

ORDINANCE #2024-03 – First Reading

Offered By: _____ Seconded By: _____

ORDINANCE #2024-03

AN ORDINANCE OF THE BOROUGH OF ALLENHURST TO CREATE CHAPTER 22 ENTITLED “AFFORDABLE HOUSING” AS REQUIRED BY THE SETTLEMENTS WITH FAIR SHARE HOUSING CENTER AND POWER STATION AT ALLENHURST, LLC

VOTE: Comm. McLoughlin _____; Comm. Cumiskey _____; Mayor McLaughlin _____

ORDINANCE #2024-04 – First Reading

Offered By: _____ Seconded By: _____

ORDINANCE #2024-04

AN ORDINANCE OF THE BOROUGH OF ALLENHURST TO CREATE THE MAIN STREET COMMERCIAL DISTRICT INCLUSIONARY OVERLAY ZONE (MS CD) AS REQUIRED BY THE SETTLEMENTS WITH FAIR SHARE HOUSING CENTER AND POWER STATION AT ALLENHURST, LLC

VOTE: Comm. McLoughlin _____; Comm. Cumiskey _____; Mayor McLaughlin _____

ORDINANCE #2024-05 – First Reading

Offered By: _____ Seconded By: _____

ORDINANCE #2024-05

AN ORDINANCE OF THE BOROUGH OF ALLENHURST TO ADOPT THE AMENDED MAIN STREET REDEVELOPMENT PLAN AS REQUIRED BY THE SETTLEMENT WITH POWER STATION AT ALLENHURST, LLC

VOTE: Comm. McLoughlin _____; Comm. Cumiskey _____; Mayor McLaughlin _____

CONSENT AGENDA:

- Res. #2024-01 Dispense with Reading of Minutes**
- Res. #2024-02 Ratify and Approve Minutes.**
- Res. #2024-03 Appoint Officials**
- Res. #2024-04 Appoint Emergency Management Council**
- Res. #2024-05 Confirm Planning Board Members**
- Res. #2024-06 Award Contracts**
- Res. #2024-07 Appoint Professionals**
- Res. #2024-08 Authorize Grace Period on Property Tax and Interest Rate on Delinquent Tax Payments**
- Res. #2024-09 Establish Year End Penalty on Third Party Liens**
- Res. #2024-10 Authorize Tax Lien Sales**
- Res. #2024-11 Authorize Charge for Tax Sale Costs**
- Res. #2024-12 Approve Interest Rate on Delinquent Sewer**
- Res. #2024-13 Approve Meeting Dates**
- Res. #2024-14 Approve Newspapers**

- Res. #2024-15 Approve Unexpended Balances**
- Res. #2024-16 Authorize Prepayment of Certain Bills**
- Res. #2024-17 Certify Compliance with NJSA 40a:4-5**
- Res. #2024-18 Approve Depositories**
- Res. #2024-19 Approve Cash Management Plan**
- Res. #2024-20 Authorize Signature Cards**
- Res. #2024-21 Establish 2024 Temporary Budget**
- Res. #2024-22 Authorize Health Care Waiver Incentive**
- Res. #2024-23 Appoint Zoning Officer**
- Res. #2024-24 Re-Establish a Petty Cash Fund**
- Res. #2024-25 Re-Establish Custodian of Petty Cash Fund**
- Res. #2024-26 Adopt Procedure for Claimant Certifications**
- Res. #2024-27 Authorize LESO 1033 Program**
- Res. #2024-28 Re-Establish a Change Fund**
- Res. #2024-29 Affirm Civil Rights Policy**
- Res. #2024-30 Authorize QPA to Award Certain Contracts**
- Res. #2023-31 Approve Clean Ocean Beach Sweeps**
- Res. #2024-32 Appoint Municipal Housing Liaison - Barrett**
- Res. #2024-33 Adopt Affirmative Action Marketing Plan**
- Res. #2023-34 Adopt Affordable House Trust Fund Savings Plan**
- Res. #2024-35 Ratify Membership in OMNIA Partners Cooperative Purchasing**
- Res. #2024-36 Hire Class II Sleo Officer Part Time As Needed – Griffin**
- Res. #2024-37 Refer Ordinances to Planning Board for Review**
- Res. #2024-38 Approve Executive Session**

Consent Agenda Offered By:

Seconded By:

VOTE: Comm. McLoughlin ___; Comm. Cumiskey ___; Mayor McLaughlin ___

Res. #2024-39 Approve Bills (12-13-2023 to 1-9-2024).

Offered By:

Seconded By:.,

VOTE: Comm. McLoughlin ___; Comm. Cumiskey ___; Mayor McLaughlin ___

ITEMS FOR DISCUSSION:

OPEN PUBLIC HEARING:

CLOSE PUBLIC HEARING:

ADJOURN.

ORDINANCES

ORDINANCES FIRST READING

ORDINANCE #2024-01 – First Reading

ORDINANCE #2024-01

AN ORDINANCE TO AMEND THE ORDINANCE ENTITLED, "AN ORDINANCE FIXING THE SALARIES OF ALL APPOINTED OFFICIALS AND EMPLOYEES OF THE BOROUGH OF ALLENHURST IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY (EXCEPTING MEMBERS OF THE POLICE DEPARTMENT)"

Offered By:

Seconded By:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH, AS FOLLOWS:

SECTION I. That Ordinance No.: 2023-01 entitled “*An ordinance fixing the salaries of all appointed officials and employees of the Borough of Allenhurst in the County of Monmouth and State of New Jersey (excepting members of the police department)*” be and is hereby revised and amended to read as follows:

Section 1.

The salaries to be paid to elected and appointed officials, and employees of the Borough of Allenhurst, County of Monmouth (excepting members of the Police Department) and the time and payment for same is hereby affixed as follows:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Borough Clerk/Administrator	\$40,000.00	\$150,000.00
Commissioner	\$1,500.00	\$3,000.00
Mayor	\$1,750.00	\$5,000.00
Dep. Borough Clerk/ Dep. Treasurer/ Administrative Assistant	\$20,000.00	\$60,000.00
Finance Clerk/Beach Membership Administrator	\$20,000.00	\$80,000.00
Part-Time Office Staff	\$12 per hour	\$35 per hour
Records Coordinator	\$2,500.00	\$6,500.00
Registrar	\$1,000.00	\$2,000.00
Deputy Registrar	\$500.00	\$1,500.00
Public Works	\$27,000.00	\$90,000.00
Public Works Forman	\$500.00	\$3,000.00
Public Works Superintendent/Sewer Operator	\$50,000.00	\$130,000.00

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Full-time Communication Officer	\$31,200.00	\$50,000.00
Part-time Communication Officer	\$15.00 per hour	\$20.00 per hour
TAC Officer	\$2,000.00	\$4,000.00
Emergency Management Police Coordinator	\$1,500.00	\$4,000.00
Emergency Management Administrator	\$1,500.00	\$4,000.00
SLEO I	\$15.25 per hour	\$20.00 per hour
SLEO II	\$17.25 per hour	\$25.00 per hour
Police Secretary/Records Clerk Part-Time	\$16.00 per hour	\$22.00 per hour
Policy Secretary/Records Clerk Full Time	\$34,000.00	\$50,000.00

A. A clothing and maintenance allowance in the amount of \$600.00 annually shall be provided to all full-time DPW employees. Said allowance shall be paid annually on November 15th and shall be pro-rated accordingly.

Section 2.

The following described officials shall receive annual compensation not to exceed the amounts hereafter set forth:

<u>POSITION</u>	<u>MAXIMUM</u>
Tax Assessor	\$10,000.00
Tax Collector	\$10,000.00
Municipal Court Judge	\$25,000.00
Code Official	\$25,000.00
Zoning Inspector	\$15,000.00
Recycling Coordinator	\$3,000.00
Right-To-Know Coordinator	\$2,500.00
Board of Health Officer	\$3,000.00
Clean Communities Coordinator	\$1,500.00
Certified Pool Operator	\$1,500.00
Planning Board Secretary	\$20,000.00

<u>POSITION</u>	<u>MAXIMUM</u>
Sewer Collector	\$5,000.00
Treasurer	\$2,500.00
Special Event Fire Inspector (part time as needed)	\$50.00/hr.
Webmaster	\$1,000.00
Affordable Housing Liaison	\$5,000

SECTION II.

All Ordinances, or parts of ordinances, in conflict with the within Ordinance or portions of same, are hereby repealed to the extent of their inconsistency.

SECTION III.

The within Ordinance shall take effect twenty (20) days after adoption and publication according to law and shall be retroactive to January 1, 2024.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____;Mayor McLaughlin____

ORDINANCE #2024-02 – First Reading

ORDINANCE #2024-02

AN ORDINANCE OF THE BOROUGH OF ALLENHURST TO CREATE CHAPTER 21 ENTITLED “AFFORDABLE HOUSING DEVELOPMENT FEES” AS REQUIRED BY THE SETTLEMENTS WITH FAIR SHARE HOUSING CENTER AND POWER STATION AT ALLENHURST, LLC

Offered By:

Seconded By:

WHEREAS, the Borough of Allenhurst (“Borough”) in the County of Monmouth and State of New Jersey, in furtherance of its settlement agreements with Fair Share Housing Center ("FSHC") and Power Station at Allenhurst, LLC and to comply with the Order of Fairness and Preliminary Compliance entered by the Superior Court of New Jersey on July 31, 2023, must supplement and revise portions of its existing Borough Code, and;

WHEREAS, the Borough has sought, to the best of its ability as a built out municipality with a lack of available vacant land, to meet the intent and spirit of the Affordable Housing process by drafting an affordable housing plan, participating in the court led settlement process, and reviewing its existing land use ordinances, and;

WHEREAS, the FSHC settlement agreement and Order of Fairness and Preliminary Compliance require the Borough to enact a number of ordinances including a Development Fee Ordinance, an Affordable Housing Ordinance, a Mandatory Set Aside Ordinance, an Overlay Zone Ordinance and a Redevelopment Plan Amendment all in accordance with the Borough's Third Round Housing Element and Fair Share Plan, consistent with the terms of the Settlement Agreement reached with Fair Share Housing Center regarding compliance with the Borough's affordable housing obligations.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that the Borough Code of the Borough of Allenhurst, be and is hereby amended, revised and supplemented to create the following Affordable Housing Development Fees ordinance:

SECTION I. The Borough Code of the Borough of Allenhurst be and is hereby supplemented to create Chapter 21 entitled "Affordable Housing Development Fees" as follows:

21-1 Affordable Housing Development Fees, Purpose:

- a. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH or court approved spending plan may retain fees collected from non-residential development.

c. In In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025, are under the Court's jurisdiction and are subject to approval by the Court.

d. This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this section shall be used for the sole purpose of providing very low-, low and moderate income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

21-2 Definitions. As used in this Chapter 21 of the Borough Code of the Borough of Allenhurst, the following terms shall have the following meanings:

a. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

b. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

c. **"Development fee"** means money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and the NJ Statewide Non-Residential Development Fee Act, P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.1 et seq.), regulated by applicable COAH regulations.

d. **"Developer"** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

e. **"Equalized assessed value"** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

f. **"Green building strategies"** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well being of residents by producing durable, low maintenance, resource efficient housing while making optimum use of existing infrastructure and community services.

21-3 Basic Requirements.

a. This chapter shall not be effective until approved by the Court.

b. The Borough of Allenhurst shall not spend development fees until the Court has approved a Spending Plan.

21-4 Residential Development Fees:

a. Imposed Fees

1. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and

one half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.

2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two year period preceding the filing of the variance application.

b. Eligible exactions, ineligible exactions and exemptions for residential development.

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on site construction of affordable units if permitted by ordinance shall be exempt from development fees.

2. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

3. Owner occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

4. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or when the square footage is increased by the creation of a new bedroom. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

5. Nonprofit organizations which have received tax exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.

6. Federal, state, county and local governments shall be exempted from paying a development fee.

21-5 Non-Residential Development Fees

a. Imposed fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre existing land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b. Eligible exactions, ineligible exactions and exemptions for non-residential development.
 1. The non-residential portion of a mixed use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.
 2. The two and one half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form NRDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 4. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 5. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Allenhurst as a lien against the real property of the owner.

21-6 Collection Procedures

- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official or Zoning Officer responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form NRDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form NRDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form NRDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form NRDF.

- c. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within ninety (90) days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection of property which is subject to a development fee.
- f. Within ten (10) business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should Allenhurst fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D 8.6).
- h. One hundred percent (100%) of the development fee shall be collected at the issuance of the certificate of occupancy.
- i. Appeal of development fees
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Allenhurst. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Allenhurst. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48 1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

21-7 Affordable Housing Trust Fund

- a. There is hereby created a separate, interest bearing affordable housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. payments in lieu of on site construction of affordable units if permitted by ordinance;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with Allenhurst's affordable housing program.
- c. In the event of a failure by Allenhurst to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aft.'d 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within Allenhurst, or, if not practicable, then within the County or the Housing Region.
- d. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non compliant condition(s), and upon a finding of continuing and deliberate non compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.
- e. All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities approved by the Superior Court.

21-8 Use of Funds

a. The expenditure of all funds shall conform to a spending plan approved by the Superior Court. Funds deposited in the affordable housing trust fund may be used for any activity approved by the Superior Court to address Allenhurst's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as

permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

b. Funds shall not be expended to reimburse Allenhurst for past housing activities.

c. At least thirty (30) percent of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low and moderate income households in affordable units included in the municipal Fair Share Plan. One third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

2. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.

3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

d. Allenhurst may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

e. No more than twenty percent (20%) of all revenues collected from development fees and interest, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees and interest shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the court's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.

21-9 Monitoring

a. On June 30, 2024, and June 30, 2025, Allenhurst shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs ("DCA"), COAH, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by COAH, the Special Master or FSHC. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Allenhurst's housing program, as well as the expenditure of revenues and implementation of the plan approved by the Court.

21-10 Ongoing collection of fees

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

SECTION II.: REPEALER. The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION III.: INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION IV.: SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION V.: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication according to law.

VOTE:Comm. McLoughlin_; Comm. Cumiskey__; Mayor McLaughlin_.

Fair Share Housing Center ("FSHC") such that the statutory requirement to provide very low-income units equal to 13% of affordable units approved and constructed after July 17, 2008, to be affordable to households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income.

b. This section is intended to assure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units. This section shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing) except where inconsistent with applicable law.

c. The Borough of Allenhurst Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Plan has also been endorsed by the Borough Council of the Borough of Allenhurst. The Fair Share Plan describes the ways the Borough shall address its fair share for low- and moderate-income housing as approved by the Superior Court and documented in the Borough's Housing Element and Fair Share Plan.

d. This section implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.

22-2 Definitions. As used in this Chapters 22 of the Borough Code of the Borough of Allenhurst, the following terms shall have the following meanings:

a. **"Accessory apartment"** shall mean a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

b. **"Act"** shall mean the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

c. **"Adaptable"** shall mean constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

d. **"Administrative agent"** shall mean the entity responsible for the administration of affordable units in accordance with section 22-9(c) below, N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

e. **"Affirmative marketing"** shall mean a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

f. **"Affordability average"** shall mean the average percentage of median income at which restricted units in an affordable housing development are affordable to very-low, low- and moderate-income households per N.J.A.C. 5:80-26.3.

g. **"Affordable"** shall mean a sales price or rent within the means of a very-low, low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; 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.

- h. **"Affordable development"** shall mean a housing development all or a portion of which consists of restricted units.
- i. **"Affordable housing development"** shall mean a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
- j. **"Affordable housing program(s)"** shall mean any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.
- k. **"Affordable unit"** shall mean a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93 and approved for crediting by the Court, and/or funded through an affordable housing trust fund.
- l. **"Agency"** shall mean the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).
- m. **"Age-restricted unit"** shall mean a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of 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.
- n. **"Alternative living arrangement"** shall mean a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the 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.
- o. **"Assisted living residence"** shall mean a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for 4 or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, 1 unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.
- p. **"Certified household"** shall mean a household that has been certified by an Administrative Agent as a very low-income household, a low-income household or moderate-income household.
- q. **"COAH"** or the **"Council"** shall mean the New Jersey Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) which had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- r. **"DCA"** shall mean the State of New Jersey Department of Community Affairs.
- s. **"Deficient housing unit"** shall mean a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.
- t. **"Developer"** shall mean any person, partnership, association, company or

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

u. **"Development"** shall mean the division of a parcel of land into 2 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.

v. **"Development fee"** means money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and the NJ Statewide Non-Residential Development Fee Act, P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.1 et seq.), regulated by applicable COAH regulations.

w. **"Equalized assessed value"** shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

x. **"Fair Share Plan"** shall mean the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of N.J.A.C. 5:93-5.

y. **"Green building strategies"** shall mean those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

z. **"Housing Element"** shall mean the portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b.(3) and the Act, that includes the information required by N.J.A.C. 5:93-5.1 and establishes the Borough's fair share obligation.

aa. **"Inclusionary development"** shall mean a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

bb. **"Low-income household"** shall mean a household with a total gross annual household income equal to 50% or less of the median regional household income by household size.

cc. **"Low-income unit"** shall mean a restricted unit that is affordable to a low-income household.

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

ee. **"Market-rate units"** shall mean housing not restricted to low- and moderate-income households that may sell or rent at any price.

ff. **"Median income"** means the median income by household size for the applicable

housing region, as adopted annually by the Borough pursuant to this section, by COAH or a successor entity approved by the Court.

gg. **"Moderate-income household"** shall mean a household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

hh. **"Moderate-income unit"** shall mean a restricted unit that is affordable to a moderate-income household.

ii. **"Non-exempt sale"** shall mean any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

jj. **"Random selection process"** shall mean 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).

kk. **"Regional asset limit"** means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

ll. **"Rehabilitation"** shall mean the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

mm. **"Rent"** shall mean 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.

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

oo. **"Special master"** shall mean an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

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

qq. **"Very low-income household"** shall mean a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

rr. **"Very low-income unit"** shall mean a restricted unit that is affordable to a very low-income household.

ss. **"Weatherization"** shall mean 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.

22-3 Monitoring and Reporting Requirements

a. The Borough of Allenhurst shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

1. Beginning on June 30, 2024, and on every anniversary of that date through June 30, 2025, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs ("NJDCA"), Council on Affordable Housing ("COAH"), or Local Government Services ("NJLGS"), or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the NJDCA, COAH, the Special Master or FSHC. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

2. Beginning on June 30, 2024, and on every anniversary of that date through June 30, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

3. By June 30, 2024, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

22-4 Applicability

a. The provisions of this section 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 Allenhurst pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

b. Moreover, this section shall apply to all developments that contain very low-, low- and moderate-income housing units, including any currently unanticipated future developments that will provide very- low, low- and moderate-income housing units.

c. Projects receiving Federal Low Income Housing Tax Credit financing shall comply with the income and bedroom distribution requirements of UHAC at N.J.A.C. 5:80-26.3 (with the exception that the UHAC requirement for 10% of the affordable units in rental projects being required to be at 35% of median income be modified as required by the statutory requirement, N.J.S.A. 52:27D-329.1 to 13% of affordable units in such projects shall be required to be at 30% of median income) and the length of the affordability controls applicable to such projects shall be not less than a thirty (30) year compliance period plus a 15 year extended use period.

22-5 Borough-wide Affordable Housing Mandatory Set-Aside Requirement

a. If the Borough or the Borough's Land Use Board permits the construction of multi family or single family attached residential development consisting of five (5) or more net new dwelling units at a density of six (6) or more units per acre, that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, the Borough or the Borough's Land Use Board shall require that 20% (twenty percent) of the residential units be set aside for very-low, low and moderate income households.

b. This requirement shall apply beginning with the effective date the Ordinance creating this section was adopted to any multi family or single family attached residential development, including the residential portion of a mixed use project, which consists of five (5) or more net new residential units at a density of six (6) or more units per acre, whether permitted by a zoning amendment, a variance granted by the Borough's Land Use Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.

c. Nothing in this section precludes the Borough or the Borough's Land Use Board from imposing an affordable housing set aside in a development not required to have a set aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

d. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

e. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with Power Station at Allenhurst. LLC and/or FSHC, or in the Borough's Housing Element and Fair Share Plan, for which density and set aside standards shall be governed by the specific standards set forth therein.

f. Furthermore, this section shall not apply to developments containing four (4) or less net new dwelling units.

g. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.

h. Where a developer demolishes existing dwelling units and with the intent to construct new dwelling units on the same site, the provisions of this section shall apply only if the net number of new dwelling units is five (5) or more.

i. All affordable housing units built as required by this section will comply with the requirements of Chapter 22 and any other applicable provisions of the Allenhurst Municipal Code relating to affordable housing.

j. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. For example, a developer cannot subdivide a project into two lots and then make each of them generate a number of units that is lower than the threshold.

22-6 New Construction. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units.

a. Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for very low-, low- and moderate-income units whether developed in a single- phase development or in a multi-phase development:

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

b. Design

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

c. Payments in lieu and off-site construction. Off-site construction of required affordable units shall not be permitted. Payments in lieu of constructing affordable units on-site shall not be permitted, with the exception of fractional units that are part of a required set-aside calculation, as follows:

In the event that the 20% inclusionary set-aside percentage of the total number of residential units does not result in a full integer, the developer may choose one of two options of addressing the fractional unit:

1. If the set-aside includes a fractional unit equal to 0.5 or more, the developer shall round the set-aside upward to construct a whole additional affordable unit; or
2. If the set-aside includes a fractional unit less than 0.5, the developer may either round the set-aside upward and provide an additional affordable unit; or may round the set-aside downward and construct the lesser whole number of affordable units, in which case the developer shall also make a payment in-lieu of constructing the fractional additional unit ("fractional payment in-lieu").

i. The fractional payment in-lieu amount shall be calculated as the fractional unit multiplied by the base payment in-lieu dollar amount established N.J.A.C. 5:97-6.4(c)3, as may be increased. For Example: If seven (7) total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above, the developer shall either:

- A. Round up the 0.4 unit to one (1) whole affordable unit so as to construct a total of two (2) affordable housing units; or
- B. Round the set-aside downward so as to construct only (1) affordable unit AND shall pay into the Borough's affordable housing trust fund a fractional in-lieu payment equal to 0.4 times the dollar amount established in N.J.A.C. 5:97-6.4(c)3, as may be increased.

d. Utilities. Affordable units shall utilize the same type of heating source as market units

within the affordable development.

e. 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 N.J.A.C. 5:93-2.20, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
2. In each affordable development, at least 50 percent of the restricted units shall be affordable to low-income households. Also, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Within rental developments, of the total number of affordable rental units, at least 13 percent shall be affordable to very-low income households.
4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total very-low, low- and moderate-income units;
 - ii. At least 30 percent of all very-low, low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all very-low, low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining affordable units may be allocated among 2 and 3 bedroom units at the discretion of the developer.
5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very-low, low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two- bedroom unit for each efficiency unit.

f. 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 Subcode, 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:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. 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
 - v. If not all of the foregoing requirements in 2.i. through 2.iv 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 2.i) through 2.vi) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - vi. 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 Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient

to make 10 percent of the adaptable entrances in the development accessible:

A. 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.

B. To this end, the builder of restricted units shall deposit funds within the Borough of Allenhurst's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

C. The funds deposited under paragraph (f.2.vi.B) herein, shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Allenhurst.

E. 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 Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Allenhurst's affordable housing trust fund in care of the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

F. 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 Subcode, N.J.A.C. 5:23-7.

g. Maximum Rents and Sales Prices. In conjunction with realistic market information, the following criteria shall be used in determining maximum rents and sale 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 most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court and detailed herein.

Regional income units shall be established for the region that the Borough is located within (i.e., Region 4) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional

weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted very-low, low- and moderate-income units shall be affordable to households earning no more than 52 percent 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 very-low, low-income and moderate-income units.

i. Very low-Income. At least 13 percent of all very-low, low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:

i. A studio or efficiency unit shall be affordable to a one-person household;

ii. A one-bedroom unit shall be affordable to a one and one-half person household;

iii. A two-bedroom unit shall be affordable to a three-person household;

iv. A three-bedroom unit shall be affordable to a four and one-half person household; and

v. 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 met:

i. A studio or efficiency unit shall be affordable to a one-person household;

ii. A one-bedroom unit shall be affordable to a one and one-half person

household; and

iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

9. The price of owner-occupied very-low, low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. 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 very low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9 percent in any one year. Rent increases for units constructed pursuant to very-low, low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

11. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

22-7 Condominium and Homeowners Association Fees

For any affordable housing unit that is part of a condominium association and/or homeowners association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100 percent of the market rate fee.

22-8 Affordable Unit Controls and Requirements

a. Purpose. The requirements of this subsection apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide very-low, low- and moderate- income housing units.

b. Affirmative Marketing

1. The Borough shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

2. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race,

creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 4 and is required to be followed throughout the period of deed restriction.

3. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 4, comprised of Mercer, Monmouth and Ocean counties.

4. 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 resales and rerentals. The Administrative Agent designated by the Borough shall assure the affirmative marketing of all affordable units is consistent with the affirmative marketing plan for the municipality.

5. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to very-low, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

6. The affirmative marketing process for available affordable units shall begin at least 4 months (120 days) prior to the expected date of occupancy.

7. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Allenhurst.

8. 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; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

9. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Allenhurst Borough, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, STEPS, OCEAN, Inc., the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton Branches of the NAACP, and the Supportive Housing Association.

10. The affirmative marketing plan shall include posting of all affordable units on the New Jersey Housing Resource Center ("HRC") website in accordance with applicable law. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this Paragraph.

c. Occupancy Standards

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - i. Provide an occupant for each bedroom;
 - ii. Provide children of different sex with separate bedrooms;
 - iii. Prevent more than 2 persons from occupying a single bedroom; and
 - iv. Provide separate bedrooms for parents and children.
 2. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.
- d. Selection of Occupants of Affordable Housing Units
1. The Administrative Agent shall use a random selection process to select occupants of very-low, low- and moderate- income housing.
 2. A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.1 et seq.
- e. Control Periods for Restricted Ownership Units and Enforcement Mechanisms
1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this ordinance for a period of at least thirty (30) years, until Allenhurst 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.
 2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
 3. 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.
 4. 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 ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
 5. The affordability controls set forth in this ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
 6. 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.

f. 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:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the very-low, low- and moderate-income unit owners and the market unit owners.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
5. 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.

g. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.
3. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can

demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

4. 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.
- h. Limitations on Indebtedness Secured by Ownership Unit; Subordination
 1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
 2. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).
- i. Control Periods for Restricted Rental Units
 1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this ordinance for a period of at least 30 years, until Allenhurst 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.
 2. Rehabilitated renter-occupied or owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.
 3. 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 Monmouth. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
 4. A restricted rental unit shall remain subject to the affordability controls of this section, despite the occurrence of any of the following events:
 - i. Sublease or assignment of the lease of the unit;
 - ii. Sale or other voluntary transfer of the ownership of the unit; or
 - iii. The entry and enforcement of any judgment of foreclosure on the property containing the unit.
- j. Rent Restrictions for Rental Units; Leases
 1. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits

and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

2. 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.

3. Application fees (including the charge for any credit check) shall not exceed 5 percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this section.

4. 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 20% of the total number of dwelling units are restricted rental units in compliance with this ordinance.

k. Tenant Income Eligibility

1. 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:

i. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of regional median income by household size.

ii. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of regional median income by household size.

iii. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of regional median income by household size.

2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

i. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

ii. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

iii. The household is currently in substandard or overcrowded living conditions;

iv. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

v. 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.

3. The applicant shall file documentation sufficient to establish the existence of the circumstances in paragraphs k.2(i) through k.2(v) above with the Administrative Agent, who shall counsel the household on budgeting.
- l. Conversions. Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.
- m. Alternative Living Arrangements
 1. 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:
 - i. 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;
 - ii. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
 2. 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.
 3. 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.

22-9 Administration

- a. Unnecessary Cost-Generating Features. Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost-generating features from Allenhurst Borough's land use ordinances. Accordingly, the Borough will eliminate development standards that are not essential to protect the public welfare and to expedite or fast-track municipal approvals/denials on inclusionary development applications. Allenhurst Borough will adhere to the components of N.J.A.C. 5:93-10.1 - 10.3.
- b. Municipal Housing Liaison
 1. The Borough shall appoint a Municipal Housing Liaison by duly adopted resolution of the Borough, and be subject to the approval by the Superior Court.
 2. The Municipal Housing Liaison must be either a full-time or part-time employee of the Borough of Allenhurst.
 3. The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.J.A.C. 5:93.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Allenhurst, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls;
 - iii. When applicable, supervising any contracting Administrative Agent;

- iv. Monitoring the status of all restricted units in the Borough of Allenhurst's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by the Court and this ordinance;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as approved by the Superior Court.
- c. Administrative Agent
- 1. Should affordable units be developed through any of the Borough's Unmet Need mechanisms, the Borough shall designate by resolution of the Borough, subject to the approval of the Court, one or more Administrative Agents to administer and to affirmatively market the affordable units in accordance with N.J.A.C. 5:93, UHAC and this ordinance.
 - 2. An Operating Manual for each program shall be provided by the Administrative Agent(s) to be adopted by resolution of the Governing Body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk, the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s).
 - 3. The Administrative Agent(s) shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - i. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.
 - ii. Affirmative marketing:
 - A. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Allenhurst and the provisions of N.J.A.C. 5:80-26.15; and
 - B. Providing counseling or contracting to provide counseling services to very-low, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - 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 very-low, 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 of Allenhurst when referring households for certification to affordable units.
4. Affordability controls:
 - i. 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;
 - ii. 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;
 - iii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Monmouth County Register of Deeds or Monmouth County Clerk's office after the termination of the affordability controls for each restricted unit;
 - iv. Communicating with lenders regarding foreclosures; and
 - v. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
5. Records retention; Per State of New Jersey, Municipal Agencies General Records Retention Schedule, subsection M500000-002, Municipal Housing and Development records retention guidelines.
6. Resale and re-rental:
 - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
 - ii. Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
7. Processing requests from unit owners:
 - i. 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 ordinance;
 - ii. 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;

- iii. Notifying the municipality of an owner's intent to sell a restricted unit; and
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
 - 8. Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality:
 - i. Securing annually from the municipality a list of all affordable for-sale 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;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment 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;
 - iii. Posting annually, in all rental properties (including two-family homes), 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;
 - iv. 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;
 - v. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - vi. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough and the Court, setting forth procedures for administering the affordability controls.
 - 9. Preparation of monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this ordinance; and
 - 10. The Administrative Agent shall, as delegated by the Borough, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- d. Enforcement of Affordable Housing Regulations
 - 1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
 - 2. After providing written notice of a violation to an Owner, Developer or Tenant of a very-low, low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take

the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

i. 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 found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

A. A fine of not more than five hundred (\$500.00) dollars or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

B. In the case of an Owner who has rented his or her very-low, low- or moderate- income unit in violation of the regulations governing affordable housing units, payment into the Borough of Allenhurst Affordable Housing Trust Fund of the gross amount of rent illegally collected;

C. In the case of an Owner who has rented his or her very-low, 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.

ii. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the very-low, low- and moderate-income unit.

3. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the very-low, low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

4. 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 very-low, low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the

municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

5. 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 very-low, 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.

6. 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 very-low, 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 very-low, 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.

7. Failure of the very-low, 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 very-low, low- and moderate-income unit as permitted by the regulations governing affordable housing units.

8. 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.

e. Appeals. Appeals from all decisions of an Administrative Agent designated pursuant to this section shall be filed in writing to the Borough.

SECTION II.: REPEALER. The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION III.: INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION IV.: SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION V.: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication according to law.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____.

Block 21, Lots 1, 1.01, 8, 9, 10, 11, 12 and 13
 Block 22, Lots 1, 2 and 3
 Block 23, Lot 2
 Block 24, Lots 1, 2, 3 and 4
 Block 25, Lot 1

B.: The existing Chapter §26-3.1 is hereby deleted to be replaced in its entirety by the following:

26-3.1 For the purposes of this chapter, the Borough is hereby divided into seven (7) districts with one Overlay zone as follows:

Zone Designation	Primary Use
R 1	Residential
R 2	Residential
B 1	Business Office
B 2	Business Office
C 1	Commercial
C 2	Commercial
C 3	Commercial
MS CD	Main Street Commercial District Inclusionary Overlay Zoning

C.: The existing Chapter 26-3.2 is hereby deleted and replaced in its entirety by the following:

26-3.2 Zoning Map: The boundaries of each of the districts are established as shown on the map entitled "Allenhurst Borough Zoning Map" prepared by Leon S. Avakian, Inc. dated August 26, 2020, which is hereby made a part of this chapter. The Zoning Map referred to herein can be found on file at the office of the Borough Clerk.

D.: The existing Chapter 26-4.10 entitled "Multifamily Overlay District" is hereby deleted, to be replaced in its entirety by the following:

26-4.10 Main Street Commercial District Inclusionary Overlay Zone
 a. Purpose. The purpose of this section is to establish a Main Street Commercial District Inclusionary Overlay Zone (MS CD) that places an overlay zone over specific areas of the Borough. Given the built out nature of the Borough, an effective inclusionary housing overlay zone will produce affordable units when suitable opportunities become available through redevelopment or other planning mechanisms. This overlay zone would provide for inclusionary residential housing to be developed either over first floor commercial development along Main Street or completely as inclusionary residential development not fronting Main Street on tax lots included in the overlay zone. The specific areas included are

the portions of the Borough that can realistically accommodate inclusionary housing development, which are in proximity to public transit and the Borough's main mixed use commercial thoroughfares.

The inclusionary overlay zone will regulate said developments through bulk and design standards. However, the Borough's underlying zoning will still be in effect. This will allow inclusionary affordable housing to be approved under local ordinance and regulations without detriment to the existing Borough zoning plan and ordinance. This creates a realistic opportunity to provide for the development of affordable housing in conformance with the requirements of the Court, the Fair Housing Act (N.J.S.A. 52:27D-301), the New Jersey Council on Affordable Housing ("COAH") prior round regulations, the Housing Element and Fair Share Plan of the Borough of Allenhurst prepared by the Borough to address its Prior Round and Third Round affordable housing obligation and the court-approved Settlement Agreement between the Borough and FSHC. Permitted and conditional uses within the MS-CD Inclusionary Overlay Zone shall include all permitted and conditional uses in the underlying zoning district in which the Overlay Zone is located and allow for inclusionary housing development within the provisions of this section.

b. Principal Permitted Uses:

1. All uses permitted within the zoning districts underlying this overlay zone.
2. Multi-family residential development for sale or for rent, as follows:
 - i. On upper floors above ground-floor commercial space (mixed use buildings) of properties that front on Main Street;
 - ii. On any floor of properties that do not front on Main Street.

c. Permitted Accessory Uses: Uses that are customary and incidental to multi family housing, including, but not limited to:

1. Parking
2. Garages
3. Signs
4. Fences
5. Trash Enclosure
6. Temporary construction trailers
7. Utility pump stations, transformers, switches and meter facilities to support the development
8. HVAC units
9. Generators

d. Bulk regulations: For purposes of this Overlay District, for lots that abut Main Street and also abut any other intersecting street, Main Street shall be considered the front yard and any intersecting street shall be considered the side yard.

No.	Description	Measurement in Feet (unless noted otherwise)
1.	Minimum Lot Frontage (Feet)	50
2.	Minimum Lot Depth (Feet)	75
3.	Minimum Front Yard Setback (Feet)	0 feet, unless not facing Main Street, in which case setback shall be as per underlying zone requirements

4.	Minimum Side Yard Setback (Feet, total both)	6 (only when building not attached to adjacent building)
5.	Minimum Rear Yard Setback (Feet)	15 feet or 20% of lot depth, whichever is greater.
6.	Maximum Height (Stories/Feet)	3 stories/ 45 feet
7.	Maximum Building Coverage (Percent)	45%
8.	Maximum Improved Lot Coverage (Percent)	85%
9.	Maximum Residential Density	15 units/acre

e. Projections from buildings, such as, but not limited to balconies, patios, chimneys and windows, may extend into the building set back provided they shall be set back a minimum of 5' from all property lines.

f. All property lines abutting a residential use (unless the building abuts an adjacent building) shall provide a 5 foot landscaped buffer . Said buffer shall not be in addition to the required setback.

g. Area, Yard and Bulk Requirements for Accessory Structures (including parking) & Uses. No accessory structures shall be permitted in the front yard set back.

No.	Description	Measurement in Feet (unless noted otherwise)
1.	Minimum Side Yard Set back (Feet)	3
2.	Minimum Rear Yard Setback (Feet)	5
3.	Minimum Distance Between Accessory and Principal Structures (Feet)	0
4.	Maximum Height (Stories/Feet)	1 story /15 feet

h. Parking

1. Commercial uses: 0 spaces

2. Residential uses: 1.5 spaces of off street parking per unit as may be further modified through shared parking studies.

i. Affordable housing requirement: A 20% set aside shall apply. In the event that the 20% inclusionary set-aside percentage of the total number of residential units does not result in a full integer, section 22-6.c. et seq. of the Borough of Allenhurst's Affordable Housing Ordinance shall apply. All affordable housing developments shall conform to the standards found in the Borough of Allenhurst's Affordable Housing Ordinance including provisions for affordability, very low income units, and UHAC standards as modified per the Borough's FSHC Settlement Agreement.

SECTION II.: REPEALER. The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION III.: INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION IV.: SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION V.: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication according to law.

VOTE: Comm. McLoughlin ___; Comm. Cumiskey ___; Mayor McLaughlin ___.

ORDINANCE #2024-05 – First Reading

ORDINANCE #2024-05

AN ORDINANCE OF THE BOROUGH OF ALLENHURST TO ADOPT THE AMENDED MAIN STREET REDEVELOPMENT PLAN AS REQUIRED BY THE SETTLEMENT WITH POWER STATION AT ALLENHURST, LLC

Offered By:

Seconded By:

WHEREAS, on November 15, 2004, in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), the Borough designated certain properties fronting on Main Street and Deal Lake as an area in need of redevelopment (as further described in the Redevelopment Plan defined below, the "Redevelopment Area"); and

WHEREAS, in accordance with the provisions of the Redevelopment Law, the Borough enacted the "Main Street Redevelopment Plan" in October 2006, as amended November 2007 (the "Prior Redevelopment Plan") for the Redevelopment Area; and

WHEREAS, an action entitled *Power Station at Allenhurst, LLC v. Borough of Allenhurst, Board of Commissioners of the Borough of Allenhurst and Allenhurst Planning Board*, Superior Court of New Jersey, Law Division, Docket No.: MON-L-2551-21 was brought by Power Station at Allenhurst, LLC (hereinafter "Developer") alleging that the Borough had failed to provide a realistic opportunity for the construction of affordable housing and to meet the Borough's fair share of the region's need for such housing, in addition to related relief in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 and Mount Laurel jurisprudence (hereinafter "Builder's Remedy Action"); and

WHEREAS, as a result of extensive settlement negotiations and in excess of a year of mediation between the Parties, the Parties arrived at agreements to resolve their differences and at a Fairness Hearing on July 6, 2023 before the Superior Court of New Jersey, the Hon. Linda Grasso Jones, J.S.C. determined the Affordable Housing Settlement Agreement to be fair, reasonable, and adequately protects the interests of very low, low, and moderate-income households, and the Court hereby approves"; and

WHEREAS, in order to comply with the Affordable Housing Settlement Agreement and the Order of Fairness and Preliminary Compliance entered by the Superior Court on July 31, 2023, the Board of Commissioners of the Borough of Allenhurst is obligated to adopt an amended and restated redevelopment plan for the Redevelopment Area; and

WHEREAS, an amended and restated Main Street Redevelopment Plan was prepared by the Borough's Planner, Jennifer C. Beahm, PP, AICP, in keeping with the terms and conditions of the settlement agreements between the parties and the Order of the Court, which Amended Redevelopment Plan is on file in the Office of the Borough Clerk and available for public inspection; and

WHEREAS, the Borough now desires to adopt the Amended Main Street Redevelopment Plan.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that the Borough Code of the Borough of Allenhurst, be and is hereby amended, revised and supplemented to adopt the amended Main Street Redevelopment Plan as follows:

SECTION I. ADOPTING THE AMENDED MAIN STREET REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

A.: The recitals set forth above be and are hereby incorporated in this Ordinance as if more fully set forth herein at length.

B.: In further compliance with the Settlement Agreements and as directed by the Court in the July 31, 2023 Order of Fairness and Preliminary Compliance, the Amended Main Street Redevelopment Plan be and is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7 and shall supersede any previous Redevelopment Plan in its entirety. As such, the Prior Redevelopment Plan is no longer of any effect.

C.: The Board of Commissioners does hereby refer the Amended Main Street Redevelopment Plan to the Planning Board for their determination that the same is in accordance with the master plan and the Planning Board's obligations as a party to the Settlement Agreements and the Order of Fairness and Preliminary Compliance set forth above.

D.: All of the provisions of the Amended Main Street Redevelopment Plan shall supersede the applicable development regulations of the Borough's municipal code in accordance with the terms of the Amended Main Street Redevelopment Plan, and the sections of the zoning map of the Borough that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Amended Main Street Redevelopment Plan.

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

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

SECTION II.: REPEALER. The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION III.: INCONSISTENT ORDINANCES. All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION IV.: SEVERABILITY. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section,

paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____.

RESOLUTIONS

RESOLUTION #2024-01

A RESOLUTION TO DISPENSE WITH READING OF MINUTES

Offered By: Seconded By:

BE IT RESOLVED, That the Clerk dispense with the reading of the Regular Meeting of December 12, 2023.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-02

A RESOLUTION TO RATIFY AND APPROVE MINUTES

Offered By: Seconded By:

BE IT RESOLVED, That the minutes of the Regular Meeting of December 12, 2023 be ratified and approved.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-03
A RESOLUTION TO APPOINT OFFICIALS

Offered By:

Seconded By:

BE IT RESOLVED, That the following officials of the Borough of Allenhurst are hereby appointed effective January 1, 2024, through December 31, 2024:

ADA Compliance Officer	Donna M. Campagna
Administrative Assistant	Patricia Lynch
Assessment Search Officer	Donna M. Campagna
Borough Clerk/Administrator	Donna M. Campagna
Borough Treasurer	Kevin Rogers
Certified Pool Operator	Marc Heitmueller
Certified Pool Operator	William Varian
Chief Financial Officer	Wayne Silbia
Code Official	Michael Mulcahy
Community Development Rep.	Donna M. Campagna
Alternate Community Development Rep.	Patricia Lynch
Deal Lake Representative	Bruce Fromer
Deal Lake Representative – Alternate	Anthony Mauro
Dep. Comm. Development Rep.	Patricia Lynch
Deputy Borough Clerk	Patricia Lynch
Deputy Borough Treasurer	Patricia Lynch
Finance Clerk/Beach Membership Administrator	Noel Benkoil
Fund Commissioner (JIF)	Donna M. Campagna
Board of Health Officer	Donna M. Campagna
Mercantile License Officer	Donna M. Campagna
Personnel Officer	Donna M. Campagna
Planning Board Secretary	Kelly Barrett
Public Agency Compliance Officer	Donna M. Campagna
Public Works Superintendent/Sewer Operator	Marc Heitmueller
Public Works Foreman	Richard Duchatkiewicz
Qualified Purchasing Agent	Barbara Kovelesky
Records Coordinator	Kelly Barrett
Recycling Coordinator	Marc Heitmueller
Registrar	Donna M. Campagna
Deputy Registrar	Patricia Lynch
Right to Know Coordinator	Miguel Castillo
Clean Communities Coordinator	Donna M. Campagna
Sewer Collector	Noel Benkoil
Sewer System Operator	Marc Heitmueller
TAC Officer	Jason Henry

Tax Assessor	Gail Scaglione
Tax Collector	Carla Tomas
Tax Search Officer	Carla Tomas
Zoning Inspector	Matt Mariano

VOTE: Comm. McLoughlin ____; Comm. Cumiskey __; Mayor McLaughlin ____

RESOLUTION #2024-04
A RESOLUTION TO APPOINT EMERGENCY MANAGEMENT COUNCIL

Offered By:

Seconded By:

BE IT RESOLVED, That the following be appointed to the Allenhurst Local Emergency Planning Council (LEPC) for a term, expiring December 31, 2024:

Elected Officials

David J. McLaughlin	Mayor/Director of Public Safety - OEM Coordinator
Christopher J. McLoughlin	Deputy Mayor/Director of Finance
Richard Cumisky	Commissioner/Director Public Works

Police, Fire, Emer. Mgt, First Aid, Health, Environmental, Hospital, Public Works

Michael Schneider	Deputy Emer. Mgt. Co-ord.
David Lipari	Police Coordinator.
Scott Rapolla	Deputy Coordinator
Donna M. Campagna	Clerk-Administrator/ OEM Administrator
Carla Ward	EMS Coordinator/FAS Captain
Marc Heitmueller	Superintendent of Public Works
Jason Henry	TAC Officer
Kyle Ebbets	Fire Coordinator/Fire Chief
Jersey Shore Regional Health Commission	Health Coordinator/Health Officer

Broadcast & Print Media

Patricia Lynch	Public Information Officer
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Community Groups

Peter Genovese	Board of Education Secretary-Administrator
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VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-05

A RESOLUTION TO CONFIRM PLANNING BOARD MEMBERS

Offered By:

Seconded By:

BE IT RESOLVED That the following are hereby appointed members of the Planning Board for the terms indicated:

Class I Member

David J. McLaughlin which term commenced on May 5, 2020 terminate in May of 2024 or such date as the Mayor's official tenure ends.

Class II Member (1 Year Term)

Kevin G. Rogers for a term expiring December 31, 2024

Class III Member

Christopher J. McLoughlin which term commenced on May 5, 2020 and terminate in May of 2024 or such date as the Deputy Mayor's official tenure ends.

Class IV Members (4 Year Term)

Frieda Shalam for a term expiring December 31, 2027

Bernie Costello for a term expiring December 31, 2024

Joseph Tomaino for a term expiring December 31, 2027

Geraldine Greer Varley for a term expiring December 31, 2026

Paul Schechner for a term expiring December 31, 2026

Steven Ryan for a term expiring December 31, 2027

Alternate Members

Mark Horowitz as Alternate #1, for a term expiring December 31, 2024

Eileen Bolan as Alternate #2, for a term expiring December 31, 2024

Designation of Board Member who meets the qualifications of a Class A member of a Historic Preservation Commission pursuant to N.J.S.A. 40:55D-107 et seq. (1 Year Term)

Joseph Tomaino for a term expiring December 31, 2024

Designation of Board Member who meets the qualifications of a Class B member of a Historic Preservation Commission pursuant to N.J.S.A. 40:55D-107 et seq. (1 year Term)

Geraldine Greer Varley for a term expiring December 31, 2024

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-06
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL SERVICES

Offered By:

Seconded By:

WHEREAS, the Borough of Allenhurst has a need to obtain the following Professional Services, and their services will be provided as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Borough Clerk/Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, each of the following business entities have completed and submitted a Business Entity Disclosure Certification which certifies that they have has not made any reportable contributions to a political or candidate committee serving individually or collectively as the Board of Commissioners in the Borough of Allenhurst in the previous one year, and that the contract will prohibit each from making any reportable contributions through the term of the contract, and

WHEREAS, , The Certified Financial Officer has certified that funds for this purpose shall be provided for the first three months of 2024 in the 2024 Temporary Budget and funds for the balance of 2023 will be provided for in the budget for the year 2024 when finally adopted;,

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Borough of Allenhurst hereby authorize the following appointments, and:

Borough Attorney	Birdsall, Laughlin & Clark, LLC
Borough Engineer	Peter R. Avakian, PE, PP, of Leon S. Avakian, Inc.
Borough Auditor	Robert A. Hulsart, CPA, RMA of the firm of Robert A. Hulsart
Borough Bond Counsel	Meghan Bennett Clark of Gluckwalrath
Redevelopment Attorney	McManimon, Scotland & Baumann, LLC
Borough Planner, Redevelopment Planner, Affordable Housing Coordinator	Jennifer Beahm, PE, PP CME, CPWM . of Leon S. Avakian, Inc.
Affordable Housing Legal Consultant	Andrew Bayer of the firm Pashman, Stein, Walder, Hayden, PC
DEP Consultant	John (Jack) M. Van Dalen Of the firm Van Dalen Brower, LLC
Financial Consultant for Redevelopment	NW Financial Group, LLC
Animal Control Services	Monmouth County SPCA

Recording and Transcription Services

State Shorthand Reporting

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the Coaster as required by law within ten (10) days from the date hereof; and,

BE IT FURTHER RESOLVED that the Borough Administrator/Clerk shall maintain a copy of this resolution, and the Agreement with the appointees, on file in her Office and make the same available for public inspection during regular business hours.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin_____

RESOLUTION #2024-07
A RESOLUTION TO APPOINT PROFESSIONALS

Offered By:

Seconded By:

WHEREAS, There exists a need for professional services for the year 2024; and,
WHEREAS, the Certified Financial Officer has certified that funds for this purpose shall be provided for the first three months of 2024 in the 2024 Temporary Budget and funds for the balance of 2023 will be provided for in the budget for the year 2024 when finally adopted, and the Treasurer has so certified; and,

WHEREAS, These appointments are being made without competitive bidding because the appointments involve members of recognized professions, licensed and regulated by law, pursuant to NJSA 40A:11-5;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst that the Mayor and Borough Clerk be and they are hereby authorized and directed to engage the services of the following professionals:

Municipal Prosecutor:	James Carton IV, Esq.
Assistant Prosecutor	Jason Shamy, Esq.
Borough Physicians	Meridian Occupational Health
Chief Public Defender	David Gardner, Esq.
Deputy Public Defender	Jason A. Volet, Esq.
Technology Management	Coastal Solutions, LLC
Technology Management for Beach Club	Crabnet, LLC

for a term commencing January 1, 2024, through and including December 31, 2024; and,

BE IT FURTHER RESOLVED, That these appointments are contingent upon approval of professional contracts from each appointee; and,

BE IT FURTHER RESOLVED, That the Borough Clerk be and he is authorized and directed to publish this resolution in accordance with NJSA 40A:11-1.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey ____; Mayor McLaughlin ____

RESOLUTION 2024-08
RESOLUTION TO AUTHORIZE A GRACE PERIOD FOR PROPERTY TAX
PAYMENTS AND SET THE INTEREST RATE FOR DELINQUENT PROPERTY TAX
PAYMENTS

Offered By:

Seconded By:

WHEREAS, property taxes are due and payable according to law, on the first of February, May, August and November of the calendar year; and,

WHEREAS, pursuant to the provisions of N.J.S.A. 54:4-67, the governing body of the Borough of Allenhurst has determined that it is appropriate to set a grace period for the payment of taxes until the 5th day of February, May, August and November after which the payments shall become delinquent with interest due and payable from the first day of the quarter; and,

WHEREAS, Chapter 75, P.L. 1991, provides for a six percent flat penalty at the close of the fiscal year to be charged on delinquencies over \$10,000; delinquencies being defined as all unpaid property taxes and municipal charges;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst, the Tax Collector is authorized to charge interest on delinquent taxes from the date that same were first due and payable at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Allenhurst authorizes the Tax Collector to charge a six (6%) percent flat penalty at the close of 2024 on delinquencies over \$10,000.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION 2024-09

A RESOLUTION TO ESTABLISH A YEAR END PENALTY TO SIX (6%) PERCENT TO BE CHARGED ON THIRD PARTY LIENS ON DECEMBER 31 OF EACH YEAR WHEN THE AMOUNT PAID BY THE LIEN HOLDER IS IN EXCESS OF \$10,000.00

Offered By:

Seconded By:

WHEREAS, NJSA 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement of discount for the late payment of taxes as provided by law; and,

WHEREAS, NJSA 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% to be collected against a delinquency in excess of \$10,000.00 on property that fails to pay the delinquency prior to the end of the calendar year; and,

WHEREAS, NJSA 54:4-67 permits the governing body to fix a penalty of 6% to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the fiscal year. If any fiscal year delinquency in excess of \$10,000.00 is paid by the third party lien holder of an outstanding tax sale certificate, the holder or purchaser shall be entitled to receive the amount of the penalty as part of the amount required to redeem such certificate of sale providing the payment is made by the tax lien holder prior to the end of the fiscal year. If the holder of the outstanding tax sale certificate does not make the payment in full prior to the end of the fiscal year, then the holder or purchaser shall be entitled to a pro rata share of the delinquency penalty upon redemption and the balance of the penalty shall inure to the benefit of the municipality. The penalty so fixed shall not exceed 6% of the amount of the delinquency with respect to each most recent fiscal year only;

NOW, THEREFORE, BE IT RESOLVED, By the Commissioners of the Borough of Allenhurst, That the Tax Collector has the authority to fix a 6% year end penalty to all third party tax sale certificates in excess of \$10,000.00 that have been paid in full by the lien holder prior to the end of the fiscal year and if not paid in full, the lien holder shall be entitled to a pro rata share of the delinquency penalty upon redemption and the balance of the penalty shall be inure to the benefit of the municipality for the 2024 tax year and to become effective immediately.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-10
A RESOLUTION TO AUTHORIZE TAX SALE LIENS

Offered By:

Seconded By:

WHEREAS, There remains on the records of the Borough of Allenhurst delinquent taxes, sewer utility charges and other municipal charges owing as of December 31, 2023; and,

WHEREAS, The statutes of the State of New Jersey, expressly NJSA 54:5 et seq., provide for the enforcement and collection of such delinquencies through a tax lien sale; and,

WHEREAS, The Tax Collector is empowered by statute to conduct and preside over the sale of liens;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, a Municipal Corporation of the State of New Jersey, that the Borough Tax Collector is authorized to conduct a tax lien sale for 2023 delinquent taxes, sewer utility charges and other municipal charges on or before December 31, 2024 and to become effective January 1, 2024.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey ____; Mayor McLaughlin ____

RESOLUTION #2024-11
RESOLUTION AUTHORIZING BOROUGH OF ALLENHURST TO CHARGE TAX
SALE COSTS
FOR PREPARING AND ADVERTISING TAX SALE LIST

Offered By:

Seconded By:

BE IT RESOLVED, by the Commissioners of the Borough of Allenhurst that pursuant NJSA 54:5-38 the office of the Tax Collector is to charge a tax sale cost fee of 2% of the amount listed for sale but not less than \$15.00 and not more than \$100.00 dollars for each tax sale item that appears on the Tax Sale List 50 (fifty) days prior to the date of the Tax Sale. The fee is to be charged on all tax sale items that are paid in full prior to the tax sale to become effective January 1, 2024.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey __; Mayor McLaughlin ____

RESOLUTION #2024-12

A RESOLUTION TO APPROVE INTEREST RATE ON DELINQUENT SEWER

Offered By:

Seconded By:

BE IT RESOLVED, That upon the recommendation of the Borough Sewer Collector, interest at the rate of eight per centum (8%) per annum be charged on the first \$1,500.00 of the delinquency and eighteen per centum (18%) per annum on any amount in excess of \$1,500.00 be charged on the first quarterly installment of sewer charges for the year 2024 after February 1, 2024 and on the second quarterly installment after May 1, 2024 and on the third quarterly installment after August 2, 2024 and on the fourth quarterly installment after November 1, 2024 provided that no interest shall be charged if payment of any installment is made within the thirtieth calendar day following the date upon which the same became payable and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency as provided for in NJSA 54:4-67; and,

BE IT FURTHER RESOLVED, As to tax sale certificates, the Sewer Collector is hereby directed to collect 2% when the sewer charges, interest and costs shall exceed the sum of \$200.00. When the sewer charges, interest and costs shall exceed the sum of \$5,000.00, such additional sum shall be equal to 4% of such amount paid; and when that sum exceeds \$ 10,000.00, such additional sum shall be equal to 6% of such amount paid as provided for in NJSA 54:5-61 and shall become effective immediately.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey ____; Mayor McLaughlin ____

RESOLUTION #2024-13
A RESOLUTION TO APPROVE MEETING DATES

Offered By:

Seconded By:

BE IT RESOLVED, That pursuant to the Open Public Meetings Act, the Board of Commissioners of the Borough of Allenhurst adopts the following schedule of meetings for the year 2024, said meetings to be held at Borough Hall, 125 Corlies Avenue, on the dates listed at 7:30 P.M., unless otherwise indicated:

January 23	May 28	August 27
February 13	June 10	September 10
February 27	June 25	September 24
March 12	July 9	October 15
March 26	July 23	November 12
April 16	August 13	December 10
May 7		January 14, 2025

BE IT FURTHER RESOLVED, That the Borough Clerk be and she is hereby authorized to publish this resolution in accordance with the Open Public Meetings Act.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-14
A RESOLUTION TO APPROVE NEWSPAPERS

Offered By:

Seconded By:

BE IT RESOLVED, That the Coaster and the Asbury Park Press be designated as the official newspapers for the insertion of legal notices for the Borough of Allenhurst.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey __; Mayor McLaughlin ____

RESOLUTION #2024-15

A RESOLUTION TO APPROVE UNEXPENDED BALANCES

Offered By:

Seconded By:

WHEREAS, NJSA 40:A-4, The Local Budget Law, permits budget appropriations to be reserved for expenditures that are now encumbered prior to the close of the fiscal year, or for those undetermined charges from 2023 that will be paid in 2024;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners of the Borough of Allenhurst hereby reserve all unexpended balances from the 2023 Budget for all unpaid claims for 2023.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-16

RESOLUTION AUTHORIZING PRE-PAYMENT OF CERTAIN BILLS FOR 2024

Offered By:

Seconded By:

WHEREAS, the Borough of Allenhurst has budgeted funds for payment of recurring obligations including, utilities, payroll, debt service, governmental fees and other statutory payments, insurance, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, timely payment of these items occasionally become due out of time for placement on the next available list of bills and claims, thus inadvertently causing said obligations to be in arrears because of the schedule of Council meetings; and

WHEREAS, the Borough's Chief Financial Officer and Borough Attorney have advised that the governing body may provide for the pre-payment of these items, so that they may be paid in a timely manner to avoid incurring penalties.

NOW THEREFORE, BE IT RESOLVED by the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED by the Borough of Allenhurst that the Chief Financial Officer and/or Borough Clerk/Administrator be and are hereby authorized and directed to make pre-payment of the following items prior to the same appearing on the next meeting's list of bills and claims:

1. All Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, and such other regular services as the Borough receives).
2. Borough payroll and payroll agencies.
3. Debt service as evidenced by pre-authorized bonds and/or notes.
4. Health, dental and other insurance premiums and/or claims.
5. Governmental fees and other statutory payments (school, county, sewage authority, state and county fees).
6. Bills pertaining to the advertising, printing and mailing costs of the Borough.
7. Third party fees collected through pre-authorized credit/debit card processing.
8. Bills where vendor discounts, or savings of Taxpayer funds, are granted for timely payment.
9. Inter-fund Obligations.
10. Purchase of investments.
11. Other items with written authorization of the Chief Financial Officer and/or Borough Clerk/Administrator.

