

CONSENT AGENDA

RESOLUTIONS

RESOLUTION

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than two thousand dollars be awarded by a resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: Flemington Department Store, 151 Route 31, Flemington, NJ 08822

Item: Public Works Uniforms

Total Price: \$2,100.00

Charged to: 9-01-205-239

Vendor: Blackadar Heating, 54 Evergreen Lane, Watchung, NJ 07069

Item: Removal of Underground Storage Tank / Ness

Total Price: \$3,000.00

Charged to: 9-01-610-202

DRAFT

Council

Keith S. Balla, Mayor

Date: May 2, 2019

INDEX: Purchases

C: BH

RESOLUTION

WHEREAS, the costs for the operation and maintenance of the Watchung sewer system have been reviewed for the calendar year 2019 and the unit charge has been determined based upon the provision set forth in Chapter 18 of the Code of the Borough of Watchung.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the unit cost in accordance with the provisions of Chapter 18-10c is established at the following for calendar year 2019:

\$455.00 per EDU (Equivalent Dwelling Unit)

Residential Dwellings (Single family home, duplex units, townhouses, condominiums, apartments)

3 Bedroom unit or larger	\$455.00
2 Bedroom unit	\$341.25
1 Bedroom unit	\$227.50

Residential Dwellings (Age and occupancy restricted developments of single family homes, apartments, mobile homes, etc.)

3 Bedroom unit or larger	\$341.25
2 Bedroom unit	\$257.85
1 Bedroom unit	\$166.85

BE IT FURTHER RESOLVED, that in accordance with Chapter 18-10b(3) Senior Citizens eligible for an annual property tax deduction, as defined in N.J.S.A. 54:4-8.40 et seq., and who have filed required forms to be eligible for the annual property tax deduction, shall be charged at a rate of one-half (1/2) of what their annual sewer usage charge would have been per the above chart.

Council

Keith S. Balla, Mayor

Date: May 2, 2019
Index: Sewers
C: Finance, Tax

RESOLUTION

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Watchung that the Mayor's appointment to the following Committee is hereby approved:

Green Team:

John Santucci / 1 year term ending December 31, 2019

DRAFT

Council

Keith S. Balla, Mayor

Date: May 2, 2019
INDEX: Appointments
C: M. DeRocco
M. Hance
B. Hance

RESOLUTION

WHEREAS, the Borough of Watchung awarded a contract to Reivax Contracting Corporation, 356 Thomas Street, Newark, NJ 07114, on October 4, 2018, Resolution R4:10/04/18 for "Improvements to Hight Tor Drive" in the amount of \$662,854.; and

WHEREAS, the Borough Engineer has recommended the approval of Change Order #1, decreasing the original contract by \$29,725.24 due to an adjustment for as-built quantities, a copy of which is attached hereto and made a part of this resolution.

WHEREAS, the work has been completed and the Borough Engineer has recommended that the Change Order be signed and this project be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung that Change Order #1 to the Contract of Reivax Contracting Corporation, for a net decrease of \$29,725.24, is hereby approved and the Mayor and Engineer are hereby authorized to sign the Change Order form.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Watchung as follows:

1. "Improvements to High Tor Drive" is hereby accepted and the required maintenance bond and supporting documents have been received and approved, and the Clerk is authorized to return the previously posted Performance Bond.
2. A Certified Copy of this Resolution and Change Order be forwarded to the New Jersey Department of Transportation.

I, Michelle DeRocco, Municipal Clerk of the Borough of Watchung, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a correct and true copy of a Resolution adopted by the Mayor and Council at a meeting held on May 2, 2019.

Michelle DeRocco, RMC

Council

Keith S. Balla, Mayor

Date: May 2, 2019

INDEX: Bids

Roads

Bonds Performance and Maintenance

C: TH, WH

RESOLUTION

R5:05/02/19

WHEREAS, it was necessary to retain the Professional Services of an Affordable Housing Administrative Agent as regulated by the Department of Community Affairs; and

WHEREAS, the Borough solicited for a "Cost Proposal: General Administrative Agent" and received a written cost proposal and this cost proposal was reviewed by the Administrator and Attorney; and

WHEREAS, the Chief Financial Officer of the Borough of Watchung has certified that funds are available in the following account: Affordable Housing Trust Fund

William J. Hance, CFO

WHEREAS, on March 7, 2019 the Governing Body approved Resolution R5:03/07/19 approving a Professional Service contract to CGP&H, 101 Interchange Plaza, Suite 301, Cranbury, New Jersey 08512; and

WHEREAS, after additional review the Administrator determined that an amendment to the original proposal was necessary to clarify the responsibilities of the property owner/developer and the Borough and also to detail the fees and costs; and

WHEREAS, the Administrator is recommending the approval of the revised proposal, copy attached.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that a contract be awarded to CGP&H, in an amount not to exceed \$29,500.00.

BE IT FURTHER RESOLVED that this contract is being awarded upon recommendation by the Administrator, and the Administration and Finance Committee after review and based on the merits and abilities of the professionals to provide the goods or services as described herein.

BE IT FURTHER RESOLVED that this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 *et seq.* but has been awarded based on the merits and abilities of CGP&H to provide these professional services described herein.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise the award of this professional services contract within ten days from the date hereof in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*).

Council

Date: May 2, 2019
Index: Awards - Professional Contracts
C: T. Atkins, M. Shiffman, M. DeRocco

Keith S. Balla, Mayor

**NON- CONSENT AGENDA
ORDINANCES
AND
RESOLUTIONS**

RESOLUTION

BE IT RESOLVED that Ordinance OR:19/07 entitled:

"AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12-12.76 ET. SEQ., THEREOF AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 16th day of May, 2019 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Date: May 2, 2019
Index: Finance Misc., Salaries
C: M. DeRocco
B. Hance
E. Horsfall

Council

Keith S. Balla, Mayor

ORDINANCE OR:19/07

"AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12-12.76 ET. SEQ., THEREOF AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES."

BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, that Chapter 5-12.76 et seq., be amended to include the following position at the minimum and maximum base salary and compensation to be paid to certain employees, be approved as follows:

	<u>Minimum</u>	<u>Maximum</u>
Zoning Officer Part-Time	\$10,000.00	\$20,000.00
Construction Official/Building Subcode Official	\$25,000.00	\$55,000.00

Introduced by:

Passed:

Published:

Adopted:

ATTEST:

Michelle DeRocco, Clerk

Keith S. Balla, Mayor

Explanation: This Resolution endorses the "Borough of Watchung, Somerset County, New Jersey, Housing Element & Fair Share Plan, April 2019", an element of the Master Plan.

**BOROUGH OF WATCHUNG
COUNTY OF SOMERSET, NEW JERSEY**

RESOLUTION #2019-_____

**BOROUGH OF WATCHUNG RESOLUTION ENDORSING THE
BOROUGH'S HOUSING ELEMENT & FAIR SHARE PLAN**

WHEREAS, on June 7, 2018, the Borough of Watchung entered into a Settlement Agreement with the Fair Share Housing Center, Inc., fixing the Borough's affordable housing obligation for the period from 1987 through 2025; and

WHEREAS, on September 19, 2018, the Superior Court of New Jersey, Law Division, Somerset County, entered an Order on Fairness and Preliminary Compliance, approving the Settlement Agreement; and

WHEREAS, the Settlement Agreement requires the Borough to adopt a Housing Element and Fair Share Plan; and

WHEREAS, in compliance with the Settlement Agreement the Borough authorized Marcia R. Shiffman, P.P., A.I.C.P., L.L.A., to prepare the "Borough of Watchung, Somerset County, New Jersey, Housing Element & Fair Share Plan, April 2019", an element of the Master Plan; and

WHEREAS, on April 16, 2019, the Borough of Watchung Planning Board, upon notice and a public hearing, adopted the 2019 Housing Element and Fair Share Plan; and

WHEREAS, a true copy of the Borough of Watchung Planning Board Resolution No. PB 19-R5 is attached; and

WHEREAS, the Borough Mayor and Council desire to endorse the 2019 Housing Element and Fair Share Plan in anticipation of the Final Fairness and Compliance Hearing before the Superior Court of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

1. The 2019 Housing Element and Fair Share Plan is hereby endorsed.
2. The Borough of Watchung Attorney is hereby authorized to submit the 2019 Housing Element and Fair Share Plan to the Superior Court of New Jersey in support of the Final Fairness and Compliance Hearing.
3. That this Resolution shall take effect immediately.

Date: May 2, 2019
Index: Misc., Pl. Board
C: M. Shiffman
T. Schaefer

Council

Keith S. Balla, Mayor

BOROUGH OF WATCHUNG PLANNING BOARD

RESOLUTION NO. PB 19-R5

**RESOLUTION GRANTING APPROVAL OF THE BOROUGH OF
WATCHUNG'S HOUSING ELEMENT AND FAIR SHARE PLAN
OF THE MASTER PLAN**

WHEREAS, the Borough of Watchung Planning Board is organized in accordance with N.J.S.A. 40:55D-23 and 24; and

WHEREAS, the Borough of Watchung Planning Board has the statutory power to adopt and amend its Master Plan under N.J.S.A. 40:55D-25(1); and

WHEREAS, it has been determined that the Borough of Watchung needs to address its third round cumulative housing obligation for the period commencing in 1987 and extending to June 30, 2025; and

WHEREAS, between 2015 and September 2018, the Borough has worked with the Courts, the Court Master Frank Banisch and the Fair Share Housing Center ("FSHC") to address its affordable housing obligation. On June 7, 2018, the Borough of Watchung and the FSHC Settlement Agreement ("FSHC Settlement Agreement") was adopted. Subsequently, the Superior Court of Somerset County issued the Order on Fairness and Preliminary Compliance Hearing dated September 19, 2018 ("Court Order on Fairness"), finding that the FSHC Settlement Agreement is fair and reasonable to members of the protected class, low and moderate-income persons; and

WHEREAS, at the January 15, 2019 meeting of the Planning Board, the Board discussed a draft Housing Element and Fair Share Plan dated January 2019 prepared by Marcia R. Shiffman, PP/AICP/LLA, of Maser Consulting PC, entitled "Housing Element & Fair Share Plan January 2019" and reviewed the same at that meeting with Marcia R. Shiffman; and

WHEREAS, at the conclusion of the January 15, 2019 presentation, the Board preliminarily approved the draft of the HEFSP as consistent with the Master Plan and Settlement Agreement; and

WHEREAS, the Board has scheduled a public hearing on the proposed Housing Element & Fair Share Plan ("HEFSP" or "Plan") to take place before the Planning Board at its April 16, 2019 meeting; and

WHEREAS, the HEFSP has been prepared in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-28b(3) and pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-310, et seq.; and

WHEREAS, a public hearing on the HEFSP was duly noticed and held on April 16, 2019, at a regular meeting of the Planning Board; and

WHEREAS, notice of the hearing was given in accordance with N.J.S.A. 40:55D-13; and

WHEREAS, Marcia R. Shiffman, PP/AICP/LLA, of Maser Consulting PC, NJ Professional Planner's License No. 02428, presented the HEFSP entitled "Housing Element & Fair Share Plan April 2019" to the Planning Board and the public at the April 16, 2019, meeting; and

WHEREAS, ^{NO} _____ members of the public participated in the hearing and provided their comments; and

WHEREAS, the Board has made the following findings of fact and conclusions:

1. The Borough has prepared this Plan to address its affordable housing obligation in accordance with the provisions of the Settlement Agreement. The Plan was prepared utilizing the Prior Round Rules as set forth in N.J.A.C. 5:91 and N.J.A.C. 5:93 as well as the guidance provided in the March 10, 2015 Supreme Court Order.
2. Based on the Settlement Agreement executed on June 7, 2018, Watchung and the Fair Share Housing Center agreed that the Borough has an adjusted rehabilitation obligation of 4 units, a COAH certified Prior Round obligation of 169 units and an adjusted Third Round obligation of 53 units. In addition, Watchung has a total Unmet Need of 372 units. The following planned mechanisms address both the remaining prior round and Third Round (1999 to 2025 obligation):
 - Bonnie Burn Redevelopment Plan for an inclusionary family rental apartment development
 - Brandywine at Mountain Ridge agreement to provide Medicaid eligible beds
 - Watchung Associates LLC affordable family rental apartments as part of a zoning use variance application

In addition, the following mechanisms will address the Borough's Unmet Need:

- Adoption of the Route 22 Affordable Housing Overlay Zone
- Adoption of the Somerset Street/Watchung Avenue Triangle Overlay Zone
- Adoption of a Mandatory Affordable Housing Set-Aside Ordinance

