

1. 10-18-16 Council Meeting Agenda

Documents:

[10-18-16 AGENDA.PDF](#)

2. 10-18-16 Council Meeting Agenda Packet

Documents:

[10-18-16 AGENDA PACKET.PDF](#)



Common Council of the City of Summit

Closed Session Agenda for Tuesday, October 18, 2016

6 : 5 0 p m – 7 : 2 0 p m

(Produced by the Office of the Secretary to the Mayor and Council)

ADEQUATE NOTICE

RESOLUTION – Authorize Closed Session

1. Collective Bargaining Matters - NJSA 10:4-12.B (4)
2. Purchase, lease or acquisition of property with public funds - NJSA 10:4-12.b (5)
3. Public safety tactics and techniques - NJSA 10:4-12.b (6)
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 - Overlook Hospital Update
 - City of Elizabeth – Tax Court Appeal
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7:30 PM**

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COMMITTEE MEETING SCHEDULE

Committee - Time - Attendees - Office

BUILDINGS AND GROUNDS COMMITTEE

Monday 1:00 pm – 1:30 pm Dept. of Community Services
Rubino, Sun, Cascais

FINANCE and PERSONNEL COMMITTEE

Monday 1:30 pm – 4:30 pm Large Conference Room
Lizza, Rubino, McTernan, Mayor Radest, Rogers, Gerba

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Monday 12:30 pm – 1:30 pm Dept. of Community Services
Sun, Lizza, Cascais

LAW COMMITTEE

*Second Meeting of the
Month* 6:00 pm – 6:45 pm Small Conference Room
Ogden, Naidu, Licatase, Cruz

(STAFF REMINDER: Please provide Committee Agendas for the Council President, City Administrator, and the Secretary for distribution on Wednesday.)



ASSISTIVE LISTENING DEVICES AVAILABLE. SEE CITY CLERK.



CALL TO ORDER

ADEQUATE NOTICE COMPLIANCE STATEMENT

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ROLL CALL

PLEDGE OF ALLEGIANCE

EXPLANATORY NOTE REGARDING CLOSED SESSION

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- Regular and Closed Session Minutes of October 5, 2016

REPORTS

- Mayor, City Administrator and Council President (Summit Historical Minute)

PRESENTATION

- Parking Assessment Draft Report - Level G. Associates

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RESOLUTIONS

(Staff reports are attached as appropriate. Items are listed according to Council Committees, those in ***italics*** indicate secondary committee reference. Unless otherwise indicated, or desired by Committee Chair, or a Council member advises that they will be voting in the negative, all Committee resolutions may be voted on at once.)

FINANCE/PERSONNEL

- | | | |
|-------------|----|---|
| (ID # 4487) | 1. | Approve NJ DCA Required CY 2016/SFY 2017 Best Practice Inventory Program and Certify Occurrence of Public Meeting |
| (ID # 4508) | 2. | Establish Tax Appeals Notification Policy |
| (ID # 4524) | 3. | Resolution With Respect to the Issuance and Sale by the Summit Housing Authority of a Series of Housing Revenue Bonds (Rental Assistance Demonstration Project) Series 2016 And Approving the Interest Rate on Such Bonds in Connection Therewith |
| (ID # 4521) | 4. | Authorize Extension of Sick Leave With and Without Pay - DCS Employee (<i>pending Closed Session discussion</i>) |
| (ID # 4532) | 5. | Authorize Extension of Sick Leave With Pay – DCS Employee (<i>pending Closed Session discussion</i>) |

BUILDINGS AND GROUNDS

- | | |
|-------------|---|
| (ID # 4516) | Authorize the Vacation of a Deed Restriction - 72 Glenside Avenue |
|-------------|---|

CONSENT AGENDA

SAFETY

- | | | |
|-------------|----|---|
| (ID # 4499) | 1. | Grant Permission and Set forth Conditions – 2016 Snowflake Stroll & Horse and Carriage Rides – Summit Downtown Inc. |
| (ID # 4523) | 2. | Grant Permission and Set forth Conditions – 2016 Santa's North Pole Party - YMCA |

GENERAL SERVICES

- | | |
|-------------|--|
| (ID # 4498) | Authorize Refunds - Department of Community Programs |
|-------------|--|

WORKS

- | | |
|-------------|--|
| (ID # 4493) | Authorize Refund of Guarantee - 79 Blackburn Road - Engineering Permit #15-072 |
|-------------|--|

CONSENT AGENDA (cont'd)

FINANCE/PERSONNEL

- (ID # 4491) 1. Cancel 2016 Sewer Utility Charges
- (ID # 4266) 2. Authorize Parking Refunds - Summit SmartCard, Prepaid Parking, and Overnight Parking Permits
- (ID # 4518) 3. Authorize Payment of Bills - \$279,104.78

COUNCIL MEMBERS' COMMENTS/NEW BUSINESS

ADJOURNMENT REGULAR MEETING

CLOSED SESSION (IF NEEDED AND AUTHORIZED)

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GENERAL INFORMATION

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1. JCPL, re Notice of Petition Seeking Review/Approval of Deferred Balances Related to and an Adjustment of SBC Clause Deferred Balance Related to SCC Clause of its Filed Tariffs.
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Ordinances and Resolutions Other Governing Bodies:

Chatham Borough:

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GENERAL INFORMATION (cont'd)

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NJDEP - News Release, re DEP Receives \$850,000 Endangered Species Act Grant

Minutes, Reports, etc:

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City Clerk' Office

Resolution (ID # 4487)
October 18, 2016

**APPROVE NJ DCA REQUIRED CY 2016/SFY 2017 BEST PRACTICE INVENTORY
PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING**

WHEREAS, the State's Fiscal Year 2017 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (Division) to determine how much of each municipality's final allocation of its CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory (the Inventory) to be completed by each municipality, and

WHEREAS, the Inventory is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency, and

WHEREAS, perfect scores are not required to receive the final State aid payments and credit is provided where municipalities are acting in good faith to prospectively implement practices, and

WHEREAS, the completed form must be an agenda item for discussion at a municipal governing body meeting the purpose of which is to ensure that local officials have been apprised of the responses which, thereafter, the City Clerk must subsequently file a certification confirming that the Inventory was discussed publicly, and

WHEREAS, as required, the Inventory was placed on the Council's October 18, 2016 meeting agenda and was discussed publicly and the City Clerk may now submit the required certification to the State.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

1. That the City Administrator and the Chief Financial Officer/City Treasurer be and they are hereby authorized to sign the "Best Practices Worksheet CY 2016/SFY 2017" certification form, certifying as to the accuracy of the information provided in the CY 2016/SFY 2017 Best Practices Inventory.
2. That the City Clerk be and she is hereby authorized to sign and submit the required "Best Practice Worksheet CY 2016/SFY 2017" certification form, certifying that the CY 2016/SFY 2017 Best Practice Inventory was discussed publicly at the Council meeting of October 18, 2016.

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk

Page 1



Finance
R - Finance/Personnel

www.cityofsummit.org

Meeting: 10/18/16 07:30 PM

RESOLUTION (ID # 4487)

DOC ID: 4487 A

TO: Mayor and Common Council
FROM: Marge Gerba, City Treasurer
DATE: September 14, 2016

This resolution is to approve the NJ DCA required CY 2016/SFY 2017 Best Practice Inventory Program and to certify the occurrence of a Public Meeting.

Summit City (Union)			
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments	
General Management - GM			
1	yes	Has your municipality 1) explored all potential shared service opportunities; and 2) filed a copy of all shared service agreements presently in effect for which it provides the service, along with any amendments thereto, with the Division (excluding cooperative purchasing agreements governed by the Local Public Contracts Law)? In the Comments section, please identify all explored all potential shared service opportunities, whether an agreement resulted and, where no agreement was reached, the reason(s) why.	IT Support Services Agreement with Borough of Madison - agreement resulted, Board of Health Services with Town of Westfield - agreement resulted, NPSM Emergency Services with New Providence and Millburn - agreement resulted.
2	yes	Has your municipality adopted a written vehicle use policy prohibiting personal use of municipal vehicles (except for commuting), and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)? Only answer "N/A" if your municipality does not have any municipally-owned vehicles.	
3	yes	Active monitoring management of a municipality's ratable base is fundamental to helping ensure fiscal stability. Does your municipality have an established written policy requiring its tax assessor to notify the chief financial officer and the governing body of all tax appeals upon filing, but no later than June 1st each year?	Resolution #4508 10/18/2016

Attachment: 2016 Best Practices (4487 : Approve NJ DCA Required CY 2016/SFY 2017 Best Practice

Summit City (Union)			
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments	
4	yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	
5	no	<p>A municipality's participation in FEMA's <u>National Flood Insurance Program Community Rating System</u> can lead to significant flood insurance premium reductions for its homeowners. An explanation of the program may be found on FEMA's website at http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system, and more information on how the NJDEP's statewide CRS coordinator can assist with improving your rating can be found at http://www.nj.gov/dep/floodcontrol/about.htm. <u>Does your municipality have, or has your municipality made an application to FEMA for, a Community Rating System ranking of at least Class 9?</u></p> <p>The City of Summit does not participate in the CRS program.</p>	

Summit City (Union)			
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
6	yes	The "Director's Ratio" (the average ratio of assessed to true market value) for each municipality as determined by the Director of the Division of Taxation, in the Table of Equalized Valuations promulgated annually pursuant to <u>N.J.S.A. 54:1-35.1</u> . A Director's Ratio of lower than 85 percent generally denotes lack of uniformity in assessments and indicates a need for revaluation. <u>N.J.A.C. 18:12A-1.14</u> . <u>If the ratio of assessed values to market values in your municipality is presently less than 85%, has your municipality at minimum awarded a contract for the updating of tax maps and earmarked funds in its budget for the hiring of relevant firms and/or professionals?</u>	
7	yes	The Local Government Ethics Law, designed to ensure transparency in government, requires local government officers to file Financial Disclosure Forms. Compliance by local elected officials is particularly important. <u>Have all of your local elected officials filed their Financial Disclosure Form in 2016 that covers the 2015 calendar year?</u>	
8	yes	While outside employment by municipal officials can sometimes be acceptable, it is imperative that no conflicts of interest impinge on municipal governance. Does your municipality have 1) an established documented process requiring department heads to submit notice of outside employment, and 2) upon receiving such notice, does your municipality have a documented process within its human resources function to determine whether or not a conflict of interest exists?	

		Summit City (Union)	
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
9	no	<p>Many municipalities have created one or more authorities (including fire districts, utilities authorities, redevelopment authorities, housing authorities, port authorities, etc.) to provide greater focus and attention on addressing a public need, or to reduce governing body burdens. While creation of an authority is often appropriate, and many authorities successfully fulfill their missions, authorities with weak membership or insufficient local-level monitoring can become wasteful, inefficient and unresponsive to the public they serve. N.J.S.A. 40A:5A-20 allows a local governing body to dissolve an authority subject to certain parameters and with Local Finance Board approval. Municipalities should at least annually assess the authority or authorities they created and publicly discuss their findings and conclusions. Findings and conclusions should address whether their existing authorities 1) continue to serve the public interest, and 2) are more efficient than other potential alternatives in providing services and financing public facilities. <u>Within the past year, 1) has the above-referenced discussion appeared as a listed agenda item on a scheduled governing body meeting, and 2) do the findings and conclusion appear in publicly-available meeting minutes?</u> Please identify the meeting date under "Comments".</p>	

Summit City (Union)			
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Finance & Audit - FA			
10	no	Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. <u>Have all audit findings from the 2014 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2015 audit?</u> If the answer is no, please list the repeat findings, along with the date the corrective action plan was submitted to DLGS, under Comments. Only answer "N/A" if there were no audit findings in 2014.	One repeat item: 'That unfunded Ordinances over five years be funded' - resolution of this comment is subject to budgetary constraints. Funds are raised annually in current year budget.
11	n/a	Payments In Lieu of Taxed (PILOTs) are often used as a tool for economic development. It is imperative that municipalities monitor PILOT agreements to ensure recipients complying with all agreement terms, including but not limited to timely payment and reporting. Does your municipality 1) have an official designated to monitor exemptions granted pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1 et seq.) and Five-Year Exemptions/ Abatements granted pursuant to N.J.S.A. 40A:21-1 et seq., and 2) have in place a documented process for ensuring compliance with the terms of each PILOT agreement?	There are currently no PILOT programs in Summit. (Summit Housing Authority is tax exempt not a PILOT)
12	yes	<u>N.J.S.A. 40A:5-4</u> requires municipalities to complete their annual audit for the preceding fiscal year within 6 months after the close of their fiscal year. Further, <u>N.J.S.A. 40A:5-6</u> requires the municipality's auditor to submit a certified duplicate copy of the audit report and recommendations with the Division within 5 days after filing the original with the municipal clerk. <u>Has your municipality received its completed audit for the preceding fiscal year within the statutory timeframe, and confirmed that your auditor has filed a certified duplicate copy of the audit report with the Division?</u> You may only answer this question "N/A" if the Director expressly granted an extension in response to a governing body resolution petitioning for same.	

Attachment: 2016 Best Practices (4487 : Approve NJ DCA Required CY 2016/SFY 2017 Best Practice

Summit City (Union)		
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>
Answer	Question	Comments
13	yes	Pursuant to <u>N.J.S.A. 40A: 2-40</u> , the chief financial officer each municipality shall, before the end of the first month of the fiscal year, file its Annual Debt Statement with the Division of Local Government Services. The annual debt statement must be filed electronically following the procedure described in Local Finance Notice 2013-3. <u>Did your municipality file its electronic Annual Debt Statement for the preceding fiscal year with the Division no later than January 31 (July 31 for SFY municipalities)?</u>
14	yes	Local Finance Notice 2014-09 contains important information about the need for municipalities that have certain outstanding debt to abide by requirements to annually disclose certain information with respect to financial conditions. The continuing financial disclosure obligations are required by federal law and local agreements executed as part of past issuances of debt. Failure to comply can result in penalties against local governments and individual officers responsible for various filings. Failure to comply can also result in a lack of access to capital markets. <u>Is your municipality up to date and fully compliant with continuing disclosure obligations as discussed in Local Finance Notice 2014-09?</u>
15	yes	The Prompt Payment Law, enacted as P.L. 2006 c.96, establishes timing standards for the payment of obligations under a wide range of construction-related contracts. The law seeks to ensure that contractors submitting bills for completed work are paid on a timely, established schedule, and that the full chain of subcontractors receive timely payment from their hiring contractor. Local Finance Notice 2006-21 discusses the law and its impact on local governments. <u>Have your municipality's claim payment procedures been reviewed by legal counsel and appropriate municipal staff to ensure compliance with the Prompt Payment Law?</u>
16	yes	While the issuance and renewal of bond anticipation notes can be a reasonable and prudent financing mechanism, failing to take advantage of low interest rates on permanent financing can cause municipalities to incur unnecessary carrying costs and inflated costs of issuance. Has your municipality evaluated its outstanding bond anticipation notes and developed a strategy to move toward permanent financing?
Procurement - P		

Attachment: 2016 Best Practices (4487) : Approve NJ DCA Required CY 2016/SFY 2017 Best Practice

		Summit City (Union)	
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
17	n/a	Pursuant to <u>N.J.S.A. 52:15C-10(a)</u> , municipalities (among other government entities) must notify the State Comptroller within no later than 20 business days of awarding most contracts greater than \$2 million but less than \$10 million. For contracts \$10 million or more, <u>N.J.S.A. 52:15C-10(b)</u> requires written notification to the State Comptroller of any negotiation or solicitation no later than 30 days before advertisement; from which point the State Comptroller has 30 days to approve the procurement moving forward unless said period is waived. Further information on the law and applicable forms is available on the State Comptroller’s website. <u>Did your municipality comply with the notice and approval provisions of N.J.S.A. 52:15C-10 in the prior year?</u>	City of Summit does not have any contracts in this category at this time.
18	n/a	Pursuant to <u>N.J.S.A. 40A:11-25</u> , the Director of the Division of Local Government Services must approve all prequalification regulations enacted by contracting units subject to the Local Public Contracts Law. Prequalification requirements can be fixed according to experience, financial ability, capital, and equipment. Absent Director approval, bid prequalification regulations are of no force and effect and may not be required as a condition of bid acceptance on any public contract. Local Finance Notice 2016-12 goes into further detail concerning prequalification regulations under the Local Public Contracts Law. Is your municipality following the process set forth in <u>N.J.S.A. 40A:11-25</u> , including seeking Director approval prior to implementing and enforcing all prequalification regulations? “N/A” is only applicable where the municipality has not adopted any prequalification regulations.	City of Summit has not adopted any prequalification regulations at this time.
19	yes	<u>N.J.S.A. 40A:11-5 (a)(i)</u> states that, if a municipality utilizes the professional services exemption from the Local Public Contracts Law, “The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the [] municipality...”. <u>With respect to the award of professional services contracts, is your municipality complying with the above referenced provision of the Local Public Contracts Law?</u>	

Attachment: 2016 Best Practices (4487 : Approve NJ DCA Required CY 2016/SFY 2017 Best Practice

Summit City (Union)			
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments	
Budget Preparation and Presentation - BP			
20	yes	N.J.A.C. 5:30-3.8(a) requires that the introduced annual municipal budget incorporate a User-Friendly Budget section. Is your municipality providing the public with its introduced User-Friendly Budget at least one week prior to the date of the public hearing on adopting the annual budget?	
21	yes	Unless the Director sets forth a later date pursuant to N.J.S.A. 40A:4-5.1, N.J.S.A. 40A:4-5 requires that calendar year municipalities approve their introduced budgets no later than February 10 (or August 10 for state fiscal year municipalities) and N.J.S.A. 40A:4-10 requires that calendar year municipalities adopt their budgets no later than March 20 (or September 20 for state fiscal year municipalities). <u>Did your municipality introduce and adopt its current year budget no later than the dates provided by law or as extended by the Director in Local Finance Notice 2015-27?</u> This question may only be answered N/A if your municipality is under State Supervision or if the Division instructed the municipality to delay budget adoption.	
Health Insurance - HI			
22	yes	Does your municipality exclude from healthcare coverage part-time elected and appointed officials (less than 35 hours per week)? Only answer "yes" if no part-time elected or appointed officials receive health benefits. If your municipality has part-time elected or appointed officials who elect to take State Health Benefits Program (SHBP) health benefits (or receive a waiver for not doing so) by virtue of serving in their position continuously since May 21, 2010, you must answer "No". If you answered "No", please list in the Comments section the name and title of each elected or appointed official receiving either health benefits or a waiver payment in lieu of health benefits.	
23	yes	Is your municipality collecting at least the amount set forth by the Chapter 78 Grid for health benefit contributions (or 1.5% of base salary, whichever is greater) for all officers and employees?	

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		Summit City (Union)	
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
24	n/a	<p>Payments for waivers filed before May 21, 2010, and maintained continuously since, cannot exceed fifty percent (50%) of the amount saved by the local unit as a result of the employee’s waiver of coverage. For waivers filed on or after May 21, 2010, which is the effective date of P.L. 2010, c. 2, payments cannot exceed the lesser of twenty-five percent (25%) of the amount saved by the local unit as a result of the waiver, or \$5,000. When calculating an employee’s waiver payment, the local unit must deduct the employee’s healthcare contribution obligation from the total premium cost. Local units have sole discretion as to whether or not to offer employees payments for waiver of health benefits, and may offer waiver payments lower than the statutory maximum. Health benefit waiver payments are statutorily excluded from collective bargaining. See Local Finance Notices 2010-12 and 2016-10 for further discussion on health benefit waiver payments. <u>Does your municipality 1) refrain from paying waiver payments in excess of the statutory maximum; 2) deduct employee healthcare contribution obligations from the total premium cost when calculating waiver payments; and 3) refrain from incorporating healthcare waiver payments in any labor agreement?</u> “N/A” is only applicable where the municipality has a policy of not making payments in lieu of health benefits.</p>	<p>City of Summit does not offer payment in lieu of health benefits.</p>

Summit City (Union)			
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments	
Personnel - PE			
25	yes	The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with labor counsel for more detailed guidance). Exempt status would also preclude overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered to be a form of overtime pay unless such leave is utilized in the same pay period. <u>Does your municipality refrain from paying overtime to employees classified as exempt under the FLSA?</u>	
26	yes	<u>For any employees covered by a collective bargaining agreement, has your municipality instituted a policy to not compensate said employees for sick leave accumulated after a certain date?</u> If such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining, your answer can be "N/A". If answering "N/A", the municipality must identify under "Comments" each such provision imposed by an arbitrator, along with the status of the collective bargaining negotiations to eliminate each such provision.	
27	yes	Has your municipality instituted a written policy to not compensate non-union employees for sick leave accumulated after a certain date?	
28	yes	Has your municipality adopted an ordinance, resolution, regulation or written policy eliminating longevity awards, bonuses or payments for non-union employees?	

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Summit City (Union)			
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments	
29	yes	For any employees covered by a collective bargaining agreement, has your municipality <u>eliminated all longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing any longevity awards, bonuses or payments for employees hired before a specified date?</u> The answer to this question can be "N/A" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining. If answering "N/A", the municipality must identify under "Comments" each such provision imposed by an arbitrator, along with the status of the collective bargaining negotiations to eliminate each such provision.	
30	yes	Employee personnel manuals or handbooks serve as a valuable tool to convey a municipality's policies, procedures and benefits. Many insurance carriers encourage the adoption of such a document and offer discounted rates for their use. These publications should review employees' rights and obligations in areas ranging from discrimination, safety, violence, and harassment to vacation and sick days, holidays, use of township vehicles, smoking and political activity, among others. <u>Has your municipality adopted or updated an employee personnel manual/handbook by resolution or ordinance within the last five years? If yes, please provide in the Comments section the date of the meeting at which the personnel manual was adopted or updated.</u>	Complete revision 10/6/2009 Resolution 33665; Last amended 5/20/2014

Attachment: 2016 Best Practices (4487 : Approve NJ DCA Required CY 2016/SFY 2017 Best Practice

Summit City (Union)		
2018	Please see Color Key at bottom of sheet for limits on answers	
Answer	Question	Comments
0	Select	
23	Yes	
3	No	
4	N/A	
30	Total Answered:	
27	Score (Yes + N/A)	
90%	Score %	
Chief Administrative Officer's Certification		
	I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.	Certification #(s) N-1568 Q-1398
	Name & Title Michael F. Rogers, City Administrator	Date October 18, 2016
Chief Financial Officer's Certification		
	I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.	Certification #(s) N-0655
	Name Margaret V. Gerba, CFO/Treasurer	Date October 18, 2016
Municipal Clerk's Certification		
	I hereby certify that the Governing Body of the City of Summit in the County of Union discussed/will discuss the CY 2016/SFY 2017 Best Practice Inventory as completed herein at a public meeting on October 18, 2016, with the Inventory results, and the certification thereof by the Chief Administrative and Chief Financial Officers, respectively, to be stated in the minutes of said public meeting.	Certification #(s) C-1232
	Name Rosalia M. Licatase, City Clerk	Date October 18, 2016

Attachment: 2016 Best Practices (4487 : Approve NJ DCA Required CY 2016/SFY 2017 Best Practice

Summit City (Union)		
2018		<i>Please see Color Key at bottom of sheet for limits on answers</i>
	Answer	Question
		Red = "Yes"; "No"; "N/A answers permitted
		Green = Only "Yes" and "No" answers permitted
	Question	Table of Weblinks
	5	http://www.fema.gov/national-flood-insurance-program-community-rating-system
	5	http://www.nj.gov/dep/floodcontrol/about.htm
	13	http://www.nj.gov/dca/divisions/dlgs/lfns/13/2013-3.pdf
	14	http://www.nj.gov/dca/divisions/dlgs/lfns/14/2014-09.pdf
	15	http://www.nj.gov/dca/divisions/dlgs/lfns/06/2006-21.doc
	17	http://www.nj.gov/comptroller/compliance/index.html
	18	http://www.nj.gov/dca/divisions/dlgs/lfns/16/2016-12.pdf
	21	http://www.nj.gov/dca/divisions/dlgs/lfns/15/2015-27.pdf
	24	http://www.nj.gov/dca/divisions/dlgs/lfns/10/2010-12.doc
	24	http://www.nj.gov/dca/divisions/dlgs/lfns/16/2016-10.pdf

Attachment: 2016 Best Practices (4487 : Approve NJ DCA Required CY 2016/SFY 2017 Best Practice

Resolution (ID # 4508)
October 18, 2016

ESTABLISH TAX APPEALS NOTIFICATION POLICY

WHEREAS, in a memo dated September 27, 2016, the City Treasurer/CFO recommends adopting a policy that requires the Tax Assessor to notify the Chief Financial Officer and the Governing Body of all Tax Appeals upon filing but no later than June 1st each year.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That the City of Summit establishes the following policy: The Tax Assessor must notify the Chief Financial Officer and Common Council of all Tax Appeals upon filing but no later than June 1st of each year.

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk



Finance
R - Finance/Personnel

www.cityofsummit.org

Meeting: 10/18/16 07:30 PM

RESOLUTION (ID # 4508)

DOC ID: 4508

TO: Mayor and Common Council

FROM: Marge Gerba, City Treasurer

DATE: September 27, 2016

SUMMARY

This Resolution is to establish a written policy requiring the Tax Assessor to notify the Chief Financial Officer and the Governing Body of all Tax Appeals upon filing but no later than June 1st each year.

This resolution will satisfy Best Practices question #3 on this year's Best Practices Worksheet.

