

**Borough of Matawan
Workshop Session
May 6, 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 22, 2014. The meeting was called to order at 7:03 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 Angelini

Councilwoman Daly was not present.

Also present were Louis Ferrara, Borough Administrator and Pasquale Menna, 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 informed of the addition of Resolution Nos. 14-05-19 and 14-05-20.

Workshop Items

Adoption of Clinton Street Park

Mayor Buccellato related a recent meeting with members of the long-established Shore Knights, a respected group of individuals in the community, who comes before the Council to request the Shore Knights adopt Clinton Street Park. With capital improvements, such as lighting, nightly basketball tournaments and other activities for residents of the Borough can be held. Adoption of the Park will involve the Knights monitoring the Park, fixing up some things, and doing some clean up, with financial help from the Borough when necessary.

Mayor Buccellato introduced Van Lane of 400 Matawan Avenue, Cliffwood, New Jersey, a member of the Shore Knights. Mr. Lane then thanked everyone and spoke about their meeting with the Mayor and explained how they would adopt the park, and he hoped the council will approve the Resolution. Mr. Menna added the Resolution states capital improvements, major trash pick-up is not the responsibility of the Knights but for routine maintenance and should something be noticed requiring DPW or Police action they will notify the appropriate party. The Shore Knights will not assume any legal issues that may arise with the park, etc., and the Resolution makes that clear. A member(s) will meet with the Recreation Commission to align activities between the Shore Knights and the Borough. Mayor Buccellato also requested Councilman Fitzsimmons and Mr. Ferrara meet with Mr. Lane to provide some funding to make repairs to the Park. Mr. Menna informed Mr. Lane to check with the County Parks Department for possible funding available to local municipalities. Mayor Buccellato requested Mr. Ferrara to meet with Mr. Lane to touch base with the County to move forward with reactivation of the park lighting.

Mayor Buccellato requested a motion to move Resolution 14-05-09: Resolution Designating Clinton Street Park as “Adopted” by Shore Knights, Inc. from New Business forward for Council adoption at this time. Councilwoman Clifton made the motion, seconded by Councilwoman

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Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 14-05-09
RESOLUTION DESIGNATING CLINTON STREET PARK AS “ADOPTED” BY SHORE KNIGHTS, INC.**

WHEREAS, the Borough of Matawan has exclusive control and authority over the use of Clinton Street Park; and

WHEREAS, the Matawan chapter of Shore Knights, Inc., has its clubhouse located at 21 Orchard Street in the Borough of Matawan, County of Monmouth, State of New Jersey, and is in close proximity to the Clinton Street Park; and

WHEREAS, many of the members of the Matawan chapter of Shore Knights, Inc. live in close proximity to the Clinton Street Park; and

WHEREAS, there has been a need for greater neighborhood involvement with respect to the care and maintenance of the public parks of the Borough of Matawan; and

WHEREAS, the members and Trustees of Shore Knights, Inc., met and have asked the Borough of Matawan to permit them to “adopt” Clinton Street Park, and, by so doing, would be responsible for routine and ordinary litter pickup and maintenance and the reporting of vandalism and damage that may have taken place at said Park to the Police Department and/or the Department of Public Works; and

WHEREAS, Shore Knights, Inc., has offered to undertake unofficial monitoring and routine litter pick-up for the Clinton Street Park at no cost to the Borough of Matawan;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Matawan do herewith permit the members of the Matawan chapter of Shore Knights, Inc., to have the privilege of erecting a sign that will designate the park as “Clinton Street Park, Adopted by Shore Knights, Inc.” to be placed permanently on the said Park until the authorization is revoked by the Borough of Matawan.

BE IT FURTHER RESOLVED that, in exchange for said license, the Matawan chapter of Shore Knights, Inc., has agreed to public service set forth above, namely the undertaking of routine litter cleanup and removal, as well the communication of information to the Borough regarding events and conditions at the said Park; however, said activity does not impose any responsibility and/or obligation upon the Matawan chapter of Shore Knights, Inc., to undertake regular bulk or trash pickup or capital improvements or repairs to the Park, since that is the exclusive responsibility of the Borough; nor is there any liability to be subscribed or attached to agents, servants, employees or members of Shore Knights, Inc., from undertaking their voluntary duties.

BE IT FURTHER RESOLVED that the Borough holds Shore Knights, Inc., harmless from any and all claims that may arise from individuals who file any actions with respect to any damage or injury that may have been occasioned by a visit to the Park, since the Park is under the exclusive jurisdiction and authority of the Borough, and, therefore, the Borough, through its insurance agents, does hold Shore Knights, Inc., harmless from any and all claims arising from the voluntary cleanup and/or monitoring undertaken by Shore Knights, Inc., as a public service.

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, Police, Clerk as well as Shore Knights, Inc.

On behalf of the Borough of Matawan, Mayor Buccellato thanked the Shore Knights ensuring Borough support in its endeavors.

Old Business

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

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Affordable Housing, or Its Successor Agency, Regarding Compliance With the Borough's Affordable Housing Obligations. Mayor Buccellato requested a motion to open the public hearing. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. Mayor Buccellato requested comments. There were no comments. Mayor Buccellato requested a motion to close the public hearing. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading 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 requesting a motion to adopt. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Angelini
Councilman Urbano
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 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.

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"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.

"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.

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"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.

"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.*

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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.*

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>

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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;*

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.*

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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.*

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.*

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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*
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.*

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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.*
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*

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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.*

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:*

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- 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 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).*

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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 Borough of Matawan when referring households for certification to affordable units.

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;

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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.*

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 controls, 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.*

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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 landlord/tenant 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 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*

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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.*

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.

EEFFECTIVE 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.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Mercer, Monmouth, Ocean		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. 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 WHYI-TV WHYI, 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

Consent Agenda

Mayor Buccellato read by title Resolutions 14-05-02 through and including 14-05-08 requesting a motion to approve en masse. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton

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Councilwoman Angelini

Motion passed.

**RESOLUTION 14-05-02
REDEMPTION OF TAX SALE CERTIFICATE
C & L FINANCIAL, LLC
CERTIFICATE #12-00081**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #12-00081 which was sold to C & L Financial, LLC, 3 Fox Hedge Rd., Colts Neck, NJ 07722; and

WHEREAS, Certificate #12-00081 has been paid and fully redeemed for the property owner, Block 107, Lot 2 otherwise known as 18 Edgewater Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$19,913.61 and a Premium of \$9,700.00 to the above for the redemption of Tax Sale Certificate #12-00081.

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

**RESOLUTION 14-05-03
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR CRESTAR CAPITAL, LLC
CERTIFICATE #13-00016**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00016 which was sold to US Bank Cust for Crestar Capital, LLC, TLSF 2 Liberty Pl., 50 South 16th St., Ste 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #13-00016 has been paid and fully redeemed for the property owner, Block 19, Lot 14 otherwise known as 27 Park Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$5,886.48 and a Premium of \$7,200.00 to the above for the redemption of Tax Sale Certificate #13-00016.

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

**RESOLUTION 14-05-04
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAP II, LLC
CERTIFICATE #13-00039**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00039 which was sold to US Bank Cust for Pro Cap II, LLC, US Bank TLSC, 50 S 16th St. Ste 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #13-00039 has been paid and fully redeemed for the property owner, Block 42, Lot 10 otherwise known as 254 Jackson St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$773.34 and a Premium of \$800.00 to the above for the redemption of Tax Sale Certificate #13-00039.

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

**RESOLUTION 14-05-05
REDEMPTION OF TAX SALE CERTIFICATE
TWR AS CUST FOR EBURY FUND 1 NJ, LLC
CERTIFICATE #13-00042**

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WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00042 which was sold to TWR as Cust for Ebury Fund 1 NJ, LLC, PO Box 39695, Baltimore, MD 21297-3695; and

WHEREAS, Certificate #13-00042 has been paid and fully redeemed for the property owner, Block 47.02, Lot 17.01 otherwise known as 2 Ziegler Pl.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$5,114.51 and a Premium of \$9,200.00 to the above for the redemption of Tax Sale Certificate #13-00042.

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

**RESOLUTION 14-05-06
REDEMPTION OF TAX SALE CERTIFICATE
TWR AS CUST FOR EBURY FUND 1 NJ, LLC
CERTIFICATE #13-00063**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00063 which was sold to TWR as Cust for Ebury Fund 1 NJ, LLC, PO Box 39695, Baltimore, MD 21297-3695; and

WHEREAS, Certificate #13-00063 has been paid and fully redeemed for the property owner, Block 71, Lot 58 otherwise known as 4 Maple Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$10,013.61 and a Premium of \$10,000.00 to the above for the redemption of Tax Sale Certificate #13-00063.

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

**RESOLUTION 14-05-07
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAP II, LLC
CERTIFICATE #13-00088**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00088 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 #13-00088 has been paid and fully redeemed for the property owner, Block 120, Lot 4 otherwise known as 79 Freneau Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,905.33 and a Premium of \$1,000.00 to the above for the redemption of Tax Sale Certificate #13-00088.

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

**RESOLUTION 14-05-08
RESCINDING RESOLUTION 14-04-24
REDEMPTION OF TAX SALE CERTIFICATE
MTAG SERVICES AS CUST FOR ATCF II NEW JERSEY, LLC
CERTIFICATE #13-00045**

WHEREAS, Resolution 14-04-24 was ratified at the April 22, 2014 Council meeting; and

WHEREAS, the Tax Collector for the Borough of Matawan has informed Resolution 14-04-24, ratified by Council at its April 22, 2014 meeting was issued in error and requests Council approval to rescind said Resolution.

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Matawan hereby rescinds Resolution 14-04-24: Redemption of Tax Sale Certificate – MTAG Services as Cust or ATCF II New Jersey, LLC – Certificate #13-00045.

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

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New Business

Mayor Buccellato read by title Resolution 14-05-10: Resolution Adopting the 'Affirmative Marketing Plan' for the Borough of Matawan. 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 Angelini

Motion passed.

**RESOLUTION 14-05-10
RESOLUTION 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.

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.

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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.*

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:

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*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:

1. Affordable Housing Liaison, Matawan Borough.

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.

Mayor Buccellato read by title Resolution 14-05-11: Authorizing the Purchase of Radio Communications Equipment and Accessories, and Digital Video Recording System for the Borough of Matawan Police Department Vehicle Fleet. Mayor Buccellato requested a motion. Councilman Urbano 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 Angelini

Motion passed.

**RESOLUTION 14-05-11
AUTHORIZING THE PURCHASE OF RADIO COMMUNICATIONS EQUIPMENT AND ACCESSORIES,
AND DIGITAL VIDEO RECORDING SYSTEM FOR
THE BOROUGH OF MATAWAN POLICE DEPARTMENT VEHICLE FLEET**

WHEREAS, Chief Jason Gallo of the Police Department of the Borough of Matawan has advised the Mayor and Council of the need to replace necessary radio communications equipment and the purchase of a digital video recording system for use in the Department's vehicles; and

WHEREAS, Chief Gallo recommends this expenditure to replace aging radio equipment and the recording system to protect the rights of residents and Officers; and

WHEREAS, the Mayor and Council of the Borough of Matawan, upon review of the attached quotes and acting under the recommendation of Chief Gallo regarding the above, hereby authorizes the purchase of radio communications equipment and accessories and digital video recording system for the Borough of Matawan's Police Department vehicle fleet.

