

**TOWNSHIP OF EDGEWATER PARK
MINUTES -NOVEMBER 1, 2011**

Mayor Booker called the meeting to order at 7:00 PM

PRESENTATION:

Recognition of Veterans Day – Mr. Ed Gitto, Commander American Legion Lead the Pledge of Allegiance, Moment of Silence and played of the Star Spangled Banner

Open Public Meetings Act Statement

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231,
P.L. 1975 THE CLERK READ THE STATEMENT:

Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Township Committee in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building 400 Delanco Road Edgewater Park, New Jersey on January 11, 2011.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 11 2011.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 11, 2011.

Present: Mrs. Aimee Belgard, Mr. Scott Kercher, Mr. John McElwee, Mr. Joseph Pullion, Mayor Darrell Booker (Committee Members)

Also present: Mr. Robert Brian, Chief of Police, (Public and Closed), Mr. Aubrey Painter, Superintendent of Public Works (Public), Mr. William Kearns, Solicitor (Public and Closed) Linda M. Dougherty, Clerk/Administrator (Public and Closed) and Mrs. Margaret Peak, Chief Financial Officer (Public) and Mrs. Tanyika Johns, Tax Collector/Deputy Clerk (Public).

DISCUSSION(S)/PRESENTATION(S): NONE

APPOINTMENTS/RESIGNATIONS: NONE

Report from Municipal Clerk/Administrator is appended hereto.

BURLCO JIF 2011 Dividend Allocation

Upon consensus, Township Committee authorized Mayor Booker to sign the affidavit to use the dividend as a credit against the 2012 JIF Assessment.

Feral Cat Program

Upon consensus, the Township Committee authorized Mrs. Dougherty to continue exploring the feral cat program.

Fee Schedule

The following points were raised about the proposed fee schedule;

1. Animals Generally-The fee is per property not per animal.
2. Clothing-Change to Clothing Bins and is the increase to much.

3. Outside Employment- Correction to Two to Five Days Proposed to \$50.00
4. Peddlers and Solicitors- This fee applies to the ice cream vendors and such.
5. Emergency Inspection 72 and 24 hours-Typo
6. Remove Reproduction of Public Records
 - a. Photographs standard and polaroid
 - b. Videotapes DVD or CD ROMs
 - c. Zoning Ordinance
 - d. Master Plan
7. Removal Permit Fee-Check fee compared to other towns.
8. Building Fee Schedule- Ask James Scott Construction Official about the Annual Permit Workers Fee
9. Towing Fees-Change Saturday and Sunday to Saturday, Sunday and Holidays.

Report from the Chief of Financial Officer is appended hereto.

Healthcare Care Flexible Spending Accounts (FSA)

Upon further discussion, Township Committee questioned why the cost of the plan will be free. Mrs. Peak discussed the as long as employees have other AFLAC products the fees will be waived by the company.

Upon further discussion Township Committee authorized Mrs. Dougherty to prepare a resolution to award the FSA Plan to AFLAC.

Moved by: Mr. Pullion Second: Mayor Booker

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

Report from the Tax Collector is appended hereto.

Senior Disability Audit

Ms. Johns gave a report on the audit done by the state to check for eligibility of Senior Citizen and Disability deductions administered by the Township and reimbursed by the state.

Report from the Superintendent of Public Works is appended hereto.

Road Stripping

The Township Committee authorized Mrs. Dougherty to prepare a resolution, to memorialize the award of the stripping of various roads to Traffic Lines Inc. as the apparent low bidder through the Burlington County Cooperative Purchasing Agreement in the amount of \$5,797.40.

Moved by: Mr. Kercher Second: Mr. McElwee

Hearing no discussion:

Roll Call: Mrs. Belgard-abstain, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

Report from the Chief of Police is appended hereto.

REPORT ACCEPTANCE

Moved by: Mrs. Belgard Second: Mr. Kercher

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

AUTHORIZATIONS/CONSIDERATIONS:

Edgewater Park “Year End 2011 Department Safety Summary”

Mrs. Dougherty reviewed the summary report with Township Committee. Upon further discussion Mrs. Belgard moved to approve the report; Second: Mr. McElwee.

Hearing no further discussion

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion–yes, Mayor Booker-yes

FUNCTION APPLICATION:

Transient License:

Jim Dunphy, 3 Applewood Court, Hainesport, NJ – Authorization to Sell Christmas Trees on Cramps Property (letter of permission from owner submitted) from November 28, 2011 thru December 25, 2011; fee submitted. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Moved by: Mr. McElwee Second: Mrs. Belgard

Discussion: Mayor Booker noted the application states the trees will be sold until December 25 not 24; revised to reflect date correction.

