

**TOWNSHIP OF EDGEWATER PARK
MINUTES-DECEMBER 6, 2011**

Mayor Booker called the meeting to order at 7:04 PM

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 T. Pullion, Mayor Darrell Booker (Committee Members)

Also present: Mr. Robert Brian, Chief of Police, (Public), 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. Barbara Fegley, Township Planner (Public), Mrs. Margaret Peak, Chief Financial Officer (Public) and Mrs. Tanyika Johns, Tax Collector/Deputy Clerk (Public).

DISCUSSION(S)/PRESENTATION(S):

Mayor Booker and Mr. Pullion on behalf of Township Committee recognized Mr. Scott Streckenbein, Superintendent of Schools and Mrs. Joanne Kirby, Asst Superintendent of Schools for their years of service; they were presented clocks in appreciation of their service.

Tyla Housman, representative from Assemblyman, Troy Singleton's office presented each retiree with a plaque on behalf of Assemblyman Troy Singleton and Assemblyman Herb Conaway.

APPOINTMENTS/RESIGNATIONS:

Seasonal Public Works Department Recommendation from the Superintendent of Public Works: Appointment of Ryan Shields, part-time seasonal help, \$10.00 per hour effective December 6, 2011.

Moved by: Mayor Booker Second: Mr. McElwee

Discussion: Mr. Booker confirmed the work hours will be on an as needed basis.

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

REPORTS

Report from the Engineer is appended hereto.

Woodlake Park Dog Run

Mrs. Fegley presented a plan which showed a new dog run for Woodlake Park. Upon further discussion, Township Committee advised that they will take the option under advisement.

NJ State Aid- Ivy Road

Mr. Painter question whether the change in whether will affect the curbing, sidewalk and apron construction for the following week.

Mrs. Fegley discussed that she will discuss the matter with Mr. Darji but they are specifications addressed in the bid packages to address weather conditions.

Report from Municipal Clerk/Administrator is appended hereto.

Light Rail – Quiet Zone

Township Committee discussed and questioned Mrs. Dougherty regarding the status of meetings with Congressman Runyan’s office.

Mrs. Dougherty discussed that she was in communication with Congressman Runyan’s representative and the surrounding towns; she will contact Congressman Runyan’s office to follow up.

Report from the Superintendent of Public Works is appended hereto.

Report from the Chief of Police is appended hereto.

Township Committee questioned whether NJ Transit would be willing to speak at a Neighborhood Watch meeting to address residents’ safety concerns and increase in crime. Mr. Brian stated NJ transit was at a recent meeting with the Police Chief’s Association and he would address their availability with them after all the changes are made.

Township Committee addressed several questions to Mr. Brian on NJ transit procedures such as dispatch information and their command centers.

Mr. Brian discussed that that the NJ Transit main head quarter is located in Newark. Currently there is usually one -patrol person for the Camden to Trenton line.

There were no other reports.

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: NONE

RAFFLE APPLICATION: NONE

RESOLUTIONS

CONSENT AGENDA

Motion to Approve Resolution No. 2011-143 through 2011-157 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. Booker Second: Mr. Pullion

Discussion: Mrs. Belgard advised that due a conflict she will be abstaining on Resolution No.

2011-144.

Roll Call: Mrs. Belgard-yes but abstain on Resolution No. 2011-144, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

RESOLUTION NO. 2011-143

Resolution to Cancel Debits and Credits of \$10.00 or less

WHEREAS N.J.S.A. 54:5-20 provides the governing body of a municipality to designate a municipal employee to cancel without further action on the part of the governing body any debits or credits in the amount of \$10.00 or less.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey, that Tanyika Johns, Tax Collector, for the Township of Edgewater Park be designated as the municipal employee for the cancellation of the debits and credits in the amounts of \$10.00 or less for the tax year of 2011.

RESOLUTION NO. 2011-144

Resolution Authorizing Contract for Street Line Striping

WHEREAS, N.J.S.A. 40A: 11-11 (5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, Resolution 2009-135 authorized the Township of Edgewater to participate in the Burlington County Board of Chosen Freeholders Cooperative Pricing System #4BuCCP for the purchase of goods and services;

WHEREAS, the Burlington County Chosen Freeholders received bids for the Line Striping and Reflective Pavement marker Contract 2011-2012 and Traffic Line Inc. was the low bidder for municipal work; and

WHEREAS, the Township Committee of the Township of Edgewater Park is desirous awarding a contract to Traffic Line Inc of Farmingdale, New Jersey for Line Striping; and

WHEREAS, in order to make this determination it is was deemed necessary to go out on competitive quote, and Traffic Lines Inc, Inc was the low quote of \$5,797.40 as attached in the October 13, 2011 letter from Burlington County Engineer, Joseph t. Brickley, P.E.; also appended are quoted from Tars & Stripes and Zebra Striping & Signs, LLC; and

WHEREAS, service includes 35,350 Linear Feet of 4” Reflective Traffic Stripes, Sprayed Thermoplastic; and

WHEREAS, funds are available for the in the 2011 municipal budget; and

WHEREAS, this resolution and the above-mentioned specifications will be on file and available for public inspection in the Office of the Clerk of the Township of Edgewater Park.

BE IT RESOLVED, the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, authorizing award of said contract to Traffic Line Inc of Farmingdale, New Jersey.

RESOLUTION 2011-145

Resolution Amending Resolution No. 2011-42 Salaries for Year 2011

BE IT RESOLVED that the following shall constitute the annual rate of compensation, unless otherwise noted; to be paid to the Township employees hereinafter designated for the year 2011. Compensation shall be paid bi-weekly unless otherwise noted. This includes employees in collective bargaining units with negotiated contracts and employees with contract agreements. Due to the current economic conditions and unprecedented reduction in Township revenues for CY 2011 certain administrative positions have been reduce to a four day work week until June 30, 2011; the stated salaries reflect annual salaries for said period.

SECTION 1: Establishment of Positions and Salaries

<u>POSITION</u>	<u>SALARY</u> 1/1-6/30/11	<u>SALARY</u> 7/1/-12/31/11
ADMINISTRATION		
Registrar, Vital Statistics	1,100.00	1,300.00
Deputy Registrar, Vital Statistics	600.00	800.00
Secretary, Board of Health	800.00	1,100.00
Clerk-Typist		
Step 1	20,996.53	24,226.77
Step 2	22,516.20	25,980.23
Step 3	25,048.97	28,902.66
Step 4	27,581.76	31,825.10

Step 5	29,101.42	33,578.56
Senior Clerk Typist		
Step 1	30,114.53	34,747.53
Step 2	31,127.64	35,916.51
Principal Clerk Typist		
Step 1	32,140.75	37,085.48
Step 2	33,153.87	38,254.46
Secretary, Planning Board	100.00	150.00
	Per meeting	Per meeting
MUNICIPAL COURT		
Court Administrator W/ Certification		
Step 1	32,647.30	37,669.97
Step 2	34,166.98	39,423.43
Step 3	35,686.64	41,176.89
Step 4	37,206.31	42,930.35
Step 5	40,157.11	46,335.13
Deputy Court Administrator		
Step 1	20,996.54	24,226.77
Step 2	22,516.20	25,980.23
Step 3	25,048.98	28,902.66
Step 4	27,581.76	31,825.10
Step 5	29,101.42	33,578.56
STREETS DEPARTMENT		
Superintendent of Public Works	*\$71,926.85	**\$73,365.39
*Term January 1, 2011 through August 31, 2011		
**Term September 1, 2011 to December 31, 2011		
POLICE DEPARTMENT		
Police Records Clerk		
Step 1	20,996.54	24,226.77
Step 2	22,516.20	25,908.23
Step 3	25,048.98	28,902.66
Step 4	27,581.75	31,825.10
Step 5	29,101.42	33,578.56
Senior Police Records Clerk		
Step 1	30,114.53	34,747.53
Step 2	31,127.64	35,619.51
Principal Police Records Clerk		
Step 1	32,140.75	37,085.48
Step 2	33,153.87	38,254.46

RESOLUTION NO. 2011-146

RESOLUTION AUTHORIZING THE TRANSFER FUNDS FROM
CERTAIN BUDGET APPROPRIATION RESERVES
OF THE TOWNSHIP OF EDGEWATER PARK

WHEREAS, there are certain 2011 Budget Appropriations that have unexpected balances; and

WHEREAS, there are certain 2011 Budget Appropriations that are insufficient to cover operating expenses for the year.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey that the following transfers be and are hereby made between the following 2011 Budget Appropriations:

FROM:

Administration Miscellaneous	(1-01-20-100-100)	\$ 12,000.00
Police Salary & Wages	(1-01-25-240-011)	\$ 5,000.00

TO:

Public Works Miscellaneous	(1-01-26290-100)	\$ 9,000.00
Water	(1-01-31-445-101)	\$ 2,000.00
Municipal Court Postage	(1-01-43-490-022)	\$ 1,000.00
Gas/Diesel	(1-01-31-460-101)	\$ 5,000.00

RESOLUTION NO. 2011-147

Resolution Authorizing the Cancellation of Totally Disabled Veteran for Patricia L. Hicks-Lynch Located at Block 1202 Lot 1 Qualifier C030 Tax Year 2011 and Thereafter and Refunding Taxes Paid

WHEREAS, the owner of real property located at Block 1202 Lot 1 Qualifier C030 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 153 Alexander Road, Edgewater Park, NJ 08010, Block 1202 Lot 1 Qualifier C030; and

WHEREAS, the Edgewater Park Tax Assessor and Tax Collector have also approved the refunding of taxes already paid from September 30, 2011 the of ownership:

2011 property and county taxes for 30 days
\$449.58 divided 90 days times 60 days
4th Quarter of 2011

449.58

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, Patricia L. Hicks-Lynch, located at Block 1202 Lot 1 Qualifier C030, for Total Disabled Veteran status, for the cancellation of taxes for 2011 and thereafter, for the cancellation of taxes for 2011 and thereafter, for the refunding of taxes paid in 2011 for \$449.58.

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. 2011-148

*Resolution Approving a Performance Surety Bond for
Burlington Coat Factory, Block 502, Lot 13 in the Amount of \$47,700*

WHEREAS, the Planning Board Engineer, Environmental Resolutions, Inc. established the performance bond requirements in the amount of \$47,700.00 (see Improvement Bond Estimate # 3034130B dated May 6, 2011 attached); and

WHEREAS, the Planning Board Engineer, Environmental Resolutions, Inc. recommended to approve a performance bond in the amount of \$47,700.00 which includes a twenty percent (20%) contingency in accordance with the New Jersey Municipal Land Use Law; and

WHEREAS, Burlington Coat Factory posted a Performance Surety Bond in that amount with Fidelity & Deposit Co of Maryland, 300 Berwyn Park, Suite 102, Berwyn PA, 09312; and

WHEREAS, the Edgewater Park Planning Board approved the Amended Site Plan on January 20, 2011 which was subsequently memorialized on March 17, 2011 by way of Resolution No. P4-2011; and

WHEREAS, the Township Solicitor has reviewed said performance surety bond and finds it to be acceptable.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey that the Performance Surety Bond be posted by Fidelity & Deposit Co of Maryland, Bond Number LPM762537000.

RESOLUTION NO. 2011-149

*Resolution Approving a Performance Surety Bond for
Pearson Properties & Associates, LLC/Bottom Dollar Food Block 501.01, Lot 1
in the Amount of \$659,184.00*

WHEREAS, the Planning Board Engineer, Environmental Resolutions, Inc. established the performance bond requirements in the amount of \$659,184.00(see Improvement Bond Estimate # 3601200 dated October 18, 2011 attached); and

WHEREAS, the Planning Board Engineer, Environmental Resolutions, Inc. recommended to approve a performance bond in the amount of \$659,184.00 which includes a twenty percent (20%) contingency in accordance with the New Jersey Municipal Land Use Law; and

WHEREAS, Bottom Dollar Food, Northeast, LLC posted a Performance Surety Bond in that amount with Travelers Casualty and Surety Company, One Tower Square, Hartford, CT; and

WHEREAS, the Edgewater Park Planning Board authorized Preliminary and Final major site plan approval on July 21, 2011 by way of Resolution No. P 08-2011; and

WHEREAS, the Township Solicitor has reviewed said performance surety bond and finds it to be acceptable.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey that the Performance Surety Bond be posted by Travelers Casualty and Surety Company, Bond Number 105534120.

