RESOLUTION 2025-59

RESOLUTION ENDORSING THE THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND AUTHORIZING AND DIRECTING SUBMISSION OF THE PLANS TO THE SUPERIOR COURT, LAW DIVISION

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on June 12, 2015, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, Colts Neck Township Planning Board, under protest, adopted on February 11, 2025 a Third Round Housing Element and Fair Share Plan as being consistent with the goals and objectives of Colts Neck Township Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

WHEREAS, the Township's Third Round Housing Element and Fair Share Plan has been prepared consistent with the November 21, 2024 Orders issued by the Hon. Linda Grasso Jones, albeit under protest with the intent to appeal the Orders once the matter is deemed final;

WHEREAS, these Orders granted the Township's durational adjustment and required the Township's Housing Element and Fair Share Plan to be adopted within 90 days of its issuance and for the adopted Fair Share Plan to include several provisions, the most consequential being the following: (1) granting the Township's request for a durational adjustment without the durational adjustment waiver; (2) retaining the "Area 1" overlay district; (3) providing up to $2 million toward extending water and/or sewer service to affordable housing in "Area 1" as specified in Exhibit B to the 2020 Fair Share Housing Center Settlement Agreement and as specified in the Court's November 21, 2024 Orders wherein the Court notes that while the 2020 Fair Share Housing Agreement required sewer service to Area 1 be provided by Manasquan River Regional Sewerage Authority ("MRRSA") with treatment provided by Ocean County Utilities Authority ("OCUA"), the Court directs that if an alternative manner of providing sanitary sewer service for Area 1 becomes viable, e.g., through another treatment provider, the up to $2 million amount may be applied to the provision of wastewater transmission and treatment by an alternative provider, subject to an application to the Court to propose an alternative plan in lieu of MRRSA; and (4) removing the market to affordable program;

WHEREAS, the Township Committee agrees to comply with the Court's November 21, 2024 Orders, albeit under protest, with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal;

WHEREAS, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Township Committee endorse the Third Round Housing Element and Fair Share Plan adopted by the Planning Board.

NOW THEREFORE, BE IT RESOLVED the Township Committee of Colts Neck Township, Monmouth County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted under protest by the Planning Board on February 11, 2025, albeit under protest with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of February 2025

Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Torchia Buss					
Deputy Mayor Viola					
Buzzetta					
Fitzpatrick					
Rizzuto					
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

RESOLUTION 2025-60

RESOLUTION ADOPTING THE THIRD ROUND SPENDING PLAN

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on June 12, 2015, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, the Colts Neck Township Planning Board, under protest with the intent to appeal the Court Orders of November 21, 2024, adopted on _____ a Third Round Housing Element and Fair Share Plan as being consistent with the goals and objectives of the Colts Neck Township Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

WHEREAS, the Township's Third Round Housing Element and Fair Share Plan was prepared consistent with the November 21, 2024 Orders issued by the Hon. Linda Grasso Jones, albeit under protest with the intent to appeal the Orders once the matter is deemed final;

WHEREAS, these Orders granted the Township's durational adjustment and required the Township's Housing Element and Fair Share Plan to be adopted within 90 days of its issuance and for the adopted Fair Share Plan to include several provisions, the most consequential being the following: (1) granting the Township's request for a durational adjustment without the durational adjustment waiver; (2) retaining the "Area 1" overlay district; (3) providing up to $2 million toward extending water and/or sewer service to affordable housing in "Area 1" as specified in Exhibit B to the 2020 Fair Share Housing Center Settlement Agreement and as specified in the Court's November 21, 2024 Orders wherein the Court notes that while the 2020 Fair Share Housing Agreement required sewer service to Area 1 be provided by Manasquan River Regional Sewerage Authority ("MRRSA") with treatment provided by Ocean County Utilities Authority ("OCUA"), the Court directs that if an alternative manner of providing sanitary sewer service for Area 1 becomes viable, e.g., through another treatment provider, the up to $2 million amount may be applied to the provision of wastewater transmission and treatment by an alternative provider, subject to an application to the Court to propose an alternative plan in lieu of MRRSA; and (4) removing the market to affordable program;

WHEREAS, the Township agrees to comply with the Court's November 21, 2024 Orders, albeit under protest, with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal;

WHEREAS, the Township's development fee ordinance establishes an affordable housing trust fund that includes some or all of the following sources of revenue: development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:93-8.9 requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH or Superior Court prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:93-5.1(c). and N.J.S.A. 52:27D-329.2(d) requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;

2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

4. A description of the anticipated use of all affordable housing trust funds;

5. A schedule for the expenditure of all affordable housing trust funds;

6. If applicable, a schedule for the creation or rehabilitation of housing units;

7. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;

8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of Colts Neck has prepared a spending plan consistent with N.J.A.C. 5:93-5.1(c). and P.L. 2008, c.46, as well as the November 21, 2024 Orders issued by the Hon. Linda Grasso Jones, albeit under protest with the intent to appeal the Orders once the matter is deemed final; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of Colts Neck, Monmouth County requests that Superior Court review and approve the Township's 2025 Spending Plan, albeit under protest, with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of February 2025

_____
Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Torchia Buss					
Deputy Mayor Viola					
Buzzetta					
Fitzpatrick					
Rizzuto					
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

RESOLUTION 2025-61

RESOLUTION ADOPTING AN OPERATING MANUAL FOR ADMINSTRATION OF AFFORDABLE RENTAL UNITS

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on June 12, 2015, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, the Colts Neck Township Planning Board, under protest with the intent to appeal the Court Orders of November 21, 2024, adopted on _____ a Third Round Housing Element and Fair Share Plan as being consistent with the goals and objectives of the Colts Neck Township Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

WHEREAS, the Township's Third Round Housing Element and Fair Share Plan was prepared consistent with the November 21, 2024 Orders issued by the Hon. Linda Grasso Jones, albeit under protest with the intent to appeal the Orders once the matter is deemed final;

WHEREAS, the Township agrees to comply with the Court's November 21, 2024 Orders, albeit under protest, with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal;

WHEREAS, the Township prepared an operating manual for affordable sale units to ensure compliant administration of rental affordable units in the Township;

WHEREAS, the Township's operating manual is compliant with the Fair Housing Act N.J.S.A. 52:27-301 and UHAC, N.JA.C. 5:80-26.1 et seq.; and

NOW THEREFORE, BE IT RESOLVED the Township Committee of Colts Neck Township, Monmouth County, State of New Jersey, hereby adopts the operating manual for sale affordable units.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of February 2025

_____
Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Torchia Buss					
Deputy Mayor Viola					
Buzzetta					
Fitzpatrick					
Rizzuto					
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

RESOLUTION 2025-62

RESOLUTION ADOPTING AN OPERATING MANUAL FOR ADMINSTRATION OF AFFORDABLE SALE UNITS

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on June 12, 2015, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, the Colts Neck Township Planning Board, under protest with the intent to appeal the Court Orders of November 21, 2024, adopted on _____ a Third Round Housing Element and Fair Share Plan as being consistent with the goals and objectives of the Colts Neck Township Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

WHEREAS, the Township's Third Round Housing Element and Fair Share Plan was prepared consistent with the November 21, 2024 Orders issued by the Hon. Linda Grasso Jones, albeit under protest with the intent to appeal the Orders once the matter is deemed final;

WHEREAS, the Township agrees to comply with the Court's November 21, 2024 Orders, albeit under protest, with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal;

WHEREAS, the Township prepared an operating manual for affordable sale units to ensure compliant administration of sale affordable units in the Township;

WHEREAS, the Township's operating manual is compliant with the Fair Housing Act N.J.S.A. 52:27-301 and UHAC, N.JA.C. 5:80-26.1 et seq.; and

NOW THEREFORE, BE IT RESOLVED the Township Committee of Colts Neck Township, Monmouth County, State of New Jersey, hereby adopts the operating manual for sale affordable units.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of February 2025

_____
Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Torchia Buss					
Deputy Mayor Viola					
Buzzetta					
Fitzpatrick					
Rizzuto					
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

RESOLUTION 2025-63

RESOLUTION OF INTENT TO FUND

WHEREAS, pursuant to the substantive regulations of the New Jersey Committee On Affordable Housing (COAH), certain portions of the 2025 Housing Element and Fair Share Plan as adopted under protest by the Planning Board on _____ may require a financial commitment by the municipality; and

WHEREAS, the Township's Third Round Housing Element and Fair Share Plan was prepared consistent with the November 21, 2024 Orders issued by the Hon. Linda Grasso Jones, albeit under protest, with the intent to appeal the Orders once the matter is deemed final; and

WHEREAS, these Orders granted the Township's durational adjustment and required the Township's Housing Element and Fair Share Plan to be adopted within 90 days of its issuance and for the adopted Fair Share Plan to include several provisions, the most consequential being the following: (1) granting the Township's request for a durational adjustment without the durational adjustment wavier; (2) retaining the "Area 1" overlay district; (3) providing up to $2 million toward extending water and/or sewer service to affordable housing in "Area 1" as specified in Exhibit B to the 2020 Fair Share Housing Center Settlement Agreement and as specified in the Court's November 21, 2024 Orders wherein the Court notes that while the 2020 Fair Share Housing Agreement required sewer service to Area 1 be provided by Manasquan River Regional Sewerage Authority ("MRRSA") with treatment provided by Ocean County Utilities Authority ("OCUA"), the Court directs that if an alternative manner of providing sanitary sewer service for Area 1 becomes viable, e.g., through another treatment provider, the up to $2 million amount may be applied to the provision of wastewater transmission and treatment by an alternative provider, subject to an application to the Court to propose an alternative plan in lieu of MRRSA; and (4) removing the market to affordable program; and

WHEREAS, the Township's spending plan provides funding from the affordable housing trust fund for the rehabilitation program, affordability assistance, and infrastructure funding as required by the November 21, 2024 Orders referenced herein, albeit under protest with the intent to appeal the Orders once the matter is deemed final; and

WHEREAS, the Township agrees to comply with the Court's November 21, 2024 Orders, albeit under protest, with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal;

WHEREAS, Colts Neck Township anticipates that funding will come from the following sources to satisfy said obligation: sources including, but not limited to, the affordable housing trust fund – development fee payments and in-lieu payments; and governmental sources such as the Federal Law Income Housing Tax Credits, New Jersey Balanced Housing funding, Federal Home Loan Bank Board financing, HMFA bond financing, Small Cities funds and other governmental transfers; and

WHEREAS, in the event that the above funding sources prove inadequate to meet the Township's affordable housing funding obligation, the Township shall provide sufficient funding to address any shortfalls, albeit under protest with the intent to appeal the Orders once the matter is deemed final;

NOW THEREFORE BE IT RESOLVED by the Governing Body of Colts Neck Township, County of Monmouth, State of New Jersey, does hereby agree to fund any shortfalls in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason, albeit under protest with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal; and

BE IT FURTHER RESOLVED that said shortfall shall be funded by bonding if there are no other resources available, albeit under protest with the intent to appeal the Orders once the matter is deemed final and reserves all rights and positions in connection with any appeal.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of February 2025

Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Torchia Buss					
Deputy Mayor Viola					
Buzzetta					
Fitzpatrick					
Rizzuto					
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

RESOLUTION 2025-64

RESOLUTION OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE APPOINTMENT OF A HEARING OFFICER

WHEREAS, Colts Neck Township is in need of a Hearing Officer for public hearings pursuant to N.J.S.A. 40:55D-69; and

WHEREAS, Steven Secare, Esquire, is qualified to act as a Hearing Officer for the Township for said public hearing; and

WHEREAS, the governing body desires to appoint Steven Secare, Esquire, as its Hearing Officer.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of Colts Neck Township, County of Monmouth, State of New Jersey as follows:

1. That Mr. Steven Secare, Esquire is hereby appointed as Hearing Officer for Colts Neck Township for any public hearings pursuant to N.J.S.A. 40:55D-69.

2. That the governing body hereby authorizes Mr. Steven Secare, Esquire to act as its hearing officer and issue non-binding decisions for governing body consideration and action for any public hearing requested pursuant N.J.S.A. 40:55D-69.

3. That the Mayor is hereby authorized to execute and the Township Clerk to attest to an agreement for Professional Services with Mr. Steven Secare, Esquire, said compensation to be in accordance with the proposal submitted by Mr. Steven Secare, Esquire, which is attached hereto and made a part hereof as Schedule A, for a term ending December 31, 2025.

4. Mr. Steven Secare, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contributions to a political or candidate committee in Colts Neck Township in the previous one year, and that the contract will prohibit Mr. Steven Secare, Esquire from making any reportable contributions to a political or candidate committee in Colts Neck Township through the term of the contract; and

5. That this resolution shall take effect immediately.

6. A certified copy of this Resolution shall be provided to Mr. Steven Secare, Esq. and the Township CFO.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of February 2025

Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Torchia Buss					
Deputy Mayor Viola					
Buzzetta					
Fitzpatrick					
Rizzuto					
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

RESOLUTION 2025-65

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

FORM OF RESOLUTION

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

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

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

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 12th day of February 2025

_____
Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M	S	Yes	No	NV	Ab
Mayor Torchia Buss						
Deputy Mayor Viola						
Buzzetta						
Fitzpatrick						
Rizzuto						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S

"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF MONMOUTH

We, members of the governing body of *Colts Neck Township* being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the *Township Committee* of *Colts Neck Township* in the county of *Monmouth;*
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.) Tara Torchia Buss, Mayor	(L.S.)
(L.S.) Michael Viola, Deputy Mayor	(L.S.)
(L.S.) Dan Buzzetta, Committeeman	(L.S.)
(L.S.) Sue Fitzpatrick, Committeewoman	(L.S.)
(L.S.) Frank Rizzuto, Committeeman	(L.S.)

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

_____
Trina Lindsey, Municipal Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.