

**Meeting Minutes
Hightstown Borough Council
March 6, 2017
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:00 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 Sopronyi Borough Clerk/Administrator; Fred Raffetto, Borough Attorney; and Kevin McManimon, Special Redevelopment Attorney.

EXECUTIVE SESSION

Resolution 2017-60 Authorizing a Meeting that Excludes the Public

Council President Stults moved Resolution 2017-60; Councilmember Misiura seconded.

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

Resolution adopted 6-0.

Resolution 2017-60

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

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on March 6, 2017 at 7:00 p.m. at the Hightstown Engine Co. #1 Fire House Hall located at 140 North Main Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Contract Negotiations – R Black Global – Mills at Hightstown
Municipal Court
Municipal Facilities

Stated as precisely as presently possible the following is the time when and the circumstances under which the

discussion conducted at said meeting can be disclosed to the public: June 6, 2017, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Mayor Quattrone called the public meeting to order at 7:42 p.m. and again read the Open Public Meetings Statement.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Mayor Quattrone requested that the Oath of Office for Monique Dujue Wilson of the Housing Authority be removed from the agenda as she will not be attending this meeting.

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

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

Agenda approved as amended 6-0.

APPROVAL OF MINUTES

Councilmember Kurs moved the February 6, 2017 executive session minutes for approval; Councilmember Hansen seconded.

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

Minutes approved 6-0.

Councilmember Kurs moved the February 6, 2017 open session minutes for approval; Council President Stults seconded.

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

Minutes approved 6-0.

Councilmember Hansen moved the February 21, 2017 executive session minutes for approval; Councilmember Kurs seconded.

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

Minutes approved 6-0.

Council President Stults moved the February 21, 2017 open session minutes for approval; Councilmember Kurs seconded.

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

Minutes approved 6-0.

PRESENTATION – STOCKTON AND JOSEPH STREETS SAFE ROUTES TO SCHOOL PROJECT

Mr. Tom Pagani and Marilyn Fox of Parsons Brinckerhoff Engineering, Design Engineer, then presented the

plan for the Safe Routes to School grant project, explaining that they are performing the design work for the project under the NJDOT Design Assistance Program. They provided an estimated timeline for the project, location of the project and noted that they will also be reconstructing Joseph Street. Mr. Pagani noted that the project goal is to improve the pedestrian route to schools by improving sidewalks, curbs, and ADA compliant ramps at the various intersections in the project. (The power point presentation given is attached to these minutes and considered a part thereof.)

There was a brief question and answer period in which crosswalks, parking on Joseph Street, road striping, and the impact on private property were discussed.

Mayor Quattrone thanked Mr. Pagani and Ms. Fox for their presentation and noted that the Borough is looking forward to completion of this project.

PUBLIC COMMENT I

Mayor Quattrone opened public comment period I and there being no public comments, Mayor Quattrone closed the public comment period.

ORDINANCES

2017-02 Final Reading and Adoption – An Ordinance Amending and Supplementing Chapter 14, Entitled “Property Maintenance”, of the “Revised General Ordinances of the Borough of Hightstown.”

Mayor Quattrone requested that Dave Bell, Borough Housing Inspector, comment on this ordinance. Mr. Bell noted that this ordinance implements state laws and he believes this ordinance will encourage banks to maintain and improve vacant properties in the Borough; this will prove to be a useful tool for the Borough.

Borough Attorney Raffetto noted that the language in the ordinance is taken directly from state statute.

Mayor Quattrone opened the public hearing on Ordinance 2017-02; there being no comments, the public hearing was closed.

Councilmember Kurs moved Ordinance 2017-02 for adoption; Councilmember Montferrat seconded.

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

Ordinance adopted 6-0.

Ordinance 2017-02

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14, ENTITLED “PROPERTY MAINTENANCE”, OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”

WHEREAS, the Borough of Hightstown (the “Borough”) previously established regulations relating to vacant and abandoned properties located within the Borough, as set forth in Chapter 14, entitled “Property Maintenance,” of the “Revised General Ordinances of the Borough of Hightstown”; and

WHEREAS, the Mayor and Council wish to make certain revisions relating thereto, in accordance with the provisions set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Chapter 14, entitled “Property Maintenance,” of the “Revised General Ordinances of the Borough of Hightstown” is hereby amended and supplemented in order to add the following (additions are shown with underline, deletions are shown with ~~striketrough~~):

Chapter 14 - PROPERTY MAINTENANCE

14-1 TITLE, POLICY AND PURPOSES

14-1.1 Title.

This chapter shall be known as the “Property Maintenance Code of the Borough of Hightstown” and may be referred to in the chapter in the short form as “The Property Maintenance Code” or as “this code.”

14-1.2 Findings and Declaration of Policy.

It is hereby found and declared that there exists in the Borough of Hightstown structures used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and further, that such conditions including, but not limited to, structural deterioration, inadequate maintenance, infestation, inadequate provisions for light and air, and unsanitary conditions constitute a menace to the health, safety and welfare of the residents and inhabitants of the Borough of Hightstown. It is further found and declared that the existence of such conditions has the effect of creating blights and substandard neighborhoods, and that by the enactment of timely regulations and restrictions as herein contained, the development of blight may be prevented and neighborhood and property values maintained, and the public health, safety and welfare protected and fostered.

14-1.3 Purposes.

The purpose of this code is: to protect the public health, safety and welfare and to ensure the maintenance of property values by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners, operators and occupants; and to fix penalties for the violation of this code. This code is hereby declared to be remedial and essential for the public interest and it is intended that this code be liberally construed to effectuate the purposes as stated herein.

14-2 GENERAL PROVISIONS

14-2.1 Applicability to All Properties.

Every residential and nonresidential building and the premises upon which it is situated in the Borough of Hightstown, previously or presently used or intended to be used for dwelling, commercial, business or industrial occupancy, shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building, or for the installation or repair of equipment or facilities prior to the effective date of this code. This code establishes minimum standards for the initial and continued occupancy and use of all such buildings, and does not

replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein.

