

**Borough of Matawan
Workshop Session
April 1, 2014**

A regular meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on April 1, 2014. The meeting was called to order at 7:05 PM by Mayor Buccellato presiding. Mayor Buccellato called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 17, 2014, by sending notice to *The Independent*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilman Urbano
 Councilwoman Gould
 Councilman Fitzsimmons
 Councilwoman Clifton
 Councilwoman Daly
 Councilwoman Angelini

Also present were Louis Ferrara, Borough Administrator and Pasquale Menna, Esq., Borough Attorney.

Mayor Buccellato asked everyone to stand for a moment of silence.

Mayor Buccellato asked everyone to stand in the Salute to the Flag.

Mayor Buccellato requested a motion to hold Ordinances Nos. 14-04 and 14-05. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed.

Mayor Buccellato informed of the addition of Resolutions 14-04-18 and 14-04-19.

Matawan-Aberdeen Relay for Life Presentation

Eric T. Friedman appeared on behalf of the Matawan-Aberdeen Relay for Life in association with the American Cancer Society describing the inception of the Relay for Life to the area, its purpose, and the event itself. The event will be held on June 13 at the Matawan-Aberdeen Regional High School. The Mayor stated information will be posted to the Borough's website and to the Marquee outside Borough Hall.

Old Business

Mayor Buccellato read by title Ordinance 14-03: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan – Chapter VII – Traffic, Section 7-20 – Stop Intersections. Mayor Buccellato requested a motion to open the public hearing. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Council agreed. Motion passed. Mayor Buccellato requested comments. There were no comments. Mayor Buccellato requested a motion to close the public hearing. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading Ordinance 14-03: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan – Chapter VII – Traffic, Section 7-20 – Stop Intersections requesting a motion to adopt. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
 Councilwoman Gould
 Councilman Fitzsimmons
 Councilwoman Clifton

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Councilwoman Angelini

Abstain: Councilwoman Daly

Motion passed.

**ORDINANCE 14-03
AMENDING AND SUPPLEMENTING THE
REVISED GENERAL ORDINANCES OF
THE BOROUGH OF MATAWAN
CHAPTER VII – TRAFFIC, SECTION 7-20 – STOP INTERSECTIONS**

***WHEREAS,** upon recommendation of the Police Commission it is necessary to install traffic control signals, such as stop and/or yield signs for the health, safety and well being of the residents and visitors of the Borough of Matawan to control traffic, and to reduce incidents of traffic accidents; and*

***WHEREAS,** the Traffic Safety Unit of the Matawan Police Department has recommended the adoption of this within Ordinance and same has been reviewed by the Borough Engineer to certify its consistency with applicable traffic and vehicle law safety regulations in residential areas, and the appropriate notification has been forwarded to the New Jersey State Department of Transportation.*

***NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Matawan that it herewith amends Chapter VII – Traffic Regulations, Section 7-20 – Stop Intersections, to include the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.*

<i>Intersection</i>	<i>Stop Sign(s) On:</i>
<i>Lakeside Drive and Fierro Avenue</i>	<i>Lakeside Drive</i>
<i>Weldon Road and Lakeside Drive</i>	<i>Weldon Road</i>
<i>Taylor Road and Weldon Road</i>	<i>Taylor Road</i>
<i>Taylor Road and Lakeside Drive</i>	<i>Taylor Road</i>
<i>Annmar Drive and Fierro Avenue</i>	<i>Annmar Drive</i>
<i>Annmar Drive and Elm Place</i>	<i>Annmar Drive</i>
<i>Elm Place and Fierro Avenue</i>	<i>Elm Place</i>
<i>Elizabeth Drive and Elm Place</i>	<i>Elizabeth Drive</i>

***BE IT FURTHER ORDAINED** any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.*

***BE IT FURTHER ORDAINED** if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.*

***BE IT FURTHER ORDAINED** this ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to law.*

***BE IT FURTHER ORDAINED** that a true certified copy of this Ordinance shall be forwarded to the following Borough of Matawan Departments: Administration, Police, Public Works, Clerk as well as the New Jersey State Department of Transportation.*

Consent Agenda

Mayor Buccellato read by title Resolutions 14-04-02 through and including 14-04-13 requesting a motion to approve en masse. Councilman Urbano made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton
Councilwoman Daly
Councilwoman Angelini

Motion passed.

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**RESOLUTION 14-04-02
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR CRESTAR CAPITAL, LLC
CERTIFICATE #13-00010**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00010 which was sold to US Bank Cust for Crestar Capital, LLC, TLSG 2 Liberty Pl., 50 South 16th Street, Suite 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #13-00010 has been paid and fully redeemed for the property owner, Block 9, Lot 27 otherwise known as 129 & 131 Main Street.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$9,681.79 and a Premium of \$16,000.00 to the above for the redemption of Tax Sale Certificate #13-00010.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 14-04-03
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAP II, LLC
CERTIFICATE #13-00014**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00014 which was sold to US Bank Cust for Pro Cap II, LLC, US Bank TLSG, 50 South 16th St., Suite 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #13-00014 has been paid and fully redeemed for the property owner, Block 19, Lot 8 otherwise known as 109 Broad St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$913.51 and a Premium of \$800.00 to the above for the redemption of Tax Sale Certificate #13-00014.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 14-04-04
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAP II, LLC
CERTIFICATE #13-00029**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00029 which was sold to US Bank Cust for Pro Cap II, LLC, US Bank TLSG, 50 S 16th St. Ste 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #13-00029 has been paid and fully redeemed for the property owner, Block 34, Lot 16 otherwise known as 24 Orchard Street.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$890.62 and a Premium of \$1,200.00 to the above for the redemption of Tax Sale Certificate #13-00029.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 14-04-05
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAP II, LLC
CERTIFICATE #13-00085**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00085 which was sold to US Bank Cust for Pro Cap II, LLC, US Bank TLSG, 50 S 16th St. Ste 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #13-00085 has been paid and fully redeemed for the property owner, Block 118, Lot 17 otherwise known as 18 Lakeside Drive.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$914.08 and a Premium of \$1,000.00 to the above for the redemption of Tax Sale Certificate #13-00085.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 14-04-06
APPROVAL OF RAFFLE LICENSE
MID-JERSEY MOTHERS OF MULTIPLES
GIFT AUCTION RL-646**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Mid-Jersey Mothers of Multiples Fundraiser.

<u>Name & Location of Organization's Event</u>	<u>Date & Time</u>
Mid-Jersey Mothers of Multiples	April 22, 2014
176 Jackson Street	7:30 PM to 11:00 PM
Matawan, New Jersey 07747	

**RESOLUTION 14-04-07
APPROVAL OF RAFFLE LICENSE
TRINITY EPISCOPAL CHURCH
50/50 CASH RL-647**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Trinity Episcopal Church Fundraiser.

<u>Name & Location of Organization's Event</u>	<u>Date & Time</u>
Trinity Episcopal Church	May 10, 2014
18 Ryers Lane	6:00 PM to 10:00 PM
Matawan, New Jersey 07747	

**RESOLUTION 14-04-08
APPROVAL OF RAFFLE LICENSE
TRINITY EPISCOPAL CHURCH
GIFT AUCTION RL-648**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Trinity Episcopal Church Fundraiser.