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion–yes, Mayor Booker-yes

ORDINANCES:

Ordinance No. 2011-8: Second Reading and Public Hearing

An Ordinance of the Township of Edgewater Park, in the County of Burlington, New Jersey, Authorizing the Township to Sell Certain Real Property in the Township; Authoring the Preparation and Execution of a Development Agreement Between the Township and K-2 Management, LLC; further Authorizing the Preparation of an Amended Redevelopment Plan for Block 1202, Lot 4.01

WHEREAS, the Township of Edgewater Park (the “Township”) and K-2 Management, LLC have reached an Agreement under which the K-2 Management, LLC will acquire all that certain real property known and designated on the official tax map of the Township as Block 1202, Lot 4.01 (the “Property”); and

WHEREAS, the subject property is in a Redevelopment Area and under the laws applicable to such areas the sale of property can be authorized by Resolution; and

WHEREAS, the Township Committee has determined that it is preferable, although not required, to authorize the sale through this Ordinance; and

WHEREAS, by Resolution No. 31-98 dated May 14,1998, the Township previously designated the Property as an “area in need of redevelopment”; and

WHEREAS, in connection with the Township’s prior designation of the Property identified as Block 1202, Lot 4.01 as a redevelopment property, the Township believes that it is appropriate at this time to authorize the amendment of the Redevelopment Plan and to specifically authorize the Agreement by this Ordinance; and

WHEREAS, the K-2 Management, LLC intends to develop the Property into a residential community of approximately 100 townhome units including all associated roads, storm water drainage, and open space (the “Project”); and

WHEREAS, in connection with the implementation of a Plan and K-2 Management, LLC’s intent to develop the Property and it will be necessary for the Township to prepare and have executed a development agreement by and between the Township and K-2 Management, LLC, which agreement will serve to memorialize the specific terms and conditions of Block 1202, Lot 4.01 development of the Property.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE COMMITTEE OF THE TOWNSHIP OF EDGEWATER PARK, IN THE COUNTY OF BURLINGTON, NEW JERSEY THAT:

1. Affirmation of the Sale of the Property.

(a) The Township of Edgewater Park hereby reaffirms and establishes its commitment to sell certain real property known and designated on the official tax map of the Township of Edgewater Park as Block 1202, Lot 4.01 to K-2 Management, LLC or their successors and assigns subject to the specific terms and conditions of its written agreement of sale substantially in the form attached hereto and incorporated herein.

(b) The Township Clerk/Administrator, Solicitor and Special Counsel are hereby further designated and authorized on behalf of the Township to prepare and execute any and all documents by and on behalf of the Township to properly transfer the Property to K-2 Management, LLC and/or their successors and assigns on a mutually convenient closing date established by the Township and K-2 Management, LLC.

2. Preparation of a Redevelopment Plan.

In connection with the Township’s prior designation of the Property as a “property in need of redevelopment” the Township hereby authorizes the Township Clerk/Administrator, Solicitor and Special Counsel to prepare and deliver to the Township Committee any amended Redevelopment Plan that may be required to implement the Agreement authorized herein.

3. Redevelopment Agreement.

The Township’s Clerk/Administrator, Solicitor and Special Counsel are hereby further authorized and directed to prepare any needed amendments to the Redevelopment Plan and Redevelopment Agreement, through which K-2 Management, LLC will be permitted, subject to Township Planning Board approval to plan and construct the Project.

4. Miscellaneous.

(a) In the event that any section or portion of this Ordinance shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, each section or part shall, to the extent that it is unconditional, invalid, or inoperative, remain in full force and affect and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinance or the ordinance as a whole.

(b) This Ordinance shall take effect as provided by Law.

Moved by: Mayor Booker Second: Mrs. Belgard

OPEN TO THE PUBLIC ORDINANCE NO. 2011-8 ONLY:

The Mayor opened this portion of the meeting to public comment.

Kathy Murphy 418 Dauphin Street, Riverside, NJ questioned whether there was affordable housing present.

Mrs. Dougherty discussed that the agreement calls for 20% of the units to be affordable housing units.

CLOSE: Hearing no one wishing to speak the Mayor closed this portion of the meeting to public comment.

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

Ordinance No. 2011-9: Second Reading and Public Hearing

An Ordinance of the Township of Edgewater Park, Burlington County, to Address the Requirements of the Council on Affordable Housing (COAH) Regarding Compliance with the Municipality's Fair Share Affordable Housing Obligations.

The Edgewater Park Planning Board endorsed the ordinance on October 20, 2011 by the adoption of Resolution No. 2011-12.

SECTION 1. AFFORDABLE HOUSING OBLIGATION

- (a) This Ordinance is intended to assure 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.
- (b) The Township of Edgewater Park Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Edgewater Park Township shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of Edgewater Park shall file monitoring reports with the NJ Superior Court and with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Court Master or COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Edgewater Park Municipal Building, Municipal Clerk's Office, 400 Delanco Road, Edgewater Park, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

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

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or

through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“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 Subcode, 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 N.J.A.C. 5:80-26.1 et seq.

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

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; 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 all or a portion of which 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 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 or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years 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 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 Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) or any successor agency as may be established by executive, legislative or judicial action to take over the functions, powers and duties of COAH.

“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 necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

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

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

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

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

“Median income” means the median income by household size for the applicable county, 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 court 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 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. 5:80-26.1 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.

“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 rehabilitation.

Section 3. Affordable Housing Programs

The Township of Edgewater Park has determined that it will use the following mechanisms to satisfy its affordable housing obligations: a rehabilitation program administered by Burlington County, inclusionary developments and a market to affordable housing program.

- (a) A Rehabilitation program.
 - 1. The Township of Edgewater Park participates in the Burlington County Home Improvement Program through an interlocal services agreement with Burlington County. The County’s Home Improvement Loan Program provides assistance to income qualified applicants and makes 0% interest loans of up to \$20,000 to correct substandard housing conditions and to eliminate health and safety hazards. No monthly loan payments are required and repayment of the loan amount is deferred for a specified period of time. Interested Township applicants should contact the Burlington County Home Improvement Program at (609) 265-5072 for more information and to apply.
- (b) A Market to Affordable program.
 - 1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii

below, the market to affordable program may produce both low-income rental units and moderate-income for-sale units.

2. The following provisions shall apply to market to affordable programs:
 - i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
 - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
 - iii. The NJ Appellate Division's decision of October 8, 2010 in The Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing invalidated COAH's third round methodology and required COAH to devise new third round fair share numbers similar to COAH's first and second round methodologies. Thus, at such time as the Superior Court determines whether Edgewater Park Township has a future fair share obligation and the Township is required to institute its third round market to affordable housing program, the Township will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize each low-income unit.
 - iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10 percent of the fair share obligation, whichever is greater. (Additional units may be approved by the NJ Superior Court if the Township demonstrates the successful completion of its initial market to affordable program.)
3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
 - i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));
 - ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and
 - iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however:
 - A. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - B. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

(c) Inclusionary Developments.

1. Pursuant to Ordinance No. 2010-4 of the Township of Edgewater Park, the Township rezoned two existing separate tracts (Block 404.06/Lot1 and Block 203/Lots 3Q Farm and 3.02) to be developed together as one inclusionary development with 20% of the total permitted units (87 total units) to be provided as affordable, non-senior units (17 affordable units). The phasing requirements as set forth in Section 7(a) below shall pertain to both tracts so that they are treated as one. Specifically, before 25% + 1 of the total number of approved market-rate units on both tracts are constructed, the developer must have completed at least 10% of the total affordable units and so forth as set forth in the phasing chart below.

2. Pursuant to Ordinance No. 4-2006 of the Township of Edgewater Park, the Township rezoned a tract (Block 1202/Lots 4.01 and 9 and Block 1202.02/Lot 1.10) for inclusionary development. It is anticipated that such development will provide a 20% affordable housing setaside as part of a future redeveloper's agreement with the Township.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7. Inclusionary Zoning Requirements

- (a) **Phasing.** In inclusionary developments the following schedule shall be followed:

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

- (b) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (c) **Payments-in-lieu and off-site construction.** The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.
- (d) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

Section 8. New Construction

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

- (a) **Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:**
1. 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.
 2. Of the total number of affordable rental units, 13% shall be affordable to very low income households.
 3. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
5. 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. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. 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 Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. 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:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. 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; and
 - vi. 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 Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of Edgewater Park 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 Township of Edgewater Park's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the Township of Edgewater Park for the sole purpose of making the adaptable entrance of any 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 from adaptable to accessible entrances to the Construction Official of the Township of Edgewater Park.
- 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 Subcode, 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 Township of Edgewater Park's affordable housing trust fund in care of the Municipal 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 Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. 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 low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- 3. 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.
 - i. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
- 4. 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 prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- 5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;

- iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
 7. 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.
 8. 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 household size 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.
 9. 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.
 10. The rent of low- and moderate-income units may be increased annually based on the 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.
 11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 9. Affirmative Marketing Requirements

- (a) The Township of Edgewater Park has adopted an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) 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 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 COAH Housing Region 5 and covers the period of deed restriction.

- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 5 comprised of Burlington, Camden and Gloucester counties.
- (d) The Administrative Agent designated by the Township of Edgewater Park shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) 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.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Edgewater Park.

Section 10. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) 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 until the Township of Edgewater Park elects to release the unit from such requirements however, and prior to such an election, 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, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) 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.

- (d) At the time of the first sale of the unit, the 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 requirements of 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.
- (e) 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.
- (f) 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 that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 12. 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:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) 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.
- (d) 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. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 13. Buyer Income Eligibility

- (a) 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.
- (b) 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 certified monthly income.

Section 14. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period 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 that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 15. Control Periods for Restricted Rental Units

- (a) 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 the requirements of this Ordinance until the Township of Edgewater Park elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) 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 Burlington. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 16. Price Restrictions for Rental Units; Leases

- (a) 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.
- (b) 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.

- (c) 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 17. Tenant Income Eligibility

- (a) 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:
 - 1. 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.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, 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:
 - 1. 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;
 - 2. 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;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. 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.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 18. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Township of Edgewater Park is established by this ordinance. The Township Committee shall make the actual appointment of the MHL by means of a resolution.
 - 1. The MHL must be either a full-time or part-time employee of the Township of Edgewater Park.

2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Edgewater Park, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Township of Edgewater Park's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Township of Edgewater Park shall designate by resolution of the Township Committee, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and

7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 19. Enforcement of Affordable Housing Regulations

- (a) 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, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) 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 against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action 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 found 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:
 - i. A fine of not more than \$2,000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Edgewater Park Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her 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.
 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any 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- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and 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 the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

- (d) 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- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the 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.
- (e) 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- and 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.
- (f) 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- and 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- and 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.
- (g) Failure of the low- and 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- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) 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 20. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

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

SEVERABILITY

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

EFFECTIVE DATE

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

Moved by: Mayor Booker Second: Mr. Kercher
Discussion: Mrs. Dougherty Recommends tabling the adoption until the December 6, 2011 meeting in order to provide Mr. Art Bernard, Court Master, a chance to review the ordinance; she further recommended to hold the public hearing this evening.

OPEN TO THE PUBLIC ORDINANCE NO. 2011-9 ONLY:

The Mayor opened this portion of the meeting to public comment.

Mrs. Kathy Murphy 418 Dauphin Street, Riverside, NJ questioned the definition of inclusionary developments.

Mrs. Dougherty discussed that inclusionary means that affordable housing units will be built on site; the requirement is 20% set-aside of all units developed within a project.

Mrs. Mary Varsaci, 1005 Bridgeboro Road, questioned why the ordinance restricts the developments to be completed at the same time.

Mr. Kearns discussed that part of the litigation settlement was to have affordable housing units built on the Mt. Holly Rd site vs units on the larger farm (Green Street) and Mt. Holly Road. Ordinances address zoning; any development variances would be considered before the Planning Board.

Mr., Noel Rainey, 7 Spring Lane, questioned whether the new COAH ordinance restricted the Age Restricted zone.

Mrs. Dougherty discussed that the township owned parcel (former drive-in theatre) has a 20% affordable housing obligation; zoning of that parcel is addressed under the Redevelopment Plan which removes the age restricted component.

CLOSE: Hearing no one wishing to speak the Mayor closed this portion of the meeting to public comment.

Upon discussion, Mr. McElwee moved to table consideration of adoption of Ordinance 2011-9 to the December 6, 2011 meeting. Second: Mayor Booker

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

RESOLUTIONS

CONSENT AGENDA

Motion to Approve Resolution No. 2011-136 through 2011-140 with amendments to resolution 2011-140 as amended by William Kearns, Township Solicitor by consent agenda; if any items on the consent agenda require consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mr. Pullion Second: Mr. Kercher

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

RESOLUTION NO. 2011-136

Resolution Supporting S-3062

“Telecommunications-Cable Television Deregulation Ensuring Consumer Protection Act”

WHEREAS, at a time when all municipal revenues are reduced and facing further threat, the need for stability and predictability in video telecommunications is paramount for municipalities and our taxpayers; and

WHEREAS, all video franchise fees, all PEG channels, all equipment and training and return feeds are vitally important to keeping communications open through local access channels and programming; and

WHEREAS, Mayors and municipal officials give a high priority to the requirements for free Internet and basic cable outlets for all libraries and all municipal buildings served by statewide franchises; and

WHEREAS, existing law requires all cable companies that convert from a municipal consent-based franchise to a system-wide franchise to pay a 4% franchise fee; and

WHEREAS, recently proposed legislation would fundamentally alter the regulation of telephone and cable television service in New Jersey, resulting in widespread opposition from consumer groups and advocates as well as municipalities; and,

WHEREAS, in response, S-3062 has now been introduced as an alternative to protect the existing System wide Franchise and keeping in place necessary protections for municipalities,

NOW, THEREFORE, BE IT RESOLVED, video franchise related revenue and benefits must not be reduced by the State, and

BE IT FURTHER RESOLVED, the Township Committee of the Township of Edgewater Park supports S-3062, which is currently assigned to the Senate Economic Growth Committee, and urges its swift passage; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Bob Smith, the primary sponsor of S-3062, the members of the Senate Economic Growth Committee, the Senate Leadership; Senator Diane Allen, Assemblyman Herb Conaway, Jr.; the Governor of the State of New Jersey; and the New Jersey State League of Municipalities.

RESOLUTION NO. 2011-137

***Resolution Authorizing the Cancellation of Totally Disabled Veteran for Justus Clark.
Located at Block 1201.08 Lot 1 Tax Year 2011 and Thereafter and Refunding Taxes Paid***

WHEREAS, the owner of real property located at Block 1201.08 Lot 1 has made application for a Totally Disabled Veteran to the Edgewater Park Tax Assessor which has been accepted in accordance with N.J.S.A. 54:4-3.30 A and 54:4-3.32, and

WHEREAS, the Edgewater Park Tax Assessor has approved the cancellation of taxes for 2011 on real property located at 300 Harrison Ave, Edgewater Park, NJ 08010, Block 1201.08 Lot 1; and

WHEREAS, the Edgewater Park Tax Assessor and Tax Collector have also approved the refunding of taxes already paid from February 1, 2011 the date of disability:

2011 property taxes for 330 days
\$4,417.34 divided 360 days times 330 days
Prorated for 2011 \$4,049.23
Less \$1,057.76 4th quarter unpaid
\$2,991.47

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, hereby approves the real owner of real property, Justus Clark located at Block 1201.08 Lot 1, for Total Disabled Veteran status, for the cancellation of taxes for 2011 and thereafter, for the refunding of taxes paid in 2011 for \$2,991.47.

BE IT FURTHER RESOLVED that copies of said resolution be forwarded to the Tax Collector, the Treasurer and the County Board of Taxation for their information and any appropriate action.

RESOLUTION NO. 2011-138

***Resolution Establishing an Edgewater Park Review
Committee for 2012 Professional Services***

WHEREAS, the Governing Body of the TOWNSHIP OF EDGEWATER PARK wishes to solicit Request for Proposals for Professional Services through a fair and open process in accordance with N.J.S.A.19:44A-20.5 et seq.; and

WHEREAS, the Township Committee wishes to create an Edgewater Park Request for Proposal Review Committee to guide the mayor and committee in connection with governing the affairs of the TOWNSHIP OF EDGEWATER PARK; and

WHEREAS, the Request For Proposal Review Committee appointed by the governing body shall review all qualifying RFQ's/RFP's giving due regard to the criteria set forth by the Township Committee which was posted on the Township Webpage on October 24, 2011 and advertised in the Burlington County Times and Courier Post on October 27, 2011; and

WHEREAS, the Request for Proposal Review Committee shall make a non-binding recommendation to the Committee or Body with appointing authority of the professional to be awarded the contract; and

WHEREAS, the Review Committee prior to making its recommendation may, at its discretion, elect to interview candidates to better determine their ability to meet the selection criteria and discuss their qualifications and scope of the work to be performed; and

WHEREAS, the actual contract awards shall be by the Township Committee or by the Planning Board of the Township of Edgewater Park.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the TOWNSHIP OF EDGEWATER PARK do hereby create a Request For Proposal Review Committee to assist the Mayor and Township Committee and the Planning Board with its governing of municipal affairs.

BE IT FURTHER RESOLVED, that said advisory committee shall be known as the "Edgewater Park Request For Proposal Review Committee" and shall consist of five (5) members to be selected by the Mayor of the Township Committee of the Township of Edgewater Park and that the Township Committee does hereby appoint the following residents: John Alexander, John McElwee, Judith Hall, Marian Johnson, and Aimee Belgard.

BE IT FURTHER RESOLVED, that the members are appointed for a term, expiring January 31, 2012.

BE IT FURTHER RESOLVED, that the Committee shall exist at the will of the Township Committee, which shall reserve and retain the right to terminate individual membership at any time, and shall retain and reserve the right to abolish the Committee, itself, at any time. The committee members shall be residents of the township and shall remain residents of the township during their terms. A member, who, subsequent to his appointment, shall maintain an address as his or her principal primary residence that is not an Edgewater Township address, shall immediately vacate and forfeit his membership on the Committee; and until a subsequent appointment shall be made by the Township Committee the post shall be deemed vacant. The committee is advisory only, and shall have no right or ability to spend money or incur any debt without prior Township Committee approval.

RESOLUTION NO. 2011-139

***Resolution of the Township of Edgewater Park, County of Burlington,
and State of New Jersey Authorizing the Mayor and Clerk to Enter
Into a Contract with the Superintendent of Public Works***

WHEREAS, the Township wishes to enter into a contract of employment with the Township's Superintendent of Public Works, Aubrey Painter, effective January 1, 2011 through December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, State of New Jersey, that the Mayor and Clerk of the TOWNSHIP OF EDGEWATER PARK are hereby authorized to enter into an Agreement with the EDGEWATER PARK TOWNSHIP Superintendent of Public Works, a copy of which is attached hereto, effective January 1, 2011.

RESOLUTION NO. 2011-140

***Consenting To The Assignment Of The Development Agreement And Agreement Of Sale
Between The Township Of Edgewater Park and K-2 Management, LLC To NVR, Inc.;***
Subject to Approval of form by the Township Solicitor.

WHEREAS, the Township Committee of the Township of Edgewater Park has, by ordinance, authorized a Development Agreement and Agreement of Sale between the Township of Edgewater Park and K-2 Management, LLC; and

WHEREAS, K-2 Management, LLC and NVR, Inc. have entered into an Agreement whereby K-2 Management, LLC is assigning certain aspects of the Development Agreement and Agreement of Sale to NVR, Inc. and

WHEREAS, the Development Agreement and Agreement of Sale calls for the Township of Edgewater Park to consent to any Assignment, and

WHEREAS, the Assignment to NVR, Inc. has always been a part of the development contemplated by the Development Agreement and Agreement of Sale,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, assembled in public session this 1st day of November, 2011, that the Mayor and the Township Administrator/Clerk be and hereby authorized to execute an Assignment of the Development Agreement and Agreement of Sale on behalf of the Township of Edgewater Park, subject to approval by the Township Solicitor as to the format; and

BE IT FURTHER RESOLVED, this resolution will be on file and available for public inspection in the Office of the Clerk of the Township of Edgewater Park.

REPORT OF OFFICIALS

Committeeman Kercher:

Liaison to the Environmental:

Mr. Kercher reported Mr. Dennis Robbins, Environmental Committee and Jim Bernard, Public Works Dept. attended the Shade Tree Federation class on October 22, 2011. Mr. Kercher further reported the next meeting for the Environmental Committee is canceled for November due to conflict with election night and the next meeting will be on December 13, 2011 at 7:00 PM.

Liaison to the School Board:

Mr. Kercher reported the seconded Pizza Deli and Pizza Night fundraiser is tomorrow between 4-8 everyone is invited participate and 20% of sales go to the PTO. The next Board of Education meeting is re-scheduled to November 29, 2011 at Jacque's School at 7PM; the November 22nd meeting was cancelled.

Committee Tom Pullion:

Liaison to Redevelopment Committee

Mr. Pullion questioned the progress on the TWA permit for Sinisi and Bottom Dollar. Mrs. Dougherty discussed the TWA permit for Bottom Dollar is moving forward which includes revisions to the Edgewater Crossing site; Edgewater Crossing will be required to file an amended TWA application once that project moves forward.

Committeewoman Belgard:

Liaison to Senior Advisory:

Mrs. Belgard reported Senior Advisory next meeting is on November 9th at 3:00 PM at the Municipal Building.

Liaison to Planning Board:

Mrs. Belgard reported Planning Board will meet Thursday November 17th at 7:00 PM.

Committeeman McElwee:

Liaison to Neighborhood Watch:

Mr. McElwee reported the last meeting went well which included a magician for the children, a costume contest and Trick or Treating safety tips. Mr. McElwee reported that the next meeting will be on November 21st at 6:30 PM. There will be a presentation by Eileen Siegeltuch, Esquire on how to provide for your family and protect your assets.

Mr. McElwee reported the Neighborhood Watch is continuing its patrol and the last patrol was on mischief night; the night was very quiet.

Liaison to EPAA:

Mr. McElwee advised EPAA had a Fall Social on scheduled for October 13th, 7PM at the 45th Street Pub that was well attended.

Next EPAA meeting will be determined because of the conflict with elections.

Mayor Booker:

Mayor Booker requested recommendations for Citizen of the Year and Business of the Year.

Mayor Booker also thanked Mrs. Peak and the volunteers she obtained during Hurricane Irene; volunteers were recognized by the Governor at a ceremony at the State House.

APPROVAL OF BILLS

Approval of Bills from October 14, 2011 through November 1, 2011.

Moved by: Mr. McElwee Second: Mayor Booker

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

Authorization to Pay Bills from November 2, 2011 through December 2, 2011

Moved by: Mayor Booker Second: Mrs. Belgard

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

APPROVAL OF MINUTES

September 6, 2011 closed session, September 20, 2011 public and closed sessions, October 4, 2011 public session.

Moved by: Mr. McElwee Second: Mr. Kercher

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes –abstain September 20, 2011, Mayor Booker-yes

OPEN TO THE PUBLIC: The Mayor opened this portion of the meeting to public comment.

Mr. Dennis Robbins, 9 Crystal Drive, questioned whether anyone has checked the car parked on Silver Park West property.

Mrs. Dougherty discussed the Township Engineer is reviewing the area to determine whether a no-parking zone is warranted.

Mr. Brian, Chief of Police also reported during a snow storm street no-parking restrictions apply to all cars parked on the street.

Mrs. Kathy Murphy, 418 Dauphin St, Riverside, NJ questioned the progress of the Cardinale/Sinisi property.

Mrs. Dougherty discussed that during this economic downturn the owners maybe applying to the Planning Board with a revised development.

Mrs. Murphy further questioned the overall appearance of the property.

Mr. Kearns discussed the owners have posted property clearing bond; they have consulted legal counsel regarding the worked performed by their contractor. The township has also authorized the township engineer to review requirements for restoring the property until building can take place.

CLOSE: Hearing no one wishing to speak the Mayor closed this portion of the meeting to public comment.

THERE WAS NO OTHER BUSINESS

Resolution No. 2011-141

Closed Session

Where it is necessary to discuss sale of public property; Block: 1202 Lot 4.01. Where it is necessary discuss professional appointments. Where it is necessary discuss personnel contracts. Where it is necessary to discuss items falling under litigation and or attorney client privilege. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentially, then the matter will be made public.

WHEREAS, it is necessary to discuss personnel possible litigation involving the Township of Edgewater Park which is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with personnel matters is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with the purchase lease or acquisition of real property with public funds is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with any collective bargaining agreement or the terms or conditions of that agreement is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the disclosure of any material which constitutes an unwarranted invasion of individual privacy is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the release of any information would impair a right to receive funds from the Government of the United States; is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility is a proper subject of exemption under the Open Public Meetings Act;

WHEREAS, the Township Committee desires to close this portion of the meeting to consider the aforementioned titled matters.

NOW THEREFORE, BE IT RESOLVED that the portion of the meeting dealing with the aforementioned matters shall be closed to the public and the results of the discussions held under the closed sessions shall be made available to the public at such early a time as possible.

Moved by: Mrs. Belgard Second: Mayor Booker Time: 8:44 PM

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

ANY OTHER BUSINESS

ADJOURN

Moved by: Mr. Pullion Second: Mrs. Belgard Time: 9:55 PM

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

Darrell Booker

Darrell Booker, Mayor

Linda M. Dougherty

Linda M. Dougherty, RMC/Administrator