

26050

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

Council President Judge called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:00 P.M. with a moment of silent prayer. He then proceeded with the Pledge of Allegiance to the Flag. Council President Judge announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

ABSENT: Mayor Naughton

ALSO PRESENT: W. Bryan Dempsey, Borough Administrator & Deputy Clerk
Joseph Colao, Borough Attorney
Peter Avakian, Borough Engineer
Dina M. Zahorsky, Borough Clerk
Andrew Beyer, COAH Attorney

Proclamations, Presentations & Special Guests:

Workshop Discussions:

Approval of Minutes:

Mr. Erbe offered a motion to approve the minutes of January 22, 2019, seconded by Mr. Drasheff.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Frost, Mr. Sagui, Ms. Whalley, Mr. Judge

NAYS: None

ABSENT: None

ABSTAIN: None

Public Comments: None

Council Comments & Staff Reports:

Mr. Judge reported that the Mayor and Council received a letter from John and Veronica Tierney this week in regard to noise issues they have found. They made several requests, one of which would be an amendment to the noise ordinance and the other requests, not so formal. Mr. Erbe added that Frank Phillips, Public Works Supervisor, is aware of this letter and they have already begun to take steps to change routes occasionally. Mr. Judge continued that they also requested that reverse signals be disengaged on Borough vehicles at the Borough yard, which he doesn't think they are allowed to do for safety issues.

Mr. Drasheff reported that the ad-hoc committee on the rental ordinance has finished its work, they do not have a written copy of the ordinance for tonight but will have a copy from Borough Attorney Colao's office within the next week. They worked on cleaning up the existing ordinance by removing unenforceable items from the 1970's and changed the clause disallowing rentals less than seven days. He reported that this is the best they could do in terms of addressing Air B&B's and short-term rentals. Mr. Erbe added that they will also be revamping the certificate of occupancy application to include rental guidelines.

Mr. Erbe reported that they had a Morris Avenue meeting this morning and discussed with Ms. Whalley the concerns of the Shade Tree Committee and the Business Improvement District.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

Mr. Dempsey added that they are out to bid on the project right now, once they receive bids, they will take recommendations and talk to the lowest apparent bidder. Mr. Dempsey added that tonight they are awarding the contract for the water main on Morris Avenue, and within two months will be able to begin curb and sidewalk work. Mr. Drasheff added that Morris Avenue is part of the identity of the downtown. Mr. Sagui asked if they can get a work schedule out ahead of time to let patients and store owners know when work will be going on in front of their businesses. Ms. Whalley agreed, and added that the Business Improvement District (BID) is more than happy to help with the letter.

Ms. Whalley reported that last week the library had author Paula McClain with over one hundred seventy-five people signed up, but because of the winter storm about only seventy people showed up.

Borough Engineer's Report:

Mr. Avakian reported that they are currently working on the Pitney Avenue Sewer Lateral project. They are moving forward and coordinating with public works because the contractor has had issues finding the lateral locations.

Mr. Frost questioned the notice a neighbor received saying that the cost of the sewer lining would be \$4,500. Mr. Dempsey and Mr. Avakian both indicated that the contractor should not have sent out a letter. Mr. Avakian asked for a copy of the letter.

Mr. Avakian then reported that there are two resolutions on tonight, one awarding the Morris Avenue Water Main Improvement to James R. Ientile, Inc. and the second for a change order to the Lorraine & Tuttle Water Improvement for the loop on Passaic Avenue. Mr. Dempsey explained that by adding Passaic Avenue to the contract on Lorraine and Tuttle Avenues they will be able to pave Passaic at the same time as Lorraine and Tuttle Avenues.

Mr. Judge asked when they will be picking back up on Fifth Avenue. Mr. Avakian explained they are looking forward to start again. Mr. Dempsey added that they will probably begin around March 15th. Ms. Whalley asked Mr. Avakian if he needs anything from the Parks and Recreation committee for the next Divine Park grant. Mr. Avakian indicated that they do not need anything.

Borough Attorney's Report: None

Borough Administrator's Report: None

Business Items Under Consideration:

a. Event Application - Jersey Shore Running Club- April 6, 2019 - Mr. Frost offered a motion to approve the request, seconded by Mr. Erbe. All in favor. None opposed.

Ordinances for Introduction:

Borough Attorney Colao read Ordinance No. 2019-004 entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$2,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,375,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

Mr. Erbe offered a motion to introduce Ordinance No. 2019-004, seconded by Mr. Frost.

26052

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

Public Hearing will be set for March 12, 2019.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Ordinances for Adoption:

Mr. Erbe offered a motion to open the public hearing for Ordinance No. 2019-001, seconded by Mr. Frost.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui

NAYS: None

ABSENT: None

ABSTAIN: Ms. Whalley

PUBLIC HEARING NOW OPEN

Mr. Judge explained that this is the first of two ordinances to implement the settlement agreement reached with Fair Share in the courts. Andrew Beyer, COAH Attorney, continued that this ordinance allows for an overlay zone in the GC zone and portion of the RC zone on Morris Avenue between Third and Fourth Avenues. This ordinance will allow for mixed use on the ground floor with no more than two stories of residential units above. He continued that once a developer takes advantage of this overlay, they are required to set aside twenty percent to fair housing.