<u>Name & Location of Organization's Event</u>	<u>Date & Time</u>
Trinity Episcopal Church	May 10, 2014
18 Ryers Lane	6:00 PM to 10:00 PM
Matawan, New Jersey 07747	

**RESOLUTION 14-04-09
APPROVAL OF SOLICITORS PERMIT
GARDEN STATE CUSTOM WINDOWS, LLC
DBA RENEWAL BY ANDERSON**

WHEREAS, Garden State Custom Windows, LLC DBA Renewal by Anderson, has passed the required Police Department background checks; and

WHEREAS, Garden State Custom Windows, LLC DBA Renewal by Anderson, have read Chapter 3-2.11 Handbills of the Borough of Matawan Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following solicitors permit:

Business: Garden State Custom Windows, LLC DBA Renewal by Anderson
70 Jackson Drive, Suite A
Cranford, New Jersey 07016

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*Applicant: Michael Reuben
70 Jackson Drive
Cranford, NJ 07016*

**RESOLUTION 14-04-10
APPROVAL OF SOLICITORS PERMIT
VIVINT SOLAR**

WHEREAS, Vivint Solar, has passed the required Police Department background checks; and

WHEREAS, Vivint Solar, have read Chapter 3-2.11 Handbills of the Borough of Matawan Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following solicitors permit:

*Business: Vivint Solar
16 Chapin Road
Pine Brook, New Jersey 07058*

*Applicant: John Sheehan
68 Throckmorton Avenue
Red Bank, New Jersey 07701*

**RESOLUTION 14-04-11
APPROVAL OF NEW TAXI DRIVER LICENSE
JUAN GONZALEZ-MATOS**

WHEREAS, Juan Gonzalez-Matos, has passed the required Police Department background checks; and

WHEREAS, Juan Gonzalez-Matos, has filed the proper documentation with the Borough Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following New Taxi Driver License:

*Applicant: Juan Gonzalez-Matos
38 Gerard Avenue
Matawan, New Jersey 07747*

**RESOLUTION 14-04-12
APPROVING TOWING & STORAGE LICENSE RENEWAL
MCLAUGHIN'S TOWING**

WHEREAS, McLaughin's Towing, (towing & storage contractor services) has submitted an application to be added to the Matawan Police Department tow call list; and

WHEREAS, on the condition that, McLaughin's Towing, (towing & storage contractor services) has certified that the requirements of Chapter 4 of the Code of the Borough of Matawan and all other Statutes have been met and that the independent investigation by the Police Department reveals no nonconformity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following towing & storage license renewal:

*Business: McLaughin's Towing, Inc.
139 Route 9 South
Morganville, New Jersey 07751*

Applicant: Joseph J. Campagna

**RESOLUTION 14-04-13
AUTHORIZING THE WAIVER OF FEES
FIRST PRESBYTERIAN CHURCH**

WHEREAS, the First Presbyterian Church is a long standing member of the Matawan community; and,

WHEREAS, the First Presbyterian Church is in the process of replacing an out-of-date gas hot water boiler that provides heat to the education wing of the Church building; and

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***WHEREAS**, the First Presbyterian Church is requesting the Borough, as an expression of support and encouragement, waive the municipal plumbing, electrical and fire permit fees in the total amount of Two Hundred Twenty Five Dollars and No Cents (\$225.00).*

***NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Matawan hereby waives the municipal plumbing, electrical and fire permit fees totaling Two Hundred Twenty Five Dollars and No Cents (\$225.00) for the gas hot water boiler for the First Presbyterian Church located at 883 Route 34, Matawan.*

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Construction, Clerk as well as the First Presbyterian Church.*

Mayor Buccellato read by title Resolution 14-04-14: Resolution in Support of A-3393 Legislation to Protect Residential Property Taxpayers from the Loss of Telecommunications Tax Support. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton
Councilwoman Daly
Councilwoman Angelini

Motion passed.

**RESOLUTION 14-04-14
RESOLUTION IN SUPPORT OF A-3393 LEGISLATION
TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS
FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT**

***WHEREAS**, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and*

***WHEREAS**, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPPT"); and*

***WHEREAS**, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and*

***WHEREAS**, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and*

***WHEREAS**, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and*

***WHEREAS**, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and*

***WHEREAS**, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and*

***WHEREAS**, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and*

***WHEREAS**, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes.*

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***NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Matawan commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation.*

***BE IT FURTHER RESOLVED**, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill.*

***BE IT FINALLY RESOLVED**, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.*

Mayor Buccellato read by title Resolution 14-04-15: Entering Interlocal Agreement for Use of Matawan-Aberdeen Regional School District Buses and Drivers to Provide Transportation for the Borough of Matawan's 2014 Summer Recreation Program. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
 Councilwoman Gould
 Councilman Fitzsimmons
 Councilwoman Clifton
 Councilwoman Daly
 Councilwoman Angelini

Motion passed.

**RESOLUTION 14-04-15
ENTERING INTERLOCAL AGREEMENT FOR USE OF
MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT
BUSES AND DRIVERS TO PROVIDE TRANSPORTATION FOR THE BOROUGH OF MATAWAN'S 2014
SUMMER RECREATION PROGRAM**

***WHEREAS**, the Borough of Matawan needs to provide transportation for the 2014 Matawan Borough Summer Recreation Program; and*

***WHEREAS**, the Matawan-Aberdeen Regional School District has agreed to provide transportation for the 2014 Matawan Borough Summer Recreation Program as outlined in the attached agreement; and*

***WHEREAS**, the attached agreement is in compliance with the Interlocal Services Act.*

***NOW, THEREFORE BE IT RESOLVED** by the Council of the Borough of Matawan that the Borough of Matawan enter into the attached Interlocal Service Agreement with the Matawan-Aberdeen Regional School District, and the Mayor be and is hereby authorized to execute this Agreement on behalf of Borough of Matawan in an amount not to exceed Four Thousand Dollars and No Cents (\$4,000.00).*

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Finance, Recreation, Clerk, as well as the Matawan-Aberdeen Regional School District and the Division of Local Government Services Attn: Shared Services.*

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the Recreation Trust Budget of the Borough of Matawan to the Matawan-Aberdeen Regional School District for providing transportation of the 2014 Summer Recreation Program for the Borough of Matawan in an amount not to exceed Four Thousand Dollars and No Cents (\$4,000.00).

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

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Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: April 1, 2014

Mayor Buccellato read by title Resolution 14-04-16: Emergency Temporary Appropriation. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton
Councilwoman Daly
Councilwoman Angelini

Motion passed.

**RESOLUTION 14-04-16
EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2014 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2014 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$3,733,442.45.

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all member of the Council of the Borough of Matawan, New Jersey affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.
2. That said emergency temporary appropriations will be provided for in the 2014 budget under the appropriate titles.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

BE IT FURTHER RESOLVED, that the amount required by Statue for the payment of 2014 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.