Resolution (ID # 4524)
October 18, 2016

**RESOLUTION OF THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY,
WITH RESPECT TO THE ISSUANCE AND SALE BY THE SUMMIT HOUSING AUTHORITY
OF A SERIES OF HOUSING REVENUE BONDS (RENTAL ASSISTANCE DEMONSTRATION
PROJECT) SERIES 2016 AND APPROVING THE INTEREST RATE ON SUCH BONDS IN
CONNECTION THEREWITH**

WHEREAS, the Summit Housing Authority (the "Authority" or the "Housing Authority") is a public body corporate and politic, constituting an instrumentality of the State of New Jersey (the "State"), created by the City of Summit (the "City") pursuant to the provisions of the Housing Authorities Law, Chapter 67 of the Pamphlet Laws of 1950, codified at N.J.S.A. 55:14A-1 et seq., repealed and replaced by the Local Redevelopment and Housing Law, under Chapter 79 of the Pamphlet Laws of 1992, as amended and supplemented, and codified at N.J.S.A. 40A:12A-1 et seq. (the "Act"), and

WHEREAS, the Authority owns and operates residential rental public housing projects for which it has received approval from the United States Department of Housing and Urban Development ("HUD") to convert to multifamily housing (collectively, the "Projects") to the Rental Assistance Demonstration Program, P.L. 112-55 (2012) ("RAD") administered by HUD, and

WHEREAS, the Act authorizes the Authority to issue bonds, notes or other obligations to fulfill its purposes (N.J.S.A. 40A:12A-16(5) and -29), and

WHEREAS, in furtherance of the purposes of the Act, the Authority proposes to issue a series of bonds in an aggregate principal amount not to exceed \$1,200,000 (the "Bonds") upon substantially the terms and conditions contained in the Commitment Letter dated August 1, 2016 attached hereto as Exhibit A (the "Commitment") and to apply the proceeds of the Bonds to finance capital improvements to and fund rehabilitation reserves for the Projects that will be subject to the RAD program and to pay costs in connection therewith, and

WHEREAS, the Bonds, when issued, will be special and limited obligations of the Authority, and neither the City, nor any political subdivision thereof (other than the Authority, but solely to the extent of the trust estate as defined in the Bond Resolution (as defined below)), will be obligated to pay the principal or redemption price of, or interest on, the Bonds, and neither the faith and credit nor the taxing power of the City or any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the Bonds, and

WHEREAS, the Bonds will be issued pursuant to the terms of the Act, other applicable law and agreements and a resolution to be adopted by the Authority prior to the issuance of the Bonds authorizing the issuance of the Bonds (collectively, together with any amendments or supplements, the "Bond Resolution"), and

WHEREAS, N.J.S.A 40A:12A-29(d) requires that the governing body which created a housing authority which housing authority is financing housing projects determine that the rate

of interest on any such financing undertaken by a housing authority is in the best interest of the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY, as follows:

Section 1. The City acknowledges that the Housing Authority proposes to issue a series of Bonds in an aggregate principal amount not to exceed \$1,200,000 to (i) finance capital improvements to and fund replacement reserves for the Projects that are subject to the RAD program, and (ii) pay costs in connection therewith. The terms and conditions for the issuance of the Bonds shall be as provided in the Commitment dated August 1, 2016 with Lakeland Bank (the "Commitment").

During the first ten (10) years of the term of the Bonds, the tax exempt interest rate payable on the Bonds shall be a fixed rate equal to 3.125% (the "Initial Interest Rate"). The Initial Interest Rate of the Bonds shall change on the tenth (10th) anniversary of the Closing Date (as defined in the Commitment) and such change will be equal to an annual rate of two and one-quarter per centum (2.25%) per annum in excess of the Federal tax exempt equivalent of the then prevailing 10/20 year Federal Home Loan Bank of New York Amortizing Advance Rate rounded up to the nearest 0.125% (the "Index"), If the Index is no longer available for reference, the Bank will substitute the comparable Federal Reserve Bank interest rate to the Index and will provide the Authority with notice of a change in the Index.

In no event shall the interest paid on the Bonds be less than three and one hundred twenty-five thousandths per centum (3.125%) per annum. In addition, the interest rate adjustment on the tenth (10th) anniversary date of the Closing Date (as defined in the Commitment) shall not exceed a maximum increase of 3.50% over the preceding ten (10) year interest rate.

The term of the Bonds shall be 20 years based upon a 30 year amortization schedule with a balloon payment at maturity.

Payments will be made in 360 equal monthly installments of principal and interest with a balloon payment at maturity.

The Authority may, from time to time, prepay, in whole or in part, the outstanding principal amount due on the Bonds, upon thirty (30) days prior written notice to the Bank, with redemption premium, plus accrued interest thereon, as provided in the Commitment.

Neither the faith and credit nor the taxing power of the City nor any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the Bonds. Nothing in the Bonds or the Bond Resolution will assign or pledge therefor any other funds or assets of the Authority, the County or the City.

Section 2. Subject to satisfaction of the conditions set forth below, the City hereby finds and determines, in accordance with the provisions of N.J.S.A. 40A:12A-29(d), that the rate of interest, as described above, is in the best interest of the City. The Authority shall establish, to the satisfaction of the City at or before the issuance of the Bonds, that the Authority has either performed, or covenanted to perform, each of the following conditions:

A. The proceeds of the Bonds shall be applied to: (1) finance capital improvements to and rehabilitation reserves for the Authority's Projects that are subject to the RAD program, and (ii) pay costs in connection therewith. The proceeds of the Bonds shall not be used for any other purpose other than as described above.

B. The Authority shall provide a copy of the closing transcript with respect to the Bonds to the City.

C. The Mayor, Clerk and Chief Financial Officer are each hereby authorized and directed to execute and deliver such certificates, agreements and documents, and to take such other actions as may be necessary or appropriate in order to consummate the transactions contemplated hereby.

D. Certified copies of this Resolution shall be filed with the Clerk of the City of Summit and the Housing Authority. This Resolution shall take effect immediately upon the adoption hereof.

CERTIFICATE OF CLERK

I, Rosalia M. Licatese, the duly appointed Clerk of the City of Summit, in the County of Union, New Jersey (the "City"), DO HEREBY CERTIFY as follows:

A true and complete copy of Resolution number of the City adopted by the Common Council of the City on Tuesday evening, October 18, 2016, and entitled "RESOLUTION OF THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, WITH RESPECT TO THE ISSUANCE AND SALE BY THE SUMMIT HOUSING AUTHORITY OF A SERIES OF HOUSING REVENUE BONDS (RENTAL ASSISTANCE DEMONSTRATION PROJECT), SERIES 2016 AND APPROVING THE INTEREST RATE ON SUCH BONDS IN CONNECTION THEREWITH" (hereinafter, "Resolution No. ") has been filed and available for review in the City's Clerk's Office. Resolution No. has not been amended, modified or repealed, and remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City as of the day of , 2016.

Rosalia M. Licatese, City Clerk

(SEAL)

HOUSING AUTHORITY of the CITY OF SUMMIT

Office of the Executive Director

MEMORANDUM

Date: 10/06/2016

To: Rosemary Licatase, City Clerk, City of Summit

From: Joseph M. Billy, Jr. 

Re: Resolution Regarding Interest Rate on SHA Issued Housing Revenue Bonds

The Housing Authority has been approved by HUD to participate in a new housing program "The Rental Assistance Demonstration Program" commonly known as RAD. This program allows the Authority to sell bonds to fund capital improvements at our developments based on a 20 year Physical Needs Assessment which was completed by the SHA's engineering firm. We received approval to issue the bonds from the NJ Local Finance Board in June 2016.

Through a competitive RFP process, the Authority's RAD Financial consultants solicited proposals from lending institutions for the purchase of these bonds. The most competitive proposal was received from Lakeland Bank. The Authority entered into a commitment agreement with Lakeland Bank dated August 1, 2016. (copy attached)

Even though the City will have no financial obligation for the payment of principal & interest on these bonds, there is a statutory requirement that the City approve of the interest rate that the Housing Authority negotiated with the bank. You can see from the commitment agreement that the terms and conditions are very favorable to the Authority.

The Authority's Redevelopment Legal Counsel has prepared the attached resolution for consideration and approval by the Common Council. We are anticipating a closing date with HUD for this RAD program in November so I am respectfully requesting that this resolution be placed on the Common Council's meeting agenda as soon as possible.

Should you have any questions in this regard, or if there is a need for me to answer any questions from the appropriate Common Council sub-committee, please don't hesitate to let me know.

Thank You very much for your attention to this matter.

RESOLUTION OF THE CITY OF SUMMIT, IN THE COUNTY OF UNION,
NEW JERSEY, WITH RESPECT TO THE ISSUANCE AND SALE BY THE
SUMMIT HOUSING AUTHORITY OF A SERIES OF HOUSING REVENUE
BONDS (RENTAL ASSISTANCE DEMONSTRATION PROJECT), SERIES
2016 AND APPROVING THE INTEREST RATE ON SUCH BONDS IN
CONNECTION THEREWITH

ADOPTED:2016

_____ ,

WHEREAS, the Summit Housing Authority (the "Authority" or the "Housing Authority") is a public body corporate and politic, constituting an instrumentality of the State of New Jersey (the "State"), created by the City of Summit (the "City") pursuant to the provisions of the Housing Authorities Law, Chapter 67 of the Pamphlet Laws of 1950, codified at N.J.S.A. 55:14A-1 et Cu., repealed and replaced by the Local Redevelopment and Housing Law, under Chapter 79 of the Pamphlet Laws of 1992, as amended and supplemented, and codified at N.J.S.A. 40A:12A-1 et seq. (the "Act"); and

WHEREAS, the Authority owns and operates residential rental public housing projects for which it has received approval from the United States Department of Housing and Urban Development ("HUD") to convert to multifamily housing (collectively, the "Projects") to the Rental Assistance Demonstration Program, P.L. 112-55 (2012) ("RAD") administered by HUD; and

WHEREAS, the Act authorizes the Authority to issue bonds, notes or other obligations to fulfill its purposes (N.J.S.A. 40A:12A-16(5) and -29); and

WHEREAS, in furtherance of the purposes of the Act, the Authority proposes to issue a series of bonds in an aggregate principal amount not to exceed \$1,200,000 (the "Bonds") upon substantially the terms and conditions contained in the Commitment Letter dated August 1, 2016 attached hereto as Exhibit A (the "Commitment") and to apply the proceeds of the Bonds to finance capital improvements to and fund rehabilitation reserves for the Projects that will be subject to the RAD program and to pay costs in connection therewith; and

WHEREAS, the Bonds, when issued, will be special and limited obligations of the Authority, and neither the City, nor any political subdivision thereof (other than the Authority, but solely to the extent of the trust estate as defined in the Bond Resolution (as defined below)), will be obligated to pay the principal or redemption price of, or interest on, the Bonds, and neither the faith and credit nor the taxing power of the City or any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the Bonds; and

WHEREAS, the Bonds will be issued pursuant to the terms of the Act, other applicable law and agreements and a resolution to be adopted by the Authority prior to the issuance of the Bonds authorizing the issuance of the Bonds (collectively, together with any amendments or supplements, the "Bond Resolution"); and

WHEREAS, N.J.S.A 40A:12A-29(d) requires that the governing body which created a housing authority which housing authority is financing housing projects determine that the rate of interest on any such financing undertaken by a housing authority is in the best interest of the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SUMMIT as follows:

Section I. The City acknowledges that the Housing Authority proposes to issue a series of Bonds in an aggregate principal amount not to exceed \$1,200,000 to (i) finance capital improvements to and fund replacement reserves for the Projects that are subject to the RAD program, and (ii) pay costs in connection therewith. The terms and conditions for the issuance of the Bonds shall be as provided in the Commitment dated August 1, 2016 with Lakeland Bank (the "Commitment").

During the first ten (10) years of the term of the Bonds, the tax exempt interest rate payable on the Bonds shall be a fixed rate equal to 3.125% (the "Initial Interest Rate"). The Initial Interest Rate of the Bonds shall change on the tenth (10th) anniversary of the Closing Date (as defined in the Commitment) and such change will be equal to an annual rate of two and one-quarter per centum (2.25%) per annum in excess of the Federal tax exempt equivalent of the then prevailing 10/20 year Federal Home Loan Bank of New York Amortizing Advance Rate rounded up to the nearest 0.125% (the "Index"). If the Index is no longer available for reference, the Bank will substitute the comparable Federal Reserve Bank interest rate to the Index and will provide the Authority with notice of a change in the Index.

In no event shall the interest paid on the Bonds be less than three and one hundred twentyfive thousandths per centum (3.125%) per annum. In addition, the interest rate adjustment on the tenth (10th) anniversary date of the Closing Date (as defined in the Commitment) shall not exceed a maximum increase of 3.50% over the preceding ten (10) year interest rate.

The term of the Bonds shall be 20 years based upon a 30 year amortization schedule with a balloon payment at maturity.

Payments will be made in 360 equal monthly installments of principal and interest with a balloon payment at maturity.

The Authority may, from time to time, prepay, in whole or in part, the outstanding principal amount due on the Bonds, upon thirty (30) days prior written notice to the Bank, with redemption premium, plus accrued interest thereon, as provided in the Commitment.

Neither the faith and credit nor the taxing power of the City nor any political subdivision thereof will be pledged to the payment of the principal or redemption price of, or interest on, the Bonds. Nothing in the Bonds or the Bond Resolution will assign or pledge therefor any other funds or assets of the Authority, the County or the City.

Section 2. Subject to satisfaction of the conditions set forth below, the City hereby finds and determines, in accordance with the provisions of N.J.S.A. 40A:12A-29(d), that the rate of interest, as described above, is in the best interest of the City. The Authority shall establish, to the satisfaction of the City at or before the issuance of the Bonds, that the Authority has either performed, or covenanted to perform, each of the following conditions:

A. The proceeds of the Bonds shall be applied to: (i) finance capital improvements to and rehabilitation reserves for the Authority's Projects that are subject to the RAD program; and (ii) pay costs in connection therewith. The proceeds of the Bonds shall not be used for any other purpose other than as described above.

B. The Authority shall provide a copy of the closing transcript with respect to the Bonds to the City.

C. The Mayor, Clerk and Chief Financial Officer are each hereby authorized and directed to execute and deliver such certificates, agreements and documents, and to take such other actions as may be necessary or appropriate in order to consummate the transactions contemplated hereby.

D. Certified copies of this Resolution shall be filed with the Clerk of the City of Summit and the Housing Authority. This Resolution shall take effect immediately upon the adoption hereof.

CERTIFICATE OF CLERK

I, Rosemary Licatase, the duly appointed Clerk of the City of Summit, in the County of Union, New Jersey (the "City"), DO HEREBY CERTIFY as follows:

1. A true and complete copy of Resolution number _____ of the City adopted by the governing body of the City _____ on, 2016, and entitled "RESOLUTION OF THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, WITH RESPECT TO THE ISSUANCE AND SALE BY THE SUMMIT HOUSING AUTHORITY OF A SERIES OF HOUSING REVENUE BONDS (RENTAL ASSISTANCE DEMONSTRATION PROJECT), SERIES 2016 AND APPROVING THE INTEREST RATE ON SUCH BONDS IN CONNECTION THEREWITH" (hereinafter, "Resolution No. ") has been filed and available for review in the City's Clerk's Office. Resolution No. has not been amended, modified or repealed, and remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City as of the day of 2016.

Rosemary Licatase, City Clerk

(SEAL)

EXHIBIT A

LAKELAND BANK COMMITMENT LETTER

Attachment: SHA Revenue Bonds memo and supporting docs 10-18-16.pdf (4524 : Issuance/Sale by SHA Housing Revenue Bonds)

Lakeland Bank

(Depositor) *simplifying banking.*[™]

August 1, 2016

Housing Authority of the City of Summit
512 Springfield Avenue
Summit, New Jersey 07901
Attn: Joseph M. Billy, Jr., Executive Director

RE: Direct Purchase of Tax-Exempt Bond

Issuance by the Housing Authority of the City of
Summit in an Amount Not to Exceed \$1,200,000

Dear Mr. Billy:

Pursuant to the request and application of the Housing Authority of the City of Summit ("SHA" or the "Borrower"), Lakeland Bank (the "Bank") is pleased to advise you of its commitment for the purchase by the Bank of a tax-exempt bond to be issued by SHA (the "Bond") to provide long term capital improvement funding for three (3) properties owned by the SHA in Summit, New Jersey (as hereafter identified) in the principal amount not to exceed One Million Two Hundred Thousand and xx/100 (\$1,200,000.00) Dollars (the "Loan") subject to the terms and conditions set forth herein.

1. The Borrower:

The Loan shall be made to the Housing Authority of the City of Summit ("SHA" or the "Borrower").

2. Mortgaged Premises:

The Loan will be secured by a first mortgage lien covering the three (3) real properties and improvements located in Summit, Union County, New Jersey and identified as follows:

Vito A. Gallo Senior Building, 12 Chestnut Avenue (Block 2702, Lot 3)
Weaver Street Family Units, 2 Weaver Street (Block 1302, Lot 43)
Glenwood Place Family Units, Glenwood Place (Block 2614, Lot 12)

(The above properties are hereinafter referred to as each, a "Property", and collectively, the "Properties").

3. Amount and Purpose of Loan:

(a) The amount of the Loan shall be \$1,200,000.00. The proceeds of _____ the

Lakeland Bank

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Loan will be fully disbursed at the closing of the Loan (the "Closing") and used to provide long term capital funding for the Properties. A long term capital reserve escrow account (the "Escrow Account") shall be established at the Bank in the name of the Borrower. The Escrow Account can only be used to fund capital improvements to the Properties, and for no other properties, present and

future capital improvements

future. Funding from the Escrow Account will be at the sole discretion of the Bank based on completed capital improvements in accordance with the HUD approved capital improvement schedule.

(b)The Closing shall be conditioned upon, among other things, the Bank's receipt and approval of appraisals of each of the Properties providing for "AS IS" aggregate fair market values (the "Appraisals"). Notwithstanding the foregoing, in no event shall the amount of the Loan exceed 70% of the "AS IS" aggregate fair market value of the Properties, as determined by the Appraisals. The Borrower shall pay the cost of the Appraisals.

4. Term of Loan:

The term of the Loan (the "Term") shall be twenty (20) years from the first day of the month following the date of Closing (the "Closing Date"). The last day of the Term is the "Maturity Date".

5. Rate of Interest:

(a)During the first ten (10) years of the Term, the interest rate payable on the Bond shall be fixed at a rate of 3.125% based upon market rates as of the date of this Commitment (the "Initial Interest Rate"). The Initial Interest Rate of 3.125% will be held for 90 days from the date of this Commitment. If the Loan does not close within the 90 day period, the Initial Interest Rate will expire and be subject to change if a new extension is approved by the Bank.

(b)The Initial Interest Rate shall change on the tenth (10th) anniversary of the Closing Date (the "Change Date") equal to an annual rate of two and one-quarter (2.25%) per cent per annum in excess of the federal tax exempt equivalent of the then prevailing 10/20 year Federal Home Loan Bank of New York Amortizing Advance Rate rounded up to the nearest 0.125% (the "Index"). If the Index is no longer available for reference, the Bank will substitute the comparable Federal Reserve Bank interest rate as the Index, and will provide the Borrower with notice.

(c)The Initial Interest Rate, together with the interest rate as adjusted in the manner set forth in this paragraph 5 are, individually and collectively, as applicable, the "Interest Rate".

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(d) In no event, however shall the interest paid on the Bond ever be less than three and one-eighth (3.125%) per cent per annum. In addition, the ten (10) year Interest Rate adjustment shall be subject to a maximum increase of 3.50% over the preceding 10-year rate.

Interest will be calculated upon the daily Outstanding principal balance of the Loan and shall be calculated for the actual number of days that principal is outstanding based on a year of 360 days.

6. Terms of Payment:

The Borrower shall pay principal and interest by making monthly payments as follows (which payments, unless indicated otherwise, shall be applied first to fees, then to accrued interest and finally to unpaid principal):

(a) Coincident with the closing the Loan, Borrower shall pay an amount equal to the interest which would accrue from said Closing Date until the first (1st) day of the next succeeding month based on the Initial Interest Rate described above; and

(b) The Loan shall be payable in monthly payments of principal and interest based on the interest rate outlined above and a thirty (30) year amortization schedule commencing on the first day of the second month following the Closing Date and continuing on the first day of each month thereafter until the Maturity Date; and

(c) The change in the Interest Rate on the Loan as set forth in Paragraph 5 here shall result in a change of the amount of monthly installment of principal and interest. The new installment will be determined by the Bank based on the adjusted rate, and then outstanding principal balance of the Loan and the number of months remaining in the original thirty (30) year amortization schedule. The new monthly installment will become payable beginning on the first payment date following the Change Date; and

(d) On the Maturity Date, the Borrower shall pay one (1) final balloon payment of all outstanding principal, accrued interest and fees that are due and owing.

The Borrower shall maintain its primary operating accounts with the Bank for the life of the Bond which account(s) shall be utilized to automatically debit the monthly payments due under the Bond on the first (1st) day of each month. The Borrower shall also maintain its rent security accounts for the life of the Bond.

7. Fees:

The Borrower shall pay all fees and expenses in connection with this transaction, including but not limited to appraisals, Bank Counsel, Bond counsel, legal, environmental, title and survey,

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insurance, search, recording and filing fees. The Bank is not charging a commitment fee for this transaction. Upon acceptance of this commitment letter, the Borrower shall pay: (a) a nonrefundable deposit of \$18,375.00 to cover estimated closing costs (the "Closing Cost Deposit"), including without limitation:

• Appraisal Fees: \$12,075.00

• Phase I Environmental Reports: \$6,300.00

Legal fees and disbursements to the Bank's counsel and Bond counsel shall be paid at Closing. If the Loan fails to close through no fault of the Borrower, the Bank shall promptly refund the Closing Cost Deposit to the Borrower, less any out-of-pocket expenses incurred by the Bank and not previously paid for by the Borrower.

8. Security:

The Loan shall be secured by:

(a) A title-insured mortgage and security agreement representing a valid and enforceable first lien on each Property (the "Mortgage");

(b) An absolute assignment of all leases and rents from the Properties, including, without limitation, all payments now or hereafter due to Borrower, its successors and assigns as the landlord under all leases and license agreements, however styled, including, without limitation, security deposits, termination or other payments, lease guaranties and concessions;

(c) Assignment of the Section 8 Housing Assistance Payment Contract between the Department of Housing and Urban Development (HUD) and the Borrower; and

(d) A valid first priority security interest in all fixtures and equipment of the Borrower that are used in connection with the ownership and operation of each Property; and

(e) An absolute assignment of the capital reserve account established at the Bank.

No substitution of collateral under the Loan shall be permitted without the prior written consent of the Bank.

9. Escrows:

Lakeland Bank

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As the properties are exempt from real estate property taxes, but subject to Payments in Lieu of

Taxes ("Pilot"), the Borrower shall provide Bank with proof of payment of Pilot within thirty (30) days of the due date on an annual basis. In the event the Pilot is not paid when due, the Bank, at its option, may institute an escrow account which would require the Borrower to deposit a monthly sum equal to 1/12 of the amount to cover the payment of Pilot.

10. Prepayment:

At any time during the Term, the Borrower may, from time to time, upon thirty (30) days' prior written notice to the Bank, prepay the principal amount due under the Bond in whole or in part by paying, in addition to said principal amount, accrued interest and all other sums due under the Bond, along with a premium equal to:

Year 1 & 11 of the Bond Term:

Year 2 & 12 of the Bond Term:

Year 3 & 13 of the Bond Term:

Year 4 & 14 of the Bond Term:

Year 5 & 15 of the Bond Term:

Years 6 — 10 & 16 — 20 of the Bond Term:

3.0% of the principal amount prepaid

3.0% of the principal amount prepaid

2.0% of the principal amount prepaid

2.0% of the principal amount prepaid

1.0% of the principal amount prepaid

No prepayment fee

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Notwithstanding the above, the Borrower may prepay up to 10% of the original Loan amount each year without incurring a prepayment premium. No prepayment premium shall be due or payable in connection with the application of any insurance or condemnation proceeds to the reduction of the principal balance of the Loan.

The Borrower agrees that the prepayment fee described in this Paragraph 10 shall be paid whenever this Loan is prepaid prior to the Maturity Date, whether voluntary or involuntary, upon acceleration or otherwise. Any prepayment of principal shall be in integral multiples of \$10,000 (or greater), unless the Loan is paid in full. All prepayments shall be applied first to unpaid fees, unpaid interest and then to installments of principal in their inverse order of maturity.

11. No Subordinate Liens:

There shall be no financing junior to the Bank's security interest encumbering the Properties nor shall there be any encumbrance or security interest conveyed in any fixture or fixtures owned by the Borrower and presently affixed or to be affixed to the Properties or in any other collateral securing the repayment of the Loan, without the prior written consent of the Bank. In the event of a violation of this covenant, the Bank may, at its option, declare all sums due under the Loan to be immediately due and payable.

Notwithstanding the above, Lakeland Bank will allow subordinate financing and/or encumbrances on the Properties, if such financing is approved and provided by Lakeland Bank.

12. Conditions Precedent to Closing:

Closing of the Loan is subject to the Bank's receipt and approval, in its sole discretion, of all of the following items:

- (a) The Bond will not be purchased by the Bank unless the Bank is advised by Bond Counsel that all applicable provisions of State and Federal laws with respect to the issuance of the Bond have been satisfied and that the Loan is State and Federal tax exempt. The acquisition by the Bank of the Bond shall be subject to the provisions of a Bond Purchase Agreement to be entered into between the SHA and the Bank, which shall be satisfactory in all respects to Bank Counsel and Bond Counsel. The purchase of Bond by the Bank shall be subject to the terms and conditions of the documents to be entered into in connection with the issuance of the Bond, including such other provisions, as shall be required by the Bank and SHA.

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- (b) A title insurance policy insuring the Mortgage, in the full amount of the Loan, _____ issued by a title insurance company acceptable to the Bank. The premium for the title insurance coverage must be fully paid at the Closing. The required searches for the Property, and the Borrower will be set forth on the closing checklist prepared by Bank counsel. The Borrower must provide such other documents, searches and assurances related to title matters as the Bank or its counsel shall require. Closing of the Loan is subject to approval of the title insurance policy by

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the Bank and its counsel, which approval shall not be unreasonably withheld or delayed. The Borrower has the right to choose any title agency or company that meets the Bank's title insurance requirements. Regulations in the State of New Jersey require all title companies operating in New Jersey to charge the same fees and insurance premiums. The Bank directly owns a significant interest in and receives compensation from Lakeland Title Group, LLC. The Borrower's attorney may obtain a title search and insurance through Lakeland Title Group, LLC by calling Donald J. Cohen or Marilyn A. Henshaw at 973-898-0377; however, the Borrower is under no obligation to do so. If Lakeland Title Group, LLC is engaged, it shall be solely responsible for the work performed.

- (c) A closing service or title approved agency letter acceptable to the Bank. A representative of the title company must be present at the Closing to deliver the "marked-up" title insurance commitment and the pro-forma title insurance policy.
- (d) An affidavit of title in customary form and otherwise reasonably acceptable to the title insurance company.
- (e) A survey of each Property satisfactory to the Bank and title company showing the location of the building(s), with all driveways, easements, entrances, any other items required by Bank counsel shown thereon. All appurtenant easements, whether on or off-site must be depicted on the survey. The survey must be certified to "Lakeland Bank and/or its successors and assigns as their interests may appear", the title company and its agent, the Borrower and Bank's counsel. Surveys not more than ten (10) years old with survey affidavits of no change may be furnished in lieu of current surveys, provided that the title

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insurance company issuing the loan policy affirmatively insures without exception such surveys.

- (f) Evidence of the insurance required in Paragraph 14 below.
 - (g) A "filed" copy of a Notice of Settlement for the Mortgage bearing the filing stamp and effective at the date of closing.
 - (h) The Appraisals. CONDITION SATISFIED.
 - (i) Receipt by the Bank of all organizational documents and certificates of good standing for the Borrower and any managing member of the Borrower if it is a business entity.
 - (j) An opinion of counsel to the Borrower in form and substance reasonably satisfactory to the Bank, issued by an attorney duly licensed in the State of New Jersey and, if different, the state of the Borrower's and the formation, confirming that the Loan Documents have been duly authorized and executed, are in full force and effect and enforceable in accordance with their respective terms and containing such other customary matters as the Bank may reasonably require.
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- (k) Opinion of Bond Counsel in form and substance reasonably satisfactory to the Bank.
 - (l) Evidence satisfactory to the Bank that any and all Pilot, taxes, assessments, service charges, water and sewer charges, and private maintenance charges due and payable with respect to the Property have been paid.
 - (m) A "life of the loan" flood hazard search certificate advising whether each Property is located in a flood hazard area and, if so, flood insurance satisfactory to the Bank.
 - (n) At the Bank's sole option, either Environmental transaction screens of each of the Properties or Phase I environmental site assessment of each of the Properties, prepared by an environmental consultant engaged by the Bank and paid for by the Borrower. CONDITION SATISFIED.

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- (o) An inspection and Property Condition Report for each of the Properties, prepared by an engineer acceptable to the Bank. **CONDITION SATISFIED.**
 - (p) A rent roll for each of the Properties, updated and certified through the Closing Date, together with complete copies of all leases and license agreements for each of the Properties (including all modifications, renewals and amendments) in effect as of the Closing Date.
 - (q) Organizational documents, resolutions, consents and certificates from the Borrower and any member, as required, authorizing the Loan and containing such other matters as may be required by the Bank and Bank's counsel.
 - (r) A copy of the Section 8 Housing Assistance Payment Contract between the Borrower and HUD for each of the Properties.
 - (s) Such other instruments, documents, and opinions as the Bank and its counsel shall require to evidence and secure the Loan.
13. Covenants:
- (a) During each year of the Term of the Loan, the Borrower shall:
 - (i) Within 270 days after fiscal year end, submit annual audited financial statements of the Borrower;
 - (ii) Within 90 days after the end of each calendar year, supply an annual income and expense statement and certified rent roll with respect to each Property; and
 - (iii) Submit evidence of annual payment of Pilot for the Properties during any period where no escrow payments are required by the Bank.

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(b) Throughout the Term of the Loan, the Borrower shall maintain its primary operating and tenant security deposit accounts with the Bank (the "Accounts"). Monthly debt service payments shall automatically be deducted from the Borrower's operating account.

(c) Throughout the Term of the Loan, the Borrower shall maintain a property debt service coverage ratio ("PDSCR") of not less than 1.10:1 tested on an annual basis as of the last day of each calendar year. As used herein, "PDSCR" shall mean Borrower's: (i) net earnings from the Properties before income taxes, excluding any gain or loss arising from

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extraordinary or non-recurring items plus (ii) interest expense on the Bond; plus (iii) depreciation, amortization and other non-cash charges divided by (iv) the annual required payments of principal and interest on the Bond.

(d) Maintain a Debt Service Coverage Ratio ("DSCR") of not less than 1.10:1, tested on an annual basis. DSCR shall be defined as Borrower's (i) net earnings before income taxes, excluding any gain or loss arising from extraordinary or non-recurring items, (ii) interest expense, plus (iii) depreciation, amortization and other non-cash charges; divided by (iv) the annual required payments of principal and interest on all indebtedness.

14. Insurance Requirements:

The Borrower shall comply with the following requirements regarding insurance:

(a) The Borrower shall provide a prepaid "All Risk" property insurance policy covering each Property, improvements, fixtures and other personal property comprising the collateral, including replacement cost coverage and such other insurance policies as the Bank shall reasonably require, including, without limitation, loss of rents insurance (one year's gross rental income) and business interruption coverage. All such policies shall be written for the full insurable value of each Property (without deduction for depreciation) and other assets securing the Loan and shall name the Bank as first mortgagee under a Standard Mortgagee Clause with respect to the improvements and loss payee under a Lenders' Loss Payable Clause with respect to personal property and other assets securing the Loan. If a blanket policy is issued, a certified copy of said policy shall be furnished together with an endorsement indicating that the Bank is the insured under said policy in the properly designated amount. The Borrower shall also carry such other insurance as may be reasonably required by the Bank against such insurable hazards which at the time are commonly insured against for properties similar to the Properties located in the northern New Jersey region.

(b) The Borrower shall provide Commercial General Liability insurance insuring the Borrower and naming the Bank as additional insured covering bodily injury or property damage occurring in or about the Property. Such liability coverage shall be in the minimum amounts of \$1 million per occurrence and \$2 million in the aggregate.

(c) All insurance policies shall be: (i) issued by companies having an A.M. Best Rating Guide Stability Rating of A or better and a Financial Rating of VI or better; (ii) on forms, in amounts and with deductibles, all of which must be acceptable to the Bank; and (iii) maintained throughout the Term of the Loan, without cost to the Bank. All policies shall be

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deposited with the Bank (if required by the Bank), and shall provide that such policy shall not be canceled unless the Bank is given thirty (30) days prior written notice or ten (10) days prior written notice of non-payment of premium. The Borrower shall immediately notify the Bank of the

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Borrower's receipt of any notice of any cancellation, alteration or reduction of any insurance policy required by the Loan Documents.

(d) If the Property is required to be insured pursuant to the Flood Disaster Protection Act of 1973 or the National Flood Insurance Act of 1994 (as the same may be amended) and the regulations promulgated thereunder because it is located in an area that has been identified by the Federal Emergency Management Agency as a Flood Hazard Area, then the Borrower shall obtain a flood insurance policy covering the Property in an amount not less than the outstanding principal balance of the Loan or the maximum limit of coverage available under the National Flood Insurance Program or as mandated by Federal law or regulation, whichever is less. Such policy shall name the Bank as first mortgagee under a Standard Mortgagee clause and loss payee clause.

Insurance and/or condemnation proceeds payable as the result of casualty or condemnation of the Property shall be paid to the Bank. Following any condemnation or insured casualty, provided that: (i) there is no uncured Event of Default under the Loan Documents; and (ii) the Borrower can demonstrate, to the Bank's reasonable satisfaction, that the Borrower has sufficient available economic resources to restore the Property (the foregoing conditions being referred to herein as the "Disbursement Conditions") then the Bank will permit insurance and condemnation proceeds to be used for the restoration of the Property. The Bank will hold such proceeds and will disburse them to the Borrower in accordance with the Bank's then-current construction loan conditions and requirements. If the insurance or condemnation proceeds are not sufficient to restore the Property, the Borrower shall deposit with the Bank all funds necessary to complete the restoration, as estimated by the Bank, and such funds shall be disbursed and used for the restoration prior to the disbursement of any insurance or condemnation proceeds. If the Disbursement Conditions are not satisfied, the Bank shall apply the condemnation or casualty proceeds against the outstanding principal balance of the Loan.

15, Documentation:

The documents evidencing the Loan (the "Loan Documents") will include, without limitation, the following provisions:

(a) If the Bank does not receive the entire amount of any payment required under the Loan within 15 days of its due date, the Borrower shall pay a late charge equal to five (5%) percent of the overdue payment, provided, however, that the foregoing late charge will not apply with respect to any payment due upon the acceleration or maturity of the Loan. Any such late charge assessed is immediately due and payable.

(b) If the Borrower fails to make any other payment as and when required pursuant to the Loan Documents and the Bank advances such payment, the amount advanced shall bear interest at a rate equal to five (5%) percent higher than the rate payable on the Loan at the time of the advance.

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(c) Acceleration of the entire unpaid principal balance plus all accrued interest and charges under the Loan on the occurrence of the usual and customary Events of Default as shall be enumerated in the Loan Documents, including without limitation, the following:

(i) Failure to pay any sum due to the Bank under the Loan Documents within five (5) days of the date when due;

(ii) Failure of the Borrower to observe any of the non-monetary terms or conditions set forth herein or in the Loan Documents, in each case beyond the expiration of applicable grace, notice and cure periods;

(iii) Transfer of title to any portion of, or interest in, the Property or any other collateral securing repayment of the Loan in violation of the Loan Documents;

(iv) The dissolution of, or cessation of business by the Borrower;

(v) Bankruptcy or insolvency proceedings involving the Borrower;

(vi) Transfer of any stock, membership or partnership interest in the Borrower in violation of the Loan Documents.

(vii) The loss for forty-five (45) consecutive days or more of any material governmental license or material pennit required for the ownership or operation of any Property;

(viii) The existence of any financing, mortgage or other liens on or security interest in any Property or any other collateral securing repayment of the Loan, other than liens and security interests in favor of the Bank or permitted by the Loan Documents;

(ix) Any representation, warranty or disclosure made to the Bank by the Borrower proves to be materially false or misleading as of the date when made, whether or not such representation or disclosure appears in the Loan Documents;

(x) The default of the Borrower under any other obligation to the Bank, in each case beyond the expiration of applicable gace, notice and cure periods, whether now existing or hereafter arising;

(xi) The existence of any liens for taxes due (including PILOT) with respect to the Properties unless such liens are being contested in good faith and adequate reserves with respect thereto have been deposited with the Bank, or carrier's warehousemen's, mechanics', _____materialmen's, repairmen's or other liens which have not been dismissed or bonded over for thirty (30) days or for which escrows, reasonably satisfactory in amount to the Bank, have not been established by the Borrower;

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To the extent permitted by law, whenever there is any Event of Default under the Loan, the rate of interest on the unpaid principal balance shall, at the option of the Bank, be five percent (5%) per annum greater than that which would otherwise be applicable (the "Default Rate"). The Borrower acknowledges that: (i) the Default Rate is a material inducement to the Bank to make the Loan; (ii) the Bank would not have made the Loan in the absence of the agreement of the Borrower to pay the Default Rate; (iii) the Default Rate represents compensation for increased risk to the Bank that the Loan will not be repaid; and (iv) the Default Rate is not a penalty and represents a reasonable estimate of: (a) the cost to the Bank in allocating its resources (both personnel and financial) to the ongoing review, monitoring, administration and collection of the Loan and (b) compensation to the Bank for losses that are difficult to ascertain.

16. Environmental Matters:

(a) Hazardous Substances• ISRA The Loan will only be granted on the basis that no operations that involve the generation, manufacture, refining, transportation, treatment storage, or handling of hazardous substances or wastes, above or below the ground, as provided in the Industrial Site Recovery Act, N.J.S.A S 13:1K-6 et seq. (P.L. 1993, C.1 12) ("ISRA"), and the regulations adopted pursuant to ISRA have, to the best of the Borrower's knowledge, been or will be carried on any Property, that no "Industrial Establishment" as defined in ISRA, have, to the best of the Borrower's knowledge been or will be carried on any Property and that each Property is not otherwise subject to ISRA. The obligation of the Bank to lend under this commitment is subject to the Bank's determination, in its sole discretion, that ISRA is not applicable. The Borrower shall not lease or permit any portion of any Property to be occupied by any person or business that will subject any Property to the provisions of ISRA.

To the best of the Borrower's knowledge, no "petroleum hydrocarbon product" is or has been present on any Property or on areas adjacent to any Property except for de minimus quantities of such products and materials that are used, stored and disposed of in accordance with all such applicable Federal and State "hazardous waste" laws.

(b) Environmental Representations. The Borrower represents to the Bank that, to the best of the Borrower's knowledge, except as disclosed to the Bank in writing, including, without limitation, any environmental reports delivered to the Bank:

(1) There have been no claims, litigation, administrative proceedings, whether actual or threatened, or judgments or orders relating to any hazardous substances, hazardous wastes, discharges, emissions, or other forms of pollution relating to any Property or any other property or activities of the Borrower in the State of New Jersey.

(2) There have been no hazardous substances or hazardous wastes, as defined by the Industrial Site Recovery Act N.J.S.A. 13:1K-6 et seq. (P.L. 1993, C.112), Spill Compensation and Control Act N.J.S.A. 58:10-23.11 et

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seq., CERCLA as amended (42 U.S.C. Subsection 9601 et seq.), or any other applicable environmental law (collectively, "Environmental Laws") generated, manufactured, refined, transported, treated, stored, handled, discharged, spilled or disposed of on any Property.

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(3) There are no underground storage tanks located on any Property and all underground storage tanks previously located at any Property have been removed or decommissioned in accordance with all Environmental Laws. If there are underground storage tanks at the Property, the Borrower must show compliance with the New Jersey Underground Storage Tank, Act, N.J.S.A. 58:10A-21 et seq., and any applicable federal law, including, without limitation, a tank tightness test, and submit to the Bank copies of all related registration forms and other proof of compliance as a condition of closing.

(c) Testing: At any time during the Term, if the Bank has a reasonable good-faith belief that the Borrower or any Property is not in compliance in any material respect with Environmental Laws applicable to the Property, then, subject to the rights of tenants, the Bank shall have the right to enter onto the Property and cause such tests, inspections, and/or procedures as the Bank reasonably deems necessary, to be conducted by a professional engineering firm for the purpose of ensuring compliance with all applicable Environmental Laws. Without limitation of the Bank's rights, while any amount under the Loan is outstanding, if the Bank has a reasonable good-faith belief that the Borrower or any Property is not in compliance in all material respects with Environmental Laws applicable to the Property, the Bank shall have the right, but not the obligation, subject to the rights of tenants, to enter onto the Property or to take such other actions as it reasonably deems necessary or advisable to test, cleanup, remove, resolve, or minimize the impact of, or otherwise deal with, any environmental condition which, in the reasonable opinion of the Bank, could jeopardize or affect its collateral security. All reasonable costs and expenses incurred by the Bank in the exercise of any such rights shall be secured by the Mortgage and shall be payable by the Borrower within thirty (30) days of demand.

(d) Asbestos. In the event that asbestos exists on any Property or shall be found by the Borrower or any other person or entity at any time, the Borrower shall: (1) promptly notify the Bank that the asbestos exists or has been discovered, (2) obtain a written estimate and report from an environmental firm acceptable to the Bank of the cost of the removal or management of the asbestos and the manner in which it should be removed or managed, which removal or management procedure shall be reasonably satisfactory to the Bank, (3) deposit with the Bank in escrow an amount equal to the cost of such removal or management or such other amount reasonably determined by the Bank, and (4) diligently pursue the removal or management of the asbestos. The amount held in escrow will be released by the Bank upon (a) delivery to the Bank of evidence satisfactory to the Bank that the applicable laws, rules and regulations have been complied with in connection with such removal and disposal or management, and (b) inspection of the completed

Lakeland Bank

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work by the Bank's engineer (at Borrower's expense) and a determination by said engineer that the removal has been handled in a satisfactory manner.

(e) Indemnification. The Borrower agrees to defend, indemnify, and hold the Bank _____ harmless from and against any and all claims, actual losses, actual liabilities, actual damages _____ (excluding consequential, punitive and special damages) and out-of pocket costs and expenses (including, without limitation, cleanup costs and reasonable attorney's fees and consultant's fees) paid and incurred by the Bank to the extent arising directly or indirectly from, out of, or by reason of any hazardous discharge upon any Property or the violation of any Environmental Law applicable to any Property, the Borrower or any of its other properties. This indemnity shall

in the stipulating hearing.

be in addition to any and all other obligations and liabilities of the Borrower may have to the Bank at common law, and shall survive: (i) repayment of the Loan and the full release of the lien of the Mortgage; (ii) the extinguishment of the lien by foreclosure, power of sale or any other action; and (iii) the delivery of any deed in lieu of foreclosure. Notwithstanding the foregoing, the Borrower will have no indemnification obligations whatsoever with respect to any losses, liabilities, damages or expenses arising out of, or resulting from, (i) the gross negligence or willful misconduct of the Bank or any of its agents, consultants or employees, or (ii) any hazardous substances that are placed on the Property after the earliest of (x) the date the Borrower or any agent or designee of the Borrower no longer has possession or control of the Property, (y) the foreclosure of the Mortgage or acceptance of a deed in lieu thereof, and (z) the appointment of a receiver for the Property.

17. Special Conditions:

(a) The Loan will be closed on the following conditions:

- (i) No information, representation, exhibit or other material submitted with or in support of the application for the Loan is determined by the Bank, in its sole discretion, to be inaccurate or to have materially and adversely changed.
- (ii) The Bank's determination, in its sole discretion, that the financial operations and condition of the Borrower has remained materially unchanged from the time of application and that no event has occurred or information has become known that makes the Bank deem itself insecure in the making of the Loan.

(b) At Closing, the Borrower will assign to the Bank any and all payments due to the Borrower as the landlord under the Leases.

18. Participation.

██████████ Bank

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The Bank has the right, in its sole and absolute discretion, to sell one or more participating interests in the Loan to one or more banks or other financial institutions (each, a "Participant"). The Borrower agrees that, at no cost or expense to the Borrower, it shall execute, or cause to be executed, such documents as the Bank shall reasonably deem necessary to effect the foregoing. The Bank may fill-nish any information in its possession concerning the Loan, the Borrower, or the Properties from time to time to prospective assignees and Participants, provided that the Bank ensures that such assignees and Participants maintain the confidentiality of such information.

19. Bank Counsel:

_____ The Bank shall be represented by Richard W. LeBlancq, Esq. of the law firm of Harwood Lloyd, LLC located at 130 Main Street, Hackensack, New Jersey 07601 (201) 359-3645, who will perform all legal services for the Bank in connection with this transaction. These services include, without limitation, preparing documents, reviewing title work and UCC searches, advising the Bank with respect to all matters affecting the Loan and the collateral and supervising the Closing.

I,

By accepting this commitment letter, the Borrower agrees to pay the legal fee of the Bank's counsel in connection with this transaction whether or not the transaction closes. The legal fee of Bank counsel is estimated to be \$15,000.00. Notwithstanding the foregoing, the estimated fee set forth above is subject to change if the Borrower requests significant changes to the Bank's standard form of documentation or if problems encountered exceed that anticipated and the Borrower will be responsible for payment of any increase in the estimated fee of Bank counsel resulting from such circumstances. In addition to legal fees for Bank counsel as set forth above, the Borrower shall pay the Bank counsel's reasonable expenses incurred in connection with the transaction including, without limitation, search fees, recording and filing fees, courier services, telecopier, telephone and photocopying charges and postage. This fee is based upon the experience of Harwood Lloyd, LLC with respect to the time spent representing the Bank in transactions of this type.

THE INTERESTS OF THE BORROWER AND BANK ARE OR MAY BE DIFFERENT AND MAY CONFLICT. THE BANK'S ATTORNEY REPRESENTS ONLY THE BANK AND NOT THE BORROWER AND THE BORROWER IS THEREFORE ADVISED TO EMPLOY AN ATTORNEY OF ITS CHOICE LICENSED TO PRACTICE LAW IN THIS STATE TO REPRESENT THE INTERESTS OF THE BORROWER.

All matters with respect to title, restrictions, zoning ordinances, easements, or other agreements affecting the Property are subject to the approval of the Bank and Bank's counsel. The necessity for and the form and substance of each document executed or required in connection with this transaction shall be determined by the Bank and Bank's counsel. The Closing is to take place at the offices of Harwood Lloyd, LLC.

Lakeland Bank

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20. Miscellaneous:

(a) The Borrower shall pay all costs incidental to this Loan, including, but not limited to, legal fees of Bank's counsel and Bond Counsel, title insurance search and premium fees, appraisal fees, survey charges, recording and filing fees, brokerage fees and inspection fees.

(b) No change in the provisions of this commitment letter shall be valid and binding unless in writing, and executed by an authorized representative of the Borrower and an officer of the Bank. To the extent of any conflict between the terms of this commitment letter and the terms of the Loan Documents, the terms of the Loan Documents shall control.

(c) Neither this commitment nor the Loan proceeds shall be assignable without the prior written consent of the Bank.

(d) All notices to the Bank must be given in writing and addressed to Lakeland Bank, 155 Morristown Road, Bernardsville, N.J. 07924 to the attention of Jeffrey A. Wichman, Vice President.

(e) This commitment letter and the Loan shall be governed by the Laws of the State of New Jersey.

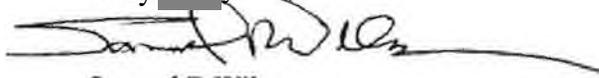
21. Acceptance:

(a) If the above terms and conditions are acceptable to you, please sign the enclosed copy of this commitment and return to my attention, together with the required Closing Cost Deposit, in the total amount of \$18,375.00. This commitment is subject to your acceptance within twenty (20) business days from the date of this letter and will expire and be null and void if the Bank has not received the accepted commitment and required fees by such date or if the Loan has not closed by December 1, 2016.

(b) This commitment letter may be executed in one or more counterparts, each of which shall be an original and all of which, taken together, shall constitute one agreement.

I sincerely appreciate the opportunity to provide this credit accommodation to you and look forward to a mutually satisfactory relationship.

Very truly yours,



Samuel R Wilson
Senior Vice President

[ACCEPTANCE PAGE FOLLOWS]

I,

L... Bank

August 1, 2016 - Revised
Page 19

Accepted and agreed to this day of August, v h /2016
BORROWER:

HOUSING AUTHORITY OF THE CITY OF SUMMIT

By: 
Name: Joseph M. Billy, Jr. Name: Joseph M. Billy, Jr.
Title: Executive Director

Attachment: SHA Revenue Bonds memo and supporting docs 10-18-16.pdf (4524 : Issuance/Sale by SHA Housing Revenue Bonds)

Resolution (ID # 4521)
October 18, 2016

**AUTHORIZE EXTENSION OF SICK LEAVE WITH AND WITHOUT PAY - DCS EMPLOYEE
(PENDING CS DISCUSSION)**

Pending Closed Session Discussion

Resolution (ID # 4532)
October 18, 2016

**AUTHORIZE EXTENSION OF SICK LEAVE WITH PAY - DCS EMPLOYEE (PENDING CS
DISCUSSION)**

Pending Closed Session Discussion

**AUTHORIZE VACATION OF A DEED RESTRICTION FOR PROPERTY LOCATED AT 72
GLENSIDE AVENUE**

WHEREAS, on October 5, 2009, the City of Summit Zoning Board of Adjustment (“Board”) granted the application of Patricia Black and Ivan Pavlyuk (“Black and Pavlyuk”) for variances pursuant to N.J.S.A. 40:55D-70(c)(1), (c)(2) and (d)(2) to construct a two-story 630 square foot addition to the south side of the existing dwelling located at Block 4405, Lot 15, on the tax map of the City of Summit, being commonly known as 72 Glenside Avenue (“Property”), and

WHEREAS, the Board memorialized that grant by Resolution #ZB-08-1360 (“First Board Resolution”), and

WHEREAS, Condition 10 of the First Board Resolution required that Black and Pavlyuk record a Deed Restriction providing that:

The Board granted an expansion of the part of the home occupied by the homeowner. In exchange, the homeowner agreed to limit the rental of the home to the existing rental unit on the second floor. The homeowner’s portion of the home is never to be rented. However, should the homeowner abandon the two-family use, this limitation will have no further force and effect.

, and

WHEREAS, on May 9, 2011, Black and Pavlyuk recorded a Deed of Restriction to themselves containing this language in the Union County Clerk’s Office in Deed Book 5861, beginning at Page 948, and

WHEREAS, Black and Pavlyuk did not complete the improvements contemplated by the First Board Resolution, and

WHEREAS, on August 17, 2016, the Board granted the application of Patricia Black, as the then sole owner of the Property, to maintain two existing new entrances to the dwelling on the Property and an existing deck which were constructed without a permit, and

WHEREAS, the Board memorialized that grant by Resolution #ZB-15-1745 (“Second Board Resolution”), and

WHEREAS, Condition 6 of the Second Board Resolution required that the applicant abandon the approval granted by the First Board Resolution as follows:

In exchange for this approval the applicant hereby abandons the resolution of approval issued in ZB-08-1360 from November 2009.

, and

WHEREAS, the benefits granted by the First Resolution were abandoned by Patricia Black, and

WHEREAS, Patricia Black sold the property to Bryan Daubert and Susan Ostaszewski (“Daubert and Ostaszewski”) who now seek to have the 2011 Deed Restriction vacated because the approvals granted by the First Board Resolution were abandoned, and

WHEREAS, on September 7, 2016, the Board memorialized that grant by Resolution (“Third Board Resolution”) of that request and concluded that:

WHEREAS, the Board has concluded that the abandonment of the 2009 Resolution of Approval #ZB-08-1360 renders any and all conditions of approval set forth in that resolution to be invalid, therefore recommends that the Governing Body allow the Deed Restriction to be vacated and removed from the property, and

WHEREAS, this matter now comes before the Common Council of the City of Summit upon the request of Daubert and Ostaszewski and the recommendation of the Board to vacate the Deed Restriction.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Summit, in the County of Union, New Jersey, as follows:

1. That the City of Summit desires to vacate the Deed Restriction.
2. That Bryan Daubert and Susan Ostaszewski are hereby authorized to record a Deed to themselves vacating the Deed Restriction and attaching a copy of this Resolution to the Deed as evidence of the approval of the City of Summit Common Council to vacate the Deed Restriction.
3. This Resolution shall take effect immediately.