RESOLUTION NO. 2011-150

Resolution Approving Aflac as the Flexible Spending Account Provider

WHEREAS, New Jersey Public Law Chapter 78 Legislation was established under New Jersey Pension and Health Benefit Reform; and

WHEREAS, Public Law Chapter 78 requires all public employers to offer a Section 125 plan to collect contributions on a pre-tax basis and offer Health Care Flexible Spending Accounts (FSA) to cover eligible out-of-pocket medical expenses as a cost containment measure; and

WHEREAS, the following companies were contacted regarding this service: Colonial Life, ADP, Paychex, Primepoint, Beneflex and Aflac; and

WHEREAS, the matter was discussed with Township Committee at the November 1, 2011 meeting at which time Committee awarded to Aflac; and

WHEREAS, Township employees are clients of Aflac and Aflac has agreed to offer this service at no cost to the Township of Edgewater Park.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, State of New Jersey to award the FSA contract administration to Aflac, 52 North Broad Street, Woodbury, NJ 08096 and its main headquarters located at 1932 Wynnton Road, Columbus, GA 31999 is hereby approved.

RESOLUTION NO. 2011-151

CHAPTER 159 RESOLUTION

*U. S. Department of Justice, Bureau of Justice Assistance under the
Bulletproof Vest Partnership Grant 2011*

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Edgewater Park in the County of Burlington, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$669.00, which item is now available from the U.S. Department of Justice, Bureau of Justice Assistance under the Bulletproof Vest Partnership Grant 2011, the amount of \$ 669.00;

BE IT FURTHER RESOLVED, that the like sum of \$ 669.00 is hereby appropriated under the caption U.S. Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership; and

BE IT FURTHER RESOLVED, that the above is the result of funds from U.S. Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Grant 2011 in the amount of \$669.00;

RESOLUTION NO. 2011-152

WHEREAS, the Tax Collector certifies to the Mayor and the Township Committee of the Township of Edgewater Park, that the tax records reflect an overpayment due to a veteran deduction:

Block 701 Lot 17
\$250.00

Check made payable to:
WOOLSTON, ALBERT & CONNIE

850 Cooper Street
Edgewater Park, NJ 08010

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

RESOLUTION NO. 2011-153

Resolution Authorizing Liens Against Real Property for the Abatement Of Certain Conditions In Accordance with the Property Maintenance Code of the Township of Edgewater Park

WHEREAS, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

WHEREAS, section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property; and

WHEREAS, the Property Maintenance Inspector has cited the below mentioned property and has imposed fines and expenses for repair on said property per the attached list; and

WHEREAS, Section 8.44.620 of the Edgewater Park Township Municipal Code further provides that the Township Committee, must by Resolution, approved the expenses and costs that they shall thereafter become a lien against the property listed and shall be collectible as provided by law; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, assembled in public session this 6th day of December 2011, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

LISA FRONCZIEWICZ
BLOCK: 801 LOT: 4
ALSO KNOW AS: 1002 COOPER STREET
Pool Cleanup and liner remover
Amount: \$252.40

are hereby approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

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

RESOLUTION NO. 2010-154

*Burlington County Municipal Joint Insurance Fund
Resolution Approving the 2012 Retrospective Program*

WHEREAS, Edgewater Park Township is a member of the Burlington County Municipal Joint Insurance Fund; and

WHEREAS, the Township's Six Year Cumulative Loss Ratio claims incurred show a loss ratio of \$140.4%; and

NOW, THEREFORE, BE IT RESOLVED that the Edgewater Park Township Committee does hereby authorize the participation in the Retrospective Program with the Burlington County Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that the governing body is hereby authorize the Mayor and/or Clerk/Administrator to enter into the Retrospective Program Agreement with the Burlington County Municipal Joint Insurance Fund.

RESOLUTION NO. 2011-155

Resolution Affirming the Appointment of the Deputy Registrar

WHEREAS, the following appointments will be effective pending approval by the Edgewater Park Township Board of Health;

Stacy Hofbauer appointment as Deputy Registrar of Vital Statistics

WHEREAS, NJSА 8:2A-4.1 requires the individuals appointed to the position of Deputy Registrar must obtain CMR Certification within six months of initial appointment; and

WHEREAS, NJSА 26:8-12 requires the appointments to be certified to the State Department of Health; and

WHEREAS, NJSA 26:8-11 et seq requires that the term of the office is for a three year period.

NOW, THEREFORE, BE IT RESOLVED by the Edgewater Park Township Committee that it does hereby affirm the above mentioned appointments as Registrar and Deputy Registrar for a three year period effective November 4, 2011.

RESOLUTION NO. 2011-156

Authorizing Submission of Application for the Delaware Valley Regional Planning Commission Phase II Planning and Feasibility Studies Grant for the Edgewater Park Township Segment of Delaware River Heritage Trail

WHEREAS, the Delaware Valley Regional Planning Commission (DVRPC) is soliciting for grant submissions for planning and feasibility studies through the Phase II grant program; and

WHEREAS, the Delaware River Heritage Trail is listed by the DVRPC as a Primary Trail for the DVRPC Regional Trails Program; and

WHEREAS, the Edgewater Park Township portion of the Heritage Trail will be a catalytic project for other trail segments in the area,

NOW, THEREFORE, BE IT RESOLVED by the Edgewater Park Township Committee, that the Mayor and/or Township Clerk are hereby authorized to submit a grant application identified as the Edgewater Park Township Delaware River Heritage Trail Project to the Delaware Valley Regional Planning Commission on behalf of the Township of Edgewater Park.

BE IT FURTHER RESOLVED by the Edgewater Park Township Committee, that the Township Engineer be authorized to complete the grant application and associated documentation for submission to the Delaware Valley Regional Planning Commission for the Edgewater Park Township Delaware River Heritage Trail Project.

RESOLUTION NO. 2011-157

Authorizing Submission of Applications for State Transportation Trust Funds Under the Safe Routes to Schools for Improvements to the Stevenson Avenue/East Franklin Avenue Path

WHEREAS, the New Jersey Transportation Trust Fund Authority Act provides federal-aid highway funds for a wide variety of projects and activities that support and encourage students to walk and bicycle to school; and

WHEREAS, improvements to the Stevenson Avenue / East Franklin Avenue Path have been identified as a potentially eligible project;

NOW, THEREFORE, BE IT RESOLVED by the Edgewater Park Township Committee, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as the Stevenson Avenue / East Franklin Avenue Path Project to the New Jersey Department of Transportation on behalf of the Township of Edgewater Park.

BE IF FURTHER RESOLVED by the Edgewater Park Township Committee, that the Township Engineer be authorized to complete the electronic grant application and associated

documentation for submission to the New Jersey Department of Transportation for the Stevenson Avenue / East Franklin Path Project.

BE IT FURTHER RESOLVED that the Mayor and/or Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Edgewater Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ORDINANCES:

ORDINANCE NO. 2011-9- (Consideration of Adoption)

ORDINANCE NO. 2011-9

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

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 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.

NOTE: The above mentioned ordinance was introduced by the Edgewater Park Township Committee at its meeting held on October 4, 2011. Public hearing was held at the November 1, 2011 with consideration of adoption tabled by Township Committee to the December 6, 2011 meeting to obtain approval of the ordinance by Court Master Art Bernard.

Moved by: Mr. Booker

Second by: Mr. Kercher

Discussion: Mrs. Dougherty advised that Court Master Mr. Bernard approved the ordinance as written and recommended Committee’s consideration of adoption. The Edgewater Park Planning Board endorsed the ordinance on October 20, 2011 by the adoption of Resolution No. 2011-12.

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

Ordinance No. 2011-10: Second Reading and Public Hearing

ORDINANCE NO. 2011-10

AN ORDINANCE TO AMEND SECTIONS OF CHAPTER XVI, LAND DEVELOPMENT ORDINANCE AND ORDINANCE NO. 2010-4, TOWNSHIP OF EDGEWATER PARK, BURLINGTON COUNTY, NEW JERSEY

Note: The Edgewater Park Planning Board endorsed the ordinance on November 17, 2011 by Resolution.