**2014 Temporary Budget-03/18/14
Meeting**

	Salary & Wages	Other Expenses
MAYOR & COUNCIL		500.00
MUNI CLERK		
GENERAL ADMIN	7,500.00	4,000.00
AUDIT		
FINANCE ADMIN	5,000.00	
TAX ASSES ADMIN	5,800.00	
TAX COLLECTOR	10,000.00	
LEGAL SERVICES		

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ENGINEERING		
BLDG & GROUNDS	12,000.00	5,000.00
PLAN/ZONING BD	2,500.00	
SHADE TREE COMM	200.00	
ENVIRON HEALTH		
SOLID WASTE COLL		
INSURANCE-GROUP HEALTH		300,000.00
INSURANCE-LIABILITY		
INSURANCE-WORKERS COMP		
FIRE		25,000.00
FIRE-AID TO DEPARTMENT		
FIRE PREVENTION		
POLICE	350,000.00	50,000.00
STREETS & ROADS	50,000.00	20,000.00
STREET LIGHTING		
BD OF HEALTH	700.00	
RECREATION	2,000.00	
HISTORICAL SITES	200.00	
VOL 1ST AID SQUAD		
OEM		
PROP MAINT		
RR PARKING	30,000.00	
DOWNTOWN REDEV		
UTILITIES		50,000.00
VEHICLE MAINT		
CONSTR OFFICIAL	30,000.00	
ACCUM SICK LEAVE		
OASI/SOCIAL SECURITY		20,000.00
PERS		141,205.00
PFRS		598,778.00
CONTINGENT		
MUNICIPAL COURT		
FREE PUBLIC LIBRARY		
EMERGENCY 911		11,000.00
GREEN TRUST LOAN		
INTEREST ON BONDS		
INTEREST ON NOTES		
PAYMENT OF BANS		
MCIA LEASE INTEREST		540.00
SUBTOTAL	505,900.00	1,226,023.00

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TOTAL TEMPORARY EMERGENCY APPROPRIATIONS			1,731,923.00	4,078,041.53
WATER SEWER UTILITY				
	Salary & Wages	Other Expenses		
OPERATING	75,000.00	250,000.00		
BULK WATER PURCHASE/ACQUISITION OF WATER				
BAYSHORE REGIONAL SEWERAGE AUTHORITY				
PAYMENT ON BOND PRINCIPAL				
PERS		42,178.00		
CAPITAL OUTLAY				
BANS				
INTEREST ON BONDS				
INTEREST ON NOTES				
WATER-SEWER REHAB LOAN				
WASTEWATER LOAN				
SOCIAL SECURITY		6,000.00		
SUBTOTAL	75,000.00	298,178.00		
				1,630,614.45
TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS			373,178.00	

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Finance, Clerk as well as the Borough Auditor and the Director of the Division of Local Government Services.*

Mayor Buccellato read by title Resolution 14-04-18: Authorizing T&M Associates to Provide Professional Services to Review the Borough of Matawan’s Affordable Housing Ordinance. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton
Councilwoman Daly

Abstain: Councilwoman Angelini

Motion passed.

**RESOLUTION 14-04-18
AUTHORIZING T&M ASSOCIATES
TO PROVIDE PROFESSIONAL SERVICES TO REVIEW THE
BOROUGH OF MATAWAN’S
AFFORDABLE HOUSING ORDINANCE**

***WHEREAS**, the Borough of Matawan requires an affordable housing ordinance to identify the mechanisms that it will use to address its obligation, and to monitor and administer the affordability and occupancy controls for affordable units; and*

***WHEREAS**, the Special Planning Master for the Borough appointed by the Court has provided a draft affordable housing ordinance to the Borough for its use and recommended Council adopt the ordinance; and*

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WHEREAS, Richard S. Cramer, PP, AICP, Planning Consultant for T&M Associates has submitted the attached proposal to provide the professional services for the preparation and submittal of a written report with findings and recommendations as to the content of the Special Planning Master’s draft ordinance compared to the current COAH model ordinance as well as to the Borough’s housing plan and fair share obligation in the amount of One Thousand Two Hundred Fifty Dollars and No Cents (\$1,250.00).

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes T&M Associates to proceed with its proposal to review the Borough of Matawan’s Affordable Housing Ordinance as outlined in the attached proposal in an amount not to exceed One Thousand Two Hundred Fifty Dollars and No Cents (\$1,250.00).

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Finance, Clerk as well as the Borough Engineer.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available in the 4-01-20-165-200 Budget of the Borough of Matawan for T&M Associates for professional services to review the Borough of Matawan’s affordable housing ordinance as outlined in the attached proposal in an amount not to exceed One Thousand Two Hundred Fifty Dollars and No Cents (\$1,250.00).

This certification is based solely on the information encumbered into the financial records of the Borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: April 1, 2014

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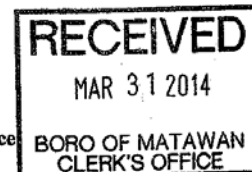


YOUR GOALS. OUR MISSION.

MATN-G1401

March 31, 2014

Mr. Louis Ferrara
Borough Administrator & Chief Administrative Officer
Borough of Matawan
201 Broad Street
Matawan, NJ 07747



Re: Proposal to Review the Borough of Matawan Affordable Housing Ordinance

Dear Mr. Ferrara:

In response to the Borough request, T&M Associates is pleased to provide this proposal for professional planning services to review the Matawan Affordable Housing Ordinance.

The Affordable Housing Ordinance

The Special Planning Master for the Borough appointed by the Court has provided a draft affordable housing ordinance to the Borough and recommended that Matawan adopt the ordinance.

The Borough is seeking a professional planning review of the Planning Master's draft ordinance. T&M Associates has extensive experience with affordable housing and the related ordinances.

A municipality typically needs to adopt an affordable housing ordinance where one or more inclusionary developments with affordable housing units have been or will be constructed to address the municipal obligation to provide for a fair share of the regional affordable housing need. Adoption of such an ordinance is usually a condition of substantive certification or a judgment of repose finding that the municipality has met its obligation.

The municipal fair share is calculated by the New Jersey Council on Affordable Housing (COAH) and adopted by state regulation. COAH has allocated a fair share affordable housing obligation to Matawan which consists of 141 new construction units and 14 rehabilitation units. This obligation is based upon the COAH rule for the municipal fair share housing need for the period from 1987 to 1999 ("the prior round"). The prior round COAH affordable housing obligation for the new construction of affordable housing continues in effect until fully addressed by the municipality. A municipal shortfall in addressing the obligation may be used to bring *Mt. Laurel* litigation challenging the local zoning regulations.

As a consequence of *Mt. Laurel* litigation which was brought against Matawan and subsequently settled, new affordable units have been or will be constructed in Matawan. The units are subject to affordability controls and the units may be applied as credits toward the Borough obligation.

Going forward, Matawan will need an affordable housing ordinance to identify the mechanisms that it will use address its obligation, and to monitor and administer the affordability and occupancy controls for affordable units. Such an ordinance is normally part of the local fair share plan for addressing the housing obligation. The New Jersey Department of Community Affairs (DCA) has published a model affordable housing ordinance for that purpose. The model is based upon the state regulations which control affordable housing pursuant to the New Jersey Fair Housing Act.

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March 31, 2014
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Le: Louis Ferrara
Borough Administrator
Re: Housing Plan Element and Fair Share Plan
Borough of Matawan

Scope of Work

I have reviewed the draft ordinance submitted by the Planning Master and, upon Borough acceptance of this proposal; T&M Associates will complete the planning review by preparing and submitting a written report to the Borough with findings and recommendations as to the content of the draft ordinance and any suggested changes. The review will be based upon a comparison of the Master's draft to the current COAH model ordinance and to the current status of the Borough housing plan and fair share obligation.

Cost Estimate

The cost to complete the planning review, including any effort spent to date to review the Master's draft, and to prepare and submit the report with written findings and recommendations is estimated to be one thousand two hundred and fifty dollars (\$1,250.00).

Thank you for the opportunity to provide this proposal. Should there be any questions, please do not hesitate to contact us.

Very truly yours,

T&M ASSOCIATES


RICHARD S. CRAMER, P.P., A.I.C.P.
PLANNING CONSULTANT

RSC:lkc

cc: Paul Buccellato, Mayor
Pasquale Menna, Esq., Borough Attorney
Karen Wynne, Borough Clerk
Robert R. Keady, Jr., P.E., C.M.E.

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Mayor Buccellato read by title Resolution 14-04-19: Authorizing Interlocal Services Agreement Between Monmouth County and the Borough of Matawan for Milling and Paving Services. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton

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Councilwoman Daly
Councilwoman Angelini

Motion passed.

**RESOLUTION 14-04-19
AUTHORIZING INTERLOCAL SERVICES AGREEMENT
BETWEEN MONMOUTH COUNTY AND
THE BOROUGH OF MATAWAN FOR
MILLING AND PAVING SERVICES**

WHEREAS, the Borough of Matawan is currently in need of Milling and Paving Services for its Pothole Repair Program; and

WHEREAS, the County of Monmouth provides this service to municipalities within the County; and

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1, et seq.) authorizes local units such as these Municipalities to enter into Shared Services Agreement with other local units;

WHEREAS, it is in the best interest of the Borough of Matawan to enter into a shared services agreement with the County of Monmouth.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby authorizes the Borough of Matawan enter into the attached Shared Services Agreement with the County of Monmouth in an amount not to exceed Twelve Thousand Dollars and No Cents (\$12,000.00) said Agreement to expire December 31, 2014.

BE IT FURTHER RESOLVED the Council hereby authorizes the Mayor to execute this Agreement on behalf of the Borough of Matawan.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Public Works, Finance, Police, Clerk as well as the Shared Services Offices of Monmouth County and the Division of Local Government Services.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the C-04-55-911-100 Budget of the Borough of Matawan to Monmouth County for the Borough of Matawan in an amount not to exceed Twelve Thousand Dollars and No Cents (\$12,000.00).

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: April 1, 2014

**INTERLOCAL SERVICES AGREEMENT BETWEEN
MONMOUTH COUNTY AND THE BOROUGH OF MATAWAN
FOR MILLING AND PAVING SERVICES**

This Agreement is entered into this 1st day of April, 2014, by and between the Monmouth County, a public body, with offices at 250 Center Street, Freehold, New Jersey 07728 (hereinafter referred to as "County"), and the Borough of Matawan, with offices at 201 Broad Street, Matawan, New Jersey, 07747 (hereinafter referred to as "Matawan").

IT IS AGREED:

- 1. Monmouth County, under the auspices of the Department of Public Works and Engineering Highway Division, will provide to the Borough of Matawan Milling and Paving Services.*

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- 2. *This agreement will be in effect for the period of April 1, 2014, through December 31, 2014 unless extended by authorization of both governing bodies.*
- 3. *The County, under the auspices of the Department of Public Works and Engineering Highway Division, will provide to the Borough of Matawan Milling and Paving Services to the Borough Pothole Repair Program as outlined in attached Exhibit A.*
- 4. *Matawan is responsible for contracting for 60 Tons of HMA 9.5M64/ 1-5 and paying for material to complete the project.*
- 5. *The County will pick up all HMA 9.5M64/ 1-5 necessary to complete project at their expense from the supplier chosen by the Borough.*
- 6. *The County will supply all staff and equipment to mill 1½” to 2” and replace with HMA 9.5M64/ 1-5 paving material.*
- 7. *The entire agreement shall not exceed \$12,000.00*
- 8. *The Borough of Matawan reserves the right to terminate this Agreement at any point with 30 days written notice for the following reasons:*
 - (a) *The County failed to provide services.*
 - (b) *The County Department failed to comply with the State System Guidelines.*

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

**MONMOUTH COUNTY
BOARD OF CHOSEN FREEHOLDERS**

ATTEST:

BOROUGH OF MATAWAN

Karen Wynne, RMC

Honorable Paul Buccellato, Mayor

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EXHIBIT A

BOROUGH OF MATAWAN LIST OF POT HOLES

<u>Map Ref</u>	<u>Location</u>
<u>No.</u>	
1	20 Middlesex Rd
2	32 Middlesex Rd
3	55 Middlesex Rd
4	54 Middlesex Rd
5	68 Middlesex Rd
6	68 Middlesex Rd
7	Middlesex Rd & Ravine Dr
8	Area Middlesex Apts
9	71 Middlesex Rd
10	67 Middlesex Rd
11	51 Middlesex Rd
12	Morristown & Rustic Ln
13	Aberdeen Rd & Sutton Dr.
14	Aberdeen RD & Matawan Ave
15	High St Bridge Approach
16	Matawan Ave. & Angelica Ct.
17	298 Matawan Ave
18	Oak Knoll Dr & Matawan Ave
19	Route 34 & Edgewater Dr
20	Jackson St & Washington St
21	Church St & Orchard St
22	Main & High St.
23	Main St. & Atlantic Ave
24	Spring and Main St
25	Broad and Little Parking Lot
26	Hoyt St
27	Zeigler PL
28	Rt 79 and Poet Dr
29	Poet Dr
30	Rt 79 & Mill Rd
31	Mill Rd Bridge Approach
32	Mill Rd & Overbrook Ln

Mayor Buccellato read by title Resolution 14-04-17: Payment of Bills. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton
Councilwoman Daly
Councilwoman Angelini

Motion passed.

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**RESOLUTION 14-04-17
PAYMENT OF BILLS**

BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, New Jersey. That the following numbered vouchers be paid to the persons therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers and that warrants be issued therefore, directed to the Borough Collector signed by the Mayor and attested by the Borough Clerk as required by law.

Current	\$2,133,676.13
Water & Sewer	\$379,214.03
Borough Capital	\$353.50
Water Capital	\$2,320.18
Borough Trust	\$26,500.72
Developers Escrow Account	\$1,281.25
Railroad Parking Trust	\$11,500.00
Total	\$2,554,845.81

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Finance as well as the Borough Auditor.

Mayor Buccellato read by title Ordinance 14-06: An Ordinance Amending the Zoning Ordinance of the Borough of Matawan to Address the Requirements of the State of New Jersey, Council on Affordable Housing, or its Successor Agency, Regarding Compliance with the Borough’s Affordable Housing Obligations. Mayor Buccellato requested a motion to introduce. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

- Yes:
- Councilwoman Angelini
 - Councilman Urbano
 - Councilwoman Daly
 - Councilwoman Clifton
 - Councilman Caldon
 - Councilwoman Gould

Motion passed.

**ORDINANCE 14-06
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE BOROUGH OF MATAWAN TO ADDRESS THE REQUIREMENTS OF THE STATE OF NEW
JERSEY, COUNCIL ON AFFORDABLE HOUSING, OR ITS SUCCESSOR AGENCY, REGARDING
COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS**

BE IT ORDAINED by the governing body of the Borough of Matawan, Monmouth County, New Jersey, that the Zoning Ordinance of the Borough of Matawan is hereby amended to include provisions addressing Matawan’s constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with N.J.A.C. 5:97-1, *et seq.*, as may be amended and supplemented, and N.J.A.C. 5:80-26.1, *et seq.*, as may be amended and supplemented, and pursuant to the New Jersey Fair Housing Act of 1985 and the Rules of the New Jersey Council on Affordable Housing (COAH). This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

The Borough of Matawan shall file annual monitoring reports regarding the status of any affordable housing developments in the Borough with COAH or its successor agencies as required by N.J.A.C. 5:96 et seq. Any report filed by Matawan with COAH and any report prepared by COAH in response shall be available to the public at Matawan Borough Hall, Borough Clerk’s Office, 201 Main Street, Matawan, New Jersey, 07747, at the COAH offices at P.O. Box 813, 101 South Broad Street, Trenton, New Jersey 08625-0813 and on COAH’s website.

Section 1. Municipal Fair Share Obligation

The Borough of Matawan has a fair share obligation consisting of a 141 unit prior round obligation and a 14

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unit rehabilitation obligation, as of the year 2000. The Borough's third round obligation and 2010 rehabilitation obligation have yet to be determined.

Section 2. Definitions

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

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7.

"Administrative agent: means the entity responsible for the administration of affordable units in accordance with this Ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC (N.J.A.C. 5:80-26).

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

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

"Affordable" means, a sales price or rent level that is within the means of a low- or moderate- income household as defined in N.J.A.C. 5:97-9 and in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development of which all or a portion consists of restricted units.

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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

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

"Assisted living residence" means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

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

"COAH" means the State of New Jersey Council on Affordable Housing.

"DCA" means the State of New Jersey Department of Community Affairs.

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

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

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

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

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the median household income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

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

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable housing region, as adopted annually by COAH.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

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

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

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

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

Section 3. Affordable Housing Programs

Matawan has or will establish the following programs to address its rehabilitation obligation and a portion of its prior round obligation:

1. *A rehabilitation program. See Section 4.*
2. *Inclusionary residential development of a portion of Block 120, Lot 5.01.*
3. *In addition to the foregoing, any property in the Borough of Matawan that is currently zoned for nonresidential uses and is subsequently rezoned for residential purposes or receives a use variance to permit residential development shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale.*

The following general guidelines shall apply to all developments, existing and proposed, that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 4. Rehabilitation

1. *Matawan's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The rehabilitation program shall include an owner occupancy rehabilitation program and a renter occupancy rehabilitation program.*
2. *Matawan will designate an Administrative Agent to administer its entire rehabilitation program.*
3. *Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.*
4. *All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units, the control period shall be enforced with a lien, and, for renter occupied units, the control period shall be enforced with a deed restriction.*
5. *Matawan shall dedicate a minimum of \$10,000 for the hard costs associated with each unit to be rehabilitated through the rehabilitation program, and shall reserve sufficient additional funds to cover required administrative costs associated with the program.*
6. *The Borough of Matawan shall adopt a resolution committing to fund any shortfall in the rehabilitation program.*
7. *The Administrative Agent shall provide a rehabilitation manual for the rehabilitation program to be adopted by resolution of the governing body. The manual shall be continuously available for public inspection in the Office of the Borough Clerk and in the office of the Administrative Agent.*
8. *Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and UHAC, but shall be administered in accordance with the following:*
 - a. *Upon the initial rental of a vacant unit subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and to be affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.*
 - b. *If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.*
 - c. *Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.*
 - d. *Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.*

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Section 5. Phasing Schedule for Inclusionary Zoning

Matawan has prepared and adopted zoning regulations governing a new inclusionary residential zone. The inclusionary residential zone provides for a 15% set-aside of restricted rental units or a 20% set-aside of restricted ownership units.

In all inclusionary developments constructed in the Borough of Matawan, the following schedule shall be followed:

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

Section 6. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 10 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

1) An adaptable toilet and bathing facility on the first floor;

2) An adaptable kitchen on the first floor;

3) An interior accessible route of travel on the first floor;

4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;

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5) *An interior accessible route of travel between stories within an individual unit, except that if all of the terms of paragraphs b.1) through b.4) above have been satisfied, an interior accessible route of travel shall not be required between stories within an individual unit; and*

6) *An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free Sub Code, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that Matawan has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:*

a) *Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.*

b) *To this end, the builder of restricted units shall deposit funds within the Borough of Matawan's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.*

c) *The funds deposited under paragraph 6)b) above shall be used by the Borough of Matawan for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.*

d) *The developer of the restricted units shall submit a design plan and cost estimate for the conversion of adaptable to accessible entrances to the Construction Official of the Borough of Matawan.*

e) *Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub Code, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.*

f) *Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements.*

Determinations of site impracticability shall be in compliance with the Barrier Free Sub Code, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

3. *Design:*

a. *In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.*

b. *In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.*

4. *Maximum Rents and Sales Prices:*

a. *In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH.*

b. *The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.*

c. *The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low- and moderate-income rental units shall be affordable to very low-income households.*

d. *The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.*

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e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;*
- 2) A one-bedroom unit shall be affordable to one and one-half person household;*
- 3) A two-bedroom unit shall be affordable to a three-person household;*
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and*
- 5) A four-bedroom unit shall be affordable to a six-person household.*

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;*
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and*
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.*

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

Section 7. Utilities

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

Section 8. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- 1. Provide an occupant for each bedroom;*
- 2. Provide children of different sexes with separate bedrooms;*
- 3. Provide separate bedrooms for parents and children; and*

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4. *Prevent more than two persons from occupying a single bedroom.*

Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. *Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Matawan takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.*
2. *The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.*
3. *Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.*
4. *At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.*
5. *The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.*
6. *A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.*

Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. *The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.*
2. *The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.*
3. *The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.*
4. *The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.*

Section 11. Buyer Income Eligibility

1. *Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.*
2. *Notwithstanding the foregoing, however, the Administrative Agent may, subject to COAH's approval, permit moderate-income purchasers to buy low-income units in housing markets determined by COAH to have an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing restrictions for low-income units.*

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3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 13. Capital Improvements To Ownership Units

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 14. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to such controls and to the requirements of this Ordinance for a period of at least 30 years from the date the unit is initially occupied by a certified household. The control period on a restricted unit shall terminate only at such time as the municipality opts to release the unit from the restrictions in accordance with N.J.A.C. 5:80-26.11(e), except that a low or moderate income household residing in a restricted rental unit at the termination of the control period shall be permitted to continue to reside in the unit for an indefinite period after the termination of the control period at the restricted rent level provided for by N.J.A.C. 5:80-26.1 *et seq.*, and the control period shall be deemed to have been automatically extended on that unit until the termination of such residency, provided that the occupant household continues to earn a gross annual income of less than 80 percent of the median income for the applicable COAH housing region. If at any time following the termination of the control period, the occupant household income is found to exceed 80 percent of the regional median income, the rental rate restriction shall expire at the later of the next scheduled lease renewal or 60 days. Nothing herein shall preclude the Owner and the Borough from mutually agreeing to extend the control period on some or all of the low and moderate income units in the development. During the entire period that a restricted rental unit is subject to controls, it shall comply with and remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Monmouth. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

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3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

- a. Sublease or assignment of the lease of the unit;
- b. Sale or other voluntary transfer of the ownership of the unit; or
- c. The entry and enforcement of any judgment of foreclosure.

Section 15. Rent Restrictions for Rental Units: Leases

1. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 16. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

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

c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 17. Municipal Housing Liaison

1. COAH requires Matawan to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the

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Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Matawan has adopted an Ordinance creating the position of Municipal Housing Liaison. Matawan has, by Resolution appointed a Municipal Housing Liaison. The Municipal Housing Liaison is appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by COAH and shall be duly qualified before assuming the duties of Municipal Housing Liaison.