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk

RESOLUTION OF APPROVAL

**APPLICATION OF PATRICIA BLACK
APPLICATION #ZB-15-1745**

IN THE MATTER OF PATRICIA BLACK	: ZONING BOARD OF ADJUSTMENT : CITY OF SUMMIT : VARIANCE APP. #ZB-15-1745 : BLOCK 4405, LOT 15 : 72 GLENSIDE AVENUE
------------------------------------	---

WHEREAS, Patricia Black has requested variances pursuant to N.J.S.A. 40:55D-70(c)(2), to ratify two existing new entrances to the existing dwelling and an existing deck, constructed without a permit on the property located at Block 4405, Lot 15, on the tax map of the City of Summit, being commonly known as 72 Glenside Avenue, Summit, New Jersey, and said premises being in the R-6 Zone; and

WHEREAS, the Board held a public hearing on said application on August 17, 2015; and

WHEREAS, the applicants have provided adequate notice of the application and the hearing in accordance N.J.S.A 40:55D-12; and

WHEREAS, the Board has heard the testimony and the evidence presented by the applicants and has received no comments from the public.

NOW, THEREFORE BE IT RESOLVED, that the Board of Adjustment of the City of Summit, County of Union, and State of New Jersey, on the 17th day of August, 2015, made the following findings of facts:

1. The Board found the application complete.
2. **According to the application, the applicant is requesting the following variances:**
 - A. For the ratification of the existing front enclosure which expanded the nonconforming use by 45 square feet.
 - B. For a front yard setback at the new rear deck of 23 feet, whereas 25 feet is required.

- C. For a variance for expansion of the nonconforming use to enclose the basement entrance. The enclosure is 45 square feet. This enclosure was constructed without a permit and was previously serviced by a Bilco door.
 - D. For the proposed lot coverage of 43.7%, whereas 40% is the maximum permitted.
3. Based upon the sworn testimony of the applicant, Patricia Black, the Board made the following findings of facts:
- A. The property sits on a corner lot between Glenside Avenue and Valemont Way.
 - B. The applicant (and her then husband) came before the Board in 2009 to apply for a 630 square foot, two-level addition.
 - C. The applicant did not go through with these plans. The addition was never built.
 - D. Applicant is not seeking to construct new structures or the structures previously approved in the 2009 Resolution.
 - E. However, the applicant's husband constructed new access and egress to the front door and both back door without permits. The applicant now seeks ratification of these new structures.
 - F. A 45 square foot foyer was added to the front door of the house, facing Glenside Avenue. A wider landing was added as the previous landing was too narrow and potentially hazardous.
 - G. The back door was relocated from one side of the house to the other, which allowed convenient egress from the kitchen onto an 8x8, 64 square foot deck that was newly constructed. A sliding glass door was also added.
 - H. The Bilco doors providing entrance to the basement were replaced with a 45 square foot enclosure.
 - I. The applicant seeks ratification for a total of 155 square feet worth of additions to her house.

4. The Board concluded that the changes to the home made it more attractive and improved the housing stock of the City of Summit.
5. The Board determined that the variance relief sought had a limited impact on the surrounding neighborhood.
6. There are no substantial negative impacts arising from this proposal that will impinge on the light, air, or privacy of the surrounding property owners
7. The benefits of this proposal outweigh its detriments.

CONCLUSIONS OF LAW:

WHEREAS, the Board, after careful deliberation, found that this application has met the requirements of N.J.S.A. 40:55D-70(c)(2) in that the new addition will enhance the usefulness of the home and improve the housing stock of the City of Summit. This improvement to the property is an advantage as described in N.J.S.A. 40:55D-2(i): “to promote a desirable visual environment through creative development techniques and good civic design and arrangement; and

WHEREAS, the Board has determined that the relief sought can be granted without a substantial negative impact, because the proposal will not impinge on the light, air, or privacy of the surrounding property owners; and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the City of Summit.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Summit, in the County of Union, and State of New Jersey, on the 17th day of August, 2015, upon a motion made by David Cohron and seconded by David Trone that the application of Patricia Black be granted, subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made and all testimony given before the Board at its meeting of August 17, 2015.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.

3. The applicant shall be responsible for the obtaining of any other approvals or permits from other governmental agencies as may be required by law, and the applicant shall comply with any requirements or conditions of such approvals or permits, including but not limited to the Municipality's and State's compliance with the COAH regulations.
4. The applicant has one (1) year from the date of this Resolution to obtain a building permit.
5. The applicant is to comply with the City Engineer's letter of September 2, 2015, which is incorporated herein as Exhibit "A".
6. In exchange for this approval the applicant hereby abandons the resolution of approval issued in ZB 08-1360 from November 2009.
7. The applicant represented that the Board Engineer was going to issue a revised letter. The applicant is to comply with that revised letter and it is to be attached to the resolution of approval.
8. Publication in one of the City's officially designated newspapers, by the Department of Community Services, at the cost of the applicant.

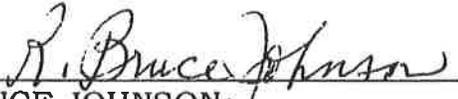
VOTE ON ROLL CALL:

IN FAVOR: Michael Lisowski; Keith Zusi; Stephen Bowman; David Cohron; David Trone; Bruce Johnson

OPPOSED: None.

CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution for Application #ZB-15-1745, approved August 17, 2015 and duly adopted as to form by the Zoning Board at its regular meeting on September 21, 2015.


BRUCE JOHNSON
Acting Chairman
City of Summit
Zoning Board of Adjustment


DENNIS M. GALVIN, ESQ.
Secretary and Counsel
City of Summit
Zoning Board of Adjustment

Exhibit "A"

To: Bambi Dawn Fiorito, Board Secretary
City of Summit Zoning Board

From: Andrew R. Hipolit, P.E.
Board Engineer

Date: September 2, 2015

Re: Black Residence
72 Glenside Avenue
Block 4405, Lot 15
ZB-15-1745
Variance – House entrances and deck
MC Project No.: SUZ-757

I have reviewed the application prepared by Patricia Black, property owner, for the construction of two (2) new entrances to the existing dwelling and a deck. The Applicant received approval from the Board in 2009 for the same improvements minus the deck and an additional third entrance to the dwelling; however the proposed improvements were never built.

Attachment: 72 Glenside - Attachment - RES - BLACK - ZB-15-1745 (A0923324x9D7D2) (4516 : Vacation of Deed Restriction - 72 Glenside

The Applicant is not looking for approval to construct the improvements as shown in the drawings by Murphy & Hollows Associates submitted and approved by the Board in 2009. The Applicant is seeking approval for three items already constructed. The Applicant submitted the following for review:

- a. Grading plan, consisting of one (1) sheet entitled, "Grading Plan for Lot 15, Block 4405, 72 Glenside Avenue, City of Summit, Union County, New Jersey", prepared by Murphy & Hollows Associates, Inc., signed and sealed by William G. Hollows, PE, PLS, dated May 28, 2008, last revised April 8, 2009;
- b. Architectural plans, consisting of four (4) sheets entitled, "Additions to Residence, 72 Glenside Ave, Summit, NJ", prepared, signed and sealed by Nicholas J. Ferrara, AIA, dated June 17, 2015;
- c. Survey, consisting of one (1) sheet entitled, "Survey of Tax Lot 15-Block 4405 located in the City of Summit, Union County, New Jersey", prepared by James P. Deady, Professional Land Surveyor and Planner, signed by James P. Deady, NJPLS, dated April 7, 2006;
- d. Application to the Zoning Board of Adjustment of Summit, New Jersey, dated June 17, 2015;
- e. Resolution of Approval, Application of Patricia Black and Ivan Pavlyuk, Application #ZB-08-1360, certified on November 2, 2009;
- f. Two (2) color photos of the old and new façade of the house;
- g. Addendum to Application to Zoning Board of Adjustment of Summit, New Jersey, prepared by Patricia Black, dated July 16, 2015; and
- h. City of Summit Application for Certified List of Property Owners within 200 feet, dated June 9, 2015.

Based on our review of the above-referenced documents, this office offers the following comments:

1. The Applicant is proposing to obtain approval for three (3) items proposed to be built under the 2009 Approval but were constructed without construction permits:
 - a. Enclosed front entrance where there previously was a roof only. This entrance is only 49 SF, no additional coverage proposed at this time;
 - b. New deck 8' x 8' with stairs; and
 - c. Basement entrance enclosure where there was previously a Bilco door. This entrance is approximately 20 SF of impervious coverage.

2. In 2009, the Board Engineer provided a review letter which was part of the Resolution and which indicated that the Applicant was increasing the impervious coverage on site and that the proposed stormwater management system was adequate to handle the additional runoff. The Applicant's proposed system consists of 50 FT of 6' x 2' infiltrator stormwater management system able to percolate surface runoff created by the improvements to the site.
3. The Applicant shall be aware that if stormwater runoff drainage problems occur on their property and/or neighboring properties as a result of the construction of the proposed improvements, it will be the Applicant's responsibility to remedy that drainage issue.
4. The Applicant shall remove all excavated and excess soil from the site.
5. The Applicant shall be aware of their responsibility to repair any damage to improvements within the City Right-of-Way including, but not limited to, sidewalk, curb, and asphalt caused by construction activities associated with the installation of the improvements on the subject lot.
6. The Applicant shall comply with the engineer requirements listed in the September 30, 2009 review letter (attached).
7. As condition of approval, signed digital plans shall be transferred to the City of Summit for use in updating the GIS database for the property. Coordination with the City's Engineering Department shall be the responsibility of the Applicant after the application is approved by the City and prior to the issuance of a Certificate of Occupancy.

The referenced application and plans provided satisfy the engineering requirements for this variance application. If the Board grants approval to the project, the approval should be subject to the issuance of a grading permit (Chapter 35, Article 8) and the conditions listed above. The grading permit will not be issued until all requirements of the resolution of approval are satisfied.

If you have any questions or require anything further, please contact me.

ARH/sc

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**RESOLUTION OF APPROVAL
TO VACATE DEED RESTRICTION
ON 72 GLENSIDE AVENUE**

IN THE MATTER OF : ZONING BOARD OF ADJUSTMENT
72 GLENSIDE AVENUE : CITY OF SUMMIT
: BLOCK 4405, LOT 15
: 72 GLENSIDE AVENUE

WHEREAS, a Deed Restriction was recorded on May 9, 2011 on the property located at Block 4405, Lot 15, on the tax map of the City of Summit, being commonly known as 72 Glenside Avenue, Summit, New Jersey, and said premises being in the R-6 Zone; and

WHEREAS, in 2009, Patricia Black and Ivan Pavyluk filed an application for improvements on the home located at 72 Glenside Avenue, and received variance approval for the associated improvements which would have expanded the habitable space of and of the two duplex units; and

WHEREAS, Resolution of Approval #ZB-08-1360 was memorialized November 2, 2009; and

WHEREAS, as set forth in Condition #10 of the 2009 Resolution of Approval #ZB-08-1360, the applicants were required to put a Deed Restriction on the property requiring that one of the units be owner occupied, and this Deed Restriction was placed on the property and recorded on May 9, 2011; and

WHEREAS, the applicants never expanded the home but made unrelated improvements to the property; and

WHEREAS, the property owners, who were married at the time, subsequently divorced and Patricia Black became the sole owner of the property pursuant to a Judgment of Divorce; and

WHEREAS, in 2015, Patricia Black filed variance application #ZB-15-1745 to ratify the improvements that had been made; and

WHEREAS, the Board granted variance Ms. Black's request, and as a condition of approval, the 2009 resolution of approval was abandoned; and

WHEREAS, the property has now been sold to Bryan Daubert and Susan Ostaszewski, who seek to have the 2011 Deed Restriction removed

Attachment: 72 Glenside - Attachment - RES OF APPROVAL - VACATE DEED RESTRICTION - 8-1-16 (A0923325x9D7D2) (4516 : Vacation of

since the approvals granted in the 2009 resolution of approval have been abandoned; and

WHEREAS, the Board heard this matter a regular hearing on August 1, 2016.

NOW, THEREFORE BE IT RESOLVED, that the Board of Adjustment of the City of Summit, County of Union, and State of New Jersey, on the 1st day of August, 2016, made the following findings of facts:

1. The Board found that a Deed Restriction was placed on the property as a Condition of approval, set forth in Condition #10 of the 2009 Resolution of Approval #ZB-08-1360.
2. The Board found that the property owner never expanded the use in accordance with the 2009 approved project and subsequently filed an application for variance approval on the property in 2015 for minor improvements.
3. The Board acknowledges that the property owner was granted approval by way of the 2015 Resolution of Approval #ZB-15-1745.
4. Condition #6 of Resolution of Approval #ZB-15-1745 stated that "In exchange for this approval the applicant hereby abandons the resolution of approval issued in #ZB-08-1360 from November 2009."
5. The Board concluded that the abandonment of the 2009 Resolution of Approval #ZB-08-1360, as set forth in Condition #6 of the 2015 Resolution of Approval #ZB-15-1745, warrants the removal of the Deed Restriction on the property, especially since the two-family home was never expanded.

CONCLUSIONS OF LAW:

WHEREAS, the Board found that the Deed Restriction was placed on the property as a condition of approval for the 2009 application #ZB-08-1360; and

WHEREAS, the Board determined that the 2009 variance approval for the property, and all the conditions set forth in the 2009 Resolution of Approval #ZB-08-1360, were subsequently nullified, by way of

Resolution of Approval for the 2015 application #ZB-15-1745 as set forth in Condition #6 of that resolution; and

WHEREAS, the Board has concluded that the abandonment of the 2009 Resolution of Approval #ZB-08-1360 renders any and all conditions of approval set forth in that resolution to be invalid, therefore recommends that the Governing Body allow the Deed Restriction to be vacated and removed from the property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Summit, in the County of Union, and State of New Jersey, on the 1st day of August, 2016, upon a motion made by Marybeth Robb and seconded by Stephen Bowman recommends that the City of Summit vacate the Deed Restriction on the property located at 72 Glenside Avenue, Summit, New Jersey.

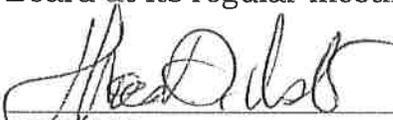
VOTE ON ROLL CALL:

IN FAVOR: Chris Dunn; Michael Lisowski; Stephen Bowman; David Tone; Marybeth Robb; Thomas Ucko

OPPOSED: None.

CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution, approved August 1, 2016 and duly adopted as to form by the Zoning Board at its regular meeting on September 7, 2016.



THOMAS UCKO
Chairman
City of Summit
Zoning Board of Adjustment



DENNIS M. GALVIN, ESQ.
Secretary and Counsel
City of Summit
Zoning Board of Adjustment

Attachment: 72 Glenside - Attachment - RES OF APPROVAL - VACATE DEED RESTRICTION - 8-1-16 (A0923325x9D7D2) (4516 : Vacation of

RESOLUTION OF APPROVAL

**APPLICATION OF PATRICIA BLACK AND IVAN PAVLYUK
APPLICATION #ZB-08-1360**

	: ZONING BOARD OF ADJUSTMENT
	: CITY OF SUMMIT
IN THE MATTER OF	: VARIANCE APP. #ZB-08-1360
PATRICIA BLACK AND IVAN	: BLOCK 4405, LOT 15
PAVLYUK	: 72 GLENSIDE AVENUE

WHEREAS, Patricia Black and Ivan Pavlyuk have requested variances pursuant to N.J.S.A. 40:55D-70 (c)(1), (c)(2) and (d)(2), to construct a two-story 630 square foot addition to the south side of the existing dwelling consisting of a new family room bathroom, a breakfast area, and a new deck to the rear on their property located at Block 4405, Lot 15, on the tax map of the City of Summit, being commonly known as 72 Glenside Avenue, Summit, New Jersey, and said premises being in the R-6 Zone; and

WHEREAS, the Board held public hearings on said application on September 22, 2009 and October 5, 2009; and

WHEREAS, the applicants have provided adequate notice of the application and the hearing in accordance N.J.S.A 40:55D-12; and

WHEREAS, the Board has heard the testimony and the evidence presented by the applicants and has received comments from the public.

NOW, THEREFORE BE IT RESOLVED, that the Board of Adjustment of the City of Summit, County of Union, and State of New Jersey, on the 5th day of October, 2009, made the following findings of facts:

Meeting of September 22, 2009:

1. The Board found the application complete.
2. **According to the application, the applicant is requesting the following variances:**
 - A. For the front yard setback on Valemont Way of 14.9 feet at one corner, 17.4 feet at the other corner, and 20.13 feet at the proposed deck, whereas 25 feet is required.

- B. For building coverage proposed of 22.85%, whereas 20% is the maximum permitted.
 - C. For lot coverage of 40.87%, whereas 40% is the maximum permitted.
 - D. For the expansion of the non-conforming 2-family use, whereas property located in the R-6 Zone is limited to single family dwellings.
3. Based upon the sworn testimony of the applicant, Patricia Black, the Board made the following findings of facts:
- A. After the applicants bought the house in 2006, a sink hole appeared in the corner of the foundation. It has been repaired.
 - B. The house is a two-family house. There are no plans to renovate the upstairs apartment.
 - C. A couple, who is not related to the applicants, lives in the upstairs apartment.
 - D. The applicant installed a new air-conditioning system.
 - E. The upstairs also has a separate bedroom area. The applicants' son will be using that bedroom.
 - F. The applicant will not be renting out that bedroom in the future.
 - G. The applicant intends to shorten the gravel driveway and improve it with either Belgian block or white curbing.
 - H. The tenants and Mr. Pavlyuk park on the dirt part of the driveway behind the garage.
 - I. The existing deck has four steps which the applicant intends to eliminate by bringing the proposed patio to the same level as the kitchen. The deck is 12 feet wide by 29 feet 6 inches long, exclusive of the stairs.
 - J. The access from the second floor rental to the first floor is via the front stairs. There is only one entrance to the rental unit.

- K. The applicants maintain beehives in their backyard. They have not had any complaints from the neighbors. However, this operation is temporary and the applicants are planning on moving the beehives next year
4. Based upon the sworn and qualified testimony of the applicants' Architect, Nicholas Ferrara, A.I.A., the Board made the following findings of facts:
- A. The applicant intends to construct a two-story addition, a new bathroom on the first floor and the construction of a rear deck.
- B. The rental apartment on the second floor and the proposed second floor addition over the family room will not be connected.
- C. The house exterior will be totally redone with coins and finishes. It will have a stucco finish and be Mediterranean in style.
- D. The existing porch will be taken down where the proposed addition is to be constructed.
5. The Board heard comments from the following individuals:
- A. Paul DiLena, who lives on the opposite corner of Valemont and Glenside, and Edward Kaes, of 71 Glenside Avenue, commented that the exterior improvements made by the applicant are aesthetically pleasing and a big improvement to the neighborhood.
- B. Vincent Candelo, of 8 Valemont Way, is pleased with the improvements made to the house and would like to see the project completed. He also commented that the bees have not been a problem in the neighborhood.
- C. Edward Kaes, of 71 Glenside Avenue, whose property backs up to the applicant's where the bees are kept has not had any problems with the bees.
6. The Board requested that the Board Engineer review the second parking area before they render a vote on this matter. This application was carried until October 5, 2009.

*beehives
to be
moved*

Meeting of October 9, 2009:

7. The Board Engineer recommended that the applicant pave the side driveway to replace the gravel and dirt driveway. He also recommended that the driveway be shortened by seven (7) feet.
8. The size of the secondary driveway will be 16 feet in width and 37 feet in length from the curb. The Board agreed with the applicant that keeping the occupants of the upstairs apartment off the street was a benefit to the neighborhood. The parking area should provide four (4) off-street parking spaces.
9. The Board found that the proposed improvements will enhance the look and usefulness of the home; and will improve the housing stock of the City of Summit.
10. The home is a pre-existing two-family home. The improvements to the home do not increase the size of the second story rental unit. As such, this approval does not increase this nonconformity.
11. There are no substantial negative impacts arising from this proposal that will impinge on the light, air, or privacy of the surrounding property owners.
12. The benefits of this proposal outweigh its detriments.

CONCLUSIONS OF LAW:

WHEREAS, the Board concluded that the improvements to this home do not increase the pre-existing nonconformity; and so this request meets the requirements of N.J.S.A. 40:55D-70(d)(2); and

WHEREAS, the Board, after careful deliberation, found that this application has met the requirements of N.J.S.A. 40:55D-70(c)(2) in that the new addition will enhance the usefulness of the home and improve the housing stock of the City of Summit. This improvement to the property is an advantage as described in N.J.S.A. 40:55D-2(i): "to promote a desirable visual environment through creative development techniques and good civic design and arrangement; and

WHEREAS, the Board has determined that this application has met the requirement of N.J.S.A. 40:55D-70(c)(1) in that this is a corner lot and the applicant has two front yards making it a hardship; and

WHEREAS, the Board has determined that the relief sought can be granted without a substantial negative impact, because the proposal will not impinge on the light, air, or privacy of the surrounding property owners; and

WHEREAS, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the City of Summit.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Summit, in the County of Union, and State of New Jersey, on the 5th day of October, 2009, upon a motion made by Sandy Bloom and seconded by Thomas Ucko, that the application of Patricia Black and Ivan Pavlyuk be granted, subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made and all testimony given before the Board at its meetings of September 22, 2009 and October 5, 2009.
2. The applicant shall provide all required Site Performance Bond and Inspection Fees in accordance with the Municipal Ordinance.
3. The applicant shall be responsible for the obtaining of any other approvals or permits from other governmental agencies as may be required by law, and the applicant shall comply with any requirements or conditions of such approvals or permits, including but not limited to the Municipality's and State's compliance with the COAH regulations.
4. The applicant has one (1) year from the date of this Resolution to obtain a building permit. *was a building permit*
5. The applicant is to comply with the City Engineer's letter of September 30, 2009, which is incorporated herein as Exhibit "A". *was a letter*
6. The applicant will seek Common Council's permission to continue the 18-foot driveway apron and that portion of the driveway within the right-of-way.
7. The beehive located along the side of the house will be moved to the rear of the house. *was a beehive moved*

Attachment: 73 Glenside - Attachment RES- BLACK-PAVL YUK - ZB-08-1360 (A0923322x9D7D2) (4516 : Vacation of Deed Restriction - 72

- 8. The secondary driveway, on Valemont Way, will be paved and curbed. The dimensions will be 16 feet in width and 37 feet in length.
- 9. A landscape plan is to be submitted to the City Forester for his review and approval. The landscape plan is to reflect his comments of March 30, 2008.
- 10. The applicant is to record a deed restriction containing the following language: "The Board granted an expansion of the part of the home occupied by the homeowner. In exchange, the homeowner agreed to limit the rental of the home to the existing rental unit on the second floor. The homeowner's portion of the home is never to be rented. However, should the homeowner abandon the two-family use, this limitation will have no further force and effect." This deed restriction is to be reviewed and approved by the Board's Attorney prior to recording. The deed restriction must be recorded prior to the issuance of a building permit.
- 11. Publication in one of the City's officially designated newspapers, by the Department of Community Services, at the cost of the applicant.

deed restriction
was deed record
need a copy?

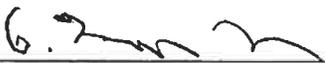
VOTE ON ROLL CALL:

IN FAVOR: Thomas Ucko; Thomas O'Leary; Anne Berman; Sandy Bloom; George MacLean

OPPOSED: Harry Olsen; Dottie Koernig

CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution for Application #ZB-08-1360, approved October 5, 2009 and duly adopted as to form by the Zoning Board at its regular meeting on November 2, 2009.



 GEORGE MACLEAN
 Chairman
 City of Summit
 Zoning Board of Adjustment



 DENNIS M. GALVIN, ESQ.
 Secretary and Counsel
 City of Summit
 Zoning Board of Adjustment

Exhibit "A"

To: Bambi Marchigano, Board Secretary

From: Andrew R. Hipolit, P.E., City Engineer

Date: September 30, 2009

RE: ZB-08-1360
Patricia Black and Ivan Pavlyuk
72 Glenside Avenue
Block 4405, Lot 15
Variance Application – Addition
Revision No. 2 (Supersedes 6-16-09 Memo)

As requested by the Zoning Board of Adjustment, I have reviewed the plan referenced below and performed an additional site visit to review the driveway on Valmont Way.

- a. Plan (1 Sheet) entitled "Grading Plan for Lot 15, Block 4405, 72 Glenside Avenue, City of Summit, Union County, New Jersey", prepared by Murphy & Hollows Associates Inc., signed, sealed and dated May 28, 2008, last revised April 8, 2009.

Based on a review of the plan and the site visit, I offer the following comments:

1. The Applicant is proposing to construct a 2 story, 630 square foot, addition to the south side of the existing dwelling. The project also includes the construction of a rear deck.
2. The Applicant has provided proposed impervious coverage calculations. As demonstrated by the Applicant, there is a net increase of approximately 630 Square Feet of impervious area.
3. The plans provided incorporate 50 linear feet of 6' x 2' infiltrator stormwater management system. The proposed increase in impervious coverage has been factored into the drainage calculations. Based on the design provided, the proposed drainage design exceeds the minimum required for this project and no additional drainage will be necessary.
4. The Applicant has added a note to the plan indicating that the stormwater management system is dependent upon soil percolation. Prior to installation, a soil test is to be performed and the results are to be supplied to the City Engineer. If percolation rates are not acceptable a secondary stormwater management system shall be designed by the owner's engineer and approved by the City Engineer.

5. The Applicant shall remove all excavated and excess soil from the site.
6. The proposed work required for the project should not adversely affect or burden the adjacent property owners located on the adjoining lots.
7. The Applicant has two driveways on the property. One driveway has access to Glenside Avenue and is paved. The other driveway has access to Valmont Way and is a mix of gravel and dirt.
8. The Applicant is proposing to reduce the length of the gravel and dirt driveway by 7 feet. I would recommend the Board require the Applicant to curb and pave the gravel and dirt driveway. The new pavement shall be sloped to drain the driveway towards the street. The current driveway is compacted stone and dirt and no additional drainage will be required if the driveway is paved. The driveway must be installed in accordance with current City setback and width requirements for driveways.

The above referenced application and plan provided satisfies the engineering requirements for this application. If the Board grants approval to the project, the approval should be subject to the issuance of a grading permit (Chapter 35, Article 8) and conditions 4, 5, 6 and 8 stated above. The grading permit will not be issued until all requirements of the resolution of approval are satisfied.

If you have any questions or require anything further please contact Carl O'Brien at (908) 797-8100.

Licatese, Rosemary

Subject: FW: City Clerk's Office - next step RE: 72 Glenside
Attachments: Glenside 72 ZB-08-1745 Resolution.pdf

From: Ostaszewski, Susan (US - Parsippany) [<mailto:sostaszewski@deloitte.com>]
Sent: Tuesday, September 27, 2016 2:58 PM
To: Licatese, Rosemary
Cc: Bryan DAUBERT
Subject: RE: City Clerk's Office - next step RE: 72 Glenside

Summit Common Council,

We would like to request your approval to have the City of Summit vacate the Deed Restriction on the property located at 72 Glenside Ave, Summit, NJ.

This request furthers the recommendation by the Zoning Board of Adjustment of the City of Summit.

Attached are the Resolution of Approval to Vacate the Deed Restriction, prepared by the Zoning Board of Adjustment.

Please inform us of any additional information you need from our side.

Additionally, if possible, could you provide us information as to when you would be hearing this request?

Thank you,

Susan Ostaszewski
 Bryan Daubert

Attachment: Request via email - Ostaszewski, Susan 09-27-16 (4516 : Vacation of Deed Restriction - 72 Glenside Avenue)

COMMUNITY SERVICES

TO : Zoning Board members

FROM : Christa Anderson, Zoning Officer

DATE : August 1, 2016

SUBJECT : **Zoning Board application #ZB-08-1360**
72 Glenside Avenue
Condition of Approval #10

COPY TO: File

Zoning Board application #ZB-08-1360 was filed by Patricia Black and Ivan Pavyluk, at that time husband and wife, to expand a nonconforming two-family house by constructing a two story addition in the Valemont Way front yard and to construct a first floor deck. Several variances were required and granted. The resolution, memorialized November 2, 2009, included a condition (#10) that the owners record a deed restriction limiting the rental of the property to the unit on the second floor only.

The exact wording of the deed restriction that was recorded on 5/09/11 is, "The Board granted an expansion of the part of the home occupied by the homeowner. In exchange, the homeowner agreed to limit the rental of the home to the existing rental unit on the second floor. The homeowner's portion of the home is never to be rented. However, should the homeowner abandon the two-family use, this limitation will have no further force and effect." The addition and deck approved by the 2009 memorializing resolution were never constructed,

Ms. Black became the sole owner of the property pursuant to a Judgement of Divorce. A deed was recorded 7/18/12 to that effect. Ms. Patricia Black subsequently filed an application (#ZB-15-1745) to be granted variances for a front entrance enclosure (7 feet by 7 feet), a rear deck (8 feet by 10 feet) and a rear basement enclosed entrance (5 feet by 7 feet approximately). The work had been constructed by Ms. Black's former husband without variance approvals or construction permits. Ms. Black's application was approved per the Zoning Board resolution dated September 21, 2015. The memorializing resolution approving application #ZB-15-1745 included a condition (#6) that, "In exchange for this approval the applicant hereby abandons the resolution of approval issued in ZB-08-1360 from November 2009."

The property has now been sold to Bryan Daubert & Susan Ostaszewski who seek to have the 2011 deed restriction removed since the approvals granted in the 2009 memorializing resolution have been abandoned.

Please discuss and advise me of your decision so that the next steps can be taken by the new owners.

**RESOLUTION OF APPROVAL
TO VACATE DEED RESTRICTION
ON 72 GLENSIDE AVENUE**

IN THE MATTER OF : ZONING BOARD OF ADJUSTMENT
72 GLENSIDE AVENUE : CITY OF SUMMIT
: BLOCK 4405, LOT 15
: 72 GLENSIDE AVENUE

WHEREAS, a Deed Restriction was recorded on May 9, 2011 on the property located at Block 4405, Lot 15, on the tax map of the City of Summit, being commonly known as 72 Glenside Avenue, Summit, New Jersey, and said premises being in the R-6 Zone; and

WHEREAS, in 2009, Patricia Black and Ivan Pavyluk filed an application for improvements on the home located at 72 Glenside Avenue, and received variance approval for the associated improvements which would have expanded the habitable space of and of the two duplex units; and

WHEREAS, Resolution of Approval #ZB-08-1360 was memorialized November 2, 2009; and

WHEREAS, as set forth in Condition #10 of the 2009 Resolution of Approval #ZB-08-1360, the applicants were required to put a Deed Restriction on the property requiring that one of the units be owner occupied, and this Deed Restriction was placed on the property and recorded on May 9, 2011; and

WHEREAS, the applicants never expanded the home but made unrelated improvements to the property; and

WHEREAS, the property owners, who were married at the time, subsequently divorced and Patricia Black became the sole owner of the property pursuant to a Judgment of Divorce; and

WHEREAS, in 2015, Patricia Black filed variance application #ZB-15-1745 to ratify the improvements that had been made; and

WHEREAS, the Board granted variance Ms. Black's request, and as a condition of approval, the 2009 resolution of approval was abandoned; and

WHEREAS, the property has now been sold to Bryan Daubert and Susan Ostaszewski, who seek to have the 2011 Deed Restriction removed

since the approvals granted in the 2009 resolution of approval have been abandoned; and

WHEREAS, the Board heard this matter a regular hearing on August 1, 2016.

NOW, THEREFORE BE IT RESOLVED, that the Board of Adjustment of the City of Summit, County of Union, and State of New Jersey, on the 1st day of August, 2016, made the following findings of facts:

1. The Board found that a Deed Restriction was placed on the property as a Condition of approval, set forth in Condition #10 of the 2009 Resolution of Approval #ZB-08-1360.
2. The Board found that the property owner never expanded the use in accordance with the 2009 approved project and subsequently filed an application for variance approval on the property in 2015 for minor improvements.
3. The Board acknowledges that the property owner was granted approval by way of the 2015 Resolution of Approval #ZB-15-1745.
4. Condition #6 of Resolution of Approval #ZB-15-1745 stated that "In exchange for this approval the applicant hereby abandons the resolution of approval issued in #ZB-08-1360 from November 2009."
5. The Board concluded that the abandonment of the 2009 Resolution of Approval #ZB-08-1360, as set forth in Condition #6 of the 2015 Resolution of Approval #ZB-15-1745, warrants the removal of the Deed Restriction on the property, especially since the two-family home was never expanded.

CONCLUSIONS OF LAW:

WHEREAS, the Board found that the Deed Restriction was placed on the property as a condition of approval for the 2009 application #ZB-08-1360; and

WHEREAS, the Board determined that the 2009 variance approval for the property, and all the conditions set forth in the 2009 Resolution of Approval #ZB-08-1360, were subsequently nullified, by way of

Resolution of Approval for the 2015 application #ZB-15-1745 as set forth in Condition #6 of that resolution; and

WHEREAS, the Board has concluded that the abandonment of the 2009 Resolution of Approval #ZB-08-1360 renders any and all conditions of approval set forth in that resolution to be invalid, therefore recommends that the Governing Body allow the Deed Restriction to be vacated and removed from the property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the City of Summit, in the County of Union, and State of New Jersey, on the 1st day of August, 2016, upon a motion made by Marybeth Robb and seconded by Stephen Bowman recommends that the City of Summit vacate the Deed Restriction on the property located at 72 Glenside Avenue, Summit, New Jersey.

VOTE ON ROLL CALL:

IN FAVOR: Chris Dunn; Michael Lisowski; Stephen Bowman; David Tone; Marybeth Robb; Thomas Ucko

OPPOSED: None.

CERTIFICATION

It is hereby certified the attached is a true copy of the Resolution, approved August 1, 2016 and duly adopted as to form by the Zoning Board at its regular meeting on September 7, 2016.



THOMAS UCKO
Chairman
City of Summit
Zoning Board of Adjustment



DENNIS M. GALVIN, ESQ.
Secretary and Counsel
City of Summit
Zoning Board of Adjustment

AUTHORIZE REFUNDS - DEPARTMENT OF COMMUNITY PROGRAMS

October 18, 2016

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That the proper officers of the City be and they are hereby authorized and directed to draw check(s) in the amount(s) indicated below for the payment(s) of refund associated with recreation program fees associated with the Department of Community Programs:

Name/Address	Program	Refund Amount
Tony Elkis 9 Woods Lane	Basketball	\$65.00
Velinda Harjono 128 Glenwood Court Union, NJ 07083	Mini Yoga	\$60.00
Karen Wauters 2 Twombly Drive Summit, NJ 07901	Volleyball	\$155.00
Mary Bitting 61 Ashland Road Summit, NJ 07901	Women's Golf League	\$60.00

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk

Resolution (ID # 4499)
October 18, 2016

**GRANT PERMISSION AND SET FORTH CONDITIONS – 2016 SUMMIT DOWNTOWN INC.
SNOWFLAKE STROLL & HORSE AND CARRIAGE RIDES**

WHEREAS, Summit Downtown, Inc., (SDI) has submitted a property use application for use of the Summit Promenade, Lyric Park and downtown sidewalks for its 2016 holiday event and in addition to meeting all the conditions of Section 12-1, Rules and Regulations for Use of Public Property, of the Code, SDI requires additional permissions for its Summit Snowflake Stroll to be held on Friday, December 3, 2016 and the Horse and Carriage Rides occurring on December 3, 10 and 17, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That in conjunction with the aforementioned activities, the following permission(s) are granted and/or condition(s) imposed on Summit Downtown, Inc.:

Event: **Summit Snowflake Stroll – Friday, December 2, 2016 – 6:00 pm – 9:30 pm**
 Horse and Carriage Rides – Saturdays, December 3, from 6-8 pm; December 10,
 from 1-4 pm; and December 17, 2016, from 7-9 pm

Location: **Lyric Park**

Permissions:

1. Allow use of Lyric Park for staging of Horse and Carriage rides on the aforementioned dates in the downtown using designated route.
2. Allow use of the electrical outlet by Lyric Park.
3. Allow Carolers to walk on the downtown streets during the event on December 2.
4. Hang banner across Springfield Avenue between Bank of America and the Bassett Building for no more than two weeks before the start date of the event.

Conditions:

1. Installation of over-the-street banner subject to receiving an insurance certificate and fully-executed Hold Harmless Agreement by the vendor hired to install and remove all banners for SDI.
2. A 24-hour emergency contact name and phone number of the person in charge during the event shall be provided to the Joint Dispatch and the Public Works Manager at least two weeks in advance of the event.
3. Use of carolers shall be subject to the applicant securing and submitting to the City a certificate of insurance from the vendor, meeting the City's requirements, as set forth in the ordinance and application.

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday, evening, October 18, 2016.

City Clerk

Resolution (ID # 4523)
October 18, 2016

GRANT PERMISSION AND SET FORTH CONDITIONS – 2016 SANTA'S NORTH POLE PARTY - YMCA

WHEREAS, the YMCA (the applicant) has submitted a property use application for use of the Village Green for a Santa's North Pole Party and Tree Lighting Ceremony and in addition to meeting all the conditions of Section 12-1, Rules and Regulations for Use of Public Property, of the Code, the applicant requires additional permissions for this event, to be held on Saturday, December 2, 2016, from 5:30 to 7:00 pm.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That in conjunction with the aforementioned activities, the following permission(s) are granted and/or condition(s) imposed on the YMCA:

Event: **Santa's North Pole Party & Tree Lighting Ceremony and Related Activities – Saturday, December 3, 2016 – 5:30 pm – 7:00 pm**

Location: **The Village Green and Use of the Sidewalk in front of the YMCA**

Permissions:

1. With the assistance of the Summit Fire Department, Santa will arrive by Fire Engine from the YMCA, 67 Maple Street.
2. Placement of Santa's chair and house on the Village Green for the event.
3. Allow use of the Village Green for the tree lighting ceremony and ice sculptor event.
4. Allow use of the City's lighting equipment on the Village Green for the sculptor event.
5. Allow use of the sidewalk in front of the YMCA to stage arts and crafts tables by the PAL, Summit Visual Arts Center, The Connection, Bridges, Reeves-Reed Arboretum and the Summit Free Public Library.
6. Temporary closure of the entrance closest to Library Lot closest to the YMCA from 4:30 pm to 8:00 pm.
7. Temporary closure of Maple Street, from Broad Street to the first entrance to the parking lot between the YMCA and the Public Library from 4:30 pm to 8:00 pm.
8. Placement of barricades, to be provided by the Parking Services Agency, at the corner of Broad Street and Maple Street, near the first entrance to the parking lot by the YMCA.

Conditions:

1. The applicant shall, at least two weeks prior to the event, submit a request to the Parking Services Manager, advising of the number of barricades needed for the event.
2. The applicant shall at least two weeks in advance of the event, arrange with the Parking Services Agency Manager to have the meters on Maple Street bagged.

3. The applicant shall, at least two weeks in advance of the event, arrange with the Police Department to have two (2) off-duty police officers assigned to the event (Santa's arrival) starting at 4:30 p.m. to 8:00 p.m., for which the applicant shall be invoiced.
4. The applicant shall, at least two weeks in advance of the event, arrange with the Superintendent of Public Works to have one (1) DPW worker assigned to the event from 4:30 pm to 8:00 pm to operate the City's lighting equipment, coordinate the placement of recycling and waste receptacles and troubleshoot any problems related to the event, for which the applicant shall be invoiced.
5. Permission for the ice sculptor event shall be subject to the applicant securing and submitting to the City a certificate of insurance from the vendor, meeting the City's requirements, as set forth in the ordinance and application.
6. Permission for staging of arts and crafts activities on the sidewalk in front of the YMCA shall be subject to the applicant securing and submitting to the City of Summit a certificate of insurance from each of the participants which are not covered by the City of Summit, namely – The PAL, Summit Visual Arts Center, The Connection and Bridges, meeting the City's requirements, as set forth in the ordinance and application.
7. Placement of arts and crafts tables on the sidewalk in front of the YMCA shall maintain a 4-foot pedestrian walkway at all times.
8. The applicant shall provide to Joint Police/Fire Dispatch and the Public Works Manager with the name and phone number of the person in charge during the event, in case of an emergency.

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk

**AUTHORIZE REFUND OF GUARANTEE - 79 BLACKBURN ROAD - ENGINEERING
PERMIT #15-072**

WHEREAS, the Assistant Engineer advises that JMOC Builders submitted a check in the amount of \$4,000.00 as a guarantee for work that remained at 79 Blackburn Road under Engineering permit #15-072, and

WHEREAS, the Assistant Engineer also advises that all work has been completed and approved and the guarantee may now be refunded.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That the City Treasurer be and she is hereby directed to process a refund of the aforementioned guarantee in the amount of \$4,000.00, associated with Engineering Permit #15-072 to the following:

JMOC Builders
1099 Mt. Kemble Road
Morristown, NJ 07960

Dated: October 18, 2016

I, Rosalia M. Licatese, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk



RESOLUTION (ID # 4493)

DOC ID: 4493

TO: Mayor and Common Council

FROM: Lori Toth, Assistant Engineer

DATE: September 20, 2016

JMOC Builders submitted a check in the amount of \$4,000.00 on July 29, 2016 as a guarantee for work that remained at 79 Blackburn Road under Engineering permit #15-072. This guarantee permitted the owner to receive a Temporary Certificate of Occupancy. All work has now been completed and approved and the guarantee of \$4,000.00 may now be refunded to JMOC Builders at 1099 Mt. Kemble Road, Morristown NJ 07960.

CANCEL 2016 SEWER UTILITY CHARGES

WHEREAS, it has been determined by information obtained from the assessor’s office that the following sewer charges are to be cancelled for 2016.

NOW, THEREFORE: BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT;

That the proper City officers be and they are hereby authorized and directed to cancel 2016 sewer units.

Block	Lot	Name	Amount
505	11	Robina, John & Jill 27 Gates Ave (2 Family House – Now Single Family) No Refund Required	229.00
3009	4	Cardone, Michael 6 Pembroke Rd. (Lot was sub divided and Structure was Demolished 2015) No Refund Required	229.00
2613	2	Knurr, Joshua & Megan 45 Franklin Place (2 Family House – Now Single Family) No Refund Required	229.00

Dated: October 18,2016

I, Rosalia M Licatase City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk

Resolution (ID # 4266)
October 18, 2016

**AUTHORIZE PARKING REFUNDS - SUMMIT SMARTCARD, PREPAID PARKING, AND
OVERNIGHT PARKING PERMITS**

WHEREAS, Summit SmartCards, which have been previously purchased from the City through the Parking Utility Account, have been returned because of a lack of need for the cards or due to a malfunction of said cards, and

WHEREAS, individuals who have purchased prepaid parking and no longer require parking in Summit, and

WHEREAS, individuals who have purchased overnight parking permits that have moved or acquired other off-street parking and no longer require such permit.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That the City Treasurer be and is hereby authorized to issue checks to reimburse Summit SmartCard and prepaid parking and users of overnight permits in the amount(s) on the attached list.

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk

SUMMIT SMARTCARD, PREPAID PARKING, AND OVERNIGHT PARKING PERMITS REFUNDS
 COUNCIL MEETING DATE: October 18, 2016

NAME	ADDRESS	TYPE	REASON	REFUND AMOUNT
Arteric	475 Springfield Ave., Summit, NJ 07901	Pro-rated Employee Qtrly.	No longer employed	\$19.00
Chris Sula	5 Primrose Pl., Summit, NJ 07901	Employee Qtrly. Overpayment	Overpayment	\$181.00
				\$200.00

Resolution (ID # 4518)
October 18, 2016

AUTHORIZE PAYMENT OF BILLS - \$279,104.78

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That the proper officers of the City be and they are hereby authorized and directed to draw checks for a total of **\$279,104.78** for the payment of the itemized bills listed on the following Schedule "A" which have been approved by several committees and the President of the Common Council and which are made a part of the minutes of this meeting.

Dated: October 18, 2016

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, October 18, 2016.

City Clerk



Finance and Personnel Committee
CA - Finance/Personnel

www.cityofsummit.org

Meeting: 10/18/16 07:30 PM

RESOLUTION (ID # 4518)

DOC ID: 4518

TO: Mayor and Common Council

FROM: Greg Goode, Account Clerk

DATE: September 28, 2016

Authorize Payment of Bills - \$279,104.78

Bill List

Regular Meeting

October 18th 2016

Attachment: bill list 10-18-16 (4518 : Authorize Payment of Bills - \$279,104.78)

Rcvd Batch Id Range: First		to Last		Rcvd Date Start: 0		End: 10/05/16		Report Format: Condensed	
Rcvd Date	Batch Id	PO #	Description	Vendor		Amount	Contract		
10/05/16	AFFHOUSE	16-01744	AFFORDABLE HOUSING LITIGATION	DIFRA005	DIFRANCESCO BATEMAN KUNZMAN	472.64			
					Total for Batch: AFFHOUSE	472.64			
10/05/16	CAPITAL	16-03315	REIMBURSEMENT FOR SUPPLIES	MATIAS50	MATIAS, RICK	368.00			
10/05/16	CAPITAL	16-03196	Vehicle Maintenance	QUALIT25	QUALITY AUTOMOTIVE CO.	300.00			
10/05/16	CAPITAL	16-02766	PD- Radar Equipment	STALKERR	STALKER RADAR	6,822.00			
10/05/16	CAPITAL	16-03375	legal ad - downtown conduit	WORRAL66	WORRALL COMMUNITY NEWSPAPERS	29.21			
					Total for Batch: CAPITAL	7,519.21			
10/05/16	FINANCE	16-00170	MADISON IT SERVICES 2016	BOROUGHM	BOROUGH OF MADISON	5,654.63			
10/05/16	FINANCE	16-02235	PLAN ADMINISTRATION FEE BLANKT	BPA	BENEFIT PLANS ADMINISTRATORS	1,405.00			
10/05/16	FINANCE	16-00569	Clerk Copier Lease Blanket	CANONFIN	CANON FINANCIAL SERVICES INC	682.00			
10/05/16	FINANCE	16-03293	WEBSITE REDESIGN & MAINTENANCE	CIVICPLU	CIVICPLUS - ICON ENTERPRISES	17,441.00			
10/05/16	FINANCE	16-02342	LABOR SERVICES COUNSEL 2016	CLEAR005	CLEARY GIACOBBE ALFIERI &	1,638.00			
10/05/16	FINANCE	16-00932	CITY SOLICITOR 2016 CONTRACT	DIFRA005	DIFRANCESCO BATEMAN KUNZMAN	2,424.48			
10/05/16	FINANCE	16-03266	HP CE402A Ink Cartridge	DOCUMNTS	DOCUMENT SOLUTIONS LLC	978.92			
10/05/16	FINANCE	15-02845	2015 AUDIT SERVICES	FERRAIOL	FERRAIOLI, WIELKOTZ, CERULLO &	1,245.00			
10/05/16	FINANCE	16-02683	2016 AUDIT SERVICES	FERRAIOL	FERRAIOLI, WIELKOTZ, CERULLO &	13,166.67			
10/05/16	FINANCE	16-03275	REIMBURSE 2016 GFOA CONFERENCE	GERBAMAR	GERBA, MARGE	141.84			
10/05/16	FINANCE	16-03278	REIMBURSE VNDR FOOD HLTH FAIR	GERBAMAR	GERBA, MARGE	31.04			
10/05/16	FINANCE	16-03292	REIMBURSE DEPT MTG 10/4 A/P	GERBAMAR	GERBA, MARGE	43.87			
10/05/16	FINANCE	16-03180	REFUND O/P 2016 CBJ 3401/46	KHEHA005	Khehar, Arvinder & Harmita	1,058.33			
10/05/16	FINANCE	16-00749	Membership Subscription 2016	LEXISN50	LEXISNEXIS BUSINESS &	186.23			
10/05/16	FINANCE	16-03289	Reimb Exp GFOA Spring Conf	MELIS005	Melissa Berger	257.46			
10/05/16	FINANCE	16-03073	REFUND OVERBILL/DECREASE ASSMT	MRYEU005	MRY EUCLID LLC	2,826.89			
10/05/16	FINANCE	16-03376	Acct XSUMM6400325	NJADVAM	NJ ADVANCE MEDIA LLC	538.05			
10/05/16	FINANCE	16-03245	Mayor's Box Lunch	NJLEAG50	NJ LEAGUE OF MUNICIPALITIES	25.00			
10/05/16	FINANCE	16-00208	MAIL MACH RENTAL 5854352	PITNEY75	PITNEY BOWES GLOBAL FINANCIAL	449.00			
10/05/16	FINANCE	16-03181	REFUND O/P 2016 CBJ 3501/45	RICCI005	Riccio, Peter & Gina	2,700.31			
10/05/16	FINANCE	16-03274	REIMBURSE 2016 GFOA CONFERENCE	ROGERSMI	ROGERS, MICHAEL F.	219.62			
10/05/16	FINANCE	16-03255	Volunteer Recognition bowls	SCHROT25	SCHROTH & LORENSEN JEWELER INC	2,760.00			
10/05/16	FINANCE	16-01122	Summit Downtown Taxes	SUMMIT24	SUMMIT DOWNTOWN INC	61,800.00			
10/05/16	FINANCE	16-03347	sandwiches for JIF Training	THEMEATH	THE MEAT HOUSE	79.99			
10/05/16	FINANCE	16-03241	VARIOUS MORRIS/WEAVER TRAFFIC	UNIONC57	UNION COUNTY SHERIFF'S OFFICE	1,040.00			
10/05/16	FINANCE	16-00564	TA OFFICE SUPPLIES	VILLAG25	VILLAGE OFFICE SUPPLY	250.43			
10/05/16	FINANCE	16-00003	BLANKET SUPPLY ORDERS (CLERK)	WBMASON	W.B. MASON CO, INC	1,447.71			
10/05/16	FINANCE	16-02909	Supplies	WBMASON	W.B. MASON CO, INC	1,009.79			
10/05/16	FINANCE	16-02916	Inv. I36551467 supplies	WBMASON	W.B. MASON CO, INC	47.98			
10/05/16	FINANCE	16-02995	Inv. I36847540 Toner/Tray	WBMASON	W.B. MASON CO, INC	306.94			
10/05/16	FINANCE	16-03179	REFUND O/P 2016 CBJ 2103/12	WELLSF50	WELLS FARGO R.E. TAX SERVICE	3,357.56			
10/05/16	FINANCE	16-03374	legal ad	WORRAL66	WORRALL COMMUNITY NEWSPAPERS	399.19			
					Total for Batch: FINANCE	125,612.93			
10/05/16	FIREPREV	16-03175	FD REIMB FIRE PREV INSP CERT	ESPOSITC	ESPOSITO, CHRISTOPHER	45.00			
					Total for Batch: FIREPREV	45.00			
10/05/16	HEALTH	16-01694	OFFICE SUPPLIES	STAPLESR	STAPLES ADVANTAGE CREDIT SRVCS	139.00			
					Total for Batch: HEALTH	139.00			
10/05/16	LIBRARY	16-00337	LIBRARY ACCT #240533	WESTER33	WESTERN PEST SERVICE	80.50			
					Total for Batch: LIBRARY	80.50			