Mr. Erbe offered a motion to close the public hearing for Ordinance No. 2019-001, seconded by Mr. Drasheff.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui

NAYS: None

ABSENT: None

ABSTAIN: Ms. Whalley

PUBLIC HEARING NOW CLOSED

Mr. Erbe offered a motion to adopt Ordinance No. 2019-001, seconded by Mr. Drasheff.

**ORDINANCE NO. 2019-001- AN ORDINANCE AMENDING CHAPTER 225 ENTITLED
"LAND DEVELOPMENT" ARTICLES III ENTITLED "ZONING DISTRICTS AND ZONING
MAP" AND ARTICLE IV ENTITLED "DISTRICT REGULATIONS" OF THE GENERAL
ORDINANCES OF THE BOROUGH OF SPRING LAKE CREATING THE MIXED-USE
AFFORDABLE HOUSING OVERLAY ("MUAHO") ZONE IN THE GC GENERAL COMMERCIAL
ZONE AND A PORTION OF THE RC RETAIL COMMERCIAL ZONE**

WHEREAS, the Borough of Spring Lake ("Borough") filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Spring Lake, Docket No. MON-L-2537-15 following the New Jersey Supreme Court's decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about February 13, 2018 establishing the Borough's Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

WHEREAS, the Court entered an order on September 18, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the Court Order approving the Settlement Agreement requires the Borough to adopt an affordable housing overlay zone ordinance to provide for the opportunity to address the unmet need component of the Borough's affordable housing plan; and

WHEREAS, the Borough Council find it is in the best interest of the Borough to implement the terms and conditions of the Settlement Agreement and the requirements of the Court's order approving the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Spring Lake, County of Monmouth, and State of New Jersey that Chapter 225 Articles III and IV are hereby amended as follows (*new text is double underlined, text to be deleted is ~~struck-through~~*):

SECTION 1

Chapter 225 (Land Development), Article III (Zoning Districts and Zoning Map) shall be amended to include a new zoning district as follows:

Section 225-8 Zoning Districts

"MUAHOZ" Mixed-Use Affordable Housing Overlay Zone

SECTION 2

Chapter 225 (Land Development), Article III, (Zoning Districts and Zoning Map) shall be amended as include a new section as follows:

Section 225-9 A (3)

The boundaries of the MUAHOZ-Mixed Use Affordable Housing Overlay Zone shall include the GC – General Commercial Zone and that portion of the RC – Retail Commercial Zone along Morris Avenue between Third Avenue and Fourth Avenue, excluding properties fronting on Third Avenue, as further shown on a map entitled Mixed-Use Affordable Housing Overlay Zone prepared by JDM Planning Associates, LLC dated 10-25-18."

SECTION 3

Chapter 225 (Land Development) Article IV, ("District Regulations") shall be amended to include a new section 14.3 as follows:

225-14.3. Mixed-Use Affordable Housing Overlay Zone

- A. Within the Mixed-Use Affordable Housing Overlay Zone, mixed use buildings, as further defined in this section, shall be a permitted conditional use subject to the standards set forth in subsection C. below.
- B. As used herein a mixed-use building shall be a building with a ground floor story consisting of a non-residential principal use or uses otherwise permitted in the underlying zone and a minimum of one, but no more than two stories, of residential use over the first-floor non-residential use(s).
- C. Mixed-use buildings in the MUAHOZ zone shall meet the following standards:
 1. A minimum of twenty percent of the dwelling units in a mixed-use building shall be very-low, low, and /or moderate-income units and no mixed-use building shall have less than one very-low, low, or moderate-income unit.
 2. On-site/off-street parking shall be provided in conformance with the requirements of the New Jersey Residential Site Improvement Standards for all residential units in the mixed-use building.
 3. The maximum height of the mixed-use building shall be thirty-five feet.
- D. Except as provided in subsection C. above, the zoning requirements for the underlying zone shall Apply to mixed-use buildings.

SECTION 4

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6

This Ordinance shall take effect immediately upon final passage and publication according to law.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui

NAYS: None

ABSENT: None

ABSTAIN: Ms. Whalley

Mr. Erbe offered a motion to open the public hearing for Ordinance No. 2019-002, seconded by Mr. Drasheff. All in favor. None opposed.

PUBLIC HEARING NOW OPEN

Mr. Beyer explained that this second Ordinance is part of the settlement with Fair Share Housing. This ordinance now requires the Borough to incorporate COAH and Fair Share Housing regulations as part of the Borough Code. He continued that the ordinance requires one affordable housing unit to be added to every multifamily home of five or more units. He received questioning on this portions and a few typographical errors of the ordinance by the Planning Board, but does believe this section needs to change.

Mr. Erbe offered a motion to close the public hearing for Ordinance No. 2019-002, seconded by Mr. Drasheff. All in favor. None opposed.