NOW, THEREFORE, BE IT RESOLVED that Chief Jason Gallo of the Police Department of the Borough of Matawan is hereby authorized by the Council of the Borough of Matawan to enter into a Contract for the purchase and replacement of radio communications equipment and accessories and digital video recording system, respectively, as outlined in the attached quotes for the Police Department in the Borough of Matawan through the New Jersey State Contract Program, NJWSCA Panasonic Contract #755583/B27172 from Wireless Communications & Electronics, 153 Cooper Road, West Berlin, New Jersey 08091, in the amount of Seventy Five Thousand Two Hundred Ninety Nine Dollars and No Cents (\$75,299.60), and Seventy Four Thousand Six Hundred Eighty Two Dollars and No Cents (\$74,682.00), respectively for the total sum of One Thousand Forty Nine Thousand Nine Hundred Eighty One Dollars and Sixty Cents (\$149,981.60).

Mayor Buccellato read by title Resolution 14-05-12: Authorizing Maser Consulting to Provide Professional Services for the Preparation of a Street Map Index Plan. Mayor Buccellato requested a motion. Councilman Urbano 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 Angelini

Motion passed.

**RESOLUTION 14-05-12
AUTHORIZING MASER CONSULTING
TO PROVIDE PROFESSIONAL SERVICES FOR THE
PREPARATION OF A STREET MAP INDEX PLAN**

WHEREAS, at the request of the Superintendent of Public Works and the Recycling Coordinator Maser Consulting has submitted the attached proposal to provide professional mapping services for a street map index plan, and update the VUEWorks and public portal; and

WHEREAS, a street map index plan will be created and the search engine added to the Borough's website VUEWorks and public portal to identify street locations within the Borough as well as garbage and recycling districts enabling staff and residents to immediately identify a property's location within those districts; and

WHEREAS, the Superintendent of Public Works and the Recycling Coordinator recommends Maser Consulting's attached proposal in the amount of One Thousand Six Hundred Dollars and No Cents (\$1,600.00) as it will prove to be invaluable asset of streamlining of data for Borough use and bringing the information immediately into the hands of the residents.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes Maser Consulting to proceed with the provide professional mapping services for a street map index plan, and update the

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VUEWorks and public portal as outlined in the attached proposal in an amount not to exceed One Thousand Six Hundred Dollars and No Cents (\$1,600.00).

Mayor Buccellato read by title Resolution 14-05-13: 2013 Road Improvement Program Contract 2 Authorizing Change Order No. 2. Mayor Buccellato requested a motion. Councilwoman Angelini 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 Angelini

Motion passed.

**RESOLUTION 14-05-13
2013 ROAD IMPROVEMENT PROGRAM CONTRACT 2
AUTHORIZING CHANGE ORDER NO. 2**

WHEREAS, T&M Associates has informed the Council that Items B28 and B2 have been reduced to reflect current quantities to the 2013 Road Improvement Program Contract 2 for a total reduction of Nine Thousand Sixty Dollars and No Cents (\$9,060.00); and

WHEREAS, T&M Associates has informed the Council that Items S1 through and including S11 have been increased to reflect fire hydrant repairs and landscaping to the 2013 Road Improvement Program Contract 2 for a total increase of Forty Eight Thousand Eight Hundred Seventy Five Dollars and No Cents (\$48,875.00).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendations of Robert Keady, T&M Associates, that they hereby authorize Change Order No. 2 for the 2013 Road Improvement Program Contract 2 an overall increase in the amount of Thirty Nine Thousand Six Hundred Eighty Nine Dollars and Forty Six Cents (\$39,689.46).

BE IT FURTHER RESOLVED the Mayor of the Borough of Matawan is hereby authorized to execute the contract modification proposal and acceptance.

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

Mayor Buccellato read by title Resolution 14-05-14: Acceptance of Bid for Sale of Maxim Fire Ladder Truck Jersey One Auto Sales, Inc. Mayor Buccellato requested a motion. Councilwoman Angelini 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 Angelini

Motion passed.

**RESOLUTION 14-05-14
ACCEPTANCE OF BID FOR SALE OF MAXIM FIRE LADDER TRUCK
JERSEY ONE AUTO SALES, INC.**

WHEREAS, the Council previously approved the recommendation of the Borough of Matawan Volunteer Fire Department and authorized the receipt of bids for the sale of a Maxim Fire Ladder Truck No Longer Needed for Public Use by the Borough of Matawan and to be sold FOR SCRAP ONLY; and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for said Fire Ladder Truck; and

WHEREAS, the Borough of Matawan received one (1) bid for the aforesaid Fire Ladder Truck from

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Jersey One Auto Sales, Inc. in the amount of Two Thousand Three Hundred Eighty One Dollars and Ninety Nine Cents (\$2,381.99); and

WHEREAS, *the Borough Administrator has reviewed, approved and recommended the bid of Jersey One Auto Sales, Inc.; and*

NOW, THEREFORE, BE IT RESOLVED *by the Council of the Borough of Matawan that the Borough of Matawan hereby accepts the highest bid received from Jersey One Auto Sales, Inc., 495-497 Tonnele Avenue, Jersey City, New Jersey 07307 in the amount of a total Two Thousand Three Hundred Eighty One Dollars and Ninety Nine Cents (\$2,381.99) for the purchase of Maxim Fire Ladder Truck, Model No. M10-100, Serial #VIN 40-3011, Motor #06A0452694, MAWF Date March 16, 1987 -- FOR SCRAP ONLY.*

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, Fire as well as Jersey One Auto Sales, Inc.*

Mayor Buccellato read by title Resolution 14-05-15: Resolution Removing James Bishop from Participation in the Borough of Matawan LOSAP Program for the Fiscal Year 2014. Mayor Buccellato requested a motion. Councilman Urbano 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 Angelini

Motion passed.

RESOLUTION 14-05-15

RESOLUTION REMOVING JAMES BISHOP FROM PARTICIPATION IN THE BOROUGH OF MATAWAN LOSAP PROGRAM

WHEREAS, *it has come to the attention of the Mayor and Council that James Bishop is a currently listed member of the benefits program provided to volunteers by the Borough of Matawan Length of Service Awards Program (LOSAP); and*

WHEREAS, *it is the recommendation of the Administration that he be removed from participation in LOSAP because his inclusion has been determined to be inconsistent with the policy of the Borough of Matawan concerning the granting of benefits to volunteer firefighters through the LOSAP program; and*

WHEREAS, *a notification has been forwarded to participant requesting his voluntary removal from the program; and*

WHEREAS, *no response has been received.*

NOW, THEREFORE, BE IT RESOLVED *that the Mayor and Council of the Borough of Matawan do direct the Chief Financial Officer and the Borough Administrator to take any and all necessary steps to remove the member of the Volunteer Fire Department, James Bishop, from participation in LOSAP effective immediately and that a notice of the within removal shall be forwarded to the participant, the Volunteer Fire Department Chief, Chief Financial Officer, and the Clerk immediately upon issuance of the within Resolution.*

Mayor Buccellato read by title Resolution 14-05-16: Municipal Budget Notice Municipal Budget of the Borough of Matawan, County of Monmouth for the Fiscal Year 2014. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

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**RESOLUTION 14-05-16
MUNICIPAL BUDGET NOTICE
Municipal Budget of the BOROUGH OF MATAWAN,
COUNTY OF MONMOUTH for the Fiscal Year 2014;**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2014;

BE IT FURTHER RESOLVED, that said Budget be published in the Independent in the issue of May 15, 2014.

The Governing Body of the **BOROUGH OF MATAWAN** does hereby approve the following as the Budget for the year 2014:

RECORDED VOTE			
(insert last name)	(Angelini	ABSTAINED
	(Clifton	
AYES	(Fitzsimmons	
	(Gould	ABSENT
	(Urbano	(Daly
	(
NAYS	(

Notice is hereby given that the Budget and Tax Resolution was approved by the **BOROUGH COUNCIL** of the **BOROUGH OF MATAWAN, COUNTY OF MONMOUTH**, on May 6, 2014.

A Hearing on the Budget and Tax Resolution will be held at Matawan Municipal and Community Center on June 5, 2014 at 7:00 o'clock (PM) at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

Mayor Buccellato read by title Resolution 14-05-17: Emergency Temporary Appropriation. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 14-05-17
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 \$6,615,643.31.

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.

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***BE IT FURTHER RESOLVED**, that the amount required by Statute 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-05/06/14

	Salary & Wages	Other Expenses
MAYOR & COUNCIL		1,000.00
MUNI CLERK		
GENERAL ADMIN		2,500.00
AUDIT		
FINANCE ADMIN		
TAX ASSES ADMIN		
TAX COLLECTOR		
LEGAL SERVICES		10,000.00
ENGINEERING		
BLDG & GROUNDS		5,000.00
PLAN/ZONING BD		
SHADE TREE COMM		
ENVIRON HEALTH		
SOLID WASTE COLL	1,000.00	175,000.00
INSURANCE-GROUP HEALTH		
INSURANCE-LIABILITY		64,502.47
INSURANCE-WORKERS COMP		75,148.86
FIRE		10,000.00
FIRE-AID TO DEPARTMENT		
FIRE PREVENTION		
POLICE		20,000.00
STREETS & ROADS	20,000.00	
STREET LIGHTING		25,000.00
BD OF HEALTH		
RECREATION		
HISTORICAL SITES		
VOL 1ST AID SQUAD		
OEM		
PROP MAINT		
RR PARKING		5,000.00
DOWNTOWN REDEV		
UTILITIES		25,000.00
VEHICLE MAINT		
CONSTR OFFICIAL		5,000.00
ACCUM SICK LEAVE		
OASI/SOCIAL SECURITY		
PERS		(5,000.00)
PFRS		(15,000.00)
CONTINGENT		
MUNICIPAL COURT		
FREE PUBLIC LIBRARY		
EMERGENCY 911		

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GREEN TRUST LOAN			
INTEREST ON BONDS		36,000.00	
INTEREST ON NOTES			
PAYMENT OF BANS			
MCIA LEASE INTEREST			
SUBTOTAL			
TOTAL TEMPORARY EMERGENCY APPROPRIATIONS	21,000.00	439,151.33	
WATER SEWER UTILITY		460,151.33	4,612,192.86
OPERATING			
BULK WATER PURCHASE/ACQUISITION OF WATER			
BAYSHORE REGIONAL SEWERAGE AUTHORITY			
PAYMENT ON BOND PRINCIPAL			
PERS		(4,164.00)	
CAPITAL OUTLAY			
BANS			
INTEREST ON BONDS			
INTEREST ON NOTES		39,000.00	
WATER-SEWER REHAB LOAN			
WASTEWATER LOAN			
SOCIAL SECURITY			
SUBTOTAL			
	-	34,836.00	
TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS		34,836.00	2,003,450.45
<u>Total Temp Budget-Current & Water/Sewer</u>			<u>6,615,643.31</u>

BE IT FURTHER RESOLVED that this Resolution supersedes all previously adopted Resolutions.

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 Ordinance 14-08: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan Chapter II – Administration, Section 2-15, et seq Fire Department. Mayor Buccellato requested a motion to introduce. Councilman Urbano made the motion, seconded by Councilman Fitzsimmons. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

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**ORDINANCE 14-08
AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MATAWAN CHAPTER II – ADMINISTRATION, SECTION 2-15, ET SEQ
FIRE DEPARTMENT**

WHEREAS, it is necessary to amend the Administrative Code for the Borough of Matawan Fire Department to address issues concerning the membership and removal of membership of individuals who are members of the Borough of Matawan Fire Department and its component companies; and

WHEREAS, the Governing Body feels that the following amendment should be undertaken with respect to the Administrative Code for the orderly administration and composition of the Borough of Matawan Fire Department.

NOW, THEREFORE, BE IT ORDAINED that the Borough of Matawan amends the Administrative Code, Section 2-15.7 and adds the following language:

- a. *Any member of the Fire Department of the Borough of Matawan and its constituent recognized fire companies who is convicted of a crime or felony in the State of New Jersey or in any other state during membership in the Fire Department shall tender his or her resignation upon such conviction. If a member does not tender a resignation within thirty (30) days of conviction by a court of competent jurisdiction or a plea of guilt to a felony or criminal offense, the Mayor and Council shall cause the Municipal Clerk to notify the member that he or she will be removed from membership in the Borough of Matawan Fire Department, and all privileges, rights and benefits, including LOSAP contributions, if any shall terminate within thirty (30) days of the action of the Governing Body.*

In all other respects, the remaining parts of Ordinance 2-15 remain unchanged.

If any part of this Ordinance is deemed to be illegal or ineffective, the other provisions shall nonetheless remain in force.

This Ordinance shall take effect upon second reading and publication according to law.

Mayor Buccellato read by title Ordinance 14-09: Authorizing Special Appropriation for the Preparation and Complete Reassessment of Real Property Pursuant to NJSA 40A:4-53. Mayor Buccellato requested a motion to introduce. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**ORDINANCE 14-09
AUTHORIZING SPECIAL APPROPRIATION FOR THE PREPARATION AND COMPLETE
REASSESSMENT OF REAL PROPERTY PURSUANT TO NJSA 40A:4-53**

BE IT ORDAINED, by the Borough Council of the Borough of Matawan, County of Monmouth, State of New Jersey, as follows:

- SECTION 1.** *Purpose.* The purpose of this ordinance is to finance the cost of the preparation of a complete reassessment of property and associated cost.
- SECTION 2.** *Appropriation.* The authorization for this special Emergency appropriation is \$75,000.00. At least one-fifth of such appropriation shall be included in each annual budget until the appropriation has been fully provided for.
- SECTION 3.** *This ordinance repeals any inconsistent ordinance or ordinances or parts thereof.*
- SECTION 4.** *This ordinance shall take effect immediately upon its final passage and publication as required by law.*

The public hearing for Ordinances 14-08 and 14-09 will be held on May 20, 2015.

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Mayor Buccellato read by title Resolution 14-05-18: Payment of Bills. 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 Angelini

Motion passed.

**RESOLUTION 14-05-18
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	\$2,437,530.91
Water & Sewer	\$145,591.55
Borough Capital	\$178,697.12
Water Capital	\$515.00
Grant	\$1,756.70
Borough Trust	\$29,133.85
Developers Escrow Account	\$1,380.50
Dog Tax Trust	\$7.20
Recreation Trust	\$738.00
Unemployment Trust	\$5,081.25
Total	\$2,800,432.08

***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 Resolution 14-05-19: Special Emergency Appropriation for the Reassessment of Real Property Pursuant to NJSA 40A:4-55. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 14-05-19
SPECIAL EMERGENCY APPROPRIATION FOR THE REASSESSMENT OF REAL PROPERTY
PURSUANT TO NJSA 40A:4-55**

***WHEREAS**, the Council of the Borough of Matawan has found it necessary to make a special emergency appropriation for the preparation of and complete reassessment of real property; and*

***WHEREAS**, NJSA 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth or one-third of the amount authorized pursuant to this act.*

***NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of NJSA 40A:4-55:*

- 1. A special emergency appropriation is hereby made for the preparation of a complete reassessment of real property in the total amount of \$75,000.*

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2. *That the special emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$15,000.*
3. *That the issuance of a "special emergency note", not in excess of the amount authorized pursuant to law, be provided.*
4. *The Chief Financial Officer shall determine, pursuant to applicable law, all matters in connection with notes issued pursuant to this Resolution, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determination. At least one-fifth of the notes issued shall mature and be paid annually.*
7. *That two (2) certified copies of this Resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.*

Mayor Buccellato read by title Resolution 14-05-20: Approval of Request for Proposal for Real Property Data Collection and Verification Services (Reassessment) for the Borough of Matawan. 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 Angelini

Motion passed.

**RESOLUTION 14-05-20
APPROVAL OF REQUEST FOR PROPOSAL FOR REAL PROPERTY DATA COLLECTION
AND VERIFICATION SERVICES (REASSESSMENT) FOR THE BOROUGH OF MATAWAN**

WHEREAS, the Council of the Borough of Matawan previously authorized the solicitation of Requests for Proposals for the annual performance of real property data collection and verification services (reassessment) to cover 20% of all properties annually with all parcels located within the Municipality completed over the five (5) year period between January 1, 2014 through and including December 31, 2018 awarded as a three (3) year contract with the option of two (2) one (1) year awards with Resolution 13-12-22; and

WHEREAS, the Borough of Matawan received one (1) proposal for the aforesaid requirements from Realty Data Systems, LLC, 55 White Road, Suite C, Shrewsbury, New Jersey 07702, in the amount of Sixty One Thousand Three Hundred Forty One Dollars and No Cents (\$61,341.00) to cover the period of the collection and verification services of January 1, 2014 through and including December 31, 2018 as outlined in the Borough's Request for Proposals; and

WHEREAS, the Borough of Matawan Administrator and Tax Assessor have reviewed, approved and recommended the proposal of Realty Data Systems, LLC.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the recommendation of the Borough Administrator and Tax Assessor and awards the contract in an amount not to exceed Sixty One Thousand Three Hundred Forty One Dollars and No Cents (\$61,341.00) for the Borough's real property data collection and verification services from January 1, 2014 through and including December 31, 2018 to Realty Data Systems, LLC, 55 White Road, Suite C, Shrewsbury, New Jersey 07702.

BE IT FURTHER RESOLVED the Council of the Borough of Matawan hereby authorizes the Mayor to execute said contract 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, Tax Assessor, Finance, Clerk as well as Realty Data Systems, LLC.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Jeremiah E. Hourihan, Sr., 13 Edgewater Drive, Matawan. Mr. Hourihan expressed his support of the Shore Knights. Mr. Hourihan again expressed his concerns with Lake Lefferts overflow and the frustration with the County and the efforts to rectify flooding.

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Mayor Buccellato thanked thank Lt. Falco, the Fire, First Aid and Police Departments for their efforts to assist four people who attempted to move through three feet of water on Aberdeen Road.

Tracey Carlino, 32 Fiero Avenue, Matawan. Ms. Carlino related concerns of rusty water issues on Annmar Drive. Mr. Ferrara related his meeting with Jake Applegate, DPW Superintendent, and the Borough Engineer. It is their belief Jersey American Water is using a chlorination product that's different than the one we use in the summertime, and the chlorine is causing the problem in that pipeline. A temporary water filtration system was installed as the Borough will be switching over from New Jersey American Water to the Borough's own system. Should the situation continue one alternative is something called 'pigging', when they take a foam object to knock off the rust. If that doesn't work, they will replace the line. Though not harmful in small doses it can discolor clothing. The Borough has agreed to reimburse dry-cleaning for affected residents. The DPW Superintendent included this item in its regular reporting.

Ms. Carlino expressed a concern with the property maintenance of a neighbor. Mayor Buccellato requested Mr. Ferrara confer with Ms. Carlino to rectify the issue. She then inquired of the street cleaning schedule. Mayor Buccellato informed the Borough is doing a shared service with Keyport with street sweeping to resume shortly.

Mayor Buccellato closed the Privilege of the Floor.

Adjournment

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

Meeting adjourned at 7:45 PM.

Karen Wynne, RMC
Municipal Clerk