14-2.2 Compliance required to obtain Certificate of Occupancy.

No certificate of occupancy, as set forth in Section 28-18.8 of the Revised General Ordinances of the Borough of Hightstown, shall be issued for any building unless it complies with the provisions of this Property Maintenance Code.

14-2.3 Higher Standard to Prevail.

In any case where the provisions of this code impose a higher standard than set forth in any other ordinance of the Borough of Hightstown, or under the laws of the State of New Jersey, then the standards set forth herein shall prevail, but if the provisions of this code impose a lower standard than other ordinances of the Borough of Hightstown or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

14-2.4 Compliance Not a Defense.

No certification of compliance with this code shall constitute a defense against any violation of any other ordinance of the Borough of Hightstown applicable to any structure or premises.

14-2.5 Conditions of Approval.

All conditions of approval incorporated in Resolutions or other acts of the Hightstown Borough Council or of any duly constituted board or agency of the Borough of Hightstown shall be adhered to and shall be construed to be continuing conditions of approval. Any on-site improvements of every kind or nature including, without limitation, sidewalks, curbs, landscaping, catch basins, storm drains and driveways installed pursuant to the requirements of the Hightstown Borough Council or of any duly constituted board or agency of the Borough of Hightstown shall be maintained in good and serviceable condition at all times.

14-2.6 Responsibilities of Owner, Operator and Occupant to be Independent of Each Other.

- a. Owners and Operators. Owners and operators shall have all the duties and responsibilities as prescribed in this code, and no owner or operator shall be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.
- b. Occupants. Occupants shall have all the duties and responsibilities as prescribed in this code, and the occupant shall not be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof.
- c. Contracts Not to Alter Responsibilities. Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

14-3 DEFINITIONS

The following terms, wherever used or referred to in this code, shall have the respective meanings assigned to them unless in a different context:

“Accessory structure” shall mean a building or use that is: (a) on the same lot as; or (b) subordinate to; and

(c) under the same ownership of control as; and (d) used for the purpose customarily incident to the use of the main building.

“Debris” (see also “Garbage,” “Junk,” “Litter,” and “Rubbish”) shall mean any grass, leaves, yard waste, parts of trees, stumps or any other similar material, construction waste, scrap lumber, scrap metal or any other similar material.

“Deterioration” shall mean the condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

“Exterior of the premises” shall mean those portions of a building which are exposed to view either from the street or public way, or from a neighboring property, and the open space of any premises outside of any building erected thereon.

“Garbage” (see also “Debris,” “Junk,” “Litter,” and “Rubbish”) shall mean putrescible animal and/or vegetable waste resulting from the handling preparation, cooking and/or consumption of food.

“Infestation” shall mean the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

“Junk” (see also “Debris,” “Garbage,” “Litter,” and “Rubbish”) shall mean any portions, parts or wholes of any usable or formerly usable item, including, but not limited to mattresses, bedding, furniture, inoperable lawnmowers and combustion engine devices, inoperable machinery, appliances or parts thereof, automobile parts, rubber tires, broken toys, bicycles or any similar material.

“Litter” (see also “Debris,” “Garbage,” “Junk,” and “Rubbish”) shall mean any used or unconsumed substance or waste material which has been discarded, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any lit or unlit cigarette, cigar or match, or any used petroleum products or other materials that are deemed hazardous by the New Jersey Department of Environmental Protection, or any garbage, rubbish, debris, newspaper, magazines, glass, metal, plastic or paper containers, or other packaging or construction material.

“Litter receptacle” shall mean a container suitable for the depositing of litter.

“Nuisance” shall mean:

- a. Any public nuisance known as common law or in equity jurisprudence, or as provided in the statutes of the State of New Jersey, or in the ordinances of the Borough of Hightstown.
- b. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building or on an occupied or vacant lot. This includes, but is not limited to, abandoned wells, shafts, basements, excavations, abandoned freezers or refrigerators, any structurally unsound fences or structures, scrap lumber, construction lumber, garbage, junk or debris.
- c. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- d. Unsanitary conditions or conditions which render air, food or drink detrimental to the health of human beings.

“Occupant” shall mean any person living in, sleeping in, or having actual possession of a dwelling unit or

rooming unit.

“Owner” shall mean any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises with or without accompanying actual possession thereof; or shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as fiduciary, including but not limited to: executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession regardless of how much possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

“Premises” shall mean a lot, plot or parcel of land including the buildings or structures thereon.

“Rubbish” (See also “Garbage”) shall mean all putrescible and nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including, but not limited to, garbage, ashes, street cleanings, dead animals, abandoned automobiles, solid market and industrial wastes, paper and paper products, wrappings, cigarettes, aluminum cans, bottles, containers, yard clippings, leaves, wood, glass, bedding, pottery and similar materials

“Structure” shall mean anything that is built or constructed and permanently affixed on or under the ground or upon another structure or building.

14-4 ADDRESS TO BE DISPLAYED

All buildings, whether residential or nonresidential, shall have prominently displayed the address of said building in order to promote public safety in regard to fire, police and rescue. Said address shall be clearly visible from the curb line of said building or buildings at all hours of the day.

14-5 GENERAL MAINTENANCE AND APPEARANCE

14-5.1 Hazards and Structural Integrity.

- a. Hazards. The exterior of all premises and all structures shall be kept free of any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and any of the foregoing shall be promptly removed and abated. Such hazards and conditions include, but are not limited to, the following:
 1. Debris, garbage, litter, junk, and rubbish.
 2. Loose and overhanging objects including, without limitation, dead and dying trees and/or tree branches, accumulations of ice, or other similar conditions which, by reason of their location above ground level, constitute a hazard to persons in the vicinity thereof.
 3. Ground surface hazards including, without limitation, holes, excavations, breaks, projections and obstructions which constitute a hazard to persons using the premises, except during active construction if cordoned off in a visually obvious manner, as determined by the Construction Official.
- b. Foundation walls, piers, retaining walls and columns. Foundation walls, piers, retaining walls, columns or similar load-bearing components shall be kept structurally sound, free from defects and damage, and capable of bearing imposed loads safely.
- c. Exterior Facilities. Unsafe exterior facilities including, without limitation, exterior porches, landings, balconies, stairs and fire escapes, shall be kept structurally sound and

in good repair and shall be provided with banisters or railings properly designated and maintained. Exterior walls, retaining walls, sidings and roofs shall be kept structurally sound, in good repair and free from defects.

