

**FAIR HAVEN BOROUGH COUNCIL  
SEPTEMBER 28, 2020**

The meeting was called to order by Mayor Lucarelli at 7:04 p.m. The Flag Salute was followed by a Moment of Silent Meditation; all were asked to remember Ruth Bader Ginsberg for her prudence and all that she has done for our Supreme Court and country.

The Sunshine Law Statement was read.

**IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).**

**DUE TO THE COVID-19 SITUATION, THE BOROUGH OF FAIR HAVEN'S MUNICIPAL FACILITIES ARE CLOSED TO THE PUBLIC. THIS MEETING IS BEING PRESENTED THROUGH THE ZOOM MEETING PLATFORM AND BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS COUNCIL MEETING OF SEPTEMBER 28, 2020 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL PUBLIC QUESTIONS/COMMENT TIME, WHICH WILL BE ANNOUNCED. AT THAT TIME THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.**

**NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 9, 2020 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.**

**ROLL CALL**

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen. Absent: Councilman Banahan. Others present: Administrator Casagrande and Attorney Alfieri.

**PROCLAMATION**

Mayor Lucarelli said the Random Acts of Beauty proclamation is now in its 8<sup>th</sup> year. It started when he and his wife were walking the neighborhood with their dog and noticed that many people did a wonderful job maintaining their homes and businesses. The following properties were selected for this year's award:

The Fahey Residence, 15 Cooney Terrace  
The Gallagher Residence, 151 Lexington Avenue  
The Goldberg Residence, 180 Grange Avenue  
The Howard Residence, 224 Fair Haven Road  
The Perkins Residence, 263 Hance Road

**Garden Plots**

Andrew and Sarah Stypa

**Business**

Flair Cleaners, 761 River Road

The Mayor thanked the Garden Club for all of the hard work put in by going through town and identifying properties for the award. He also noted that the Garden Club stated that they were looking at all of the businesses and because of the wonderful job that Flair Cleaners did again this year, chose them again. The Mayor thanked Vicki Heard for all she does at Flair Cleaners.

Mayor Lucarelli said that he would like to rearrange the agenda to allow for Old Business to be addressed prior to Workshop Session while the Borough professionals, Mike Edwards, Esq. and Susan Gruel, Borough Planner, were in attendance. The Mayor acknowledged the efforts of the Fair Share Housing Committee (Councilmembers Koch and Rodriguez, Todd Lehder, Michael Borneo, Andrew Sobel and Engineer Gardella) and thanked them for accomplishing the monumental task in a short period of time. He gave a special thank you to Todd Lehder for all of his work and giving up his Labor Day weekend to read through the information and be sure that it was correct. The Hearing and adoption on the five ordinances and action on the resolutions that pertain to Fair Share Housing will take place now and public comment will be taken (the public can use the "Raise Your Hand" button to be acknowledged).

**OLD BUSINESS**

**HEARING AND ADOPTION OF ORDINANCES**

1. Ordinance No. 2020-05, Establish an Affordable Housing Ordinance

**AN ORDINANCE ADDING SECTION 15.2 TO CHAPTER 30 (LAND USE AND DEVELOPMENT REGULATIONS) IN THE FAIR HAVEN BOROUGH CODE, WHICH WILL BE ENTITLED “AFFORDABLE HOUSING ORDINANCE”, AND WILL ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS**

On motion of Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:11 p.m.

Councilwoman Chrisner-Keefe asked that the professionals walk through the five ordinances that are listed for hearing and adoption to give an overview of what each is. Councilman Rodriguez recommended giving a one or two sentence statement as we go through each ordinance.

Mike Edwards, Esq., said that this ordinance is a proforma document that all municipalities have to adopt to be compliant with the Mount Laurel doctrine to protect themselves from Builder’s Remedy litigation. It is the implementing ordinance for all of the affordable housing units and dictates the sales price of units, rents and how they are marketed affirmatively and administrative items (most are prescribed by law).

Ruth Blaser, River Road, said that she read through most of the packet and asked about the ratio of medium income and what that is/how was it determined. She was advised that there are six Affordable Housing regions in New Jersey; Fair Haven falls under Region 4 median (Monmouth, Ocean and Mercer Counties). There is no dollar figure because they change every year which means the ordinance would have to be amended every year; the Statute is written, and all the regulations are predicated on percentages. Susan Gruel gave the numbers (moderate, low and very low figures) for Region 4 for 2020 which was based on a four-person household.

There being no further comments or questions, the Hearing was closed to the public at 7:16 p.m. on motion of Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present.

Offered for adoption by Councilwoman Koch, second by Councilman Rodriguez

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

2. Ordinance No. 2020-06, Create an Affordable Housing Mandatory Set-Aside Ordinance

**AN ORDINANCE ADDING SECTION 15.1 TO CHAPTER 30 (LAND USE AND DEVELOPMENT REGULATIONS) IN THE FAIR HAVEN BOROUGH CODE, WHICH WILL BE ENTITLED “AFFORDABLE HOUSING MANDATORY SET-ASIDE”**

On motion of Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:17 p.m.

Michael Edwards, Esq. said that in some municipalities, there is lack of land sufficient to meet what the formula determines the quota to be; there are certain mechanisms done. One is a mandatory set aside ordinance which determines if you want to allow for multi-family development. The set-aside ordinance requires the Borough to capture Affordable Housing as it permits that type of use. So in future multi-family developments that qualify, there will be an affordable housing set aside that is a requirement of the Fair Share Housing Center Settlement Agreement and this ordinance implements that requirement.

There being no comments or questions, the Hearing was closed to the public at 7:18 p.m. on motion of Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

3. Ordinance No. 2020-07, Create a Habitat Rezoning Ordinance

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 30, LAND USE AND DEVELOPMENT REGULATIONS, AMENDING THE R-5 SINGLE-FAMILY RESIDENTIAL ZONE TO PERMIT AN AFFORDABLE TWO-FAMILY DWELLING ON A PORTION OF BLOCK 45, LOTS 10 AND 12**

On motion of Councilman Rodriguez, second by Councilwoman Koch with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:19 p.m.

Susan Gruel, Borough Planner, said that this is part of the Fair Share Housing Settlement Agreement for Habitat for Humanity to construct a two-family development at the corner of Borough owned land (Allen Street and Hendrickson Place). It is in the R-5 right now and permits a two-family with the R-5 standards. It will require a portion of the site (in order to accommodate the two-family) with the appropriate set-backs, coverage, etc.

Ruth Blaser, River Road, asked where the two-family dwelling will face, Allen or Hendrickson? Mrs. Gruel said that it has not been determined yet. There needs to be a subdivision for this to occur so they will need to go before the Planning Board for this approval. It will be a public meeting where it will be determined what portion of the land will be designated for the Habitat site. Administrator Casagrande said the Borough is presently having it surveyed for subdivision purposes. The lot is approximately 20,000 square feet and the dwelling will require about 7,000-7,500 square feet with the understanding that the Borough will retain the rest.

There being no further comments or questions, the Hearing was closed to the public at 7:22 p.m. on motion of Councilman Rodriguez, second by Councilwoman Sorensen with Ayes by all present.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

4. Ordinance No. 2020-08, Create an Affordable Housing Overlay Ordinance

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 30, LAND USE AND DEVELOPMENT REGULATIONS, BY CREATING FIVE NEW AFFORDABLE HOUSING OVERLAY ZONES ENTITLED RIVER ROAD MIXED-USE AFFORDABLE HOUSING OVERLAY (AHO-1); DOWNTOWN MIXED-USE AFFORDABLE HOUSING OVERLAY (AHO-2); BLOCK 27, LOTS 56, 57, AND 58 AFFORDABLE HOUSING OVERLAY (AHO-3); BLOCK 28, LOTS 18, 19, 23.1, 25, AND 26 AFFORDABLE HOUSING OVERLAY (AHO-4); AND METHODIST CHURCH AFFORDABLE HOUSING OVERLAY (AHO-5)**

On motion of Councilman Rodriguez, second by Councilwoman Sorensen with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:22 p.m.

Mrs. Gruel said this is part of settlement agreement due to the lack of vacant developable land in the Borough; this is another mechanism used to capture Affordable Housing if redevelopment happens. There are a number of sites downtown where the overlay zone is affected by the ordinance. There are four (4) overlay zones in the downtown which permits; mixed use development with commercial on first floor with two stories of residential with density of 20 units to the acre. The other one would be 15 units to the acre and provides the option of pure residential. Existing zoning stays in place; this is another option that is overlaid on the existing zoning where 20% of the units would have to be affordable. The last overlay is on the Methodist Church site which permits age-restricted housing at 10 units to the acre and permits townhouses not multi-family. After December 31, 2022, a non-age restricted development could be built at eight units to the acre (townhouse type of housing). This is set to capture affordable units if there is redevelopment that occurs.

Councilman Rodriguez said as far as the church property is related in accordance with the overlay, there have been many questions raised. The church was not required to sell the property to anyone. This type of overlay is something that allows for a particular type of development to occur; it does not increase or diminish the church's viability or their own ability to control their destiny in terms of keeping their property. Mrs. Gruel said Councilman Rodriguez is correct that this does not require them to redevelop their property, it gives them the discretionary option. Councilman Rodriguez said this

ordinance allows us to comply with the State program.

Chris Hempstead, Willow Street, asked Susan Gruel if there are any standards or precedents which residents or owners can apply to have their property included in an overlay zone after the first overlay zone is established. Mr. Edwards said the whole point of municipalities petitioning the court and stating they are “here to comply” is to dictate how they zone for affordable housing. The point of this exercise is for the Borough to not have people be able to dictate to them how to rezone their property (whether an overlay or otherwise). If the ordinances are sent and the court approves us at the compliance hearing, it will be closed to the public for the remaining 5 years (Round 3).

There being no further comments or questions, the Hearing was closed to the public at 7:30 p.m., on motion of Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Sorensen

Affirmative: Councilmembers Chrisner-Keefe, Koch, Rodriguez and Sorensen

Negative: Councilman McCue

Abstain: None

Absent: Councilman Banahan

5. Ordinance No. 2020-10, Create an Affordable Housing Development Fee Ordinance

**AN ORDINANCE SUPPLEMENTING THE BOROUGH’S CURRENT LAND USE CODE TO INCLUDE A DEVELOPMENT FEE ORDINANCE TO COMPLY WITH CURRENT STATE AFFORDABLE HOUSING REGULATIONS**

On motion of Councilwoman Koch, second by Councilwoman Sorensen with Ayes by all present, Mayor Lucarelli opened the meeting for comments or questions at 7:30 p.m.

Mr. Edwards said this is the development fee ordinance. Every municipality that ends up complying with Affordable Housing sets up an Affordable Housing Trust Fund. This is a major benefit to the municipality because it gives the municipality some money that is earmarked for affordable housing that allows them to be creative rather than to be giving in to the demands of developers i.e. compliance mechanisms like Habitat for Humanity (2 affordable units can bring with it 8 market units). In this instance, we don’t have to do that. To facilitate those types of uses in the future, the Borough is required to adopt a development fee ordinance; if and when commercial development occurs, the Borough would incur a 2.5% contribution based on the equalized assessed value of the property which goes to a Trust Fund.

Councilwoman Chrisner-Keefe asked Mr. Edwards and Mrs. Gruel if the development fee itself is on the increase in value; yes. Councilwoman Chrisner-Keefe asked if the value is based on the Tax Assessors determination; yes. It was asked if a homeowner does not agree with the assessment of value could it be appealed. Attorney Alfieri said it could be appealed to any tax board.

There being no further comments or questions, the Hearing was closed to the public at 7:33 p.m. on motion of Councilman Rodriguez, second by Councilwoman Chrisner-Keefe with Ayes by all present.

Offered for adoption by Councilman Rodriguez, second by Councilwoman Sorensen

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

Mayor Lucarelli said the next ordinance will not be heard for adoption as there was an amendment to the ordinance to include language regarding the manual. Mrs. Gruel said there was a slight amendment to the first paragraph under accessory apartments to include where the accessory apartments can occur. There is a need that this be included for the overlay zones as per the settlement agreement and defined in the Affordable Housing ordinance and it is pretty straight forward; she read from the ordinance. If a homeowner decided that they wanted to have an accessory structure it would be deed restricted and they would receive a fee of \$25,000 which would come out of housing trust fund monies. Councilwoman Koch said the homeowner does not get to choose who lives in the apartment.

Councilwoman Chrisner-Keefe asked to clarify accessory apartments in the overlay zone and if it is permitted outside the overlay zones? No, accessory apartments are only permitted in overlay zones; it could be any kind of structure. Mrs. Gruel read the definition that it is in an accessory home or building

and said it would be along the Navesink, near Cedar and Locust so it is limited as to who and what would qualify. Susan Gruel said you can only get 10 apartments; you cannot load up on accessory apartments as part of the settlement agreement. All ordinances are consistent with the settlement agreement; we did not want to deviate from that. Mrs. Gruel reviewed the overlay zones which were pretty specific to the settlement agreement.

Ruth Blaser, River Road, asked why it cannot be any property in town? This is part of the settlement agreement and tied to the overlay zone. Does the restriction run with the property? It is for 10 years and runs with the property for that time period.

Councilwoman Chrisner-Keefe felt the ordinance should be clear to show that accessory apartments are only permitted in the overlay zone.

Susan Gruel reiterated what and how it should read. Councilwoman Chrisner-Keefe asked that it be made inclusive not exclusive.

### **ORDINANCE AMENDMENT AND REINTRODUCTION**

1. Ordinance No. 2020-09, Amend the Ordinance Creating an Affordable Accessory Apartment Ordinance

#### **AN ORDINANCE ADDING SECTION 15.3 TO CHAPTER 30 (LAND USE AND DEVELOPMENT REGULATIONS) IN THE FAIR HAVEN BOROUGH CODE, WHICH WILL BE ENTITLED “ACCESSORY APARTMENTS” TO PERMIT AFFORDABLE ACCESSORY APARTMENTS**

**NOW, THEREFORE,** be it ordained by the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, as follows:

**Section 1.** Section 15.3 of Chapter 30 (Land Use and Development Regulations) of the Code of the Borough of Fair Haven entitled “Accessory Apartments,” under a new section entitled “Section 15 Affordable Housing Requirements,” is hereby created and established to read as follows:

#### **Section 15: Affordable Housing Requirements**

##### **30-15.3 Accessory Apartments**

A. The following accessory apartment regulations are hereby enacted for the purpose of providing additional opportunities for affordable housing in the Borough. All accessory apartment units shall meet the following conditions:

1. Accessory apartments shall only be permitted in the Affordable Housing Overlay Zones.
2. Accessory apartments shall be defined as stated under the Borough’s Affordable Housing Ordinance.
3. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to local building codes;
4. The accessory apartment shall, for a period of at least 10 years from the date of the issuance of the certificate of occupancy for the unit, be rented only to a duly qualified (at the time of initial occupancy) very low-, low- or moderate-income household based upon a rent level calculated to be affordable to such household in accordance with the criteria set forth in the Borough's Affordable Housing Ordinance;
5. Affordable rent levels for accessory apartments shall be calculated to include a deduction for tenant paid utilities (a utility allowance);
6. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental in accordance with the foregoing requirements for the entire term of the deed restriction;
7. Each accessory apartment shall have living/sleeping space, a complete kitchen and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;
8. The accessory apartment shall have a separate door with direct access to the outdoors;
9. The potable water supply and sewage disposal system for the accessory apartment shall be demonstrated to be adequate;
10. The accessory apartment shall be affirmatively marketed throughout the Borough’s housing region; and
11. In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this ordinance, all of the

requirements of this ordinance shall apply, except that no subsidy shall be provided by the Borough.

- A. The Borough shall designate an Administrative Agent to administer the accessory apartment program.
1. The Administrative Agent shall administer the accessory apartment program including advertising, income qualifying prospective tenants, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program;
  2. The Administrative Agent shall only deny an application for an accessory apartment if the project is not in conformance with all of the requirements of the municipal development ordinance, including this Section, or the Borough's Affordable Housing Ordinance. All denials shall be in writing with the reasons clearly stated; and
  3. The Borough shall provide up to \$25,000 to subsidize the physical creation of an accessory apartment conforming to all applicable requirements. Prior to the grant of any subsidy, the property owner shall enter into a written agreement with Fair Haven Borough insuring that (i) the subsidy shall be used only to create the accessory apartment and (ii) the apartment shall meet all applicable requirements of the Borough of Fair Haven

A. Applications for the creation of an accessory apartment shall be submitted to the Administrative Agent and shall include the following:

1. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and primary dwelling or use within the building;
2. Rough elevations showing the modification of any exterior building façade to which changes are proposed; and
3. A site development sketch showing the location of the existing dwelling and other existing structures; all property lines; proposed addition if any, along with minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect the proposal.

**Section 2.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Fair Haven are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.** The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Monmouth County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 5.** After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 6.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Offered for introduction, as amended, by Councilman Rodriguez, second by Councilwoman Sorensen

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

The ordinance will be listed for hearing and adoption on the October 13<sup>th</sup> agenda. Susan Gruel is going to send the Clerk the latest amendment made.

Mayor Lucarelli said before the professionals are excused, there are eight resolutions on the agenda that accompany this matter. He asked if Council had any questions regarding the resolutions. Councilman McCue asked if there was any decision on a salary or contracts for the Administrative Agent or Fair Share Housing Municipal Liaison. He was advised not yet. The Planner is paid an hourly rate and will be the same as our Administrative Agent. With regard to the Municipal Housing Liaison, there needs to be training and we will come up with a stipend starting January 1<sup>st</sup>. Mrs. Gruel said the developer has to pay the fee associated with the Administrative Agent when it comes to marketing their project. Councilwoman Chrisner-Keefe asked for a one sentence capture of each resolution.

### **Resolutions**

- 2020-164 Dedication by Rider – Affordable Housing Trust Fund. Administrator Casagrande said that this is Germain to the CFO; we have to pass a resolution to set up any trust fund. A copy will go to Local Government Services.
- 2020-165 Endorse Housing Element and Fair Share Plan. Michael Edwards, Esq., said to be technically compliant, the Planning Board has to adopt the Housing Element and Fair Share Plan which has occurred and Governing Body has to endorse it.
- 2020-166 Appoint an Administrative Agent for Fair Share Housing - Heyer and Gruel. This is self-explanatory.
- 2020-167 Appoint a Fair Share Municipal Housing Liaison - Joseph Mulé. This is self-explanatory.
- 2020-168 Adopt the Fair Haven Affirmative Marketing Plan for Fair Share Housing. Susan Gruel said this manual and other manuals need to be provided to explain the implementation of how we are going to market and the requirements for, For Sale and For Rent affordable units; each cross references each other. These are standard.
- 2020-169 Approve the Intent to Fund or Bond Shortfall – Fair Share Housing. Michael Edwards said that this is part of compliance. To the extent there are municipal sponsored programs, typically, market rate units would subsidize the affordable units. When the internal market rate subsidy is absent and an organization like Habitat for Humanity, the municipality has the obligation to stand as the financial backdrop to fund any shortfall associated with that project to make it realistic.
- 2020-173 Authorize and Adopt the For Sale Operating Manual, The Rental Operating Manual and Accessory Apartment Operating Manual. Same description as given for Resolution No. 168.
- 2020-174 Approve Spending Plan for Affordable Housing. Susan Gruel said this is the same as for the Housing Trust Fund. You project what your past performance was (in terms of what you have developed and the value) through 2025 and it gives a budget for what we anticipate coming in which includes Habitat, Accessory Apartments and provisions to require 30% for affordability assistance (there is a cap on administrative costs). It's a spending plan or budget.

Councilman Rodriguez thanked everyone who contributed their time, not just the governing body and the professionals, but especially the volunteers. A lot of time was spent on this.

Mayor Lucarelli thanked Susan Gruel and Michael Edwards, the committee and other volunteers. He said that Mr. Edwards and Mrs. Gruel were two consummate professionals who did a marvelous job of steering us through this law to get us to compliance. They both left the meeting 7:54 pm.

### **WORKSHOP SESSION**

Mayor Lucarelli said a request was received from Jersey Shore Youth Rugby to post their lawn signs from September 29<sup>th</sup> to October 26<sup>th</sup>. Motion to approve moved by Councilwoman Sorensen, second by Councilman Rodriguez with Ayes by all present.

Council was advised that the Annual Red Bank CROP Walk will take place, virtually on October 18<sup>th</sup>. Motion to approve moved by Councilwoman Sorensen, second by Councilwoman Koch with Ayes by all present.

### **PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:55 p.m. Councilwoman Sorensen mentioned that on the consent agenda, there is a generator purchase approval (a great move on our part). Administrator Casagrande replied to the statement; we are currently renting a generator at \$1800 per month without use and the fees increase if there were a storm and the unit was used. It is prudent to purchase this for the police department; we can repurpose the generator once the new building is up and running.

Christopher Hempstead, Willow Street, said with regard to the appointment of a School Crossing Guard, he wanted to applaud this action. He thanked the governing body, Administrator

Casagrande and the Chief for their continued dialogue for safety and school crossings. He invited the governing body to discuss school safety and crossing guards for Sickles School and Willow Street.

There being no further comments or questions, the meeting was closed to the public at 7:58 p.m.

#### **APPROVAL OF MINUTES**

Councilwoman Sorensen made a motion to approve the Regular Meeting minutes of September 14, 2020, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

Councilwoman Sorensen made a motion to approve the Executive Session minutes of September 14, 2020, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

#### **NEW BUSINESS**

##### **Council Committee Reports**

**Finance** - Councilman Banahan was absent. Administrator Casagrande said that there was a budget status report provided. The Borough cannot make any transfers in the budget until November. It is a very tight budget and all departments are on essential spending only.

**Personnel** - Councilwoman Chrisner-Keefe. The appointments of Joe Mule as Municipal Housing Liaison and a new part-time School Crossing Guard are on the agenda this evening.

**Planning & Zoning** - Councilwoman Koch said the Zoning Board of Adjustment is meeting on October 1<sup>st</sup> with two applications listed (one is an older matter and the other is new). The next Planning Board meeting will be October 19<sup>th</sup> and there are no pending applications.

**Police, Fire & OEM** - Councilman McCue commended Chief McGovern for keeping his department safe from COVID; one of the few towns that did not have any exposures. With regard to the Fire Department, he said there was no Firemen's Fair this year, however, they are selling Super 50/50 tickets and we should all support them (you can reach out to a volunteer member for a ticket). There are currently 4 active COVID (college age individuals) cases in town with a total of 54 cases since March. Administrator Casagrande said the Borough is happy to promote the Fire Department's Super 50/50 on all of our platforms.

Councilman Rodriguez asked Councilman McCue and the Chief if there is any word regarding Halloween. Councilman McCue said the Chief's recommendation is that we should coordinate with the other municipalities and comply with CDC guidelines. Chief McGovern is in touch with the Two River Chiefs and no one has any real plans to hold it or not hold it; we will all be on the same plan. The Chief requested we wait another two weeks to see if there are State mandates and discuss it on October 13<sup>th</sup>.

**Engineering, DPW and Borough Facilities** - Councilman Rodriguez said there is a meeting on Wednesday for facilities planning to take some of what was discussed a little further with the Architect, Councilpersons, Mayor Lucarelli, Engineer Gardella and Administrator Casagrande. He met with the Allen Street residents and the Hendrickson Place residents regarding the DPW facility. He and Councilman McCue also met with Maple Avenue residents to hear their thoughts and field questions to provide clarity. These discussions will be brought forward at Wednesday's meeting.

The brush processing survey will be going out soon; the final touches are being done for it to be sent out.

Councilman Rodriguez said that he has been in contact with Dermer's Dreams to collect food for the food banks. The Borough Clerk advised that this will be listed and discussed at the October 13<sup>th</sup> Council Meeting and the Dermers are aware of this. Mayor Lucarelli said that he wants to discuss this as a full Council and get other professionals involved because of CDC guidelines and he wants some input from Chief McGovern and the Health Department. It is a great program and they have done great things; we just need to be safe.

**Parks and Recreation and Communications** - Councilwoman Sorensen did not have a communications update; the Borough has been stepping up and providing as much as we can. With



regard to recreation, there is a meeting next week where Halloween ideas and activities will be discussed. Our neighboring towns plan on moving forward with door to door trick or treating if it is approved by the CDC. There could be a virtual egg hunt, house decorating contest and a costume contest. There will not be a Halloween parade this year. Businesses have reached out to continue with outside dining, sidewalk sales and outside physical fitness. A resolution to amend the last Council action regarding this matter will be listed on the October 13<sup>th</sup> agenda. Administrator Casagrande said that Councilwoman Sorensen is being humble with regard to communications. Our Communication Committee is in great shape in all levels of communication and we have been getting information out to the public. Our residents must be pleased with this information as we have made great strides.

**CONSENT AGENDA**  
**RESOLUTIONS**

1. Resolution No. 2020-163, Executive Session – Litigation and Contract Negotiations

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

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Governing Body may wish to discuss the following matters:

**Litigation**

- 1. Fair Share Housing

**Contract Negotiations**

- 1. ILSA with Rumson – Brush Grinding
- 2. Monmouth County Regional Health Commission #1

**WHEREAS**, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

**NOW THEREFORE BE IT RESOLVED** that the public be excluded from this meeting.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

2. Resolution No. 2020-164, Dedication by Rider – Affordable Housing Trust Fund

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as Dedication by Rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, NJSA 40A:12A-3 et seq. provides for receipt of Affordable Housing Trust Funds by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, NJSA 40A:4-39 provides the dedicated revenues anticipated from Affordable Housing monies are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey as follows:

- 1. The Mayor and Council do hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Affordable Housing Trust Fund as per NJSA 40A:12A-3 et seq.
- 2. The Municipal Clerk of the Borough of Fair Haven, County of Monmouth is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

3. Resolution No. 2020-165, Endorse Housing Element and Fair Share Plan

**WHEREAS**, on or about March 19, 2020, the Borough of Fair Haven (“Borough”) filed a declaratory action (“Action”) with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its obligation to create the realistic opportunity to meet its “fair share” of the regional need for low- and moderate-income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, the Borough simultaneously pursued, and ultimately secured, a protective order providing Fair Haven immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

**WHEREAS**, the Borough engaged in negotiations with the Fair Share Housing Center (“FSHC”) and executed a settlement agreement with FSHC on February 12, 2020; and

**WHEREAS**, M&M Realty Partners at Fair Haven, LLC (“M&M”) is an interest party in the Borough’s Action and on February 12, 2020 the Borough executed a settlement agreement with M&M; and

**WHEREAS**, a Fairness Hearing was held on June 18, 2018, at which time the settlement agreement was approved, and said approval was later memorialized in an Order dated June 4, 2020; and

**WHEREAS**, in accordance with the terms of the settlement agreements, the Borough’s planner, Heyer, Gruel & Associates, prepared a Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on September 22, 2020 and adopted the Housing Element and Fair Share Plan on the same day; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

**WHEREAS**, the Governing Body of the Borough of Fair Haven wishes to endorse the Housing Element and Fair Share Plan and seeks approval of the Housing Element and Fair Share Plan from the Court.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey:

1. That it hereby endorses the Housing Element and Fair Share Plan, as adopted by the Fair Haven Borough Planning Board on September 22, 2020 via the Planning Board resolution, attached hereto as Exhibit A.
2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

4. Resolution No. 2020-166, Appoint an Administrative Agent for Fair Share Housing - Heyer and Gruel

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), the Borough of Fair Haven is implementing a program to provide affordable housing units to low- and moderate-income households within the Borough; and

**WHEREAS**, the Borough's Affordable Housing Ordinance, found in Chapter 30 Section 15 of the Borough's Code, sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26 et. seq., that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Borough of Fair Haven has selected Heyer, Gruel & Associates, who has professional staff who have obtained the necessary training and certification, to be the administrative agent for the purposes of providing affordability control services for all affordable housing within the Borough.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Fair Haven Borough, County of Monmouth, State of New Jersey that Heyer, Gruel & Associates is hereby appointed by the Governing Body of the Borough of Fair Haven as the Administrative Agent for the Borough's housing programs.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

5. Resolution No. 2020-167, Appoint a Fair Share Municipal Housing Liaison - Joseph Mulé

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Borough of Fair Haven is implementing a program to provide affordable housing units to low- and moderate-income households within the Borough; and

**WHEREAS**, the Borough's Affordable Housing Ordinance sets forth the duties of the Municipal Housing Liaison in which the Municipal Housing Liaison is required to oversee the Borough's affordable housing programs; and

**WHEREAS**, pursuant to N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq., Fair Haven is required to appoint a Municipal Housing Liaison for administration of Union's Affordable Housing Program to enforce the requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:80-26.1 et seq.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey that Joseph Mulé is hereby appointed by the Governing Body of the Borough of Fair Haven as the Municipal Housing Liaison for the administration of the affordability controls of the Borough's housing program.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

6. Resolution No. 2020-168, Adopt the Fair Haven Affirmative Marketing Plan for Fair Share Housing

**WHEREAS**, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, *et seq.*, the Borough of Fair Haven is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Fair Haven, are affirmatively marketed to low and moderate-income households, particularly those households living and/or working within Housing Region 4, the COAH Housing Region encompassing the Borough of Fair Haven.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

- A. All affordable housing units in the Borough of Fair Haven shall be marketed in accordance with the provisions herein.

- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low and moderate-income units, including those that are part of the Borough's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. To the extent any rehabilitation program is implemented, this Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Fair Haven. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Fair Haven, shall undertake, at the minimum, all of the following strategies:
1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
  2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
  3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Fair Haven is located in COAH Housing Region 4, consisting of Monmouth, Mercer, and Ocean Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low, and moderate-income units shall appear in the *Star Ledger* and the *Asbury Park Press*.
  2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  3. The advertisement shall include a description of the:
    - a. Location of the units;
    - b. Directions to the units;
    - c. Range of prices for the units;
    - d. Size, as measured in bedrooms, of units;
    - e. Maximum income permitted to qualify for the units;
    - f. Location of applications;
    - g. Business hours when interested households may obtain an application; and
    - h. Application fees.
  4. Newspaper articles, announcements and information on where to request applications for very low, low, and moderate-income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented newspapers serving the housing region, one of which shall be circulated primarily in Monmouth County and

the other two of which shall be circulated primarily outside of Monmouth County but within the housing region.

5. The developer must provide satisfactory proof of public dissemination. See "Attachment A," *Affirmative Fair Housing Marketing Plan for Affordable Housing Region 4* (attached to and hereby made part of this Resolution).

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

1. Fair Haven Borough Hall
2. Fair Haven Borough Web Site
3. Developer's Sales/Rental Offices
4. Monmouth County Department of Human Services
5. Mercer County Department of Housing and Community Development
6. Ocean County Department of Planning
7. Monmouth County Library (all branches)
8. Mercer County Library (all branches)
9. Ocean County Library (all branches)

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center Fair Share Housing Center; the New Jersey State Conference of the NAACP; the Latino Action Network; STEPS, OCEAN, Inc., the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP for dissemination to their respective constituents.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Monmouth, Mercer, and Ocean Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 4* (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center Fair Share Housing Center; the New Jersey State Conference of the NAACP; the Latino Action Network; STEPS, OCEAN, Inc.; the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:  
 Monmouth County Board of Realtors  
 Mercer County Board of Realtors  
 Ocean County Board of Realtors
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Monmouth, Mercer, and Ocean:  
 Welfare or Social Service Board (via the Director)  
 Rental Assistance Office (local office of DCA)  
 Office on Aging  
 Housing Authority (municipal or county)  
 Community Action Agencies  
 Community Development Departments
3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.
4. In addition, specific notification of the availability of affordable housing units in Fair Haven (along with copies of the application form) shall be provided to the following entities: Fair Share Housing Center Fair Share Housing Center; the New Jersey State Conference of the NAACP; the Latino Action Network; STEPS, OCEAN, Inc.; the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP

- I. A random selection method to select occupants of very low, low and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in COAH Housing Region 4, comprised of Monmouth, Mercer and Ocean Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.
- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low, and moderate-income households; to place income eligible households in very low, low, and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low, low, and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low, and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26.1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of very low, low, and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low, and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26.1, *et seq.*
- O. In addition to the requirements found herein, the affirmative marketing of all affordable units shall be consistent with the Fair Housing Act, including the recently adopted amendment found at N.J.S.A. 52:27D-321.3 and 321.4.

**Attachment A**

**AFFIRMATIVE FAIR HOUSING MARKETING PLAN  
For Affordable Housing in (REGION 4)**

**I. APPLICANT AND PROJECT INFORMATION**

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units:  Number of Rental Units:  Number of For-Sale Units:	1d. Price or Rental Range  From  To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted  <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates  Advertising: <span style="float: right;">Occupancy:</span>		
1h. County <b>Mercer, Monmouth, Ocean</b>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

**II. RANDOM SELECTION**

2. Describe the random selection process that will be used once applications are received.

**III. MARKETING**

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- White (non-Hispanic)   
  Black (non-Hispanic)   
  Hispanic   
  American Indian or Alaskan Native  
 Asian or Pacific Islander   
  Other group:

3b. **HOUSING RESOURCE CENTER** ([www.njhousing.gov](http://www.njhousing.gov)) A free, online listing of affordable housing pursuant to N.J.S.A. 52:27D-321.3 and 321.4   

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<b>TARGETS PARTIAL HOUSING REGION 4</b>			
<b>Daily Newspaper</b>			
<input type="checkbox"/>		Trenton Times	Mercer
<input type="checkbox"/>		Trentonian	Mercer
<input type="checkbox"/>		Asbury Park Press	Monmouth, Ocean
<input type="checkbox"/>		Ocean County Observer	Ocean
<b>Weekly Newspaper</b>			
<input type="checkbox"/>		Ewing Observer	Mercer
<input type="checkbox"/>		Hopewell Valley News	Mercer
<input type="checkbox"/>		Lawrence Ledger	Mercer
<input type="checkbox"/>		Pennington Post	Mercer
<input type="checkbox"/>		Princeton Town Topics	Mercer
<input type="checkbox"/>		Tempo Mercer	Mercer
<input type="checkbox"/>		Trenton Downtowner	Mercer

<input type="checkbox"/>		Windsor Heights Herald	Mercer
<input type="checkbox"/>		West Windsor-Plainsboro News	Mercer, Middlesex
<input type="checkbox"/>		Princeton Packet	Mercer, Middlesex, Somerset
<input type="checkbox"/>		Messenger-Press	Mercer, Monmouth, Ocean
<input type="checkbox"/>		Woodbridge Sentinel	Middlesex
<input type="checkbox"/>		Atlanticville	Monmouth
<input type="checkbox"/>		Coaster	Monmouth
<input type="checkbox"/>		Courier	Monmouth
<input type="checkbox"/>		Examiner	Monmouth
<input type="checkbox"/>		Hub, The	Monmouth
<input type="checkbox"/>		Independent, The	Monmouth
<input type="checkbox"/>		News Transcript	Monmouth
<input type="checkbox"/>		Two River Times	Monmouth
<input type="checkbox"/>		Coast Star, The	Monmouth, Ocean
<input type="checkbox"/>		Beach Haven Times	Ocean
<input type="checkbox"/>		Beacon, The	Ocean
<input type="checkbox"/>		Berkeley Times	Ocean
<input type="checkbox"/>		Brick Bulletin	Ocean
<input type="checkbox"/>		Brick Times	Ocean
<input type="checkbox"/>		Jackson Times	Ocean
<input type="checkbox"/>		Lacey Beacon	Ocean
<input type="checkbox"/>		Manchester Times	Ocean
<input type="checkbox"/>		New Egypt Press	Ocean
<input type="checkbox"/>		Ocean County Journal	Ocean
<input type="checkbox"/>		Ocean Star, The	Ocean
<input type="checkbox"/>		Tri-Town News	Ocean
<input type="checkbox"/>		Tuckerton Beacon	Ocean
<input type="checkbox"/>		Atlantic Highlands Herald	Monmouth

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 4</b>			
<input type="checkbox"/>		2 WCBS-TV CBS Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		11 WPIX WPIX, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
<b>TARGETS PARTIAL HOUSING REGION 4</b>			