2. *The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Matawan, including the following responsibilities which may not be contracted out to the Administrative Agent:*

- a. *Serving as Matawan's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;*
- b. *Monitoring the status of all restricted units in the Borough of Matawan;*
- c. *Compiling, verifying and submitting annual monitoring reports as required by COAH;*
- d. *Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and*
- e. *Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.*

3. *Subject to the approval of the COAH, the Borough of Matawan shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval by the COAH. The Operating Manuals shall be available for public inspection in the Office of the Borough Clerk and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).*

Section 18. Administrative Agent

The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. *Affirmative Marketing:*

- a. *Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Matawan and the provisions of N.J.A.C. 5:80-26.15; and*
- b. *Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.*

2. *Household Certification:*

- a. *Soliciting, scheduling, conducting and following up on interviews with interested households;*
- b. *Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;*
- c. *Providing written notification to each applicant as to the determination of eligibility or non-eligibility;*
- d. *Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;*
- e. *Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and*
- f. *Employing a random selection process as provided in the Affirmative Marketing Plan of the*

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3. *Affordability Controls:*

a. *Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;*

b. *Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;*

c. *Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Monmouth County Register of Deeds or Monmouth County Clerk's office after the termination of the affordability controls for each restricted unit;*

d. *Communicating with lenders regarding foreclosures; and*

e. *Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.*

4. *Resales and Re-rentals:*

a. *Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and*

b. *Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.*

5. *Processing Requests from Unit Owners:*

a. *Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;*

b. *Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;*

c. *Notifying the municipality of an owner's intent to sell a restricted unit; and*

d. *Making determinations on requests by owners of restricted units for hardship waivers.*

6. *Enforcement:*

a. *Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it-*

b. *Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent-*

c. *The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;*

d. *Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;*

e. *Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA; and*

f. *Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering the affordability controls.*

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7. *Additional Responsibilities:*

a. *The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.*

b. *The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time for their submission by the Municipal Housing Liaison to COAH, as required by COAH.*

c. *The Administrative Agent shall attend continuing education sessions on affordability control s, compliance monitoring, and affirmative marketing as offered or approved by COAH.*

Section 19. Affirmative Marketing Requirements

1. *The Borough of Matawan shall adopt by resolution an Affirmative Marketing Plan that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented, and that is subject to approval by COAH.*

2. *The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities throughout COAH Housing Region 4 and is required to be followed throughout the period of restriction.*

3. *The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 4, comprised of Monmouth, Ocean and Mercer Counties.*

4. *The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Borough of Matawan shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.*

5. *In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlordtenant law.*

6. *The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.*

7. *The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.*

8. *Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.*

9. *The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.*

Section 20. Enforcement of Affordable Housing Regulations

1. *Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.*

2. *After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:*

a. *The municipality may file an action in Court pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or*

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Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) *A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;*

2) *In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Matawan Affordable Housing Trust Fund of the gross amount of rent illegally collected;*

3) *In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.*

b. *The municipality may file an action in Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.*

1) *The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- or moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.*

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

3) *Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- or moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.*

4) *If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- or moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- or moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.*

5) *Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.*

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6) *The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.*

Section 21. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH and the Commissioner of the Department of Community Affairs of the State of New Jersey.

REPEALER

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

SEVERABILITY

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

EFFECTIVE DATE

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

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**ATTACHMENT A
AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in (REGION 4)**

I. APPLICANT AND PROJECT INFORMATION
(Complete Section I individually for all developments or programs within the municipality.)

Ia. Administrative Agent Name, Address, Phone Number		Ib. Development or Program Name, Address	
Ic. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	Id. Price or Rental Range From To	Ie. State and Federal Funding Sources (if any)	
If. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	Ig. Approximate Starting Dates Advertising: Occupancy:		
Ih. County Mercer, Monmouth, Ocean		Ii. Census Tract(s):	
Ij. Managing/Sales Agent's Name, Address, Phone Number			
I k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.
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III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)			
<input type="checkbox"/> White (non-Hispanic) <input checked="" type="checkbox"/> Black (non-Hispanic) <input checked="" type="checkbox"/> Hispanic <input type="checkbox"/> American Indian or Alaskan Native			
<input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Other group:			
3b. Commercial Media (required) (Check all that applies)			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS PARTIAL COAH REGION 4			
Daily Newspaper			
<input type="checkbox"/>		Trenton Times	Mercer
<input type="checkbox"/>		Trentonian	Mercer
<input type="checkbox"/>		Asbury Park Press	Monmouth, Ocean
<input type="checkbox"/>		Ocean County Observer	Ocean
Weekly Newspaper			
<input type="checkbox"/>		Ewing Observer	Mercer
<input type="checkbox"/>		Hopewell Valley News	Mercer
<input type="checkbox"/>		Lawrence Ledger	Mercer
<input type="checkbox"/>		Pennington Post	Mercer
<input type="checkbox"/>		Princeton Town Topics	Mercer
<input type="checkbox"/>		Tempo Mercer	Mercer
<input type="checkbox"/>		Trenton Downtowner	Mercer
<input type="checkbox"/>		Windsor Heights Herald	Mercer
<input type="checkbox"/>		West Windsor-Plainsboro News	Mercer, Middlesex
<input type="checkbox"/>		Princeton Packet	Mercer, Middlesex, Somerset
<input type="checkbox"/>		Messenger-Press	Mercer, Monmouth, Ocean
<input type="checkbox"/>		Woodbridge Sentinel	Middlesex
<input type="checkbox"/>		Atlanticville	Monmouth
<input type="checkbox"/>		Coaster	Monmouth
<input type="checkbox"/>		Courier	Monmouth
<input type="checkbox"/>		Examiner	Monmouth
<input type="checkbox"/>		Hub, The	Monmouth

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<input type="checkbox"/>		Independent, The	Monmouth
<input type="checkbox"/>		News Transcript	Monmouth
<input type="checkbox"/>		Two River Times	Monmouth
<input type="checkbox"/>		Coast Star, The	Monmouth, Ocean
<input type="checkbox"/>		Beach Haven Times	Ocean
<input type="checkbox"/>		Beacon, The	Ocean
<input type="checkbox"/>		Berkeley Times	Ocean
<input type="checkbox"/>		Brick Bulletin	Ocean
<input type="checkbox"/>		Brick Times	Ocean
<input type="checkbox"/>		Jackson Times	Ocean
<input type="checkbox"/>		Lacey Beacon	Ocean
<input type="checkbox"/>		Manchester Times	Ocean
<input type="checkbox"/>		New Egypt Press	Ocean
<input type="checkbox"/>		Ocean County Journal	Ocean
<input type="checkbox"/>		Ocean Star, The	Ocean
<input type="checkbox"/>		Tri-Town News	Ocean
<input type="checkbox"/>		Tuckerton Beacon	Ocean
<input type="checkbox"/>		Atlantic Highlands Herald	Monmouth
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
<input type="checkbox"/>		2 WCBS-TV CBS Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	

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<input type="checkbox"/>		11 WPIX WPIX, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
TARGETS PARTIAL COAH REGION 4			
<input type="checkbox"/>		25 W25AW WZBN TV, Inc.	Mercer
<input type="checkbox"/>		39 WLVT-TV Lchigh Valley Public Telecommunications Corp.	Mercer
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Mercer
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corp.	Mercer
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Mercer
<input type="checkbox"/>		41 WXTV WXTV License Partnership, G.p. (Univision Communications Inc.)	Mercer, Monmouth
<input type="checkbox"/>		3 KYW-TV Cbs Broadcasting Inc.	Mercer, Ocean
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Mercer, Ocean
<input type="checkbox"/>		12 WHYY-TV WHYY, Inc.	Mercer, Ocean
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Mercer, Ocean
<input type="checkbox"/>		23 WNJS New Jersey Public Broadcasting Authority	Mercer, Ocean
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Mercer, Ocean
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Mercer, Ocean
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Mercer, Ocean
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Mercer, Ocean
<input type="checkbox"/>		57 WPSG CBS Broadcasting Inc	Mercer, Ocean
<input type="checkbox"/>		61 WPPX Paxon Communications License Company, LLC	Mercer, Ocean
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Mercer, Ocean
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	Monmouth

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<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, LLC	Monmouth
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	Monmouth
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	Monmouth
<input type="checkbox"/>		68 WFUT-TV Univision New York LLC	Monmouth, Ocean (Spanish)
<input type="checkbox"/>		62 WWSI Hispanic Broadcasters of Philadelphia, LLC	Ocean
	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 4			
<input type="checkbox"/>		Cablevision of Hamilton	Partial Mercer, Monmouth
<input type="checkbox"/>		Comcast of Central NJ,	Partial Mercer, Monmouth
<input type="checkbox"/>		Patriot Media & Communications, CNJ	Partial Mercer
<input type="checkbox"/>		Cablevision of Monmouth, Raritan Valley	Partial Monmouth
<input type="checkbox"/>		Comcast of Mercer County, Southeast Pennsylvania	Partial Middlesex
<input type="checkbox"/>		Comcast of Monmouth County	Partial Monmouth, Ocean
<input type="checkbox"/>		Comcast of Garden State, Long Beach Island, Ocean County, Toms River	Partial Ocean
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
<input type="checkbox"/>		WWTR 1170	
<input type="checkbox"/>		WTTM 1680	Spanish, Asian, etc.
FM			
<input type="checkbox"/>		WFNY-FM 92.3	

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<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WPST 94.5	
<input type="checkbox"/>		WFME 94.7	
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WPRB 103.3	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WDAS-FM 105.3	
<input type="checkbox"/>		WLTW 106.7	
TARGETS PARTIAL COAH REGION 4			
AM			
<input type="checkbox"/>		WFIL 560	Hunterdon
<input type="checkbox"/>		WIP 610	Hunterdon
<input type="checkbox"/>		WAEB 790	Hunterdon
<input type="checkbox"/>		WCHR 1040	Hunterdon
<input type="checkbox"/>		WGPA 1100	Hunterdon
<input type="checkbox"/>		WEEX 1230	Hunterdon
<input type="checkbox"/>		WKAP 1470	Hunterdon

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<input type="checkbox"/>		WRNJ 1510	Hunterdon
<input type="checkbox"/>		WWJZ 640	Hunterdon, Middlesex
<input type="checkbox"/>		WPHY 920	Hunterdon, Middlesex
<input type="checkbox"/>		WPHT 1210	Hunterdon, Middlesex
<input type="checkbox"/>		WBUD 1260	Hunterdon, Middlesex
<input type="checkbox"/>		WMCA 570	Middlesex (Christian)
<input type="checkbox"/>		WIMG 1300	Middlesex
<input type="checkbox"/>		WCTC 1450	Middlesex, Somerset
FM			
<input type="checkbox"/>		WRTI 90.1	Hunterdon
<input type="checkbox"/>		WCVH 90.5	Hunterdon
<input type="checkbox"/>		WHYY-FM 90.9	Hunterdon
<input type="checkbox"/>		WXTU 92.5	Hunterdon
<input type="checkbox"/>		WAEB-FM 104.1	Hunterdon
<input type="checkbox"/>		WFKB 107.5	Hunterdon
<input type="checkbox"/>		WMMR 93.3	Hunterdon, Middlesex
<input type="checkbox"/>		WYSP 94.1	Hunterdon, Middlesex
<input type="checkbox"/>		WBEN-FM 95.7	Hunterdon, Middlesex
<input type="checkbox"/>		WRDW-FM 96.5	Hunterdon, Middlesex
<input type="checkbox"/>		WOGL 98.1	Hunterdon, Middlesex
<input type="checkbox"/>		WUSL 98.9	Hunterdon, Middlesex
<input type="checkbox"/>		WIOQ 102.1	Hunterdon, Middlesex
<input type="checkbox"/>		WMGK 102.9	Hunterdon, Middlesex
<input type="checkbox"/>		WJIZ 106.1	Hunterdon, Middlesex
<input type="checkbox"/>		WKDN 106.9	Hunterdon, Middlesex (Christian)
<input type="checkbox"/>		WAXQ 104.3	Hunterdon, Middlesex, Somerset
<input type="checkbox"/>		WNTI 91.9	Hunterdon, Somerset
<input type="checkbox"/>		WZZO 95.1	Hunterdon, Somerset
<input type="checkbox"/>		WCTO 96.1	Hunterdon, Somerset
<input type="checkbox"/>		WLEV 100.7	Hunterdon, Somerset
<input type="checkbox"/>		WNJT-FM 88.1	Middlesex

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<input type="checkbox"/>		WRSU-FM 88.7	Middlesex
<input type="checkbox"/>		WWFM 89.1	Middlesex
<input type="checkbox"/>		WWPH 107.9	Middlesex
<input type="checkbox"/>		WDVR 89.7	Middlesex, Somerset
<input type="checkbox"/>		WVPH 90.3	Middlesex, Somerset
<input type="checkbox"/>		WMGQ 98.3	Middlesex, Somerset
<input type="checkbox"/>		WBLS 107.5	Middlesex, Somerset

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)
(Check all that apply)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
Weekly			
	Nuestra Comunidad	Central/South Jersey	Spanish-Language

TARGETS PARTIAL COAH REGION 4

Weekly

<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>	El Hispano	Camden and Trenton areas	Spanish-Language
<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian community

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Mercer County		
<input type="checkbox"/>	Mercer County Board of Education	1075 Old Trenton Rd., Trenton, NJ
<input type="checkbox"/>	Medical Center at Princeton	253 Witherspoon St., Princeton, NJ
<input type="checkbox"/>	Bristol-Myers Squibb	100 Nassau Park Blvd., Princeton, NJ and 820 Bear Tavern Rd., Trenton, NJ
<input type="checkbox"/>	St. Lawrence Rehabilitation Center	2381 Lawrenceville Rd., Lawrenceville, NJ
<input type="checkbox"/>	McGraw-Hill	120 Windsor Center Dr., East Windsor, NJ
<input type="checkbox"/>	Conair Corporation	150 Milford Rd., Hightstown, NJ
<input type="checkbox"/>	Shiseido America, Inc.	366 Princeton Hightstown Rd., East Windsor, NJ

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<input type="checkbox"/>		NJ Manufacturers Insurance Company	1001 Grand St. S., Hammonton, NJ
<input type="checkbox"/>		Homasote	932 Lower Ferry Rd., Trenton, NJ
<input type="checkbox"/>		Robert Wood Johnson University Hospital	1 Hamilton Health Pl., Trenton, NJ
<input type="checkbox"/>		Congoleum Corp.	3500 Quakerbridge Rd., Mercerville, NJ
<input type="checkbox"/>		Coca-Cola Foods	480 Mercer St., Hightstown, NJ
<input type="checkbox"/>		Peddie School	111 Armellino Ct., Hightstown, NJ
<input type="checkbox"/>		Dana Communications	2 E Broad St., Hopewell, NJ
<input type="checkbox"/>		Merrill Lynch	410 Scotch Rd., Hopewell, NJ
<input type="checkbox"/>		Janssen Pharmaceutical	1125 Trenton-Harbourton Rd., Titusville, NJ
<input type="checkbox"/>		St. Francis Medical Center	601 Hamilton Avenue, Trenton, NJ 08629-1986
<input type="checkbox"/>		The Trenton Times	500 Perry St., Trenton, NJ
<input type="checkbox"/>		Gaum. Inc.	1080 US Highway 130, Robbinsville, NJ
Monmouth County			
<input type="checkbox"/>		Meridian Health System	1350 Campus Parkway, Neptune
<input type="checkbox"/>		US Army Communications Electronics Command Fort Monmouth	CECOM Bldg 901, Murphy Drive, Fort Monmouth
<input type="checkbox"/>		County of Monmouth Hall of Records	1 East Main Street, Freehold
<input type="checkbox"/>		Central State Healthcare Systems	West Main Street, Freehold
<input type="checkbox"/>		Monmouth Medical Center	300 Second Ave., Long Branch
<input type="checkbox"/>		Asbury Park Press	3601 Route 66, Neptune, NJ
<input type="checkbox"/>		Food Circus Super Markets, Inc.	835 Highway 35 PO BOX 278 Middletown, NJ
<input type="checkbox"/>		Monmouth University	Cedar Ave., West Long Branch
<input type="checkbox"/>		Naval Weapons stations Earle	State Highway 34, Colts Neck, NJ
<input type="checkbox"/>		Norkus Enterprises, Inc.	505 Richmond Ave., Point Pleasant, NJ
<input type="checkbox"/>		Horizon Blue Cross Blue Shield	1427 Wyckoff Road, Farmingdale, NJ
Ocean County			
<input type="checkbox"/>		Saint Barnabas Health Care System	300 2nd Ave., Long Branch, NJ 07740
<input type="checkbox"/>		Six Flags Theme Parks Inc	Route 537, Jackson, NJ 08527
<input type="checkbox"/>		Meridian Health Care System	415 Jack Martin Blvd., Brick, NJ
<input type="checkbox"/>		Southern Ocean County Hospital	1140 Route 72 West, Manahawkin, NJ

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<input type="checkbox"/>		Jenkinsons	300 Ocean Ave., Pt. Pleasant Beach, NJ 08742
3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	BUILDING	LOCATION
<input type="checkbox"/>	Mercer County Library Headquarters	2751 Brunswick Pike, Lawrenceville, NJ 08648
<input type="checkbox"/>	Monmouth County Headquarters Library	125 Symmes Drive, Manalapan, NJ 07726
<input type="checkbox"/>	Ocean County Library	101 Washington Street, Toms River, NJ 08753
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
4c. Sales/Rental Office for units (if applicable)		

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).	
Name (Type or Print)	
Title/Municipality	
Signature	Date

**RESOLUTION
OF THE BOROUGH COUNCIL OF THE BOROUGH OF MATAWAN,
COUNTY OF MONMOUTH STATE OF NEW JERSEY
ADOPTING THE 'AFFIRMATIVE MARKETING PLAN'
FOR THE BOROUGH OF MATAWAN**

WHEREAS, in accordance with NJDCA regulations at N.J.A.C. 5:97-1, et seq., and the New Jersey Uniform Housing Affordability Controls at N.J.A.C. 5:80-26-1, et seq., the Borough of Matawan is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Matawan, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 4, the COAH Housing Region encompassing the Borough of Matawan.

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NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Matawan, County of Monmouth, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. *All affordable housing units in the Borough of Matawan shall be marketed in accordance with the provisions herein unless otherwise provided at N.J.A.C. 5:97-1, et seq.*
- B. *The Borough of Matawan has a Prior Round affordable housing obligation and will likely have a Third Round affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that have already been constructed, those that are or will be included in the Borough's current Fair Share Plan and those that may be constructed in the future in unanticipated developments. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units (unless otherwise governed by the requirements of a Federally-funded program).*
- C. *The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Borough of Matawan. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).*
- D. *In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Matawan, shall undertake all of the following strategies:*
 - 1. *Publication of one advertisement in a newspaper of general circulation within the housing region.*
 - 2. *Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.*
 - 3. *At least one additional regional marketing strategy using one of the other sources listed below.*
- E. *The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Matawan is located in Housing Region 4, consisting of Mercer, Monmouth and Ocean Counties.*
- F. *The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:*
 - 1. *All newspaper articles, announcements and requests for applications for low and moderate income units shall appear in the Trenton Times, the Asbury Park Press and the Ocean County Observer.*
 - 2. *The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.*
 - 3. *The advertisement shall include a description of the:*
 - a. *Location of the units;*
 - b. *Directions to the units;*
 - c. *Range of prices for the units;*
 - d. *Size, as measured in bedrooms, of units;*
 - e. *Maximum income permitted to qualify for the units;*
 - f. *Location of applications;*
 - g. *Business hours when interested households may obtain an application; and*
 - h. *Application fees.*

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4. *Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Monmouth County and the other two of which shall be circulated primarily outside of Monmouth County but within the housing region.*
 5. *The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:*
 - a. *WKXW (101.5 FM)*
 - b. *WOR (710AM)*
 - c. *WTTM (1680 AM)*
 - d. *Comcast of Mercer County, Southeast Pennsylvania*
 - e. *Comcast of Monmouth County*
 - f. *Comcast of Central New Jersey*
- G. *Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:*
1. *Matawan Borough Municipal Building.*
 2. *Matawan Public Library.*
 3. *Matawan Borough Web Site.*
 4. *Developer's Sales/Rental Offices.*
 5. *Mercer County Administration Building.*
 6. *Monmouth County Administration Building.*
 7. *Ocean County Administration Building.*
 8. *Mercer County Library (all branches).*
 9. *Monmouth County Library (all branches).*
 10. *Ocean County Library (all branches).*
- Applications shall be mailed by the Administrative Agent to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.*
- H. *The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Mercer, Monmouth and Ocean Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of NJDCA's **Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 4** (attached to and hereby made part of this Resolution).*
1. *Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:*

*Mercer County Board of Realtors
Monmouth County Board of Realtors
Ocean County Board of Realtors*
 2. *Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Mercer, Monmouth and Ocean:*

*Welfare or Social Service Board (via the Director)
Rental Assistance Office (local office of DCA)
Office on Aging
Housing Authority (municipal or county)
Community Action Agencies
Community Development Departments
Salvation Army, Trenton Office*
 3. *Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.*
- I. *The following is a listing of community contact person(s) and/or organizations in Mercer, Monmouth and Ocean Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of low and moderate income units:*

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1. *Affordable Housing Liaison, Matawan Borough.*

YOU WILL NEED TO ADD TO THIS LIST - PERHAPS YOUR ADMIN. AGENT CAN HELP.

- J. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (1). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4 comprised of Mercer, Monmouth and Ocean Counties.*
- K. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.*
- L. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.*
- M. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.*
- N. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.*
- O. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C. 5:80-26-1, et seq.*

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Craig Gately, 257 Harding Boulevard, Matawan. Mr. Gately questioned the Borough's assessment process. Councilman Fitzsimmons and Mr. Ferrara related the Borough's participation in the Monmouth County Pilot Program wherein Borough-wide assessments will be performed on 20% of the town per year on a rotating basis. Mr. Gately commented on the Borough's tax rate. Mr. Ferrara informed last year's tax increase was less than a penny for municipal budget wherein neighboring towns were considerably higher. Mr. Gately commented on the potential in the Borough's downtown area. Mayor Buccellato related recent Planning/Zoning Board approvals of projects and meetings with businesses in town and in the County to discuss business concerns and ideas for improvements.

Jeremiah Hourihan, 13 Edgewater Drive, Matawan. Mr. Hourihan questioned solicitor time restrictions and expressed his concerns on wash-outs from the lake with regard to time and money.

Mayor Buccellato requested a motion to close the Privilege of the Floor. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed.

Adjournment

Mayor Buccellato requested a motion to adjourn. Councilwoman Clifton made the motion, seconded by Councilwoman Daly. Council agreed. Motion passed.

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Meeting adjourned at 7:45 PM.

Karen Wynne, RMC
Municipal Clerk