VOTE: Comm. McLoughlin-___; Comm. Cumiskey-___; Mayor McLaughlin-___

RESOLUTION 2024-17
A RESOLUTION CERTIFYING COMPLIANCE WITH
N.J.S.A. 40a:4-5, AS AMENDED BY P.L. 2017, C.183.

Offered By:

Seconded By:

WHEREAS, N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964", as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Local Government Services in the New Jersey Department of Community Affairs; and;

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body on file with the Municipal Clerk;

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED by the Board of Commissioners of the Borough of Allenhurst, that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-18
A RESOLUTION TO APPROVE DEPOSITORIES

Offered By:

Seconded By:

WHEREAS, Pursuant to Chapter 8, Laws of 1982, the Borough of Allenhurst is required to adopt a Cash Management Plan, including the Designation of a Depository or Depositories;

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of the Borough of Allenhurst, that Kearny Bank and Manasquan Saving Bank and State of New Jersey Cash Management Fund be and are designated as official depository of Borough funds; and,

BE IT FURTHER RESOLVED, That the funds of the Borough shall be invested in interest bearing accounts. The Chief Finance Officer shall see that minimum funds shall be maintained in any non-interest bearing account in such amounts as the Chief Finance Officer shall deem necessary to provide the orderly transition of business by the Borough and to take advantage of any services provided to the Borough by the depository through maintenance of minimum balances in said accounts where the Chief Finance Officer deems it in the best interest of the Borough to do so.

All other monies shall be invested in interest bearing accounts, in investments in which municipal funds may lawfully be invested or in the State of New Jersey Cash Management Fund in such accounts and at such times, from time to time, and the Chief Finance Officer shall deem in the best interest of the Borough; and,

BE IT FURTHER RESOLVED, That the Auditor receive a copy of this resolution.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____;Mayor McLaughlin____

RESOLUTION #2024-19

A RESOLUTION TO APPROVE CASH MANAGEMENT PLAN

Offered By:

Seconded By:

WHEREAS, N.J.S.A. 40A: 5-14 requires that every local unit adopt a Cash Management Plan, and

WHEREAS, the primary objectives of the plan are to preserve the safety of Public funds, seek investment instruments that offer liquidity and maximize interest revenue through authorized legal depositories and approved investment instruments,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allenhurst, County of Monmouth, State of New Jersey the following Cash Management Plan for the Borough of Allenhurst be adopted.

BOROUGH OF ALLENHURST **CASH MANAGEMENT PLAN**

INTRODUCTION

The New Jersey Local Fiscal Affairs Law, N.J.S.A 40A: 5-14 requires that every local unit adopt a Cash Management Plan and shall deposit its funds pursuant to that plan. The primary objective of the plan are to preserve the safety of public funds, seek investment instruments that offer liquidity and maximize interest revenue through the use of authorized legal depositories and approved investment instruments.

I. AUTHORITY

- a. Borough Council of the Borough of Allenhurst, County of Monmouth.
- b. Delegation of Authority Authority to implement the investment program is granted to the Chief Financial Officer. The Chief Financial Officer shall act in accordance with the requirements of the Cash Management Plan, New Jersey Statutes and proper use of internal controls. No other persons may engage in investment transactions except for those subordinate officials of the Chief Financial Officer.

II. STATEMENTS OF POLICY

It shall be the policy of the Borough of Allenhurst, County of Monmouth to adopt a Cash Management Plan, and to authorize the Chief Financial Officer to administer said Plan, for the purpose of deposit and investment of the maximum of available funds in interest bearing instruments. The investment instruments shall be safe, liquid and offer market yields.

Safety of principal is the foremost objective of the Cash Management Plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital.

The utilized investment instruments shall remain sufficiently liquid to meet all operating cash requirements that may be reasonably anticipated.

Investments shall be planned with the objective of attaining a market rate, while taking into account legal restriction, risk and liquidity. Return on investment is secondary importance compared to safety.

III. DEFINITIONS

Arbitrage refers to the rules and regulation governing the issuance of Bonds or Notes and the reinvestment of the proceeds at a higher yield. These regulations are promulgated by the Internal Revenue Service, regulation 1.103.

Cash Management Fund is the New Jersey Cash Management Fund. This Fund is one of a number of funds invested by the New Jersey Division of Investments of the Department of Treasury under the jurisdiction of the State Investment Council. The Fund is authorized to receive the invest local unit funds pursuant to N.J.S.A. 40A:5-14.

Certificate of Eligibility is the certification issued by the New Jersey Department of Banking. Division of Banking that a public depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

Compensating Balance Account is a bank account at an eligible depository which pays no interest or interest lower than 2 of 1 percent maximum, in return for specific services, for example check sorting, payroll services, wire transfers and other services.

Eligible Public Depositories is a Banking or Savings and Loan Association with a current certificate of eligibility from the State Banking Department. The Borough of Allenhurst shall designate said depositories, by resolution of the governing body on January 1st of each year in accordance with N.J.S.A. 40A: 5-14.

Eligible Securities are those investment instruments authorized by N.J.S.A. 40A: 5-15.1.

Interest Bearing Account is an account or time deposit in an eligible public depository, earning interest, or any deposit in the State of New Jersey Cash Management Fund.

IV. STANDARD OF CARE

1. The standard of prudence to be sued by those delegated to effect investment transactions on behalf of the Borough of Allenhurst shall be the prudent person standard. Investments shall be made with judgment and care, under circumstances the prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs. Investments shall not be for speculation.

2. Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their eligibility to make impartial decisions. Employees shall disclose any material interest in financial institutions which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Borough of Allenhurst.

3. The Chief Financial Officer is responsible for establishing and maintaining internal controls. The controls should ensure that the assets of the Borough of Allenhurst are protected from loss, theft or misuse.

V. PROCEDURES FOR RECEIPT OF MONIES

Department Procedures

1. Department Directors will ensure that a receipt is issued in duplicate for all transactions. A copy of the receipt shall be given to the paying party and the duplicate maintained by the issuing department. The receipts shall be pre-numbered, or sequentially numbered if computer generated.
2. All monies collected or received from any source by or on behalf of the Borough, Department, or any Board thereof, shall be forwarded to the Division of Accounts and Control within forty-eight (48) hours of receipt.
3. The Division of Accounts and control will prepare collected revenues for deposit to the designated legal depository.
4. All monies received shall be placed in a secure place until forwarded for deposit.
5. The Department/Division Director shall file with the Chief Financial Officer a monthly report of all monies received in the manner prescribed. The report also will include year-to-date amounts received.
6. No department, division, or agency shall engage in the practice of cashing checks with public funds. Cashing of employee pay checks is included in the prohibition.

Chief Financial Officer

1. All monies collected or received from any source by or on behalf of the Borough shall be deposited within forty-eight (48) hours of receipt of designated banks.
2. Ensure that all monies deposited are in an interest bearing account(s).
3. Where compensating balances are used to offset bank expenses, an agreement between the bank(s) and the Borough shall be executed and reviewed annually.
4. The Chief Financial Officer shall make recommendations of legal public depositories to the Allenhurst Borough Council who shall by resolution designate said depositories at the annual reorganization meeting of the Council. The list of authorized depositories may be amended at any time during the year.
5. Maturity of Investments-Investments shall be limited to maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of the Sate Stature or promulgated regulation.
6. Investment Securities - The Chief Financial Officer has the responsibility to determine which investments instruments are best suited for the Borough. However, the Chief Financial Officer shall be authorized only to invest in securities permitted by New Jersey State Statute. No investment shall be made in any depository that does not meet current Federal minimum standard for Leverage Ratio, Tier 1 and Tier 2 Capital Ratio.

Presently, a local unit may permit investments in such institutions as permitted in Section 4 of P.L. 1970, Chapter 236 (6.17:19-44) and other instruments specified as follows:

Mutual Funds backed by the United States Government Obligations

United States Treasury Bills (T-Bills)
Municipal Bonds or Notes
Commercial Bank Deposits and Certificates of Deposit
Repurchase Agreements
Investment in Savings and Loan Associations
United States Government Agency and Instrumentality Obligations
State of New Jersey Cash Management Fund
School District Obligations

All designated depositories must conform to all applicable State statutes concerning depositories of public funds, and all depositories shall obtain the highest amount possible F.D.I.C. and /or F.S.L.I.C. coverage for all municipal assets.

VI. FUNDS EXCLUDED FROM INVESTING

The following types of funds are not required to be placed in interest bearing account:

1. Petty cash funds
2. Cash drawn from a Federal Agency under a letter of credit which has to be paid out within 5 working days to a vendor.
3. Deposit, retainage, or amounts posted by way of bond, held by the local unit for such things as faithful performance, if the local unit would be required by law to pay back any interest earned to the provider of the deposit, except where the local unit is required by law or court decision to invest the funds.

VII. BOROUGH AUDITOR

The Borough investment practices and the agreement of banking services and compensation thereof shall be reviewed by the Borough Auditor as part the annual audit, as required by the N.J. S. A 40A:5-4. Where a conflict exists between this Cash Management Plan and State stature the applicable statute shall govern.

VIII. SURETY BONDS

1. The Chief Financial Officer shall be covered by a surety bond. During the annual audit the municipal Auditor shall examine said bond to determine that proper coverage is in effect.
2. Staff members of the Division of Accounts and Control shall be covered by a Public Employee Faithful Performance Bond (Blanket Bond) in the minimum of \$10,000.00.
 - a. The Chief Financial Officer in accordance with N.J.S. A. 40A:5-14 shall prepare a written monthly investment report and submit same to the Borough Council.

The summary report will be prepared in the manner which will allow the Borough Council and the administration to ascertain whether investment activities during the reporting period have conformed to the Cash Management Plan. The report shall set forth each organization holding local unit funds, the amount securities purchased or sold, class or type of securities purchased, book value, earned income, fee incurred, and market value of all investments as of the report date. Such written report shall be included in the minutes of a regular Borough meeting.

VOTE: Comm. McLoughlin ___; Comm. Cumiskey ___; Mayor McLaughlin ___

RESOLUTION #2024-20

**RESOLUTION AMENDING AUTHORIZING EXECUTION OF CORPORATE
RESOLUTION FORMS AND SIGNATURE CARDS REQUIRED BY DEPOSITORIES**

Offered By:

Seconded By:

BE IT RESOLVED that the following resolution is essential for the operation of the Borough of Allenhurst, County of Monmouth, State of New Jersey, for the year 2024. All disbursements from the Borough accounts, other than those separately listed below, shall be by check only, signed by any three (3) of the following five persons authorized to sign:

Mayor, Deputy Mayor, Treasurer, Deputy Treasurer and Administrator/Borough Clerk

Disbursements from the Borough's Municipal Court accounts shall be by check only, signed by any (2) of the following 3 persons authorized to sign:

Judge, Court Administrator and Deputy Court Administrator of Bradley Beach as per the interlocal agreement effective January 1, 2024.

BE IT FURTHER RESOLVED that the above individuals are hereby authorized and directed to execute the corporate resolution forms and signature cards required by the depositories named by the Board of Commissioners.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-21

A RESOLUTION TO ESTABLISH 2024 TEMPORARY BUDGET

Offered By:

Seconded By:

WHEREAS, NJSA 40A:4-19 of the Local Budget Act provides that (where any commitments, contracts or payments are to be made prior to the final adoption of the 2024 Budget) temporary appropriations should be made for the purpose and amounts required in the manner and time herein provided; and

WHEREAS, the date of this resolution is within the first 30 days of January 2024; and

WHEREAS, **26.25%** of the total appropriations in the 2023 budget exclusive of any appropriations for debt service, relief of the poor and capital improvements is \$1,566,656.94 for current fund and \$75,600.00 for sewer utility; **NOW, THEREFORE, BE IT RESOLVED** that the following temporary appropriations be made:

Current Fund

Administration	Salaries & Wages	\$	45,900.00
Administration	Other Expenses		11,800.00
Finance	Salaries & Wages		13,800.00
Finance	Other Expenses		4,100.00
Tax Collector	Salaries & Wages		1,830.00
Tax Collector	Other Expenses		2,675.00
Commissioner - Revenue & Finance	Salaries & Wages		400.00
Tax Assessor	Salaries & Wages		2,350.00
Tax Assessor	Other Expenses		1,425.00
Legal	Other Expenses		53,000.00
Tax Appeals	Other Expenses		5,000.00
Engineering	Other Expenses		9,400.00
Planning Board	Salaries & Wages		4,200.00
Planning Board	Other Expenses		9,600.00
Code Enforcement	Salaries & Wages		5,600.00
Code Enforcement	Other Expenses		5,900.00
Worker's Comp.	Other Expenses		50,500.00
Group insurance	Other Expenses		250,000.00
Unemployment	Other Expenses		3,600.00
Other Insurance	Other Expenses		34,300.00
Health Benefit Waiver	Salaries & Wages		2,625.00
Police	Salaries & Wages		326,000.00
Police	Other Expenses		16,000.00
Office of Emergency Management	Salaries & Wages		1,050.00
Office of Emergency	Other Expenses		150.00

Management		
Deal Lake - Weed Control	Other Expenses	1,200.00
Mayor's Office	Salaries & Wages	500.00
Fire Department	Other Expenses	5,000.00
Contribution to Fire		
Department	Other Expenses	2,800.00
Aid to Volunteer Ambulance	Other Expenses	1,200.00
Fire Interlocal	Other Expenses	10,600.00
Interlocal - 911	Other Expenses	315.00
Municipal Prosecutor	Other Expenses	3,900.00
Interlocal - Interlaken Solid		
Waste	Salaries & Wages	35,800.00
Celebration of Public Events	Other Expenses	1,600.00
Streets & Roads	Other Expenses	3,200.00
Solid Waste	Salaries & Wages	56,100.00
Solid Waste	Other Expenses	11,200.00
Snow Removal	Salaries & Wages	1,000.00
Snow Removal	Other Expenses	800.00
Buildings & Grounds	Salaries & Wages	400.00
Buildings & Grounds	Other Expenses	14,300.00
Landfill Interlocal	Other Expenses	11,000.00
Maintenance of Motor		
Vehicles	Other Expenses	13,400.00
Board of Health	Other Expenses	4,100.00
Parks & Playgrounds	Other Expenses	3,800.00
Beach	Salaries & Wages	30,600.00
Beach	Other Expenses	37,500.00
Utility - Electric	Other Expenses	8,300.00
Utility - Street Lighting	Other Expenses	7,900.00
Utility - Telephone	Other Expenses	9,900.00
Utility - Water	Other Expenses	7,650.00
Utility - Natural Gas	Other Expenses	2,600.00
Utility - Fire Hydrant	Other Expenses	6,100.00
Utility - Gasoline	Other Expenses	9,300.00
Utility - Recycling	Other Expenses	12,200.00
OASI	Other Expenses	45,600.00
DCPR	Other Expenses	1,200.00
Animal Control	Other Expenses	650.00
Shared Service – Holmdel		
Finance	Other Expenses	12,100.00
Shared Service – Bradley		
Beach Court	Other Expenses	13,300.00
Municipal Court	Salaries & Wages	5,500.00

Municipal Court	Other Expenses	500.00
Public Defender	Salaries & Wages	<u>500.00</u>

Total Current Fund \$ **1,254,820.00**

Utility Operating Fund

Sewer	Salaries & Wages	\$ 23,600.00
Sewer	Other Expenses	<u>52,000.00</u>

Total Utility Operating Fund \$ **75,600.00**

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-22

AUTHORIZING INCENTIVE TO EMPLOYEES WHO WAIVE HEALTH BENEFITS COVERAGE WHERE EMPLOYEE IS ELIGIBLE FOR OTHER COVERAGE

Offered By:

Seconded By:

WHEREAS, the Borough of Allenhurst (“Borough”), as a participating member of the State Health Benefits Program, is permitted to offer an incentive to any full time employee to waive the health benefits coverage offered by the Borough where the employee is eligible for any other health care coverage, and;

WHEREAS, the Mayor & Commissioners have determined that it is in the best interests of the Borough to offer any employee who waives the coverage offered by the Borough, 25 percent of the amount saved by the Borough, or \$5,000, whichever is less. The amount saved by the Borough shall be determined by deducting the employee’s contribution from the premium that would have been due for said employee’s coverage, had the employee not chosen to waive coverage.

NOW THEREFORE, BE IT RESOLVED by the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED that, the Borough shall provide payment in lieu of benefits to qualified employees who elect to waive the State Health Benefits Program in favor of electing other coverage said employee(s) is eligible for. Payment shall be in the amount of 25 percent of the amount saved by the Borough, or \$5,000, whichever is less. Payment to be made upon completion of the required forms and will be payable on an annual basis (*or pro-rata, should the employee leave Borough employment prior to year’s end*) on or about December 31st of the year in which the savings were realized by the Borough.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey ____; Mayor McLaughlin ____

RESOLUTION #2024-23
A RESOLUTION TO APPOINT ZONING OFFICER

Offered By: _____ Seconded By: _____

WHEREAS, in accordance with Borough Ordinances §2-12.1, 12.2 & 12.3 and N.J.S.A. 40:72-7, the Borough of Allenhurst shall appoint a Zoning Officer to perform the duties set forth in Ordinance §2-12.4; and

WHEREAS, the Board of Commissioners has elected to proceed pursuant to the provisions of N.J.S.A. 19:44A-20.5 respecting the award of professional contracts and the procedures set forth therein; and

WHEREAS, the Borough Clerk / Administrator, Donna M. Campagna, R.M.C. has determined and certified in writing that the value of the services will not exceed \$17,500; and

WHEREAS, the anticipated term of this appointment is for 1 year; and

WHEREAS, Matt Mariano of Leon S. Avakian, Inc. has indicated that he is willing to act as the Borough's Zoning Officer at the flat rate of \$10,300.00 for all "Office Hour" services for the year. His review services will be paid for separately from the Development Regulations fees provided for under Ordinance §26-8.1(c); and

WHEREAS, Matt Mariano of Leon S. Avakian, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that he and the principals of Leon S. Avakian, Inc. have not made any reportable contribution(s) to a political or candidate committee for any presently sitting elected Commissioner of the Borough of Allenhurst in the previous one year, and that the appointment hereby prohibits Matt Mariano and the principals of Leon S. Avakian, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, Funds for this purpose shall be provided for the first three months of 2024 in the 2024 Temporary Budget and funds for the balance of 2023 will be provided for in the budget for the year 2024 when finally adopted;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED, that Matt Mariano of Leon S. Avakian, Inc. be and is hereby appointed to act as the Zoning Officer in accordance with Borough Ordinances §2-12.1 et seq. and N.J.S.A. 40:72-7 for the period from the date of adopting of this Resolution for one year or until such time thereafter as a successor is appointed. Mr. Mariano and Leon S. Avakian, Inc. agree to provide his services as the Zoning Officer during that period; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that "Office Hour" services shall be defined as "onsite staff services at Borough Hall for no less than four (4) hours per week, with hours of operation correlating with the Construction Office on each Thursday, 8:00 am to 12:00 pm. The Zoning Officer will be able to extend such time through appointments only scheduling or availability via email or phone. Said services shall not exceed the lump sum annual price of \$10,300.00," and

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in the Coaster as required by law within ten (10) days from the date hereof; and,

BE IT FURTHER RESOLVED that the Clerk and shall maintain a copy of this resolution on file in her Office and make the same available for public inspection during regular business

hours.

VOTE: Comm. McLoughlin____; Comm. Cumiskey___; Mayor McLaughlin_____

RESOLUTION #2024-24
RESOLUTION RE-ESTABLISHING A PETTY CASH FUND

Offered By: _____ Seconded By: _____

WHEREAS, N.J.S.A. 40A:5-21 authorizes the re-establishment of a Petty Cash Fund in any county or municipality by application and resolution, and,

WHEREAS, it is the desire of the Borough of Allenhurst, County of Monmouth to establish such a fund for the Borough in the amount of \$100; and

WHEREAS, the custodian for this fund is Donna M. Campagna, RMC, who is bonded for the amount of \$100; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW THEREFORE, BE IT RESOLVED by the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED that the Borough of Allenhurst hereby authorizes the creation of the aforementioned Petty Cash Fund and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey __; Mayor McLaughlin ____

RESOLUTION #2024-25

RESOLUTION RE-APPOINTING A CUSTODIAN FOR THE PETTY CASH FUND

Offered By: _____ Seconded By: _____

WHEREAS, N.J.S.A. 40A:5-21 authorizes the re-establishment of a Petty Cash Fund in any county or municipality by application and resolution, and,

WHEREAS, the Board of Commissioners believes it is in the best interests of the Borough of Allenhurst to have such a Petty Cash Fund and as such, must appoint a Custodian for the same; and

WHEREAS, the Board of Commissioners believes it is appropriate to appoint Donna M. Campagna, RMC, as the Custodian, who is bonded for the amount of \$100, and she is hereby instructed to maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW THEREFORE, BE IT RESOLVED by the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED that the Borough of Allenhurst hereby re-appoints Donna M. Campagna, RMC, to be the Custodian for the Petty Cash Account and instructs those two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-26
RESOLUTION TO ADOPT PROCEDURE FOR CLAIMANT CERTIFICATION

Offered By:

Seconded By:

WHEREAS, on August 18, 2016 the State of NJ legislature adopted PL 2016, Ch 29 which would allow local units to 1) utilize standard electronic funds transfer technologies and 2) greater flexibility on when to require a vendor certification prior to paying claims; and

WHEREAS, the Local Finance Board adopted the rules and regulations that the local units must adhere to in order to enact the provisions of the law; and

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing the claimant certification requirement set forth in 40A5-16(a); and

WHEREAS, the Chief Financial Officer has determined that the following circumstances be applied with respect to this act

Vendor Signature Required (stamp, fax electronic or wet is acceptable)	Vendor Signature not Required (rule language)
Employee Reimbursements	Vendors who are paid through EFT technologies
Transactions above the dollar amount of \$1,000	Vendors who do not provide certifications part of the normal course of business
Any situation deemed necessary by the CFO or his designee	Debt Service
	Non Municipal Taxes
	Utilities regulated by tariff

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that the above vendor claimant circumstances recommended by the Chief Financial Officer be enacted effective January 9, 2024.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey __; Mayor McLaughlin ____

RESOLUTION #2024-27

TITLE: RESOLUTION AUTHORIZING THE BOROUGH OF ALLENHURST THROUGH THE BOROUGH OF ALLENHURST TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE ALLENHURST POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

Offered By:

Seconded By:

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the **BOARD OF COMMISSIONERS** of the **BOROUGH OF ALLENHURST** that the **ALLENHURST POLICE DEPARTMENT** is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from **JANUARY 1, 2024 to December 31, 2024** ; and

NOW THEREFORE BE IT FURTHER RESOLVED that **ALLENHURST POLICE DEPARTMENT** is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the **ALLENHURST POLICE DEPARTMENT**, without restriction; and

NOW THEREFORE BE IT RESOLVED that **ALLENHURST POLICE DEPARTMENT** is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes

NOW THEREFORE BE IT RESOLVED that the “DEMIL B through Q” controlled property controlled 3-page list in its entirety is hereby approved and hereto attached to this resolution.

NOW THEREFORE BE IT RESOLVED that the **ALLENHURST POLICE DEPARTMENT** shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

NOW THEREFORE BE IT RESOLVED that the **ALLENHURST POLICE DEPARTMENT** shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

NOW THEREFORE BE IT RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year **from JANUARY 1, 2024 to December 31, 2024.**

	A	B	C	D	E	F	G	H
AIRCRAFT, FIXED WING			1					
AIRCRAFT, ROTARY WING			1					
AIRPLANE,CARGO-TRANSPORT		1						5
AIRPLANE,FLIGHT T42A		1						
AIRPLANE,UTILITY	1	1						
AIRPLANE,UTILITY USF		1						
ARMORED SECURITY VEHICLE			1					
ARMORED SECURITY VEHICLE			1	1				
AUTOMOBILE,SEDAN			1					
AUTOMOBILE,WAGON			1					
BATON,KINETIC ENERGY				5				
BODY SHIELD		1						1
BREACH SYSTEM				1				
BREACHING RAM	1							
BREACHING SYSTEM	1							
CAPABILITIES SET NON-LETHAL								1
CAR,ARMORED				1				
CAR,ARMORED,MINE DISPOSAL			7					
CAR,ARMORED,MINE DISPOSAL				2				
CARRIER,AMBULANCE			1					
CARRIER,CARGO			3					
CARRIERS,COMMAND POST			1					
CARTRIDGE,12 GAGE SHOTGUN							2	
CARTRIDGE,12 GAGE SHOTGUN,NON-LETHAL				1			11	
CARTRIDGE,40 MILLIMETER			1		1		1	
CHARGE,DIVERSIONARY							1	
CLUB,SELF-PROTECTION							1	7
COMMUN,EQUIP,SOMS-S						1		
CUTTER HEAD,HYDRAULIC BREACHING AND EXTRACATION TOOL	1							
DEMOLITION KIT,BLASTING							1	
DEMOLITION KIT,BLASTING,PRACTICE							1	
DEMOLITION KIT,BREACHING SYSTEM,ANTI-PERSONNEL OBSTACLE				2			2	
DOOR,OPENER,HYDRAULIC BREACHING AND EXTRACATION TOOL	1							
DRONE,TARGET				1				
DRONES			1					
FACESHIELD,MILITARY,RIOT CONTROL	1							

RESOLUTION #2024-28
A RESOLUTION TO RE-ESTABLISH A CHANGE FUND

Offered By:

Seconded By:

WHEREAS, it is the desire of the Borough of Allenhurst, County of Monmouth to re-establish a change fund for the following Departments within the Borough for the year 2024 for a total amount of \$800

WHEREAS, the custodians for these funds are bonded through the Joint Insurance Fund.

WHEREAS, the following departments will maintain the following balances in said change fund:

Borough Hall \$200

Beach \$600

NOW, THEREFORE, BE IT RESOLVED, a certified copy of said resolution be forwarded to the Chief Financial Officer.

VOTE: Comm. McLoughlin ____; Comm. Cumiskey __; Mayor McLaughlin ____

RESOLUTION #2024-29

A RESOLUTION TO AFFIRM THE BOROUGH OF ALLENHURST'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

Offered By:

Seconded By:

WHEREAS, it is the policy of Borough of Allenhurst to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Borough of Allenhurst has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Board of Commissioners of the Borough of Allenhurst that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin____

RESOLUTION #2024-30

A RESOLUTION TO AUTHORIZE THE BOROUGH QUALIFIED PURCHASING AGENT TO AWARD CERTAIN CONTRACTS

Offered By:

Seconded By:

WHEREAS, P.L. 2023, C. 30, known as the "Elections Transparency Act" made significant changes to New Jersey's pay-to-play laws; and

WHEREAS, Sections 11 and 12 of the Act amended N.J.S.A. 19:44A-20.4 and 20.5., to clarify that the governing body of a municipality may delegate authority to the Borough Qualified Purchasing Agent to award contracts having an anticipated value in excess of \$17,500, but below the municipality's bid threshold; and

WHEREAS, the Board of Commissioners wishes to authorize the Borough Qualified Purchasing Agent to award contracts and purchase goods and services on behalf of the Borough up to the Borough's bid threshold.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough Qualified Purchasing Agent is hereby authorized to award contracts and purchase goods and services on behalf of the Borough up to the Borough's bid threshold

VOTE: Comm. McLoughlin-____; Comm. Cumiskey-____; Mayor McLaughlin-_____

RESOLUTION #2024-31

A RESOLUTION TO APPROVE CLEAN OCEAN BEACH SWEEPS

Offered By:

Seconded By:

WHEREAS, The Clean Ocean Action has asked for Allenhurst Borough's approval to conduct their annual Spring Beach Sweeps on Saturday, April 13, 2024 and the Fall Beach Sweeps on Saturday, October 19, 2024 from 9:00 am to 12:30 pm;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners, that approval is hereby given to Clean Ocean Action to conduct their Spring and Fall Beach Sweeps on April 13, 2024 and October 19, 2024.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____; Mayor McLaughlin_____

RESOLUTION #2024-32
RESOLUTION TO APPOINT KELLY BARRETT AS THE
MUNICIPAL HOUSING LIAISON FOR THE BOROUGH OF
ALLENHURST

Offered By: _____ Seconded By: _____

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

WHEREAS, the Borough's Affordable Housing Ordinance, Chapter 22-1 et seq., sets forth the duties of the Municipal Housing Liaison who is required to oversee the Borough's affordable housing programs (See 22-9(b)); and

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

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, and State of New Jersey that Kelly Barrett be and is hereby appointed to the position of Municipal Housing Liaison for the administration of the affordability controls of the Borough's housing program.

VOTE: Comm. Cumiskey-____; Comm. McLoughlin-____; Mayor McLaughlin-____

RESOLUTION #2024-33
RESOLUTION TO ADOPT AN "AFFIRMATIVE
MARKETING PLAN" FOR THE BOROUGH OF
ALLENHURST

Offered By: _____ Seconded By: _____

WHEREAS, the Planning Board of The Borough of Allenhurst, in the County of Monmouth and State of New Jersey, adopted a Housing Element and Fair Share Plan ("HEFSP") at its Special Meeting of November 29, 2023, which is incorporated herein by reference; and

WHEREAS, said HEFSP had as Appendix E a proposed Affirmative Marketing Plan, which is incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the proposed Affirmative Marketing Plan set forth as Appendix E to the HESFP be and is hereby adopted as the affordable housing initial Affirmative Marketing Plan for the Borough; and

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution and incorporated Affirmative Marketing Plan for the Borough, attached to the HEFSP as Appendix E.

VOTE: Comm. Cumiskey-____; Comm. McLoughlin-____; Mayor McLaughlin-____

RESOLUTION #2024-34
RESOLUTION TO ADOPT AN "AFFORDABLE HOUSING TRUST FUND SPENDING PLAN" FOR THE BOROUGH OF ALLENHURST

Offered By: _____ Seconded By: _____

WHEREAS, the Planning Board of The Borough of Allenhurst, in the County of Monmouth and State of New Jersey, adopted a Housing Element and Fair Share Plan (“HEFSP”) at its Special Meeting of November 29, 2023, which is incorporated herein by reference; and

WHEREAS, said HEFSP has as Appendix G a proposed initial “Affordable Housing Trust Fund Spending Plan”, which is incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the proposed initial Affordable Housing Trust Fund Spending Plan set forth as Appendix G to the HESFP be and is hereby adopted as the affordable housing initial Spending Plan for the Borough; and

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution and incorporated Affordable Housing Trust Fund Spending Plan for the Borough, attached to the HEFSP as Appendix G.

VOTE: Comm. Cumiskey-____; Comm. McLoughlin-____; Mayor McLaughlin-____

RESOLUTION #2024-35
RESOLUTION FOR RATIFYING MEMBERSHIP IN OMNIA PARTNER COOPERATIVE PURCHASE PROGRAM

Offered By: _____ Seconded By: _____

WHEREAS, The Borough of Allenhurst is a member of a cooperative purchasing system with U.S. Communities, account number AST4021320; and

WHEREAS, on March 5, 2019. U.S. Communities and National IPA merged and are now known as the OMNIA Partners cooperative purchasing program; and

WHEREAS, the Borough seeks to re-affirm its membership with OMNIA Partners, as permitted under applicable law, in order to validly complete procurements through same.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Commissioners of the Borough of Allenhurst hereby ratifies entry by the Borough of Allenhurst into a cooperative purchasing system agreement with ONMIA Partnes, consistent with the foregoing.

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator and the Qualified Purchasing Agent are hereby authorized and directed to take any and all steps necessary to effectuate the foregoing, including the execution of any instruments.

BE IT FURTHER RESOLVED that the membership shall take effect immediately upon passage.

VOTE: Comm. Cumiskey-____; Comm. McLoughlin-____; Mayor McLaughlin-____

RESOLUTION #2024-36
A RESOLUTION TO HIRE SLEO Class II OFFICER

Offered By:

Seconded By:

WHEREAS, there exists a need within the Police Department to appoint a part-time as-needed Special Law Enforcement Officer (SLEO), Class II to cover open shifts ; and

WHEREAS, it is the recommendation of the Chief of Police that Class II Officer Lisa Griffin be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that Lisa Griffin is hereby appointed as a part-time as-needed SLEO Class II Officer effective January 1, 2024 and that said provisional appointment be compensated at an hourly rate of \$20.00 per hour.

VOTE: Comm. Cumiskey-____; Comm. McLoughlin-____; Mayor McLaughlin-____

RESOLUTION #2024-37
RESOLUTION TO REFER ORDINANCES TO PLANNING BOARD FOR CONSISTENCY REVIEW

Offered By: _____ Seconded By: _____

WHEREAS, the Borough of Allenhurst (“Borough”) in the County of Monmouth and State of New Jersey, in furtherance of its settlement agreements with Fair Share Housing Center ("FSHC") and Power Station at Allenhurst, LLC and to comply with the Order of Fairness and Preliminary Compliance entered by the Superior Court of New Jersey on July 31, 2023, must supplement and revise portions of its existing Borough Code, and

WHEREAS, the settlement agreements and Order of Fairness and Preliminary compliance require the Borough to enact a number of ordinances including 1) a Development Fee Ordinance, 2) an Affordable Housing Ordinance, 3) an Overlay Zone Ordinance and 4) an Ordinance adopting an amendment to the Redevelopment Plan consistent with the terms of the Settlement Agreements reached with FSHC & Power Station at Allenhurst, LLC regarding compliance with the Borough's affordable housing obligations.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

BE IT FURTHER RESOLVED, that the Board of Commissioners does hereby refer the amendment to the Main Street Redevelopment Plan to the Planning Board for their determination that the same is consistent with the master plan and the Planning Board's obligations as a party to the Settlement Agreements and the Order of Fairness and Preliminary Compliance set forth above.

VOTE: Comm. Cumiskey-____; Comm. McLoughlin-____; Mayor McLaughlin-____

RESOLUTION #2024-38
A RESOLUTION TO APPROVE EXECUTIVE SESSION

Offered By:

Seconded By:

WHEREAS, State law permits the exclusion of public in certain circumstances; and,
WHEREAS, The Board of Commissioners of the Borough of Allenhurst finds that such circumstances currently exist; and,

WHEREAS, The Board of Commissioners will make public, minutes of the closed session when confidentiality no longer exists;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners that they are hereby authorized to enter into closed session to discuss legal/contractual matters which are exempt from the public meeting under the Sunshine Law.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____;Mayor McLaughlin____

RESOLUTION #2024-39
A RESOLUTION TO APPROVE BILLS (12-13-2023 to 1-9-2024)

Offered By:

Seconded By:

BE IT RESOLVED, That bills totaling \$396,065.16 be approved for payment; and,
BE IT FURTHER RESOLVED, That the January 9, 2024 consolidated bill list be attached hereto and made a part thereof.

VOTE: Comm. McLoughlin____; Comm. Cumiskey____;Mayor McLaughlin