WHEREAS, the Township of Edgewater Park was engaged in litigation in the New Jersey Superior Court regarding zoning standards calling for a 6-acre minimum lot size, and it is evident that the 6-acre minimum is not appropriate and that revised zoning standards must be established, and;

WHEREAS, On August 3, 2011 a Fairness Hearing was held in Burlington County Superior Court for the case captioned In the Matter of the Application of the Township of Edgewater Park and the purpose of the Hearing was for the Court to determine whether Edgewater Park’s third round declaratory judgment action should be dismissed with the Township being granted immunity and repose against exclusionary zoning challenges and builder’s remedy suits

until there are new third round rules established by regulation, statute or decision of a court with appropriate jurisdiction.

WHEREAS, On August 3, 2011 the case was dismissed without prejudice with the Township of Edgewater Park ordered to meet certain requirements.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey as follows:

SECTION 1: § 16-82.9 R-LD Residential, Low-Density District is hereby modified as follows:

§ 16-82.9.1 R-7 RESIDENTIAL, LOW-DENSITY DISTRICT.

- (e) A minimum of 20 percent of all residential units approved on Block 404.06, Lot 1 and Block 203, Lots 3Q Farm and 3.02 shall be low and moderate income housing pursuant to the Council on Affordable Housing (“COAH” regulations at N.J.A.C. 5:97 *et seq.* and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 *et seq.*

Both Tracts should 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 the Township’s fair share ordinance 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 as least 10% of the total affordable units, etc.”

SECTION 2: § 16-82.21 R-8 Single-Family Residential District.

(D) Council on Affordable Housing

- (1) A minimum of 20 percent of all residential units approved on Block 404.06, Lot 1 and Block 203, Lots 3Q Farm and 3.02 shall be low and moderate income housing pursuant to the Council on Affordable Housing (“COAH” regulations at N.J.A.C. 5:97 *et seq.* and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 *et seq.*

Both Tracts should 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 the Township’s fair share ordinance 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 as least 10% of the total affordable units, etc.”

Moved by: Mrs. Belgard Second: Mr. Kercher

OPEN TO THE PUBLIC ORDINANCE NO. 2011-10 ONLY:

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

Mr. Michael Raymond, 802 Perkins Lane questioned if the ordinance affects both parcels.

Mr. Kearns discussed the ordinance clarifies changes to the original ordinance that was recommended by the Court Master to Superior Court which essentially clarifies the affordable housing obligation on both parcels all other requirements of the original ordinance remains in effect.

Mr. Raymond further questioned whether COAH was being abolished.

Mr. Kearns discussed that COAH was being abolished by the Governor and reorganized by transferring affordable housing regulations and requirements under the Department of Community Affairs. The Township's third round obligation is still up in the air.

Mrs. Janet Sozio, President of Cooper Valley Village representing the homeowners feels that any development is unnecessary.

Mrs. Barbara Russell, Manor Road, Beverly, questioned where the entrance is for the development.

Mrs. Dougherty discussed that there is no site plan development submitted for either parcel; the ordinance address zoning.

Mrs. Russell further discussed that Mt. Holly Road needs to be restriped, there are a lot of pot holes and people speed; she suggested the road could be repaved when the development is done.

Mr. Bob Simmons, 418 S. Apple Road, how many units per parcel.

Mr. Kearns discussed that there is a total of 87 units; 44 units on the 65 acre lot and 43 units on the 10 acre parcel (19 single family detached units and 24 single family attached units).

Any proposed development will be heard before the planning board.

Mr. Larry Cunn, 417 S. Apple Road, questioned why he was never notified about the ordinance.

Mr. Kearns discussed that there was an error in the original ordinance 200 foot list prepared by the Tax Assessor but the intent of notification was met. The notification was also published in the newspapers.

Township Committee asked Mr. Cunn if he received notification for this ordinance.

Mr. Cunn replied that he received notification.

Mr. Cunn further discussed that open space is important.

Mr. Kearns discussed that private property owners have the right to develop or sell their property; any proposed development will be heard before the planning board.

Mr. Michael Raymond, 802 Perkins Lane, questioned whether a development had to go to the planning board.

Mr. Kearns stated the developer still had to come to the planning board for sub-division approvals.

Mr. Raymond expressed that he is in favor of preserving the land as open space.

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. 2011-11: Second Reading and Public Hearing
ORDINANCE NO. 2011-11

**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK
ADOPTING A REDEVELOPMENT PLAN PURSUANT TO
THE PROVISIONS OF N.J.S.A. 40A:12A-7**

Note: The Edgewater Park Planning Board endorsed the ordinance on November 17, 2011 by Resolution.

WHEREAS, the Planning Board of the Township of Edgewater Park has previously prepared a “Preliminary Investigation to make a determination regarding a redevelopment area which identified certain specified areas within the Township of Edgewater Park in need of redevelopment and/or rehabilitation according to the criteria establishing by N.J.S.A. 40A:12A-5.”

WHEREAS, on May 4, 1998, the Township’s Planning Board held a hearing for public comment and input regarding the investigation and adopted a resolution recommending the establishment of a redevelopment area as delineated in the Investigation;

WHEREAS, on May 4, 1998, the Township Committee adopted a resolution establishing the area delineated in the investigation to be the redevelopment area;

WHEREAS, the Township Committee, has prepared a redevelopment plan, in accordance with N.J.S.A. 40A:12A-7, which is consistent with the Master Plan of the Township of Edgewater Park.

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey, as follows:

1. The Redevelopment Plan (attached hereto) prepared in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7, et seq. is hereby approved and adopted and incorporated herein and made part hereof.
2. The Edgewater Park Township Zoning Map is hereby amended to coincide with the redevelopment plan adopted by virtue of this Ordinance.
3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a Court competent jurisdiction, such decision shall not effect the validity of this Ordinance as a whole or any part thereof.
4. All Ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
5. This Ordinance shall take effect immediately upon its final passage and notice of adoption shall be published as provided by law.

Moved by: Mr. Booker

Second: Mr. McElwee

OPEN TO THE PUBLIC ORDINANCE NO. 2011-11 ONLY:

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

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

REPORT OF OFFICIALS

Re-organization Meeting 2012: Set date and time of 2012 re-organization meeting for January 7, 2012, at 4:30PM, at the Edgewater Park Municipal Bldg, 400 Delanco Road.

Moved by: Mr. Booker Second: Mr. Pullion

Hearing no discussion:

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

Committeeman Kercher:

Liaison to the Environmental:

Mr. Kercher reported the next meeting for the Environmental Committee is next Tuesday, December 13th at 7:30 PM. Mr. Kercher further requested if anyone wanted to participate in the Green Team to let him know or come to the next Environmental meeting.

Liaison to the School Board:

Mr. Kercher reported the PTO is having a fundraiser at the Deli and Pizza Shop tomorrow; portion of the proceeds will benefit the PTO. Mr. Kercher further reported that at the last school board meeting he extended an invitation to the School Board/Staff to be part of the Green Team Initiative. He further advised that the next school board meeting will be held on December 20th at 6:30PM, Jacques School; this will be the last meeting for Superintendent Scott Streckenbein.

Committeewoman Belgard:

Liaison to Senior Advisory:

Mrs. Belgard reported Senior Advisory will be holding their meeting on December 14th at 3:00 PM at the Municipal Building; all are invited to attend. The Committee is holding senior computer classes in conjunction with the school.

Mrs. Belgard further reported that the Senior Advisory Committee and Neighborhood Watch held a presentation at the Neighborhood Watch meeting on wills and trusts; the program was well received.

Liaison to Planning Board:

Mrs. Belgard reported Planning Board will meet Thursday December 15th at 7:00 PM.

Committeeman McElwee:

Liaison to EPAA:

Mr. McElwee advised that the next meeting for EPAA is Tuesday, December 13 at the 45th Street Pub at 8:30PM. EPAA will be holding elections for new board members. Steve Bruneau will be stepping down as President but will continue to be a coach; Mr. McElwee thanked Mr. Bruneau for his last 4 years of service as President. He further discussed and acknowledged the volunteerism of Steve Brynes as VP of Sponsorships; Mr. Brynes will also be stepping down.

Mayor Booker:

Mayor Booker discussed that this Thursday is the annual tree lighting celebration at the municipal building. Santa arrives at 6:30 PM. The Ridgway Middle School band, Mrs. Stellwag (band director), and the Brownies will be in attendance with sing-along carols. There will be refreshments and children will have the opportunity to have their pictures taken with Santa.

APPROVAL OF BILLS

Approval of Bills from November 2, 2011 through December 2, 2011.

Moved by: Mr. McElwee Second: Mr. Kercher

Discussion: Mrs. Belgard questioned invoices which were addressed by the CFO.

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

Authorization to Pay Bills from December 3, 2011 through December 31, 2011

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

APPROVAL OF MINUTES

October 18, 2001 (public), November 1, 2011 (public)

Moved by: Mr. McElwee Second: Mrs. Belgard

Hearing no discussion:

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

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

Mrs. Linda Raymond, 802 Perkins Lane questioned the progress with Boggs Run.

Mrs. Dougherty advised that Delanco and Edgewater Park Public Works Departments have been clearing the ditch as much as possible. Delanco Township authorized their engineer to perform a study and evaluation of the run; Edgewater Park and Delanco will meet once the engineer report is completed.

Mrs. Raymond further stated that she is not in favor of any development; once an ordinance passes it is hard to take it back.

Mr. Michael Iannacone, 5 Framingham Road, questioned the salary of the two retiring administrators from the School that totals around \$300,000 for a K-through district.

Mr. Iannacone further requested the Township Committee oversee the School Board to make them more fiscally responsible.

Mr. Noel Rainey, 7 Spring Lane, stated that there was an article in the BCT's; Delran is having the same problem with feral cats.

Mr. Rainey further questioned the dog run at Woodlake Park and the Environmental Commission never discussed a dog run; he does not want one because it would not be maintenance free.

Mr. Rainey further stated the new development, Fox Run, was supposed to have street names honoring local Veterans.

Mr. Rainey also questioned whether the Township has requirement for sprinklers to be installed in new Town Houses?

Committee discussed that this would be addressed with the Planning Board.

Mr. Rainey also stated that the retention basin at Silver Park West still incomplete.

Bob Simmons, 418 Apple Road. questioned who pays for the Municipal Housing Liaison position.

Mrs. Dougherty discussed it is part of her duties as Township Administrator and she does not receive additional compensation.

Mr. Simmons further thanked Mr. Painter for the hard work that has been done during leaf collection.

Mr. Simmons questioned when his road would be reconstructed. Committee discussed that this question is brought to their attention by residents' through-out the community. The Township developed a road plan in which roads are rated by reconstruction needs; a copy is on file in the Clerk's office. Road reconstruction is dependent on funding availability and budget restrictions.

Mr. Simmons asked if there was an ordinance to maintenance the curb. Mrs. Dougherty expressed that the township requests that residents to remove debris from the curb line; replacement of curbs is determined with road reconstruction projects.

Mrs. Barbara Russell, 608 Manor Road, Beverly stated the Public Works vehicles are driving too fast down Manor Road and spilling leaves. Mr. Painter stated he would address it with the workers.

Mrs. Russell also suggested that the School Boards should consider a shared services agreement for the Superintendent.

Mr. Dennis Robbins, 9 Crystal Drive, stated he did not think a dog run was a good idea for Woodlake Park.

Mr. Robbins also commented on emergency medical services and that residents should have a say regarding the services and when the Township provides money to the organization. The Fire Commissioners provide money to Beverly City Fire Commissioners and the Beverly City Commissioners determine the distribution of funds.

Township Committee discussed that they are continuing to review emergency medical services to determine the best service for the community.

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

THERE WAS NO OTHER BUSINESS

Resolution No. 2011-158 Closed Session

Where it is necessary to discuss sale of public property: Block: 1202 Lot 4.01. Where it is necessary to discuss items of Public Safety. Where it is necessary to discuss items temporary shared services. Where it is necessary to discuss personnel matters concerning the Court Administrator and employee contractual language. 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: Mr. Booker Second: Mr. Kercher Time: 8:56PM
Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

THERE WAS NO OTHER BUSINESS

ADJOURN

Moved by: Mrs. Belgard Second: Mr. Pullion Time: 10:03PM
Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes, Mayor Booker-yes

John McElwee, Mayor

Linda M. Dougherty, RMC/Administrator
Dated: march 20, 2012