

WHITE TOWNSHIP COMMITTEE

MINUTES OF MEETING AUGUST 10, 2022

CALL TO ORDER

Mayor Herb called the meeting to order at 5:30 p.m. and stated ‘Adequate Notice of this meeting of August 10, 2022 has been given in accordance with the Open Public Meetings Act by forwarding a notice of the date, time, and location of the meeting to the Star-Ledger; and by posting a copy thereof on the bulletin board in the Municipal Building and the township website. Formal action may be taken at this meeting. Public participation is encouraged. This agenda is subject to last minute additions and deletions by the White Township Committee’.

FLAG SALUTE

The Mayor asked everyone to stand for the flag salute.

ROLL CALL

Present: Mayor Herb, Committeewoman Skoog, Committeeman Hyndman, Clerk Kathleen Reinalda and Attorney Tipton.

On motion by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote, the following Resolution was adopted:

RESOLUTION - EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of White, as follows:

1. The public shall be excluded from discussion, and action upon the hereinafter specified subject matter August 10, 2022, 5:36 pm:

Litigation
(JAINDL)

2. It is anticipated at this time, the above-stated subjects will be made public at such time when the matters discussed are no longer sensitive. Motion passed.

On motion by Mrs. Skoog, seconded by Dr. Hyndman, the meeting was re-opened to the public at 6:00 p.m. Motion passed. No action was taken in Executive Session.

COMCAST CABLE PUBLIC HEARING

Robert Clifton, Senior Director of Government & Regulatory Affairs for Comcast, was present for the Public Hearing on the cable renewal franchise agreement. Mr. Clifton fielded questions and comments from the committee and public. Dr. Hyndman said he would like to meet with Mr. Clifton and the township's ad hoc committee regarding negotiations. A date will be scheduled in the near future.

ENGINEERING UPDATE

Paul Sterbenz reported on the following:

- Upper Sarepta Rd. / Mutton Hill Project – DOT Grant reimbursement paperwork complete. Line striping remains to be done.
- Redevelopment Grant A&P Shopping Center Site – The hearing before the Planning Board will be in October as per the guidelines of the grant.
- Tamarack Road paving project – The paving specifications and plans are complete. Drainage work will be going out to bid soon.
- Settlers Ridge – Phase 1 complete (Somerset Drive).
- Becrett Sewer Agreement – the township has determined not to pursue installing its own force main. The Agreement will only involve Becrett connecting to the existing sewer structures.
- NJ Stormwater Tier Reassignment - The township received notification that the State of NJ would be reclassifying the town from a Tier B stormwater permit to a Tier A. The reasoning behind the reassignment, according to the State, is due to water quality issues. The requirements of a Tier A town are far greater than Tier B including, but not limited to, mandatory street sweeping throughout the year, washing station for vehicles, storm drain mapping and maintenance, etc. The committee discussed appealing the ruling. It was determined that the cost to appeal would be far less than the initial compliance. Motion made by Dr. Hyndman, seconded by Mrs. Skoog and carried by unanimous favorable roll call vote to authorize Attorney Tipton to draft a formal appeal to the state regarding the stormwater tier reassignment. Hyndman – yes, Skoog – yes, Herb – yes. Motion carried.

ORDINANCES – PUBLIC HEARING

- A. Ord. 2022-03: Motion to open the public hearing made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Being no

comments, motion to close the public hearing made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Motion to adopt the following ordinance after public hearing made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Hyndman – yes, Skoog – yes, Herb – yes.

ORDINANCE 2022-03
AN ORDINANCE OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN
AND STATE OF NEW JERSEY, AMENDING THE CODE OF THE
TOWNSHIP OF WHITE TO ADOPT A MANDATORY DEVELOPMENT
FEE ORDINANCE

Section 1. The Township Committee of the Township of White, County of Warren, and State of New Jersey, hereby amends Chapter 160 of the Code of the Township of White to add Article XXXII as follows:

Article XXXII Development Fees

§160-209 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. 52:27d-301 *et seq.*, and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules.
- B. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- C. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:97-8.

§160-210 Definitions

- A. The following terms, as used in this ordinance, shall have the following meanings:
 - (1) **“Affordable housing development”** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

- (2) **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State. Pursuant to the Supreme Court's Mount Laurel IV opinion and order, any reference to COAH or the Council shall be understood to refer to the Superior Court of New Jersey or other appropriate jurisdiction.
- (3) **“Development fee”** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
- (4) **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- (5) **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- (6) **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§160-211 Residential Development fees

- A. Reserved.

§160-212 Non-residential Development fees

- A. Imposed fees

- (1) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (2) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing 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 non-residential development

fee shall be zero.

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

- (1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- (2) The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- (5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of White as a lien against the real property of the owner.

§160-213 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 non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed,

shall provide an estimate of the equalized assessed value of the development.

- E. The construction official responsible for the issuance of a final certificate of occupancy 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 the Township of White fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- H. Fifty percent 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 White Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by White Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§160-214 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 non-residential 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 ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) rental income from municipally operated units;
 - (4) repayments from affordable housing program loans;
 - (5) recapture funds;
 - (6) proceeds from the sale of affordable units; and
 - (7) any other funds collected in connection with White Township's affordable housing program.
- C. Within seven days from the opening of the trust fund account, White Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§160-215 Use of funds

- A. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the White 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 or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Township of White for past housing activities.
- C. At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of

development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

- (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - (2) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Township of White to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - (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. White Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- E. No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent 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 COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§160-216 Monitoring

White Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of White's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

§160-217 Ongoing collection of fees

The ability for White Township to impose, collect and expend development fees shall expire with its judgment of compliance unless White Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's

approval of its development fee ordinance. If White Township fails to renew its ability to impose and collect development fees prior to the expiration of judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). White Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall White Township retroactively impose a development fee on such a development. White Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Section 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

- A. Ord. 2022-04: Motion to open the public hearing made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Being no comments, motion to close the public hearing made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Motion to adopt the following ordinance after public hearing made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Hyndman – yes, Skoog – yes, Herb – yes.

ORDINANCE 2022-04

AN ORDINANCE OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF WHITE TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING'S RULES

WHEREAS, in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing. 221 N.J. 1 (2015), the Township of White filed an action for declaratory judgment requesting that the Court declare that the Township has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low- and moderate-income families and individuals; and

WHEREAS, in order to carry out such constitutional obligation, the Code of the Township of White is to be amended to include provisions addressing the Township's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court

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

WHEREAS, this Ordinance is intended to provide assurance that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units; and

WHEREAS, the Township of White Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.: and

WHEREAS, the Housing Element and Fair Share Plan has been endorsed by the Township Committee; and

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 et seq. as amended and supplemented; N.J.A.C. 5:80-26.1 et seq., as amended and supplemented; and the New Jersey Fair Housing Act of 1985.

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of White as follows:

Section 1. The Township Committee of the Township of White, County of Warren, and State of New Jersey, hereby amends Chapter 160 (Land Use) of the Code of the Township of White as follows [New language **bold and underlined**, deleted language ~~double strikethrough~~]:

ARTICLE XXXI. Affordable Housing

§ 160-204 New Construction.

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 ~~in COAH~~ **by the New Jersey Superior Court**, utilizing the **most recently published** regional income limits ~~established by COAH or as determined by~~ **HUD and the calculation procedures as approved by** the Court ~~or other appropriate jurisdiction~~.
- (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, **provided that:**

- (a) At least **thirteen percent (13%)**~~10%~~ of all low- and moderate-income rental units shall be affordable to **very-low-income** households, **which shall be part of the low-income requirement** ~~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 **seventy percent (70%)** of median income, and each affordable development must achieve an affordability average of **fifty-five percent (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 **sales** prices for each bedroom type.
- (5) In determining the initial sales prices and rent **levels** for compliance with the affordability average requirements for restricted units other than assisted living facilities **and age-restricted developments**, the following standards shall be ~~met~~**used**:
 - (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 **sales price and** rent **levels** for compliance with the affordability average requirements for restricted units in assisted living facilities **and age-restricted developments**, the following standards shall be ~~met~~**used**:
 - (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 **ninety-five percent (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 **twenty eight percent (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, **including an allowance for tenant paid utilities**, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) **Income limits for all units that are part of the Township's Housing Element and Fair Share Plan, and 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 Region 2, which contains Essex, Morris, Union and Warren Counties, 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 1. 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 Borough 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 Borough 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.

(11) In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by HUD:

(a) The price of owner-occupied very-low, low and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to Paragraph 10. In no event shall the maximum resale price

established by the administrative agent be lower than the last recorded purchase price.

- (12) The rent levels of very-low-, low- and moderate-income units may be increased annually **based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year** ~~in accordance with N.J.A.C. 5:80-26.12(b), which requires rent increases to be consistent with the regional income limits published by COAH, or as otherwise established by the Court or other appropriate jurisdiction.~~ 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.

§ 160-206 Affordable unit controls and requirements.

N. Monitoring requirements. The Township of White shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- (1) Beginning on December 8, 2017, and on every anniversary of that date through July 1, 2025, the Township agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Committee on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Committee on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- (2) Beginning on December 8, 2017, and on every anniversary of that date through July 27, 2025, the Township agrees to 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 Fair Share Housing

Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

- (3) By July 1, 2022, as required pursuant to N.J.S.A. 52:27D-313, 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 and whether any mechanisms to meet unmet need should be revised or supplemented. 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.

- (4) By January 8, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, 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 its family very-low-income requirements. 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 and family very-low-income housing obligations.

Section 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any Court of competent jurisdiction that any such portion of this Ordinance is unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

ORDINANCES – FIRST READING

- A. Ord. 2022-05: Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following ordinance on

First Reading. Hyndman – yes, Skoog – yes, Herb – yes. Public Hearing scheduled for September 14th at 6PM.

AN ORDINANCE ESTABLISHING THE SALARY RANGES OF TOWNSHIP OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY, 2022

Ordinance 2022-05

BE IT ORDAINED by the Township Committee of the Township of White, County of Warren, State of New Jersey:

Section 1: Retroactive to January 1, 2022, the annual salary ranges and hourly wage ranges of the officials and other employees hereinafter named shall be as follows:

Position	2022 Salary Range			Pay Frequency	
	(-15%) Low	Mid	(+15%) High		
Committee	\$3,297.15	\$3,879.00	\$4,460.85	***	Annual
Committee	\$3,297.15	\$3,879.00	\$4,460.85	***	Annual
Committee	\$3,297.15	\$3,879.00	\$4,460.85	***	Annual
Municipal Clerk, QPA, Registrar	\$63,750.00	\$75,000.00	\$86,250.00	*	Annual
Clerical Assistant 1; Dog Licensing Official; Webmaster; Dep Registrar	\$23,800.00	\$28,000.00	\$32,200.00	**	Annual
Clerical Assistant 2; Alternate Registrar	\$17.00	\$20.00	\$23.00		Hourly
CFO	\$22,950.00	\$27,000.00	\$31,050.00	*	Annual
Deputy CFO (Deputy Treasurer)	\$33.00	\$48.00	\$63.00	*	Hourly
Tax Collector	\$12,750.00	\$15,000.00	\$17,250.00	*	Annual
Tax Clerk	\$17.00	\$20.00	\$23.00	*	Hourly
Sewer Utility Clerk	\$9,350.00	\$11,000.00	\$12,650.00	*	Annual
Tax Assessor	\$24,650.00	\$29,000.00	\$33,350.00	*	Annual
Assessment Search Officer		\$500.00		*	Annual
Building Inspector	\$15,300.00	\$18,000.00	\$20,700.00	**	Annual
Clerical Assistant to the Construction Office	\$8,500.00	\$10,000.00	\$11,500.00	*	Annual
Electrical Inspector	\$8,500.00	\$10,000.00	\$11,500.00	**	Annual
Plumbing Inspector	\$5,100.00	\$6,000.00	\$6,900.00	**	Annual
Board of Adjustment Secretary	\$5,100.00	\$6,000.00	\$6,900.00	**	Annual
Planning Board Secretary	\$10,200.00	\$12,000.00	\$13,800.00	**	Annual
Planning Board Secretary - Special Meetings		\$200.00		as billed	Per Occurance
Environmental Commission Secretary		\$100.00		as billed	Per Occurance
Open Space/Ag Committee Secretary		\$100.00		as billed	Per Occurance
Emergency Management Coordinator	\$4,250.00	\$5,000.00	\$5,750.00	***	Annual
Deputy Emergency Management Coordinator	\$765.00	\$900.00	\$1,035.00	***	Annual
Road Supervisor	\$30.60	\$36.00	\$41.40	*	Hourly
Assistant Road Supervisor	\$28.05	\$33.00	\$37.95	*	Hourly
Truck Driver/Laborer	\$24.65	\$29.00	\$33.35	*	Hourly
Laborers	\$18.70	\$22.00	\$25.30	*	Hourly
Building Maintenance Worker	\$14.45	\$17.00	\$19.55	*	Hourly
Seasonal DPW Laborer	\$25.50	\$30.00	\$34.50	*	Hourly

Section 2: The following is the schedule of payment of the above-stated wages and salaries:

* Bi-Weekly **Monthly *** Quarterly

Section 3: This ordinance shall take effect immediately on final passage and publication as provided by law.

Section 4: This ordinance shall repeal all other ordinances or portions of ordinances inconsistent herewith.

- B. Ord. 2022-06: Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following ordinance on First Reading. Hyndman – yes, Skoog – yes, Herb – yes. Public Hearing scheduled for September 14th at 6PM.

ORDINANCE 2022-.06
AN ORDINANCE AMENDING THE EXISTING ORDINANCE
IN CHAPTER 235 - SEWERS,
OF THE TOWNSHIP OF WHITE CODE.

WHEREAS, the Committee of the Township of White, County of Warren, State of New Jersey, maintains and administers its public sanitary sewer system and sets forth its fees by Ordinance in Chapter 235;

WHEREAS, the Township historically charged resident users of the public sanitary sewer system a 10% maintenance fee and 12% administration fee as set forth in Chapter 235-38(D);

WHEREAS, in 2011, the Township decided to combine the maintenance and administrative fees to a single percentage of 12%;

WHEREAS, the Township has decided that the maintenance fee of 10% and administration fee of 12% needs to be reestablished, effective with the 2023 billing;

NOW THEREFORE, IT IS HEREBY ORDAINED by the Township Committee of the Township of White in the County of Warren and State of New Jersey that the existing Ordinance found in Chapter 235, is amended as follows:

Section 1:

Existing §235-38(D) states as follows:

“The Township of White hereby imposes a combined maintenance and administration fee of 12%”

And it shall be amended as follows:

“The Township of White hereby imposes a maintenance fee of 10% and an administration fee of 12%.”

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby

declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

C. Ord. 2022-07: Tabled for further review.

RESOLUTIONS

Res. 2022-35: Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following resolution. Hyndman – yes, Skoog – yes, Herb – yes. Resolution adopted.

RESOLUTION #2022-35

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk, as per the requirements of NJSA 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs: and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled

“Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars(\$1,000.00), or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Township of White, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

Res. 2022-37: Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following resolution. Hyndman – yes, Skoog – yes, Herb – yes. Resolution adopted.

**RESOLUTION 2022-37
APPOINTMENT OF ALTERNATE DEPUTY
REGISTRAR OF VITAL STATISTICS**

WHEREAS, Brielle Whitmore shall be appointed as the Alternate Deputy Registrar of Vital Statistics in order to be of assistance to the general public in the Municipal Clerk and Deputy Registrar’s absence.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of White, County of Warren, State of New Jersey, that the Committee is in agreement that Brielle Whitmore be and is hereby appointed as Alternate Deputy Registrar of Vital Statistics; and,

BE IT FURTHER RESOLVED, that the appointment of Brielle Whitmore as Alternate Deputy Registrar of Vital Statistics is effective August 10, 2022.

Res. 2022-38: Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following resolution. Hyndman – yes, Skoog – yes, Herb – yes. Resolution adopted.

**RESOLUTION 2022-38
RESOLUTION OF THE TOWNSHIP OF WHITE,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO AUTHORIZE ELECTRONIC TAX SALES FOR 2022**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and,

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and,

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and,

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of White hereby authorizes to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

Res. 2022-39: Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the following resolution. Hyndman – yes, Skoog – yes, Herb – yes. Resolution adopted.

RESOLUTION 2022-39

WHEREAS, Tim Matthews, is a resident of White Township and owner of the property identified as Block 16, Lot 44, approximately 73.847 acres;

WHEREAS, Mr. Matthews asked the Township to recognize and acknowledge that Block 16, Lot 44 is separate and distinct from Block 16, Lot 44A, and has been treated differently for tax purposes for many years despite what the tax maps may have shown;

WHEREAS, the Township has performed its own research and confirmed that Block 16, Lot 44 is a separate and distinct property in the Township and taxed accordingly;

NOW, therefore, be it resolved, that the Township hereby confirms that Block 16, Lot 44 is not combined with Lot 44A owned by PC6REO LLC.

OLD BUSINESS

The permission form/hold harmless agreement for the NJ Film Commission to authorize landowner access is still being reviewed.

NEW BUSINESS

Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to approve the RAVE Agreement with the County of Warren for public safety notices on cell phones to residents that sign up for such service. Hyndman – yes, Skoog – yes, Herb – yes. Motion carried.

Mayor and Committee discussed receiving proposals for professional services for the 2023 term. Motion made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to authorize the clerk to advertise for RFPs for the 2023 term. Hyndman – yes, Skoog – yes, Herb – yes. Motion carried.

CORRESPONDENCE

The committee acknowledged receipt of the NJ SADC FY 2023 Municipal Planning Incentive Grant update.

The committee regretfully accepted Robert Mackey’s resignation from the Open Space/Agricultural Advisory Boards effective immediately.

PUBLIC COMMENTS

Elaine Reichart, CR 519, suggested the Solar Photovoltaic Ordinance should be reviewed by the Board of Adjustment rather than the Planning Board, in her opinion.

Sarah Hare, Hope Township resident, expressed concern about warehouse fires and whether the township had the same concerns.

Gayle Howard, Brookfield resident, expressed concern regarding warehouses and stormwater runoff.

PRESENTATION OF VOUCHERS

On motion by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote, the Committee approved the following list of bills:

<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
17636	Horizon Blue Cross Blue Shield	386.38
17637	ARAE Network Solutions LLC	2,839.00
17638	CenturyLink	6.58
17639	C&M Auto Parts	16.49

17640	Colliers Engineering	5,093.19
17641	Comcast	832.21
17642	County of Warren Treasurer	28,105.74
17643	Delaware Valley Septic	1,250.00
17644	Rentokil	97.68
17645	Florio, Perrucci, Steinhardt & Fader	3,233.50
17646	Gebhardt & Kiefer	644.00
17647	GenServe Inc.	1,709.65
17648	GTM Turf Management	4,874.38
17649	Harmony Township	1,307.00
17650	Home Depot Credit Services	678.41
17651	Institute for Professional Development	100.00
17652	JCP&L	1,394.48
17653	Kathleen Reinalda	360.00
17654	ReadyRefresh by Nestle	42.00
17655	NJ American Water Co.	1,190.48
17656	NJ Advance Media	1,042.58
17657	Eurofins Environment Testing	275.00
17658	Rigo's Hardware	72.12
17659	Sanico Inc.	196.16
17660	Staples Credit Plan	428.07
17661	Stateline Tree Inc.	750.00
17662	Steven P. Gruenberg Esq.	643.50
17663	Treasurer's Office Warren County	969,042.00
17664	Verizon Wireless	143.97
17665	Vital Communications	840.00
17666	Warren County DPW Road Division	316.56
17667	Warren Materials	697.24
17668	WEX Health Inc.	55.25
17669	White Township Board of Education	655,161.00
17670	Xerox Corp.	579.85
17671	Horizon Blue Cross Blue Shield	386.38

TOTAL.....\$1,684,790.85

Developer's Escrow Account

1466	Colliers Engineering	538.15
1467	Gebhardt & Kiefer	412.50
1468	Gebhardt & Kiefer	462.00
1469	Suburban Consulting	4,330.30
1470	VOID	
1471	Suburban Consulting	1,907.14
1472	Sasowsky Earth Science	2,994.37

1473	Sasowsky Earth Science	2,994.38
1474	Gebhardt & Kiefer	82.50
1475	Gebhardt & Kiefer	1039.50
1476	Suburban Consulting	160.00
1477	Colliers Engineering	1403.75
1478	Colliers Engineering	2806.57
1479	Colliers Engineering	123.75
1480	Colliers Engineering	518.00
1481	Colliers Engineering	389.75
1482	Colliers Engineering	753.11

Current Fund Manual

2420	Payroll Account	29,027.38
2421	Payroll Account	20,022.93

Gravel Pit Escrows

250	Colliers Engineering	357.39 (for Hoffman)
254	Colliers Engineering	112.50 (for HS&G)

Capital Account

1584	Colliers Engineering	9,958.81
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Dog Account

1201	NJ Dept. of Health	36.00
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TOTAL ALL FUNDS.....\$1,765,221.63

PRESENTATION OF MINUTES

Motion to approve the January 5, 2022 Re-Organization/Regular Meeting, February 9, 2022 Regular Meeting, February 23, 2022 Regular Meeting, February 23, 2022 Executive Session Meeting, March 9, 2022 Regular Meeting, March 9, 2022 Executive Session Meeting, April 13, 2022 Regular Meeting, April 13, 2022 Executive Session Meeting, May 4, 2022 Special Meeting, May 11, 2022 Regular Meeting, June 8, 2022 Regular Meeting, and June 8, 2022 Executive Session minutes as presented made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote. Hyndman – yes, Skoog- yes, Herb – yes. Motion carried.

Motion to approve the January 5, 2022 Executive Session Meeting, January 19, 2022 Special Meeting and February 9, 2022 Executive Session Meeting minutes as presented made by Mrs. Skoog, seconded by Mayor Herb with Dr. Hyndman abstaining. Hyndman – abstain,

Skoog- yes, Herb – yes. Motion carried.

Motion to approve the March 23, 2022 Regular Meeting minutes as presented made by Mrs. Skoog, seconded by Dr. Hyndman with Mayor Herb abstaining. Hyndman – yes, Skoog- yes, Herb – abstain. Motion carried.

OTHER MATTERS

Mayor Herb updated the committee on an appointment that was made by the County Commissioners to the PRMUA in July. A resident was appointed to a vacant position on the MUA after Mayor Herb had expressed his desire to be appointed as the Mayor of White Township. Both Belvidere and Oxford Township mayors sit on the board. Mayor Herb expressed his frustration with being overlooked. Motion was made by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote to authorize the clerk to send a letter to both the County Commissioners and the PRMUA President asking for clarification as to why Mayor Herb was overlooked.

ADJOURNMENT

Being no further business to come before the Committee, the meeting was adjourned at 8:35 p.m. on motion by Mrs. Skoog, seconded by Dr. Hyndman and carried by unanimous favorable roll call vote.

Respectfully Submitted,

Kathleen R. Reinalda, RMC
Township Clerk