

C. J. Kelly

**REGULAR MEETING IMMEDIATELY
FOLLOWING THE WORK SESSION**

**MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE
PRELIMINARY AGENDA FOR COUNCILMEMBERS**

AGENDA REGULAR MEETING

TUESDAY **February 16, 2021**

Announcement – Siren 106th Street

**PRESENTATION – AFFORDABLE HOUSING – Nancy Holm – Details
Krafczek**

**ORDINANCE – Affordable Housing Ordinance 2nd 3rd and final (1) Krafczek
Resolution – Summer Leak Adjustment – Utility (2) Moore
Resolution – Amend Res 2021-S-46 – change figure for sale of truck (3)
Parzych
Resolution – Approve Stewarts Program (4) Casper**

Motion – Out to B id – Water Tower Repairs (5) Moore
Advertise February 19
Prebid Meeting February 25
Bid Opening March 10
Possible award March 16

Motion – Mayor - Zoning Board Appointment – Martin Cahill

AFFORDABLE HOUSING ORDINANCE
ORDINANCE NO. 1581

An Ordinance Repealing Chapter 560 (Affordable Housing) In The Code of the Borough of Stone Harbor In Its Entirety, And Replacing Same With A Chapter Entitled "Affordable Housing Regulations," Which Will Address The Requirements Of The Fair Housing Act And The Uniform Housing Affordability Controls (UHAC) Regarding Compliance With The Borough's Affordable Housing Obligations.

NOW, THEREFORE, be it ordained by the Mayor and Council of the Borough of Stone Harbor, Cape May County, State of New Jersey, as follows:

Section 1. Chapter 560 (Affordable Housing) of the Code of the Borough of Stone Harbor is hereby repealed and replaced with the following:

§560-48 - Affordable Housing.

A. Affordable Housing Obligations

- 1) This section is intended to assure that very-low-, low-, and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This section shall apply except where inconsistent with applicable law.
- 2) The Borough of Stone Harbor 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 Fair Share Plan has been adopted by the Planning Board and endorsed by the governing body. The Fair Share Plan describes how Stone Harbor Borough shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Borough and Fair Share Housing Center (FSHC).
- 3) This section implements the Borough's Fair Share Plan, addresses the requirements of the Court and the terms of the settlement agreement, and also implements a Borough-wide requirement that all new multifamily residential development of five or more units shall have a mandatory affordable housing set aside for low- and moderate-income units, subject to certain enumerated conditions.
- 4) The Borough of Stone Harbor shall track the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan shall be available to the public at Borough Hall located on 9508 Second Avenue, Stone Harbor, NJ 08247.
 - a. For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post its report on its website, with notice to all interested parties on or before that date.
 - b. For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, the Borough will post its report on its website with notice to all interested parties within three years of the Fairness Order, entered by the Court on January 23, 2018.

- c. On the first anniversary of the execution of this Agreement, and every anniversary thereafter (December 6, 2017) through the end of the housing round (June 30, 2025), the Borough will 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 Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms agreed upon by the parties.

B. Definitions. The following terms when used in this §560-48 shall have the meanings given in this section:

ACCESSORY APARTMENT

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. For existing residential structures, accessory apartments may be created through conversions through "gut rehabilitation." An accessory apartment may be created or located above a principal building on the second floor.

ACT

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

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity responsible for the administration of affordable units in accordance with this section, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

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

AFFORDABLE

A sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT

A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT

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% affordable development.

AFFORDABLE HOUSING OVERLAY DISTRICT or OVERLAY DISTRICT
The geographic area designated in § 560-48D(1) below.

AFFORDABLE HOUSING PROGRAM(S)

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

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: all the residents of the development where the unit is situated are 62 years or older; or at least 80% of the units are occupied by one person that is 55 years or older; or 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.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

ASSISTED LIVING RESIDENCE

A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance:

CERTIFIED HOUSEHOLD

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

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

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, electric, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

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

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or

change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

GUT REHABILITATION

Gut rehabilitation means the same as "reconstruction."

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units. The Borough requires a 20% set-aside of affordable for-sale units and a 15% set-aside of affordable rental units if the development has five or more units. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

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

LOW-INCOME UNIT

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

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electrical, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

MARKET-RATE UNITS

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

MEDIAN INCOME

The median income by household size for the applicable county, as adopted annually by the Department.

MODERATE-INCOME HOUSEHOLD

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

MODERATE-INCOME UNIT

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

NONEXEMPT SALE

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.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another

except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

RECONSTRUCTION

Reconstruction means any project where the extent and nature of the work is such that the work areas cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work areas can be reoccupied, pursuant to the Rehabilitation subcode, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised of only floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy during the work performed is not permitted.

REGIONAL ASSET LIMIT

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

REHABILITATION

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

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or 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.

THE DEPARTMENT

The Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT

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

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

- C. Affordable Housing Programs. The Borough of Stone Harbor will use the following mechanisms to satisfy its affordable housing obligations:

1) A rehabilitation program

- a. The Borough of Stone Harbor and Fair Share Housing Center have agreed upon a rehabilitation program of three units. To satisfy this obligation, the Borough shall either participate in the Cape May County Affordable Housing Program; or establish and implement its own rehabilitation program.
- b. The Borough of Stone Harbor shall dedicate an average of \$8,000 hard costs and \$2,000 administrative costs, totally \$10,000 on average for each unit to be rehabilitated through this program.
- c. If the Borough chooses to establish and implement its own rehabilitation program, it shall designate an administrative agent to administer said program in accordance with N.J.A.C. 5:91 and N.J.A.C. 5:93. The administrative agent shall provide a rehabilitation manual for the owner-occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Said rehabilitation manual shall be available for public inspection in the Office of the Municipal Clerk and in the office of the administrative agent.

2) Percentage of mandatory set-asides for all future residential developments

- a. If the Borough permits the construction of multifamily or single-family attached residential development that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, at a gross residential density of six units to the acre or more, the Borough shall require that an appropriate percentage of the residential units be set aside for low- and moderate-income households. This requirement shall apply to any multifamily or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units, 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. For any such development for which the Borough's land use ordinances (e.g. zoning or an adopted redevelopment plan) already permitted residential development as of the effective date of this agreement, this requirement shall only apply if the Borough permits an increase in approvable and developable gross residential density to beyond the permitted approvable and developable gross residential density as of the effective date of this agreement. Nothing in this subsection precludes the Borough 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. For inclusionary projects in which the very-low-, low- and moderate-income units are to be offered for sale, the appropriate set-aside percentage is 20%. For projects in which the very-low-, low- and moderate-income units are to be offered for rent, the appropriate set-aside percentage is 15%. 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. This requirement does not apply to any sites or specific zones otherwise identified in the settlement agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

- b. Furthermore, this section shall not apply to developments containing four or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five or more.

- 3) Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement with the review and consent of FSHC:

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

- 4) Fractional units. If the affordable housing set-aside of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site. Example: an eight-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.
- 5) Design. In inclusionary developments, very-low-, low- and moderate-income units shall be integrated and evenly interspersed with the market units. The affordable units shall not be concentrated in separate areas or buildings from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be evenly distributed within each building with market units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the market units.
- 6) Payments-in-lieu and off-site construction. Affordable units shall be required to be on-site unless FSHC provides written consent for off-site units or a payment in lieu.
- 7) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

D. Affordable Housing Overlay District.

- 1) An Affordable Housing Overlay District is hereby created, which District shall consist of all properties that are located within the Business District between 93rd Street and 99th Street.
- 2) Development in the Overlay District shall be subject to the bulk regulations set forth in §560-18, except as set forth in this §560-48.

3) Affordable housing units shall be permitted in the Overlay District as second and third floor residential accessory apartments, subject to the following regulations:

- a. Construction in excess of the story and height limitations set forth in § 560-18 shall require not less than 20% of all for-sale residential units and not less than 15% of all rental units to be designated as affordable housing units.
- b. The first floor of any building in which affordable housing units exist on the second and third floor shall be operated as a commercial use in accordance with § 560-18.
- c. Structures housing third floor affordable housing units shall be subject to the following supplemental bulk regulations, which shall control in the event of a conflict with § 560-18:
 1. Maximum stories: three.
 2. Maximum building height: 42 feet from top of curb.
 3. Minimum lot area: 4,000 square feet.
 4. Minimum front yard setback:
 - a. First and second floors, as per § 560-18.
 - b. Third floor: Ten feet, provided that a railing measuring up to 42 inches above a third-floor exterior deck shall be subject the minimum front yard setback set forth in § 560-18.
 5. Minimum side yard setback: zero feet.
 6. Minimum rear yard setback: zero feet.
 7. Affordable housing unit gross floor area (min): 650 square feet.
 8. Affordable housing unit parking: zero spaces.

E. Multifamily residential set-aside requirements:

- 1) All newly constructed multifamily residential developments of five units or more, whether located within or outside in the Affordable Housing Overlay District, shall be required to set aside a percentage of the units as affordable housing as follows:
 - a. The set-aside for rental developments shall be 15% of the total units;
 - b. The set-aside for for-sale developments shall be 20% of the total units.
- 2) The provisions of this § 560-48E shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwelling units by five or more.

F. Accessory apartments. Accessory apartments are permitted within or outside the Affordable Housing Overlay District, subject to the following regulations:

- 1) It is the specific purpose and intent of this section to allow accessory apartments on parcels of minimum size in conformance with the specific zoning district minimum lot size requirement to provide the opportunity for the development of affordable housing units to meet the needs of very-low-, low- and moderate-income residents.

It is also the purpose of this limited, special-use provision to allow more efficient use of the Borough's existing stock of residential dwelling units and the Borough's existing stock of accessory buildings, to allow existing residents the opportunity to remain in large, underutilized houses by virtue of the added income for them from an accessory apartment, to allow accessory apartments in new attached and/or detached structures and to protect and preserve property values in the Borough of Stone Harbor. To help achieve these goals to promote the other objectives of this chapter and of the Master Plan, and to implement the Borough's Housing Element and Fair Share Plan, the following specific standards and limitations are set forth for such accessory apartment use.

- 2) Location and Number of Units: Location of units shall be permitted in the Business Zoning District and Residential Zoning Districts. The Borough is limited to the number of new permitted accessory apartments to allow up to ten (10) units, five of which shall be affordable to low-income households, with one (1) of those five (5) units being affordable to a very-low-income household.
- 3) Size: the minimum floor area for an accessory apartment located within a principal structure shall be 650 square feet, but in no case shall it exceed the gross floor area of the existing principal structure on the lot.
- 4) Other Requirements:
 - a. An accessory apartment unit will comply with the rest of the provisions of §560-48.
 - b. All standards and requirements of the zoning district, except as modified by this section, shall apply.
 - c. An accessory apartment unit shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes.
 - d. Exterior Appearance: An accessory apartment shall be located, designed, constructed, and landscaped so as to preserve the appearance of the principal building to the maximum extent feasible and further to enhance and not detract from the character of the principal building and the surrounding neighborhood. An accessory apartment shall have a separate, distinct entry which does not detract from the character of the principal building.
 - e. The appropriate utility authority or Board of Health must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment.
 - f. An accessory apartment unit shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to a very low, low or moderate income qualified household as is defined by applicable Council on Affordable Housing ("COAH") and Uniform Housing Affordability Controls ("UHAC") regulations at the time of initial occupancy of the unit.
 - g. The occupant must meet the established income limitations for very low, low, and moderate-income households as specified by the rules and

regulations of the Council on Affordable Housing (COAH) (N.J.A.C.5:93 et seq.).

- h. The accessory apartment must meet the adaptability law at P.L. 2005, c.350, if applicable.
- i. Rents of accessory apartments shall be affordable to very-low-, low-, and moderate-income households as per COAH and UHAC regulations.
- j. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale within the affordable housing requirements stated herein.
- k. Each accessory apartment shall have its own private entrance, living/sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants.
- l. The accessory apartment shall have a separate door with direct access to the outdoors.
- m. The accessory apartment shall be affirmatively marketed to the housing region in accordance with COAH regulations and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.
- n. Accessory apartment units are exempt from bedroom mix requirements in N.J.A.C. 5:93-7.3.
- o. A freestanding accessory building(s) containing accessory apartment units shall conform to the setback requirements for principal buildings in the district.

5) Administration

- a. Stone Harbor Borough shall designate an Administrative Agent to administer the accessory apartment program.
- b. The Administrative Agent shall administer the accessory apartment program in accordance with the Borough's Affordable Housing Ordinance, which includes, but is not limited to, advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, overseeing the securing of certificates of occupancy, qualifying properties, handing application forms, overseeing the filing deed restrictions, filing monitoring reports and affirmatively marketing the accessory apartment program.
- c. The Borough shall provide fixed subsidies per accessory apartment unit as follows to subsidize the creation of each accessory apartment. For very-low income units a \$35,000 fixed subsidy will be available. For low income units a \$25,000 fixed subsidy will be available. For moderate income units a \$20,000 fixed subsidy will be available. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough ensuring that the subsidy shall be used to create the accessory apartment and the apartment shall meet the requirements of this subsection.

d. Applicants for the creation of an accessory apartment shall submit to the administrative agent:

1. A sketch of floor plans showing the location, size, and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
2. Rough elevations showing the modification of any exterior building façade to which changes are proposed; and
3. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units and any manmade conditions which might affect construction.

e. In accordance with the recommendations of the Court and Court-appointed Master, the Borough reserves the right to revisit this subsection from time to time, and to make appropriate adjustments to enhance the effectiveness of the Borough's Accessory Apartment Program.

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

1) Very-low/low/moderate split and bedroom distribution of affordable housing units.

- a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- b. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units. If there is only one affordable unit it must be a low-income unit.
- c. In each development that includes affordable housing, thirteen percent (13%) of the restricted units overall shall be very-low-income units at 30% of the median income. The very-low-income units shall be provided as follows: in developments that produce one (1) very-low-income unit, the very-low-income unit shall be a two- or three-bedroom unit; in developments that produce two (2) very-low-income units, no more than one (1) of the very-low-income units may be a one-bedroom unit; and in developments that produce three (3) or more very-low-income units, an equal number of very-low-income units shall be provided within each bedroom distribution, and any additional very-low-income units shall be two- or three-bedroom unit. Very-low-income units shall be considered low-income units for the purposes of evaluating compliance with the required low-moderate-income unit splits, bedroom distribution,

and phasing requirements of this section.

- d. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - 1. The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units.
 - 2. At least 30% of all low- and moderate-income units shall be two-bedroom units;
 - 3. At least 20% of all low- and moderate-income units shall be three-bedroom units; and
 - 4. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
 - 5. Where a development produces four or fewer affordable units, all of the affordable units shall be two- and three-bedroom units.
- e. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2) Accessibility requirements:

- a. 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.
- b. 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:
 - 1. An adaptable toilet and bathing facility on the first floor;
 - 2. An adaptable kitchen on the first floor;
 - 3. An interior accessible route of travel on the first floor;
 - 4. An interior accessible route of travel shall not be required between stories within an individual unit;
 - 5. 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
 - 6. 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 of Stone Harbor has collected funds from the developer sufficient to make 10% 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's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
- c. The funds deposited under Subsection G(2)(b)[6][b] above shall be used by the Borough of Stone Harbor 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.
- 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's affordable housing trust fund where the funds shall be 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.

c. Maximum rents and sales prices.

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the regional income limits established by the New Jersey Department of Community Affairs (DCA) or other agency as required by the Court.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.

4. At least 13% of all low- and moderate-income dwelling units shall be affordable to households earning no more than 30% of median income.
5. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% 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.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four-and-one-half person household; and
 - e. A four-bedroom units hall be affordable to a six-person household.
7. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
8. 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% 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% 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.
9. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% 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.

10. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

11. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

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

H. Affirmative marketing requirements.

- 1) The Borough of Stone Harbor shall adopt by resolution an affirmative marketing plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- 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 Housing Region 6 and covers the period of deed restriction.
- 3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 6.
- 4) The administrative agent designated by the Borough of Stone Harbor shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality and applicable law, including posting of all affordable units on the online New Jersey Housing Resource Center website.
- 5) In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- 6) The affirmative marketing process for available affordable units shall begin at least four months 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.

I. 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:
 - a. Provide an occupant for each bedroom;
 - b. Provide children of different sex with separate bedrooms; and
 - c. Prevent more than two persons from occupying a single bedroom.
- 2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal operating manual.

J. 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 section until the Borough of Stone Harbor elects, in its sole discretion, to extend or release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years from the date of initial occupancy.
- 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 nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- 4) At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this section, an amount equal to the difference between the unit's nonrestricted 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 section 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 that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

K. Price restrictions for restricted ownership units, homeowners 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 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.

L. 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% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% 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% of the household's certified monthly income.

M. Limitations on indebtedness secured by ownership units; 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.
- 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% 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).

N. 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 section until the Borough of Stone Harbor elects, in its sole discretion, to extend or release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended

and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years from the date of initial occupancy.

- 2) 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 Cape May. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- 3) A restricted rental unit shall remain subject to the affordability controls of this section, despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit; or
 - c. The entry and enforcement of any judgment of foreclosure.

O. Price 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% 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.

P. 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:
 - a. Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- 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% (40% for age-restricted units) of the household's eligible

monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- 3) The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection P(2)(a) through (e) above with the administrative agent, who shall counsel the household on budgeting.

Q. Administration.

- 1) The position of Municipal Housing Liaison (MHL) for the Borough of Stone Harbor is established by this section. The Borough shall make the actual appointment of the Municipal Housing Liaison by means of a resolution.
- a. The Municipal Housing Liaison must be either a full-time or part-time employee of Stone Harbor.
 - b. The person appointed as the Municipal Housing Liaison must be reported to the Court and thereafter posted on the Borough's website.
 - c. The Municipal Housing Liaison must meet all the requirements for qualifications, including initial and periodic training.
 - d. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Stone Harbor, including the following responsibilities which may not be contracted out to the administrative agent:
 1. Serving as the Municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 2. The implementation of the affirmative marketing plan and affordability controls;
 3. When applicable, supervising any contracting administrative agent;

4. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 5. Compiling, verifying and submitting annual reports as required;
 6. Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
 7. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).
- 2) The Borough of Stone Harbor shall designate by resolution of the Borough Council, subject to the approval of the Court, one or more administrative agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:91, N.J.A.C. 5:93 and UHAC.
 - 3) An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body. The operating manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).
 - 4) The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ);
 - b. Affirmative marketing;
 - c. Household certification;
 - d. Affordability controls;
 - e. Records retention;
 - f. Resale and re-rental;
 - g. Processing requests from unit owners; and
 - h. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - i. The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - 5) The fees of the administrative agent shall be paid by the owners for the affordable units for which the services of the administrative agent are required.

R. Enforcement of the 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 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:
- a. 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:
 1. A fine of not more than \$10,000 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;
 2. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Stone Harbor Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 3. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 - b. 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 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 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 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 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 low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- 7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- 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.

S. Appeals: Appeals from all decisions of an administrative agent designated pursuant to this section shall be filed with the Superior Court of New Jersey, Cape May County.

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

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Stone Harbor, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough

of Stone Harbor are hereby ratified and confirmed, except where inconsistent with the terms hereof.

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

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Stone Harbor for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

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

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(2)

RESOLUTION

SUMMER LEAK IN CONNECTION WITH ORDINANCE 542-22 C

Whereas, account #16570, located at 118 106th Street experienced a summer leak; and,

Whereas, being appropriately documented and certified that said leak did not drain into the sanitary collection system; and,

Whereas, under the provision of ordinance 542-22C the 2020 summer usage shall be adjusted to the average of the prior three summers consumption for the purpose of calculating 2021 sewer volume charges.

NOW, THEREFORE, BE IT RESOLVED, on this 16th day of February, 2021, that account #16570 located at 118 106th Street shall have their 2020 summer consumption adjusted to the average usage of 22.5 gallons.

BE IT FURTHER RESOLVED that the Utilities Collector make the proper adjustment in her records.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the day of, 2021

The above resolution approved this day of....., 2021

Borough Clerk

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

AUTHORIZING THE SALE OF ONE (1) TRUCKS TO RUNNEMEDE N.J. (replaces Resolution 2021-S-46)

WHEREAS, there exists a need for a Diesel Dump Body with Myers Plow vehicle in the Borough of Runnemede, N.J., in the County of Camden, State of New Jersey; and

WHEREAS, the Borough of Stone Harbor is in possession of a surplus 2007 Ford F-350 Diesel Dump Body with Myers Plow Vin Number – 1FDWF37P97EB21440 ; and

WHEREAS, the Borough of Runnemede, N.J. wishes to purchase this vehicle for the total amount of \$ 4,500.00 and funds are available to the Borough of Runnemede, N.J. for such purchases; and

WHEREAS, N.J.S.A. 40A:11-5(2) allows for such contracts between municipalities without competitive bidding; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), requires that the resolution authorizing the award of contracts for such services without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey as follows:

1. That the Borough of Stone Harbor hereby agrees to sell to the Borough of Runnemede, N.J. a 2007 Ford F-350 Diesel Dump Body with Myers Plow, in consideration hereunder of the payment of \$ 4,500, together with the execution and transfer of any applicable documentation. Such sale is "as is" with no express or implied warranty on the part of the Borough of Stone Harbor.
2. That the title documents to such vehicle shall be provided to the Borough Attorney of the Borough of Runnemede, N.J. who will hold such documents in escrow to be released to Runnemede upon provision to the Borough of Stone Harbor of payment;
3. That the Mayor and Clerk are hereby authorized and directed to execute this resolution as the contract for sale of the aforementioned vehicles to the Borough of Runnemede, N.J.
4. That this contract is awarded without competitive bidding under the provisions of 40A:11-5(2) of the Local Public Contracts Law.
5. That a notice of this action shall be printed in accordance with law.

Attest:

Suzanne Stanford, Clerk
Borough of Stone Harbor
Attest:

Judith M. Davies-Dunhour, Mayor
Borough of Stone Harbor

Borough Clerk
Borough of Runnemede, N.J.

Mayor
Borough of Runnemede, N.J. t

Offered by Seconded by

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the day of, 2021

The above resolution approved this day of, 2021

Borough Clerk

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(14)

Stone Harbor Point Shorebird Stewardship Program – 2021 Season Wetlands Institute

WHEREAS, the Wetlands Institute, 1075 Stone Harbor Boulevard, Stone Harbor, N.J. 08247 has proposed a 2021 Proposal for Stewards Services at the Stone Harbor Point ; and

WHEREAS, the Borough Council of the Borough of Stone Harbor hereby approves the Proposal, a copy of which is attached hereto for furnishing of environmental restoration and management coordination of natural areas; and

WHEREAS, The Borough Council of the Borough of Stone Harbor hereby approved the Proposal, a copy of which is attached hereto for the Stone Harbor Point Shorebird Stewardship Program, and proposes a budget of \$16,000 to manage and enhance this program;

Hourly salaries & benefits costs	\$11,240
Personnel expenses	\$ 3,055
Miss Field supplies	\$ 250
Indirect expenses	\$ 1,455 and:

WHEREAS, the Chief Financial Officer has certified that funds are available.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the Mayor, Judith M. Davies-Dunhour be and hereby is authorized to sign the attached Agreement from Wetlands Institute on this 16th day of February, 2021.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the day of, 2021

The above resolution approved this day of, 2021

Borough Clerk

Mayor



1075 Stone Harbor Blvd
Stone Harbor, NJ 08247
P: 609.368.1211 F: 609.368.3871
wetlandsinstitute.org

Stone Harbor Point Shorebird Stewardship Program – 2021 Season

Prepared by Dr. Lisa Ferguson, Director of Research and Conservation
The Wetlands Institute, Stone Harbor, NJ 08247

Project Overview and Justification

During the summer months, shorebird species compete with people for undisturbed space on New Jersey's beaches. Undisturbed space and time is essential for shorebirds during nesting and migration along the coast, particularly at intact beaches like Stone Harbor Point Conservation Area. This site provides important refuge for federally threatened species, such as the Piping Plover and Red Knot, and other species of conservation concern, such as the American Oystercatcher and Black Skimmer. With close proximity to densely settled, summer tourist destinations, Stone Harbor Point is also a prime location for educating various user groups about the importance of protected areas and the conservation and management needs of shorebirds and other coastal species.

Due to the importance of the site, sections of the beach are closed to public use from March 15 – October 31 during peak shorebird nesting and migration. The perimeter of the closed area is marked by fencing and informative signage. Despite these strategies, some people enter closed areas causing potential harm to shorebirds. The Shorebird Stewardship Program is designed to further deter people from violating seasonal closures.

In 2021, shorebird stewards will be present during the height of the tourist and beach-use season to monitor the closed area for violations of the closure and to educate visitors about shorebird management and conservation. Education will be achieved by engaging visitors in a friendly and inviting manner about issues facing beach-nesting and migratory shorebirds and by helping the public to identify and view birds on the beach. The stewards will also alert the public to other areas of Stone Harbor where there are not usage restrictions and will help clarify rules and restrictions. Though stewards will maintain a non-confrontational approach, Stone Harbor Law Enforcement may be engaged if a situation becomes unmanageable, as necessary, or if public safety is a concern. During scheduled patrols, stewards will communicate with Law Enforcement officers and escort vehicles after chicks hatch per the vehicle use agreement. The number and types of interactions with the public will be recorded by stewards to understand the public use of the site and so that adjustments can be made to improve the program.

The Wetlands Institute built a successful shorebird steward program at Stone Harbor Point in 2015 and has continued it in the years since. Public engagement and reductions in disturbances were significant between years at Stone Harbor Point. Additionally, we oversee a successful steward program at Cape May National Wildlife Refuge. Our staff has many years of experience stewarding beaches, monitoring shorebirds, studying human disturbance issues, and creating successful public education programs. We believe we are qualified to meet the objectives of the Shorebird Steward Program and, in partnership with the Borough, enhance public education and shorebird protection at Stone Harbor Point.

A non-profit organization studying, preserving, and protecting wetlands and coastal ecosystems for more than 50 years.



Project Implementation and Deliverables

The Wetlands Institute will hire and oversee a staff of shorebird stewards at Stone Harbor Point from May through September, which coincides with the highest level of public visitation and peak tourist season during the seasonal beach closure. In addition, summer interns in the Coastal Conservation Research Program at The Wetlands Institute may participate in stewarding activities as a component of their early career development. Volunteers will be recruited to supplement these efforts, providing an opportunity for interested individuals to contribute to shorebird conservation. Staff, interns, and volunteers will be thoroughly trained.

Stewards will be present to monitor the closed area of Stone Harbor Point on a daily basis between May 29 (Memorial Day weekend) and September 6 (Labor Day). On Saturday - Sunday, coverage will be provided for 7-10 hours. On weekdays, coverage will be provided for 3 to 5 hours with typical coverage being 40 hours per week, plus data entry time, as funding permits. Typical coverage will extend from 8 AM - 6 PM, though exact hours may be adjusted based on weather and observed patterns of public use. Stewards will not be present during adverse weather. Shifts may be added through September 30 if public use of the site indicates the need and staff and funding resources allow. Stewards will also provide a pedestrian escort for vehicle-based patrols scheduled by Stone Harbor Police Department required during the nesting season when unfledged chicks are present.

Stewards will be identified as beach stewards and will be employees of The Wetlands Institute. They will act in accordance with policy standards established by the Institute. Institute staff will maintain regular communication with Borough staff to coordinate trainings and activities, and to report on progress and development of the program. Stewards will record interactions with the public on datasheets created by TWI staff. Results will be summarized and submitted to the Borough after the end of the season.

Budget Detail and Justification

The Wetlands Institute proposes a budget of \$16,000 to manage the Shorebird Stewardship Program in 2020. Personnel costs constitute the majority of the requested amount. The budget includes \$11,240 to cover the hourly salaries and associated benefits costs of Shorebird Stewards over the duration of the project. A total of \$3,055 is requested to cover the personnel expenses, including hourly rate and associated fringe costs of Institute staff for program management and coordination, steward hiring and training, and material and report development. In addition to staff time, \$250 is requested to cover miscellaneous field supplies and expenses related to travel to Stone Harbor Point over the duration of the project, and \$1,455 is requested to cover indirect expenses.

Suzanne Stanford

From: Marc DeBlasio <marc@deblasioassoc.com>
Sent: Wednesday, February 10, 2021 2:09 PM
To: Suzanne Stanford; Robert Smith; Carrie Bosacco; Grant Russ
Cc: Elaine Benincasa
Subject: Stone Harbor-95th Street Water Tank Improvements

We are proposing the following bid schedule for the above referenced project:

1. Motion to Bid: February 16, 2021 Council Meeting
2. Advertise Project for Public Bid: February 19th (The Press of AC)
3. Non Mandatory Prebid Meeting: February 25th at 10:00 AM
4. Bid Opening: Friday, March 10th at 10:00 am
5. Possible Council Award: March 16th Council meeting.

Please review and let us know if these dates work for the Borough.

Thank you,

Marc DeBlasio, PE, PP, CME
President

**DEBLASIO &
ASSOCIATES**
CONSULTING ENGINEERS AND PLANNERS

4701 New Jersey Avenue,
Wildwood, NJ 08260

Phone: 609-854-3311
Fax: 609-854-4323

www.deblasioassoc.com