

Joint Meeting Minutes
Hightstown Planning Board and Borough Council
Regular Meeting
February 13, 2012
7:30 pm

OPEN SESSION

Steve Misiura called the meeting to order at 7:30 p.m. and read the Open Public Meetings Act statement: "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Trenton Times and the Windsor-Hights Herald, and is posted in the Borough Clerk's office."

The flag salute.

Resolution 2012-73 Naming an Acting Deputy Clerk for Public Session

Councilmember Thibault motioned to approve resolution 2012-73 appointing Susan D. Jackson as Acting Deputy Clerk for the Open Session. Council President Quattrone seconded.

Mayor Kirson asked for a roll call vote.

Roll Call: Councilmembers Bluth; Doran; Quattrone; Thibault and Woods voted yes. Councilmember Bibens was absent.

Motioned passed 5-0

Resolution 2012-73

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

NAMING AN ACTING DEPUTY CLERK FOR THE JOINT MEETING OF
FEBRUARY 13, 2012

WHEREAS, The Borough Clerk is not available for the February 13, 2012 joint meeting of the Borough Council and Planning Board; and

WHEREAS, it is the desire of Borough Council to deputize Susan Jackson, Planning Board Secretary, to perform the duties of the Borough Clerk for the joint meeting of the Borough Council and Planning Board on February 13, 2012; and

WHEREAS, Susan Jackson, Planning Board Secretary, shall perform all the duties of the Borough Clerk for said meeting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Susan Jackson, Planning Board Secretary, is hereby named as Acting Deputy Clerk for the joint meeting of the Borough Council and Planning Board on February 13, 2012 and shall perform the duties of the Borough Clerk for said special meeting.

The Mayor asked for a roll call for the Borough Council.

	PRESENT	ABSENT
Councilmember Bibens		✓
Councilmember Bluth	✓	
Councilmember Doran	✓	
Councilmember Quattrone	✓	
Councilmember Thibault	✓	
Councilmember Woods	✓	
Mayor Kirson	✓	

Mr. Misiura asked for a roll call for the Planning Board.

Roll Call

	PRESENT	ABSENT	LATE ARRIVAL
Mr. Hahn	✓		
Ms. Highsmith		✓	
Mr. Montferrat	✓		
Mr. Moraitis	✓		
Mr. Pratt	✓		
Mr Searing	✓		
Mayor Kirson	✓		
Ms. Doran	✓		
Mr. Misiura	✓		
Mr. Balcewicz, Alt. #1	✓		
Vacant, Alt #2			

Also in attendance: Susan Jackson, Planning Board Secretary; Gary Rosensweig, Planning Board Attorney; Michael Theokas; Administrator; Carmela Roberts, Borough Engineer; Tamara Lee, Borough Planner

Mr. Misiura asked for a motion to approve the agenda. Mr. Montferrat made the motion to approve the agenda. Mr. Searing seconded; all ayes.

Mr. Misiura opened the Public Comment period; as no one came forward he closed the Public Comment period.

Discussion: COAH Affordable Spending Plan

Tamara Lee, the Borough Planner, addressed Council and Planning Board explaining that the State is set to take control of all Affordable Housing Funds that are not committed by the municipality, with a target date of July 1, 2012. Hightstown Borough has approximately \$400,000.00, plus another \$175,000.00 in RCA funds. In an effort to assure that the funds are used by Hightstown Borough, and not taken over by

the State to be used in other municipalities, a re-examination of the plan is necessary; in 2008 the Borough's plan was challenged by Minute Maid, thus causing a delay in the review until the suit was resolved.

She then explained the plan and the process for the review and expenditure of funds. Her recommendation at this time is to amend the spending plan now for approval, to get the funds committed and the spending plan submitted; the state is currently accepting revised spending plans for expedited review.

Ms. Lee's recommendation is to move forward by submitting just the Spending Plan from 2008 without sending the Fair Share Plan and Housing Plan. The State said that they would accept the Spending Plan without them since there isn't enough time to update them. She suggested doing slight modifications to update the Spending Plan to reflect a more current plan then wait for an approval. If the State approves the Spending Plan, then Hightstown can go back and revise the plan at a later date. If the State denies then Hightstown can go and challenge the ruling.

After a discussion between the Council, Planning Board and Professionals it was decided by both the Borough Council and Planning Board to move forward with the resolutions and have Ms. Lee include language in regard to the Housing Project and how the money will be spent there and to make sure that the language for the Spending Plan to make it more general and flexible.

Mr. Misiura opened the floor for any public comment. As no one came forward, Mr. Misiura closed public comment session.

Resolution 2012-07

Mr. Misiura asked that the Planning Board to make a motion to refer to Council to accept the Planning Board Resolution for the COAH Affordable Spending Plan with the following changes of the working of the Spending Plan be more flexible; that the condition of 4 units be changed back to 3 units and the language be changed from "rehab" to more general language. Mr. Pratt made the motion and Mr. Montferrat seconded.

Mr. Misiura asked for a role call vote

ROLL CALL: Mr. Hahn; Mr. Montferrat; Mr. Moraitis; Mr. Pratt; Mr. Searing; Mayor Kirson; Ms. Doran; Mr. Balcejewicz and Mr. Misiura voted yes. Ms. Highsmith is absent.

Resolution passed 9-0.

Resolution 2012-07

BOROUGH OF HIGHTSTOWN PLANNING BOARD
COUNTY OF MERCER
STATE OF NEW JERSEY

PLANNING BOARD RESOLUTION REGARDING REVISED MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Governing Body of the Borough of Hightstown petitioned the Council on Affordable Housing (COAH) for substantive certification in 2005; and

WHEREAS, the Borough of Hightstown received approval from COAH in 2005 of its development fee ordinance; and

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011; and

WHEREAS, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Hightstown has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Hightstown has reviewed the revised Municipal Affordable Housing Trust Fund Spending Plan and recommends that the Governing Body of the Borough of Hightstown submit the revised Plan to the State and request that DCA's Local Planning Services review and approve Hightstown's revised spending plan.

Resolution 2012-074

Mayor Kirson asked if the Council would like to move forward tonight with a motion or wait until the next Council meeting on Tuesday night. The Council members decided to act at tonight's meeting. Mayor Kirson asked for a motion to move forward with Resolution 2012-074 to review and accept the approval of COAHs Affordable Trust Fund Spending Plan. Mr. Thibault made the motion. Ms. Woods seconded.

Mayor Kirson asked for a roll call vote.

ROLL CALL: Councilmembers Bluth; Doran; Quattrone; Thibault and Woods voted yes.
Councilmember Bibens is absent.

Motion is approved by 5-0 vote.

Resolution 2012-74

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

GOVERNING BODY RESOLUTION REQUESTING REVIEW AND APPROVAL OF A MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Governing Body of the Borough of Hightstown petitioned the Council on Affordable Housing (COAH) for substantive certification in 2005; and

WHEREAS, The Borough of Hightstown received approval from COAH in 2005 of its development fee ordinance; and

WHEREAS, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions, powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011; and

WHEREAS, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

10. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
11. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
12. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
13. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
14. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
15. If applicable, a schedule for the creation or rehabilitation of housing units;
16. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
17. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
18. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Hightstown has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Hightstown requests that DCA's Local Planning Services review and approve Hightstown's spending plan.

Mayor asked for a motion to adjourn the Council's portion of the meeting. Ms. Bluth made the motion to adjourn. Ms. Woods second.

Borough Council voted with all ayes and adjourned at 8:30 PM.

At this time the Planning Board continued with its regular meeting.

Respectfully submitted,

Susan D. Jackson,
Planning Board Secretary