3. The Plan is consistent with the Settlement Agreement and the Supreme Court ruling and is divided into three (3) parts:
 - Rehabilitation obligation;
 - Any remaining prior round obligation that has not been constructed; and
 - Third round obligation.
4. Watchung has historically addressed its constitutional obligation to create realistic opportunities for low and moderate income housing. The Borough is committed to meeting its fair share of the region's low and moderate income housing needs and has made its best efforts to prepare a realistic, workable plan.
5. The Borough's goals and objectives as it relates to the Housing Plan are as follows:
 - To conserve and improve the existing housing stock through housing rehabilitation and affordable accessory apartments from various funding sources, including the Borough's Housing Trust Fund
 - To provide for Watchung's fair share of low and moderate income housing as set forth in the Housing Plan.
6. The Planning Board finds and concludes that the Housing Plan Element of the HEFSP does address Watchung's cumulative housing obligation for the period commencing in 1987 and extending to June 30, 2025 in that the Housing Plan Element has been prepared pursuant to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310, et seq) which outlines the mandatory requirements for a housing plan element.
7. The Planning Board finds and concludes that development will be limited in the future because of the limited remaining vacant land available. The only exception is the proposed Bonnie Burn Road redevelopment area which is being planned for 230 apartments including 46 affordable units. This redevelopment area is planned to meet the Borough's affordable housing obligation.
8. Regarding the Fair Share Plan Element of the HEFSP, the Planning Board finds and concludes that the Fair Share Plan utilizes the Court-approved affordable housing obligation for the Borough of Watchung and specifically finds as follows:
 - The Watchung Third Round Realistic Development Potential (RDP) obligation of 53 units is exceeded by 8 units. These 61 credits include 4 family rental units in the Watchung Associates Development which is under construction, 41 affordable family rental units in the planned Bonnie Burn Road Redevelopment Area, an average of 2

Medicaid beds occupied at the Brandywine at Mountain Ridge Assisted Living Complex at all times to be annually certified by Brandywine, and 14 rental bonus credits. The unmet need for the Third Round is 335 units.

- As part of the Third Round Plan, the FSHC Settlement Agreement approved a vacant land adjustment, reducing the Third Round obligation from 396 affordable units to an RDP of 53 affordable units. The RDP of 53 units plus the surplus credits of 8 units, subtracted from the Third Round obligation of 396 units, results in an Unmet Need of 335 units.
- The total Unmet Need will be addressed through the following mechanisms:
 - A) the Mandatory Affordable Housing Set-Aside Ordinance adopted on December 6, 2018;
 - B) the Route 22 Affordable Housing Overlay District Ordinance adopted on December 6, 2018;
 - C) adoption of the Somerset Street/Watchung Avenue Triangle Affordable Housing Overlay Zone;
 - D) Watchung will continue to collect residential and non-residential development fees as permitted by the Statewide Non-residential Fee Act and N.J.A.C. 5:93-8.10 to 8.18;
 - E) the Borough has prepared a spending plan to address its planned disbursement of funds committed to the Borough's adopted development fee ordinance and included in its housing trust fund.

9. ND members of the public participated in the hearing and provided their comments.

WHEREAS, based upon the foregoing information, testimony and evidence as well as the entire document entitled "Housing Element & Fair Share Plan April 2019" prepared by Marcia R. Shiffman, PP/AICP/LLA of Maser Consulting PA, including the Appendix, the Planning Board makes the following **ultimate findings of fact and conclusions of law**:

1. All jurisdictional requirements have been met.
2. The compliance site (Bonnie Burn Road Redevelopment Area) will support the construction of the 46 affordable family rental units required in the HEFSP.
3. The Planning Board finds and concludes that the amended HEFSP does address the Borough of Watchung's cumulative housing obligation for the period commencing in 1987 and extending to June 30, 2025.

4. The Planning Board finds and concludes that the HEFSP has been prepared pursuant to the New Jersey Fair Housing Act (N.J.S.A 52:27D-310, et seq).
5. The Planning Board finds and concludes that the Fair Share Plan Element of the HEFSP utilizes the Court-approved affordable housing obligation for the Borough of Watchung.

WHEREAS, at the conclusion of the public hearing, the Planning Board took action by voting to approve and adopt the HEFSP as "Housing Element & Fair Share Plan April 2019" prepared by Marcia R. Shiffman, PP/AICP/LLA of Maser Consulting PA;

NOW, THEREFORE, BE IT RESOLVED on this 16th day of April, 2019, by the Planning Board of the Borough of Watchung, County of Somerset, New Jersey, that the Planning Board hereby approves and adopts the Plan entitled "Housing Element & Fair Share Plan April 2019" prepared by Marcia R. Shiffman, PP/AICP/LLA of Maser Consulting PA which is a part of the record in these proceedings and a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the Planning Board will give notice of the adoption of this Housing Element & Fair Share Plan of the Master Plan by publication together with actual notice to the Somerset County Planning Board including a copy of the Plan as adopted.

BE IT FURTHER RESOLVED that a copy of the HEFSP as adopted will be submitted to the Watchung Borough Council.

VOTE ON THE RESOLUTION – April 16, 2019


Secretary


Chairwoman

Dated: