

**LINWOOD COMMON COUNCIL
CAUCUS AGENDA
August 8, 2018
6:00 P.M.**

**NOTICE OF THIS MEETING HAS BEEN PUBLISHED
IN ACCORDANCE WITH THE REQUIREMENTS OF
THE OPEN PUBLIC MEETINGS ACT.**

1. Roll Call Mayor DePamphilis __ Mr. Beinfest _____ Mrs. DeDomenicis _____
 Mr. Ford _____ Mr. Gordon _____ Mr. Heun _____
 Mr. Matik _____ Mr. Paolone _____

 Professionals: Mr. Youngblood ____ Mr. Polistina _____ Mrs. Napoli ____
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
 - A. Resolution authorizing the hiring of Anthony Disciascio as a Special Law Enforcement Officer Class III
4. Councilman Beinfest
 - A. Neighborhood Services
 1. Resolution authorizing a Drug Alliance Agreement with Atlantic County
5. Councilwoman DeDomenicis
 - A. Public Works
6. Councilman Ford
 - A. Planning & Development
 1. Ordinance amending Chapter 155 Flood Hazard Areas in compliance with new Federal Regulations
7. Councilman Gordon
 - A. Engineering
 1. Resolution to reject bids for Historical Building Roof
 2. Resolution authorizing Change Orders to Arawak Paving for 2017 Road Program
 3. Resolution authorizing a Change Order to Command Company for Poplar Recreation Complex
 4. Resolutions authorizing submissions to the NJDOT for a Transportation Alternatives Set Aside Grant and a Safe Routes to School Grant
8. Councilman Heun
 - A. Public Safety
 1. Ordinance amending Chapter 152 Fire Prevention – final reading
9. Councilman Matik
 - A. Revenue & Finance
 1. Resolution authorizing Tax Collector to extend the grace period for taxes
 2. Resolution authorizing refunds of overpayments of taxes for 507 W. Wilson Avenue and 505 Kirklin Avenue
 3. Resolution in support of Senate Concurrent Resolution No. 124 with regard to Energy Tax Receipts
10. Council President Paolone
 - A. Administration
 1. Resolutions awarding Raffle and Bingo Licenses to EHT Baseball Association

11. Mr. Youngblood

- A. Ordinance amending Chapter 277 Zoning with regard to accessory apartments – final reading
- B. Ordinance amending Chapter 277 Zoning with regard to affordable housing units – final reading
- C. Ordinance amending Affordable Housing Ordinance with regard to the Fair Housing Act and the Uniform Housing Affordability Controls– final reading
- D. Ordinance amending Chapter 277 creating affordable housing overlay zones – final reading
- E. Ordinance amending Chapter 124, Development Fees – final reading
- F. Resolution appointing a Municipal Housing Liaison
- G. Resolution endorsing the 2018 Housing Element & Fair Share Plan
- H. Resolution adopting 2018 Spending Plan
- I. Resolution appointing an Administrative Agent
- J. Resolution adopting an Affirmative Marketing Plan

**LINWOOD COMMON COUNCIL
AGENDA OF REGULAR MEETING
August 8, 2018**

CALL TO ORDER

**NOTICE OF THIS MEETING HAS BEEN
PUBLISHED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT.**

FLAG SALUTE: Councilman Todd Gordon

ROLL CALL

APPROVAL OF MINUTES WITHOUT FORMAL READING

ORDINANCES

12 OF 2018 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO CLASSIFY ACCESSORY APARTMENTS AS CONDITIONAL USES IN ALL RESIDENTIAL ZONES FOR THE PURPOSE OF THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH.

FIRST READING: July 11, 2018

PUBLICATION: July 16, 2018

PASSAGE: August 8, 2018

13 OF 2018 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO PROVIDE FOR A MINIMUM SET ASIDE OF AFFORDABLE HOUSING UNITS TO MEET THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH.

FIRST READING: July 11, 2018

PUBLICATION: July 16, 2018

PASSAGE: August 8, 2018

14 OF 2018 AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE CODE OF THE CITY OF LINWOOD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

FIRST READING: July 11, 2018

PUBLICATION: July 16, 2018

PASSAGE: August 8, 2018

15 OF 2018 AN ORDINANCE AMENDING CHAPTER 277 ZONING OF THE CODE OF THE CITY OF LINWOOD AND CREATING AFFORDABLE HOUSING OVERLAY ZONES THROUGH MIXED USE ZONING AND MIXED USE/RESIDENTIAL ZONING AND AMENDING THE ZONING MAP OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

RESOLUTIONS WITHIN CONSENT AGENDA (continued)

- 149-2018** A Resolution authorizing the issuance of Raffle License, #2018-20, to EHT Baseball Association Inc.
- 150-2018** A Resolution authorizing the issuance of a Bingo License, #2018-7, to EHT Baseball Association Inc.
- 151-2018** A Resolution authorizing the refund of a tax overpayment of the 2017 1st & 2nd quarters tax payments made for Block 118 Lot 8 located at 507 W. Wilson Avenue in the City of Linwood
- 152-2018** A Resolution authorizing the refund of a tax overpayment of the 2018 2nd quarter tax payment made for Block 2 Lot 13.03 located at 505 Kirklin Avenue in the City of Linwood
- 153-2018** A Resolution authorizing an Alliance Agreement with the County of Atlantic for a Drug Abuse and Alcohol Education and Prevention Program
- 154-2018** A Resolution authorizing the hiring of Anthony Disciascio as a Special Law Enforcement Officer, Class III for the City of Linwood
- 155-2018** A Resolution supporting submission of application for New Jersey Department of Transportation "Transportation Alternatives "Set-Aside" Program
- 156-2018** A Resolution supporting submission of application for New Jersey Department of Transportation Safe Routes to School Program
- 157-2018** A Resolution rejecting the bids for Contract No. 18- Historical Building Roof in the City of Linwood
- 158-2018** A Resolution supporting Senate Concurrent Resolution No. 124 proposing to amend the Constitution of the State of New Jersey to require Energy Tax Receipts Property Tax Relief Act Aid and Consolidated Municipal Property Tax Relief Aid Programs be fully funded each year with dedicated amounts distributed to municipalities
- 159-2018** A Resolution appointing a Municipal Housing Liaison in the City of Linwood
- 160-2018** A Resolution endorsing the 2018 Housing Element and Fair Share Plan
- 161-2018** A Resolution of the City of Linwood of Atlantic County, State of New Jersey, Adopting 2018 Spending Plan
- 162-2018** A Resolution appointing an Administrative Agent in the City of Linwood
- 163-2018** A Resolution adopting an Affirmative Marketing Plan

APPROVAL OF BILL LIST: \$

MEETING OPEN TO THE PUBLIC

FINAL REMARKS BY MAYOR AND COUNCIL

ADJOURNMENT

ORDINANCE NO. 12, 2018

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO CLASSIFY ACCESSORY APARTMENTS AS CONDITIONAL USES IN ALL RESIDENTIAL ZONES FOR THE PURPOSE OF THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

WHEREAS, the purpose of this section of the City of Linwood's Zoning Ordinance is to establish accessory apartments as a conditional use in Linwood. It is the City of Linwood's intention that any accessory apartment, unless previously constructed in accordance with Linwood's Zoning Ordinance and explicitly acknowledged as an accessory apartment in the tax assessor's records, is permitted as a conditional use only if it is constructed expressly for the purpose of assisting the City of Linwood in meeting its affordable housing obligation. An accessory apartment constructed for this purpose must, at the time of construction, meet all applicable requirements as defined by relevant Council on Affordable Housing (COAH) regulations and the Uniform Housing Affordability Controls (UHAC) rules. Additional conditions as defined within the section also apply; and

WHEREAS, an illegal accessory apartment may be eligible for credit if the illegal accessory apartment meets the Conditions in (b) below. The monetary contribution for a new accessory apartment is not required for an illegal accessory apartment to become eligible for credit..

BE IT ORDAINED by the Common Council of the City of Linwood that Chapter 277, Zoning, of the Code of the City of Linwood be and hereby is amended to add the following new section:

SECTION 1:

13-12 Accessory Apartments.

- (a) **Definition:** Accessory apartment means 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) **Conditions for Accessory Apartments as Conditionally Permitted Uses:**

Conditions: Accessory apartments shall meet the following conditions:

1. The application submitted to the Construction Office shall include the following:
 - A. Name and address of owner.
 - B. Name, address, income verification of the proposed occupant of the accessory unit (if known).
 - C. Floor plan of sketch
 - D. Current property survey.
2. Accessory apartments shall be allowed in all residential zones.
3. The minimum lot size and dimensional requirements shall be in accordance with the zone in which the property is located for accessory apartments constructed in new dwellings.
4. Accessory apartments may be created within existing single-family residences or accessory buildings, provided there is no expansion of the existing structure's exterior outline.
5. There shall be no more than one (1) accessory apartment per single-family dwelling on each lot.
6. The structures shall be in full compliance with all applicable health and construction codes.
7. Construction of accessory apartments shall be in full compliance with all applicable environmental regulations including Linwood City's Stormwater Management Ordinance.
8. Each accessory apartment shall be a minimum of five hundred (500) square feet. It may not occupy more than thirty-five percent (35%) of the total square footage of the house.

9. Each accessory apartment shall have a minimum of two (2) rooms and provide living, sleeping, cooking and bathroom facilities. Direct access to the outside or a hall with direct access to the outside shall be provided. The access door shall not alter the character of the exterior façade of the house.
10. The occupant shall meet the established income limitations of the low or moderate income guidelines for Linwood.
11. The owner shall submit an affidavit of continuing use every two (2) years to the Linwood City Clerk.
12. Parking shall be consistent with the parking requirements of Linwood.
13. Linwood acknowledges the need to provide its fair share of housing for low and moderate income households.

Any property owner applying for an accessory apartment under this section shall affirmatively demonstrate that the accessory apartment is to be rented to and occupied by households meeting COAH's and UHAC's affordable housing criteria.

14. Accessory apartment rents shall be consistent with COAH and UHAC rules. The following minimum subsidies shall be offered for the creation of an accessory apartment: \$35,000 for a very low income apartment, \$25,000 for a low income apartment and \$20,000 for a moderate income apartment.
15. Ten year affordability controls shall be imposed via a deed restriction or other instrument acceptable to the City Attorney and the Court.
16. In the event that the accessory apartment is located in a structure which is detached from the primary residence, the property owner shall explicitly affirm via deed restriction that the property may not be further subdivided to separate the accessory apartment and any associated land as a new building lot unless such subdivision can be accomplished in full accordance with Linwood City's density requirements, minimum setbacks, dimensional requirements, and all other applicable subdivision constraints.
17. The property owner shall demonstrate that required deed restrictions are properly filed with the Atlantic County Clerk's Office prior to issuance of zoning or building permits.

18. If, following completion of the 10 year affordability controls period, an accessory apartment constructed in accordance with this section of the Linwood City Zoning Ordinance is no longer subject to Court requirements or restrictions, the apartment shall be considered a permitted conditional use subject to the remaining conditions established within this Ordinance section.
 19. Accessory apartments shall be affirmatively marketed with random selection of the occupants.
- (c) **Illegal Accessory Apartments:** An illegal accessory apartment shall be eligible for credit if the illegal accessory apartment meets the Conditions in (b) above. The monetary contribution for a new accessory apartment is not required for an illegal accessory apartment to become eligible for credit. An existing occupant in an illegal accessory apartment may be permitted to remain in the apartment provided that when that occupant leaves the accessory apartment the apartment shall be affirmatively marketed with random selection of the occupants, and the 10 year affordability control period shall only begin upon reoccupancy of the apartment after this marketing process.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4: This Ordinance shall take effect upon passage and publication as provided by law.

SECTION 5: The City Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is further

directed to publish notice of the passage thereof and file a copy of the Ordinance as finally adopted with the Atlantic County Planning Board as required by N.J.S.A. 40:55D-16.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 13, 2018

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 277, ZONING OF THE CODE OF THE CITY OF LINWOOD TO PROVIDE FOR A MINIMUM SET ASIDE OF AFFORDABLE HOUSING UNITS TO MEET THE CITY OF LINWOOD'S AFFORDABLE HOUSING OBLIGATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

WHEREAS, the purpose of this section of the City of Linwood's Zoning Ordinance is to establish a minimum required set aside of affordable housing units in any multifamily residential development or redevelopment in the City of Linwood. It is the City of Linwood's intention that this Ordinance is being adopted expressly for the purpose of assisting the City of Linwood in meeting its affordable housing obligation.

BE IT ORDAINED by the Common Council of the City of Linwood that Chapter 277, Zoning, of the Code of the City of Linwood be and hereby is amended to add the following new section:

SECTION 1: Any multifamily residential development or redevelopment, that will contain five or more dwelling units shall comply with the following:

- i. A minimum of 15 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
- ii. A minimum of 20 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units

required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.

- iii. The provisions of this Ordinance 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 dwellings of five or more. increase
- iv. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least 13 percent of the affordable units shall be affordable to very low income households, with the very low income units counted as part of the low income requirement.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4: This Ordinance shall take effect upon passage and publication as provided by law.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
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The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 14, 2018

AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE CODE OF THE CITY OF LINWOOD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH

BE IT ORDAINED by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey, that the Code of the City of Linwood is hereby replaced to include provisions addressing Linwood's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Linwood City 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 Housing Element and Fair Share Plan have been endorsed by the governing body. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

On the first anniversary of the entry of the Order granting Linwood a Final Judgment of Compliance and Repose in IMO Application of the City of Linwood, Docket No.ATL-L-1539-15 and every anniversary thereafter through the end of the Repose period, the City shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, 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 the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. 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.

On the first anniversary of the entry of the Order granting Linwood a Final Judgment of Compliance and Repose in IMO Application of the City of Linwood, Docket No.ATL-L-1539-15 and every anniversary thereafter through the end of the Repose period, the City shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.

For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the City shall post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting Linwood a Final Judgment of Compliance and Repose in IMO Application of the City of Linwood, Docket No.ATL-L-1539-15, and every third year thereafter, the City will post on its municipal website, with copies provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality, with copies provided to Fair Share Housing Center, on the issue of whether the municipality has complied with its very low income housing obligation.

SECTION 1:

§142-80 Purpose.

The purpose of this ordinance is to provide for and regulate affordable housing in the City.

A. Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

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 Sub code, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

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

AFFIRMATIVE MARKETING

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

AFFORDABILITY AVERAGE

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

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the City’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development, group homes and accessory apartments.

AFFORDABLE HOUSING PROGRAM(S)

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

AFFORDABLE UNIT

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

AGENCY

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

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENTS

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

ASSISTED LIVING RESIDENCE

A facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living

services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

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

COAH

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

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPER

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

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

INCLUSIONARY DEVELOPMENT

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

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50 percent or less of the **regional** median household income **by household size**.

LOW-INCOME UNIT

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

MAJOR SYSTEM

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

MARKET-RATE UNITS

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

MEDIAN INCOME

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

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the **regional** median household income **by household size**.

MODERATE-INCOME UNIT

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

MULTIFAMILY UNIT

A structure containing five or more dwelling units.

NON-EXEMPT 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).

REGIONAL ASSET LIMIT

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.

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

UHAC

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

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30 percent or less of the **regional** median household income **by household size**.

VERY LOW-INCOME UNIT

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

WEATHERIZATION

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

B. Applicability.

The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the City of Linwood pursuant to the City’s most recently adopted Housing Element and Fair Share Plan.

C. 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. Unless otherwise specified by agreement or ordinance the service provider operating the alternative living arrangement shall be the administrative agent for the alternative living arrangement.

D. Inclusionary Zoning:

1. To implement the fair share plan in a manner consistent with the terms of the settlement agreement, ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, overlay zoning shall be permitted on the following properties consistent with the provisions of the City of Linwood’s Housing Element and Fair Share Plan and the terms of the settlement agreement:

SECTION 2: Linwood is constitutionally obligated to provide a realistic opportunity to comply with its affordable housing obligation. Creating two new affordable housing zones creates a realistic opportunity for the construction of affordable housing. The zones shall be as follows:

Affordable Housing Overlay Zone I: Mixed-Use Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 43.01 and 46.02;

Block 6, Lot 24; and

Affordable Housing Overlay Zone II: Mixed-Use/Residential Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48.

Block 6, Lots 25, 26, 36 and 40.

Block 19, Lots 5, 6 and 7.

SECTION 3: Article III. Zone Classification and Map is amended as follows:

§277-4. Enumeration of Zones is hereby revised to include:

“For purposes of this article, the City of Linwood is hereby divided into 14 districts as follows” with the following two districts being added:

AHO I Affordable Housing Overlay Zone I

AHO II Affordable Housing Overlay Zone II.

§277-5. Boundaries of zones established is hereby amended as follows:

The Zoning Map of the City of Linwood is and shall be amended to depict and reflect Block 1, Lots 43.01 and 46.02; and Block 6, Lot 24 are and shall be in the Affordable Housing Overlay Zone I.

Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48; Block 6, Lots 25, 26, 36 and 40; and Block 19, Lots 5, 6 and 7 are and shall be in the Affordable Housing Overlay Zone II.

SECTION 4:

Article X. Uses and Supplemental Standards is hereby amended by the inclusion of the following sections and subsections:

A. Affordable Overlay Zone I.

This zone shall be Mixed Use Overlay Zoning, which will permit mixed-use development with the first floor required to be commercial, with up to two stories of residential over commercial.

B. Affordable Overlay Zone II.

This zone shall be Mixed Use/Residential Zoning, which will permit either mixed-use development with the first floor commercial and up to two stories of residential over commercial OR residential-only development with up to three stories of residential uses and no commercial use required.

C. Both Affordable Overlay Zones will allow development of up to 15 residential units per acre and up to a maximum of up to three stories to accommodate residential units.

D. Approval shall be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:

(1) Residential market rate and affordable dwelling units specifically including multi-family buildings shall be at the density, height and bulk prescribed herein or in Linwood's Zoning Ordinance and all amendments thereto. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Linwood's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.

(2) Commercial Uses as may be permitted under Linwood's Zoning Ordinance and all amendments thereto.

SECTION 5: **Storage permitted.**

No person in the Affordable Housing Site zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected. All other provisions of **§277-18 Storage Restrictions** shall apply.

SECTION 6: Prohibited uses.

All uses listed in §277-40.11 are prohibited.

SECTION 7. Performance standards.

All uses are subject to performance standards as set forth in Chapter 277 Zoning and all other provisions contained in the Linwood Municipal Code.

SECTION 8. Site development plan approval.

Site development plan approval, in accordance with Chapter 41, Land Use Procedures shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

SECTION 9. The following area and bulk standards are applicable in the Affordable Overlay Zone I and in the Affordable Overlay Zone II:

A. Regulations	Inclusionary Developments
Lot area	10,000 square feet
Lot frontage	100 feet
Lot depth	100 feet
Minimum required	
Front Yards	15 feet
Side Yards	6 feet
Rear Yard	15 feet
Parking	Not permitted in front yard
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	40

B. Additional Regulations

(1) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Overlay Zones.

Affordable Dwelling Unit	1.25 parking spaces per dwelling.
Market rate Dwelling Unit	RSIS requirements apply

(2) All developments constructed within the Affordable Overlay Zones shall be structured so that no less than twenty (20) percent of the entire development are credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of

all credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very low-income family households. The balance can be affordable to moderate-income households.

- (3) Affordable housing in the zones shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units, at least (30) percent are two bedrooms and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
 - (4) Density for the Affordable Overlay Zones shall be no greater than fifteen (15) units per acre.
 - (5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained by a credit worthy rental or sales unit included as part of an inclusionary development so that deed restrictions are legally enforceable.
2. Any multifamily residential development or redevelopment, that will contain five or more dwelling units shall comply with the following:
- i. A minimum of 15 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than 0.5 then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - ii. A minimum of 20 percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than 0.5, then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction of greater than 0.5, the obligation shall be rounded up and the additional unit shall be provided.
 - iii. The provisions of this Ordinance 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 dwellings of five or more. increase
 - iv. At least half of all affordable units shall be affordable to low income households, and the remainder may be affordable to moderate income households. Within rental developments, at least 13 percent of the affordable units shall be affordable to very low income households, with the very low income units counted as part of the low income requirement.

E. Phasing Schedule for Inclusionary Zoning.

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

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

F. New Construction.

1. 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. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.
- b. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families.
- c. A maximum of 25 percent of the City's obligation may be met with age restricted units. At least half of all affordable units in the City's Plan shall be available to families.
- d. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
- e. 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 low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

- iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - f. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
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 and the following:
 - 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:
 - i. An adaptable toilet and bathing facility on the first floor; and
 - ii. An adaptable kitchen on the first floor; and
 - iii. An interior accessible route of travel on the first floor; and
 - 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 b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - 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 Sub Code, N.J.A.C. 5:23-7, or evidence that Linwood 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 person with disabilities 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 City of Linwood'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 6) b) above shall be used by the City of Linwood for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- d. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the City of Linwood for the conversion of adaptable to accessible entrances.
- 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 City's Affordable Housing Trust Fund in care of the City 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.

3. Design:

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

4. Maximum Rents and Sales Prices:

- a. 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 procedures approved by the Court based on COAH's historical practice of establishing income limits.
- b. 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 rental units shall be affordable to households earning no more than 52 percent of median income.

- c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.
- d. 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 sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio 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.
- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - i. A studio 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.
- g. 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.

- h. 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 size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- i. 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.
- j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent 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.

G. Utilities.

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

H. Occupancy Standards.

- 1. In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 - a. Provide an occupant for each bedroom;
 - b. Provide children of different sexes with separate bedrooms;
 - c. Provide separate bedrooms for parents and children; and
 - d. Prevent more than two persons from occupying a single bedroom.

I. 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 Linwood takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall 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.

J. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - c. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
 - d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital

improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

K. 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. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the City Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
3. 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.
4. 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 eligible monthly income.

L. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

M. Capital Improvements To Ownership Units.

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made

since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. 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.

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 Ordinance for a period of at least 30 years, until Linwood takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
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 Atlantic. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. 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 Ordinance 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 on the property containing the unit.

O. Rent Restrictions for Rental Units; Leases.

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
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 five 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 Ordinance.
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 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

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 percent of median income.

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

- b. Moderate-income rental 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 rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (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:
 - a. 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;

- b. 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;
 - 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 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 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Q. Municipal Housing Liaison.

1. The City of Linwood shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Linwood shall adopt an Ordinance creating the position of Municipal Housing Liaison. Linwood shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Linwood, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - a. Serving as Linwood's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Linwood's Fair Share Plan;
 - c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

3. Subject to the approval of the Court, the City of Linwood shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the City Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

R. Administrative Agent.

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

1. Affirmative Marketing:
 - a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the City of Linwood and the provisions of N.J.A.C. 5:80-26.15; and
 - b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
2. Household Certification:
 - a. Soliciting, scheduling, conducting and following up on interviews with interested households;
 - b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - d. 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.;

- e. 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
- f. Employing a random selection process as provided in the Affirmative Marketing Plan of the City of Linwood when referring households for certification to affordable units.

3. Affordability Controls:

- a. 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;
- b. 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;
- c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Atlantic County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- d. Communicating with lenders regarding foreclosures; and
- e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Rerentals:

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

5. Processing Requests from Unit Owners:

- a. 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;
- b. 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;

- c. Notifying the municipality of an owner's intent to sell a restricted unit; and
- d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

- a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- d. 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;
- e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the City Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

- a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
- c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

S. Affirmative Marketing Requirements.

1. The City of Linwood shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
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 intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the New Jersey State NAACP, the NAACP Atlantic City Branch, FSHC and the Latino Action Network of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 6 and is required to be followed throughout the period of restriction.
3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 6, comprised of Atlantic, Cape May, Cumberland and Salem 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 rereleases. The Administrative Agent designated by the City of Linwood shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
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 Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
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. Pre-applications shall be emailed or mailed to prospective applicants upon request.
9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

T. 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, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
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(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - 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 adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense; In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Linwood Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - ii. In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
 - i. The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings

incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

- ii. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- iii. 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.
- iv. 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.
- v. 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.

- vi. 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.

U. Appeals.

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

SECTION 2:

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4:

This Ordinance shall take effect upon passage and publication as provided by law.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 15, 2018

AN ORDINANCE AMENDING CHAPTER 277 ZONING OF THE CODE OF THE CITY OF LINWOOD AND CREATING AFFORDABLE HOUSING OVERLAY ZONES THROUGH MIXED USE ZONING AND MIXED USE/RESIDENTIAL ZONING AND AMENDING THE ZONING MAP OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: The City of Linwood as a municipality that received Substantive Certification from COAH, has been determined to be a “participating municipality” pursuant to In re Adoption of the N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV).

Linwood is desirous of securing a Final Judgment of Compliance and Repose through 2025 and has prepared a Housing Element and Fair Share Plan (“FSP”) to achieve this goal. Linwood lacks adequate land resources to fully satisfy its estimated affordable housing obligation of 112 affordable housing units. According to the Superior Court approved Settlement Agreement, Linwood’s Realistic Development Potential is 12 affordable housing units and its Unmet Need obligation is 112 affordable housing units.

SECTION 2: Linwood is constitutionally obligated to provide a reasonable opportunity to comply with its affordable housing obligation. Creating two new affordable housing zones creates a reasonable opportunity for the construction of affordable housing. The zones shall be as follows:

Affordable Housing Overlay Zone I: Mixed-Use Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 43.01 and 46.02;

Block 6, Lot 24; and

Affordable Housing Overlay Zone II: Mixed-Use/Residential Zoning shall specifically be allowed on the following Blocks and Lots:

Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48.

Block 6, Lots 25, 26, 36 and 40.

Block 19, Lots 5, 6 and 7.

SECTION 3: Article III. Zone Classification and Map is amended as follows:

§277-4. Enumeration of Zones is hereby revised to include:

“For purposes of this article, the City of Linwood is hereby divided into 14 districts as follows” with the following two districts being added:

AHO I Affordable Housing Overlay Zone I
AHO II Affordable Housing Overlay Zone II.

§277-5. Boundaries of zones established is hereby amended as follows:

The Zoning Map of the City of Linwood is and shall be amended to depict and reflect Block 1, Lots 43.01 and 46.02; and Block 6, Lot 24 are and shall be in the Affordable Housing Overlay Zone I. Block 1, Lots 24, 29.01, 29.02, 32.01, 32.02, 33, 34, 35, 36, 37, 38, 39, 43.02, 46.01, 47 and 48; Block 6, Lots 25, 26, 36 and 40; and Block 19, Lots 5, 6 and 7 are and shall be in the Affordable Housing Overlay Zone II.

SECTION 4:

Article X. Uses and Supplemental Standards is hereby amended by the inclusion of the following sections and subsections:

A. Affordable Overlay Zone I.

This zone shall be Mixed Use Overlay Zoning, which will permit mixed-use development with the first floor required to be commercial, with up to two stories of residential over commercial.

B. Affordable Overlay Zone II.

This zone shall be Mixed Use/Residential Zoning, which will permit either mixed-use development with the first floor commercial and up to two stories of residential over commercial OR residential-only development with up to three stories of residential uses and no commercial use required.

C. Both Affordable Overlay Zones will allow development of up to 15 residential units per acre and up to a maximum of up to three stories to accommodate residential units.

D. Approval shall be required for the erection or enlargement of all related accessory structures and prior to issuance of certificates of occupancy for a change of use. Permitted uses are as follows:

- (1) Residential market rate and affordable dwelling units specifically including multi-family buildings shall be at the density, height and bulk prescribed herein or in Linwood's Zoning Ordinance and all amendments thereto. Affordable housing units shall be constructed, marketed and deed restricted in strict conformance to Linwood's Affordable Housing Ordinance, Council on Affordable Housing regulations and all requirements contained within the Uniform Housing Affordability Controls as these documents may be amended, revised and supplemented.
- (2) Commercial Uses as may be permitted under Linwood's Zoning Ordinance and all amendments thereto.

SECTION 5. Storage permitted.

No person in the Affordable Housing Site zone shall store, place, deposit, or permit the continuation of storage, placement, or deposit of, upon any premises, any unregistered motor vehicle or any machinery, equipment, lumber, building materials or supplies or parts thereof; provided, however, that unless otherwise prohibited, it shall not be unlawful to store, place or deposit the foregoing items in a fully enclosed structure upon such premises. Nothing herein contained shall be deemed to authorize the erection of a structure or structures not otherwise authorized to be so erected. All other provisions of **§277-18 Storage Restrictions** shall apply.

SECTION 6. Prohibited uses.

All uses listed in **§277-40.11** are prohibited.

SECTION 7. Performance standards.

All uses are subject to performance standards as set forth in Chapter 277 Zoning and all other provisions contained in the Linwood Municipal Code.

SECTION 8. Site development plan approval.

Site development plan approval, in accordance with Chapter 41, Land Use Procedures shall be required prior to the issuance of construction permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

SECTION 9. The following area and bulk standards are applicable in the Affordable Overlay Zone I and in the Affordable Overlay Zone II:

A. Regulations	Inclusionary Developments
Lot area	10,000 square feet
Lot frontage	100 feet

Lot depth	100 feet
Minimum required	
Front Yards	15 feet
Side Yards	6 feet
Rear Yard	15 feet
Parking	Not permitted in front yard
Maximum Permitted	
Building Height	
Stories	3 stories
Feet	41
Building Coverage (%)	40

B. Additional Regulations

- (1) In recognition of the requirement to minimize or remove unnecessary development cost-generating requirements, the following minimum parking standards are applicable in the Affordable Overlay Zones.

Affordable Dwelling Unit	1.25 parking spaces per dwelling.
Market rate Dwelling Unit	RSIS requirements apply
- (2) All developments constructed within the Affordable Overlay Zones shall be structured so that no less than twenty (20) percent of the entire development are COAH credit-worthy units if these units are to be offered for sale. A rental community shall be required to have a fifteen (15) percent affordable housing setaside. No less than fifty (50) percent of all COAH credit-worthy units shall be affordable to low-income households, with 13% of all affordable units available to very low-income family households. The balance can be affordable to moderate-income households.
- (3) Affordable housing in the zones shall be structured so no more than twenty (20) percent of the units are studio or one-bedroom units and no fewer than twenty (20) percent are three-bedroom units. Bedroom count for the remainder of the affordable units is at the discretion of the developer.
- (4) Density for the Affordable Overlay Zones shall be no greater than fifteen (15) units per acre.
- (5) All affordable dwelling units shall be constructed and maintained in compliance with the requirements of the New Jersey Council on Affordable Housing, and the Uniform Housing Affordability Controls before certificates of occupancy will be issued. The developer shall include all facilities required by law which are necessary to be maintained by a COAH certifiable rental or sales unit included as part of an inclusionary development so that COAH restrictions are legally enforceable. Furthermore, all such developments shall conform to the Development Fee Ordinance for Affordable Housing as set forth in the City of Linwood Municipal Code.

SECTION 10: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 11: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 12: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 16, 2018

AN ORDINANCE AMENDING CHAPTER 152 FIRE PREVENTION, ARTICLE IV SMOKE AND HEAT DEVICES, SECTION 152-23 CERTIFICATE OF SMOKE DETECTOR COMPLIANCE, SECTION 152-24 INSTALLATION REQUIRED BEFORE SALE OR CHANGE OF DWELLING UNIT OR CHANGE IN RESIDENCE, SECTION 152-25 RESPONSIBILITY FOR MAINTENANCE, SECTION 152-26 FEES, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 152, Article IV, Smoke and Heat Devices, title is hereby amended to read as follows: Smoke, Carbon Monoxide and Fire Extinguisher Devices

SECTION 2: Chapter 152, Article IV, Section 152-23 Certificate of smoke detector compliance, title is hereby amended to read as follows: Certificate of smoke, co detectors and fire extinguisher compliance

SECTION 3: Chapter 152, Article IV, Section 152-23 Certificate of smoke, co detectors and fire extinguisher compliance, Section A is hereby amended to read as follows:

- A. Before any Use Group R-3 structure is sold, leased or rented are made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector, carbon monoxide and fire extinguisher (CSACMAPFEC) evidencing compliance with N.J.A.C. 5:70-4.19 and N.J.A.C. 5:70-2.3, from the Linwood Bureau of Fire Prevention.

SECTION 4: Chapter 152, Article IV, Section 152-24 Installation required before sale or change of dwelling unit or change in residence is hereby amended to add the following:

- B. Whenever a change in residence or ownership occurs in a residential one and two owner occupied dwelling shall request a (CSACMAPFEC) form from the Fire Official, the owner of the property is required to install an approved smoke detection system, carbon monoxide detectors and a 2A10:BC fire extinguisher under 10 pounds – must be tagged within 30 days from change of occupancy.
- C. N.J.A.C. 5:70-4.19 Single station battery operated smoke detectors must be replaced with ten-year sealed battery powered smoke detectors effective date: 01 January 2019.
- D. N.J.A.C. 5:70-4.19(E) Extinguisher installation.
 - 1. Shall be mounted within 10 feet of kitchen and located in path of egress.
 - 2. Readily accessible and not obstructed from view.
 - 3. Shall be mounted with supplied bracket.
 - 4. Minimum rating 2A-10:BC under 10 pounds – must be tagged.

SECTION 5: Chapter 152, Article IV, Section 152-25 Responsibility for maintenance is hereby amended to add the following:

It shall be the responsibility of the home owner to maintain in operable condition, said smoke and carbon monoxide detection systems and fire extinguisher installed as required pursuant to this chapter.

SECTION 6: Chapter 152, Article IV, Section 152-26 Fees is hereby amended to add the following:

The application fee for a certificate of smoke detector, carbon monoxide detector and fire extinguisher compliance (CSACMAPFEC), as required by N.J.A.C. 5:70-2.3 and 5:70-4.19 shall be based upon the amount of time remaining before the change of occupant is expected as follows:

- A. Requests for a CSACMAPFEC received more than 10 business days prior to the change of occupancy is \$45.00
- B. Requests for a CSACMAPFEC received 4 to 10 business days prior to the change of occupancy is \$90.00
- C. Requests for a CSACMAPFEC received fewer than 4 business days prior to the change of occupant is \$161.00
- D. Should a subsequent visit be required to satisfy the CSACMAPFEC compliance the fee for this visit is the same amount as the original fee.

SECTION 7: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 8: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 9: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 17, 2018

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 124, DEVELOPMENT FEES OF THE CODE OF THE CITY OF LINWOOD TO COMPLY WITH A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CORPORATION AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey that Chapter 124, Development Fees, of the Code of the City of Linwood be and hereby is amended in its entirety by deleting the existing Chapter and replacing it as follows:

SECTION 1:

Chapter 124: **Development Fees**

§ 124-1 **Purpose.**

§ 124-2 **Basic requirements.**

§ 124-3 **Definitions.**

§ 124-4 **Residential development fees.**

§ 124-5 **Nonresidential development fees.**

§ 124-6 **Collection procedures.**

§ 124-7 **Affordable Housing Trust Fund.**

§ 124-8 **Use of funds.**

§ 124-9 **Monitoring.**

§ 124-10 **Ongoing collection of fees.**

§ 124-1 **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 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), COAH was 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-approved spending plan may retain fees collected from nonresidential development.

C.

This chapter 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 through 38(C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§ 124-2 Basic requirements.

A.

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

B.

The City of Linwood shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan)

§ 124-3 Definitions.

The following terms, as used in this chapter, shall have the following meanings:

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 one-hundred-percent affordable development.

COAH or COUNCIL

The New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

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.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE

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 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES

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.

§ 124-4 Residential development fees.

A.

Imposed fees.

(1)

Within the zoning districts allowing residential development, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% of the equalized assessed value for residential development, provided that 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 may be required to pay a development fee of 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.

(3)

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1 1/2% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B.

Eligible exactions, ineligible exactions and exemptions for residential development.

(1)

Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units 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)

Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(4)

Development fees shall not be imposed and collected on single-family residential structures. [Added 10-27-2010 by Ord. No. 15-2010; amended 2-22-2012 by Ord. No. 4-2012]

§ 124-5 Nonresidential development fees.

A.

Imposed fees

(1)

Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% of the equalized assessed

value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

(2)

Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2 1/2% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(3)

Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% shall be calculated on the difference between the equalized assessed value of the preexisting 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 nonresidential development fee shall be zero.

B.

Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(1)

The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2 1/2% unless otherwise exempted below.

(2)

The fee of 2 1/2% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(3)

Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, 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 nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

(5)

If a property which was exempted from the collection of a nonresidential 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 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the City of Linwood as a lien against the real property of the owner.

(6)

Developers of municipal buildings and houses of worship shall be exempt from paying a development fee.

§ 124-6 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 responsible for the issuance of a building permit.

B.

For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

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 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 notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

F.

Within 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 the City of Linwood fail to determine or notify the developer of the amount of the development fee within 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 (N.J.S.A. 40:55D-8.6).

H.

Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of 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 the City of Linwood. 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, N.J.S.A. 54:48-1 et seq., within 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 nonresidential 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 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the City of Linwood. 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, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 124-7 Affordable Housing Trust Fund.

A.

There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential 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;

(2)

Developer-contributed funds to make 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 the City of Linwood's affordable housing program. In the event of a failure by the City of Linwood 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) (aff'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 the City of Linwood, or, if not practicable, then within the County or the Housing Region.

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.

D.

All interest accrued in the Housing Trust Fund shall only be used on eligible affordable housing activities approved by the Court

§ 124-8 Use of funds.

A.

The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the Housing Trust Fund may be used for any activity approved by the Court to address the City of Linwood'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 nonresidential 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 by the Court and specified in the approved spending plan.

B.

Funds shall not be expended to reimburse the City of Linwood for past housing activities.

C.

At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to 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% 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% 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% or less of median income. The use of development fees in this manner may entitle the City of Linwood to bonus credits pursuant to N.J.A.C. 5:97-3.7.

(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.

The City of Linwood 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 20% of all revenues collected from development fees 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 20% of the revenues collected from development fees 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 COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.

§ 124-9 Monitoring.

The City of Linwood shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services 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 the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the City), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Linwood's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

§ 124-10 Ongoing collection of fees.

The ability for the City of Linwood to impose, collect and expend development fees shall expire with its repose period covered by its Judgment of Compliance unless the City of Linwood has filed an adopted Housing Element and Fair Share Plan with the Court, Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance, and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan. If the City of Linwood fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, 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 (N.J.S.A. 52:27D-320). The City of Linwood shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the City of Linwood retroactively impose a development fee on such a development. The City of Linwood shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

SECTION 2: All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4: This Ordinance shall take effect upon passage and publication as provided by law.

<i>FIRST READING:</i>	<i>July 11, 2018</i>
<i>PUBLICATION:</i>	<i>July 16, 2018</i>
<i>PASSAGE:</i>	<i>August 8, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, July 11, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 8, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

ORDINANCE NO. 18, 2018

AN ORDINANCE AMENDING CHAPTER 155 FLOOD HAZARD AREAS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 155, Flood Hazard Areas is hereby amended to be titled as follows: Flood Damage Prevention

SECTION 2: Chapter 155, Article II, Section 155-5 Words and terms defined, the following definitions are hereby amended to read as follows:

ADVISORY BASE FLOOD ELEVATION (ABFE) — The elevation shown on a community's Advisory Flood Hazard Area Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a one-percent-or-greater chance of being equaled or exceeded in any given year.

ADVISORY FLOOD HAZARD AREA (AFHA) — The land in the floodplain within a community subject to flooding from the one-percent annual chance event depicted on the Advisory Flood Hazard Area Map.

ADVISORY FLOOD HAZARD AREA MAP — The official map on which the Federal Emergency Management Agency has delineated the areas of advisory flood hazards applicable to the community.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

BASE FLOOD — A flood having a one-percent chance of being equaled or exceeded in any given year (also known as a "one-hundred year flood").

BREAKAWAY WALLS — A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

ELEVATED BUILDING — A non basement building built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor or, in the case of a building in a coastal high-hazard area or coastal A zone, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the base flood elevation plus freeboard by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and adequately anchored so as to not impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high-hazard and coastal A

zone, "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

EROSION — The process of gradual wearing away of land masses.

FLOOD INSURANCE STUDY (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purposes ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

LATERAL ADDITION — Improvements that increase the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, enclosed porch, or other type of addition to an existing structure. If the addition is a "substantial improvement," then the existing home and addition needs to be elevated to the higher regulatory standard plus freeboard pursuant to the best available data. If the addition is being constructed in conjunction with improvements to the existing structure and the sum of the renovations are equal to a "substantial improvement," then the addition and existing home need to be elevated to the best available data plus freeboard. If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

LOWEST FLOOR — The lowest floor of the lowest enclosed area, including the basement. An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so to render the structure in violation of other applicable nonelevation design requirements of 44 CFR Section 60.3.

START OF CONSTRUCTION — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvements and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of pilings, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above the ground.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 5-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a five-year period, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SECTION 3: Chapter 155, Article II, Section 155-5 Words and terms defined, is hereby amended to add the following definitions:

AO ZONE- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH ZONE - Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

BASE FLOOD ELEVATION (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BEST AVAILABLE FLOOD HAZARD DATA - The effective Flood Insurance Risk Maps or most recent Advisory Flood Hazard Area Maps FEMA has provided.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - Is depicted on the effective FIRM or FIS, or an Advisory Flood Hazard Area Map or Advisory FIS.

COASTAL A ZONE – The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action

delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

CUMULATIVE SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 5 years.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

LIMIT OF MODERATE WAVE ACTION (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

PRIMARY FRONTAL DUNE — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

VIOLATION — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 4: Chapter 155, Article III, Section 155-7 Basis for establishing areas of special flood hazard, Sections A(1) (2) (3) and B are hereby amended to read as follows:

(1) A scientific and engineering report “Flood Insurance Study, Atlantic County, New Jersey, (All Jurisdictions) (34001CV000A) dated August 28, 2018.

(2) “Flood Insurance Rate Map for Atlantic County, New Jersey (All Jurisdictions)” as shown on Map Index and Panels 34001C0427F, 34001C0428F, 34001C0429F, 34001C0431F, 34001C0433F, and 34001CIND0A, whose effective date is August 28, 2018.

(3) Best Available Flood Hazard Data. These documents shall take precedence over

effective panels and FIS in construction and development regulations only. Where the effective mapping or Advisory Base Flood Elevation conflict or overlap, whichever imposes the more stringent requirement shall prevail.

B. The above documents are hereby adopted and declared to be a part of this chapter. The flood insurance study, maps and advisory documents are on file at 400 Poplar Avenue, Linwood City, New Jersey.

SECTION 5: Chapter 155, Article III, Section 155-8 Compliance required; violation and penalties Section A is hereby amended to read as follows:

A. No structure or land shall hereafter be re-located to, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

SECTION 6: Chapter 155, Article IV, Section 155-12 Development permits is hereby amended to read as follows:

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 155-7. Application for a development permit shall be made to the Construction Official on forms furnished by him and may include but not be limited to the following plans, in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

SECTION 7: Chapter 155, Article IV, Section 155-14 Duties of Construction Official, Section A Permit Review (3) (4), adding (5) (6), are hereby amended to read as follows:

(3) Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two-tenths of a foot at any point.

(4) Review plans for walls to be used to enclose space below the base flood level in accordance with § 155-19B.

(5) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 155-18 are met.

(6) Review all development permits in the coastal high hazard and Coastal A Zone area to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.

SECTION 8: Chapter 155, Article IV, Section 155-14 Duties of Construction Official, Section C Information to be obtained and maintained is hereby amended to add the following:

(5) In coastal high hazard and Coastal A Zone areas, certification shall be obtained

from a registered professional engineer or architect that the provisions of 155-19B(1) and 155-19B(2) are met.

SECTION 9: Chapter 155, Article IV, Section 155-14 Duties of Construction Official, Section D Alteration of watercourses (1) is hereby amended to read as follows:

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration

SECTION 10: Chapter 155, Article IV, Section 155-14 Duties of Construction Official is hereby amended to add the following:

F. Substantial Damage Review

- (1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- (2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- (3) Ensure substantial improvements meet the requirements of sections 155-17A, B and C.

SECTION 11: Chapter 155, Article V, Section 155-16 General Standards, Section F Enclosure Openings (1) is hereby amended to read as follows:

- (1) A minimum of two openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

SECTION 12: Chapter 155, Article V, Section 155-17 Specific Standards, Sections A, B & C are hereby amended to read as follows:

A. Residential construction.

- (1) For Coastal A Zone construction see section 155-19 Coastal high-hazard areas and coastal A zone. New construction or substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot of freeboard.
- (2) Require within any AO or AH Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential construction. In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for Coastal A Zone construction see section 155-19 Coastal high-hazard areas and coastal A zone, shall have the lowest floor, including basement,

together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment either:

- (1) Elevated to or above the base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot; and
- (2) Require within any AO or AH Zone on the municipality's DFIRM that all new construction and substantial improvement shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- (3) Be floodproofed so that below the base flood level plus one foot, or as required by ASCE/SEI 24-14, Table 6-1, or the best available flood hazard data elevation plus one foot (whichever is more restrictive), the structure is watertight with walls substantially impermeable to the passage of water;
- (4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (5) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 155-14C(2).

C. Manufactured homes.

- (1) Manufactured homes shall be anchored in accordance with § 155-16A.
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be consistent with the need to minimize flood damage, be constructed to minimize flood damage, have adequate drainage provided to reduce exposure to flood damage, be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, plus one foot (whichever is more restrictive) and the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

SECTION 13: Chapter 155, Article V, Section 155-19 Coastal high-hazard areas, title, introductions and specific parts of Section B are hereby amended to read as follows:

Coastal high-hazard areas and coastal A zone

Coastal high-hazard areas (V or VE Zones) and coastal A zones are located within the areas of special flood hazard established in § 155-7. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

B. Construction methods.

- (1) Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:
 - (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation, or as required by ASCE/SEI 24-14, Table 4-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot and,
- (2) Structural support.
 - (c) There shall be no fill used for structural support within Zones V1-30, VE,

V, and Coastal A on the community's DFIRM.

SECTION 14: Chapter 155, Article V, Section 155-19 Coastal high-hazard areas and coastal A zone is hereby amended to add the following:

C. Sand dunes. Prohibit man-made alteration of sand dunes within Coastal A Zones, VE and V Zones on the community's DFIRM which would increase potential flood damage.

SECTION 15: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 16: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>August 8, 2018</i>
<i>PUBLICATION:</i>	<i>August 13, 2018</i>
<i>PASSAGE:</i>	<i>August 22, 2018</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, August 8, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 22, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

RESOLUTION No. 144, 2018

A RESOLUTION OF THE CITY OF LINWOOD, COUNTY OF ATLANTIC, AUTHORIZING
THE TAX COLLECTOR TO ESTABLISH A GRACE PERIOD

WHEREAS, R.S. 54:4-67 authorized and permits a municipality to set a grace period of when a tax would be considered delinquent not to exceed 10 days;

WHEREAS, the tax rate was not received in time to meet the statutory mailing and due dates, the grace period for the third quarter of 2018, will be extended to twenty five days from the date of certified mailing to meet the statutory requirements as per N.J.S.A. 54:4-66.3d;

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby establishes the following grace period for taxes due for the 2018/2019 billing:

1. Effective upon passage of this resolution the grace period for the third quarter taxes will be extended to twenty five days from the date of certified mailing after which interest will accrue from August 1, 2018.
2. The governing body authorizes the maximum grace period (10 days) for the remaining quarters in the 2018/2019 billing after which interest will accrue from the statutory due dates.

BE IT FURTHER RESOLVED, that interest shall be charged in accordance with the provisions as set further in Resolution No. 144, 2018 for any payments received after the grace period.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 145, 2018

A RESOLUTION APPROVING CHANGE ORDER NO. 2 WITH ARAWAK PAVING COMPANY, INC. WITH REGARD TO THE 2017 ROAD PROGRAM IN THE CITY OF LINWOOD

WHEREAS, Change Order No. 2 with Arawak Paving Company, Inc. with regard to the 2017 Road Program has been submitted for review and approval; and

WHEREAS, recommendations have been made to authorize the Change Order which will result in an increase of the total contract price in the amount of \$1,250.00 in accordance with the attached Change Order incorporated herein and made part hereof;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that Change Order No. 2 with Arawak Paving Company, Inc. regarding the 2017 Road Program be and is hereby authorized and approved;

BE IT FURTHER RESOLVED, by the Common Council of the City of Linwood that the Mayor be and is hereby authorized and directed to execute Change Order No. 2 with regard to the above referenced project.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon a Certification of Availability of Funds from the Chief Financial Officer of the City of Linwood.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

Memo

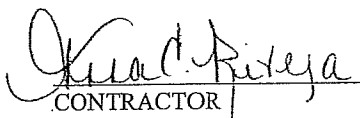
To: Mayor and Members of Council
From: Anthony Strazzeri, CFO
CC: Leigh Ann Napoli, RMC, CMR, MPA, City Clerk
Date: 08-03-18
Re: Availability of Funds-2017 Linwood Roadway Resurfacing Program Change Order #2

Pursuant to 40A: 4-57, I hereby certify that sufficient funds in the amount of \$1,250.00 are available under Capital Ordinance 6-2015A Improvements to Roads. Funds will be encumbered to Arawak Paving Co., Inc. 7503 Weymouth Road Hammonton, NJ 08037.


CONTRACT CHANGE ORDER

CHANGE ORDER NO. 2
 DATE July 17, 2018
 CONTRACT NO. 15
 PROJECT DESCRIPTION 2017 Road Program
 CONTRACT DATE December 18, 2017
 CONTRACTOR Arawak Paving Company, Inc.
 REASON FOR CHANGE ORDER: New Manhole Frame - Frances Avenue

CONTRACT ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	EXTENSION	
				Additions	Deletions
	1 Unit	New Manhole Frame - Frances Avenue	\$1,250.00	\$1,250.00	
			Subtotal	\$1,250.00	
			Total	\$1,250.00	

ACCEPTED:

 CONTRACTOR 7/17/18
 DATE

CONTRACT AMOUNT \$ 548,800.00
 PREVIOUS CHANGE ORDERS \$ 6,900.00

APPROVAL RECOMMENDED:

 POLISTINA & ASSOCIATES 7/18/18
 DATE

THIS CHANGE ORDER No. 2 \$ 1,250.00
 TOTAL CHANGE ORDERS TO DATE \$ 8,150.00

APPROVED:

 OWNER DATE

NOTE: All work under this Change Order to be done under applicable provisions of the contract. Change Order not valid unless properly authorized and approved.

RESOLUTION No. 146, 2018

A RESOLUTION APPROVING CHANGE ORDER NO. 3-FINAL WITH ARAWAK PAVING COMPANY, INC. WITH REGARD TO THE 2017 ROAD PROGRAM IN THE CITY OF LINWOOD

WHEREAS, Change Order No. 3-Final with Arawak Paving Company, Inc. with regard to the 2017 Road Program has been submitted for review and approval; and

WHEREAS, recommendations have been made to authorize the Change Order which will result in an increase of the total contract price in the amount of \$323.29 in accordance with the attached Change Order incorporated herein and made part hereof;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that Change Order No. 3-Final with Arawak Paving Company, Inc. regarding the 2017 Road Program be and is hereby authorized and approved;

BE IT FURTHER RESOLVED, by the Common Council of the City of Linwood that the Mayor be and is hereby authorized and directed to execute Change Order No. 3-Final with regard to the above referenced project.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon a Certification of Availability of Funds from the Chief Financial Officer of the City of Linwood.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

Memo

To: Mayor and Members of Council

From: Anthony Strazzeri, CFO

CC: Leigh Ann Napoli, RMC, CMR, MPA, City Clerk

Date: 08-03-18

Re: Availability of Funds-2017 Linwood Roadway Resurfacing Program Change Order #3

Pursuant to 40A: 4-57, I hereby certify that sufficient funds in the amount of \$323.29 are available under Capital Ordinance 6-2015A Improvements to Roads. Funds will be encumbered to Arawak Paving Co., Inc. 7503 Weymouth Road Hammonton, NJ 08037.

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 3 - Final

DATE July 16, 2018

CONTRACT NO. 15


PROJECT DESCRIPTION 2017 Road Program

CONTRACT DATE December 18, 2017

CONTRACTOR Arawak Paving Company, Inc.


REASON FOR CHANGE ORDER: Adjusted Quantities

CONTRACT ITEM NO.	QUANTITY	DESCRIPTION	UNIT PRICE	EXTENSION		
				Additions	Deletions	
4	1,860 LF	Sawcutting	\$0.1		\$18.60	
5	6,015 SY	Milling	\$3.23		\$19,428.45	
6	2,000 SY	Dense Graded Aggregate	\$0.1		\$20.00	
7	250 Ton	HMA 19M64 Base Course	\$0.1		\$2.50	
8	802.42 Ton	HMA 12.5 M64 Surface Course	\$65.00		\$52,157.30	
9	2 Unit	Handicap Ramp	\$3,765.70	\$7,531.40		
10	3 SY	Concrete Sidewalk	\$80.00		\$240.00	
11	952 LF	Concrete Curb	\$35.00	\$33,320.00		
12	1,054 SF	Concrete Gutter	\$15.00	\$15,810.00		
13	43 SY	Concrete Driveway Apron	\$100.00	\$4,300.00		
14	20 Unit	Reset Utility Valve Castings	\$0.1		\$2.00	
15	100 LF	Traffic Stripes, Long Life Epoxy	\$12.40		\$1,240.00	
16	80 SF	Traffic Markings, Thermoplastic	\$3.10		\$248.00	
17	500 SY	Topsoil, Fertilizer and Seed	\$0.1		\$5.00	
19	1.075052	Fuel Price Adjustment	\$3,300.00	\$3,547.67		
20	1.764283	Asphalt Price Adjustment	\$5,200.00	\$9,174.27		
				Subtotal	\$73,683.34	\$73,360.05
				Total	\$323.29	

ACCEPTED:

 CONTRACTOR 7/17/18
 DATE


CONTRACT AMOUNT \$ 548,800.00

PREVIOUS CHANGE ORDERS \$ 8,150.00

APPROVAL RECOMMENDED:

 POLISTINA & ASSOCIATES 7/10/18
 DATE

THIS CHANGE ORDER No. 3- Final \$ 323.29

TOTAL CHANGE ORDERS TO DATE \$ 8,473.29

APPROVED:

 OWNER DATE

NOTE: All work under this Change Order to be done under applicable provisions of the contract. Change Order not valid unless properly authorized and approved.

RESOLUTION No. 147, 2018

A RESOLUTION APPROVING CHANGE ORDER NO. 1-FINAL WITH COMMAND COMPANY, INC. WITH REGARD TO THE POPLAR RECREATION COMPLEX IN THE CITY OF LINWOOD

WHEREAS, Change Order No. 1-Final with Command Company, Inc. with regard to the Poplar Recreation Complex has been submitted for review and approval; and

WHEREAS, recommendations have been made to authorize the Change Order which will result in a reduction of the total contract price in the amount of \$3,224.34 in accordance with the attached Change Order incorporated herein and made part hereof;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that Change Order No. 1-Final with Command Company, Inc. regarding the Poplar Recreation Complex be and is hereby authorized and approved;

BE IT FURTHER RESOLVED, by the Common Council of the City of Linwood that the Mayor be and is hereby authorized and directed to execute Change Order No. 1-Final with regard to the above referenced project.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon a Certification of Availability of Funds from the Chief Financial Officer of the City of Linwood.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 148, 2018

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2018-19,
TO EHT BASEBALL ASSOCIATION INC.

WHEREAS, EHT Baseball Association Inc. has applied for a Raffle License to conduct games on October 13, 2018; and

WHEREAS, EHT Baseball Association Inc. has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 258-5-41230;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to EHT Baseball Association Inc. and that the Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 Legalized Games of Chance Control Commission
 124 Halsey Street, 6th Floor, P.O. Box 46000
 Newark, New Jersey 07101
 (973) 273-8000

Application for a Raffle License

Application No. RA 2018-19
 Identification No. 258-5-41230

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: Linwood

Part A - General

1. Name of applying organization: Egg Harbor Twp. Baseball aka EHT Baseball
 2a. Street address of headquarters: 5045 English Creek Ave
 b. Mailing address (if different): PO BIX 1723 Pleasantville, NJ 08232

3. A license is requested to conduct raffles of the kind stated on the date, or on each of the dates, and during the hours listed (use a separate application for each type of raffle).

Date	Hours	Date	Hours
<u>10/13/2018</u>	<u>5pm-11pm</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 4a. Address of place where raffles will be played: 724 Maple Ave Linwood, NJ
 b. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
 5. If raffles equipment is to be rented, attach a statement by the raffles equipment lessor to this application on Form 13.

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
<u>Tickets</u>	<u>Amazon.com</u>	<u>To Conduct Game</u>
<u>Containers for tickets</u>	<u>Amazon.com</u>	<u>To Conduct Game</u>
<u>Baskets/cellphone/ribbon</u>	<u>AC Moore EHT, NJ 08234</u>	<u>To create prizes</u>
<u>License</u>	<u>State of NJ, LGCC</u>	<u>License</u>
<u>License</u>	<u>City of Linwood</u>	<u>License</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Part C - Schedule of Purposes

1. The specific purpose(s) to which the entire net proceeds of the games listed in this application are to be devoted, and the manner in which they are to be so devoted, are:

To support the EHT Eagles Travel Baseball Team

2. If any part of the net proceeds are to be devoted to a purpose allowed by the Raffles Licensing Law by turning the same over to another organization which is exclusively devoted to such purposes, secure the signature of its president or other executive officer to the following certificate:

"It is hereby certified that _____
Name of organization

will accept from the licensee any part of the net proceeds of the games listed in this application to be turned over to it."

Date: _____ Signature: _____

Part D - Schedule of Prizes

A description of all prizes to be offered and given in all of the games listed in this application is as follows. For merchandise, describe the article and state the retail value; if prizes are to be donated, indicate that fact and estimate as accurately as possible the information requested below.

Description of Prize	Donated (Yes or No)	Retail value
We will not award any forbidden prizes such as cash, lottery tickets, tobacco etc.	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
Most prizes will be donated.	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
Wine Basket from Shannon Ridge	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	tbd
GIFT Certificate Made Choc.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 50
GIFT Certificate Iron Room	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 50
Spa Certificate Golden sunset	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 100
Wine experience	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 100
B.T whole Sale Club Certificate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 50
Sam's Club Certificate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 50
Tenn-AVE Beer Hall GIFT Card	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 50
Haydy coffee GIFT Card	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 50
Grace and Flory Ac, GIFT Card	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 100
Ocean Casino + HOTEL, GIFT Card	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 100
Tutto fresco GIFT Card	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 100
Regal Cinnamon GIFT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 50
Shuchan's Nest GIFT CARD	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 100
XXXXXXXXXXXXXXXXXXXXXXXXXXXX	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	XXXXXX
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Part I - Statement of Applicant and member(s) in charge

State of New Jersey

} ss.

County of Atlantic

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Raffles Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Raffles Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. No prize may be offered and given in cash, except as otherwise provided by the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.). If a cash prize under certain circumstances is permitted by the law, the amount of the cash prize may not exceed the limits prescribed by the Raffles Licensing Law.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this 10th day of July, 2018.

Antonietta Provenzano
 Notary Public (Print name)
Antonietta Provenzano
 Signature of Notary Public

[Signature]
 Signature of Officer and Title

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge



ANTONIETTA PROVENZANO
 NOTARY PUBLIC OF NEW JERSEY
 MY COMMISSION EXPIRES JUNE 17, 2020

If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.

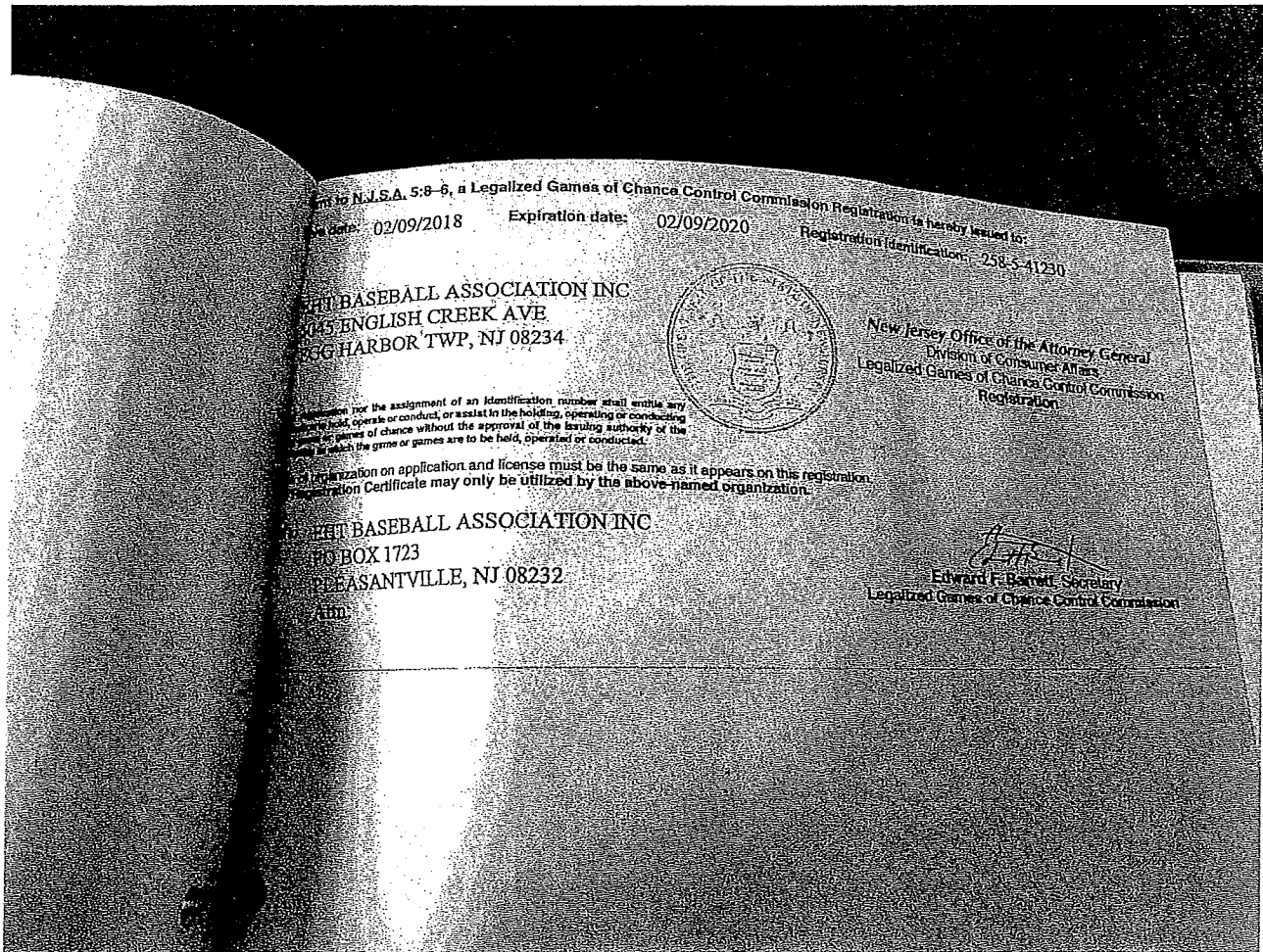
Mail body: Fwd:

----- Forwarded message -----

From: Sal Spena <sal@shannonridge.com>
Date: Mon, Jul 16, 2018 at 11:17 AM
Subject: Fwd:
To: Staples@printme.com <Staples@printme.com>

----- Forwarded message -----

From: Sal Spena <sal@shannonridge.com>
Date: Fri, Jul 13, 2018 at 9:28 AM
Subject:
To: <sal@shannonridge.com>



Cheers!
Sal
Salvatore J. Spena
Vice President of Sales
Shannon Ridge Family of Wines
609-839-4982
Sent from Gmail Mobile

RESOLUTION No. 149, 2018

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE, #2018-20,
TO EHT BASEBALL ASSOCIATION INC.

WHEREAS, EHT Baseball Association Inc. has applied for a Raffle License to conduct games on October 13, 2018; and

WHEREAS, EHT Baseball Association Inc. has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 258-5-41230;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Raffle License be issued to EHT Baseball Association Inc. and that the Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 Legalized Games of Chance Control Commission
 124 Halsey Street, 6th Floor, P.O. Box 46000
 Newark, New Jersey 07101
 (973) 273-8000

Application No. RA 2018-20
258-5-41230
 Identification No. 258-5-41230

Application for a Raffle License

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: _____ Linwood _____

Part A - General

1. Name of applying organization: _____ Egg Harbor Twp. Baseball aka EHT Baseball _____
- 2a. Street address of headquarters: _____ 5045 English Creek Ave _____
- b. Mailing address (if different): _____ PO BIX 1723 Pleasantville, NJ 08232 _____

3. A license is requested to conduct raffles of the kind stated on the date, or on each of the dates, and during the hours listed (use a separate application for each type of raffle).

Date	Hours	Date	Hours
10/13/2018	5pm-11pm	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 4a. Address of place where raffles will be played: _____ 724 Maple Ave Linwood, NJ _____
- b. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
5. If raffles equipment is to be rented, attach a statement by the raffles equipment lessor to this application on Form 13.

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
Tickets	Amazon.com	To Conduct Game
Containers for tickets	Amazon.com	To Conduct Game
License	State of NJ, LGCC	License
License	City of Linwood	License
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Part I - Statement of Applicant and member(s) in charge

State of New Jersey } ss.
County of Atlantic

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Raffles Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Raffles Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. No prize may be offered and given in cash, except as otherwise provided by the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.). If a cash prize under certain circumstances is permitted by the law, the amount of the cash prize may not exceed the limits prescribed by the Raffles Licensing Law.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this
10th day of July, 2018.

Antonietta Provenzano
Notary Public (Print name)
Antonietta Provenzano
Signature of Notary Public

[Signature]
Signature of Officer and Title

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge



ANTONIETTA PROVENZANO
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 17, 2020

If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.

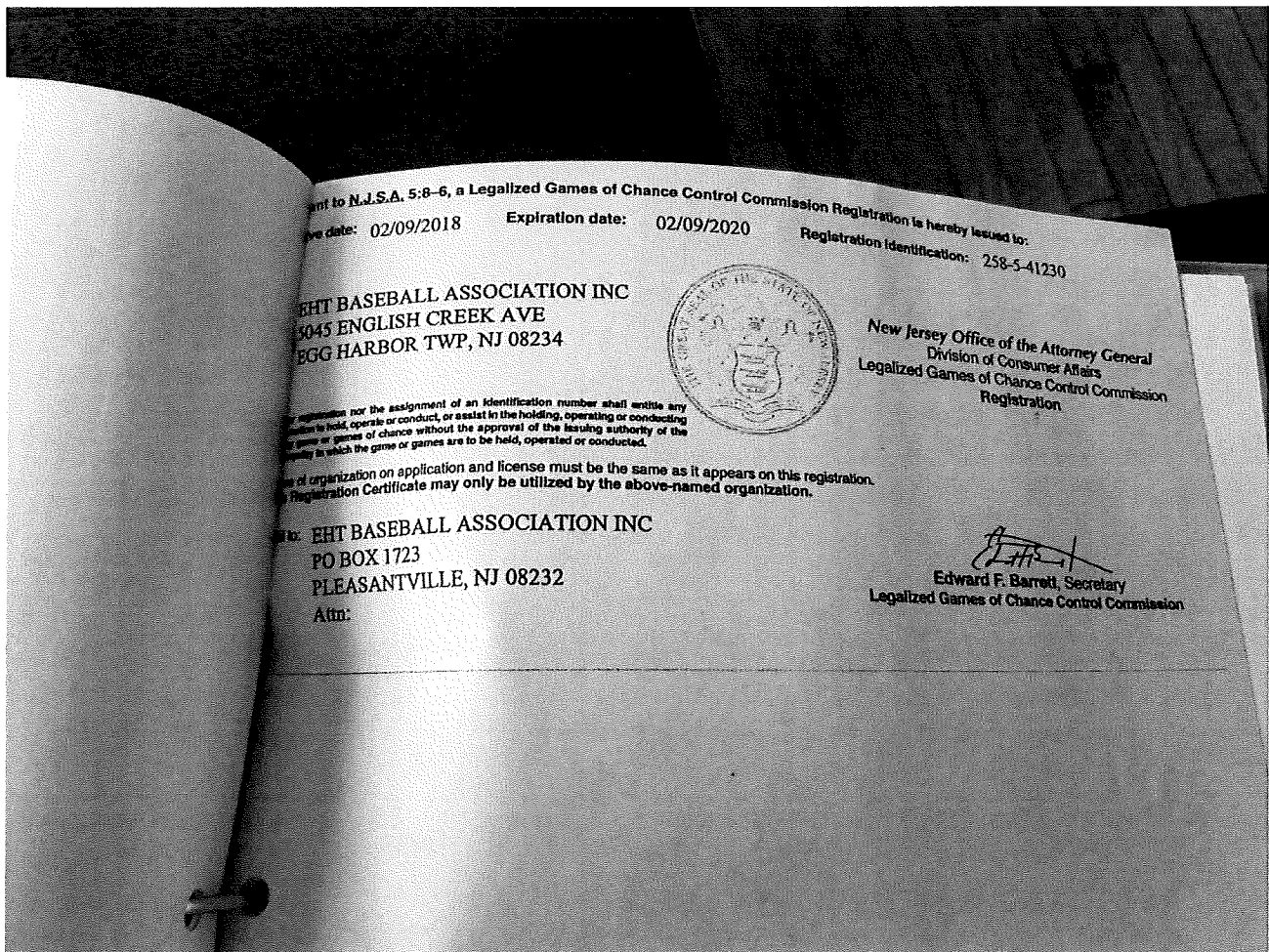
Mail body: Fwd:

----- Forwarded message -----

From: Sal Spena <sal@shannonridge.com>
Date: Mon, Jul 16, 2018 at 11:17 AM
Subject: Fwd:
To: Staples@printme.com <Staples@printme.com>

----- Forwarded message -----

From: Sal Spena <sal@shannonridge.com>
Date: Fri, Jul 13, 2018 at 9:28 AM
Subject:
To: <sal@shannonridge.com>



--
Cheers!
Sal
Salvatore J. Spena
Vice President of Sales
Shannon Ridge Family of Wines
609-839-4982
Sent from Gmail Mobile
--

RESOLUTION No. 150, 2018

A RESOLUTION AUTHORIZING THE ISSUANCE OF A BINGO LICENSE, #2018-7, TO
EHT BASEBALL ASSOCIATION INC.

WHEREAS, EHT Baseball Association Inc. has applied for a Bingo License to conduct games on October 13, 2018; and

WHEREAS, EHT Baseball Association Inc. has fulfilled all of the requirements and met all qualifications for such a license, including but not limited to obtaining a Registration Identification Number, that number being 258-5-41230;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that a Bingo License be issued to EHT Baseball Association Inc. and that the Clerk be authorized to sign any documentation deemed necessary or useful.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 Legalized Games of Chance Control Commission
 124 Halsey Street, 6th Floor, P.O. Box 46000
 Newark, New Jersey 07101
 (973) 273-8000

BA 2018-7
 258-5-41230

Application No. BA 258-5-41230
 Identification No. 258-5-41230

Application for a Bingo License

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: Linwood

Part A - General

1. Name of applying organization: Egg Harbor Twp. Baseball aka EHT Baseball
 2a. Street address of headquarters: 5045 English Creek Ave
 b. Mailing address (if different): PO BOX 1723 Pleasantville, NJ 08232

3. List date(s) and hours for games:

Date	Hours	Date	Hours
<u>10/13/2018</u>	<u>5pm-11pm</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Address of place where bingo will be played: 724 Maple Ave Linwood, NJ 08
- a. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
 b. If "No," from whom will the applicant rent the premises?
 Name Our Lady Of Sorrows Address 724 Maple Ave Linwood, NJ
 c. If premises are to be rented, attach Form 10, "Statement of Landlord."

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
<u>Bingo Card Purchase</u>	<u>Tumbling Dice</u>	<u>To conduct game</u>
<u>Bingo Board Rental</u>	<u>Tumbling Dice</u>	<u>To conduct game</u>
<u>Game Prizes</u>	<u>Michael Kors, Coach & Kate Spade Factory Stores</u>	<u>Game Prizes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Part I - Statement of Applicant and member(s) in charge

State of New Jersey } ss.
County of Atlantic

We do hereby each make the following statement, under oath, with respect to the foregoing application:

1. The applicant (is) (is not) limited in its activities to the furtherance of one or more authorized purposes as defined in the Bingo Licensing Law.
2. Prior to the issuance of any license to it to conduct games of chance, the applicant was actively engaged in serving one or more "authorized purposes."
3. The applicant has received and used, and in good faith expects to continue to receive and use, to further one or more authorized purposes, funds from sources other than games of chance.
4. The conduct of the games on the occasion or occasions for which this application is made will be to raise and devote the entire net proceeds to the authorized purpose described in the application.
5. For each occasion for which a license is sought, one or more of the members listed who are familiar with the Bingo Licensing Law and the Rules and Regulations, will be in full charge of, and primarily responsible for, the conduct of the games.
6. No commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conducting, of the games, except to bookkeepers or accountants for professional services not exceeding the amounts fixed by the Schedule of Fees, as well as the compensation for the Licensed Compensated Workers pursuant to N.J.A.C. 13:47-6A. All prizes offered for games conducted on a single occasion will not exceed the limit on the sum or retail value of prizes as provided by the Bingo Licensing Law (N.J.S.A. 5:8-25 et seq.) and N.J.A.C. 13:47-6.16 and 13:47-7.2.
7. All statements in the foregoing application are true.

Sworn and subscribed to before me this
10th day of July, 2018.

Antonietta Provenzano
Notary Public (Print name)
Antonietta Provenzano
Signature of Notary Public



ANTONIETTA PROVENZANO
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 17, 2020

[Signature]
Signature of Officer and Title

Signature of Member-in-Charge

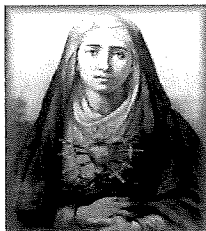
Signature of Member-in-Charge

Signature of Member-in-Charge

Signature of Member-in-Charge

If more space is needed in any section of this application, insert extra sheets of paper.

Applicant's registration slip from the *Legalized Games of Chance Control Commission* must be presented to the Municipal Clerk with this application.



Our Lady of Sorrows Church

A Perpetual Adoration Parish

724 Maple Avenue – Linwood, NJ 08221-1818

(609) 927-1154 (609) 927-0398 fax

Web Site- www.Ourladyofsorrows.us/

June 29, 2018

Leigh Ann Napoli, Clerk
Borough of Linwood
400 Poplar Avenue
Linwood, NJ 08221

Dear Leigh Ann,

I write to inform you that we are donating the usage of Our Lady of Sorrows Church Hall to Travel Baseball League, C/O Mary Sausto on October 13, 2018. It is our understanding that they will be holding a Pocketbook Bingo to help raise funds for their Travel Team.

Thank you for your cooperation in this matter.

Sincerely,

Rev. Paul D. Harte, Pastor

PDH/bkm

Part D - Schedule of Prizes

BINGO GAMES

Game 1
LETTER "E"
 COACH BAG \$99

B	I	N	G	O
●	●	●	●	●
●				
●	●	●	●	
●				
●	●	●	●	●

Game 2
LETTER "H"
 COACH BAG \$129

B	I	N	G	O
●				●
●				●
●	●	●	●	●
●				●
●				●

Game 3
LETTER "T"
 MICHAEL KORS BAG \$100

B	I	N	G	O
●	●	●	●	●
		●		
		●		
		●		
		●		

Game 4
Baseball
 KATE SPADE BAG \$100

B	I	N	G	O
	●	●	●	
●				●
●		Free Space		●
●				●
	●	●	●	

Game 5
Baseball Diamond
 COACH BAG \$99

B	I	N	G	O
		●		
	●		●	
●		Free Space		●
	●		●	
		●		

Game 6
ANY line bingo
 KATE SPADE BAG \$85

B	I	N	G	O

Any line

Game 7
Any Line Bingo

MICHAEL KORS BAG \$125

B	I	N	G	O
		Free Space		

Game 8
Four corners

COACH BAG \$90

B	I	N	G	O
●				●
		Free Space		
●				●

Game 9
Home run
 MICHAEL KORS BAG \$130

B	I	N	G	O
●	●	●	●	●
●				●
●		Free Space		●
●				●
●	●	●	●	●

Game 10
Letter "X"

KATE SPADE BAG \$95

B	I	N	G	O
●				●
	●		●	
		●		
	●		●	
●				●

Game 11
Any Line

KATE SPADE BAG \$115

B	I	N	G	O
		Free Space		

Game 12
Coverall

MICHAEL KORS BAG \$125

B	I	N	G	O
●	●	●	●	●
●	●	●	●	●
●	●	●	●	●
●	●	●	●	●
●	●	●	●	●

TIE BREAKERS: In the event there is a tie the winners will receive an equal share of the purchase price of the prize, in cash.

\$35 TO PLAY ALL 12 BINGO GAMES, 4 FACES PER GAME.

\$10 FOR EACH ADDITIONAL BOOK TO PLAY ALL GAMES, 4 FACES PER GAME.

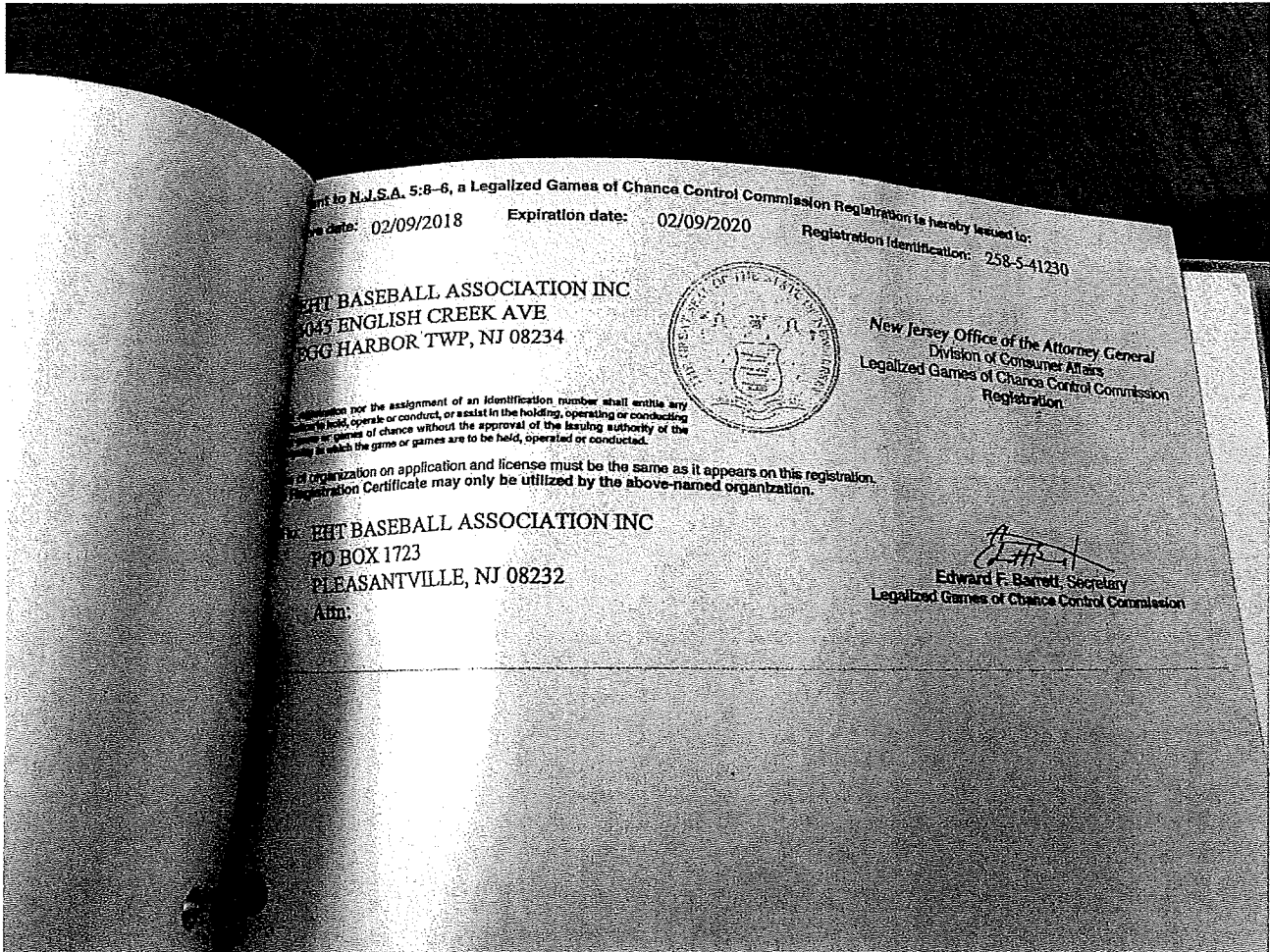
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From: Sal Spena <sal@shannonridge.com>
Date: Fri, Jul 13, 2018 at 9:28 AM
Subject:
To: <sal@shannonridge.com>



Cheers!
Sal
Salvatore J. Spena
Vice President of Sales
Shannon Ridge Family of Wines
609-839-4982
Sent from Gmail Mobile

RESOLUTION No. 151, 2018

A RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT OF THE 2017 1ST & 2ND QUARTERS TAX PAYMENTS MADE FOR BLOCK 118 LOT 8 LOCATED AT 507 W. WILSON AVENUE IN THE CITY OF LINWOOD

WHEREAS, Sudol, Walter J., is the owners of Block 118 Lot 8 located at 507 W. Wilson Avenue in the taxing district of the City of Linwood; and

WHEREAS, an overpayment on the 2017 1st & 2nd quarter property taxes due to an approved application for a Totally Disabled Veteran as of July 29, 2016 was accepted. A refund is necessary in the amount of \$3,668.25 for taxes paid by Lereta Mortgage Services on January 30, 2017 and April 27, 2017; and

WHEREAS, Lereta has requested the refund of the 2017 1st & 2nd Quarter Taxes in the amount of \$3,668.25 for property taxes;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the Chief Financial Officer of the City of Linwood be and is hereby authorized, empowered and directed to execute and deliver a draft in favor of Lereta LLC, Lereta Refund Department, 1123 Park View Drive, Covina, CA 91724 in the amount of \$2,672.20 which is the amount of the payment of taxes to said property owner.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

1123 Parkview Drive
Covina, CA 91724
800-537-3821 X1517 Phone
626-543-1926 FAX

LERETA LLC
Tax & Flood Services

Fax

To:	LINWOOD CITY	From:	TONI HOWARD
	ATTENTION: REFUNDS		
Fax:	651-438-4399	Pages:	1
Phone:	651-438-4576	Date:	07/19/2018
Re:	REFUND REQUEST	Parcel:	00118 00008

Dear Tax Collector,

Lereta LLC C/O HomeBridge Financial is requesting a REFUND IAO \$3668.25 due to overpayment from 2017 taxes.

Please send refund to:

Lereta Refund Department 1123 Park View Drive, Covina, CA 91724

WALTER SUDOL
507 WILSON AVE
LINWOOD, NJ 08221

Should you have any questions, please feel free to contact me at
THoward@lereta.com or by telephone 800-537-3821 ext. 1264 or fax 626-543-2002.

Thank you,

Toni Howard

1123 Park View Drive Covina, CA 91724
Phone 800-537-3821 Ext. 1329 | Fax (626) 543-2002
LOleta@lereta.com



BLQ: 118. 8.
Owner Name: SUDOL, WALTER J

Tax Year: 2016 to 2017
Property Location: 507 W WILSON AVE

Tax Year: 2016	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	1,835.84	1,835.83	1,832.41	1,832.41	7,336.49
Other Bill Adj:	0.00	298.30-	1,241.30-	1,832.41-	3,372.01-
Total Billed:	1,835.84	1,537.53	591.11	0.00	3,964.48
Payments:	1,835.84	1,537.53	1,832.41	1,832.41	7,038.19
Balance Adjust:	0.00	0.00	1,241.30	1,832.41	3,073.71
Balance:	0.00	0.00	0.00	0.00	0.00

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2016 Prin Balance
		Description								
		Original Billed						7,336.49		7,336.49
01/27/16	1	Payment	001	8714	CK	6582	41 T1 1-27	1,835.84	0.00	5,500.65
		DAMINO								
03/18/16	2	Adjustment	HR			6748	492 KBJ	298.30-	0.00	5,202.35
		Homestead Credit								
04/13/16	2	Payment	001	8732	CK	6792	5 T1 4-13	1,537.53	0.00	3,664.82
		DAMIANO								
08/08/16	3	Payment	001	1377177	CK	7111	127 T1 8-8	1,832.41	0.00	1,832.41
		SURETY TITLE CO LLC								
10/19/16	3	Adjustment	TDV			7251	1 118-8TDV	1,241.30-	0.00	591.11
		APPROVED 7-29-2016								
10/27/16	3	Adjustment	064			7264	1 118-8TDV	1,241.30	0.00	1,832.41
		RES #152-2016 TDV								
10/27/16	4	Adjustment	TDV			7265	1 TDV118-8	1,832.41-	0.00	0.00
		TDV APPROVED 7/29/16								
10/31/16	4	Payment	001	VARIOUS	CK	7270	30 TAX	1,832.41	0.00	1,832.41-
		LERETA TAX SERVICES								
11/23/16	4	Adjustment	064			7330	4 REFUNDS	1,832.41	0.00	0.00
		RESOLUTION #173-2016								

Tax Year: 2017	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	1,834.13	1,834.12	1,834.13-	1,834.12-	0.00
Payments:	1,834.13	1,834.12	0.00	0.00	3,668.25
Balance:	0.00	0.00	1,834.13-	1,834.12-	3,668.25-

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2017 Prin Balance
		Description								
		Original Billed						0.00		0.00
01/30/17	1	Payment	001	various	CK	7498	30 LERETA	1,834.13	0.00	1,834.13-
		Lereta Tax Service								
04/27/17	2	Payment	001	VARIOUS	CK	7681	33 LERETA	1,834.12	0.00	3,668.25-
		LERETA TAX SERVICES								

Total Principal Balance for Tax Years in Range: 3,668.25-

RESOLUTION No. 152, 2018

A RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT OF THE 2018
2ND QUARTER TAX PAYMENT MADE FOR BLOCK 2 LOT 13.03 LOCATED AT 505
KIRKLIN AVENUE IN THE CITY OF LINWOOD

WHEREAS, Henry & Barbara Madamba, are the owners of Block 2 Lot 13.03 located at 505 Kirklin Avenue in the taxing district of the City of Linwood; and

WHEREAS, Henry Madamba made application to the Tax Assessor, of the City of Linwood, for property tax exemption due to his 100% permanently disabled veteran status on January 6, 2017 and the Tax Assessor for the City of Linwood granted the exemption for Henry Madamba as of January 6, 2017; and

WHEREAS, the City of Linwood must refund the payment of \$2,286.29 that was collected from Corelogic for the 2nd quarter of 2018 property taxes; and

WHEREAS, Henry Madamba has requested the refund of the 2018 2nd Quarter Taxes in the amount of \$2,286.29 for property taxes;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the Chief Financial Officer of the City of Linwood be and is hereby authorized, empowered and directed to execute and deliver a draft in favor of Henry Madamba, 505 Kirklin Avenue, Linwood, NJ 08221 in the amount of \$2,286.29 which is the amount of the payment of taxes to said property owner.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

July31, 2018

City of Linwood
Office of Tax Collector
400 W. Poplar Avenue
Linwood, NJ 08221

Attn: Sylvia

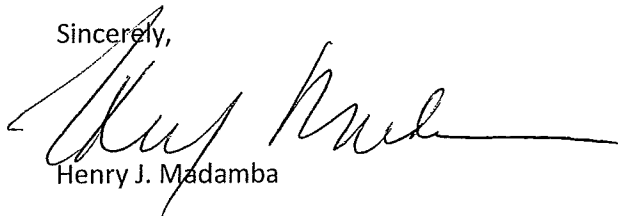
RE: 505 Kirclin Avenue
Linwood, NJ 08221
Block 2 Lot 13.03

Dear Sylvia:

Please be advised that I request the property taxes which were paid on our property in the amount of \$2286.29 be refunded directly back to me due to my 100% Veteran Exempt Status.

Thank you for your help in quickly resolving this issue it is very much appreciated.

Sincerely,



Henry J. Madamba

July 31, 2018
02:48 PM

CITY OF LINWOOD
Tax Account Detail Inquiry

BLQ: 2. 13.03
Owner Name: MADAMBA, HENRY & BARBARA

Tax Year: 2018 to 2018
Property Location: 505 KIRKLIN AVE

Tax Year: 2018	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
Original Billed:	2,286.29	2,286.29	2,286.29-	2,286.29-	0.00
Other Bill Adj:	2,286.29-	2,286.29-	0.00	0.00	4,572.58-
Total Billed:	0.00	0.00	2,286.29-	2,286.29-	4,572.58-
Payments:	2,286.29	2,286.29	0.00	0.00	4,572.58
Balance Adjust:	2,286.29	0.00	0.00	0.00	2,286.29
Balance:	0.00	2,286.29-	2,286.29-	2,286.29-	6,858.87-

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2018 Prin Balance
		Description						0.00		0.00
02/02/18	1	Original Billed						2,286.29	0.00	2,286.29-
		Payment	001	VARIOUS	CK	8490	31 CORELOGI			
04/12/18	1	Adjustment	TDV			8818	1 TDV	2,286.29-	0.00	4,572.58-
		100%TDV APR 1-16-17								
04/12/18	1	Adjustment	064			8818	3 TDV	2,286.29	0.00	2,286.29-
		REFUND RES.#93-2018								
04/12/18	2	Adjustment	TDV			8818	2 TDV	2,286.29-	0.00	4,572.58-
		100%TDV APR 1-16-17								
04/26/18	2	Payment	001	VARIOUS	CK	8807	30 CORELOGI	2,286.29	0.00	6,858.87-
		CORELOGIC								

Total Principal Balance for Tax Years in Range: 6,858.87-

RESOLUTION No. 153, 2018

A RESOLUTION AUTHORIZING AN ALLIANCE AGREEMENT WITH THE COUNTY OF ATLANTIC FOR A DRUG ABUSE AND ALCOHOL EDUCATION AND PREVENTION PROGRAM

WHEREAS, an Alliance Agreement has been presented to the City of Linwood by the County of Atlantic for the purpose of subcontracting with the City of Linwood to conduct a Drug Abuse and Alcohol Education Prevention Program in conjunction with P.L. 1989 which creates an alliance to prevent alcoholism and drug abuse; and

WHEREAS, the Common Council of the City of Linwood is desirous of entering into the aforesaid Contract with the County of Atlantic for the purpose of conducting a Drug Abuse and Alcohol Education and Prevention Program;

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of Linwood that the Mayor and City Clerk be and are hereby duly authorized, empowered and directed to execute a Contract on behalf of the City of Linwood with the County of Atlantic for the purpose of conducting a Drug Abuse and Alcohol Education and Prevention program in accordance with the requirements of the Alliance Grant Program.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

ALLIANCE AGREEMENT

THIS AGREEMENT made this day of 2018, between the County of Atlantic, hereinafter referred to as "COUNTY", and CITY OF LINWOOD, hereinafter referred to as "MUNICIPALITY".

WITNESSETH:

WHEREAS, P.L. 1989, Chapter 51 created in New Jersey an Alliance to prevent Alcoholism and Drug Abuse which is committed to coordinating a comprehensive effort against Alcoholism and Drug Abuse, and which will provide funds derived from the Drug Enforcement and Demand Reduction Fund to member municipalities to support appropriate County and municipal based Alcohol and Drug Abuse, Education and Public Awareness Programs, and

WHEREAS, MUNICIPALITY has submitted a proposal to the County for funding its local Drug Abuse and Alcohol Education and Prevention Program, and

WHEREAS, the County desires to subcontract with the MUNICIPALITY to conduct a Drug Abuse and Alcohol Education and Prevention Program in accordance with the proposal submitted, and in accordance with the requirements of the Alliance Grant Program, which documents are incorporated herein by reference.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

ARTICLE I:

SCOPES OF SERVICES

1. MUNICIPALITY shall organize and coordinate community efforts for education regarding and prevention of Substance Abuse, and shall provide community based Alcohol and Drug Abuse Prevention and Education Services in accordance with the proposal which is annexed hereto as Exhibit 1 and incorporated herein.
2. The MUNICIPALITY will adhere to all federal guidelines regarding client confidentiality.
3. REPORTING REQUIREMENTS: Municipal Alliance program recipients are required to submit program activity and expenditure reports to the county on a quarterly basis. The purpose of these reports is to compare actual expenditures with the approval budget and to receive programmatic information on program implementation.

For municipalities which have established an Alliance Trust Fund, status reports on the fund are required when submitting the quarterly reports. Specific instructions will be provided by the county to describe the manner in which the report is to be completed. Failure to provide the required reports in the time frame prescribed by the county constitutes grounds for withholding future awards.

The expenditure reports must include all receipts for expenditures incurred during the reporting quarter, a municipal invoice for reimbursement of quarterly expenditures and an Atlantic County invoice requesting quarterly payment. Municipal Invoice must be an original invoice or municipal letterhead. All invoices must be signed in blue ink to denote original signatures.

The programmatic report, activity report and expenditure receipts must be received on or before 21 days after the quarter has ended. If the required paper work is not submitted by the due date a warning letter will be sent to the Mayor and or Council informing the municipality that the grant may be in jeopardy.

4. The MUNICIPALITY shall ensure that membership in the Alliance is open to all interested volunteers.
5. Failure to comply with the requirements of this contract shall lead to action as set forth in the State's "Alliance of Concern Policy", which is attached hereto as Exhibit 4.

ARTICLE II:

PAYMENT

- A. In full consideration of all services to be performed under this agreement, the municipality shall be compensated in an amount not to exceed \$12,010.00.

This contract amount consists of the following components:

2018 Base Award DEDR	\$12,010.00
No 2017 carryover permitted	

TOTAL DEDR	\$12,010.00
------------	-------------

This contract is subject to MUNICIPALITY providing the following matches for 2018.

Cash 25%	\$3,003.00
In-kind 75% minimum	\$9,007.00

Payment shall be made as follows: Quarterly on a reimbursement basis as expenditures are incurred, provided MUNICIPALITY submits the required reports to the County on a timely basis, along with a signed standard county invoice and an itemized bill printed on the MUNICIPALITY'S letterhead, and any other documents deemed necessary by the County.

- B. It is the exclusive right of the County to determine the services have been performed in a proper and satisfactory manner in accordance with the terms and conditions set forth herein, prior to approval and payment of invoices submitted by MUNICIPALITY.
- C. All Expenditures must be in accordance with the 2018 Alliance (DEDR) Funding Use Guidelines which are attached hereto as Exhibit 2.
- D. Unallowable Expenditures are as listed in Section B of Exhibit 2.
- E. Matching funds shall be required in accordance with Section C of Exhibit 2.
- F. Program income shall be handled as required by Section D of Exhibit 2.
- G. Program budget modifications are subject to the requirements of Section E of Exhibit 2.
- H. All Municipal Alliance Programs must comply with the following Sections of Exhibit 2:
 - Section F. (Unexpended Funds)
 - Section H. (Program Compliance, Termination of Award)
 - Section I. (Reporting Requirements)
 - Section G. (Conflicts of Interest) and
 - Section A. (General Requirements and Restrictions for Program Activities).

ARTICLE III

TERM

- A. Upon its authorization and execution, this Agreement shall be effective for a term commencing July 1, 2018 and MUNICIPALITY shall complete the performance of all services as required herein by June 30, 2019.
- B. The County Executive may terminate this Agreement at any time by giving ten days written notice of termination sent to the MUNICIPALITY at the address set forth in Article VII. In the event of termination of this Agreement, the MUNICIPALITY shall furnish to the County such reports or documents that the County may require based upon work completed under the provisions of this agreement. The MUNICIPALITY shall be compensated in an amount determined by the County Executive to be commensurate with the work performed at the time of termination.

- C. It is understood and agreed by the MUNICIPALITY that this Contract is contingent upon the County's receipt of grant funding from the Governor's Council on Alcoholism and Substance Abuse. In the event that this funding is revoked, discontinued or reduced, or payment to the County delayed, the County reserves the right to terminate or reduce this contract in accordance with Article III (B) or to alter the payment schedule established in Exhibit B.

ARTICLE IV

GENERAL PROVISIONS

- A. The MUNICIPALITY'S status shall be that of an independent principal and not as agent or employee of the County.
- B. The MUNICIPALITY agrees that in the performance of this Agreement it will obey and comply with the applicable federal, state and municipal laws and regulations, and with the provisions of the Alliance Grant Contract between the County and the Governors Council on Alcoholism and Drug Abuse.
- C. This Agreement shall be governed and construed and the rights and obligations of the parties hereto shall be determined in accordance with the laws of the State of New Jersey.
- D. There shall be no discrimination against any employee engaged in the work required to produce the services covered by the Agreement, or against any applicant for such employment because of race, creed, color, national origin, ancestry, sex, marital status or physical handicap. This provision shall include, but not be limited to the following: employment upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, selection for training, including apprenticeship. The MUNICIPALITY shall insert a similar provision in any subcontracts.
- E. The parties to this Contract do hereby agree that the provisions of N.J.S.A. 10:2-1 through 10:2-4, dealing with discrimination in employment on public contracts, and the rules and regulations promulgated pursuant thereunto, are hereby made a part of this Contract and are binding upon them.
- F. All material or information which has been paid for upon completion of the project or termination remains the property of the County.
- G. This Contract may not be altered, modified or rescinded orally, but any changes agreed upon and executed by both parties may be incorporated into this Agreement.
- H. The MUNICIPALITY agrees not to subcontract any of the services described herein without the prior written approval of the County.

- I. MUNICIPALITY agrees to maintain financial records, books and documents plus any evidence necessary to reflect all direct and indirect costs incurred during this Contract. The MUNICIPALITY also agrees to submit all documents and records necessary to assure compliance and completion of this Contract.

MUNICIPALITY agrees that all financial records required to be kept be made available for inspection during normal business hours by representatives by the County. Said records shall be kept for a minimum of three years. Any MUNICIPALITY receiving funding in excess of \$10,000 pursuant to this Contract must have an audit conducted by an RMA-CPA of the contract funds after termination of the Contract. A copy of the audit report must be submitted to the Atlantic County Health Department within 120 days after termination of the Contract.

- J. MUNICIPALITY may not vary the services provided from those outlined in the approved County Alliance Plan unless it first receives approval in writing from both the County and the Governors Council on Alcoholism and Drug Abuse for changes in the programmatic content and receives authorization from the State Alliance Coordinator.

- K. MUNICIPALITY must:

1. Demonstrate coordination with the County office on Alcoholism and Drug Abuse.
2. Identify and impact some aspect of the biopsychosocial model.
3. Incorporate broad based, community efforts.
4. Illustrate a broad base of service as determined by local needs.
5. Be used for school or community based prevention efforts, early intervention services and/or education, support or outreach efforts directed towards parents.
6. Be clearly denoted as an alcohol and drug prevention, education or public awareness activity.
7. Deliver a consistent "no use" message to those under legal age limits or other legal provisions indicated by the laws of the State of New Jersey.

- L. MUNICIPALITY shall be monitored by the oversight committee within the County Alliance Steering Committee for assurances that its activities exhibit fidelity to the County Alliance Plan with regards to both fiscal and programmatic areas.

- M. MUNICIPALITY accepts fiscal responsibility that all funds issued pursuant to this Contract shall be used within the scope and context of N.J.S.A. 26:2BB-1 et seq., and N.J.A.C. 17:40-1 et seq. and the approved County Alliance Plan.

- N. MUNICIPALITY shall maintain expense and cash status information.
- O. MUNICIPALITY must expend all funds pursuant to this Contract during the contract period.
- P. MUNICIPALITY may not utilize any of the funds disbursed pursuant to this Agreement for partisan political activity or similar activity by any person or organization making use of these programs and/or funds.
- Q. MUNICIPALITY shall adhere to the following statement: No person shall, on the grounds of race, color, national origin, age, sex, religion, or handicap be excluded from participation in or be subjected to discrimination in any program or activity funded, in whole or part, by State of New Jersey funds.
- R. MUNICIPALITY shall publicize and conduct all meetings open to the public as indicated in N.J.A.C. 17:40-1 et seq.
- S. MUNICIPALITY shall adhere to all federal and state guidelines for a drug free workplace.
- T. MUNICIPALITY shall participate and cooperate with the Governors Council on Alcoholism and Substance Abuse for scheduled site visits.
- U. MUNICIPALITY shall, when issuing statements, press releases, request for proposals, bids solicitation, and other documents describing projects or programs funded through the Alliance in whole or in part clearly state 1) the percentage of the total cost of the program which will be financed with Alliance funds, 2) the dollar amount of Alliance funds for the program or project, and 3) the percentage and dollar amount of the total cost of the project or program that will be financed by non-governmental sources.
- V. MUNICIPALITY agrees to comply with the Affirmative Action requirements set forth in Exhibit 3.
- W. Programs must deliver a no use message to those under the legal age.
- A.A. All programs must clearly have a substance abuse prevention component.
- B.B. For those Alliances which use a portion of funds for a coordinator position, a job description for that coordinator is required. This must be submitted to the County Office by November 1, 2018.
- C.C. Alliances are required to adopt by-laws. The by-laws will include basic job descriptions for officers and establish a meeting time. This must be submitted to the County Office by November 1, 2018.

- D.D. A representative from each Alliance is required to attend a minimum of 50% of the Chairperson's meeting and/or special workshops.
- E.E. The Alliance name will be used when sponsoring/promoting/ announcing programs.
- F.F. A minimum of a quarterly Alliance meetings will be held.
- G.G. Each Alliance must conduct a needs assessment which is the basis for the proposal. Proposed programs must be directly related to the needs identified.
- H.H. Payments/Vouchers/Invoices must be submitted directly to vendors, not other community groups. Vouchers must clearly indicate what is being purchased and for which program it is being purchased. If vouchers are not submitted to the vendor, to receive reimbursement, indicate what has been purchased on the voucher and attach appropriate receipts.
- I.I. Over expenditures of a program or budget line item by more than 10% will not be reimbursed.
- J.J. Programmatic fiscal reports must be submitted in a timely fashion and failure to complete same could result in a lost of total or partial funding.
- K.K. Activities with a gambling related theme are not permitted.

ARTICLE V

INDEMNIFICATION

- A. MUNICIPALITY agrees to indemnify and save harmless the County, the State of New Jersey and the Governors Council on Alcoholism and Substance Abuse, and each of their officers, agents and servants from any and all losses, claims, actions, costs, expenses, judgments, subrogations or other expenses, including attorney's fees by reason of any real or alleged injury or damage to the person or property of others arising out of or incidental to the performance of the terms of this Contract.

ARTICLE VI

ADDRESS FOR NOTICE

The address given below should be the address of the representative parties to which all notices and reports required by this Agreement shall be sent by mail:

Robert Widitz
County Alliance Coordinator
Atlantic County Division of Public Health
201 S. Shore Road
Northfield, NJ 08225

Honorable Richard L. DePamphilis, III
City of Linwood
400 Poplar Avenue
Linwood, NJ 08221

IN WITNESS WHEREOF, the parties hereto have duly signed and sealed this Agreement.

WITNESS

COUNTY OF ATLANTIC:

Sonya G. Harris, Clerk
Board of Chosen Freeholders

Dennis Levinson
County Executive

WITNESS

MUNICIPALITY:

Clerk

Mayor, Richard L. DePamphilis, III

APPROVED AS TO FORM ONLY ON THE
BASIS OF THE FACTS SET FORTH:

James F. Ferguson
County Counsel

Linwood alliance K.18.136l.doc

RESOLUTION No. 154, 2018

A RESOLUTION AUTHORIZING THE HIRING OF ANTHONY DISCIASCIO AS A SPECIAL LAW ENFORCEMENT OFFICER, CLASS III, FOR THE CITY OF LINWOOD

WHEREAS, the City of Linwood is desirous of hiring a Special Law Enforcement Officer, Class III; and

WHEREAS, recommendations have been received to hire Anthony Disciascio to fill such vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood, County of Atlantic, that Anthony Disciascio is hereby hired as a Special Law Enforcement Officer, Class III, effective August 8, 2018 at an hourly rate of \$25.00 as provided for in the Linwood Salary Ordinance and all amendments thereto.

BE IT FURTHER RESOLVED, that this Resolution is contingent upon satisfactory completed psychological, physiological, and background check on Anthony Disciascio.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 155, 2018

A RESOLUTION SUPPORTING SUBMISSION OF APPLICATION FOR NEW JERSEY
DEPARTMENT OF TRANSPORTATION "TRANSPORTATION ALTERNATIVES SET-ASIDE"
PROGRAM

WHEREAS, the City of Linwood is applying for funding to provide a new bike path extension from the existing municipal bikeway to the commercial district along Route 9 and to provide handicap accessibility improvements within the City of Linwood; and

WHEREAS, the project will help to continue to improve the promotion and encouragement of pedestrian and bicycle access and safety for residents utilizing the bike path and traveling to the commercial developments located on Route 9; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by the City of Linwood with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Linwood that it hereby supports the submission of a grant application for the Transportation Alternatives Set-Aside Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Manager and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 156, 2018

A RESOLUTION SUPPORTING SUBMISSION OF APPLICATION FOR NEW JERSEY
DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM

WHEREAS, the City of Linwood is applying for funding to provide a bike path extension and other handicap accessibility improvements along the school route for Seaview Elementary School within the City of Linwood; and

WHEREAS, the project will help to continue to improve the promotion and encouragement of pedestrian and bicycle access and safety for school children attending the Seaview Elementary School; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by the City of Linwood with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Linwood that it hereby supports the submission of a grant application for the Safe Routes to School Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Manager and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 157, 2018

A RESOLUTION REJECTING THE BIDS FOR CONTRACT NO. 18 - HISTORICAL BUILDING ROOF IN THE CITY OF LINWOOD

WHEREAS, the City of Linwood advertised for and received bids for Contract No. 18 - Historical Building Roof on Thursday, August 2, 2018 at 10:00 A.M.; and

WHEREAS, the bids submitted have been reviewed and it has been determined that the bids are well in excess of the amount budgeted with regard to the aforesaid project; and

WHEREAS, the City Engineer has indicated that the submitted bids far exceed the budget for the subject project;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Linwood that the bids submitted on August 2, 2018 for Contract No. 18 - Historical Building Roof be and are hereby rejected based upon the Certification of the City Engineer and more specifically because the bids far exceed the allocated budget for the project.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

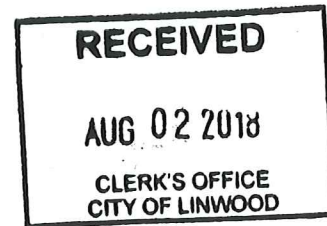
POLISTINA
Associates, LLC
Engineers & Planners

Vincent J. Polistina, PE, PP, CME
Craig R. Hurlless, PE, PP, CME

Civil / Municipal Engineering
Site Plan and Subdivision Design
Surveying
Land Use Planning
Water and Wastewater Design
Environmental Consulting
Inspection / Construction Management

August 2, 2018

Mr. Ralph Paolone, Council President and Council Members
The City of Linwood
400 Poplar Avenue
Linwood, NJ 08221



**Re: Report of Bids
Historical Building Roof
Contract No. 18
Linwood, Atlantic County
PA No. 7500.65**

Dear President Paolone and Council Members:

On August 2nd, 2018 at 10:00 A.M., sealed bids were received by The City of Linwood for the "Historical Building Roof" Contract No. 18. A total of three (3) contractors picked up bid documents during the bidding period and two (2) contractors submitted bids for the project. The bids are tabulated below in order from the lowest to the highest for the total bid:

Bidders Name	Total Bid
D.A. Nolt, Inc.	\$90,753.00
Boardwalk Construction Group	\$131,411.00

All of the bids have been checked for administrative completeness and math computations. The estimate from the report done by the historical architect for the building was \$77,000.00. The lowest bid for the project submitted by D.A. Nolt, Inc. is approximately 18% above the estimate for the bid.

Due to the bids being more than the estimate we are recommending that the City reject all bids. If the bids are rejected, we will review the scope of the work and the costs associated with it to determine if the City should bid the project again given the available funding.

If you should have any questions or require additional information, please feel free to call.

Very truly yours,

POLISTINA & ASSOCIATES

Vincent J. Polistina, PE, PP, CME
City Engineer

RESOLUTION No. 159, 2018

A RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON IN THE CITY OF
LINWOOD

WHEREAS, the City of Linwood, Atlantic County, has requested the Superior Court for a Judgment of Compliance and Repose of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the City of Linwood's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the City of Linwood is required to appoint a Municipal Housing Liaison for the administration of the City of Linwood's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, the City of Linwood has amended its Municipal Code by Ordinance No. 15, 2008, to provide for the appointment of a Municipal Housing Liaison to administer the City of Linwood's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Linwood in the County of Atlantic, and the State of New Jersey that Leigh Ann Napoli is hereby appointed by the Governing Body of the City of Linwood as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with the Municipal Code of the City of Linwood and more specifically Ordinance No. 15, 2008.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 160, 2018

A RESOLUTION ENDORSING THE 2018 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities like the City of Linwood to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") to be constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and Mount Laurel IV, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on July 7, 2015, the City of Linwood ("City") filed a declaratory judgment action under docket number ATL-L-1539-15 with the New Jersey Superior Court, Atlantic County ("the DJ action") seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Superior Court of New Jersey has ordered that municipalities that have filed declaratory judgment actions must submit updated HEFSPs that address their affordable housing obligations as calculated by their respective municipal experts; and

WHEREAS, the City's Affordable Housing Consultant, Shirley M. Bishop, PP, has prepared an updated HEFSP that addresses the City's affordable housing obligation (the "2018 HEFSP"); and

WHEREAS, the City has reached agreement as to the City's obligation for providing affordable housing and the methodology and strategies for meeting that obligation; and

WHEREAS, the Court held a Fairness Hearing on June 1, 2018, at which time the Court determined that the City's Settlement Agreement satisfies the City's obligation to provide a realistic opportunity to satisfy its Rehabilitation, Prior Round and Third Round "fair share" of the regional need for housing affordable to low income and moderate income households pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the substantive, applicable regulations of the New

Jersey Council on Affordable Housing ("COAH"), Mount Laurel IV and other applicable laws; and

WHEREAS, the Planning Board, at a meeting held on July 16, 2018, reviewed the 2018 HEFSP and determined that implementation of the 2018 HEFSP is in the public interest and would promote the general welfare and, by Resolution dated July 16, 2018, adopted the 2018 HEFSP; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Linwood, Atlantic County, New Jersey, on this 8th day of August 2018, that:

1. The City Council hereby agrees to implement the 2018 HEFSP that has been adopted by the Planning Board, and which addresses the terms of the Settlement Agreement and the Superior Court of New Jersey Order dated June 1, 2018; and
2. The City Council hereby endorses the 2018 HEFSP as adopted by the Planning Board as an amendment to the City's Master Plan and agrees to implement the HEFSP by adopting applicable ordinances; and
3. The Mayor, Administrator and City Clerk, together with all other officers, professionals and employees of the City are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 161, 2018

A RESOLUTION OF THE CITY OF LINWOOD OF ATLANTIC COUNTY, STATE OF NEW JERSEY, ADOPTING 2018 SPENDING PLAN

WHEREAS, on July 16, 2018, the Linwood City Planning Board adopted a Housing Element and Fair Share Plan in furtherance of its Settlement Agreement with Fair Share Housing Center, regarding the City's Third-Round Affordable Housing Obligation; and

WHEREAS, the Linwood City Planner has prepared a Spending Plan, which is consistent with the Housing Element and Fair Share Plan and provides for the use of Affordable Housing Trust Funds in furtherance of the provision of affordable housing in the City of Linwood.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Linwood, Atlantic County, as follows:

1. The City of Linwood hereby adopts and approves the Spending Plan of July 2018. Said Spending Plan is attached hereto and made a part hereof.
2. The City requests that the Court review and approve the Spending Plan.
3. A certified true copy of the Resolution shall be filed by the municipal clerk with Fair Share Housing Center and the Court Master.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 162, 2018

A RESOLUTION APPOINTING AN ADMINISTRATIVE AGENT IN THE CITY OF LINWOOD

WHEREAS, the Common Council of the City of Linwood filed a Declaratory Judgement Action in July 2015 requesting a Judgment of Compliance and Repose; and

WHEREAS, the City of Linwood's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52: 27D-301, et Uniform Housing Affordable Contract seq.), the Council on Affordable Housing(COAH)'s Prior Round Substantive Rules (N.J.A.C. 5:93-1, et seq.) and the (UHAC); and

WHEREAS, pursuant to N.J.A.C 5:80-26.1 et seq., the City of Linwood is required to appoint an Administrative Agent for the administration of the City of Linwood's affordable housing program; and

WHEREAS, the City of Linwood has contracted with TRIAD Associates to serve as Administrative Agent.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Linwood in the County of Atlantic, and the State of New Jersey, that TRIAD Associates is hereby appointed by the Governing Body of the City of Linwood as the Administrative Agent for the administration of the affordable housing program, pursuant to and in accordance with the Municipal Code of the City of Linwood and the Housing Element and Fair Share Plan.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 163, 2018

A RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act. N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provisions of affordable housing; and

WHEREAS, pursuant to its power under the FHA, the Council on Affordable Housing (COAH) and the Uniform Housing Affordable Controls (UHAC) rules have adopted regulations necessary for the establishment, implementation, review and monitoring of the affirmative marketing of a municipality's affordable units; and

WHEREAS, the City of Linwood wishes to adopt an Affirmative Marketing Plan;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Linwood, Atlantic County, as follows:

1. The City of Linwood hereby adopts and approves an Affirmative Marketing Plan of July 2018. Said Affirmative Marketing Plan is attached hereto and made a part hereof.
2. The City requests that the Court review and approve the Affirmative Marketing Plan.
3. A certified true copy of the Resolution shall be filed by the municipal clerk with Fair Share Housing Center and the Court Master.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal
this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____

RESOLUTION No. 158, 2018

A RESOLUTION SUPPORTING SENATE CONCURRENT RESOLUTION NO. 124 PROPOSING TO AMEND THE CONSTITUTION OF THE STATE OF NEW JERSEY TO REQUIRE ENERGY TAX RECEIPTS PROPERTY TAX RELIEF ACT AID AND CONSOLIDATED MUNICIPAL PROPERTY TAX RELIEF AID PROGRAMS BE FULLY FUNDED EACH YEAR WITH DEDICATED AMOUNTS DISTRIBUTED TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, Senate Concurrent Resolution No. 124 has been introduced proposing an amendment to the Constitution of the State of New Jersey to require Energy Tax Receipts Property Tax Relief Act aid and Consolidated Municipal Property Tax Relief Aid programs be fully funded each year, with dedicated amounts distributed to municipalities; and

WHEREAS, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Linwood, County of Atlantic, hereby supports the passage of Senate Concurrent Resolution No. 124 amending the Constitution of the State of New Jersey for reasons set forth herein.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 8th day of August, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of August, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR

APPROVED: _____