Attachment: bill list 10-18-16 (4518 : Authorize Payment of Bills - \$279,104.78)

Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
10/05/16	PARKING	16-03379	PRO-RATED EMPLOYEE QRTL	ARTERIC ARTERIC	19.00	
10/05/16	PARKING	15-02845	2015 AUDIT SERVICES	FERRAIOL FERRAIOLI, WIELKOTZ, CERULLO &	500.00	
10/05/16	PARKING	16-02683	2016 AUDIT SERVICES	FERRAIOL FERRAIOLI, WIELKOTZ, CERULLO &	4,222.22	
10/05/16	PARKING	16-03380	EMPLOYEE QRTL OVERPAYMENT	SULACHRI SULA, CHRIS	181.00	
Total for Batch: PARKING					4,922.22	
10/05/16	SAFETY	16-03157	FD REPLACE OS SENSOR CLEANING	BASCOM BASCOM-TURNER	272.00	
10/05/16	SAFETY	16-02327	PD- Canon Copier Contract	CANONFIN CANON FINANCIAL SERVICES INC	1,557.00	
10/05/16	SAFETY	16-03207	FD #8702 - 8/6 TO 8/29 VEH MTN	CHATHAM8 CHATHAM NAPA	282.96	
10/05/16	SAFETY	16-03209	FD BATTERY CHARGER WHEEL CHAR	CHATHAM8 CHATHAM NAPA	399.00	
10/05/16	SAFETY	16-03177	FD REIMB NJ EMER MGMT MEMBER	DORKOC50 DORKO, CHRISTOPHER	75.00	
10/05/16	SAFETY	16-03190	PD- Alcotest Repairs	DRAEGE50 DRAEGER SAFETY DIAGNOSTICS INC	488.10	
10/05/16	SAFETY	16-03201	PD- Badge Purchases	ENTENM50 ENTENMENN-ROVIN COMPANY	417.50	
10/05/16	SAFETY	16-03174	FD 1 HYD-20M HYDRO TEST M SIZE	IDMMED50 IDM MEDICAL SUPPLY CO INC	62.95	
10/05/16	SAFETY	16-03176	FD REIMB FOR MEETING EXPENSE	NELSON66 NELSON, DONALD	24.55	
10/05/16	SAFETY	16-03206	FD REIMB FOR 9/11 & OEOM CLASS	NELSON66 NELSON, DONALD	94.98	
10/05/16	SAFETY	16-03117	FD ORDER 188426 - FP SUPPLIES	NFPA0050 NFPA	881.39	
10/05/16	SAFETY	16-03202	PD- Vehicle Maintenance	NIELSEN NIELSEN CHRYSER DODGE JEEP RAM	77.56	
10/05/16	SAFETY	16-03208	FD #14600 8/8 TO 8/23 VEH MAIN	QUALIT25 QUALITY AUTOMOTIVE CO.	419.47	
10/05/16	SAFETY	16-00224	FD GASOLINE 2016 #74869570	RIGGINS RIGGINS, INC.	3,130.86	
10/05/16	SAFETY	16-00495	Police Vehicle Maintenance	SALERN66 SALERNO DUANE INC	2,379.02	
10/05/16	SAFETY	16-03231	PD- The League Conference	SHERAT16 SHERATON ATLANTIC CITY	282.00	
10/05/16	SAFETY	16-01896	POLICE STREET SIGNS	SIGNS SIGNS & SAFETY DEVICES, LLC	759.00	
10/05/16	SAFETY	16-03200	PD- Radar Box Repairs	SUMMIT40 SUMMIT IND. HARDWARE #365	18.42	
10/05/16	SAFETY	16-03199	PD- TransUnion Contract (DB)	TRANSUNR TRANSUNION RISK & ALTERNATIVE	220.00	
10/05/16	SAFETY	16-03159	FD BULLET CHAIN REPAIRED	UNIONF50 UNION FIRE EQUIPMENT	586.75	
10/05/16	SAFETY	16-01946	PD SUPPLIES BLANKET	VILLAG25 VILLAGE OFFICE SUPPLY	85.03	
10/05/16	SAFETY	16-03160	FD DUSTER, DUST-OFF 2/6-PK	W B MASO W.B. MASON CO., INC.	153.78	
Total for Batch: SAFETY					12,667.32	
10/05/16	SELFINS	16-03286	FLAGSHIP DENTAL INV 110566	FLAGSH50 FLAGSHIP DENTAL PLANS	806.38	
10/05/16	SELFINS	16-03287	59712 OCTOBER 2016 LIFE INS.	PRUDENTI The Prudential Insurance	289.92	
Total for Batch: SELFINS					1,096.30	
10/05/16	SEWER	15-02845	2015 AUDIT SERVICES	FERRAIOL FERRAIOLI, WIELKOTZ, CERULLO &	500.00	
10/05/16	SEWER	16-02683	2016 AUDIT SERVICES	FERRAIOL FERRAIOLI, WIELKOTZ, CERULLO &	1,111.11	
Total for Batch: SEWER					1,611.11	
10/05/16	TRUST	16-03197	PROP USE RFD 10/15 5K RUN	KENTPL50 KENT PLACE SCHOOL	500.00	
Total for Batch: TRUST					500.00	
10/05/16	WORKS	16-03006	Master Plan Expenses	ACEREP50 ACE REPROGRAPHIC SERVICE, INC.	2,783.50	
10/05/16	WORKS	16-03028	ZONING PLANNING SUPPLIES	ACEREP50 ACE REPROGRAPHIC SERVICE, INC.	135.00	
10/05/16	WORKS	16-02041	VEHICLE MAINTENANCE	AIRBRA50 AIR BRAKE EQUIPMENT	2,103.12	
10/05/16	WORKS	16-00390	CURBSIDE RECYCLING	FBASSOJR F BASSO JR RUBBISH REMOVAL INC	19,001.66	
10/05/16	WORKS	16-03361	Planning & Zoning	KOONTZMA KOONTZ, MARGARET	5,021.25	
10/05/16	WORKS	16-02213	Street Sweeping Tickets	NEWJER53 NJSEA (STREET SWEEPING)	4,400.00	
10/05/16	WORKS	16-01996	Vehicle/Equipment Maintenance	ODBCOMP ODB COMPANY	2,452.31	
10/05/16	WORKS	16-00399	Buildings/Grounds Maintenance	SUMMIT25 SUMMIT ELECTRICAL SUPPLY CO	235.71	
10/05/16	WORKS	16-00397	Building/Grounds Maintenance	SUMMIT40 SUMMIT IND. HARDWARE #365	5,365.22	
10/05/16	WORKS	16-01152	Vehicle/Equipment Maintenance	WETIMM50 W E TIMMERMAN CO INC	546.85	
Total for Batch: WORKS					42,044.62	

Total for Date: 10/05/16 Total for All Batches: 196,710.85

Attachment: bill list 10-18-16 (4518 : Authorize Payment of Bills - \$279,104.78)

Rcvd Batch Id Range: First to Last Rcvd Date Start: 0 End: 09/28/16 Report Format: Condensed

Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
09/28/16	DCP	16-03015	Refund Pool Membership Partial	INNERAC INNES, RACHEL	75.00	
					Total for Batch: DCP	75.00
09/28/16	FINANCE	16-00084	030 361 4837 001	AT105068 AT&T	34.35	
09/28/16	FINANCE	16-00085	0303619366001 BLANKET	AT105068 AT&T	38.43	
09/28/16	FINANCE	16-00088	WATER DCP 100 MORRIS	BALBOA BALBOA CAPITAL	378.95	
09/28/16	FINANCE	16-00097	614008/614449 512 SPRINGFIELD	DIRECTE DIRECT ENERGY	43.67	
09/28/16	FINANCE	16-00099	614008/614451 41 CHATHAM RD	DIRECTE DIRECT ENERGY	161.17	
09/28/16	FINANCE	16-00100	614008/614452 41 CHATHAM RD	DIRECTE DIRECT ENERGY	1.78	
09/28/16	FINANCE	16-00102	614008/614455 RIVER RD GENERAT	DIRECTE DIRECT ENERGY	0.63	
09/28/16	FINANCE	16-00103	614008/614456 BUTLER PARKWAY	DIRECTE DIRECT ENERGY	52.12	
09/28/16	FINANCE	16-00105	614008/614458 384 BROAD STREET	DIRECTE DIRECT ENERGY	45.97	
09/28/16	FINANCE	16-00106	1064-9271-9 FEDEX SERVICES	FEDEX050 FEDEX	27.09	
09/28/16	FINANCE	16-01739	DATA PAC CURVE POSTAGE SYSTEM	GREATAME GREATAMERICA FINANCIAL	395.00	
09/28/16	FINANCE	16-00107	100 004 835 532 NEW PROVIDENCE	JCPL0050 JCP&L	690.57	
09/28/16	FINANCE	16-00110	100005845241 CITY HALL	JCPL0050 JCP&L	807.47	
09/28/16	FINANCE	16-00111	1000005845282 CITY HALL	JCPL0050 JCP&L	10,235.84	
09/28/16	FINANCE	16-00112	100005845316 CITY HALL	JCPL0050 JCP&L	1,563.20	
09/28/16	FINANCE	16-00113	100005845548/CITY HALL/BD/CHES	JCPL0050 JCP&L	37.38	
09/28/16	FINANCE	16-00114	100 005 954 571 512 SPRINGFLD	JCPL0050 JCP&L	14,899.52	
09/28/16	FINANCE	16-00115	100 006 720 377 PHONE BOOTH	JCPL0050 JCP&L	7.85	
09/28/16	FINANCE	16-00119	100 034 766 962 SPRINGFLD AVE	JCPL0050 JCP&L	194.71	
09/28/16	FINANCE	16-00120	100 037 556 253 SPRINGFLD AVE	JCPL0050 JCP&L	35.79	
09/28/16	FINANCE	16-00121	100047563711 BRYANT PK	JCPL0050 JCP&L	8.38	
09/28/16	FINANCE	16-00122	100 048 610 792 41 CHATHAM RD	JCPL0050 JCP&L	5,767.00	
09/28/16	FINANCE	16-00123	100 050 758 117 BROAD ST	JCPL0050 JCP&L	39.78	
09/28/16	FINANCE	16-00125	100052171673 CITY HALL	JCPL0050 JCP&L	10.34	
09/28/16	FINANCE	16-00141	100 081 217 810 CLAREMONT CORP	JCPL0050 JCP&L	48.55	
09/28/16	FINANCE	16-00168	ACCT 12760	LINESY33 LINE SYSTEMS, INC.	802.83	
09/28/16	FINANCE	16-00169	503956 WATER SYSTEM BLANKET	MARLINLE MARLIN LEASING	724.95	
09/28/16	FINANCE	16-00179	1018-210023342191 GLEN AVE	NJ-AME50 NJ-AMERICAN WATER CO.	36.27	
09/28/16	FINANCE	16-00182	1018-210023342788 25 ELM ST	NJ-AME50 NJ-AMERICAN WATER CO.	14.51	
09/28/16	FINANCE	16-00189	1018-210023345237 37 CHATHAM	NJ-AME50 NJ-AMERICAN WATER CO.	14.51	
09/28/16	FINANCE	16-00192	1018-210023345565 NEW PROV	NJ-AME50 NJ-AMERICAN WATER CO.	116.06	
09/28/16	FINANCE	16-00201	1018-210025885632 HYDTS	NJ-AME50 NJ-AMERICAN WATER CO.	23,316.70	
09/28/16	FINANCE	16-00214	75 MAPLE ST 6226740006 BLANKET	PSEG1444 PSE&G	11.74	
09/28/16	FINANCE	16-00215	65 671 139 01 41 CHATHAM RD	PSEG1444 PSE&G	11.74	
09/28/16	FINANCE	16-00216	6583966700 10-A GLEN AVE PUMP	PSEG1444 PSE&G	11.74	
09/28/16	FINANCE	16-00217	41 CHATHAM RD 6615027607 BLNKT	PSEG1444 PSE&G	12.69	
09/28/16	FINANCE	16-00218	384 BROAD ST 6619775403 BLNKT	PSEG1444 PSE&G	220.98	
09/28/16	FINANCE	16-00219	512 SPRNGFLD 6660016600 BLNKT	PSEG1444 PSE&G	113.55	
09/28/16	FINANCE	16-00220	RIVER RD GNRTR 6722939901 BNKT	PSEG1444 PSE&G	12.06	
09/28/16	FINANCE	16-00221	100 ASHWOOD 6729356200 BLANKET	PSEG1444 PSE&G	96.25	
09/28/16	FINANCE	16-00222	BUTLER PKWY 6749019005 BLANKET	PSEG1444 PSE&G	39.06	
09/28/16	FINANCE	16-00223	70 304 372 09 41 CHATHAM REAR	PSEG1444 PSE&G	11.74	
09/28/16	FINANCE	16-03198	PROP USE DEPOSIT RFD 4/2012	SANDCAST LETS EAT CONCESSIONS	500.00	
09/28/16	FINANCE	16-00227	ADMIN TELEPHONES 2016 - 338922	SPECT005 SPECTROTEL HOLDING COMPANY LLC	7,960.70	
09/28/16	FINANCE	16-00514	FD High Sp Internet 8749010059	VER92004 VERIZON	75.99	
09/28/16	FINANCE	16-00331	682164944-00001	VERIZ408 VERIZON WIRELESS	2,879.23	
09/28/16	FINANCE	16-00334	VER 201 X06-1557 333 13Y BLNKT	VERIZ008 VERIZON	165.00	
09/28/16	FINANCE	16-00335	908 522 3628 908 38Y	VERIZ008 VERIZON	112.14	
					Total for Batch: FINANCE	72,785.98

Attachment: bill list 10-18-16 (4518 : Authorize Payment of Bills - \$279,104.78)

Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
09/28/16	PARKING	16-00108	NJ DOT LOT 100005180201 BLNKT	JCPL0050 JCP&L	112.31	
09/28/16	PARKING	16-00116	301 BROAD 100007664368 BLNKT	JCPL0050 JCP&L	2,033.10	
09/28/16	PARKING	16-00124	100 051 492 492 MORRIS AVE LOT	JCPL0050 JCP&L	113.79	
09/28/16	PARKING	16-00126	CEDAR ST 100060906920 BLNKT	JCPL0050 JCP&L	4.59	
09/28/16	PARKING	16-00143	40 DEFOREST 100099194688 BLNKT	JCPL0050 JCP&L	62.77	
09/28/16	PARKING	16-00151	100115346619 PRKING 22 DEFORST	JCPL0050 JCP&L	80.12	
Total for Batch: PARKING					2,406.68	
09/28/16	SEWER	16-00200	1018-210025811013 CONSTANTINE	NJ-AME50 NJ-AMERICAN WATER CO.	36.27	
Total for Batch: SEWER					36.27	
09/28/16	TRUST	16-03040	Refund Fall Soccer/FUF	ARVANDIM ARVANDI, MANDANA	145.00	
09/28/16	TRUST	16-03091	Refund Fall Soccer	BHATIKA BHATIA, KARAN	145.00	
09/28/16	TRUST	16-03023	Refund Flag Football	BRAUNHEA BRAUN, HEATHER	200.00	
09/28/16	TRUST	16-03085	Refund Flag Football	DELJON50 DEL JONES, GINA	100.00	
09/28/16	TRUST	16-03065	Refund Football	DONINILI DONINI, LISA	180.00	
09/28/16	TRUST	16-03062	Refund Football	FLACKAMY FLACK, AMY	80.00	
09/28/16	TRUST	16-03066	Refund Football	IACOVELL IACOVELLI, KELLY	80.00	
09/28/16	TRUST	16-03162	Refund Chef It Up	IPPOLI IPPOLITO, DEANNA	115.00	
09/28/16	TRUST	16-03063	Refund Football	KELLYSTE KELLY, STEVE	80.00	
09/28/16	TRUST	16-03059	Refund Football	LEHRICHE LEHRICH, ELLEN	80.00	
09/28/16	TRUST	16-03067	Refund Football	MATHEYKI MATHEY, KIERA	200.00	
09/28/16	TRUST	16-03014	Refund Fall Soccer/FUF	MORIARTY MORIARTY, MELISSA	145.00	
09/28/16	TRUST	16-03070	Refund Soccer	PAASONEN PAASONEN, VILLE	125.00	
09/28/16	TRUST	16-03013	Refund Chef IT Up Balance	PHILLIPS PHILLIPS, MELISSA	10.00	
09/28/16	TRUST	16-03158	Refund Soccer	RAINEROR RAINERO, RENEE	125.00	
09/28/16	TRUST	16-03082	Refund Soccer/FUF	SARGNTJO SARGEANT, JODY	145.00	
09/28/16	TRUST	16-03037	Refund Football/FUF	SCHOMAKH SHOMAKHIYA, JULIA	220.00	
09/28/16	TRUST	16-03058	Refund Football	SCHWARTK SCHWARTZSTEIN, KATHRYN	80.00	
09/28/16	TRUST	16-03022	Refund Fall Soccer/FUF	SHARPEB SHARPE, BETH	145.00	
09/28/16	TRUST	16-03083	Refund Soccer/FUF	SKOL SKOLER, LIZ	145.00	
09/28/16	TRUST	16-03061	Refund Football	TRONEDAV TRONE, DAVID	200.00	
09/28/16	TRUST	16-03064	Refund Football	WALSHTOM WALSH, TOM	200.00	
09/28/16	TRUST	16-03038	Refund Fall Soccer/FUF	WISNIEWS WISNIEWSKI, DALILA	145.00	
Total for Batch: TRUST					3,090.00	
Total for Date: 09/28/16						
Total for All Batches:					78,393.93	

Attachment: bill list 10-18-16 (4518 : Authorize Payment of Bills - \$279,104.78)

Rcvd Batch Id Range: PARKING to PARKING		Rcvd Date Start: 09/26/16	End: 09/26/16	Report Format: Condensed		
Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
09/26/16	PARKING	16-03242	PARKING CASH REPLEMISHMENT	CITYOF55 CITY OF SUMMIT PARK PETTY CASH	4,000.00	
					Total for Batch: PARKING	4,000.00
				Total for Date: 09/26/16	Total for All Batches:	4,000.00

Attachment: bill list 10-18-16 (4518 : Authorize Payment of Bills - \$279,104.78)

Copy
10/18/16



NEW JERSEY GENERAL ASSEMBLY



JON M. BRAMNICK
ASSEMBLY MINORITY LEADER

DISTRICT 21
MORRIS, SOMERSET AND
UNION COUNTIES

October 4, 2016

Rosemary Licatese
Deputy City Clerk
City of Summit
512 Springfield Avenue
Summit, NJ 07901

Dear Members of the City Council,

Thank you for providing me with a Resolution adopted at the September 20th meeting in support of the fairness formula for equal school funding and property tax relief.

I agree with the Council and support a new school funding formula where all municipalities share in funding equally per student; this will reduce property taxes substantially.

If I can ever be of assistance to you in the future, please do not hesitate to contact me.

Sincerely,

Jon M. Bramnick
Assemblyman

251 NORTH AVENUE W., 2ND FLOOR
WESTFIELD, NJ 07090
TEL: (908) 232-2073
FAX: (908) 232-2741
asmbramnick@njleg.org

Printed on Recycled Paper

October 3, 2016



TO: Each Municipal Clerk and County Executive or Administrator of the Municipalities and Counties of New Jersey Served by Jersey Central Power & Light Company

RE: In the Matter of the Verified Petition of Jersey Central Power & Light Company Seeking (1) Review and Approval of Its Deferred Balances Relating to and an Adjustment of, the SBC Clause of Its File Tariff; and (2) Review and Approval of Its Deferred Balance Relating to the SCC Clause of Its Filed Tariff ("2012-2013-2014 SBC/SCC Filing")

Dear Sir/Madam:

We herewith serve upon you a copy of a Notice of Public Hearing for Jersey Central Power & Light Company's ("JCP&L") proposed increase in the Company's Rider SBC – Societal Benefits Charge to recover costs incurred during 2012, 2013 and 2014 under the Demand Side Factor ("DSF"), Uncollectable Accounts Charge ("UNC") and Nuclear Decommissioning Costs ("NDC") components of the Company's SBC.

PLEASE TAKE NOTICE that the New Jersey Board of Public Utilities has scheduled a public hearing on the Petition at the time and place set forth in the enclosed Public Notice.

Copies of the Petition, tariff and rate schedule are available for inspection at the offices of the Board of Public Utilities, 44 South Clinton Avenue, PO Box 350, Trenton, New Jersey.

We will be pleased to furnish you with any assistance or additional information that you may reasonably require.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Mader". To the right of the signature, the initials "RC" are written inside a hand-drawn circle.

Mark A. Mader
Director
Rates & Regulatory Affairs-NJ

Enclosure
u:/rates/public hearings/Sept 2014

Communication: JCP&L - Notice of Petition, re Seeking Review/Approval of Deferred Balances Related and an Adjustment of SBC Clause and

PUBLIC NOTICE JERSEY CENTRAL POWER & LIGHT COMPANY

NOTICE OF PROPOSED INCREASE IN SOCIETAL BENEFITS CHARGE AND NOTICE OF PUBLIC HEARINGS THEREON

Postu GI 15.A.1
RECEIVED
OCT 06 2016
CITY CLERK'S OFFICE
MORRISTOWN, N.J.

TO OUR CUSTOMERS: On March 26, 2015, Jersey Central Power & Light Company ("JCP&L" or the "Company") filed a Verified Petition with the New Jersey Board of Public Utilities (the "Board") Board, under BPU Docket No. ER15030382, together with supporting attachments.

The Verified Petition provides for a reconciliation of the actual costs and collections during 2012, 2013 and 2014 under the Demand Side Factor ("DSF"), Uncollectible Accounts Charge ("UNC") and Nuclear Decommissioning Costs ("NDC") components of the Company's Societal Benefits Charge ("SBC") Tariff Rider. The Verified Petition also provides for an assessment of the anticipated future level of expenses to be recovered through these components of Rider SBC and the need for changes after 2014 in the level of collections thereunder. In the Verified Petition, JCP&L is requesting to increase collections under Rider DSF, which funds certain demand side management and demand response initiatives, by approximately \$17.24 million annually. JCP&L is also proposing to decrease collections under its Rider UNC, which recovers costs associated with uncollectible expense, by \$4.26 million annually. JCP&L is not proposing to change its Rider NDC rate. Accordingly, JCP&L is requesting a total increase

of approximately \$12.98 million annually in these components of its SBC. The change in rates was proposed to become effective on July 1, 2015 or on such date as the Board may determine.

The annual percentage change in rates, if any, applicable to specific customers will vary according to the applicable rate schedule and the level of the customer's usage. Copies of the Verified Petition, together with supporting attachments, are available for inspection at the Company's regional headquarters at 300 Madison Avenue, Morristown, New Jersey 07962 and 331 Newman Springs Road, Building 3, Red Bank, New Jersey 07701, on the Company's website at https://www.firstenergycorp.com/jersey_central_power_light/regulatory.html, and at the New Jersey Board of Public Utilities, 44 South Clinton Avenue, 7th Floor, P.O. Box 350, Trenton, New Jersey 08625-0350.

The following comparisons of present and proposed rates will permit customers to determine the approximate net effect upon them of the proposed increase in charges of \$12.98 million annually. Any assistance required by customers in this regard will be furnished by the Company upon request.

STATEMENT OF THE MONTHLY EFFECT OF PROPOSED INCREASE IN RIDER SBC CHARGES AS COMPARED TO THE RATES IN EFFECT AS OF SEPTEMBER 1, 2016

Typical Residential Average Monthly Bill (Includes 7% Sales and Use Tax)			
Residential (RS)	Current Monthly Bill (1)	Proposed Monthly Bill (2)	Proposed Monthly Increase
500 kWh average monthly usage	\$70.39	\$70.72	\$0.33
1000 kWh average monthly usage	\$145.66	\$146.32	\$0.66
1500 kWh average monthly usage	\$222.63	\$223.62	\$0.99
Residential Time-of-Day (RT)			
500 kWh average monthly usage	\$75.77	\$76.10	\$0.33
1000 kWh average monthly usage	\$146.96	\$147.62	\$0.66
1500 kWh average monthly usage	\$218.15	\$219.13	\$0.98
Overall Monthly Class Average Per Customer (Includes 7% Sales and Use Tax)			
Rate Class	Current Monthly Bill (1)	Proposed Monthly Bill (2)	Proposed % Increase
Residential (RS)	\$116.20	\$116.72	0.4%
Residential Time of Day (RT)	\$161.60	\$162.33	0.5%
General Service – Secondary (GS)	\$657.58	\$660.60	0.5%
General Service – Secondary Time of Day (GST)	\$28,487.80	\$28,642.46	0.5%
General Service – Primary (GP)	\$40,265.68	\$40,518.14	0.6%
General Service – Transmission (GT)	\$123,038.07	\$123,904.66	0.7%
Street & Area Lighting (Average Per Fixture)	\$11.14	\$11.17	0.3%

(1) Based on rates effective September 1, 2016 (2) Based on proposed rates

Please note that the Board in its discretion may apply all or any portion of whatever rate adjustment the Board may ultimately allow to other rate schedules or in a different manner than what JCP&L has proposed in its filing. Accordingly, the final rates and charges to be determined by the Board in these proceedings may be different from what JCP&L has described herein.

Notice of this filing together with a statement of the effect thereof on customers are being served upon the clerk, executive or administrator of each municipality and county within the Company's service areas. Such notice has also been served, together with the supporting attachments, upon the Director of the Division of Rate Counsel, who will represent the interests of ratepayers in these proceedings.

