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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE
MINUTES**

APRIL 5, 2010 – SPECIAL MEETING

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RESOLUTION #2010-0156 - FINDING AND DETERMINING THAT THE PROPOSED VALLEY BROOK VILLAGE VETERANS HOUSING AT THE VETERANS ADMINISTRATION MEDICAL CENTER CAMPUS IN LYONS MEETS OR WILL MEET AN EXISTING HOUSING NEED 2

RESOLUTION #2010-0157 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BERNARDS AUTHORIZING THE TOWNSHIP TO ENTER INTO A DEED RESTRICTION AND AFFORDABLE HOUSING AGREEMENT WITH EA FISH COMPANIES, LLC, FOR THE DEVELOPMENT OF LOW-INCOME RENTAL UNITS ON THE VETERAN’S ADMINISTRATION FEDERAL LANDS 3

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CALL TO ORDER

The mayor called the special meeting to order at 1 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ.

Those in attendance saluted the flag and the clerk read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Carpenter, Gaziano, Malay, Pavlini (by telephonic device), Spitzer (by telephonic device)

Absent:

Also Present: Attorney Sordillo, Engineer/Planner Messina, Municipal Clerk/Assist. Admin. Szabo

Resolution #2010-0156 - Finding and Determining that the Proposed Valley Brook Village Veterans Housing at the Veterans Administration Medical Center Campus in Lyons Meets or Will Meet an Existing Housing Need

Motion by Carpenter, second by Gaziano, to approved Resolution #2010-0156.

Roll Call

Aye: Carpenter, Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

WHEREAS, VBV LLC (hereinafter referred to as the “Sponsor”) proposes to construct a ninety (90) residential low- or moderate-income restricted rental units and one (1) unrestricted unit to be used as a superintendent’s unit or the like, which project is meant and intended to provide permanent supportive housing for Veterans (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency (“HMFA”) Law of 1983, as amended (N.J.S.A. 55:14K-1, et seq.), the rules promulgated thereunder (at N.J.A.C. 5:80-1.1, et seq.), and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”), within the Township of Bernards on the site owned by the United States Department of Veterans Affairs and described as Lot 3, Block 8001 as shown on the Official Assessment Map of the Township of Bernards, Somerset County, and commonly known as 151 Knollcroft Road Lyons, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements the Township Committee of the Township of Bernards hereby determines that there is a need for the Project on the above-described site within the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards (the “Committee”) that:

1. The Committee finds and determines that the Project as proposed by the Sponsor on the site described above meets or will meet an existing housing need.
2. The Committee does hereby adopt this Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the HMFA to process the Sponsor’s application for HMFA funding to finance the Project.

Resolution #2010-0157 - Resolution of the Township Committee of the Township of Bernards Authorizing the Township to Enter into a Deed Restriction and Affordable Housing Agreement with EA Fish Companies, LLC, for the Development of Low-Income Rental Units on the Veteran’s Administration Federal Lands

Motion by Pavlini, second by Carpenter, that Resolution #2010-0157 be approved.

Roll Call

Aye: Carpenter, Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

WHEREAS, EA Fish Companies, LLC, in partnership with Community Hope, Inc. (hereinafter collectively referred to as the “Developer”) proposes to construct a (90) residential low- or moderate-income restricted rental units and one (1) unrestricted unit to be used as a superintendent’s unit or the like for United States Veterans, which project is meant and intended to provide permanent supportive housing for Veterans within the Township of Bernards on the site owned by the United States Department of Veterans Affairs and described as Lot 3, Block 8001 as shown on the Official Assessment Map of the Township of Bernards, Somerset County, and commonly known as 151 Knollcroft Road Lyons, New Jersey (hereinafter referred to as the “Project”); and

WHEREAS, in exchange for the Township’s assistance and cooperation with the development of the Project, Developer has agreed to comply with the Township’s reasonable requests and provide all required documentation and proofs in order for the Township to receive, and continue to receive affordable housing credits from the State for the affordable units in the Project; and

WHEREAS, the Township and Developer negotiated and agreed to a Deed Restriction and Affordable Housing Agreement, which sets forth the terms and conditions of the Township’s assistance with the Project, and the Developer’s agreement to comply with the Township’s requests to received affordable housing credits for the Project; and

WHEREAS, the Deed Restriction and Affordable Housing Agreement, in the form attached hereto, was drafted by the Township Attorney, and reviewed and approved by counsel for Developer; and

WHEREAS, the Township Committee of the Township of Bernards finds it to be in the best interest of the Township to enter into the Deed Restriction and Affordable Housing Agreement with Developer for the development of the Project and the preservation of the affordable housing unit.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey as follows:

1. The Deed Restriction and Affordable Housing Agreement is hereby authorized and approved pursuant to the terms and conditions set forth therein.
2. The Mayor and Township Clerk are hereby authorized to execute the Deed Restriction and Affordable Housing Agreement in the form attached hereto.
3. The Township Clerk and Township Attorney are hereby authorized to take any and all action necessary to finalize and complete the Deed Restriction and Affordable Housing Agreement.

ZONING BOARD APPOINTMENTS

Mayor Spitzer announced the following appointments to the Zoning Board:

1. Brian Workman – Appointed A2 Member, filling the unexpired 2 yr. term of James Rhatican, expiring 12/31/2010
2. James Rhatican – Moved to A1 Member, filling the unexpired 2 yr. term of Scott Ross, expiring 12/31/2010
3. Scott Ross – Moved to Regular Member, filling the unexpired 4 yr. term of Lisa Marshall, expiring 12/31/2012

PUBLIC COMMENT

Anna Lustenburg, External Affairs of Verizon addressed the committee regarding electronics recycling day on April 21, 2010 and Verizon's Communications Lifeline for Veterans Program.

ADJOURNMENT

By unanimous consent, the meeting adjourned at 1:25 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Scott Spitzer
Mayor