<input type="checkbox"/>		25 W25AW WZBN TV, Inc.	Mercer
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Mercer
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Mercer
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corp.	Mercer
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Mercer
<input type="checkbox"/>		41 WXTV WXTV License Partnership, G.P. (Univision Communications Inc.)	Mercer, Monmouth
<input type="checkbox"/>		3 KYW-TV CBS Broadcasting Inc.	Mercer, Ocean
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Mercer, Ocean
<input type="checkbox"/>		12 WHYI-TV WHYY, Inc.	Mercer, Ocean
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Mercer, Ocean
<input type="checkbox"/>		23 WNJS New Jersey Public Broadcasting Authority	Mercer, Ocean
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Mercer, Ocean
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Mercer, Ocean
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Mercer, Ocean
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Mercer, Ocean
<input type="checkbox"/>		57 WPSG CBS Broadcasting Inc.	Mercer, Ocean
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, LLC	Mercer, Ocean
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Mercer, Ocean
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	Monmouth
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, LLC	Monmouth
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	Monmouth
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	Monmouth
<input type="checkbox"/>		68 WFUT-TV Univision New York LLC	Monmouth, Ocean (Spanish)
<input type="checkbox"/>		62 WWSI Hispanic Broadcasters of Philadelphia, LLC	Ocean

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
<b>TARGETS PARTIAL HOUSING REGION 4</b>			
<input type="checkbox"/>		Cablevision of Hamilton	Partial Mercer, Monmouth
<input type="checkbox"/>		Comcast of Central NJ,	Partial Mercer, Monmouth
<input type="checkbox"/>		Patriot Media & Communications, CNJ	Partial Mercer
<input type="checkbox"/>		Cablevision of Monmouth, Raritan Valley	Partial Monmouth
<input type="checkbox"/>		Comcast of Mercer County, Southeast Pennsylvania	Partial Middlesex
<input type="checkbox"/>		Comcast of Monmouth County	Partial Monmouth, Ocean
<input type="checkbox"/>		Comcast of Garden State, Long Beach Island, Ocean County, Toms River	Partial Ocean

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 4</b>			
AM			

<input type="checkbox"/>		WWJZ 640	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
<input type="checkbox"/>		WPST 94.5	
FM			
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WPRB 103.3	
<b>TARGETS PARTIAL HOUSING REGION 4</b>			
AM			
<input type="checkbox"/>		WFIL 560	Mercer, Monmouth
<input type="checkbox"/>		WMCA 570	Monmouth, Ocean
<input type="checkbox"/>		WFAN 660	Mercer, Monmouth
<input type="checkbox"/>		WNYC 820	Mercer, Monmouth
<input type="checkbox"/>		WWBD 860	Mercer
<input type="checkbox"/>		WPHY 920	Mercer
<input type="checkbox"/>		WNTP 990	Mercer
<input type="checkbox"/>		WCHR 1040	Mercer
<input type="checkbox"/>		WOBM 1160	Monmouth, Ocean
<input type="checkbox"/>		WWTR 1170	Mercer
<input type="checkbox"/>		WPHT 1210	Mercer, Monmouth
<input type="checkbox"/>		WBUD 1260	Mercer, Monmouth
<input type="checkbox"/>		WIMG 1300	Mercer
<input type="checkbox"/>		WADB 1310	Monmouth, Ocean
<input type="checkbox"/>		WHTG 1410	Monmouth
<input type="checkbox"/>		WCTC 1450	Mercer, Monmouth
<input type="checkbox"/>		WBCB 1490	Mercer
<input type="checkbox"/>		WTTM 1680	Mercer, Monmouth
FM			
<input type="checkbox"/>		WNJT-FM 88.1	Mercer
<input type="checkbox"/>		WWFM 89.1	Mercer, Monmouth
<input type="checkbox"/>		WRDR 89.7	Monmouth, Ocean
<input type="checkbox"/>		WRTI 90.1	Mercer
<input type="checkbox"/>		WBJB-FM 90.5	Monmouth
<input type="checkbox"/>		WWNJ 91.1	Ocean
<input type="checkbox"/>		WTSR 91.3	Mercer
<input type="checkbox"/>		WBGD 91.9	Ocean
<input type="checkbox"/>		WFNY-FM 92.3	Mercer, Monmouth
<input type="checkbox"/>		WXTU 92.5	Mercer
<input type="checkbox"/>		WOBM-FM 92.7	Ocean
<input type="checkbox"/>		WPAT-FM 93.1	Mercer, Monmouth
<input type="checkbox"/>		WMMR 93.3	Mercer
<input type="checkbox"/>		WNYC-FM 93.9	Mercer, Monmouth
<input type="checkbox"/>		WYSP 94.1	Mercer
<input type="checkbox"/>		WJLK-FM 94.3	Monmouth, Ocean
<input type="checkbox"/>		WFME 94.7	Mercer, Monmouth

<input type="checkbox"/>		WZZO 95.1	Mercer
<input type="checkbox"/>		WPLJ 95.5	Mercer, Monmouth
<input type="checkbox"/>		WBEN-FM 95.7	Mercer
<input type="checkbox"/>		WRAT 95.9	Monmouth, Ocean
<input type="checkbox"/>		WCTO 96.1	Mercer
<input type="checkbox"/>		WQXR-FM 96.3	Mercer, Monmouth
<input type="checkbox"/>		WRDW-FM 96.5	Mercer
<input type="checkbox"/>		WQHT 97.1	Mercer, Monmouth
<input type="checkbox"/>		WSKQ-FM 97.9	Mercer, Monmouth
<input type="checkbox"/>		WUGL 98.1	Mercer
<input type="checkbox"/>		WMGQ 98.3	Mercer, Monmouth
<input type="checkbox"/>		WRKS 98.7	Mercer, Monmouth
<input type="checkbox"/>		WUSL 98.9	Mercer, Monmouth
<input type="checkbox"/>		WAWZ 99.1	Mercer, Monmouth
<input type="checkbox"/>		WBAI 99.5	Mercer, Monmouth
<input type="checkbox"/>		WJRZ-FM 100.1	Ocean
<input type="checkbox"/>		WHTZ 100.3	Mercer, Monmouth
<input type="checkbox"/>		WCBS-FM 101.1	Mercer, Monmouth
<input type="checkbox"/>		WQCD 101.9	Mercer, Monmouth
<input type="checkbox"/>		WIOQ 102.1	Mercer
<input type="checkbox"/>		WNEW 102.7	Mercer, Monmouth
<input type="checkbox"/>		WMGK 102.9	Mercer
<input type="checkbox"/>		WKTU 103.5	Mercer, Monmouth
<input type="checkbox"/>		WAXQ 104.3	Mercer, Monmouth
<input type="checkbox"/>		WWPR-FM 105.1	Mercer, Monmouth
<input type="checkbox"/>		WDAS-FM 105.3	Mercer, Monmouth
<input type="checkbox"/>		WCHR-FM 105.7	Ocean
<input type="checkbox"/>		WJJZ 106.1	Mercer, Monmouth
<input type="checkbox"/>		WHTG-FM 106.3	Monmouth, Ocean
<input type="checkbox"/>		WLTW 106.7	Mercer, Monmouth
<input type="checkbox"/>		WKDN 106.9	Mercer
<input type="checkbox"/>		WWZY 107.1	Monmouth, Ocean
<input type="checkbox"/>		WBLS 107.5	Mercer, Monmouth
<input type="checkbox"/>		WWPH 107.9	Mercer

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)  
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 4</b>			
Weekly			
	Nuestra Comunidad	Central/South Jersey	Spanish-Language
<b>TARGETS PARTIAL HOUSING REGION 4</b>			
Weekly			
<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>	El Hispano	Camden and Trenton areas	Spanish-Language
<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)			
DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION	
<b>Mercer County</b>			
<input type="checkbox"/>		Mercer County Board of Education	1075 Old Trenton Rd, Trenton, NJ
<input type="checkbox"/>		Medical Center at Princeton	253 Witherspoon St, Princeton, NJ
<input type="checkbox"/>		Bristol-Myers Squibb	100 Nassau Park Blvd, Princeton, NJ and 820 Bear Tavern Rd, Trenton, NJ
<input type="checkbox"/>		St. Lawrence Rehabilitation Center	2381 Lawrenceville Rd, Lawrenceville, NJ
<input type="checkbox"/>		McGraw-Hill	120 Windsor Center Dr, East Windsor, NJ
<input type="checkbox"/>		Conair Corporation	150 Milford Rd, Hightstown, NJ
<input type="checkbox"/>		Shiseido America, Inc.	366 Princeton Hightstown Rd, East Windsor, NJ
<input type="checkbox"/>		NJ Manufacturers Insurance Company	1001 Grand St S, Hammonton, NJ
<input type="checkbox"/>		Homasote	932 Lower Ferry Rd, Trenton, NJ
<input type="checkbox"/>		Robert Wood Johnson University Hospital	1 Hamilton Health Pl, Trenton, NJ
<input type="checkbox"/>		Congoleum Corp.	3500 Quakerbridge Rd, Mercerville, NJ
<input type="checkbox"/>		Coca-Cola Foods	480 Mercer St, Hightstown, NJ
<input type="checkbox"/>		Peddie School	111 Armellino Ct, Hightstown, NJ
<input type="checkbox"/>		Dana Communications	2 E Broad St, Hopewell, NJ
<input type="checkbox"/>		Merrill Lynch	410 Scotch Rd, Hopewell, NJ
<input type="checkbox"/>		Janssen Pharmaceutical	1125 Trenton Harbourton Rd, Titusville, NJ
<input type="checkbox"/>		St. Francis Medical Center	601 Hamilton Avenue Trenton NJ 08629-1986
<input type="checkbox"/>		The Trenton Times	500 Perry St, Trenton, NJ
<input type="checkbox"/>		Gaum. Inc.	1080 US Highway 130, Robbinsville, NJ
<b>Monmouth County</b>			
<input type="checkbox"/>		Meridian Health System	1350 Campus Parkway Neptune
<input type="checkbox"/>		US Army Communications Electronics Command Fort Monmouth	CECOM Bldg 901 Murphy drive Fort Monmouth
<input type="checkbox"/>		County of Monmouth Hall of Records	1 East Main Street Freehold
<input type="checkbox"/>		Central State Healthcare Systems	West Main Street Freehold
<input type="checkbox"/>		Monmouth Medical Center	300 Second Ave Long Branch
<input type="checkbox"/>		Asbury Park Press	3601 Route 66 Neptune, NJ
<input type="checkbox"/>		Food Circus Super Markets, Inc.	835 Highway 35 PO BOX 278 Middletown, NJ
<input type="checkbox"/>		Monmouth University	Cedar Ave West Long Branch
<input type="checkbox"/>		Naval Weapons stations Earle	State Highway 34 Colts Neck, NJ
<input type="checkbox"/>		Norkus Enterprises, Inc.	505 Richmond Ave Point Pleasant, NJ
<input type="checkbox"/>		Horizon Blue Cross Blue Shield	1427 Wyckoff Road Farmingdale, NJ
<b>Ocean County</b>			
<input type="checkbox"/>		Saint Barnabas Health Care System	300 2nd Ave Long Branch, NJ 07740
<input type="checkbox"/>		Six Flags Theme Parks Inc	Route 537 Jackson, NJ 08527
<input type="checkbox"/>		Meridian Health Care System	415 Jack Martin Blvd, Brick, NJ
<input type="checkbox"/>		Southern Ocean County Hospital	1140 Route 72 West, Manahawkin, NJ
<input type="checkbox"/>		Jenkinsons	300 Ocean Ave Pt. Pleasant Beach, NJ 08742
3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach


**IV. APPLICATIONS**

Applications for affordable housing for the above units will be available at the following locations:									
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)									
	<table border="1"> <thead> <tr> <th>BUILDING</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Mercer County Library Headquarters</td> <td>2751 Brunswick Pike, Lawrenceville, NJ 08648</td> </tr> <tr> <td><input type="checkbox"/> Monmouth County Headquarters Library</td> <td>125 Symmes Drive, Manalapan, NJ 07726</td> </tr> <tr> <td><input type="checkbox"/> Ocean County Library</td> <td>101 Washington Street, Toms River, NJ 08753</td> </tr> </tbody> </table>	BUILDING	LOCATION	<input type="checkbox"/> Mercer County Library Headquarters	2751 Brunswick Pike, Lawrenceville, NJ 08648	<input type="checkbox"/> Monmouth County Headquarters Library	125 Symmes Drive, Manalapan, NJ 07726	<input type="checkbox"/> Ocean County Library	101 Washington Street, Toms River, NJ 08753
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<input type="checkbox"/> Mercer County Library Headquarters	2751 Brunswick Pike, Lawrenceville, NJ 08648								
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<input type="checkbox"/> Ocean County Library	101 Washington Street, Toms River, NJ 08753								
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)									
4c. Sales/Rental Office for units (if applicable)									

**V. CERTIFICATIONS AND ENDORSEMENTS**

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality’s substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
Name (Type or Print)	
Title/Municipality	
Signature	Date

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

7. Resolution No. 2020-169, Approve the Intent to Fund or Bond Shortfall – Fair Share Housing

**WHEREAS**, on or about March 19, 2020, the Borough of Fair Haven filed a Declaratory Judgment Complaint in Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, the Borough simultaneously pursued, and ultimately secured, a protective order providing Fair Haven immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

**WHEREAS**, the Borough adopted a Housing Element and Fair Share Plan on or about September 15, 2020; and

**WHEREAS**, the Borough has prepared a Spending Plan consistent with P.L.2008, c.46 COAH regulations; and

**WHEREAS**, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Borough’s Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Borough shall provide sufficient funding to address any shortfalls.

**NOW THEREFORE BE IT RESOLVED**, the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey that to the extent permitted by law, do hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that, the Borough agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Council on Affordable Housing or a court of competent jurisdiction; and

**BE IT FURTHER RESOLVED** that the Borough may repay debt through future collections of development fees, as such funds become available.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None  
Abstain: None  
Absent: Councilman Banahan

8. Resolution No. 2020-170, Appoint Part Time School Crossing Guard – Scott W. Beattie

**WHEREAS**, a vacancy exists in the Fair Haven Police Department for the position of part-time School Crossing Guard; and

**WHEREAS**, Chief Joseph McGovern has recommended the vacancy be filled by Scott W. Beattie who meets all of the required qualifications.

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that Scott W. Beattie is hereby appointed as a part-time School Crossing Guard with an hourly salary of \$15.25 effective September 29, 2020.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None  
Abstain: None  
Absent: Councilman Banahan

9. Resolution No 2020-171, Authorize the Purchase of the Generator for the Police Department/Community Center

**WHEREAS**, Ordinance No. 2017-06 was adopted on May 22, 2017 and provides for the acquisition of various equipment, infrastructure improvements and improvements to public buildings and grounds; and

**WHEREAS**, the Department of Public Works has submitted Capital Item requests as follows:

<b><u>POLICE DEPARTMENT/COMMUNITY CENTER</u></b>	
Commercial Series Standby Generator, Liquor Cooled, RG Series	\$27,225.00
<b>Total</b>	<b>\$27,225.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the above capital item expenditures are hereby approved.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen  
Negative: None  
Abstain: None  
Absent: Councilman Banahan

10. Resolution No. 2020-172, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the September 28, 2020 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 160,533.35
2019 CURRENT ACCOUNT	\$ 585.75
GRANT FUND	\$ 1,203.26
OTHER TRUST	\$ 37,654.43

**TOTAL** **\$ 199,976.79**

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

- 11. Resolution No. 2020-173, Authorize and Adopt the For Sale Operating Manual, The Rental Operating Manual and Accessory Apartment Operating Manual

**WHEREAS**, on or about March 19, 2020, the Borough of Fair Haven filed a Declaratory Judgment Complaint in Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, in accordance with the Fair Housing Act and the New Jersey uniform Housing affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Borough of Fair Haven is required to adopt all program operating manuals, which set forth the procedures for administering the programs and their associated affordability controls for affordable housing units created within the Borough of Fair Haven; and

**WHEREAS**, the Borough of Fair Haven have created operating manuals for three affordable housing programs: For-Sale Operating Manual; Rental Operating Manual, and the Accessory Apartment Operating Manual, a copy of each of which is incorporated herein as if set forth at length.

**NOW THEREFORE BE IT RESOLVED**, the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey that the Borough does hereby authorize and adopt the following three operating manuals:

1. For-Sale Operating Manual
2. Rental Operating Manual
3. Accessory Apartment Program Operating Manual

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

- 12. Resolution No. 2020-174, Approve Spending Plan for Affordable Housing

**WHEREAS**, on February 12, 2020 the Borough of Fair Haven executed a settlement agreement with Fair Share Housing Center (“FSHC”), which established the Borough’s fair share obligation and preliminarily approved the Borough’s compliance mechanisms in accordance with the March 10, 2015 decision of the Supreme Court, which transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (“COAH”) to designated Mount Laurel trial judges within the Superior Court; and

**WHEREAS**, pursuant to the settlement agreement with FSHC, the Borough must implement a Spending Plan in accordance with N.J.A.C. 5:93-5.1, et. seq.; and

**WHEREAS**, the Borough prepared a Spending Plan consistent with P.L.2008, c.46 COAH regulations and the settlement agreements entered into between the Borough and FSHC; and

**WHEREAS**, the Borough desires to submit its Spending Plan to the Court in connection with the Compliance Action for its review and approval.

**NOW THEREFORE BE IT RESOLVED**, the by the Borough Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey:

1. That it hereby approves the Amended Spending Plan that is attached hereto as Exhibit A; and
2. That it authorizes its professionals to seek Court approval of the Spending Plan.

Offered for adoption by Councilwoman Sorensen, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Rodriguez and Sorensen

Negative: None

Abstain: None

Absent: Councilman Banahan

### **Reports of Departments**

#### **August 2020**

-Chief Financial Officer

-Municipal Court

-Budget Status

Motion to accept the reports as submitted moved by Councilwoman Sorensen, second by Councilman Rodriguez with Ayes by all present.

### **GOOD OF THE BOROUGH**

Mayor Lucarelli opened the meeting to the public for comments or questions at 8:12 p.m. Councilwoman Chrisner-Keefe said that the Fair Share Compliance Hearing will be held on October 23, 2020 at 10 a.m. and can be accessed live stream at [www.njcourts.com](http://www.njcourts.com). She said that Allyson Cinquegrana, Borough Clerk, is a great source of information for Mail In Voting and so is the County Clerk. There are many ways to learn about the various mechanisms to vote on General Election day so if there are any questions, you can reach out to the Borough and County Clerk. Councilwoman Sorensen thanked Councilwoman Chrisner-Keefe for bringing this up and said if anyone is going to drop their mail-in ballot in a drop box, there are two very local to us (Red Bank and Rumson, at their municipal buildings). Allyson Cinquegrana said that there is information on the Borough's website and the Clerk's page on the website; they are being updated as information comes through from the County. The General Election is strictly Vote By Mail. A voter can go to the polling location to drop their Vote By Mail Ballot or to vote provisionally. Only disabled voters will be permitted to vote on the actual voting machine. Councilman Rodriguez asked if the ballots being mailed are live ballots; he was advised that the ballots coming by mail are what the public will be using to vote and returned to Freehold. He said by speaking with people this weekend, the public does not realize that what is being mailed is what is being used to vote. Allyson advised that the County Clerk has done commercials for TV and radio, there have been press releases sent out. The Borough has sent this information out via Constant Contact, the website, FOCUS newsletter, Facebook, the front message board sign. We have put the information out as much as we can and will continue to do so. The Vote By Mail packets are being mailed by the County this week and if a voter/resident does not receive their packet by October 12<sup>th</sup>, they should reach out to the Municipal Clerk or County Clerk to find out if the packet was returned for some reason. Mayor Lucarelli said there was an article on NJ.com today about the ballots. There were five basic errors brought up from the Primary Election. The ballot is multi-pieced (ballot to be voted, an envelope for the voted ballot, a certification and a master envelope). The signatures need to match what is on file at the County. If the signature does not match, you will receive notification to cure your signature or certify that you did vote. The Mayor said as soon as the ballot packet is received, it is recommended voters fill out the ballot with their vote and return to Freehold as soon as possible to help/assist with the official count of the votes. The Clerk advised that per Governor's Order, the deadline for the County to certify the results was extended to November 23<sup>rd</sup> to allow for the counting of the Vote By Mail Ballots postmarked by November 3<sup>rd</sup>, the counting of the provisional ballots, any machine votes, etc. Councilman Rodriguez asked about voters being able to track the Vote by Mail packet returned to the County to be sure it was received. He asked if there is a way to find out that your vote was counted and not rejected. Yes, there is a website link.

Susan O'Brien, River Road, asked why there was a power outage over the weekend. She was advised that an Osprey was caught in the transmission line causing the power to go out for a few minutes.

Ruth Blaser, River Road, stated with regard to the generator for the police department, she had suggested a solar generator with a lithium battery back-up. She also suggested insulating the unit and creating a decibel limit on the generator. Mayor Lucarelli said in 2012, this topic was discussed and we explored ordinances; the Borough Attorney did not recommend doing an ordinance because there are sound regulations by the State that the Borough cannot grant relief from. Mrs. Blaser said that for the last storm two of her neighbors had generators that were loud and annoying. She asked if the Borough has a decibel meter; we do not, but you can get an App for your phone. Mrs. Blaser said that she submitted a proposal for the DPW building and Police Department building and has not heard back. She was advised that it was received and will be discussed at the appropriate time. She said that we need to use the property to the most with a need for future expansion. Mayor Lucarelli said that we are not at that point yet, the police department will be a two-story building with a full basement; nothing else has been decided.



There being no further comments or questions, the meeting was closed to the public at 8:26 p.m.

Council went into executive session at 8:28 p.m. and this meeting was reconvened at 8:50 p.m.

**ADJOURNMENT**

Motion to adjourn moved by Councilman McCue, second by Councilwoman Sorensen with Ayes by all present.

Time of Adjournment: 8:51 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk