

MEETING OF THE
MAYOR AND COUNCIL
TOWN OF HARRISON

NOVEMBER 20, 2008

AGENDA

CALL TO ORDER/SUNSHINE NOTICE

PLEDGE OF ALLEGIANCE

ROLL CALL

LEGAL

- A RESOLUTION AWARDING CONTRACT FOR A STREET SWEEPER

ORDINANCE

INTRODUCTION OF THE FOLLOWING ORDINANCE:

ORDINANCE NO. 1203

AN ORDINANCE ESTABLISHING PARAMETERS GOVERNING THE EXPENDITURE OF FUNDS IN THE TOWN'S AFFORDABLE HOUSING TRUST FUND PURSUANT TO N.J.S.A. 40A:12A-4.1, ET SEQ.

POLICE

- ACKNOWLEDGE RECEIPT OF A STUDY TO ANALYZE AND SUBMIT RECOMMENDATIONS TO THE POLICE DEPARTMENT OF THE TOWN OF HARRISON, PREPARED BY THE DIVISION OF LOCAL GOVERNMENT SERVICES, STATE OF NEW JERSEY

ADJOURN

TOWN OF HARRISON

Meeting Date: 11/20/2008

Committee: Legal

Resolution #:R-2008-



Presented by Councilperson:
James P. Doran

HUDSON COUNTY

A RESOLUTION AWARDING A CONTRACT FOR A STREET SWEEPER

WHEREAS: The Town of Harrison advertised for bids for the furnishing and delivering of one (1) Elgin Crosswind Fury Six Wheel Regenerative Air Street Sweeper Mounted on an Isuzu NQR Chassis, or of approved equal manufacture; and

WHEREAS: In response to said advertisement for bids, the Town received two (2) bids, one (1) from W. E. Timmerman Co., Inc., 3554 Route 22 West, Whitehouse, NJ 08888, and one (1) from Grassey Equipment Company, 432 Grove Street, Glen Rock, NJ 07452; and

WHEREAS: The bid of Grassey Equipment Company contained such material deviations from the specifications that under New Jersey law said entity cannot be classified as a bidder at all and, accordingly, said bid must be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, as follows:

THAT: The bid of W. E. Timmerman Co., Inc., 3554 Route 22 West Whitehouse, NJ 08888, for furnishing and delivering one (1) Elgin Crosswind Fury Six Wheel Regenerative Air Street Sweeper Mounted on an Isuzu NQR Chassis, or of approved equal manufacture, for a total lump sum price of ONE HUNDRED THIRTY SIX THOUSAND EIGHT HUNDRED NINETY FIVE DOLLARS (\$136,895.00), being the lowest responsible bid received, be and the same is hereby accepted, and the Contract for furnishing said equipment is hereby awarded to W. E. Timmerman Co., Inc., and the proper officers be and they are hereby authorized and instructed to execute said Contract; and

THAT: The above expenditure be charged to the Town's 2008 Capital Fund.

I HEREBY CERTIFY that the funds are available in the Capital Fund.

Elizabeth A. Higgins, Town Treasurer

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. DOLAGHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. DORAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. HUARANGA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. MANDAGLIO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. McCORMICK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S. McCORMICK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. NASCIMENTO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R. McDONOUGH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Raymond J. McDonough, Mayor

I hereby certify this to be a true and correct copy.

Paul J. Zarbetski, Town Clerk

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1203

**AN ORDINANCE ESTABLISHING PARAMETERS GOVERNING THE EXPENDITURE OF FUNDS
IN THE TOWN'S AFFORDABLE HOUSING TRUST FUND PURSUANT TO N.J.S.A. 40A:12A-4.1,
ET SEQ.**

WHEREAS: *N.J.S.A.* 40A:12A-4.1 provides that a municipality that has a designated redevelopment area and provides for tax abatements within that redevelopment area may require, as a condition for granting a tax abatement, that the redeveloper contribute to an affordable housing trust fund established by the municipality, which requirement may be imposed upon developers of market rate residential or non-residential construction or both; and

WHEREAS: *N.J.S.A.* 40A:12A-4.1 states that "affordable" shall mean affordable to persons of "low" or "moderate" income as defined pursuant to the "Fair Housing Act," P.L.1985, c. 222 (*N.J.S.A.* 52:27D-301, et seq.); and

WHEREAS: The Fair Housing Act states that "low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located; and

WHEREAS: The Fair Housing Act states that "moderate income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located; and

WHEREAS: *N.J.S.A.* 40A:12A-4.2 provides that any municipality that makes the receipt of a tax abatement conditional upon the contribution to an affordable housing trust fund shall include within the ordinance detailed guidelines establishing, *inter alia*, the parameters of this requirement including, but not limited to, parameters governing the expenditure of those funds, legitimate purposes for which those funds may be used, and the extent to which funds may be used by the municipality for administration; and

WHEREAS: The Town of Harrison ("Town"), by Ordinance Number 1134, entered into a Financial Agreement with River Park at Harrison I Urban Renewal LLC, which contains the following language at Section 17.7 Affordable Housing:

As a condition to the granting of this long term tax exemption, the Entity [River Park] agrees to pay to the Town, as a contribution to an Affordable Housing Trust Fund pursuant to N.J.S.A. 40A:12A-4.2(a), the amount of one thousand five hundred (\$1,500) Dollars per Residential Unit constructed by the Entity as part of the overall Project. Payment of such amount shall be only made by the Entity or by any successor in interest or successor Entity upon the issuance of the Certificate of Occupancy by the Town for the subject Residential Unit. The Entity acknowledges that a portion of the Annual Service Charge payable hereunder may be allocated as a contribution to an Affordable Housing Trust Fund. If requested by the Town, the Entity will segregate the Annual Service Charge payments as directed by the Town Governing Body; and

WHEREAS: New Town Community Development Corporation ("New Town"), a qualified Federal Tax Exempt Not-For-Profit Corporation holding 501(c)(3) status, and a qualified Community Housing Development Organization, wants to develop property located at 774 Harrison Avenue, Harrison, NJ (the "Parcel") for 12-16 units of "affordable" senior rental housing, as defined in *N.J.S.A.* 40A:12A-4.1, *et seq.* (the "Project"), and has asked the Town to contribute funds from the Town's Affordable Housing Trust Fund ("AHTF") toward the Project for acquisition of the Parcel; and

WHEREAS: The Town, pursuant to Resolution #R-2008-129, desires to assist in funding New Town's acquisition of the Parcel for the Project by furnishing available funds from the Town's AHTF, conditioned on appropriate deed restrictions limiting the use of the Parcel for affordable senior housing, and subject to all other applicable laws, regulations, ordinances, and administrative requirements; and

WHEREAS: The County of Hudson (the “County”) has agreed to assist in funding New Town’s acquisition of the Parcel for the Project by furnishing funds, subject to such conditions as imposed by the County; and

WHEREAS: The Town desires to provide its proposed funding for the acquisition of the Parcel through an Interlocal Services Agreement with the County pursuant to State law, whereby the County will act as the conduit for the Town’s funds to New Town, with the County providing direct compliance oversight of New Town, the Parcel and the Project; and

WHEREAS: The Mayor and Council hereby establishes the parameters governing the expenditure of funds from the Town’s AHTF.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, that:

Section 1. Definitions.

“Affordable” shall mean affordable to persons of “low” or “moderate” income as defined pursuant to the “Fair Housing Act,” P.L.1985, c. 222 (*N.J.S.A. 52:27D-301, et seq.*).

“Town” shall mean the Town of Harrison, Hudson County, New Jersey.

“New Town” shall mean New Town Community Development Corporation (“New Town”), a qualified Federal Tax Exempt Not-For-Profit Corporation holding 501(c)(3) status, and a qualified Community Housing Development Organization, with offices located at Schuyler and Harrison Avenues, Harrison, New Jersey.

“Parcel” shall mean the real property located at 774 Harrison Avenue, Harrison, New Jersey.

“Project” shall mean New Town’s proposed plans to develop the Parcel for 12-16 units of affordable senior rental housing, as defined in *N.J.S.A. 40A:12A-4.1, et seq.*

“AHTF” shall mean the Town’s affordable housing trust fund established with payments that the Town received pursuant to *N.J.S.A. 40A:12A-4.1, et seq.*

“County” shall mean the County of Hudson, New Jersey.

Section 2. Parameters.

A. Pursuant to *N.J.S.A. 40A:12A-4.1, et seq.*, the Mayor of the Town is hereby authorized to spend up to \$261,000 from the AHTF as he deems proper, and in his discretion, for the following purposes:

1. Assisting in the funding of New Town’s acquisition of the Parcel for the Project through an Interlocal Services Agreement with the County entered into pursuant to New Jersey Law;
2. Payment of administration expenses of the Town in an amount not to exceed 10% of the contributions to the AHTF;
3. Reimbursement of any and all Planning and Zoning Board fees and expenses regarding New Town’s applications for the Project.

Section 3. Repealer.

Any and all Ordinances inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 4. Severability.

In the event that any section, paragraph, clause, phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or enforceable for any reason, such judgment shall not affect, impair or invalidate the remainder of the Ordinance, but shall be confined in its operation to the section, paragraph, clause, phrase, term, provision or part thereof directly involved in the controversy in such judgment.

Section 5. Effective Date.

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

Councilman Francisco Nascimento

Introduced: 11-20-08