PLEASE TAKE NOTICE that the Board has scheduled public hearings on the Verified Petition under BPU Docket No. ER15030382, at the following times and places:

October 24, 2016, 1:30 p.m.
Morris County Administration & Records Building
Public Meeting Room, 5th Floor
10 Court Street
Morristown, New Jersey 07963

October 24, 2016, 6:30 p.m.
Freehold Township Municipal Building
One Municipal Plaza
(Schanck Road at Stillwells Corner Road)
Freehold, New Jersey 07728

Members of the public will have an opportunity to be heard and/or to submit written comments or statements at each or either of the public hearings if they wish to do so. Persons requiring special accommodations because of disability should contact the Office of the Secretary of the Board at (609) 777-3300 at least 48 hours prior to the scheduled hearing so that appropriate arrangements can be made. Written comments or statements may also be submitted directly to the Board of Public Utilities at 44 South Clinton Avenue, 3rd Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350, Attn: Secretary of the Board.

JERSEY CENTRAL POWER & LIGHT COMPANY

Communication: JCP&L - Notice of Petition, re Seeking Review/Approval of Deferred Balances Related and an Adjustment of SBC Clause and



Page 15
GI 10/18/16

15.A.2

**NOTICE TO PUBLIC SERVICE ELECTRIC AND GAS COMPANY GAS CUSTOMERS
IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR APPROVAL OF GAS BASE
RATE ADJUSTMENTS PURSUANT TO ITS GAS SYSTEM MODERNIZATION PROGRAM**

Notice of a Filing and Notice of Public Hearings | Docket No. GO16070711

TAKE NOTICE that on July 29, 2016, Public Service Electric and Gas Company (Public Service, PSE&G, the Company) filed a Petition and supporting documentation with the New Jersey Board of Public Utilities (Board, BPU) seeking Board approval for gas base rate changes to provide for cost recovery associated with the Company's Gas System Modernization Program (GSMP or the Program).

Customers may also file written comments with the Secretary of the Board of Public Utilities at South Clinton Avenue, Third Floor, Suite 314, P.O. Box 350, Trenton, New Jersey, 08625-0350 ATTN: Secretary Irene Kim Asbury whether or not they attend the public hearings. To review PSE&G's rate filing, visit <http://www.pseg.com/pseandgfilings>.

On November 16, 2015, the Board issued an Order approving the Program in Docket No. GR15030272. The Order provided approval to invest up to \$650 million to be recovered through base rate adjustments in order to replace PSE&G's Utilization Pressure Cast Iron (UPCI) mains, unprotected steel mains and associated services. The Program will also include costs related to the uprating of the UPCI segments to higher pressure including the installation of excess flow valves and the elimination of district regulators. These infrastructure investment will address high risk areas and accelerate repairs and replacement efforts.

Table #1 – BASE RATES For Residential RSG Customers Rates if Effective January 1, 2017

Rate Schedule			Base Rates	
			Charges in Effect July 31, 2017 Including SUT	Estimated Charges Includ SUT
RSG	Service Charge	per month	\$5.84	\$5.84
	Distribution Charge	\$/Therm	0.311309	0.318771
	Off-Peak Use	\$/Therm	0.155655	0.159388
	Basic Gas Supply Service-RSG (BGSS-RSG)	\$/Therm	0.401235	0.401161

These investments are anticipated to be made over a three-year period beginning on January 1, 2016 with investments beyond those approved to be recovered through a future base rate case.

Table #2 – Proposed Percentage Change in Revenue by Customer Class For Gas Service For Rates if Effective January 1, 2017

	Rate Class	Percent Chang
Residential Service	RSG	0.84
General Service	GSG	0.73
Large Volume Service	LVG	0.53
Street Lighting Service	SLG	1.14
Firm Transportation Gas Service	TSG-F	0.45
Non-Firm Transportation Gas Service	TSG-NF	0.24
Cogeneration Interruptible Service	CIG	0.31
	Overall	0.71

Under the Company's proposal, PSE&G seeks Board approval to recover in base rates an estimated annual revenue increase associated with the capitalized investment costs of GSMP of approximately \$13.4 million from the Company's gas customers.

The percent increases noted above are based upon July 1, 2016 Delivery Rates, the applicable Basic Gas Supply Service (BGSS) charges, and assumes that customers receive commodity service from Public Service Electric and Gas Company.

For illustrative purposes the estimated Base Rates effective January 1, 2017 including New Jersey Sales and Use Tax (SUT) for Residential Rate Schedules RSG is shown in Table #1.

Table #2 provides customers with the approximate impact of the proposed increase in rates relating to the Program, if approved by the Board. The annual percentage increase applicable to specific customers will vary according to the applicable rate schedule and the level of the customer's usage.

Table #3 – Residential Gas Service For Rates if Effective January 1, 2017

If Your Annual Therm Use Is:	And Your Monthly Winter Therm Use Is:	Then Your Present Monthly Winter Bill (1) Would Be:	And Your Proposed Monthly Winter Bill (2) Would Be:	Your Monthly Winter Bill Increase Would Be:	And You Monthly Percent Increase Would Be:
180	25	\$25.77	\$25.96	\$0.19	0.74%
360	50	45.71	46.08	0.37	0.81
610	100	86.51	87.26	0.75	0.87
1,010	165	138.95	140.17	1.22	0.88
1,224	200	167.20	168.67	1.47	0.88
1,836	300	247.85	250.07	2.22	0.90

Under the Company's proposal, a residential gas heating customer using 100 therms per month during the winter months and 610 therms on an annual basis would see an initial increase in the annual bill from \$553.39 to \$557.95, or \$4.56 or approximately 0.82%. Also, a typical residential gas heating customer using 165 therms per month during the winter months and 1,010 therms on an annual basis would see an initial increase in the annual bill from \$870.33 to \$877.83, or \$7.50 or approximately 0.86%. The approximate effect of the proposed gas base rate change on typical gas residential monthly bills, if approved by the Board, is illustrated in Table #3.

- (1) Based upon Delivery Rates and Basic Gas Supply Service (BGSS-RSG) charges in effect July 1, 2016 and assumes that the customer receives commodity service from Public Service.
- (2) Same as (1) except includes change for GSMP Base Rate Adjustments.

Any rate adjustments with resulting changes in bill impacts found by the Board to be just and reasonable as the result of the Company's filing may be modified and/or allocated by the Board in accordance with the provisions of N.J.S.A. 48:2-21 and for other good and legally sufficient reasons to any class or classes of customers of the Company. Therefore, the described charges may increase or decrease based upon the Board's decision.

Copies of the Company's filing are available for review at the Company's Customer Service Centers, online at the PSEG website at <http://www.pseg.com/pseandgfilings> and at the Board of Public Utilities at 44 South Clinton Avenue, Seventh Floor, Trenton, New Jersey 08625-0350.

The following dates, times and locations for public hearings have been scheduled on the Company's filing so that members of the public may present their views. Information provided at the public hearings will become part of the record of this case and will be considered by the Board in making its decision.

October 18, 2016 4:30 and 6:00 PM Bergen County Administration Building Freeholders Public Meeting Room 5th Floor Room 101 1 Bergen County Plaza Hackensack, NJ 07601	October 19, 2016 4:30 and 6:00 PM Middlesex County Administration Building Freeholders Meeting Room 1st Floor Meeting Room 75 Bayard Street New Brunswick, NJ 08901	October 20, 2016 4:30 and 6:00 PM Burlington County Administration Building Board of Chosen Freeholders Board Room 1st Floor 49 Rancocas Road Mt. Holly, NJ 08060
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In order to encourage full participation in this opportunity for public comment, please submit any requests for needed accommodations, such as interpreters, listening devices or mobility assistance, 48 hours prior to the above hearings to the Board's Secretary at the following address.



Martin C. Rothfelder, |
Associate General Regulatory Cou

Communication - PSEG - Notice of Filing and Public Hearing Regarding Rate Adjustment to its Gas System Modernization Program (Notices)



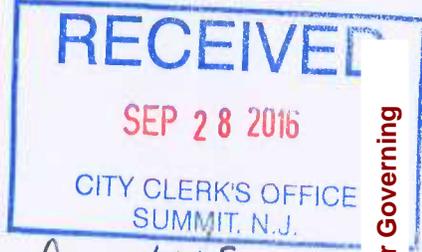
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Borough of Chatham

BOROUGH HALL
54 FAIRMOUNT AVENUE
CHATHAM, NEW JERSEY 07928

Tel: 973-635-0674 • ChathamBorough.org

GI 10/18/11 15.B.1



C. P. Cascas
M. Rogers

September 22, 2015

Via Certified Mail

To: City of Summit, City Clerk
Borough of Madison, Borough Clerk
Borough of Florham Park, Borough Clerk
Township of Chatham, Township Clerk
Township of Millburn, Township Clerk
Morris County Planning Board, Planning Director

Re: **ORDINANCE #16-11**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING VARIOUS SECTIONS OF CHAPTER 165 OF THE BOROUGH CODE TO PROVIDE A MINIMUM AFFORDABLE HOUSING SET-ASIDE IN CERTAIN ZONE DISTRICTS

Notice of the referenced proposed land use zoning change is provided in accordance with the Municipal Land Use Law of New Jersey.

NOTICE IS HEREBY GIVEN that Ordinance #16-11 was introduced and passed on first reading by the Borough Council of the Borough of Chatham a Joint Special Meeting held on September 21, 2016 with the Chatham Borough Planning Board. The Mayor and Council will conduct a public hearing and consider final passage of this Ordinance at its October 24, 2016 scheduled meeting to be held 7:30 p.m. in Borough Hall, 54 Fairmount Avenue, Chatham, NJ, at which time all interested persons will be given the opportunity to be heard concerning this ordinance.

A copy of Ordinance #16-11 is enclosed. Should you have any questions or need additional information, please contact the Chatham Borough Clerk's Office.

Sincerely,

Robin R. Kline, MAS, RMC, CMR
Borough of Chatham

Copy: Mayor and Council
Borough Administrator
Borough Tax Assessor
Chatham Borough Planning Board

Communication: Chatham Borough - Pending Ord. 16-11 re Affordable Housing Set Aside (Ordinances and Resolutions Other Governing



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Borough of Chatham

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54 FAIRMOUNT AVENUE • CHATHAM • NEW JERSEY 07928

ORDINANCE #16-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING VARIOUS SECTIONS OF CHAPTER 165 OF THE BOROUGH CODE TO PROVIDE A MINIMUM AFFORDABLE HOUSING SET-ASIDE IN CERTAIN ZONE DISTRICTS

WHEREAS, in accordance with the Supreme Court's decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Borough of Chatham filed a Declaratory Judgment action in Morris County Superior Court seeking a Final Judgment of Compliance and Repose approving its Housing Element and Fair Share Plan (the "Plan"), In the Matter of the Borough of Chatham Affordable Housing Compliance, Docket No. MRS-L-1906-15; and

WHEREAS, on September 7, 2016, Judge Hansbury conducted a Fairness and Compliance Hearing wherein the Court approved the Borough's Plan and granted the Borough a Final Judgment of Compliance and Repose; and

WHEREAS, the Borough Planning Board has adopted the Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which has been endorsed by the Mayor and Borough Council; and

WHEREAS, this Ordinance implements and incorporates the Borough's Plan; and

WHEREAS, in accordance with the Plan and the New Jersey Fair Housing Act of 1985 and current Council on Affordable Housing regulations, the Mayor and Borough Council wish to amend certain sections of the Chapter 165 of the Land Development Regulations of the Borough Code related to the M-1 and M-3 Districts, Gateway Overlay District, Affordable Housing Districts (AFD-1, AFD-1.1, AFD-2, AFD-3, AFD-4) Districts, and B-2 and B-4 Districts to require an affordable housing set-aside; and

WHEREAS, the Mayor and Borough Council wish to further update, clarify and improve the definitions section of Chapter 165 consistent with current Council on Affordable Housing regulations.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

Section 1. Section 165-10 of the Borough Code entitled "Word Usage and Definitions", be and hereby is amended as follows:

[New language is underlined and shall replace existing definitions; deleted language is struck through].

DEVELOPABLE AREA

~~The total land area of a tract which is not environmentally sensitive as defined in N.J.A.C. 5:92-8.2(b)3 or otherwise permitted to be exempted as a potential site for low or moderate income housing under Subchapter 9 of the COAH rules.~~

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and

the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50 percent (50%) or less of the median household income.

LOWER-INCOME HOUSEHOLD

~~A household meeting income eligibility standards of the Federal Department of Housing and Urban Development or other recognized standards for either low or moderate income households within the housing region defined in N.J.A.C. 5:92-1 of which Chatham is a part.~~

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50 percent (50%) but less than 80 percent (80%) of the median household income.

REGION

~~When used in regard to affordable housing, the region that include Chatham Borough established by the State of New Jersey Council on Affordable Housing as described in N.J.A.C. 5:92-1, as amended and revised.~~

Section 2. Subsection B(5) of Section 165-28.1 of the Borough Code entitled, “Conditional Uses in the M-1 District”, be and hereby is repealed and replaced as follows:

- (5) The development shall comply with the affordable housing set-aside requirement set forth at § 69-4 of this Code.

Section 3. Subsection B(4) of Section 165-29.1 of the Borough Code entitled “Conditional Uses in the M-3 District”, be and hereby is repealed and replaced as follows:

- (4) The development shall comply with the affordable housing set-aside requirement set forth at § 69-4 of this Code.

Section 4. Subsection C of Section 165-30 of the Borough Code entitled, “Gateway Overlay District Regulations”, be and hereby is repealed and replaced as follows:

§ 165-30C Affordable housing requirement.

Any residential development shall comply with the affordable housing set-aside requirement set forth at § 69-4 of this Code.

Section 5. Subsection A of Section 165-45 of the Borough Code, entitled “Affordable Housing Requirements for Inclusionary Developments”, be and hereby is repealed and replaced as follows:

- A. Any residential development shall comply with the affordable housing set-aside requirement set forth at § 69-4 of this Code.

Section 6. Section 165-17 of the Borough Code entitled, “B-2 Regional Business District”, be and hereby is amended as follows:

[Add New].

§ 165-17E Affordable Housing Requirement.

- E. Any residential development shall comply with the affordable housing set-aside requirement set forth at § 69-4 of this Code.

Section 7. Section 165-19 of the Borough Code entitled, “B-4 Community Business District”, be and hereby is amended as follows:

[Add new].

§ 165-19E Affordable Housing Requirement.

E. Any residential development shall comply with the affordable housing set-aside requirement set forth at § 69-4 of this Code.

Section 8. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 9. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 10. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

#

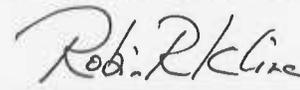
Introduced: September 21, 2016
Public Hearing: October 24, 2016

THE ABOVE TITLED ORDINANCE was introduced and passed on first reading at a meeting of the Mayor and Council of the Borough of Chatham held on September 21, 2016 in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

THIS ORDINANCE has been scheduled for public hearing and second reading at a meeting of the Mayor and Council of the Borough of Chatham to be held on October 24, 2016 at 7:30 p.m. in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey, at which time all persons will be given the opportunity to be heard concerning said Ordinance.

CERTIFICATION

I, Robin R. Kline, Municipal Clerk of the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the Ordinance introduced by the Borough Council at its meeting held on September 21, 2016.


Robin R. Kline, MAS, RMC, CMR
Borough Clerk

Communication: Chatham Borough - Pending Ord. 16-11 re Affordable Housing Set Aside (Ordinances and Resolutions Other Governing



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Borough of Chatham

BOROUGH HALL
54 FAIRMOUNT AVENUE
CHATHAM, NEW JERSEY 07928

Tel: 973-635-0674 • ChathamBorough.org

67 10/18/16 15.B.2

RECEIVED
SEP 28 2016
CITY CLERK'S OFFICE
SUMMIT, N.J.

C: A. Casca's
M. Rogers

September 22, 2015

Via Certified Mail

To: City of Summit, City Clerk
Borough of Madison, Borough Clerk
Borough of Florham Park, Borough Clerk
Township of Chatham, Township Clerk
Township of Millburn, Township Clerk
Morris County Planning Board, Planning Director

Re: **ORDINANCE #16-12**

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 69 OF THE BOROUGH CODE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

Notice of the referenced proposed land use zoning change is provided in accordance with the Municipal Land Use Law of New Jersey.

NOTICE IS HEREBY GIVEN that Ordinance #16-12 was introduced and passed on first reading by the Borough Council of the Borough of Chatham a Joint Special Meeting held on September 21, 2016 with the Chatham Borough Planning Board. The Mayor and Council will conduct a public hearing and consider final passage of this Ordinance at its October 24, 2016 scheduled meeting to be held 7:30 p.m. in Borough Hall, 54 Fairmount Avenue, Chatham, NJ, at which time all interested persons will be given the opportunity to be heard concerning this ordinance.

A copy of Ordinance #16-12 is enclosed. Should you have any questions or need additional information, please contact the Chatham Borough Clerk's Office.

Sincerely,

Robin R. Kline, MAS, RMC, CMR
Borough of Chatham

Copy: Mayor and Council
Borough Administrator
Borough Tax Assessor
Chatham Borough Planning Board

Communication: Chatham Borough - Pending Ord. 16-12 re Affordable Housing Obligations (Ordinances and Resolutions Other Governing

RECEIVED
CITY CLERK'S OFFICE
SEP 22 2016

Borough of Chatham

200 BOURGAINTELLA
CHATHAM, NEW JERSEY 07847
TEL: 973-521-1000



D. C. ...
Mr. ...

5

City of Summit, City Clerk
Borough of Madison, Borough Clerk
Township of Madison, Township Clerk
Township of Madison, Township Clerk
Borough of Madison, Borough Clerk

ORDINANCE #16-12

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 51 OF THE BOROUGH CODE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE URBAN HOUSING AFFORDABILITY (UHOA) COMPLIANCE WITH THE BOROUGH AFFORDABLE HOUSING OBLIGATIONS

Copy of the ordinance provided and use zoning change is provided in accordance with the Municipal Land Use Law of New Jersey.

NOTICE IS HEREBY GIVEN that Ordinance #16-12 was introduced and passed on first reading by the Borough Council of the Borough of Chatham a Joint Special Meeting held on September 21, 2016 with the Chatham Borough Planning Board. The Mayor and Council will conduct a public hearing and consider final passage of this Ordinance at its October 21, 2016 scheduled meeting to be held 7:30 pm. In Borough Hall, 64 Fairmount Avenue, Chatham, NJ. At which time all interested persons will be given the opportunity to be heard concerning this ordinance.

A copy of Ordinance #16-12 is enclosed. Should you have any questions or need additional information, please contact the Chatham Borough Clerk's Office.

Robin R. Kline, MAE, BMC, OPR
Borough of Chatham

Copy: Mayor and Council
Borough Administrator
Borough Tax Assessor
Borough Planning Board



Borough of Chatham

BOROUGH HALL

54 FAIRMOUNT AVENUE • CHATHAM • NEW JERSEY 07928

ORDINANCE #16-12

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 69 OF THE BOROUGH CODE TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, in accordance with the Supreme Court's decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Borough of Chatham filed a Declaratory Judgment action in Morris County Superior Court seeking a Final Judgment of Compliance and Repose approving the Borough's Housing Element and Fair Share Plan (the "Plan"), In the Matter of the Borough of Chatham Affordable Housing Compliance, Docket No. MRS-L-1906-15; and

WHEREAS, on September 7, 2016, Judge Hansbury conducted a Fairness and Compliance Hearing wherein the Court approved the Borough's Plan and granted the Borough a Final Judgment of Compliance and Repose; and

WHEREAS, the Borough wishes to amend Chapter 69 of the Borough Code, entitled "Affordable Housing", to include provisions addressing Chatham's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

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

WHEREAS, the Chatham Borough Planning Board has adopted the Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which has been endorsed by the Mayor and Borough Council; and

WHEREAS, this Ordinance implements and incorporates the Borough's Plan.

BE IT ORDAINED, by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

Section 1. Chapter 69 entitled "Affordable Housing" be and hereby is repealed in its entirety and replaced new as follows:

§ 69-1 Purpose.

- A. This Chapter is intended to assure that low- and moderate-income units in the Borough of Chatham are created with controls on affordability over time and that low- and moderate-income households shall occupy these units.

- B. The Borough of Chatham Planning Board has adopted a Housing Element and Fair Share Plan (the "Fair Share Plan") pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Fair Share Plan has been endorsed by the Mayor and Borough Council. The Fair Share Plan describes the ways the Borough shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- C. This Chapter implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- D. The Borough of Chatham shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Chatham Municipal Building, Municipal Clerk's Office, 54 Fairmount Avenue, Chatham, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey, and on COAH's website, www.nj.gov/dca/affiliates/coah.

§ 69-2 Definitions.

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

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

ADAPTABLE

A unit constructed in compliance with the technical design standards of the Barrier Free Sub-Code, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The person or entity designated by the Borough to administer affordable units in accordance with this Chapter, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

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

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent (100%) affordable housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGENCY

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

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 wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent (80%) of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENT

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE

A facility that is 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

A household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires 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

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

DEVELOPMENT

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.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50 percent (50%) or less of the median household income.

LOW INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

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 and load bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50 percent (50%) but less than 80 percent (80%) of the median household income.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between spouses; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

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

The maximum housing value in each housing region affordable to a four-person household with an income at 80 percent (80%) of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

REHABILITATION

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

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

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

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30 percent (30%) or less of the median household income for the applicable housing region.

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

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 purposes of a rehabilitation program.

§ 69-3 Applicability.

- A. The provisions of this Chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Chatham pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. In addition, any property in the Borough that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.
- C. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low-and moderate-income housing units.

§ 69-4 General Standards Applicable to Residential Development.

Each residential development subject to this Chapter shall comply with the following:

- A. Residential development with five or more units shall set aside a minimum of twenty percent (20%) of the total number of units as affordable housing for owner-occupied development and fifteen percent (15%) for rental development.
- B. Residential development with fewer than five units shall make a payment in lieu of on-site construction of affordable units of the greater of the residential development fee set forth at Section 119-4 or a pro rata fair share contribution to the Borough's Affordable Housing Trust Fund based on the fractional affordable housing requirement for said development calculated in accordance with Subsection D of this Section.
- C. When any calculation of the percentage of affordable units required to be provided results in a fractional unit of 1/2 or more, the fraction shall be rounded up to the next whole unit. When a calculation results in a fraction of less than 1/2, the fraction shall be rounded down to the previous whole unit.
- D. Any fractional affordable housing requirement shall be addressed by a payment in lieu of on-site construction of affordable housing, which shall be placed in the Affordable Housing Trust Fund established pursuant to Chapter 119. The amount of the payment shall be consistent with COAH regulations and shall be negotiated with the Borough based on consideration of the anticipated cost of providing affordable housing units. For purposes of this Chapter, the payment in lieu of affordable housing shall initially be established as \$180,000 multiplied by

the fractional affordable housing requirement as calculated to two decimal points. The payment in lieu of affordable housing is presumptively the cost to construct an affordable unit in the Borough. The Planning Board or Zoning Board, as appropriate, may adjust from time to time the presumptive amount based upon the appropriate evidence.

§ 69-5 Alternative Living Arrangements.

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
 - (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
 - (3) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
 - (4) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 69-6 Phasing Schedule for Inclusionary Zoning.

A. In inclusionary developments the following schedule shall be followed:

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

§ 69-7 New Construction.

- 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. At least 13 percent (13%) of all restricted rental units shall be very low- income units. The very low-income units shall be counted as part of the required number of low income units within the development.
 - (2) In each affordable development, at least 50 percent (50%) of the restricted units within each bedroom distribution shall be low-income units.
 - (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

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- (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent (20%) of the total low- and moderate-income units;
 - (b) At least 30 percent (30%) of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20 percent (20%) of all low- and moderate-income units shall be three bedroom units; and
 - (d) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

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 and the following:
- (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; and
 - (b) An adaptable kitchen on the first floor; and
 - (c) An interior accessible route of travel on the first floor; and
 - (d) 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
 - (e) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; 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 has collected funds from the developer sufficient to make 10 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 10 percent (10%) of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited above shall be used by the Borough for the sole purpose of making the adaptable entrance of an 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 to the Construction Official of the Borough for the conversion of adaptable to accessible entrances.
 - [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 in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- (g) 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. Design:

- (1) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. 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 COAH or a successor entity.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent (60%) of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent (52%) of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent (10%) of all low- and moderate-income rental units shall be affordable to very low-income households.

- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent (70%) of median income, and each affordable development must achieve an affordability average of 55 percent (55%) for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be 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 sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, 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 (95%) of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent (28%) of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent (30%) of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- (10) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent (9%) 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.

§ 69-8 Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 69-9 Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

§ 69-10 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Chapter for a period of at least thirty (30) years, until the Borough takes action to release the unit from such requirements; prior to such action, 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.
- 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 without the restrictions in place.

- D. At the time of the initial sale of the unit, the initial 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 restrictions set forth in this Chapter, 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 Chapter 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 following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 69-11 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 master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- 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 anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

§ 69-12 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 (50%) of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent (80%) of median income.
- B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. 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 (33%) of the household's eligible monthly income.

§ 69-13 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of First Purchase Money Mortgages, 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 (95%) of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

§ 69-14 Capital Improvements To Ownership Units.

- A. 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 made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 69-15 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 Chapter for a period of at least 30 years, until the Borough takes action to release the unit from such requirements. Prior to such action, 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.
- 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 records office of the County of Morris. 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 Chapter 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 on the property containing the unit.

§ 69-16 Rent Restrictions for Rental Units; Leases.

- A. A written lease shall be required for all restricted rental units 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 (5%) of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Chapter.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Chapter.

§ 69-17 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 (30%) of median income.

- (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent (50%) of median income.
 - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent (80%) of median income.
- B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, 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 (35%) (40 percent (40%) for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (1) The household currently pays more than 35 percent (35%) (40 percent (40%) for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (2) The household has consistently paid more than 35 percent (35%) (40 percent (40%) for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (3) The household is currently in substandard or overcrowded living conditions;
 - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (5) The household documents reliable anticipated 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 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§ 69-18 Municipal Housing Liaison.

- A. There is hereby established the position of Municipal Housing Liaison for the Borough of Chatham. The Municipal Housing Liaison shall be appointed by resolution of the Mayor and Borough Council and may be a full or part-time municipal employee. The Municipal Housing Liaison shall be approved by COAH or the Court, as appropriate, and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- B. Compensation shall be fixed by the Mayor and Borough Council at the time of the appointment of the Municipal Housing Liaison.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out to the Administrative Agent:

- (1) Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (2) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - (3) Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- D. Subject to approval by COAH or the Court, as appropriate, , the Borough may contract with or authorize a consultant, authority, government entity or any agency charged by the Mayor and Borough Council to act as the Borough's Administrative Agent, which entity shall have the responsibility of administering the affordable housing program of the Borough of Chatham as set forth herein, except for those responsibilities which cannot be contracted out pursuant to subsection C above. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. An Operating Manual for each affordable housing program shall be prepared and provided by the Administrative Agent(s) to be adopted by resolution of the Mayor and Borough Council and subject to approval of COAH or the Court, as appropriate. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s).

§ 69-19 Administrative Agent.

The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- A. Affirmative Marketing:
- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough and the provisions of N.J.A.C. 5:80-26.15; and
 - (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- B. The fees of the Administrative Agent shall be paid by the developers/owners/sellers of the affordable units on a fee for service basis in accordance with the fee schedule referenced in Section 69-22 herein below.
- C. Household Certification:

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

D. Affordability Controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Morris County Register of Deeds or Morris County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

E. Resales and Rerentals:

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

F. Processing Requests from Unit Owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Chapter;
- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- (3) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

G. Enforcement:

- (1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

H. Additional Responsibilities:

- (1) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

(3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

H. The Municipal Housing Liaison and the Administrative Agent shall have authority to take all actions necessary and appropriate to carry out their respective responsibilities hereunder, including joint consultation concerning any of the above responsibilities. If no Administrative Agent is designated by the Mayor and Borough Council, the Municipal Housing Liaison shall have the powers and duties set forth in this Section, subject to the approval of the Court as to the qualification of the Municipal Housing Liaison to undertake such powers and duties and subject to the Municipal Housing Liaison's attendance at continuing education sessions as set forth in Section 69-19G(3) above.

§ 69-20 Affirmative Marketing Requirements.

- A. The Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is 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 marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2, comprised of Morris, Essex, Union and Warren Counties.
- D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and re-sales and re-rentals. The Administrative Agent designated by the Borough shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; Borough Hall and the Library of the Chathams; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 69-21 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, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in 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(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - (2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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- or moderate-income unit.
 - (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

- (b) 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 the full 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.
- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) 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.
- (e) 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.
- (f) 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.

A. The Borough Administrator, in consultation with the Administrative Agent and Municipal Housing Liaison, as appropriate, shall establish the following fees, and such other reasonable fees necessary to cover the administrative costs of the Borough's Affordable Housing program, by duly adopted resolution of the Borough Council.

- (1) Certification fee
- (2) Resubmission fee
- (3) Resale fee
- (4) Refinancing certification review
- (5) Tenant renewal lease fee

B. In addition to the above administrative fees, the applicant, seller and/or landlord, as appropriate, shall be responsible for the actual for any appraisal, credit check, title work and/or recording costs, if any.

§ 69-23 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Chapter shall be filed in writing with the Court.

Section 2. All other provisions of the Borough Code not amended or supplemented herein remain in full force and effect.

Section 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

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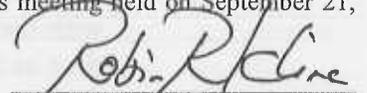
Introduced: September 21, 2016
Public Hearing: October 24, 2016

THE ABOVE TITLED ORDINANCE was introduced and passed on first reading at a meeting of the Mayor and Council of the Borough of Chatham held on September 21, 2016 in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.

THIS ORDINANCE has been scheduled for public hearing and second reading at a meeting of the Mayor and Council of the Borough of Chatham to be held on October 24, 2016 at 7:30 p.m. in Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey, at which time all persons will be given the opportunity to be heard concerning said Ordinance.

CERTIFICATION

I, Robin R. Kline, Municipal Clerk of the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the Ordinance introduced by the Borough Council at its meeting held on September 21, 2016.


Robin R. Kline, MAS, RMC, CMR
Borough Clerk

Licatese, Rosemary

From: Beltran, Christine <Christine.Beltran@dep.nj.gov> on behalf of Pflugh, Kerry <Kerry.Pflugh@dep.nj.gov>
Sent: Tuesday, September 27, 2016 9:45 AM
Subject: DEP Release: DEP Receives \$850,000 Endangered Species Act Grant
Attachments: USFWS Grant -- P88.pdf



IMMEDIATE RELEASE:
September 23, 2016

Contact: Bob Considine (609) 292-2994
Robert Geist (609) 633-7588
Lawrence Hajna (609) 984-1795

DEP RECEIVES \$850,000 ENDANGERED SPECIES ACT GRANT *FEDERAL FUNDS TO GO TOWARD LAND PURCHASE FOR BOG TURTLE PROTECTION*

(16/88) TRENTON – The U.S. Fish and Wildlife Service has awarded the Department of Environmental Protection an \$850,000 grant under the federal Endangered Species Act Grants Program, Commissioner Bob Martin announced today.



The Cooperative Endangered Species Conservation Fund (CESCF) Recovery Land Acquisition grant for New Jersey will go toward the future acquisition of hundreds of key acres of habitat for the bog turtle, which is found predominately in the northern half of New Jersey.

“Preservation of this unique habitat protects the federally threatened bog turtle, while also enhancing our environment and providing a better quality of life for residents of the state,” Commissioner Martin said. “We are grateful to the U.S. Fish and Wildlife Service for our inclusion in this federal grant program.”

New Jersey is one of 20 states to receive funding to support projects that conserve at-risk species and their habitats.

“These grants will enable state fish and wildlife agencies to advance the stewardship of our nation’s fish and wildlife resources,” said Dave Chanda, Director of DEP’s Division of Fish and Wildlife. “We appreciate the strong ties formed by state agencies and their partners to protect these imperiled wildlife species and their habitats, which are critical to the on-the-ground success of these projects.”

The bog turtle is native only to the eastern United States and is found in the northern half of New Jersey. The species, considered threatened at the federal level and endangered at the state level, congregates in small colonies often of fewer than 20 individuals. They prefer calcareous wetlands (areas containing lime), including meadows, bogs, marshes, and spring seeps, that have both wet and dry regions.

Once the purchases of the properties are completed, the preserved lands will be managed by the New Jersey Natural Lands Trust in cooperation with the DEP's Endangered and Nongame Species Program,

CESCF funding is provided through three competitive grant programs: the *Habitat Conservation Planning Assistance Grants Program*, which provides funds to support the development of Habitat Conservation Plans (HCPs) that protect habitat for listed species; the *Recovery Land Acquisition Grants Program*, which provides funds for the acquisition of habitat in support of approved and draft species recovery plans; and the *HCP Land Acquisition Grants Program*, which provides funds to acquire habitat for listed species associated with approved HCPs.

The grants are funded in part by the Land and Water Conservation Fund, which was established by Congress in 1965. The fund promotes access to outdoor recreation resources for present and future generations by providing funding to federal, state and local governments to purchase land, water and wetlands for the benefit of all Americans. For the past 51 years, the fund has supported more than 40,000 conservation and outdoor recreation projects nationwide.

To learn more about the U.S. Fish and Wildlife Service's Ecological Services Program visit:
www.fws.gov/endangered

For more information on the state's Threatened and Endangered species, please visit:
www.nj.gov/dep/fgw/ensphome.htm

For more information on turtles in New Jersey, please visit:
www.nj.gov/dep/fgw/ensp/fieldguide_herps.htm#turtles

For more information about the New Jersey Natural Lands Trust, please visit:
<http://www.njnlt.org/>

Regards,

Kerry Kirk Pflugh
Director
Office of Local Government Assistance
New Jersey Department of Environmental Protection
401 E. State Street
P.O. Box 402
Trenton, NJ 08625-0402
Office: 609-633-7700
Cell – 609-575-3806
email: kerry.pflugh@dep.nj.gov

www.nj.gov/dep/

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Communication: NJDEP - News Release, re DEP Receives \$850,000 Endangered Species Act Grant (Newsletters)

GI
10/18/14

Summit Historic Preservation Commission meeting minutes

July 27, 2016

Meeting called to order at 7:04 p.m.

In attendance: J. Burgmeyer, D. Ward, T. Conway, P. Meola, M. Gaylord, C. Toth, E. Warren, David Naidu (liaison to Common Council), Krzysztof Sadlej (representative from Topology)

June meeting minutes approved without change

Advisory reviews

1. 160 Oak Ridge Ave., minor subdivision to construct a new dwelling, with existing 1924 Tudor home to remain. The scale and height of the new Colonial Revival house are compatible with the neighboring buildings, but the elevations do not indicate any roof, façade or ornamental trim materials. The HPC would discourage the use of artificial materials. Ratified by the HPC.
2. 10 Hickory Road, (c) variance, side-yard setback for three-season porch. The applicant proposes conversion of a covered patio into an enclosed porch. The fenestration, exterior façade and roof materials noted on the drawings match the existing 1938 Georgian Colonial Revival home. HPC takes no exception to this application.
3. 19 Linden Place, (c) and (d) variances for lot and building coverage and FAR for mudroom, relocated powder room and new deck. The applicant proposes construction of a one-story, 350-sq-ft addition and new deck at the rear of this 1921 Colonial Revival home. The new double-hung windows match existing windows and the massing is compatible with original structure and previous additions. Roof and façade materials are not described on the elevations. The HPC would encourage the homeowners to match the existing wood clapboard siding and asphalt shingle roof. Ratified by the HPC.

New business:

D. Ward was contacted by former HPC member Karen Khalaf, a local architect who knows of a Summit High School student who is interested in taking photos over the summer of the buildings in town that have received plaques from the HPC. Dolores will provide Karen and the student with an updated list of the sites, and the HPC encourages the project. The student will be invited to present her photos at the commission's September meeting. It was discussed that perhaps the photos could eventually be accessed through the city's website through an HPC link.

Old business:

The HPC concluded the items on the agenda to begin a Master Plan presentation and discussion at 7:30, led by Topology staff member Krzysztof Sadlej. Topics included downtown signage, further promotion of the business district being on the National Register and possible plans for a parking sign that would span the Springfield Avenue entrance to the tiered parking garage. City officials have been discussing the possibility of getting paid sponsorship for such a sign. Another possibility discussed was featuring a list of

Register-contributing buildings on the city's website. A Master Plan forum is being planned for Aug. 23, and 65 attendees are expected.

The meeting ended at 9 p.m.

Minutes respectfully submitted by Patricia E. Meola, substituting for HPC secretary Claire Toth.

6
10/18/16

CITY OF SUMMIT HISTORIC PRESERVATION COMMISSION MEETING
MINUTES

MEETING DATE: April 20, 2016

TIME: 7:30 pm

LOCATION: City Hall, Large Conference Room (2nd floor)

RECEIVE

OCT 11 2016

CITY CLERK'S OFFICE
SUMMIT, N.J.

Meeting called to order at 7:32 pm

In Attendance: Tom Conway, Meredith Gaylord, Patricia Meola, Claire Toth, Dolores Ward

Absent: James Burgmeyer, Dorothy Burger, Eric Warren, David Naidu (Council Liaison)

ADEQUATE NOTICE STATEMENT

APPROVAL OF MINUTES: Meeting of March 16, 2016 (circulated by C.Toth on 3/29/16).
Moved by M. Gaylord; seconded by P. Meola.

ADVISORY REVIEWS—Items for Discussion

1. 109 & 111 Bellevue Avenue—ZB application for (c) variance-side yard setback-demolish two (2) single family homes and construct (1) single family home. Prepared by Jim Burgmeyer as follows:

The applicant proposes to demolish two single family residences on two lots and construct one single family residence, a cabana and pool on one "through lot." The houses on Bellevue Ave. have a variety of architectural styles: ranch, Tudor, colonial, and Dutch revival. Most were built in the 1920s and have a foot print between 1,500 and 5,500 square feet. The proposed colonial revival has a foot print of 6,839 square feet, which would dwarf the adjacent houses in size and scale. If we continue to destroy our diverse architectural heritage we will forever change the character of our community. The H.P.C. takes exception to this application.

The H.P.C. ratifies the review comments previously submitted.

2. 168 Beechwood Road—ZB application for (c) & (d) variances-bulk, FAR, 2nd story addition, widen driveway and enclose open porch. Prepared by Jim Burgmeyer as follows:

The applicant proposes to widen the driveway and construct a one room second story addition. The existing colonial revival has aluminum siding that has been painted. The proposed addition will have painted aluminum siding and asphalt shingles to match existing. The H.P.C. takes no exception to this application.

The H.P.C. ratifies the review comments previously submitted.

Communication: Summit Historic Preservation Commission Minutes - 4/20/16 (Minutes, Reports, etc.)

3. 20 Baltusrol Place—ZB application for (d) variance for lot and building coverage for addition. To be prepared by Tom Conway.

H.P.C. reviewed and discussed plans. Date of construction is 1928. Proposed addition is mostly in the rear of the property. In order to maintain the integrity of the streetscape, H.P.C. would encourage the homeowners to use historically appropriate materials, including wood siding. T. Conway to draft review in accordance with this guidance.

4. 82 Valley View Avenue—ZB application for (c) variances for front and side yard setbacks for addition and driveway width. To be prepared by Tom Conway.

H.P.C. reviewed and discussed plans. Date of construction is 1927. Proposed addition is mostly in the rear, but visible from Division Avenue. H.P.C. cannot comment on the deck because drawings are insufficiently detailed and urges the Board of Adjustment to require more. H.P.C. urges the homeowners to adopt fenestration that is appropriately historic and matches the rhythm of the neighbors'.

T. Conway to draft review in accordance with this guidance.

5. 28 Edgemont Avenue—ZB application for (c) variances for side and rear setbacks for detached garage. To be prepared by Jim Burgmeyer.

H.P.C. reviewed and discussed plans. Date of construction is 1920. Proposed garage addition. Fenestration on renderings does not match existing house in placement of the muntins. H.P.C. encourages owner to incorporate a garage door matching style of existing home. J. Burgmeyer to draft review in accordance with this guidance.

6. 15 Laurel Avenue—ZB application for (c) variance for building coverage, side and rear yard setbacks for addition. To be prepared by Jim Burgmeyer.

H.P.C. reviewed and discussed plans. Date of construction is 1931. Proposed addition is appropriate in scale but inconsistent with existing Dutch Colonial architecture. H.P.C. encourages homeowner to use historically appropriate materials in the addition, including wood clapboard siding in lieu of hardboard panels and latticework on the porch in lieu of cultured stone. J. Burgmeyer to draft review in accordance with this guidance.

NOTE: Plans and applications were received for the following properties that did not warrant HPC Advisory Review: 97 Canoe Brook Parkway, 114 Oak Ridge Avenue, 71 Rotary Drive and 86 Morris Avenue.

UNFINISHED BUSINESS

1. Update on status of Reexamination of the Master Plan— Historic Preservation Element (D. Ward). No apparent progress.
2. D. Ward attended meeting with heads of Zoning, Planning, and Environment. Goal is to foster better communication, coordination between boards.

NEW BUSINESS

1. 2 Bedford Road (Neumann Hall)—Report on visit for the purpose of harvesting artifacts and Oratory's plans for display of preserved items at their new facility. This had been part of the Planning Board's resolution permitting demolition. (P. Meola/D. Ward)
2. D. Ward to continue reaching out to city officials re: having H.P.C. minutes posted on new City web site.

Meeting adjourned at 9:17 pm

NEXT MEETING DATE: May 18, 2016



2016

**STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION**

2016

CERTIFICATION of the TABLE OF EQUALIZED VALUATIONS

TO THE: Commissioner of Education
Clerk of Each Municipality
Tax Administrator of Each County Board of Taxation, County Assessor

Pursuant to the provisions and authority of N.J.S.A. 54:1-35.1, I, as Acting Director of the Division of Taxation in the Department of Treasury of the State of New Jersey, certify that attached is a true copy of the "Table of Equalized Valuations" for the tax year 2016, promulgated as of October 1, 2016, and is now on file in the Office of the Director of the Division of Taxation.

N.J.S.A. 54:51A-4(c) requires any taxing district objecting to the Table to file a complaint with the Tax Court of New Jersey within 45 days of the promulgation of the Table. Any revision by the Tax Court to this Table will also be reflected in a revised Certification of Average Ratios and Common Level Ranges. No appeal of the Table of Equalized Valuations may be taken after the 45 day appeal period has expired.

Witness my hand and Seal of the Office of Director, Division of Taxation, at Trenton, this 29th day of September, 2016.

Published by
Property Administration 9/2016
cc: State Treasurer – Ford M. Scudder
OMB – David A. Ridolfino

John J. Ficara
Acting Director, Division of Taxation

TABLE OF EQUALIZED VALUATIONS

COUNTY AND DISTRICT	1 AGG. ASSESSED VALUATION REAL PROP.*	2 AVE. RATIO ASSESSED TO TRUE VALUE	3 AGG. TRUE VALUE REAL PROP.*	4 ASSESSED VALUE CLASS II R. R. PROPERTY	5 ASSESSED VALUE ALL PERS. PROPERTY	6 EQUALIZED VALUATION
UNION COUNTY						
BERKELEY HEIGHTS TWP	1,811,683,320	54.21	3,341,972,551		961,644	3,342,934,195
CLARK TWP	751,305,500	28.71	2,616,877,395		287,491	2,617,164,886
CRANFORD TWP	1,656,211,200	39.14	4,231,505,365		2,613,267	4,234,118,632
ELIZABETH CITY	915,473,500	13.09	6,993,686,020		1,800,188	6,995,486,208
FANWOOD BORO	229,161,000	19.46	1,177,600,206		92,309	1,177,692,515
GARWOOD BORO	186,602,800	28.02	665,962,884		136,185	666,099,069
HILLSIDE TWP	888,247,452	53.17	1,670,580,124		919,144	1,671,499,268
KENILWORTH BORO	819,402,100	58.85	1,392,357,009		658,808	1,393,015,817
LINDEN CITY	2,702,619,300	49.85	5,421,503,109		4,067,026	5,425,570,135
MOUNTAINSIDE BORO	478,002,600	26.91	1,776,301,003		424,058	1,776,725,061
NEW PROVIDENCE BORO	1,312,427,192	51.29	2,558,836,405		2,347,370	2,561,183,775
PLAINFIELD CITY	1,211,511,856	43.44	2,788,931,529		4,935,417	2,793,866,946
RAHWAY CITY	1,453,912,300	57.56	2,525,907,401		3,542,314	2,529,449,715
ROSELLE BORO	770,653,050	56.88	1,354,875,264		2,738,632	1,357,613,896
ROSELLE PARK BORO	1,053,506,700	95.65	1,101,418,400		670,901	1,102,089,301
SCOTCH PLAINS TWP	990,093,900	24.29	4,076,137,917		825,246	4,076,963,163
SPRINGFIELD TWP	1,111,198,100	44.91	2,474,277,666		1,224,594	2,475,502,260
SUMMIT CITY	3,109,869,300	42.32	7,348,462,429		2,545,696	7,351,008,125
UNION TWP	1,030,107,400	16.52	6,235,516,949		1,533,331	6,237,050,280
WESTFIELD TOWN	1,848,990,000	24.19	7,643,613,063		1,598,256	7,645,211,319
WINFIELD TWP	1,382,200	8.36	16,533,493		5,580	16,539,073
UNION COUNTY	24,332,360,770	36.09	67,412,856,182		33,927,457	67,446,783,639
* EXCLUSIVE OF CLASS II RAILROAD PROPERTY						

Communication: 2016 Director's Table of Equalized Valuations & Certification of 2016 Average Ratios and

TABLE OF EQUALIZED VALUATIONS

COUNTY AND DISTRICT	1 AGG. ASSESSED VALUATION REAL PROP.*	2 AVE. RATIO ASSESSED TO TRUE VALUE	3 AGG. TRUE VALUE REAL PROP.*	4 ASSESSED VALUE CLASS II R. R. PROPERTY	5 ASSESSED VALUE ALL PERS. PROPERTY	6 EQUALIZED VALUATION
ATLANTIC COUNTY	34,408,284,513	98.66	34,875,149,556		35,291,152	34,910,440,708
BERGEN COUNTY	154,291,592,456	90.54	170,405,299,202		90,073,801	170,495,373,003
BURLINGTON COUNTY	43,169,362,738	93.22	46,309,424,625		56,339,918	46,365,764,543
CAMDEN COUNTY	36,278,466,833	97.25	37,305,554,640		93,233,443	37,398,788,083
CAPE MAY COUNTY	47,240,658,600	97.36	48,521,028,024		25,419,401	48,546,447,425
CUMBERLAND COUNTY	8,410,944,900	97.14	8,658,338,905		24,316,732	8,682,655,637
ESSEX COUNTY	75,109,659,455	88.76	84,623,437,537		167,151,822	84,790,589,359
GLOUCESTER COUNTY	24,877,502,064	96.61	25,749,464,897		114,667,901	25,864,132,798
HUDSON COUNTY	30,622,018,695	42.92	71,348,404,173		45,384,383	71,393,788,556
HUNTERDON COUNTY	19,538,546,087	91.48	21,357,469,696		8,748,173	21,366,217,869
MERCER COUNTY	40,092,247,302	91.37	43,878,511,431		97,393,220	43,975,904,651
MIDDLESEX COUNTY	56,547,201,045	55.13	102,577,013,839		92,160,036	102,669,173,875
MONMOUTH COUNTY	112,604,451,600	95.79	117,550,763,669		80,359,801	117,631,123,470
MORRIS COUNTY	82,133,879,912	88.79	92,508,395,488		34,501,222	92,542,896,710
OCEAN COUNTY	87,361,767,563	90.92	96,087,050,242		65,003,446	96,152,053,688
PASSAIC COUNTY	34,617,289,618	73.63	47,016,979,006		43,757,319	47,060,736,325
SALEM COUNTY	5,187,391,727	105.74	4,905,785,423		10,113,186	4,915,898,609
SOMERSET COUNTY	56,309,553,111	94.88	59,349,236,700		79,510,734	59,428,747,434
SUSSEX COUNTY	16,402,216,936	97.43	16,834,045,717		19,865,747	16,853,911,464
UNION COUNTY	24,332,360,770	36.09	67,412,856,182		33,927,457	67,446,783,639
WARREN COUNTY	10,213,218,021	95.63	10,679,660,760		15,343,800	10,695,004,560
TOTALS	999,748,613,946	82.76	1,207,953,869,712		1,232,562,694	1,209,186,432,406

* EXCLUSIVE OF CLASS II RAILROAD PROPERTY

Communication: 2016 Director's Table of Equalized Valuations & Certification of 2016 Average Ratios and



2017

**STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION**

2017

**CERTIFICATION OF THE 2016 AVERAGE RATIOS
AND
COMMON LEVEL RANGES FOR USE IN TAX YEAR 2017**

TO THE: Assessor of Each Municipality or County
Clerk of Each Municipality
Tax Administrator of Each County Board of Taxation

Pursuant to Section 5, Chapter 123, Laws of 1973, as amended by Chapter 51, Laws of 1979, (N.J.S.A. 54:3-22) I, as Acting Director of the Division of Taxation in the Department of Treasury of the State of New Jersey, certify that attached is a true copy of the list of the Common Level Range and the Average Ratio for each taxing district promulgated by me as required by Chapter 86, Laws of 1954 (N.J.S.A. 54:1-35.1 et seq.), as of October 1, 2016, and subject to revision by the Tax Court of New Jersey. This list, under the authority conferred by said law, is on file in the Office of the Director of the Division of Taxation.

Although there is no formal statutory mechanism for challenging this Certification of Average Ratios and Common Level Ranges, any taxing district objecting to this Certification may appeal the Table of Equalized Valuations to the Tax Court within 45 days of its promulgation, pursuant to N.J.S.A. 54:51A-4(c). Pursuant to N.J.S.A. 54:1-35a(a), any revisions by the Tax Court to the Average Ratios in the Table of Equalized Valuations will be reflected by operation of law in a revised Certification of Average Ratios and Common Level Ranges. No appeal of the Table of Equalized Valuations may be taken after the 45 day appeal period has expired.

Witness my hand and Seal of the Office of Director, Division of Taxation, at Trenton, this 29th day of September, 2016.

Published by
Property Administration 9/2016
cc: State Treasurer – Ford M. Scudder
OMB – David A. Ridolfino

John J. Ficara
Acting Director, Division of Taxation

APPLICABLE TO TAX APPEALS FOR TAX YEAR 2017

COUNTY-DISTRICT	AVERAGE RATIO	LOWER LIMIT	UPPER LIMIT
UNION COUNTY			
BERKELEY HEIGHTS TWP	54.21	46.08	62.34
CLARK TWP	28.71	24.40	33.02
CRANFORD TWP	39.14	33.27	45.01
ELIZABETH CITY	13.09	11.13	15.05
FANWOOD BORO	19.46	16.54	22.38
GARWOOD BORO	28.02	23.82	32.22
HILLSIDE TWP	53.17	45.19	61.15
KENILWORTH BORO	58.85	50.02	67.68
LINDEN CITY	49.85	42.37	57.33
MOUNTAINSIDE BORO	26.91	22.87	30.95
NEW PROVIDENCE BORO	51.29	43.60	58.98
PLAINFIELD CITY	43.44	36.92	49.96
RAHWAY CITY	57.56	48.93	66.19
ROSELLE BORO	56.88	48.35	65.41
ROSELLE PARK BORO	95.65	81.30	110.00
SCOTCH PLAINS TWP	24.29	20.65	27.93
SPRINGFIELD TWP	44.91	38.17	51.65
SUMMIT CITY	42.32	35.97	48.67
UNION TWP	16.52	14.04	19.00
WESTFIELD TOWN	24.19	20.56	27.82
WINFIELD TWP	8.36	7.11	9.61

* RATIOS IN EXCESS OF 100% ARE TO BE CONSIDERED 100%

Communication: 2016 Director's Table of Equalized Valuations & Certification of 2016 Average Ratios and