position of Municipal Housing Liaison for the Township of Harding.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by resolution of the Township Committee and may be a full or part time municipal employee with compensation to be fixed by the Township Committee at the time of appointment.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Harding, including the following responsibilities, which shall not, pursuant to state regulations, be contracted out:
 - (1) Serving as the township's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all affordable units in the township's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) Supervising the Administrative Agent(s) contracted or authorized by the Township Committee to administer some or all of the affordable units in the township.
 - (7) The Municipal Housing Liaison shall be responsible for any of the duties listed below that are not specifically delegated by the Township Committee to an Administrative Agent.

5-54. Administrative Agent.

Subject to approval by COAH, the Township of Harding may contract with or authorize a consultant, authority, government or any agency, which entity shall have the responsibility for administering specified affordable units, projects or housing programs, to undertake the duties listed herein, except for those responsibilities which may not be contracted out pursuant to subsection 5-53C above. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder, including the hiring of qualified staff, consultants and/or professional management to assist in the implementation of these responsibilities, and shall

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

conduct all of its actions and duties in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (hereafter “UHAC” regulations), COAH regulations and township ordinances.

A. Affirmative Marketing.

- (1) An Affirmative Marketing Plan, in compliance with UHAC regulations, shall be prepared by the Administrative Agent for each housing project or program utilizing the sample form supplied by COAH. The plan shall be maintained on file in the office of the Municipal Housing Liaison. The Affirmative Marketing Plan shall include all of the information required by UHAC regulations and township ordinances including, but not limited to sample media advertisements, a list of contacts for outreach to organizations within the COAH-designated housing region of which the township is a part, and a description of the random selection method to be employed in selecting prospective occupants for affordable units.
- (2) Conducting an outreach process to ensure the affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan and UHAC regulations; and
- (3) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law, in accordance with UHAC regulations.

B. Household Certification.

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (4) Requiring that all certified applicants for affordable units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (6) Employing the random selection process as provided in the township’s Affirmative Marketing Plan when referring households for certification to affordable units.

C. Affordability Controls.

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each affordable unit that is for sale;
- (2) Creating and maintaining a file on each affordable unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as applicable;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county’s register of deeds or county clerk’s office after the termination of the affordability controls for each affordable unit;
- (4) Communicating with lenders regarding foreclosures of affordable units; and
- (5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to UHAC regulations with respect to code compliance upon the first transfer of title that follows the expiration of the applicable minimum control period for affordable units.

D. Resale and Rental.

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

E. Processing Request from Unit Owners (non-rental units).

- (1) Reviewing and approving requests from owners of affordable units who wish to take out home equity loans or refinance during the term of their ownership;
- (2) Reviewing and approving requests to increase sales prices from owners of affordable units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
- (3) Processing requests and making determinations on requests by owners of affordable units for hardship waivers.

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

F. Enforcement.

- (1) With respect to non-rental units, securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it to a qualified and certified household;
- (2) Securing from all developers and sponsors of affordable units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no affordable unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
- (4) Sending annual mailings to all owners of affordable units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the Department of Community Affairs;
- (6) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
- (7) Providing information to the Municipal Housing Liaison, in the format required by COAH and certifying as to its accuracy, for the submission of monitoring reports to COAH.

SECTION 2: Subsections C(1) and C(2) in section 105-154 (AH Zone - Affordable Housing Regulations) shall be amended to read as follows:

C. Income eligibility, verification and monitoring reports.

- (1) All affordable housing hereafter constructed, renovated or rehabilitated within Harding Township for COAH credit shall be administered in accordance with Chapter 5, Article IX of this Code.
- (2) To ensure that affordable units are occupied by income-eligible households, the Township of Harding may, subject to COAH approval, contract with a qualified Administrative Agent to qualify and certify households as income-eligible, in conformance with COAH rules, and to undertake the duties set forth in section 5-54 of this Code and any other duties specified in the contract

SECTION 3: Section 105-155A (AH Zone – Supplemental regulations and requirements) shall be amended to read as follows:

A. Affirmative marketing requirements. The marketing of all affordable housing shall be undertaken in accordance with an affirmative marketing plan. The affirmative marketing plan is a regional marketing strategy designed to attract renters of all groups regardless of sex, age or number of children, to available affordable housing units. The plan shall address the requirements of N.J.A.C. 5:93-11. The plan prohibits discrimination in the sale, rental, financing or other services related to the housing on the basis of race, color, sex, religion, handicap, familial status/size, age or national origin. The Township of Harding is located within Region 2, as determined by COAH, which includes Essex, Morris, Union and Warren Counties. The Township of Harding shall comply with monitoring and reporting requirements in accordance with N.J.A.C. 5:93-11.6 and 12.1. If authorized and contracted by the Township Committee, the Administrative Agent for specified affordable housing units shall have the primary role in developing the affirmative marketing plan and carrying out the marketing of affordable housing consistent with this Code and COAH regulations. If no Administrative Agent has been contracted to undertake these requirements, the Municipal Housing Liaison shall be responsible for compliance with these requirements. Affirmative marketing is a continuing program and shall meet the requirements of this Code, COAH regulations and the specific requirements set forth herein.

SECTION 4: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

SECTION 6: This ordinance shall take effect after final passage and publication as prescribed by law.

Resolutions – Consent Agenda:

Mr. Lanzerotti reviewed the composition of the Consent Agenda. A motion was made by Mr. Murray and seconded by Mr. Ward to approve the Consent Agenda.

There being no discussion, the roll was called. The Consent Agenda was approved by a Roll Call Vote of All Ayes.

Resolution TC 08-115 – Release of Grading Escrow (Balog):

WHEREAS, Stephen J. Balog requests the return of a grading escrow in the amount of \$4,203.40 with the Township of Harding regarding grading for Block: 4 Lot: 16, 624 Van Beuren Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that the construction work has been completed and have recommended the release of the grading escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said grading escrow in the amount of \$4,203.40 as due per N.J.S.A. 40:55D-53.1 to Stephen J. Balog.

Resolution TC 08-116 – Release of Performance Bond Escrow (Balog):

WHEREAS, Stephen J. Balog requests the release of the performance guarantee escrow in the amount of \$4,500.00 with the Township of Harding regarding work that has been completed at Block 4, Lot 16, 624 Van Beuren Road; and

WHEREAS, the Township Engineer, Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this performance guarantee escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release said performance guarantee escrow in the amount of \$4,500.00 as due per N.J.S.A. 40:55D-53.1 to Stephen J. Balog.

Resolution TC 08-117 – Release of Performance Bond Escrow (McCarthy):

WHEREAS, David and Helen McCarthy request the release of the performance guarantee escrow in the amount of \$5,208.90 with the Township of Harding regarding work that has been completed at Block 8, Lot 9.03, 9 Twin Field Lane; and

WHEREAS, pursuant to a memo from the Tree Conservation Officer dated April 28, 2008 has certified the completion of the installation of plant material and has approved the release of this performance guarantee escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release said performance guarantee escrow in the amount of \$5,208.90 as due per N.J.S.A. 40:55D-53.1 to David and Helen McCarthy.

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

Resolution TC 08-118 – Release of Plan Review Escrow (Hewit):

WHEREAS, Russell Hewit requests the return of a plan review escrow in the amount of \$20.00 with the Township of Harding regarding a Planning Board application for Block 47, Lot 9.04, 144 Lee's Hill Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this plan review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said plan review escrow in the amount of \$20.00 as due per N.J.S.A. 40:55D-53.1 to Morris Russell Hewit.

Resolution TC 08-119 – Release of Plan Review Escrow (Alfieri/Kurkewicz):

WHEREAS, D. Alfieri and P. Kurkewicz requests the return of a plan review escrow in the amount of \$506.30 with the Township of Harding regarding a Planning Board application for Block 13, Lot 6, 34 Miller Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this plan review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said plan review escrow in the amount of \$506.30 as due per N.J.S.A. 40:55D-53.1 to D. Alfieri and P. Kurkewicz.

Resolution TC 08-120 – Release of Plan Review Escrow (Pinheiro/Zhao):

WHEREAS, Marion J. Pinheiro and Xin Zhao requests the return of a plan review escrow in the amount of \$700.00 with the Township of Harding regarding a Planning Board application for Block 4, Lot 2, 241 Blue Mill Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this plan review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said plan review escrow in the amount of \$700.00 as due per N.J.S.A. 40:55D-53.1 to Marion J. Pinheiro and Xin Zhao.

Resolution TC 08-121 – Release of Plan Review Escrow (First Presbyterian Church):

WHEREAS, First Presbyterian Church requests the return of a plan review escrow in the amount of \$6,268.45 with the Township of Harding regarding a Planning Board application for Block 49, Lot 1, 2 Lees Hill Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this plan review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

be and are hereby authorized to return said plan review escrow in the amount of \$6,268.45 as due per N.J.S.A. 40:55D-53.1 to the First Presbyterian Church.

Resolution TC 08-122 – Release of Engineering Escrow (First Presbyterian Church):

WHEREAS, First Presbyterian Church requests the return of an engineering escrow in the amount of \$7,359.25 with the Township of Harding pertaining to Block 49 Lot 1, 2 Lees Hill Road; and

WHEREAS, the Township Engineer, the Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this technical review escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to return said engineering escrow in the amount of \$7,359.25 as due per N.J.S.A. 40:55D-53.1 to the First Presbyterian Church.

Resolution TC 08-123 – Release of Performance Bond Escrow (First Presbyterian Church):

WHEREAS, First Presbyterian Church request the release of the performance guarantee escrow in the amount of \$10,038.84 with the Township of Harding regarding work that has been completed at Block 49, Lot 1, 2 Lees Hill Road; and

WHEREAS, the Township Engineer, Township Construction Official and the Township Health Administrator have certified that there are no outstanding invoices and have approved the release of this performance guarantee escrow;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, that appropriate municipal officials be and are hereby authorized to release said performance guarantee escrow in the amount of \$10,038.84 as due per N.J.S.A. 40:55D-53.1 to the First Presbyterian Church.

Resolutions – Non-Consent Agenda:

Resolution TC 08-124 – Bill List:

Mr. Lanzerotti introduced the resolution. A motion was made by Mr. Murray and seconded by Mr. Bartlett to introduce Resolution TC 08-124.

Mr. Ward confirmed that the invoice to Moody's Investors Service was a result of the recent bond issue, which Ms. McKane confirmed.

There being no further discussion, the roll was called. Resolution TC 08-124 was approved by a Roll Call Vote of All Ayes.

RESOLVED, that the itemized claims listed on the attached Bill List, dated May 21, 2008 is hereby approved for payment.

Resolution TC 08-125 – Appointment of Municipal Housing Liaison

Mr. Lanzerotti introduced the resolution. A motion was made by Mr. Murray and seconded by Mr. Ward to introduce Resolution TC 08-125.

Ms. McKane indicated that this Ordinance sets up the position required by COAH. The Planning Board Administrator, Cindy Phillips, has been named as the liaison. Mr. Ward questioned how much time would be

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

required of the liaison. Ms McKane indicated that she is now taking certification courses and Susan Kimball, Township Planner, added that it would be a substantial amount of time, but it is not intuitive. Ms. Kimball stated that she has spoken to Ms. Philips and Ms. Kimball is confident that she will be able to handle the responsibilities and indicated that she would give her assistance if needed. Ms. McKane expects that it would require quite a few weeks of time over the next year. Mr. Murray questioned whether the functional responsibilities are the same as those completed by the Township's past Clerk. Ms. McKane indicated that the responsibilities have increased.

There being no further discussion, the roll was called. Resolution TC 08-125 was approved by a Roll Call Vote of All Ayes.

WHEREAS, on December 15, 2005 the Township of Harding filed with the New Jersey Council on Affordable Housing (COAH), an adopted Housing Element & Fair Share Plan (hereafter "Fair Share Plan"), addressing its third round fair share obligation, and petitioned COAH for substantive certification; and

WHEREAS, the Township's Fair Share Plan promotes the provision of affordable housing pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq., COAH requires the Township Committee to appoint a Municipal Housing Liaison for the administration of the Township's affordable housing and to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, The Township of Harding has amended Chapter 5 of the Township Code, entitled Administration of Government, to provide for the establishment and appointment of a Municipal Housing Liaison to administer affordable housing;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee that Cynthia Phillips is hereby appointed to serve as the Municipal Housing Liaison for the administration of affordable housing in the Township, pursuant to and in accordance with Article IX of Chapter 5 of the Code of the Township of Harding.

BE IT FURTHER RESOLVED by the Township Committee that the Township Clerk shall transmit a certified copy of this resolution to the Executive Director of the New Jersey Council on Affordable Housing.

ANNOUNCEMENTS/REPORTS/PRESENTATIONS

Council on Affordable Housing (COAH)

Mr. Lanzerotti discussed the composition of the COAH subcommittee. He added that the Subcommittee has put together information regarding the changes with COAH. Ms. Kimball cautioned that many of the regulations can change either purposely or by COAH's interpretation. She reviewed the background of the 3rd round rules, regulations and the towns fair share obligation. Ms. Kimball and the Township Committee reviewed the following:

- New Growth Share Ratios and Obligations
- 3rd round time frame; must submit new Fair Share Plan (part of Master Plan) to COAH by December 31, 2008
- If Fair Share Plan is not submitted by December 31st, then the municipality will not be under COAH's jurisdiction. As a result, the Township will be vulnerable to Mt. Laurel litigation and also can not collect or spend development fees
- Three big components with the 3rd round obligation: prior obligations stay in place, rehabilitation program requirement (Harding Township does not have this obligation) and growth share obligation, which is based on new development (residential and nonresidential development)
- COAH projected residential growth 2004-2018; 29 affordable units required by the current regulation
- COAH projected employment 2004-2018; 6 affordable units required by the current regulation
- Total Growth Share Obligation: 35 affordable units
- Plan limitations and requirements; Regional Contribution Agreement (RCA) transfer, rental requirement, bonus credits and senior citizen units

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

- Developing the Fair Share Plan: surplus credits of 5 units, therefore, 30 remaining units required if approval is granted by COAH for the surplus
- Compliance options: RCA, Accessory Apartments, Supportive and Special Needs Housing, Municipally Sponsored Affordable Housing, Market to Affordable Program, Affordable Housing Partnership Program. Assisted Living Development and Inclusionary Zoning
- Possible credits from prior round: 5 credits; recommend consideration of RCA: 17 max; potential rental bonus options; approximate units still needed: 13 units
- Review of options for remaining units
- Plan Implementation Issues: Township must commit to funding the plan; COAH monitors development; if actual growth exceeds COAH projection, additional obligation must be addressed; if actual growth is less than COAH projection plan must remain in place for full obligation.

Ms. Kimball suggested that the Township Committee take time to review the options. Ms. Nergaard commented that Ms. Kimball has done a great job summarizing the regulations.

Judie Ward, resident of Tempe Wick Road, questioned the RCA program, and asked who receives the credit. Ms. Nergaard indicated that the municipality providing the funds for the units receives the credit.

David Dietz, resident of Lake Trail East, and Ms. Kimball discussed the connection between the Highlands legislation and COAH. Mr. Rybka commented that the Highlands Council indicated they were drafting an MOU with COAH; however, it seems unknown at this time if COAH will be taking Highlands's regulations into consideration.

Tina Bologna, Director of the Harding Land Trust, questioned the previous 3rd round COAH requirement to go through plan endorsement with the State Planning Commission. Ms. Kimball responded that COAH is not required to seek plan endorsement any longer.

Mr. Dietz, Ms. Kimball and Mr. Ward discussed potential build up in Harding Township. Mr. Lanzerotti recommended that a build up analysis be created in the future.

CORRESPONDENCE

Ms. McKane reviewed various items of correspondence, and noted that the Township has received a thank you from Senator Kean regarding the resolution opposing the abolishment of the Department of Agriculture. She reviewed correspondence from Highlands asking for support for a proposal before the Senate which would dedicate revenue to the Highlands. Ms. McKane also commented that Harding Township Detention Facility was inspected, and the Township is in compliance.

Ms. McKane advised that there will be filming at Wightman Farms on Friday. She indicated that there will be a MS Bike Tour on Sept 13th and 14th. She reviewed a resolution to support Family Dinner Night on October 29th, and the Township Committee agreed to place the resolution on the next agenda for consideration.

DEPARTMENT REPORTS

Mr. Lanzerotti briefly reviewed the department reports. Mr. Lanzerotti commented that the Township Committee has received an annual report from the Board of Adjustment and recommended that the Chair come before the Township Committee to review. Ms. McKane indicated that she will put the discussion on a future agenda.

HEARING PERSONS PRESENT

Ms. Ward indicated last night's special meeting was exceptional, and it is wonderful that the public was able to receive facts and insights from our neighbors. She added that we should never underestimate the power of our citizens and believes that the Township Committee has made an informed and wise decision.

Mike Meade, resident of Millbrook Road, asked for an update on Glen Alpin. Mr. Lanzerotti indicated that we have had a couple meetings with the Glen Alpin Strategy Committee, and we have made some decisions on how we will

MINUTES HARDING TOWNSHIP COMMITTEE
REGULAR MEETING – May 21, 2008

move forward; but it is currently a work in progress. Mr. Meade asked Mr. Lanzerotti to update the public and Mr. Lanzerotti stated that we have not seen the financial figures yet. Ms. McKane added that she received a draft today, but has not had an opportunity to review.

ADJOURNMENT:

There being no further business, a motion was made and seconded to adjourn the meeting at 9:15 p.m. Vote: All Ayes

Respectfully Submitted,

Christine A. Gatti
Harding Township Deputy Clerk