PUBLIC HEARING NOW CLOSED

Mr. Erbe offered a motion to adopt Ordinance No. 2019-002, seconded by Mr. Drasheff.

**ORDINANCE NO. 2019-002- AN ORDINANCE AMENDING CHAPTER 225 ENTITLED
"LAND DEVELOPMENT" ARTICLE V ENTITLED "GENERAL DEVELOPMENT REGULATIONS"
OF THE GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE TO IMPLEMENT
THE BOROUGH'S THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN
CONSISTENT WITH THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE
BOROUGH OF SPRING LAKE AND THE FAIR SHARE HOUSING CENTER REGARDING
COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING
OBLIGATION FOR THE PERIOD 1999 to 2025 AND TO UPDATE THE BOROUGH'S
AFFORDABLE HOUSING REGULATIONS CONSISTENT WITH THE FAIR HOUSING ACT
AND THE APPLICABLE REGULATIONS ADOPTED BY THE COUNCIL ON AFFORDABLE
HOUSING**

WHEREAS, the Borough of Spring Lake ("Borough") filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Borough of Application of the Borough of Spring Lake, Docket No. MON-L-2537-15 following the New Jersey Supreme Court's decision in Mt. Laurel IV; and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on or about February 13, 2018 establishing the Borough's Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Borough will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court entered an order on September 18, 2018 approving the Settlement Agreement by and between the Borough and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the Court Order approving the Settlement Agreement requires the Borough to adopt an affordable housing ordinance incorporating the requirements of the Fair Housing Act and its implementing regulations including the Uniform Housing

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

Affordability Controls into the Borough code; an affordable housing overlay zone ordinance; and a mandatory affordable housing set aside ordinance; and

WHEREAS, the Borough Council find it is in the best interest of the Borough to implement the terms and conditions of the Settlement Agreement and the requirements of the Court's order approving the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Spring Lake, County of Monmouth, and State of New Jersey that Chapter 225 entitled "Land Development", Article V entitled "General Development Regulations of the General Ordinances of the Borough of Spring Lake is hereby amended or supplemented as follows:

PURPOSE

The purpose of this ordinance is to (1) assure that low-and moderate-income units ("affordable units") are created with controls on affordability and that low-and moderate-income households shall occupy these units; (2) The Borough of Spring Lake Planning Board has adopted a Housing Element and Fair Plan pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D—1 et. seq. and the Borough Council has endorsed the Fair Share Plan which describes how Spring Lake shall address its constitutional obligation to provide for its fair share of affordable housing as documents in the Housing Element and outlined in the terms of the settlement agreement between the Borough and Fair Share Housing Center; (3) and the Borough of Spring Lake shall track the status of the implementation of the Housing Element and Fair Share Plan which shall be available to the public as required by the settlement agreement with Fair Share Housing Center.

Chapter 225 (Land Development) of the General Ordinances of the Borough of Spring Lake is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck-through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended as follows:

225-7 Definitions

As used in this chapter, the following terms shall be added to this Section:

"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. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Sub-code, 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. 5:96, N.J.A.C. 5:97 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. 5:97-9; 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 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 structure that provides for sale or rental dwelling units for low & moderate income households within a residential use, structure, supportive or special needs dwelling, or residential component of a mixed-use development in accordance with the requirements of the Borough of Spring Lake's affordable housing ordinances and Housing Element & Fair Share Plan.

"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. 5:97-4, 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 percent 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

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

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.

"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 New Jersey Council on Affordable Housing established under the Fair Housing Act of 1985.

"Construction" means new construction and additions, but does not include alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L. 1975, c.217 (C.52:27D-119 et seq.).

"The Department" means 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. 52:27D-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.

"Development fee" means money paid for an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH rules and regulations pursuant to N.J.A.C. 5:94-6 5:93-8, Development Fees.

"Equalized assessed value" means the assessed value of a property divided by the current State equalization ratio for the Borough. Estimates at the time of building permit may be obtained by the Borough Tax Assessor utilizing estimates for construction cost. Final equalized assessed values shall be determined at project completion by the Borough Assessor.

"Inclusionary development" means a development containing both affordable units and market rate units. Inclusionary developments that has five or more units must have a minimum twenty percent set aside of affordable units if it is for sale and a minimum fifteen percent set aside for rentals. 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.

"Judgment of compliance" means a determination issued by the Superior Court approving the Borough's affordable housing plan to satisfy its fair share obligation.

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the median household income.

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

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

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

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

"Mixed-Use Development" means a structure or building that encompasses two or more different land uses, which shall be a retail or commercial component and a residential component, whereby any commercial use must be on the ground floor of said building or

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

structure and the upper levels of the structure shall be the residential component and shall provide low and moderate income units, for sale or rental, in accordance with the requirements of the Borough of Spring Lake's affordable housing ordinances and Housing Element & Fair Share Plan.

"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.

