

**Meeting Minutes  
Hightstown Borough Council  
Business Meeting  
September 19, 2016  
7:30 p.m.**

The meeting was called to order by Mayor Quattrone at 7:00 pm and he read the Open Public Meetings Act statement which stated, “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 followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Kurs</i>	✓	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Montferrat</i>	✓	
<i>Councilmember Stults</i>		✓
<i>Mayor Quattrone</i>	✓	

Also in attendance: Debra L. Sopronyi, Borough Clerk; Henry Underhill, Borough Administrator; George Lang, CFO; Fred Raffetto, Borough Attorney; and Carmela Roberts, Borough Engineer.

**APPROVAL OF AGENDA**

Mayor Quattrone requested that resolution 2016-171 be added to the consent agenda adopting a Hightstown Borough Housing Rehabilitation Operating Manual for the Small Cities Community Development Block Grant Program; and that videotaping downtown be added to discussion.

Councilmember Montferrat moved the agenda as amended; Councilmember Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, and Montferrat voted yes.

Agenda approved at amended 5-0.

**ENGINEERING ITEMS**

**NJDOT Transportation Alternatives Grant**

The Borough Engineer, Carmela Roberts, reviewed her streetscape recommendations for the grant and the fees associated with applying for the grant and other required documentation and procedures. She noted that there could be additional costs associated with water/sewer that would not be covered by the grant; and if it needed to move poles and etc. there would additional costs for that as well. There was discussion regarding ADA compliance, engineering costs, extent of work to be performed, and the Planning Board recommendation for the grant. Ms. Roberts noted that if work is performed on Stockton Street it should include replacing the water main at a cost of \$800,000-\$850,000. There was discussion regarding the priority of water/sewer work needed throughout the Borough and George Lang, CFO, noted that the Borough’s debt service will drop considerably in 2018.

After further discussion, the Borough Engineer was instructed to apply for the grant and to include Mercer Street,

North Main Street, and Ward Street.

### **PUBLIC COMMENT**

Mayor Quattrone opened public comment period I and the following individuals spoke:

Scott Caster, 12 Clover Lane – commented that there is an issue with tax exempt properties in the Borough; he supports the grant application; while the Borough jumps at maintaining infrastructure, downtown is not well maintained.

There being no further comments, Mayor Quattrone closed the public comment period.

### **ORDINANCES**

**Ordinance 2016-20 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 3, Entitled “Police Regulations,” of the “Revised General Ordinances of the Borough of Hightstown New Jersey,” In Order to Establish a New Section Thereof, to be Known as Section 3-19, “Prohibition of Smoking in Parks and Recreational Areas Owned, Leased and/or Operated by the Borough.”**

Mayor Quattrone opened the public hearing for Ordinance 2016-20 and the following individuals spoke:

Scott Caster, 12 Clover Lane – asked Council to pass and enforce this ordinance.

Keith LePrevost, 213 Greeley St. – thanked Council for the ordinance and asked that adequate signage is installed.

There being no further public comments, the public hearing was closed.

Councilmember Misiura moved Ordinance 2016-20 for adoption; Councilmember Montferrat seconded.

Fred Raffetto, Borough Attorney advised that the ordinance has been revised pursuant to Council’s amendments at introduction and that the Parks and Recreation Commissioners have jurisdiction over the parks and they will have to amend their Rules and Regulations in accordance with the ordinance.

There was discussion regarding the enforcement of the Parks and Recreation Commissioners Rules and Regulations and whether Council should adopt this ordinance or send it to the Parks and Recreation Commissioners; Parks and Recreation Commissioners support of the ordinance; violations of civil rights and government micromanagement; CDC statistical data on teen smoking; and second-hand smoke interference with non-smokers.

Mr. Raffetto advised that Council can table the ordinance if they wish to send it to the Parks and Recreation Commissioners for a written opinion.

Councilmember Kurs moved to table ordinance 2016-20, Councilmember Hansen seconded.

Roll Call Vote: Council members Hansen and Kurs voted yes; Council members Misiura and Montferrat voted no; Councilmember Bluth abstained. Mayor Quattrone broke the tie with a no vote.

Motion to table failed 2-3, with one abstention.

Mayor Quattrone called for a vote on adopting Ordinance 2016-20.

Roll Call Vote: Council members Misiura and Montferrat voted yes; Council members Hansen and Kurs voted no; Councilmember Bluth abstained. Mayor Quattrone broke the tie with a yes vote.

Ordinance Adopted 3-2 with one abstention.

Ordinance 2016-20

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, ENTITLED “POLICE REGULATIONS,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN NEW JERSEY,” IN ORDER TO ESTABLISH A NEW SECTION THEREOF, TO BE KNOWN AS SECTION 3-19, “PROHIBITION OF SMOKING IN PARKS AND RECREATIONAL AREAS OWNED, LEASED AND/OR OPERATED BY THE BOROUGH.”**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good of government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, N.J.S.A. 26:3D-63 expressly authorizes municipalities to enact strict ordinances regulating smoking; and

**WHEREAS**, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

**WHEREAS**, the Borough Council recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public parks and recreation areas located within the Borough.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That Chapter 3, entitled “Police Regulations,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in order to establish a new Section thereof to be known as Section 3-19, “Prohibition of Smoking in Parks and Recreational Areas Owned, Leased and/or Operated by the Borough,” as follows:

**CHAPTER 3 – POLICE REGULATIONS**

**3-19 Prohibition of Smoking in Parks and Recreational Areas Owned, Leased and/or Operated by the Borough.**

**3-19.1 Definitions.** As used in this chapter, the following words shall have the following meanings:

*Parks and Recreational Facilities* shall include all public parks, playgrounds, ball fields, swimming pools, gardens, plazas publicly owned or leased by the Borough of Hightstown and all property owned and/or leased by the Borough of Hightstown upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities.

*Smoking* shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be lighted and smoked.

### **3-19.2 Prohibition of smoking in public places.**

- a. Parks and Recreational Facilities. Smoking shall be prohibited in public parks and recreation facilities owned and/or leased by the Borough of Hightstown and property owned or leased by the Borough of Hightstown upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities which has been designated with no-smoking signs. Areas designated as smoke free recreational parks shall include:
  1. Association Park;
  2. Dawes Park;
  3. Memorial Park;
  4. Rocky Brook Park; and
  5. Roger G. Cook Greenway, in those areas where specifically posted.
- b. Municipal Vehicles. Smoking shall be prohibited in any vehicle registered to the Borough of Hightstown.

### **3-19.3 Signage Required.**

A sign shall be clearly, sufficiently and conspicuously posted at every property where smoking is prohibited by this Ordinance. The sign(s) shall state "Smoke Free Zone" or "This Public Property is 100% Smoke Free" or substantially similar language and may contain the international no smoking sign or symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section). All signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited in the designated area. The sign shall also indicate that violators are subject to a fine.

### **3-19.4 Enforcement**

The Business Administrator, police officer, health officer or other public employee engaged in the execution or enforcement of this Section, or any other citizen, may enforce this Ordinance and sign a complaint against any individual for violation of the provisions of this Section.

### **3-19.5 Violations and penalties.**

For violation of the provisions of this Section, the penalty upon conviction shall be a fine of twenty-five dollars (\$25.00) per violation.

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the

extent of such inconsistencies.

3. That in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.
4. That this Ordinance shall take effect following final passage and publication in accordance with the law.

**Ordinance 2016-21 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 2, Entitled “Administration,” Section 2-31, entitled “Board of Recreation Commissioners,” Subsection 2-31.2, entitled “Appointment; Terms of Office” of the “Revised General Ordinances of the Borough of Hightstown New Jersey,” Regarding Membership**

Councilmember Bluth moved Ordinance 2016-21 for introduction, Councilmember Hansen seconded.

Mayor Quattrone explained that the Parks and Recreation Commissioners need a quorum to conduct business so the number of members is being changed to meet the need.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura and Montferrat voted yes.

Ordinance Introduced 5-0.

Ordinance 2016-21  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ENTITLED  
“ADMINISTRATION”, SECTION 2-31, ENTITLED “BOARD OF RECREATION COMMISSIONS”,  
SUBSECTION 2-31.2, ENTITLED “APPOINTMENT; TERMS OF OFFICE” AND SUBSECTION 2-31.3,  
ENTITLED “OFFICERS; ORGANIZATION OF THE “REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHTSTOWN, NEW JERSEY” REGARDING MEMBERSHIP AND QUORUM**

**WHEREAS**, the Hightstown Borough Council finds that a change in the membership of the Board of Recreation Commissioners will enable the Parks & Recreation Commission to perform their function more efficiently and serve the Borough effectively.

**WHEREAS**, N.J.S.A. 40:12-1 authorizes an increase of the board from five to seven members and requires that the additional commissioner appointments shall be, one for four years and one for five years; thereafter all appointments shall be for five years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. That Chapter 2, entitled “Administration”, Section 2-31, entitled “Board of Recreation Commissioners”,

Subsection 2-31.2, entitled "Appointment; Terms of Office", and Subsection 2-31.3 entitled "Officers; Organization" are hereby amended to read as follows (underline for additions, strikethroughs for deletions):

**Subsection 2-31.2                      Appointment; Terms of Office.**

The Board shall consist of seven (7) members who are citizens and residents of the municipality, each appointed by the Mayor for a five-year term. The appointment of members of the first Board shall be one (1) for a one-year term, one (1) for a two-year term, one (1) for a three-year term, one (1) for a four-year term and one (1) for a five-year term. Thereafter, each appointment shall be made for five (5) calendar years. There shall be appointed two (2) alternate members, designated as "Alternate No. 1" and "Alternate No. 2." The initial appointment of Alternate No. 1 shall be for a five-year term, and the initial appointment of Alternate No. 2 shall be for a four-year term. Thereafter, both alternate members shall be appointed for terms of five (5) calendar years. Members shall serve until their successors are appointed and qualified. (Ord. No. 1998-18 § 1)

**Subsection 2-31.3                      Officers; Organization.**

The Board shall elect one of its members as Chairman and one as Vice-Chairman. The Board shall keep a correct record of its proceedings and shall meet at regularly scheduled times. Meetings of the Board shall comply with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq. and minutes of each meeting shall be placed on file in the office of the Borough Clerk. Four members of the Board which may include alternate members filling the vacancies of regular members, shall constitute a quorum for the transaction of business. Any formal action taken by the Board shall be by resolution or by motion duly recorded in the minutes. (Ord. No. 1998-18 § 1)

Section 2. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**RESOLUTIONS**

**Resolution 2016-167 Authorizing Payment of Bills**

Councilmember Bluth inquired if there were sufficient funds in the Shakespeare in the Park account to cover payment of purchase order 16-01345. George Lang, CFO, advised that he believes funds are available and requested that Council pass the bills list with the stipulation that funds are available for this purchase order.

Councilmember Kurs moved Resolution 2016-167 with the stipulation that funds are available for payment of purchase order 16-01345; Councilmember Hansen seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 5-0.

Resolution 2016-167  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$308,126.49 from the following accounts:

Current		\$139,017.47
W/S Operating		34,249.46
General Capital		96,793.50
Water/Sewer Capital		619.50
Grant		0.00
Trust		37,414.16
Housing Trust		0.00
Animal Control		32.40
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$308,126.49</u>

**Resolution 2016-164 Authorizing Receipt of Bids for Curbside Recycling Services**

Mr. Underhill explained that the specifications have been revised to add the options as requested by Council. Discussion ensued. Council agreed that they would like to include the option of once a week collection with a 30 gallon can be included in the bid specifications. Mr. Underhill noted that this option will be added to the specifications.

Councilmember Kurs moved to table Resolution 2016-164; Councilmember Misiura seconded.

Roll Call Vote Councilmembers Bluth, Hansen, Kurs, Misiura, and Montferrat voted yes.

Resolution adopted 5-0.

Resolution 2016-164  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING RECEIPT OF BIDS FOR CURBSIDE RECYCLING COLLECTION**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to prepare specifications and advertise for bids Curbside Recycling Collection, and that the Borough is authorized to receive same after proper advertisement.

**CONSENT AGENDA**

**Consent Agenda Resolutions 2016-168; 2016-169; 2016-170; and 2016-171**

Councilmember Bluth requested that resolution 2016-170 be pulled from the consent agenda and voted on separately.

Councilmember Kurs moved Resolutions 2016-168; 2016-169; and 2016-171 as the consent agenda; Councilmember Misiura seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, and Montferrat voted yes.

Resolutions adopted 5-0.

Resolution 2016-168  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**RESOLUTION AMENDING THE AGREEMENT WHICH WAS APPROVED BY RESOLUTION 2016-152, RELATING TO THE PROPERTY LOCATED AT 278 ACADEMY STREET (BLOCK 38, LOT 1), OWNED BY NORMAN A. RANDOLPH, JR., CONCERNING THE EXPENDITURE OF AFFORDABLE HOUSING TRUST FUNDS IN ORDER TO FACILITATE THE PROVISION OF AN AFFORDABLE HOUSING PROJECT WITHIN THE BOROUGH.**

**WHEREAS**, the Borough has determined to amend the Agreement (the “Agreement”) that was approved by Resolution 2016-152, adopted on August 15, 2016, in certain respects; and

**WHEREAS**, the Agreement relates to the placement of a 30-year deed restriction on the property located at 278 Academy Street, more commonly known and designated as Block 38, Lot 1 on the Borough’s Tax Map (the “Property”), which Property is under the record ownership of Norman A. Randolph, Jr. (the “Owner”), as a site for the provision of affordable housing, so long as certain conditions are fulfilled; and

**WHEREAS**, the Property currently comprises a rooming/boarding home commonly known as the “Randolph Rooming House,” which contains nine (9) separate living units; and

**WHEREAS**, the Owner has proposed the imposition of deed restrictions on all nine (9) of the units at the Property, with the length of the restrictions to endure for a period of thirty (30) years, so that the units may only be occupied as affordable units by income-eligible inhabitants, premised upon the Borough providing a contribution to the



Owner to underwrite the provision of these new affordable units; and

**WHEREAS**, the Agreement authorizes the Borough to provide said contribution, conditioned upon the following:

- (1) Certification from the Borough's Affordable Housing Administrative Agent that all of the nine (9) housing units satisfy the necessary requirements in order for the Borough to gain credit for the units as part of its Fair Share Plan; and
- (2) The execution and recording of a deed restriction relating to the nine (9) housing units ensuring that they shall remain restricted for the provision of affordable housing for a period of not less than thirty (30) years, which deed restriction must be approved as to form by the Borough Attorney and the Borough's Affordable Housing Administrative Agent; and

**WHEREAS**, subsequent to the initial approval of the Agreement, the parties have determined that certain revisions are necessary, which revisions are of a substantive nature, thereby requiring formal approval once again by the Borough Council; and

**WHEREAS**, this Agreement was initially approved, and is being revised herewith, in furtherance of the Borough's commitment to address its Third Round obligation for the provision of affordable housing to satisfy the regional need, in accordance with requirements still to be finally determined; and

**WHEREAS**, a copy of the proposed revised Agreement is attached hereto and made a part hereof.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Borough Council of the Borough of Hightstown, in the County of Mercer, and State of New Jersey, as follows:

1. That the attached amended Agreement is hereby approved by the Borough
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached revised Agreement on behalf of the Borough.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Norman A. Randolph, Jr.  
200 Mercer Street, Suite B  
Hightstown, New Jersey 08520
  - b. Rehabco, Inc.  
470 Mantoloking Rd.  
Brick, New Jersey 08723;
  - c. Henry Underhill, Borough Administrator;
  - d. Tamara L. Lee, PP, AICP, Borough Planner;
  - e. Frederick C. Raffetto, Esq., Borough Attorney;
  - f. Jolanta Maziarz, Esq., Planning Board Attorney; and
  - g. Ken Pacera, Tax Assessor.

## **AGREEMENT**

### **FOR THE CREATION OF AN AFFORDABLE HOUSING PROJECT AND DISBURSEMENT OF**

**MUNICIPAL HOUSING TRUST FUNDS IN RELATION THERETO – 278 ACADEMY STREET (BLOCK 38, LOT 1).**

This **AGREEMENT**, made this 19th day of September, 2016, by and between:

**THE BOROUGH OF HIGHTSTOWN**, a municipal corporation in the County of Mercer and State of New Jersey, having its principal office located at 156 Bank Street, Hightstown, New Jersey 08520, also referenced herein as the “Borough” or “Hightstown”; and

**NORMAN A. RANDOLPH, JR.**, having a principal office located at 200 Mercer Street, Suite B, Hightstown, NJ 08520, also referenced herein as “Randolph” or “Owner”;

**WHEREAS**, the Governing Body of the Borough of Hightstown is committed to addressing its Third Round obligation for the provision of affordable housing to satisfy the regional need for the same, in accordance with requirements still to be finally determined; and

**WHEREAS**, to that end, the Borough is in the process of updating its Housing Element and Fair Share Plan (the “Fair Share Plan”); and

**WHEREAS**, the Borough’s updated Fair Share Plan shall promote an affordable housing program pursuant to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*); and

**WHEREAS**, the Borough intends to include within the Borough’s updated Fair Share Plan, the property located at 278 Academy Street, more commonly known and designated as Block 38, Lot 1 on the Borough’s Tax Map (the “Property”), which Property is under the record ownership of Norman A. Randolph, Jr., as a site for the provision of affordable housing, so long as certain conditions are fulfilled; and

**WHEREAS**, the Property currently comprises a rooming/boarding home commonly known as the “Randolph Rooming House,” which contains nine (9) separate living units; and

**WHEREAS**, the Owner has proposed the imposition of deed restrictions on all nine (9) units at the Property, with the length of the restrictions to endure for a period of thirty (30) years, so that the units may only be occupied as affordable units by income-eligible inhabitants; and

**WHEREAS**, the Owner's proposal is premised upon the Borough providing a contribution to the Owner to underwrite the provision of these new affordable units; and

**WHEREAS**, the Borough has previously adopted Ordinance(s) authorizing the imposition and collection of development fees in connection with certain new residential and non-residential construction in the Borough, which funds were to be deposited into an Affordable Housing Trust Fund (also referenced as the "Trust Fund"); and

**WHEREAS**, the monies collected and deposited into the Trust Fund are intended to be utilized in order to facilitate the provision of affordable housing units within the Borough; and

**WHEREAS**, subject to certain conditions, the Borough has agreed to contribute certain funding from the Trust Fund to the Owner, in order to facilitate the creation of these new affordable units, which will assist the Borough in satisfying its affordable housing requirements for the Third Round; and

**WHEREAS**, the terms and conditions associated with this undertaking are set forth below.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, the Borough and the Owner (hereafter collectively referenced as the "parties") agree as follows:

1. **DEED RESTRICTION.** The Owner hereby agrees to the placement of a deed restriction (the "deed restriction" or "restriction") which shall endure for a period of not less than thirty (30) years on the Property, which deed restriction shall impose affordability controls on nine (9) housing units located at the Property, in an effort to assist the Borough in satisfying its Third Round fair share affordable housing obligation. The deed restriction shall ensure that the nine (9) housing units at the Property may only be occupied by income-eligible households during the term of the restriction, and that the rents charged shall not exceed prevailing acceptable rent levels for affordable housing units. The deed restriction shall inure to the benefit of the Borough, and shall run with the land and be binding upon the Owner, as well as all successors in title to the Property, during the term of the deed restriction. It is anticipated at this time by the parties that, of the nine (9) units at the Property to be restricted with affordability controls, seven (7) units shall be occupied by low-income households and two (2) units shall be occupied by moderate-income households, eligibility for which shall be determined in accordance with established prevailing criteria. Said deed restriction shall be in a form which is generally consistent with the "model" form of deed restriction utilized for multi-family rental

properties (a copy of which is attached hereto as "Exhibit "A"), as sanctioned by the State of New Jersey, and shall be satisfactory to the Borough.

2. **PAYMENT TO PROPERTY OWNER.** In consideration for the Owner's placement of the thirty (30)-year deed restriction on the nine (9) housing units at the Property, as referenced in Paragraph 1 above, and subject to the conditions set forth in Paragraph 3 below, the Borough hereby agrees to make a payment to the Owner in the amount of One Hundred and Eleven Thousand and 00/100 Dollars (\$111,000.00) from the Borough's Affordable Housing Trust Fund. This payment represents approximately Twelve Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$12,333.33) per unit restricted, and shall be made in accordance with the schedule set forth in Paragraph 3 below.
3. **CONDITIONS TO PAYMENT.** The parties agree that full payment of the amount referenced in Paragraph 2 above from the Borough to the Owner is hereby expressly contingent upon the following conditions:
  - a. The final execution of the within Agreement; and
  - b. The Borough's receipt of a written certification by the Borough's designated Affordable Housing Administrative Agent that all of the nine (9) housing units at the Property satisfy the applicable prevailing requirements for the Borough to be entitled to obtain affordable housing credits toward its Third Round affordable housing obligation; and
  - c. The execution and recording of a deed restriction which is generally consistent with the "model" form of deed restriction attached hereto as "Exhibit "A," which imposes affordability controls on nine (9) housing units located at the Property for a period of not less than thirty (30) years, as referenced in Paragraph 1 above.

Payment shall be made to the Owner by the Borough following the completion of all of the above conditions.

4. **CONTINUED MONITORING OF AFFORDABLE UNITS; PROPERTY OWNER'S RESPONSIBILITIES.** During the term of the thirty (30)-year period of affordability controls on the Property, the Borough's designated Affordable Housing Administrative Agent shall be responsible for, among other things, ensuring that all proposed occupants of the nine (9) restricted housing units at the Property are income qualified prior to the commencement of their respective tenancies, that the rents charged to occupants of the units do not exceed prevailing acceptable rent levels for affordable housing units, that the units meet all applicable criteria associated with their designation as affordable housing, and that the units continue to be operated in all respects in accordance with the requirements set forth in the recorded deed restriction, as well as those prescribed by applicable N.J. affordable housing rules and regulations. The Owner shall be required to directly fund, at its own cost and expense, any and all fees incurred by the Borough's Affordable Housing Administrative Agent that are associated with the above responsibilities, or which are in any way related to oversight of the Property. The Owner hereby agrees to cooperate in good faith with the Borough and the Borough's designated Affordable Housing Administrative Agent in order to ensure that all of the restricted housing units continue to be operated in a manner which is consistent with the requirements of the recorded deed restriction, as well as those prescribed by applicable N.J. affordable housing rules and regulations. This requirement shall run with the land and be binding upon the Owner, as well as all successors in title to the Property, during the term of the deed restriction.

**IN WITNESS WHEREOF**, the parties hereto have hereunto set their hands and seals the day and year appearing below their names.

ATTEST:

**THE BOROUGH OF HIGHTSTOWN**

\_\_\_\_\_  
Debra Sopronyi, Borough Clerk

By: \_\_\_\_\_  
Hon. Lawrence Quattrone, Mayor

WITNESS:

**PROPERTY OWNER**

\_\_\_\_\_  
Norman A. Randolph, Jr.

Resolution 2016-169

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AWARDING A CONTRACT FOR ENGINEERING SERVICES FOR THE ULTRA  
VIOLET DISINFECTION PROJECT AT THE HIGHTSTOWN BOROUGH  
ADVANCED WASTE WATER TREATMENT PLANT (AWWTP)**

**WHEREAS**, Hightstown Borough is in need of Engineering Services regarding the Ultra Violet Disinfection Project at the Hightstown Borough Advanced Water Treatment Plant; and

**WHEREAS**, the Borough Engineer, Roberts Engineering Group, LLC has submitted a proposal in the amount of \$75,000.00 to provide Engineering Services for this project; and,

**WHEREAS**, Engineering Services to be provided for this project are detailed in the proposal and the associated agreement; and

**WHEREAS**, this project is funded by the New Jersey Environmental Infrastructure Trust, and the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

**WHEREAS**, the Chief Finance Officer has certified that funds are available for these services.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for Engineering Services for the Ultra Violet Disinfection Project at the Hightstown Borough Advanced Water Treatment Plant is awarded to Roberts Engineering Group, LLC, 1670 Whitehorse Hamilton Square Rd. Hamilton, NJ 08690 in an amount not to exceed \$75,000.00.

Resolution 2016-171

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER*

*STATE OF NEW JERSEY*

**ADOPTING A HIGHTSTOWN BOROUGH HOUSING REHABILITATION  
OPERATING MANUAL FOR THE SMALL CITIES COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM**

**WHEREAS**, a Small Cities Housing Rehabilitation Program Community Development Grant in the amount of \$150,000.00 was awarded to Hightstown Borough; and

**WHEREAS**, the purpose of the local housing rehabilitation program is to provide funds for low and moderate-income persons and families for renovation and improvement of health and safety and building-code violations throughout their homes; and

**WHEREAS**, a Housing Rehabilitation Operating Manual for the Small Cities Housing Rehabilitation Program Community Development Grant has been developed to explain the steps in the rehabilitation process and assist in the administration and serve as a guide to the program staff and applicants; and

**WHEREAS**, it is required that the Hightstown Borough Mayor and Council adopt the Housing Rehabilitation Operating Manual for the Small Cities Housing Rehabilitation Program Community Development Grant.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Housing Rehabilitation Operating Manual for the Small Cities Housing Rehabilitation Program Community Development Grant is hereby adopted by the Borough of Hightstown.

**Resolution 2016-170 Refund of Water/Sewer Overpayment**

Councilmember Kurs moved Resolution 2016-170; Councilmember Misiura seconded.

Roll Call Vote: Council members Hansen, Kurs, Misiura, and Montferrat voted yes; Councilmember Bluth abstained.

Resolution adopted 4-0, with one abstention.

Resolution 2016-170

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING REFUND OF WATER/SEWER OVERPAYMENT**

**WHEREAS**, a water/sewer overpayment was made for Block 2.01, Lot 1, 56 Mill Run East, in the amount of \$167.48 due to double payment; and

**WHEREAS**, the owner, Joyce Teer, 1 Overlook Drive, Apt. 3332, Monroe, New Jersey, 08831 has requested that a refund be issued for the overpayment in the amount of \$167.48; and

**WHEREAS**, the Collector has requested that said overpayment be refunded in the amount of \$167.48.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Collector and CFO are hereby authorized to issue a refund in the amount of \$167.48 to Joyce Teer, 1 Overlook

Drive, Apt. 3332, Monroe, New Jersey, 08831, representing the water/sewer overpayment as set forth herein.

## **PUBLIC COMMENT PERIOD II**

Mayor Quattrone opened the public comment period II and the following individuals spoke:

Barbara McDade, 181 East Ward Street – advised that she is not getting any satisfaction from the Water/Sewer Department regarding a very high bill from July of 2015, that doubled to over \$400.00 for the quarter, and interest and penalties are still accumulating; her bills since this time have gone back to the normal amount.

Mr. Underhill noted that the meter was checked by the Water Plant employees and found to be working properly. Mayor Quattrone asked that the meter be tested to confirm it is working, and that a new meter be installed at her property. Mr. Underhill confirmed that he will see that the request is carried out.

Scott Caster, 12 Clover Lane – acknowledged Councilmember Kurs objection to Ordinance 2016-20 regarding the violation of civil rights.

There being no further comments, Mayor Quattrone closed the public comment period.

## **DISCUSSION**

### **Historical Society Banner for Historical House Tour**

Ms. Sopronyi advised that the Historical Society would like to hang their banner downtown, as in the past, to promote the Historical House Tour. It was noted that they will have it installed and removed after their event.

Council approved the installation of the banner and requested that Ms. Sopronyi advise the Historical Society of same.

### **Videotaping Downtown**

Mr. Underhill advised that Mr. Byas is seeking permission to videotape downtown and called him today to advise that he would like to tape next Monday. He will be taping at the Hightstown Diner (which is private property), but would also like to tape in the alley between Main Street and the Stockton Street parking lot and have Hightstown police cars in the video.

Mayor Quattrone noted that the Police Chief will not permit the police vehicles to appear in the video. Mr. Raffetto advised that the Borough should put a policy in place for anyone wishing to tape on Borough property and close roadways; they should also provide insurance certificates and a hold harmless.

There was discussion regarding Council's request that Mr. Byas submit a detailed request in writing; the phone call and short notice; that Tacorito has an agreement for seating customers in the alley and that the length of time they would be taping in the alley is unknown. Mr. Raffetto noted that the Borough does not have the authority to stop him from filming; the authority is only applicable if he is closing roads and etc.

After discussion, Mr. Underhill was directed to advise Mr. Byas that he cannot block the alley, nor can he infringe on the customers of Tacorito.

## **SUBCOMMITTEE REPORTS**

Councilmember Misiura advised that he, Mayor Quattrone, and Mr. Underhill met with the developer brought forward by Councilmember Montferrat regarding the Lakefront project. The developer looked at the vision plan and

seemed positive, and thinks it is a viable project; he was given contact information for Downtown Hightstown to continue his research into the project.

## **MAYOR/COUNCIL/ADMINISTRATIVE REPORTS**

### **Councilmember Kurs**

**Police** – Stated that Chief Gendron is investigating the acquisition of body cameras and the new cars have arrived.

**EMS** – there is a meeting this week.

**9/11 Ride** – The 9/11 Ride group would like a letter of support from Council. There was discussion and it was decided that Council would adopt a resolution of support.

### **Resolution 2016-172 A Resolution of Support for Americas 9/11 Ride**

Councilmember Kurs moved Resolution 2016-172; Councilmember Misiura seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, and Montferrat voted yes.

Resolution adopted 5-0.

Resolution 2016-172

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

## **A RESOLUTION OF SUPPORT FOR THE AMERICA'S 9/11 RIDE**

**WHEREAS**, Hightstown Borough, has been privileged to be a participant and pass-through town of the America's 9/11 Ride for several years; and

**WHEREAS**, the America's 9/11 Ride began in November of the year 2001 to honor those who died in the September 11, 2001 attacks on America's citizens, and those who protect us in our daily lives; and

**WHEREAS**, America's 9/11 Ride is sponsored by the Americas911Foundation which was founded in 2004; and

**WHEREAS**, the America's 9/11 Ride is anxiously awaited and well attended by the citizens of Hightstown Borough and its neighboring communities; and

**WHEREAS**, the America's 9/11 Ride consists of active Police, Fire and EMTs; and

**WHEREAS**, the Borough of Hightstown is in full support of the continuation of the America's 9/11 Ride throughout the country.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Hightstown Borough and its residents support the America's 9/11 Ride and request that this event receive the support necessary for the continuation of the America's 9/11 Ride throughout America.

### **Councilmember Bluth**

**Triathlon** – The Triathlon on September 11<sup>th</sup> was a great success. They had over 200 participants.



**Cultural Arts Commission** – they will be sponsoring a Black Cat Disco for adults at the Firehouse and tickets are on sale now; the Summer Theater was a success and they are doing a Fall Theater and working with the Fire Department regarding use of their hall for rehearsals; Cultural Arts has met with Peddie School to put together a joint event.

**Councilmember Montferrat**

**Board of Health** – due to his schedule he missed the meeting.

**Historic Preservation Commission** – the meeting was cancelled.

**Harvest Fair** – the meeting is scheduled for tomorrow.

**Misc.** - expressed concern and prayers for those affected by the bombs; the ovarian cancer ribbons throughout town have been noticed; he volunteered for the Historical House Tour; he is glad the Small Cities grant came through; displayed the free signs for the non-smoking in the parks ordinance and noted that both Parks and Recreation and the Board of Health support the ordinance.

**Councilmember Misiura**

**Historic Preservation Commission** – noted that he will be taking over as Liaison to the HPC due to Councilmember Montferrat's school schedule.

**Planning Board** – Dimitri Musing has become the Vice-Chair of the Planning Board due to a resignation and a replacement member is needed; they discussed the Transportation Grant, Route 33 Corridor; COAH (and reached out to the Housing Authority), and the Minute Maid property regarding agreement compliance.

**Mayor Quattrone**

Stated that the meeting with the developer went well, was very positive, and he is familiar with Hightstown; the Planning Board meeting was good; Chief Gendron asked that the word get out "If you see something, say something"; Mr. Underhill is going on vacation; welcomed the Municipal Clerk back from her leave.

**Borough Clerk Sopronyi**

Thanked everyone for their thoughts when she was out on leave; noted that the Deputy Clerk, Peggy Riggio, did a wonderful job of keeping the office in order and providing the Mayor and Council with efficiency during her absence and expressed her appreciation to her Deputy Clerk for a job well done.

**ADJOURNMENT**

Councilmember Misiura moved to adjourn at 9:15 p.m.; Council President Hansen seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk