

**ALEXANDRIA TOWNSHIP COMMITTEE MEETING  
MINUTES  
June 10, 2015**

This meeting was advertised in the Hunterdon County Democrat, and notice posted in the Alexandria Township Municipal Offices and the Alexandria Township Website, ([www.alexandria-nj.us](http://www.alexandria-nj.us)) as required by the Open Public Meetings Act.

Meeting Called to order at 7:40 PM.

**ROLL CALL:** Committeeman Pfefferle, Committeeman Swift, Mayor Abraham, Attorney Dragan

**FLAG SALUTE:**

**PRESENTATION OF CHECKS TO EMERGENCY RESPONDERS:**

Check presented to Milford Fire in the amount of \$31,757.49.

Check presented to Milford-Holland Rescue in the amount of \$23,180.00

Check presented to Pattenburg Fire in the amount of \$20,953.62

Mayor Abraham thanked these volunteers for their time and service to the community.

**MUNICIPAL BUILDING**

Mayor Abraham thanked those in attendance for coming to the Township's first meeting at the new municipal offices.

**COMMITTEE REPORTS:**

- Environmental Commission-No Report
- FARMLAND/OPEN SPACE:

Chair Bill Fritsche noted that Mr. Zander's attorney has questions on the contract they received. Township Attorney Dragan will contact Mr. Zander's attorney to see if she can assist him. The Hay property is no longer being considered. The Grefe's need to get paperwork together for the Hunterdon County Ag Board meeting. The Diocese of Metuchen property is awaiting wetland status. Township Atty. Dragan noted that the Township Committee will review proposals in Executive Session.

- PARK & RECREATION REPORT:

Judy Tucker from Alexandria Equestrian Associates (AEA) noted that the park barn has groundhog infestation. AEA signed a contract with Ulrich to have them trap the groundhogs for the next two weeks. AEA is having a Trail Pace on June 22<sup>nd</sup>. Proceeds will go to Grow-A-Row.

- ROAD CHAIRMAN'S REPORT:

Road Chair Comm. Swift read the following report prepared by DPW Foreman Glen Griffith  
Municipal Building:

- a) Paved walkway from the first floor down to the basement level
- b) Paved parking area- 4" of base asphalt and 2" of top asphalt
- c) Final graded soil in the disturbed area around the building
- d) Spread grass seed, fertilizer, lime, and hay
- e) Helped move furniture, build shelves
- f) Worked on the side deck, 95% complete
- g) Installed concrete car stops on the paved portion of the parking lot

Started roadside mowing  
Maintenance on Gravel Rds. Is on-going  
Park Maintenance is on- going  
Equipment Maintenance is on- going  
Mulch at playground- have not moved forward on

**PUBLIC COMMENT FOR AGENDA RELATED MATTERS ONLY:**

Resident Judy Tucker asked for more information on the Lauck Property. Mayor Abraham noted that the Township did a realignment of Hog Hollow Road in the 70's. The deed was not properly filed. The deed was only in Mr. Lauck's name and not both husband/wife.

A resident asked about the Tax Transparency Resolution on the agenda. Mayor Abraham noted that the resolution would be discussed in further detail shortly.

**OLD BUSINESS:**

- Ordinance 2015-005 DPW Garage Re-Appropriation *2<sup>nd</sup> Reading*

Comm. Pfefferle made a motion, seconded by Comm. Swift to open public comment.

**ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

**Public Comment:** Location would be at the DPW garage where the tax trailer was located. DPW Foreman Glen Griffith needs to determine the exact size of building for his needs. Resident, Floyd Evans asked what the County does for their truck's needs. Comm. Swift noted that the County has a wash bay. If the Township would like to utilize the wash bay the County trucks go first. Comm. Swift stated that to use the County wash bay is a waste of time and resources to drive and wait there. A resident questioned if a nearby Township could do a shared service. The only nearby Township that has a wash bay is Bethlehem Township. Mayor Abraham noted that the proposed DPW garage is not just for washing equipment but to protect current equipment that is out in the open and exposed to the elements. The Township will look into a possible cost share with a neighboring Township for a wash bay. Resident, Curtis Schick noted that he said no to this proposed garage when he was in office and that the money should be left for an emergency or this money could be used to purchase new equipment. Comm. Pfefferle made a motion, seconded by Comm. Swift to close public comment. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.** Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Ordinance 2015-05 on second reading. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

**TOWNSHIP OF ALEXANDRIA  
ORDINANCE NUMBER 2015-05**

**BOND ORDINANCE PROVIDING FOR THE PURCHASE AND  
INSTALLATION OF A POLE STYLE BUILDING WITH EXTERNAL  
STEEL SIDING, BY AND IN THE TOWNSHIP OF ALEXANDRIA, IN  
THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY;  
REAPPROPRIATING EXCESS BOND PROCEEDS AND CAPITAL**

**FUNDS IN THE AMOUNT OF \$574,233.34 TO FINANCE THE COST THEREOF**

**WHEREAS**, the Township Committee of the Township of Alexandria, in the County of Hunterdon, State of New Jersey (the "Township"), finally adopted Bond Ordinance Number 2011-09-08 on October 2, 2011, entitled "BOND ORDINANCE PROVIDING FOR THE UNDERTAKING OF VARIOUS STREAM AND ROADWAY REPAIRS AND IMPROVEMENTS NECESSITATED BY DAMAGE CAUSED BY HURRICANE IRENE, BY AND IN THE TOWNSHIP OF ALEXANDRIA, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$2,000,000 THEREOF AND AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Ordinance"); and

**WHEREAS**, following the effective date of the Ordinance, the Township, issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

**WHEREAS**, the Township has determined that all of the capital improvements or purposes set forth in the Ordinance have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinance, as applicable; and

**WHEREAS**, there currently remains on deposit in the Township capital accounts, excess bond proceeds and capital funds allocable to the Ordinance (the "Excess Proceeds") but no longer necessary to complete the improvements or purposes authorized therein; and

**WHEREAS**, in accordance with its statutory powers, including but not limited to those set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Township Committee has determined that it is in the best interest of the Township to reappropriate the Excess Proceeds to finance the cost of the purchase and installation of a pole style building with external steel siding to be used as equipment storage and a wash bay on Block 7, Lots 23 and 23.02, commonly known as 257 Hickory Corner Road and 255 Hickory Corner Road, respectively, in the Township, including but not limited to all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration as and if necessary, and all work, materials equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved (collectively, the “Project”), which Project is an improvement for which bonds may be issued, thereby, decreasing the amount of additional Township debt to finance such current capital needs; and

**WHEREAS**, the Township Committee now desires to reappropriate the Excess Proceeds to undertake the cost of the Project, which is an improvement or purpose for which bonds may be issued; and

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ALEXANDRIA, IN THE COUNTY OF**

**HUNTERDON, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The following amount of Excess Proceeds of the Ordinance is no longer necessary for the purpose for which it was authorized and issued:

<b><u>Bond Ordinance/ Ordinance Number</u></b>	<b><u>Excess Proceeds Amount</u></b>
2011-09-08	\$574,233.34

**SECTION 2.** The total amount of \$574,233.34 in Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39 and other applicable law, and shall be used to finance a portion of the cost of the Project, which is a general capital improvement or purpose for which bonds may be issued and, which general improvement or purpose is set forth in Section 3 of this bond ordinance.

**SECTION 3. (a)** The improvement hereby authorized and purpose for which the Excess Proceeds shall be utilized is the purchase and installation of a pole style building with external steel siding to be used as equipment storage and a wash bay on Block 7, Lots 23 and 23.02, commonly known as 257 Hickory Corner Road and 255 Hickory Corner Road, respectively, in the Township, including but not limited to all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration as and if necessary, and all work, materials equipment, labor and appurtenances

necessary therefor or incidental thereto, which Project is an improvement for which bonds may be issued.

(b) The estimated cost of said purpose is \$574,233.34, which is the reappropriation of the Excess Proceeds.

**SECTION 4.** The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

**SECTION 5.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Township may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) An amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

**SECTION 6.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

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- Pattenburg/Milford-Holland Rescue Squad Disbursement of Funds: Pattenburg Rescue Squad and Milford-Holland Rescue Squad have agreed to split the Bloomsbury Rescue Squad coverage area. Both Squads are in favor of the division of call coverage. The Pattenburg Rescue Squad will receive 2/3<sup>rds</sup> of the annual contribution and Milford-Holland Rescue Squad will received 1/3<sup>rd</sup> of the annual contribution that the Township made to the Bloomsbury Rescue Squad. Comm. Pfefferle made a motion, seconded by Comm. Swift to authorize the split of coverage area between Pattenburg Rescue Squad and Milford-Holland Rescue Squad. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

**NEW BUSINESS:**

- Resolution 2015-047 Supporting Assembly Bill A-4235 ( The Transparent Tax Act 2015)  
Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2015-047. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

**RESOLUTION 2015- 047**  
**Supporting Assembly Bill A-4235 ('The Transparent Tax Act of 2015')**

**WHEREAS**, Assembly Bill No. A-4235 supplementing Chapter 4 of Title 54, R.S.54:4-65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and

**WHEREAS**, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and,

**WHEREAS**, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and

**WHEREAS**, A-4235 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets;

**WHEREAS**, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and

**WHEREAS**, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor the Township Committee of the Township of Alexandria Township, County of Hunterdon, and State of New Jersey, hereby supports Assembly Bill A-4235 amending Title 54:4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to the members of the NJ State Assembly, the members of the NJ Senate, and the Governor of the State of New Jersey, the New Jersey State League of Municipalities, the Municipal Clerks' Association of New Jersey; and all Hunterdon County Municipalities.

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- Resolution 2015-048 Pertaining to The Department of Public Works Contract Comm. Swift made a motion, seconded by Comm. Pfefferle to approve Resolution 2015-048. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, abstain; Mayor Abraham, yes.**

**RESOLUTION 2015-048 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY PERTAINING TO THE DEPARTMENT OF PUBLIC WORKS CONTRACT**

**WHEREAS**, the Township Committee of Alexandria Township previously approved an amendment to the existing Department of Public Works contract creating the position of Senior Working Foreman, which amendment was finally signed by all parties on October 27, 2014; and

**WHEREAS**, the Township Committee did not specify the effective date of the job title at the time of its approval; and

**WHEREAS**, the Township Committee received a request from the Senior Working Foreman, who is Glen Griffith, to specify the effective date; and

**WHEREAS**, the Township Committee agrees that the effective date should be August 18, 2014.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the

Township of Alexandria, County of Hunterdon, State of New Jersey, on this 10th day of June 2015 that the effective date of the position of Senior Working Foreman shall be August 18, 2014 and that the pay of Glenn Griffith shall be adjusted accordingly.

This resolution shall take effect immediately.

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- Resolution 2015-050 Rosina Yriart COAH

Resident qualified in 2003 for a rehabilitation loan under COAH rules at the time. Amount was for \$8,000.00, but loan was less than that. A deed restriction was also included that needs to be cancelled. Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2015-050. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

**RESOLUTION 2015 -050 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY DISCHARGING MORTGAGE AND HOUSING REHABILITATION AGREEMENT AND RESTRICTION**

**WHEREAS**, a mortgage was made by **Rosina Yriart-Gonzalez ( now known as Rosina Yriart)** (“Mortgagor” or “Property Owner”) on October 24, 2003 to the Township of Alexandria (“Township”) to secure repayment of a rehabilitation loan in the amount of \$8,000.00 given by the Township for affordable housing rehabilitation purposes for the residence she owns located on 176 Stamets Road, also known as Block 18.01, Lot 56 in the Township (the “Property”) pursuant to the Township’s affordable housing and fair share plan; and

**WHEREAS**, the Mortgage was first recorded on January 12, 2004 in the Hunterdon County Clerk’s office in Mortgage Book 2611 on page 831, and thereafter re-recorded on March 30, 2004 in Mortgage Book 2672 on pg.483; and

**WHEREAS**, simultaneously with the Mortgage, the Township and the Property Owners also entered into a Township/Homeowner Agreement whereby the Property Owners agreed to abide by the terms and conditions of the Township’s Housing Rehabilitation program and to deed restrict the residence on the Property for affordable housing for a period of six (6) years from the date the home improvements were completed: and

**WHEREAS**, the aforesaid Township/Homeowner Agreement and Deed Restriction was first recorded in the Hunterdon County Clerk’s Office on January 12, 2004 in Deed Book 2079, Page 327, and thereafter re-recorded on March 30, 2004 in

Deed Book 2088, Page 619; and

**WHEREAS**, the Township Committee is satisfied that the Property Owner fulfilled the terms of the Township/Homeowner Agreement and that she owes no interest on the loan since she continued to reside on the Property for at least six (6) years which was the minimum number of years required in order to receive the loan interest-free; and

**WHEREAS**, the Township has received payment in full for the amount due on the loan and finds that it is appropriate to discharge the mortgage and deed restriction.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Alexandria, County of Hunterdon and State of New Jersey, on this 10th day of June, 2015 as follows:

1. The Township Committee approves the discharge and cancellation of the Mortgage on the Property which was made by the Mortgagor Rosina Yriart-Gonzalez (now known as Rosina Yriart) to the Township on October 24, 2003, first recorded on January 12, 2004 in the Hunterdon County Clerk's Office in Mortgage Book 2611, page 831 and thereafter re-recorded on March 30, 2014 in Mortgage Book 2672, Page 483.

2. The Township Committee also approves the discharge and cancellation of the Township/Homeowner Agreement and Deed Restriction which was first recorded in the Hunterdon County Clerk's office on January 12, 2004 in Deed Book 2079, page 327 and thereafter re-recorded on March 30, 2004 in Deed Book 2088, Page 619.

3. The Mayor, Deputy Mayor, Township Clerk and/or Township Attorney, as applicable, are hereby authorized to sign the Discharge of Mortgage and the Discharge of the Deed Restriction on the above-referenced Property and/or any other documents necessary to effectuate the cancellation of same and to file them with the Hunterdon County Clerk's office, as appropriate.

4. This Resolution shall take effect immediately.

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- Ordinance 2015-002 Wireless Telecommunication ***Re-Introduction of 1<sup>st</sup> Reading***

The Township Committee sent this Ordinance to the Township Planning Board for comments. The Township Planning Board reviewed the ordinance and referred back to the Township for recommendation of approval. Second Reading and Public Comment will be on July 8, 2015. Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Ordinance 2015-02 on 1<sup>st</sup> reading. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

ORDINANCE No. 2015 -02

AN ORDINANCE OF THE TOWNSHIP OF ALEXANDRIA AMENDING CHAPTER 115, LAND USE, ARTICLE IV: DISTRICTS, ARTICLE V: USE REGULATIONS, ARTICLE XI: ADMINISTRATION AND ARTICLE XIV: SITE PLAN REVIEW, TO CODIFY THE PROVISIONS OF THE MUNICIPAL LAND USE LAW REQUIRING MUNICIPAL SITE PLAN EXEMPTION FOR CERTAIN WIRELESS TELECOMMUNICATIONS COLLOCATION APPLICATIONS AND TO CODIFY THE PROVISIONS OF FCC RULE § 1.40001 REQUIRING 60-DAY APPROVAL FOR CERTAIN CLASSES OF WIRELESS TELECOMMUNICATIONS COLLOCATION APPLICATIONS, ESTABLISHING FEES THEREFORE, AND AMENDING USE REGULATIONS TO PERMIT WIRELESS TELECOMMUNICATION TOWERS AS CONDITIONAL PERMITTED USES IN ALL ZONING DISTRICTS IN ALEXANDRIA TOWNSHIP EXCEPT THE IC ZONE.

**Be it ordained that:**

**Section 1.** Chapter 115: Land Use, Article XI: Administration, § 115-71 Application and appeals to Planning Board and Board of Adjustment, is hereby supplemented and amended by adding the following new Subsection § 115-71.C.(18) and new Section § 115-71.F.-1., as follows:

§ 115-71.C.(18) Site plan exempt application fee: \$450.00

§ 115-71. F.-1. Site plan exempt application escrow deposit for professional review: \$1,500.00

**Section 2.** Chapter 115: Land Use, Article XIV: Site Plan Review, § 115-99 Exemptions, is hereby supplemented and amended by adding the following new subsections: §§ 115-99.C.(1) and (2) as follows:

**C. Wireless Telecommunications collocation site plan waiver.**

**(1) M.L.U.L. wireless communications equipment collocation pursuant to N.J.S.A. 40:55D-46.2.**

**(a)** An application for development to collocate wireless communications equipment on a wireless communications support structure and / or in an existing equipment compound in accordance with N.J.S.A. 40:55D-46.2 shall not be subject to site plan review in accordance with the following provisions:

[1] the wireless communications support structure shall have been previously granted all necessary approvals by the appropriate approving authority;

[2] the proposed collocation shall not increase

(a) the overall height of the wireless communications support structure by more than ten percent of the original height of the wireless communications support structure,

(b) the width of the wireless communications support structure, or (c) the square footage of the existing equipment compound to an area greater than 2,500 square feet;

[3] the proposed collocation complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which variance relief would be required pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.), or any other applicable law, rule or regulation.

(b) For purposes of this section, the following definitions apply:

“Equipment compound” - means an area surrounding or adjacent to the base of a wireless communications support structure within which is located wireless communications equipment.

“Collocate” means to place or install wireless communications equipment on a wireless communications support structure.

“Wireless communications equipment” - means the set of equipment and network components used in the provision of wireless communications services: including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cabling, and coaxial and fiber optic cable, but excluding wireless communications support structures.

“Wireless communications support structure” - means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

(c) Submission requirements:

[1] An applicant pursuant to N.J.S.A. 40:55D-46.2 shall submit an application, plans and documents for a proposed wireless communications equipment collocation and site plan exemption identifying (1) existing equipment compound, (2) wireless communications equipment, (3) wireless communications support structure at the site and (4) the proposed collocation installation, modifications with all equipment and components to the Alexandria Township Zoning Officer for review and confirmation that the proposed collocation conforms to the requirements of § 115-99.C.(1)

(a) [1]-[3].

[2] Application Fee: The applicant shall submit an application fee pursuant to §115-71 C.(18)

[3] Escrow Fee: The applicant shall establish an escrow account and deposit the required fee pursuant to §115-71 F.-1.

[4] Copies of all Alexandria Township approvals granted for the existing tower, structure(s), antennas, compound, equipment cabinets, landscaping, utilities, etc. shall be submitted to the Zoning Officer.

[5] Plans and specifications identifying existing equipment compound, wireless communications equipment, wireless communications support structure and proposed collocation wireless communications equipment and improvements at the collocation wireless

communications facility shall be submitted to the Zoning Officer. Plans and specifications shall identify the owner/operator/responsible party for each wireless communications installation on site, including equipment compound, wireless communications equipment, wireless communications support structure, etc. The plans and specifications shall be fully dimensioned and appropriately scaled for the Zoning Officer to confirm existing and proposed equipment compound, wireless communications equipment, wireless communications support structure and compliance with each of the provisions of § 115-99.C.(1) (a) [1]-[3] and N.J.S.A. 40:55D-46.2.

(d) Application review.

- [1] Within 10 days of receipt of an application for a proposed wireless communications equipment collocation and site plan exemption, the Zoning Officer shall review the application and verify whether the proposed collocation application and submission documents are complete. The Zoning Officer shall inspect the proposed collocation wireless communications facility and verify the accuracy of plans and documents submitted and that the proposed collocation conforms to the requirements of § 115-99.C.(1)(a) above. The Zoning Officer may consult with the Township or Board Engineer, Planner and Attorney in the review of the application and submission documents and conduct of inspections. All costs associated with application review shall be paid by the applicant in accordance with N.J.S.A. 40:55D-53.2.
- [2] Upon finding that required plans and documents have been submitted and that (1) the improvements at the proposed collocation wireless communications facility are completely and accurately detailed in the submission, and (2) that the proposed wireless communications equipment collocation conforms to each of the requirements of § 115-99.C.(1) (a) [1]-[3] and N.J.S.A. 40:55D-46.2., the Zoning Officer shall issue a zoning permit and a letter to the applicant indicating that the proposed wireless communications equipment collocation and site plan exemption has been approved pursuant to N.J.S.A. 40:55D-46.2.
- [3] A copy of a zoning permit and letter approving a wireless communications equipment collocation shall be provided to the Township Committee, Planning Board, and Zoning Board of Adjustment.
- [4] The provision of this section may not be combined with the provision of § 115-99.C.(2) to determine the eligibility of a proposed collocation installation under the provisions of this section and M.L.U.L. 40:55D-46.2.

**(2) Existing tower or base station modification / Eligible Facilities Request site plan waiver pursuant to § 6409 of the Spectrum Act (codified at 47 U.S.C. 1455) and FCC Rule § 1.40001.**

- (a) An Eligible Facilities Request for a modification to an existing tower or base station pursuant to § 6409 of the Spectrum Act (codified at 47 U.S.C. 1455) and

FCC Rule § 1.40001 shall not be subject to site plan review in accordance with the following provisions:

(b) For purposes of this section, the following definitions apply:

“Base Station” - A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i)-(ii) of this section that has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

“Collocation” - The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Eligible Facilities Request” - Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (i) collocation of new transmission equipment;
- (ii) removal of transmission equipment; or
- (iii) replacement of transmission equipment.

“Eligible Support Structure” - Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

“Existing” - A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process is existing for purposes of this definition.

“Site” - For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

“Substantial Change” - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) it entails any excavation or deployment outside the current site;

- (v) it would defeat the concealment elements of the eligible support structure; or
- (vi) it does not comply with conditions associated with the local approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i)-(iv).

“Transmission Equipment” - Equipment that facilitates transmission for any FCC Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Tower” - Any structure built for the sole or primary purpose of supporting any FCC Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(c) *Review of Applications.* An Eligible Facilities Request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure shall be approved in accordance with the following procedures.

[1] Application and Fees:

- (a) An applicant pursuant to FCC Rule § 1.40001 shall submit an application, plans and documents identifying all existing (1) base station, (2) support structure and (3) transmission equipment and (4) towers along with plans for an Eligible Facilities Request to the Alexandria Township Zoning Officer for approval of an “Eligible Facilities Request” that will not result in a “substantial Change” pursuant to § 115-99.C.(2) (b) above.
- (b) Application Fee: The applicant shall submit an application fee pursuant to §115-71 C.(18)
- (c) Escrow Fee: The applicant shall establish an escrow account and deposit the required fee pursuant to §115-71 F.-1.

[2] *Documentation Requirement for Review.* When an applicant asserts in writing that a request for modification is covered by this section, the applicant shall accompany its written request with the following information:

- (a) Copies of all resolutions of approval and plans approved by the municipality for all Existing licensed and unlicensed installation components identifying existing and approved dimensions of base station, site, transmission equipment, and tower and/or eligible support structure.
- (b) A plan, with sufficient graphics and detail depicting the proposed Eligible Facilities Request, including and showing proposed dimensions for modifications to the base station, site (including leased or owned property surrounding the tower and any access or utility easements currently related to the site), transmission equipment and tower and/or eligible support structure. The plan shall be keyed to the statement provided pursuant to [c] below and shall include details and dimensions for all Existing licensed and unlicensed installation components pursuant to [a] above and clearly distinguishing existing facilities from the Eligible Facilities Request. Ownership for all non-Eligible Facilities Request components of the base station, site (including leased or owned property surrounding the tower and any access or utility easements currently related to the site), transmission equipment and tower and/or eligible support structure shall be detailed on the plans and keyed to an analysis of existing facilities provided pursuant to [c] below.
- (c) A statement documenting that the proposed Eligible Facilities Request is not a Substantial Change pursuant to the limitations set forth in § 1.40001(b)(7) (see definition of “Substantial Change” in definitions above), which shall be keyed to the plan provided pursuant to [b] above and which shall be sufficiently detailed to demonstrate how each of the criterion set forth in § 1.40001(b)(7) is satisfied so as not to constitute a Substantial Change. The Statement shall include an analysis that compares dimensions of existing facilities to the proposed Eligible Facilities Request, which shall identify ownership of all approved existing facilities.
- (d) If the original approval and/or subsequent approvals granted for the existing site and associated facilities thereon included concealment elements, including base station structures, fencing, landscaping, or conditions to mitigate visual impact analysis, the applicant shall provide a plan identifying each component thereof and a narrative description of how the approved concealment elements shall not be defeated by the proposed Eligible Facilities Request. If any of the concealment provisions of prior approvals require maintenance and/or replacement, the Eligible Facilities Request shall include a proposal setting forth proposed maintenance and/or replacement accordingly.
- (e) The application shall include a detailed list of all conditions of approval for the original approval and/or subsequent approvals granted for the existing site and associated facilities thereon. The list shall be accompanied by a statement explaining how the proposed Eligible Facilities Request is consistent with each condition of approval previously granted. The application for the proposed Eligible Facilities Request shall

include a proposal to address each prior condition of approval that reasonably applies to the application.

[3] *Timeframe for Review.* Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

[4] *Tolling of the Timeframe for Review.* The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete.

(a) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)[2] of this section.

(b) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(c) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)[4]. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) *Failure to Act.* In the event the Zoning Officer fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) *Remedies.* Applicants and reviewing authorities may bring claims related to Section 6409(a) of the Spectrum Act (codified at 47 U.S.C. 1455) to any court of competent jurisdiction.

**Section 3.** Chapter 115: Land Use, Article V: Use Regulations, Section § 115-22.F.(5) F-5 Wireless Telecommunications Equipment and Facilities, Subsection (f) is hereby amended to repeal “, in the IC District only,” so that Subsection § 115-22.F.(5) F-5 (f) will now read as follows:

“(f) Wireless telecommunications towers shall meet the following conditions:”

**Section 4.** Chapter 115: Land Use, Article V: Use Regulations, Section § 115-22.F.(5) F-5 Wireless Telecommunications Equipment and Facilities, Subsections (f)[6][a] & [b] are hereby amended to repeal existing § 115-22.F.(5) (f)[6][a] & [b], and replacing them with new Subsections § 115-22.F.(5) (f)[6][a] & [b], to read as follows:

- “[a] Minimum lot size: 10 acres in the AR Zone  
6 acres all other zones, but not less than two acres  
on nonconforming substandard size lots.”
- [b] Minimum setback from any property line: twice the height of the tower.”

**Section 5.** Chapter 115: Land Use, Article IV: Land Use, Article IV: Districts, Subsection “F-5,” “uses permitted by conditional approval,” in Sections §115-10.A.(2), §115-11.A.(2), §115-12.A.(2), §115-14.A.(2), 115-15.A.(2), §115-16.A.(2) and §115-18.A.(2) are hereby amended to read as follows:

“F-5 Wireless telecommunications equipment and facilities and wireless telecommunications towers.”

**Section 6.** All other provisions of Chapter 115 not modified herein shall remain unchanged and in full force and effect.

**Section 7. Severability.** If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 8.** This ordinance may be renumbered for codification purposes.

**Section 9. Effective Date.** This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

ATTEST:

\_\_\_\_\_  
Michele Bobrowski, CMC, Township Clerk

\_\_\_\_\_  
Paul Abraham, Mayor

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- Lauck-Hog Hollow Road

Comm. Pfefferle made a motion, seconded by Comm. Swift to approve deed as presented. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

- Community Rating System-FEMA

FEMA has reevaluated all the flood plains in New Jersey. There are approx. 40 homes which are affected by this reevaluation in Alexandria Township. Resident Jason Abelman and several residents addressed the Township Committee with possibly reducing the cost of their flood insurance policies by the Township adopting a Community Rating System. Mr. Abelman lives on Milford-Frenchtown Road in one of the old paper mill homes. Mr. Abelman noted that his flood insurance went up 60% this year. Mr. Abelman noted that Lambertville has gotten residents reduced flood insurance rates through the Community Rating System. Residents who were in attendance noted that their flood insurance policies only cover damage to their foundations. Mayor Abraham noted that he sent an email to Township Engineer Rob O'Brien regarding this matter. Twp. Engineer O'Brien noted that he has someone on staff that is familiar with this rating system. Mayor Abraham noted that in order to be ranked and receive a 5% insurance rate discount, the Township needs to obtain a level 9 ranking, which requires 500-999 CRS points. For lower level rankings such as a level 5, the homes within the flood hazard area would get 25% off their insurance (10 % for outside the FHA) but the Township would need to accumulate 2500-2999 CRS points. The amount of time needed to complete the various tasks depends upon the ranking "level" Alexandria Township would be seeking. Points for credible activities vary greatly, but some easier point topics that Alexandria Township may have in place already may include the following:

- 1.) Maintaining elevation certificates
- 2.) Flood Protection Library (Certain documents and information maybe available at the public library or the Township Website)
- 3.) Hazard Disclosure from real estate agents
- 4.) Open Space Preservation
- 5.) Higher regulatory standards such a Ordinance requiring freeboard
- 6.) Drainage system maintenance
- 7.) Dam Safety

The Township will ask OEM Coordinator Jerry Twardy to reach out to Lambertville and Mr. Abelman will be the point of contact for the neighbors. Comm. Pfefferle made a motion, seconded by Comm. Swift to have OEM Coordinator Jerry Twardy reach out to Lambertville and assist with the Community Rating System. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

#### **BILL LIST:**

Comm. Pfefferle made a motion, seconded by Comm. Swift to approve the payment of the bills as listed. **Roll Call: Comm. Pfefferle yes; Comm. Swift, yes; and Mayor Abraham, yes.**

<b>Current Fund</b>	<b>\$ 144,032.53</b>
<b>Other Trust Fund:</b>	
<b>1.) Reserves</b>	<b>1,583.13</b>
<b>2.) Grants</b>	<b>961.16</b>
<b>General Capital Fund</b>	
<b>Ordinances</b>	<b>25,986.66</b>
<b>COAH</b>	
<b>Farm Preservation</b>	
<b>Budget and App. Reserves</b>	<b>5,481.95</b>
<b>Dog Fund</b>	<b>208.20</b>
<b>Developers Escrow</b>	
<b>1.) Bank of America</b>	
<b>2.) Fulton Bank</b>	
<b>3.) Hopewell Valley</b>	<b>1,319.50</b>
<b>TOTAL:</b>	<b>\$ 179,573.13</b>

**Total payments presented to the Township Committee    \$ 179,573.13**

**ENGINEER’S REPORT:**

Mayor Abraham read the following report from Township Engineer Robert O’Brien:

- 1.) Alexandria Estates (Toll Brothers) – Road Condition  
06/02/2015-received a call from Jim Majewski (Toll Brothers VP) regarding the cost of repairs. According to Jim, Toll Brothers has offered to place \$25,000.00 in an escrow account for use towards repairs. The funds would be released at the time Toll Brothers is issued the final certificate of occupancy on the project. Spoke with Township Clerk Michele Bobrowski & Twp. Atty. Sharon Dragan regarding Toll Brother’s request to enter into a formal agreement with the Township on the use/release of the funds.
- 2.) New Municipal Building  
06/05/2015-Spoke with Township Clerk Michele Bobrowski regarding the additional punch list items (outlets not working/paint touch ups/urinal in men’s room). Awaiting copies of building warranties & operation/maintenance manuals.
- 3.) Garage Site Remediation/LSRP  
On going
- 4.) Pepe Property Environmental Investigation.  
On going

Comm. Swift will check with DPW Foreman Glen Griffith to see if the \$25,000.00 from Toll Brothers will be sufficient for road repairs/inlets.

**APPROVAL OF MINUTES:**

- May 13, 2015 Township Meeting
- May 13, 2015 Executive Session Meeting

Comm. Swift made a motion, seconded by Comm. Pfefferle to approve the above minutes. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

#### **PUBLIC COMMENT ON GENERAL MATTERS:**

Resident, Curtis Schick is concerned about Toll Brothers. Mr. Schick noted that the Township spent \$50,000.00/\$60,000.00 for oil/chip and the cracks are back in the development. Mr. Schick wants a list of roads that will be oil/chipped this year and wants to know what the statute of limitations is if the Township needs to sue Toll Brothers. Mr. Schick noted that two years is quickly approaching if two years is the statute of limitations. Twp. Atty. Dragan will look into the statute of limitations.

Open Space Chair Bill Fritsche went to a Penn East Pipeline meeting and saw that Hatch Mott MacDonald is the design engineer for the pipeline. Feels it could be a conflict of interest.

#### **CORRESPONDENCE:**

- The Hunterdon County Department of Human Services will be holding a Notice of Public Hearing for the Department's SFY 2016 Senior Citizen and Disabled Resident Transportation Assistance Program grant application. This public hearing will offer senior citizens, residents with disabilities, their advocates, and other interested individuals the opportunity to be heard regarding the County's Plan for fiscal Year 2016 funding. The Public Hearing will be held on Monday, June 22, 2015 at 11:00AM at the Department of Human Services, Community Services Annex (Bldg #3), Route 31, Flemington, NJ. Members of the public in need of transportation may call "The Link" at 1-800-842-0531 at least 24 hours in advance. Interested persons may submit oral or written recommendations on or before Thursday June 18, 2015 to the County of Hunterdon, Dept. of Human Services, attention Jennifer Shore at (908) 788-1368 or to [jshore@co.hunterdon.nj.us](mailto:jshore@co.hunterdon.nj.us).
- Hunterdon County Community Day is Saturday June 13<sup>th</sup> from 12:30 to 6:30 PM at the County Fairgrounds, South County Park, 1207 Route 179, Ringoes. There will be pony rides, a petting zoo, reptile show, outdoor games and activities, dunk tank, kid's rock wall, hot air & tethered balloon rides & more.

Comm. Pfefferle made a motion, seconded by Committee Swift to go into Executive Session. **ROLL CALL: Comm. Swift, yes; Comm. Pfefferle, yes; Mayor Abraham, yes.**

#### **Open Public Meetings Act RESOLUTION- Executive Session**

**WHEREAS**, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist:

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

- A confidential or excluded matter under Federal or State Law or Court Rule.
- A matter involving information that may impair the Township's rights to receive funds from the United States Government.
- A matter constituting an unwarranted invasion of an individual's privacy rights.
- Collective Bargaining Agreement or negotiation of the Agreement.
- Matters involving the purchase, lease or acquisition of real property with public funds which it could adversely affect the public interest if discussion were disclosed.
  
- Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
- Pending or anticipated litigation or contract negotiations in which the public body is or may become a party.  
**COAH**  
**Burdi vs. Alexandria Twp.**  
**Diocese of Metuchen Survey**  
**DPW Contract**
- Matters falling within the attorney-client privilege.
- Personnel matters involving a specific employee or officer of the Township.
  
- Deliberations of the Township occurring after a public hearing that may result in the imposition of a specific penalty or suspension or loss of a license or permit.

- 3. It is anticipated at this time that the above matter will be made public: at the conclusion of the litigation and at such time as attorney client confidentiality is no longer needed to protect confidentiality and litigation strategy.
- 4. The executive session minutes will be placed on file in the township clerk's office, and will be available to the public as provided for by New Jersey law.
- 5. This Resolution shall take effect immediately.

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**MOTION TO RETURN TO PUBLIC SESSION:**

Comm. Pfefferle made a motion, seconded by Comm. Swift to return to Public Session.

**ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes and Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Comm. Swift to approve the Municipal Shared Services Defense Agreement. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes, Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Comm. Swift to designate Special COAH Council Atty. Jonathan Drill as a designee in the Municipal Shared Services Defense

Agreement. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes, Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Comm. Swift to have Bohren & Bohren survey the Diocese of Metuchen in the amount of \$8,400.00. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes, Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Comm. Swift to authorize Mayor Abraham to negotiate on behalf of the Township Committee and the DPW their new union contract and the authorization of a letter to the union shop steward stating that the Township Committee wishes to enter into negotiations. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes, Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Comm. Swift authorizing Mayor Abraham to sign a settlement and confidential agreement on behalf on the Township. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes, Mayor Abraham, yes.**

Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2015-051. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes, Mayor Abraham, yes.**

**RESOLUTION 2015 -051 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT APPLICATION AND A MOTION FOR TEMPORARY IMMUNITY DURING WHICH TO REVISE THE TOWNSHIP'S THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND OBTAIN A THIRD ROUND JUDGMENT OF COMPLIANCE AND REPOSE**

WHEREAS, the Alexandria Township Planning Board (the "Board") adopted a Third Round Housing Element and Fair Share Plan ("HPE&FSP") on May 27, 2010;

WHEREAS, the Township of Alexandria (the "Township") endorsed the HPE&FSP and submitted it to COAH along with a resolution petitioning COAH for Third Round substantive certification;

WHEREAS, COAH never acted on the Township's petition for substantive certification;

WHEREAS, the New Jersey Supreme Court held in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) (the "2015 Decision") that COAH's administration process had become futile so that parties concerned about municipal compliance with constitutional affordable housing obligations, as well as municipalities that believe they are currently compliant or

are ready and willing to demonstrate such compliance, would process exclusionary zoning and/or affordable housing matters in the courts commencing on June 8, 2015;

WHEREAS, the 2015 Decision further provided that municipalities which had either received Third Round substantive certification from COAH or which had petitioned COAH for Third Round substantive but had not yet received substantive certification from COAH (“participating municipalities”) would be permitted a period of thirty (30) days, beginning on June 8, 2015 and ending on July 8, 2015, within which to file declaratory judgment actions in the Superior Court in order to obtain the judicial equivalent of the substantive certifications that they had either received or that they had applied for under N.J.S.A. 52:27D-313 but had not yet received;

WHEREAS, the 2015 Decision also recognizes that participating municipalities would have five (5) months from either the effective date of the 2015 Decision (June 8, 2015) or from the date in which the municipality filed a Declaratory Judgment action (but no later than July 8, 2015) to submit an amended or supplemental HPE&FSP to revise the municipal fair share number which has been based on COAH’s “growth share” methodology and to revise the plans to show how the municipality proposed to comply with its Mount Laurel affordable housing obligations based on a “fair share” methodology, so that an amended or supplemental HPE&FSP would have to be submitted to the court by either November 8, 2015 or December 8, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The Township hereby authorizes Jonathan Drill, Esquire, Special Affordable Housing Counsel, to prepare and file a Declaratory Judgment action in the Superior Court of New Jersey, Hunterdon County, to be accompanied by such exhibits and certifications as deemed necessary and appropriate for the purposes of obtaining temporary immunity from all exclusionary zoning lawsuits so that the Township can revise and adopt an amended HPE&FSP and submit it to the Court for review and approval as part of the Declaratory Judgment action process.
2. The Township hereby authorizes David Banisch, AICP, PP, Special Affordable Housing Planner, to prepare such exhibits, certifications and documents as our needed by Special Affordable Housing Counsel, as well as to prepare such amendments and/or supplements to the adopted HPE&FSP as are required and with sufficient time for such HPE&FSP to be timely adopted and submitted to the Court.
3. The Township hereby authorizes submission to the Court of a copy of this resolution, along with a copy of the previously adopted HPE&FSP and any other materials required by the Court in connection with the Declaratory Judgment action and the Court’s review of the Township’s Plan.
4. This Resolution shall take effect immediately.

ATTEST:

\_\_\_\_\_  
Paul Abraham, Mayor

\_\_\_\_\_  
Michele Bobrowski, RMC  
Township Clerk

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Comm. Pfefferle made a motion, seconded by Comm. Swift to approve Resolution 2015-049. **ROLL CALL: Comm. Pfefferle, yes; Comm. Swift, yes, Mayor Abraham, yes.**

**RESOLUTION 2015-049 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY APPROVING A SHARED SERVICES AGREEMENT TO RETAIN AN EXPERT FOR ANTICIPATED COAH LITIGATION**

**WHEREAS**, the Township of Alexandria has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

**WHEREAS**, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

**WHEREAS**, the Township of Alexandria desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth 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) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

**WHEREAS**, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being

retained to establish his view of the proper way to determine each municipality's fair share obligation; and

**WHEREAS**, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

**WHEREAS**, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

**WHEREAS**, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

**WHEREAS**, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

**WHEREAS**, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

**WHEREAS**, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

**WHEREAS**, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

**WHEREAS**, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Alexandria, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Alexandria for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Alexandria and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Alexandria in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Alexandria hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Alexandria the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Alexandria will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately

**EXECUTIVE SESSION:**

The following matters were discussed in Executive Session:

- COAH

Timeline established for the Third Round Housing Plan Element and Fair Share Plan.

- Aram Papazian/Peacefield Mgmt. Corp

Matter to stay in Executive Session

- Burdi vs. Alexandria Township

Matter to stay in Executive Session

- DPW Contract

Mayor Abraham will be authorized to begin contract negotiations with the DPW.

- Diocese of Metuchen

Three quotes were received from the following:

- 1.) VanCleaf \$17,700.00 with LOI
- 2.) Hatch Mott MacDonald \$14, 000.00 with no LOI
- 3.) Bohren & Bohren \$8,400.00 \*Will give Township what is required in accordance with the SADC requirements

The Township will move forward with Bohren & Bohren to prepare the surveys for the Diocese of Metuchen.

**MOTION TO ADJOURN**

Comm. Pfefferle made a motion, seconded by Comm. Swift to adjourn. **ROLL CALL:** Comm. Pfefferle, yes; Comm. Swift, yes; and Mayor Abraham, yes. **Meeting Adjourned at 11:24 PM.**

**Respectfully Submitted:**  
**Michele Bobrowski, RMC**  
**Township Clerk**

I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of June 10, 2015 and certify that said Minutes were approved unanimously by the Township on the 8th day of July 2015.

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Paul Abraham, Mayor