"Non-residential development" means: (1) any building or structure, or portion thereof, including but not limited to any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code promulgated to effectuate the "State Uniform Construction Code Act," P.L. 1975, c.217 (C.52:27D-119 et seq.), including any subsequent amendments or revisions thereto; (2) hotels, motels, vacation timeshares, and child-care facilities; and (3) the entirety of all continuing care facilities within a continuing care retirement community which is subject to the "Continuing Care Retirement Community Regulation and Financial Disclosure Act," P.L.1986, c.103 (C.52:27D-330 et seq.).

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

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department's adopted Regional Income Limits published annually by the Department.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub-code, 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 UHOP or MONI.

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

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.

"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.

SECTION 2

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (1) as follows:

225-31.2 (1) Affordable Housing Programs

The Borough shall use the following mechanisms to satisfy its affordable housing obligations:

A. Percentage of Mandatory Set Asides for All Future Residential Developments.

1. If the Borough permits the construction of multi-family residential developments, the Borough shall require that an appropriate percentage of the residential units be set aside for low and moderate-income households. This requirement shall apply beginning with the effective date of this ordinance to any multi-family development, including the residential portion of a mixed-use development, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough's Planning or Zoning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. For inclusionary projects in which the low and moderate units are to be offered for sale, the appropriate set-aside percentage shall be 20 percent; for projects in which the low and moderate-income units are to be offered for rent, the appropriate set-aside percentage shall be 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
2. This requirement does not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

3. Furthermore, this section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.
- B. Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:
- | <u>Minimum Percentage of Low- and Moderate-Income Units Completed</u> | <u>Maximum Percentage of Market-Rate Units Completed</u> |
|---|--|
| 0 | 25 |
| 10 | 25 + 1 Unit |
| 50 | 50 |
| 75 | 75 |
| 100 | 90 |
- C. Fractional Units. If 20 percent of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.
- Example: an 8-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.
- D. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- E. Off-site construction. The standards for constructing affordable units off-site, shall be in accordance with the Borough's recommendations, provided that at least the same number of affordable units are provided, not more than 25% are age-restricted, and the affordable units provided are otherwise consistent with the terms of the Settlement Agreement.
- F. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

SECTION 3

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (2) as follows:

225-31.2 (2) New Affordable Housing Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- A. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units. If there is only one affordable unit it must be a low-income unit.
 3. The Borough Housing Element and Fair Share Plan requires that thirteen percent (13%) of all affordable units approved or constructed since July 17, 2008 in the Borough shall be designated as very-low income households at 30% of the median income, with at least fifty percent (50%) of all very-low income units being available to families. While this requirement applies to the entirety of the Borough's affordable housing percentage and it may not be imposed on each project individually, its application to each project will be evaluated on a case by case basis and may be imposed as a requirement of a newly constructed development.
 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 percent of the total low- and moderate-income units;
 - b. At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
 - c. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
 - d. The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.
- B. Accessibility Requirements:
1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub-code, N.J.A.C. 5:23-7.
 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - 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;

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

- 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. 52:27D-311a et seq.) and the Barrier Free Sub-code, N.J.A.C. 5:23-7, or evidence that the Borough of Spring Lake has collected funds from the developer enough to make ten percent (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 Borough's Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under paragraph B. above shall be used by the Borough of Spring Lake 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 Borough.
 - (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 Sub-code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund where the funds shall be 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 Sub-code, N.J.A.C. 5:23-7.

C. Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC utilizing the regional income limits established by the New Jersey Department of Community Affairs (DCA) or other agency as required by the Court.
- 2. The maximum rent for restricted rental units within each affordable development and the average rent for restricted low- and moderate-income units shall be calculated in accordance with UHAC regulations.
- 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.
- 4. The maximum sales price of restricted ownership units within each affordable development shall be calculated in accordance with UHAC regulations, and each affordable development must achieve an affordability average shall be calculated in accordance with UHAC regulations, 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 used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
- 6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate 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.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Utilities. 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.

SECTION 4

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (3) as follows:

225-31.2 (3) Occupancy Standards for Affordable Housing

- 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 children of different sex with separate bedrooms; and
 3. 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.

SECTION 5

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (4) as follows:

225-31.2 (4) Control Periods for Affordable Housing Restricted Ownership Units and Enforcement Mechanisms

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Spring Lake elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title 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.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

- G. At the time of the first non-exempt sale following a 30-year interval from the date of the issuance of the initial certificate of occupancy, the Borough shall have the right of first refusal to purchase a restricted ownership unit at the maximum restricted price in accordance with UHAC regulations at N.J.A.C. 5:80-26.5. If the Borough does not exercise its right to purchase the restricted unit, the unit may be sold at fair market value and the proceeds retained by the owner, subject to the owner's repayment of the recapture lien to the Borough as defined in N.J.A.C. 5:80-26.5.

SECTION 6

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (5) as follows:

225-31.2(5) 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.

SECTION 7

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (6) as follows:

225-31.2 (7) 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 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- 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 percent of the household's certified monthly income.

SECTION 8

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (7) as follows:

225-31.2(7) 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 percent 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).

SECTION 9

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (8) as follows:

225-31.2 (8) Control Periods for Restricted Rental Units

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Spring Lake elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

records office of the County of Monmouth. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
1. Sublease or assignment of the lease of the unit;
 2. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure.

SECTION 10

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (9) as follows:

225-31.2 (9) 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 five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

SECTION 11

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (10) as follows:

225-31.2(10) 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 percent of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent 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 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of its 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.

SECTION 12

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (11) as follows:

225-31.2 (11) Affirmative Marketing Requirements

- A. Affirmative marketing shall be established and maintained in accordance with the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.
- B. The affirmative marketing plan shall be a part of the Fair Share Plan and shall be referenced by ordinance.
- C. The Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- D. 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 Housing Region 4 and covers the period of deed restriction.
- E. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4.
- F. The Administrative Agent designated by the Borough shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- G. 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.
- H. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- I. 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 Borough.

SECTION 13

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (12) as follows:

225-31.2(12) Administration

- A. The position of Municipal Housing Liaison (MHL) for the Borough of Spring Lake is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.
 - 1. The MHL must be either a full-time or part-time employee of Spring Lake.
 - 2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
 - 3. The MHL must meet all the requirements for qualifications, including initial and periodic training.
 - 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Spring Lake, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - a. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. The implementation of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, supervising any contracting Administrative Agent.
 - d. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - e. Compiling, verifying and submitting annual reports as required;
 - f. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - g. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

- B. The Borough shall designate by resolution of the Borough Committee, subject to the approval of the Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:91, N.J.A.C. 5:93 and UHAC.
- C. An Operating Manual shall be provided by the Administrative Agent(s) and shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- D. The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, 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 Affordable Housing Professionals of New Jersey (AHPNJ).;
 - 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, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - 9. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- E. The Administrative Agent shall also implement the rehabilitation program, affordability assistance program, and any other affordable housing programs required within the Spending Plan and adopted Housing Plan Element and Fair Share Plan.

SECTION 14

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (13) as follows:

225-31.2 (13) 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 Borough 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 \$10,000.00 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 Borough of Spring Lake 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 Borough 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.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

- C. Such judgment shall be enforceable, at the option of the Borough, 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 Borough 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.

SECTION 15

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (14) as follows:

225-31.2(14) Use of funds

The Borough shall use revenues collected in the affordable housing trust fund in accordance with N.J.A.C. 5:93-8.16.

SECTION 16

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (15) as follows:

225-31.2(15) Monitoring and reporting requirements

The Borough shall submit a monitoring report to the Court as set forth in its settlement agreement with Fair Share Housing Center.

SECTION 17

Chapter 225 (Land Development) Article V (General Development Regulations) shall be amended to include a new section 31.2 (16) as follows:

225-31.2(16) Spending plan

The Borough shall submit to the Court a spending plan for the development fees collected by it prior to the expiration of its Judgment of Compliance. Plans to spend development fees shall consist of the following information:

- (a) A municipality may use revenues collected from development fees for any activity approved by the Council for addressing the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, ECHO housing, purchase of land for low and moderate income housing, improvement of land to be used for low and moderate income housing, extensions and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units to be more affordable and administration of the implementation of the housing element. The Borough shall also be permitted to use development fee revenues to attract other funds such as, but not limited to, available public subsidies and funds from private lending institutions.
- (b) Funds shall not be expended to reimburse municipalities for past housing activities.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

- (c) At least 30 percent of the revenues collected from development fees shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low interest loans, and rental assistance. Development fees collected to finance a rehabilitation program or a new construction project shall be exempt from this requirement. This requirement may be waived in whole or in part when the municipality demonstrates the ability to address the requirement of affordability assistance from another source.
- (d) Municipalities may contract with a private or public entity to administer the implementation of any part of its housing element, including the requirement for affordability assistance.
- (e) No more than 20 percent of the revenues collected from development fees shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement: a rehabilitation program; a new construction program; an RCA; a housing element; and an affirmative marketing program. Administrative funds may be used for: income qualification of households; monitoring the turnover of sale and rental units; and compliance with Council monitoring requirements. Development fees shall not be used to defray the costs of existing staff. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

SECTION 18

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 19

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 20

This Ordinance shall take effect immediately upon final passage and publication according to law.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Erbe offered a motion to open the public hearing for Ordinance No. 2019-003, seconded by Mr. Drasheff. All in favor. None opposed.

PUBLIC HEARING NOW OPEN

Mr. Judge explained this ordinance is to reduce the restrictions placed on gatherings on the beach and boardwalk.

Mr. Erbe offered a motion to close the public hearing for Ordinance No. 2019-003, seconded by Mr. Drasheff. All in favor. None opposed.

PUBLIC HEARING NOW CLOSED

Mr. Erbe offered a motion to adopt Ordinance No. 2019-003, seconded by Mr. Drasheff.

**ORDINANCE NO. 2019-003- AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 114, BEACHES AND POOLS**

WHEREAS, Article I of Chapter 114 of the Borough Code governs the use of Beaches and Pools in the Borough of Spring Lake; and

WHEREAS, the Mayor and Council have recommended that the following Sections of Chapter 114 are amended and supplemented as it is in the best interests of the health, safety and welfare of the residents of the Borough; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

ARTICLE I.

§ 114-7. Weapons; bicycles on the boardwalk or beaches.

- A. No person shall possess any speargun in the area of the beach or the boardwalk at any time.
- B. No person shall wear spiked footwear on the boardwalk at any time.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

- C. No person shall ride a bicycle on the boardwalk commencing on May 15 of each year and continuing thereafter to September 15, inclusive, of each year, except during the hours from 10:00 p.m. to 8:00 a.m., prevailing time, or each day. This does not apply to bicycles operated by the Borough of Spring Lake or its Police Department in carrying out the duties and responsibilities in protecting the health, safety and welfare of the general public.
- D. Motorized bicycles.
 - (1) No person shall operate a motorized bicycle of any kind and by whatever name or designation known on the boardwalk or on the approaches to the boardwalk in the Borough. This complete prohibition shall be in full force and effect at all times.
 - (2) This amendment and supplement is not intended to apply to a motorized bicycle operated by the Borough in carrying out its duties and responsibilities in protecting the health, safety and welfare of the general public.
- E. No person shall roller blade or skateboard on the boardwalk in the Borough of Spring Lake at any time of year.
- F. No person shall ride, park, secure or otherwise leave unattended any bicycle on the boardwalk of Spring Lake between Worthington Avenue and St. Clair Avenue, or between Monmouth Avenue and Pennsylvania Avenue commencing on May 15 of each year and continuing thereafter to September 15, inclusive, of each year, except during the hours from 10:00 p.m. to 8:00 a.m. prevailing time, or each day. This does not apply to bicycles operated by the Borough of Spring Lake or its Police Department in carrying out the duties and responsibilities in protecting the health, safety and welfare of the general public.
- G. During the months of July and August, Memorial Day Weekend (Friday through Monday) and Labor Day Weekend (Friday through Monday); no parties, weddings, gatherings, ceremonies or similar special events shall be permitted on any portion of the boardwalk, including any adjacent structures such as the Washington Avenue, and Newark Avenue Gazebo; North and South End Pavilions; and the Pier Beach Boardwalk Patio Area.

§ 114-8. Beach parties or other events.

During the months of July and August, Memorial Day Weekend (Friday through Monday) and Labor Day Weekend (Friday through Monday); Beach parties, weddings, gatherings, ceremonies and similar events are prohibited on Borough beaches. Non-beach related items such as tables, upright chairs, stages, and podiums are prohibited on Borough beaches for any purpose.

This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Consent Agenda:

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

**R-19-037-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#4-2019 – LEGAL AID SOCIETY OF MONMOUTH COUNTY, INC.-
ON PREMISE 50/50**

WHEREAS, Legal Aid Society of Monmouth County, Inc. has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#4-2019, and

WHEREAS, said license has been forwarded to the Spring Lake Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#4-2019 be and the same is hereby approved as follows:

NAME: Legal Aid Society of Monmouth County, Inc.
PO Box 2006, Ocean, NJ 07712
Identification No.: 12-4-29564

LOCATION: The Breakers
1507 Ocean Avenue, Spring Lake, NJ

DATE: April 11, 2019 from 6:00 pm to 9:00 pm

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

**R-19-038-RESOLUTION - APPROVING RAFFLE LICENSE APPLICATION
RA#5-2019 – HW MOUNTZ SCHOOL PTA -
ON PREMISE DRAW RAFFLE**

WHEREAS, St. Catharine School PTA has filed an application, which has been found to be complete, for a Raffle License which has been assigned number RA#5-2019, and

WHEREAS, said license has been forwarded to the Spring Lake Police Department for their review and no objection was received, and

WHEREAS, the appropriate fees and have been received and filed by the Borough Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Raffle License No. RA#5-2019 be and the same is hereby approved as follows:

NAME: H.W. Mountz Elementary School PTA
411 Tuttle Avenue, Spring Lake, NJ 07762
Identification No.: 475-5-4175

LOCATION: Marucci Park
Third Avenue & South Blvd., Spring Lake, NJ 07762

DATE: March 16, 2019 from 12:00 to 4:00 pm

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

**R-19-039-RESOLUTION – RELEASING STREET OPENING BOND
41 LUDLOW AVENUE, BLOCK 109 LOT 11**

WHEREAS, a street opening application and appropriate fees were received by the Borough of Spring Lake from Thomas Flanigan for the property located at 41 Ludlow Avenue, Block 109, lot 11, and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

ROLL CALL:

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

**R-19-040-RESOLUTION – RELEASING STREET OPENING BOND
17 SOUTH BLVD, BLOCK 144 LOT 9**

WHEREAS, a street opening application and appropriate fees were received by the Borough of Spring Lake from David Tirolly Building, LLC for the property located at 17 South Blvd, Block 144, lot 9, and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

**R-19-041-RESOLUTION – RELEASING STREET OPENING BOND
112 BRIGHTON AVENUE, BLOCK 97 LOT 16**

WHEREAS, a street opening application and appropriate fees were received by the Borough of Spring Lake from Joshua Grant for the property located at 112 Brighton Avenue, Block 97, lot 16, and

WHEREAS, a \$1,250.00 bond was posted for each property to ensure that the work was completed satisfactorily, and

WHEREAS, the Borough Engineer's office has inspected the site and found the work to be completed in accordance with Borough Ordinances and recommended the refund of the bond posted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough of the Borough of Spring Lake that the above referenced street opening bond in the amount of \$1,250.00 be and the same is hereby authorized for return.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Resolutions:

Mr. Drasheff offered the following resolution and moved its adoption, seconded by Mr. Frost.

**R-19-042-RESOLUTION – APPOINTING THOMAS J. SATEARY -
TAX APPEAL ATTORNEY**

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake that Thomas J. Sateary be and hereby is appointed Tax Appeal Attorney for the Borough of Spring Lake effective immediately.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: Mr. Erbe

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

R-19-043-RESOLUTION – AWARD OF CONTRACT #02-2019

MORRIS AVENUE WATER MAIN IMPROVEMENTS

WHEREAS, on February 13, 2019 bids were received for the Morris Avenue Water Main Improvements, and

WHEREAS, eleven (11) packages were picked up and six (6) bids were received, and

WHEREAS, James R. Ientile, Inc., 28 Vanderburg Road, Marlboro, NJ 07746 submitted the lowest responsible bid for the Morris Avenue Water Main Improvements at a total bid of \$161,900.00, and

WHEREAS, by letter dated February 14, 2019 from Peter Avakian's office, Borough Engineer, the award of this contract is recommended to James R. Ientile, Inc., and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Spring Lake that Contract #02-2019 is hereby awarded to James R. Ientile for the Morris Avenue Water Main Improvements at a cost not to exceed \$161,900.00.

I, Christine Manolio, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available for the award of the above contract from: Bond Ordinance 2018-07 Acct # W-08-18-007-238 with a balance of \$2,987,065.00.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

R-19-044-RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 – INCREASING

**CONTRACT #04-2018 LORRAINE AVENUE & TUTTLE AVENUE WATER
DISTRIBUTION SYSTEM IMPROVEMENTS**

WHEREAS, contract #04-2018 for Lorraine Avenue & Tuttle Avenue Water Distribution System Improvements was awarded on May 8, 2018 to Earle Asphalt, Farmingdale, NJ in the amount of \$727,193.13, and

WHEREAS, Engineer's Certificate includes Change Order #1 which decreased the contract in the amount of \$52,721.44 for a total contract in the amount of \$674,471.69; and

WHEREAS, Engineer's Certificate includes Change Order #2 which increased the contract in the amount of \$96,907.50 for a total contract in the amount of \$771,379.19; and

WHEREAS, Engineer's Certificate (annexed hereto and made a part hereof) includes Change Order #3 which increased the contract in the amount of \$8,300.00 for a total contract in the amount of \$779,679.19; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Spring Lake that Change Order No. 3 increasing Contract #04-2018 for Lorraine Avenue & Tuttle Avenue Water Distribution

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

System Improvements in the amount of \$8,300.00 for a total contract in the amount of \$779,679.19 is hereby authorized for the above contract awarded to Earle Asphalt.

I, Christine Manolio, Chief Financial Officer of the Borough of Spring Lake hereby certify that funds are available for the change order from: Bond Ordinance No. 2015-006 Acct# W-08-15-006-238 with a balance of \$33,218.02.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

R-19-045-RESOLUTION - AUTHORIZING A 2019 TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Spring Lake desires to constitute the 2019 Temporary Capital Budget of the Borough of Spring Lake by inserting therein various capital projects,

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Spring Lake as follows:

Section 1. The 2019 Capital Budget of the Borough of Spring Lake is hereby amended by adding thereto a schedule to read as follows:

Capital Budget of the Borough of Spring Lake
County of Monmouth, New Jersey

Project Scheduled for 2017

Project	Estimated Cost	Capital Improvement	Other Funds	Debt Authorized
Various Road Improvements	\$2,500,000	\$125,000		\$2,375,000

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services within three days after the adoption of Resolution.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Mr. Drasheff offered the following resolution and moved its adoption, seconded by Mr. Frost.

R-19-046-RESOLUTION – APPROVAL OF BILLS – FEBRUARY 26, 2019

WHEREAS, the Borough of Spring Lake received certain claims against it by way of vouchers received during the period ending February 26, 2019 and

WHEREAS, the Borough Finance Committee has reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Spring Lake, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

CURRENT FUND (1)	695,482.56
GENERAL CAPITAL FUND (4)	7,911.25
W/S UTILITY CAPITAL FUND (8)	136,460.59
WATER/SEWER OPERATING (9)	17,307.13
DOG TRUST (13)	1,033.00
SPRING LAKE TRUST (15)	7,876.00

26072

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

COAH TRUST (16)	1,412.50
RECREATION (25)	262.94
JR GUARDS (26)	12,457.97
BEACH OPERATING (81)	8,267.84
POOL OPERATING (91)	110.21
TOTAL	\$888,581.99

ROLL CALL:

AYES: Mr. Drasheff, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: Mr. Erbe.

Mr. Erbe offered the following resolution and moved its adoption, seconded by Mr. Drasheff.

**R-19-047-BOROUGH OF SPRING LAKE, COUNTY OF MONMOUTH RESOLUTION
ENDORISING HOUSING ELEMENT AND FAIR SHARE PLAN PREPARED BY JDM PLANNING
ASSOCIATES, LLC DATED FEBRUARY 5, 2019**

WHEREAS, the Borough of Spring Lake filed a declaratory judgment with the Superior Court of New Jersey seeking an order establishing the Borough's fair share obligation for the 1999-2025 period, the time to adopt a compliance plan and protection from builder's remedy litigation in the matter captioned In the Matter of the Application of the Borough of Spring Lake, Docket No. MON-L2537-15

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on March 13, 2018 with Fair Share Housing Center establishing the Borough's realistic development potential at zero units with an unmet need of 277 units and the Court approved the Settlement Agreement after conducting a Fairness Hearing by order dated September 18, 2018;

WHEREAS, the Court Order approving the Settlement Agreement requires the Borough to adopt an updated Housing Element and Fair Share Plan as a condition of approval of the Borough's Settlement Agreement to obtain a final judgment of repose and immunity from builder's remedy litigation through July 1, 2025;

WHEREAS, the Planning Board adopted the Housing Element and Fair Share Plan to implement the affordable housing strategy set forth in the Court approved Settlement Agreement on February 20, 2019 and

WHEREAS, a true copy of the letter from the Planning Board Attorney confirming the approval by the Board is attached hereto in accordance with applicable law; and

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Spring Lake, County of Monmouth hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Spring Lake Planning Board;

I hereby certify that this is a true copy of the Resolution endorsing the Housing Element and Fair Share Plan of the Borough of Spring Lake, County of Monmouth.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

NAYS: None

ABSENT: None

ABSTAIN: None

Public Comments: None

Executive Session: None

Adjournment:

26074

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
MARCH 12, 2019**

Mayor Naughton called the Regular Meeting of the Mayor and Council of the Borough of Spring Lake to order at 7:00 P.M. with a moment of silent prayer. She then proceeded with the Pledge of Allegiance to the Flag. Mayor Naughton announced that the meeting is being held in accordance with the Open Public Meetings Act.

PRESENT: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley, Mayor Naughton

ABSENT: None

ALSO PRESENT: W. Bryan Dempsey, Borough Administrator & Deputy Clerk
Joseph Colao, Borough Attorney
Peter Avakian, Borough Engineer
Dina M. Zahorsky, Borough Clerk

Proclamations, Presentations & Special Guests:

Workshop Discussions:

Approval of Minutes:

Mr. Judge offered a motion to approve the minutes of February 12, 2019, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Ms. Whalley,

NAYS: None

ABSENT: None

ABSTAIN: Mr. Sagui

Public Comments: None

Council Comments & Staff Reports:

Mr. Drasheff reported that tonight they will be introducing the new ordinance regarding rental properties. He believes that it will help eliminate issues at some of the problematic rental properties in town. Mr. Judge asked if the fees are new and if there are penalties for violating the new ordinance. Mr. Drasheff answered that the fees will remain the same.

Borough Attorney Colao explained that subsection in article three contains the penalties for any violations to the new ordinance.

Mr. Frost asked why they decided on not allowing rentals less than seven days, since some rentals are for long weekends. Mr. Drasheff indicated that the short-term rentals tend to be problematic. Mr. Drasheff asked about the CO detectors in rental properties. Mr. Colao explained that they are required as part of the fire code ordinance.

Peter Meade, 300 Worthington Avenue explained that rentals are required have to have CO detectors.

Mr. Sagui reported that they had a sewer meeting and discussed the sump pump issues the town has been experiencing. SMRSA billed Spring Lake around one million dollars while compared to Sea Girt only was billed about \$300,000 in 2018 for waste water processing. Mr. Sagui continued that Spring Lake should be paying about \$500,000 annually, but believes that the billing is so high because residents are draining their sump pumps into the sanitary sewer line. He explained that

**BOROUGH OF SPRING LAKE
MAYOR AND BOROUGH COUNCIL
REGULAR MEETING
FEBRUARY 26, 2019**

Mr. Judge offered a motion to adjourn the meeting, seconded by Mr. Erbe.

ROLL CALL:

AYES: Mr. Drasheff, Mr. Erbe, Mr. Judge, Mr. Frost, Mr. Sagui, Ms. Whalley

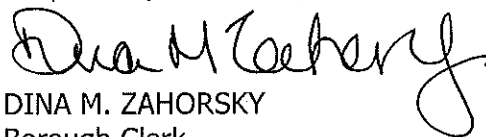
NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Time of Adjournment: 7:51 P.M.

Respectfully submitted,



DINA M. ZAHORSKY
Borough Clerk

Approved at a meeting: March 26, 2019