- d. Painting and Other Protective Coating. All exposed surfaces susceptible to decay shall be kept, at all times, painted or otherwise provided with a protective coating sufficient to prevent deterioration. This provision shall not apply during the course of active construction projects for which a permit has been issued, provided that not more than six (6) months has expired since the issuance of such permit.
- e. Weather and Watertightness. Every dwelling shall be maintained so as to ensure weather and watertightness. Exterior walls, retaining walls, roofs, windows, window frames, doors, door frames, foundations and other portions of the structure shall be so maintained as to prevent water from entering the structure under normal conditions and to prevent excessive drafts. Damaged materials must be repaired or replaced promptly; places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering or seepage.

14-5.2 Appearance.

- a. All structures (including fences) shall be kept painted or whitewashed where necessary for purposes of preservation and appearance, free of broken glass, loose shingles, crumbling stone or brick, or excessive peeling paint.
- b. All properties, vacant or improved, shall be maintained free of any accumulation of debris, rubbish, recyclable material, garbage, junk or litter as defined herein.

14-5.3 Excessive Exterior Lighting.

Exterior lighting fixtures shall be so hooded or shielded as to reflect the light away from abutting or neighboring residential property.

14-5.4 Sidewalks, Driveways, Walkways and Entrance Stairways.

- a. It shall be the duty of the owner, lessee, tenant, occupant or person in charge or any structure to keep the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free from litter.
- b. Sidewalks, driveways, walkways and entrance stairways shall be maintained in a safe condition, such as will not constitute a hazard to persons using the premises.
- c. Sidewalk repairs and maintenance shall comply with the provisions of Section 17-2 of the Revised General Ordinances of the Borough of Hightstown.
- d. The owner, occupant or tenant of premises abutting or bordering on any street in the Borough shall remove all snow and ice from abutting sidewalks of such street or, in the event of ice which may be so frozen as to make removal impracticable, shall cause the same to be thoroughly covered with sand or abrasive material within twelve (12) hours of daylight after it falls or is formed.
- e. The owner, occupant or tenant of premises used by the public or business invitees shall remove all snow and ice from the sidewalks, streets and parking areas used by the public in the transaction of business or, in the event of ice which may be so frozen as to make removal impracticable, shall cause the same to be thoroughly covered with sand or abrasive material within twelve (12) hours of daylight after it falls or is formed.

- f. No owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit any snow or ice into or on any street in the Borough. The purpose of this provision is to prohibit any person from throwing, casting, placing or depositing snow and ice which accumulates on the private property belonging to that person onto the sidewalks or streets of the Borough.
- g. In case snow or ice is not removed from any sidewalks or is cast or deposited on the sidewalks or the street by the owner, tenant or occupant of any premises, it shall be removed under the direction of the Superintendent of Public Works, and the cost of removal as nearly as can be ascertained shall be certified by the Superintendent of Public Works to the Borough Council. The Council shall examine such certification and, if it is found to be correct, shall cause such cost to be charged against the real estate so abutting or bordering on such sidewalks. The amount charged shall become a lien and a tax upon the real estate or land and be added to, recorded and collected in the manner as the taxes next to be levied and assessed upon the premises and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition and collection of a fine or any other penalty for violation of any of the provisions of this section shall not constitute any bar to the right of the Borough to collect the cost as certified for the removal of snow or ice in the manner herein authorized.

14-5.5 Hedges, Brush and Grass.

- a. All properties shall be kept free of brush, grass and weeds (including but not limited to ragweed) of more than ten (10) inches in height, dead and dying trees, and obnoxious growth where same are inimical to the preservation of public health, safety or general welfare of the Borough or which may constitute a fire hazard.
- b. Trees, shrubs, hedges, etc. that are dead shall be removed and lawfully disposed of.
- c. In accordance with Section 13-3.1(h) of the Revised General Ordinances of the Borough of Hightstown, hedges and shrubbery must be kept trimmed so as not to overhang or obstruct the sidewalk.
- d. Hedges, trees and other “living fences” along property lines shall be kept pruned so that they do not impinge on neighboring properties.

14-5.6 Waterways.

All waterways, brooks, drainage ditches and swales, to the extent that the same are located on or immediately adjacent to the premises, shall be maintained in good condition, free from debris, plantings or other obstructions.

14-6 LITTER AND DEBRIS

14-6.1 Littering Prohibited.

- a. It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property, other than a litter receptacle., or having done so, to allow such litter to remain.
- b. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

14-6.2 Litter Receptacles.

Litter receptacles and their servicing are required at the following public places which exist in the Borough: buildings held out for use by the public, including but not limited to: schools and government buildings; parks; construction sites; gasoline service station islands; shopping centers; parking lots; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses, concerts and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles.

14-6.3 Containerization of Sweepings.

No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. All litter sweepings shall be collected and properly containerized for disposal.

14-6.4 Litter, Debris and Garbage.

All litter, debris and garbage must be lawfully disposed of in accordance with Section 18-1.13 of the Revised General Ordinances of the Borough of Hightstown, and shall not be placed at curbside before 5 p.m. on the day before collection. Empty containers shall be removed from the curbside by 8 p.m. on the collection day.

14-6.5 Recyclables.

Recyclable materials shall be disposed of separately, in accordance with the provisions of Section 18-1 of the Revised General Ordinances of the Borough of Hightstown.

14-6.6 Open or Overflowing Waste Disposal Bins.

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins or dumpsters on his or her property, except that open construction dumpsters will be permitted subject to the requirements of Section 14-6.9 herein.

14-6.7 Harboring of Rodents.

Non-elevated wood piles, poorly maintained compost piles of organic or non-organic yard and kitchen waste, or any accumulation of materials that will rot or decay, allowing infestation and habitats for rodents, insects, etc. shall not be permitted.

14-6.8 Debris from Uncovered Vehicles.

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any public roadway unless such vehicle is constructed, covered or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any materials which constitute litter have fallen or escaped, or which could cause an obstruction, damage a vehicle or otherwise endanger travelers, pedestrians or public property, shall immediately cause the public property to be cleaned of all such materials and shall pay the cost therefor.

14-6.9 Construction Sites.

It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or immediately following completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage.

14-7 CONSTRUCTION EQUIPMENT, MATERIALS AND DEBRIS

14-7.1 Construction equipment, vehicles and/or construction materials.

No person shall keep, store or leave, either permanently or temporarily, any construction equipment, vehicle or construction materials on any residential lot within the Borough of Hightstown, which premises are not then currently being improved for development as the result of a permit issued by the Construction Code Official.

14-7.2 Storage of Materials for New Construction; Time Allowed.

- a. New construction materials may be stored in the house or enclosed accessory structure, back yard or side yard only when it is for the use of a construction project with an open permit, and the materials must be used or removed within six months of the beginning of the project. A driveway may be used for storage only in the event that no side yard or back yard space is accessible or available, and provided that the materials are not stored in front of the house. No construction materials shall be permitted to be stored in the front yard for more than 24 hours.
- b. Stored materials shall be elevated off the ground and covered to prevent harboring and infestation of rodents or insects.

14-7.3 Debris from Construction or Demolition of Building; Time Allowed.

No person shall permit land to be covered with, or contain, refuse or debris resulting from the construction activities or the demolishing of a building, which refuse or debris has remained on the land for more than (a) 30 days after the completion of the construction activities or demolition work, or (b) six months after the permit for such activity or work was granted, whichever is soonest.

14-8 DUMPING PROHIBITED

No person shall within the limits of the Borough throw, discard, dump, cast or deposit or permit to be maintained along any public street, highway or public place, or on or off any right-of-way, or on any private property, any household or commercial solid waste, rubbish, junk, garbage, litter, debris or other waste materials in any place not specifically approved by an appropriate governmental authority for the purpose of solid waste storage or disposal.

14-9 SPECIFIC REQUIREMENTS FOR NONRESIDENTIAL PROPERTIES

In addition to all other provisions of this code, the following requirements shall apply to nonresidential properties in the Borough of Hightstown.

14-9.1 Windows.

No storage of materials, stock or inventory shall be permitted in window display areas unless said areas are first screened from public view by drapes, Venetian blinds or other permanent rendering of the windows opaque to public view. All such screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.

14-9.2 Store fronts.

All store fronts shall be maintained in good repair and all surfaces thereof shall be kept painted when necessary for purposes of preservation and appearance. In the event repairs to a portion of a store front are made, such repairs shall be performed with materials identical or compatible with the materials used in the

area not undergoing repair, to the end that the appearance of the store front shall be uniform and attractive and shall not constitute a blighting factor depreciating adjoining properties.

14-9.3 Reconstruction.

All reconstruction of walls and siding shall be of standard quality and appearance commensurate with the character of the properties in the zoning district in which the premises are located, and materials used shall not be of a kind that, by their appearance under prevailing appraisals, practices and standards will depreciate the value of the neighboring and adjoining properties as aforesaid.

14-9.4 Awnings and marquees.

Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awning or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event said awnings or marquees are made of cloth, plastic or of a similar material, said material where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

14-9.5 Signs, Light Stanchions and Poles.

All signs, including the structural and supporting components thereof, and all light stanchions and poles shall be maintained in good repair.

14-10 REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE

a. Definitions

1. "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.
2. "Vacant and Abandoned" residential property, for purposes of this Section, means, consistent with section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Paragraph e. 1 of this Section and subsection b. of section 1 of P.L. 2014, c.35 (C.40:48-2.12s). Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:
 - (a) overgrown or neglected vegetation;
 - (b) the accumulation of newspapers, circulars, flyers or mail on the property;
 - (c) disconnected gas, electric, or water utility services to the property;
 - (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - (e) the accumulation of junk, litter, trash or debris on the property;

- (f) the absence of window treatments such as blinds, curtains or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
- (o) any other reasonable indicia of abandonment.

b. Registration of Vacant and Abandoned Properties

1. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Borough, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Borough for such purposes. Any failure to receive notice from the Borough shall not constitute grounds for failing to register the Vacant and Abandoned property.
2. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.
3. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.
4. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual

principal(s) responsible for maintaining the Abandoned and Vacant property. The individual or representative of the firm responsible for maintaining the Abandoned and Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

5. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph c. of this Section for each Vacant and Abandoned property registered.
6. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.
7. The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purpose.
8. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Creditor.

c. Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500.00) dollars and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000.00) dollars.

d. Creditor Responsibility for Vacant and Abandoned Properties

1. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Section.
2. Where a Creditor is located out-of-state, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph d. 1 of this Section. Notice of said representative or agent shall be provided to the municipal clerk pursuant to Paragraph b. 3 and 4 of this Section and pursuant to paragraph (1) of subsection a. of section 17 of P.L. 2008, c. 127 (C.46:10B-51).

e. Notice

1. The enforcement officers designated in this Section shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the enforcement officer determines that the Creditor has violated this Section by failing to provide for the care, maintenance, security, and upkeep of the exterior of a Vacant and Abandoned property.

Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Paragraph d. 2 of this Section and paragraph (1) of subsection a. of section 17 of P.L. 2008, c. 127 (C.46:10B-51).

2. The notice referenced in Paragraph e. 1 of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
3. The issuance of a notice pursuant to Paragraph e. 1 of this Section shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Section.

f. Enforcement Officers

The duty of administering and enforcing the provisions of this Section is conferred upon the municipal clerk, construction official, zoning officer, housing officer, health officer, Borough police, and any other duly appointed representatives, including all municipal officials referenced in Section 14-12.1 of the Borough Code.

g. Violations and Penalties

1. A Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Section shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
2. An out-of-state Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Section shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
3. A Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to Paragraph b. of this Section shall be subject to a fine not exceeding two thousand (\$2,000.00) dollars. Any fines imposed on a Creditor under this Paragraph shall commence 11 days following receipt of notice from the Borough pursuant to Paragraph b. 1 of this Section.
4. No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

14-11 ABANDONED PROPERTY

14-11.1 Definitions.

“Abandoned Property” shall, for purposes of this Section, mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or

residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-81; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed an abandoned property for purposes of this ordinance.

“Building” shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outbuildings, and appurtenances belonging thereto.

“Interested Parties” includes any resident of the Borough, any owner or operator of a business within the Borough, or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvements of the neighborhood in which the property is located.

“Lienholder” or “Mortgage Holder” shall mean any person or entity holding a note, mortgage, or other interest secured by a building or any part thereof.

“Owner” shall include the title holder, any agent of the title holder having authority to act with respect to an abandoned property, any foreclosing entity that has filed a notice with the municipal clerk pursuant to the provisions of C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the public officer of the Borough to have authority to act with respect to the property.

“Property” shall mean any building or structure and the land appurtenant thereto.

“Public officer” shall mean a person designated or appointed pursuant to P.L. 1942, N.J.S.A. 40:48-2.5, or any officer of the municipality qualified to carry out the responsibilities set forth in N.J.S.A. 55:19-78, *et seq.*, as designated by resolution of the Governing Body.

“Qualified Rehabilitation Entity” shall mean an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or nonresidential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities to carry out the rehabilitation of abandoned buildings, as set forth under N.J.S.A. 55:19-80.

14-11.2 Determination that property is abandoned; nuisance.

- a. Except as provided under N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six (6) months and which meets any of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer, that:
 1. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that same six-month period; or
 2. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the public officer; or

3. At least one installment of property tax remains unpaid and delinquent on that property as of the date of a determination by the public officer; or
4. The property has been determined to be a nuisance by the public officer, in accordance with N.J.S.A. 55-19-82 for one or more of the following reasons:
 - (a) The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
 - (b) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
 - (c) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so;
 - (d) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
 - (e) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.
- b. A property which contains both residential and nonresidential space may be considered abandoned pursuant to N.J.S.A. 55:19-78, *et seq.*, so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the public officer.

14-11.3 Abandoned property list; notice to owner of record; challenge by the owner.

- a. The Governing Body may direct the public officer to identify abandoned property for the purpose of establishing an abandoned property list throughout the Borough, or within those parts of the Borough as the Governing Body may designate. Each item of identified abandoned property shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the property lot.
- b. The public officer shall establish and maintain a list of abandoned property, known as the "abandoned property list." The Governing Body may add properties to the abandoned property list at any time, and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property.
- c. Notice to owner.
 1. The public officer shall establish the abandoned property list or any additions/deletions thereto in the official newspaper designated by the Borough. Within ten (10) days after publication in said newspaper, the public officer shall send a notice by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the abandoned property list.

The published and mailed notices shall identify the property determined to be abandoned setting forth the owner of record and, if known, the tax lot and block number and street address. The public officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgage, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d).

2. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7, and shall specify the information relied upon in making such finding. In all cases, a copy of the mailed or posted notice shall also be filed by the public officer, in the office of the Clerk, County of Mercer. This filing shall have the same force and effect as a formal notice under N.J.S.A. 2A:15-6. The notice shall be captioned with the name of the Borough as "Plaintiff" and the name of the property owner as "Defendant," as though an action had been commenced by the Borough against the owner.
- d. An owner or lienholder may challenge the inclusion of his/her/its property on the abandoned property list by appealing that determination to the Governing Body within thirty (30) days of the owner's receipt of the certified notice or forty (40) days from the date upon which the notice was sent. An owner whose identity was not known to the public officer shall have forty (40) days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Governing Body shall accept a late filing of an appeal. Within thirty (30) days of receipt of a request for an appeal of the findings contained in the notice, the Governing Body shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification asserting that the property is not an abandoned property, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as, but not limited to, photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined herein and in N.J.S.A. 55:19-54. The Governing Body shall decide any timely filed appeal within ten (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefore.
- e. The property owner may challenge an adverse determination of an appeal with the Governing Body, by instituting, in accordance with the New Jersey Court Rules, a summary trial proceeding in the Superior Court, County of Mercer. Such action shall be instituted within twenty (20) days of the date of the notice of decision mailed by the Governing Body. The sole ground for appeal and new hearing before the Superior Court shall be that the property in question is not an abandoned property as that term is defined in N.J.S.A. 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- f. The Borough shall promptly remove any property from the abandoned property list that has been determined by the Governing Body on appeal not to be abandoned and may, in its discretion, remove properties from said list whenever the Governing Body deems such removal appropriate under the circumstances.
- g. The abandoned property list shall become effective, and the Borough shall have the right to pursue any legal remedy with respect to properties on the list at any time after at least

one property has been placed on the list in accordance with the provisions of this Section, and following the expiration of the period for appeal with respect to that first property or upon the denial of an appeal brought by the property owner of that first property.

14-11.4 Requests for additions to abandoned property list.

- a. Any interested party may submit a written request to the Municipal Clerk for the Governing Body, asserting that any property within the Borough should be included on the abandoned property list. The written request must specify the street address and block and lot number of the property to be included and the grounds for its inclusion. Within thirty (30) days of receipt of any such request, the Governing Body shall provide a written response to the party, either indicating that the property will be added to the abandoned property list or otherwise stating the Governing Body's reasons for not adding the property. For the purposes of this section, the term "interested parties" shall include any resident of the Borough, any owner or operator of a business within the Borough, or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.
- b. Any interested party may participate in a redetermination hearing regarding the inclusion of property on the abandoned property list. Upon written request by any interested party, the Governing Body shall provide that party with at least twenty (20) days' notice of any such hearing. The party shall provide the Governing Body with notice at least ten (10) days before the hearing of its intention to participate and the nature of the testimony or other information that it proposes to submit at the hearing.

14-11.5 Sale of tax lien; remediation costs.

a. Sale of tax lien on abandoned property.

1. Notwithstanding N.J.S.A. 54:5-19 or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Borough liens due on the property are delinquent six (6) or more quarters as of the date of expiration of the right to appeal inclusion on the list, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures in the "Tax Sale Law," N.J.S.A. 54:5-1, *et seq.*, on or after the 90th day following the expiration of that time of appeal or final determination on appeal, as appropriate.
2. The Borough may, at its option, require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the Borough be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to N.J.S.A. 55:19-55. The Borough may further require that the purchaser or assignee post a bond of the Borough to guarantee the rehabilitation or repair of the property. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for the redemption of the property.
3. The public officer may waive a requirement to post a bond imposed by the Borough for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the public officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined herein.

4. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the Tax Collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500.00 pursuant to N.J.S.A. 54:4-67, in effect for the time period when the amounts were expended.
5. The tax sale certificate purchaser, assignee or transferee, under the auspices and with the authority of the Borough, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement holding the Borough harmless is filed with the public officer. If the tax sale certificate is not purchased at the initial auction of the tax sale certificate and the Borough purchases the certificate pursuant to N.J.S.A. 54:5-34, then the Borough is authorized and empowered to convey and transfer to the authority or any of its subsidiaries, without receiving compensation therefor, all of its right, title and interest in that certificate; however, any portion of the amount paid to the Tax Collector to redeem the tax sale certificate that represents tax or other Borough lien delinquencies and subsequent Borough liens, including interest, shall be returned by the Tax Collector of the Borough.
- b. If the Borough acquires the tax sale certificate for a property on the abandoned property list then, upon ten (10) days' written notice to the property owner and any mortgagee as of the date of the filing of the lis pendens notice under Subsection d. of N.J.S.A. 55:19-55, that entity shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that ten-day period the owner or mortgagee shall have notified the Borough or authority or its subsidiary, as appropriate, in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Borough in order to ensure performance. The amount and conditions of the bond shall be determined by the public officer.
- c. The cost of remediation incurred by the Borough pursuant to this section, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to, or after the filing of any lien by the Borough, except for Borough taxes, lien and assessments on any lien imposed pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, *et seq.*, together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the county clerk register of deeds and mortgages, as appropriate, in the county in which the property is located.
- d. Failure of an owner or lienholder to remove a property from the abandoned property list within the period of time for appeal of inclusion of the property on the abandoned property list pursuant to this subsection shall be prima facie evidence of the intent of the owner to continue to maintain the property as abandoned property.
- e. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to this chapter shall be a public purpose and public use, for which the power of eminent domain may be exercised, pursuant to N.J.S.A. 20:3-1, *et seq.*

14-11.6 Removal of property from list of abandoned properties; remediation.

- a. An owner may remove a property from the abandoned property list prior to sale of the tax sale certificate by paying all taxes and Borough liens due, including interest and penalties and:
 - 1. By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to Section 36 of P.L. 1996, N.J.S.A. 55:19-55 and posting cash or a bond to cover the cost to any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or
 - 2. By demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to Section 36 of P.L. 1996, N.J.S.A. 55:19-55, as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than one hundred twenty (120) days for the owner to complete all work, during which time no further proceedings will be taken against the owner of the property.
- b. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited by the Borough which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.
- c. If a property, which an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all municipal taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list.

14-11.7 Property deemed not abandoned; criteria; certification of abandonment.

- a. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and the furtherance of rehabilitation work as authorized by said permits.
- b. If an entity or person other than the Borough has purchased or taken assignment for the Borough of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list if:

1. The owner of the certificate has continued to pay all Borough taxes and liens on the property in the tax year when due; and
 2. The owner of the certificate takes action to initiate a foreclosure proceeding within six (6) months after the property is eligible for foreclosure pursuant to N.J.S.A. 54:5-86, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
- c. Upon request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to N.J.S.A. 54:5-86, the public officer or the Borough Tax Collector shall, in a timely fashion, provide the requester with a Certificate of Abandonment that the property satisfies the definition of an abandoned property in accordance with this chapter.

14-11.8 Acquisition of tax sale certificate; action to foreclose right of redemption.

- a. When a person other than the Borough acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of six (6) months following the date of the sale of the tax sale certificate.
- b. Notwithstanding the provisions of N.J.S.A. 54:5-104.34, when the Borough is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, or when the Borough has acquired the tax sale certificate pursuant to N.J.S.A. 55:19-56, an action to foreclose the right of redemption may be instituted in accordance with the provisions of Subsection b. of N.J.S.A. 54:5-77. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:
 1. Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-55, as determined by the Court; or
 2. Demonstrates to the Court that the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-55 have been remedied in full.

14-11.9 Special tax sale; criteria for bidders.

- a. The Borough may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on the abandoned property list.
- b. The Governing Body shall establish criteria for eligibility to bid on properties at the sale, which may include, but need not be limited to:
 1. Documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Borough plans and regulations, commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Borough plans and regulations;
 2. Commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with municipal plans and regulations;
 3. Commitments by the bidder to take action to foreclose on the tax lien by a date

certain; and

4. Such other criteria as the Governing Body may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.
- c. The Governing Body may establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties due to help ensure that the properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.
- d. The Governing Body may combine properties in said special tax sale into bid packages and require that bidders place a single bid on each package, rejecting any and all bids on individual properties that are submitted.
- e. The Governing Body may sell said properties subject to the provision that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Borough, and any amount paid by the purchaser at the special tax sale shall be forfeit to the Borough.
- f. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Borough may designate the unsuccessful qualified bidder whose bid was closest to the successful bid, as an eligible purchaser. In the event that the selected purchaser of that property or bid package fails to meet any of the conditions of sale established by the Borough pursuant to this section and their interest in the property or properties reverts to the Borough, the Borough may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.
- g. The Borough shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the Borough pursuant to this section. Nothing shall prohibit the Borough from holding a special tax sale on the same day as a standard or accelerated tax sale.

14-11.10 Expedited action to foreclose right of redemption.

- a. When a person or entity other than the Borough acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of just six (6) months following the date of the sale of the tax sale certificate.
- b. When the Borough is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of Subsection b. of N.J.S.A. 54:5-77.
 1. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:
 - (a) Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the Court; or

- (b) Demonstrates to the Court that the conditions because of which the property was determined to be abandoned have been remedied in full.

14-11.11 Transfer of possession and control to Borough.

a. Transfer of possession.

1. A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to the Borough may be brought by the Borough in the Superior Court, County of Mercer. If the Court shall find that the property is abandoned pursuant to N.J.S.A. 55:19-81, and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the Borough to take possession and control of the property and develop a rehabilitation plan.
2. If the Borough is granted possession, it may commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the Court shall not direct the sale of the property if the owner applies to the Court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.
3. Failure by the owner, mortgage holder or lien holder to submit plans for rehabilitation to the municipality, obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding within that six-month period shall be deemed prima facie evidence that the owner has failed to take any action to further the rehabilitation of the property.

b. A complaint filed pursuant to section N.J.S.A. 55:19-84 and Subsection a of this section shall include:

1. Documentation that the property is on the municipal abandoned property list or a certification by the public officer that the property is abandoned; and
2. A statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

c. Within ten (10) days of filing a complaint, the plaintiff shall file a notice of lis pendens with the County of Mercer recording officer.

1. At least thirty (30) days before filing the complaint, the Borough shall serve a notice of intention to take possession of an abandoned building. The notice shall inform the owner and interested parties that the property has not been legally occupied for six (6) months and of those criteria that led to a determination of abandonment pursuant to N.J.S.A. 55:19-81.
2. The notice shall provide that unless the owner or a party in interest prepares and submits a rehabilitation plan to the appropriate Borough officials, the Borough will seek to gain possession of the building to rehabilitate the property and the associated cost shall be a lien against the property, which may be satisfied by the

sale of the property, unless the owner applies to the Court for reinstatement of control of the property as provided in N.J.S.A. 55:19-92.

3. After the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.
 4. After serving the notice of intention pursuant to this subsection, the Borough may enter upon that property after written notice to the owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the Court pursuant to N.J.S.A. 55:19-89.
- d. Any owner may defend against a complaint filed pursuant to this section by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125% of the amount determined by the public officer or the Court to be the projected cost of rehabilitation.
1. Any plan submitted by an owner to defend against a complaint shall be submitted within sixty (60) days after the complaint has been filed, unless the Court provides the owner with an extension of time for good cause shown.
 2. A plan submitted by an owner pursuant to this subsection shall include, but not be limited to:
 - (a) A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
 - (b) A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;
 - (c) A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and
 - (d) Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning design, financial packaging, construction, and marketing or rental of the property.
- e. The Court shall approve any plan that, in the judgment of the Court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property, which is the subject of the complaint.
1. If the Court approves the owner's plan, then it may appoint the public officer to act as monitor of the owner's compliance. If the owner fails to carry out any step in the approved plan, then the Borough may apply to the Court to have the owner's bond forfeited, possession of the building transferred to the Borough to complete the rehabilitation plan and authorization to use the bond proceeds for rehabilitation of the property.
 2. The owner shall provide monthly reports to the Borough on its activities and progress toward rehabilitation and reuse of the property. The owner shall provide those reports to the Court on its activities that the Court determines are necessary.

3. The Court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the owner or his representatives or agents, or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.
- f. If an owner is unsuccessful in defending against a complaint filed pursuant to this section, the mortgage holder or lien holder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. The plan shall be submitted within sixty (60) days after the Court has rejected the owner's plan, unless the Court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the Court approves any such mortgage holder or lienholder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation and reuse and may appoint the public officer to act as a monitor of the party's compliance. The mortgage holder or lienholder, as the case may be, shall provide quarterly reports to the Court and the Borough on its activities and progress toward rehabilitation and reuse of the property.
 - g. If the mortgage holder or lienholder fails to carry out any material step in the approved plan, then the public officer shall notify the Court, which may order the bond forfeit, grant the Borough possession of the property, and authorize the Borough to use the proceeds of the bond for rehabilitation of the property. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lienholder granted possession of a property pursuant to this section, including Court costs and reasonable attorney's fees, may be added to the unpaid balance due that mortgage holder or lienholder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of tax lienholder, at the statutory interest rate for subsequent liens.

14-11.12 Borough rehabilitation of property; submission of plan to Court.

- a. If no mortgage holder or lienholder meets the conditions of N.J.S.A. 55:19-88, then the Borough shall submit a plan to the Court which conforms with the provisions of N.J.S.A. 55:19-87. The plan shall designate the entity which shall implement the plan, which may be the Borough or that entity designated in accordance with the provisions of N.J.S.A. 55:19-90.
- b. The Court shall grant the Borough possession of the property if it finds that:
 1. The proposed rehabilitation and reuse of the property is appropriate and beneficial;
 2. The Borough is qualified to undertake the rehabilitation and reuse of the property; and
 3. The plan submitted by the Borough represents a realistic and timely plan for the rehabilitation and reuse of the property.
- c. The Borough shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the Court. In making its findings pursuant to this section, the Court may consult with qualified parties, including the Department of Community Affairs, and, upon request by a part in interest, may holding a hearing on the plan.

14-11.13. Borough exercise of rights to further rehabilitation and reuse of property;
designation of qualified rehabilitation entity.

- a. The Borough may exercise its right under N.J.S.A. 55:19-78, *et als*, directly, or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising the Borough's rights where that designation will further the rehabilitation and reuse of the property consistent with the Borough's plans and objectives. This designation shall be made by resolution of the Governing Body.
- b. Regardless of whether the Borough exercises its rights directly or designates a qualified rehabilitation entity pursuant to this section, while in possession of a property, the Borough shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Borough's possession of the property, nothing in this chapter shall be deemed to relieve the owner of the property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.
- c. If the Borough has been granted possession of a property pursuant to N.J.S.A. 55:19-89, the Borough shall be deemed to have an ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.
- d. For the purposes of any state program of grants or loans, including but not limited to programs of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this section shall be considered legal control of the property.
- e. The Court may approve the borrowing of funds by the Borough to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. For the purposes of this section, the cost of rehabilitation shall include reasonable non-construction costs such as professional fees, including but not limited to architectural fees, or construction permit fees customarily included in the financing of the rehabilitation of residential property.
- f. The Borough shall file a notice of completion with the Court, and shall also serve a copy on the owner and any mortgage holder or lienholder, at such time as the Borough has determined that no more than six (6) months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the public officer attesting that rehabilitation can realistically be anticipated to be complete within that time period, and a statement setting forth such actions as it plans to undertake to ensure that reuse of that property takes place consistent with the plan.
- g. Notwithstanding the granting of possession to the Borough, nothing in this chapter shall be deemed to relieve the owner of the property of any obligation the owner or any other person may have for the payment of taxes or other Borough liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession. The granting of possession shall not suspend any obligation the owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.

14-11.14 Petition for reinstatement of control and possession by owner.

- a. An owner may petition for reinstatement of the owner's control and possession of the property at any time after one (1) year from the grant of possession, but no later than

thirty (30) days after the Borough has filed a Notice of Completion with the Court or, in the event the Notice of Completion is filed within less than one (1) year of the grant of possession, within thirty (30) days after the Borough has filed notice. The Court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the Borough, or affect any of the terms or conditions under which the Borough has applied for or received financing for the rehabilitation of the property.

- b. Any petition for reinstatement of the owner's control and possession of the property shall:
 - 1. Include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the Court;
 - 2. Provide legally binding assurances that the owner will comply with all conditions of any grant or loan secured by the Borough or repay those grants or loans in full, at the discretion of the maker of the loan or grant; and
 - 3. Be accompanied by payment equal to the sum of 1) all Borough liens outstanding on the property; 2) all costs incurred by the Borough in bringing action with respect to the property; 3) any costs incurred by the Borough not covered by grants or loans to be assumed or repaid pursuant to this section; and 4) any costs remaining to complete rehabilitation and reuse of the property, as determined by the public officer, which payment shall be placed in escrow with the Clerk of the Court, County of Mercer, pending disposition of the petition.

14-11.15 Obligations of owner prior to grant of petition.

- a. Prior to the granting of a petition on the part of the owner by the Court pursuant to §14-11.14, the owner may be required to post a bond or other security in an amount determined by the Court, after consultation with the public officer, as likely to ensure that the owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the Borough to make any repair on the property in the event of a code violation which is not corrected in a timely fashion by the owner.
- b. The owner may seek approval of the Court to be relieved of this requirement after five (5) years, which shall be granted if the Court finds that the owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that time period, and that the owner has remedied other violations in a timely and expeditious fashion.

14-11.16 Procedure of Borough seeking to gain title to property; authorization to sell; proceeds.

- a. If the owner fails to petition for the reinstatement of control and possession of the property within thirty (30) days after the Borough has filed a notice of completion or in any event within two (2) years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the Court in granting a reinstatement petition, upon petition from the Borough, the Court may grant the Borough title or authorize the Borough to sell the property, subject to the provisions of N.J.S.A. 55:19-96.
- b. Where the Borough seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the Court shall approve, and may place the proceeds of the sale in escrow with the Court.
- c. The Court may authorize the Borough to sell the building free and clear of liens, claims

and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.

- d. The Borough may seek approval of the Court to sell the property to a third party when the Court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property.
- e. Upon approval by the Court, the Borough shall sell the property on such terms and at such price as the Court shall approve, and may place the proceeds of sale in escrow with the Court. The Court shall order a distribution of the proceeds of sale after paying Court costs in the order of priority set forth in N.J.S.A. 55:19-97. The proceeds paid pursuant to N.J.S.A. 55:19-96 shall be distributed in the following order of priority:
 - 1. The costs and expenses of sale;
 - 2. Other governmental liens;
 - 3. Repayment of principal and interest on any borrowing or indebtedness incurred by the Borough and granted priority lien status pursuant to Subsection a. of N.J.S.A. 55:19-98;
 - 4. A reasonable development fee to the Borough consistent with the standards for development fees established for rehabilitation programs by the New Jersey Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
 - 5. Other valid liens and security interests, in accordance with their priority; a and
 - 6. The owner.

14-11.17 Public officer; authority to place lien on property; remedies.

The public officer, with the approval of the Court, may place a lien on the property to cover any costs of the Borough in connection with a proceeding under this chapter, incurred prior to the grant by the Court of an order of possession, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner.

14-11.18 Eminent domain proceedings; establishment of fair market value.

- a. With respect to any eminent domain proceeding carried out under section N.J.S.A. 55:19-56, the fair market value of the property shall be established on the basis of an analysis which determines independently:
 - 1. The cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct a new building on the site, including all costs ancillary to rehabilitation such as, but not limited to, marketing and legal costs.
 - 2. The realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood or subarea of the Borough in which the property is located; and

3. The extent to which the cost exceeds or does not exceed the market value after rehabilitation, or demolition and new construction, and the extent to which any “as is” value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined.
- b. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.

14-12 ENFORCEMENT AND PENALTIES

14-12.1 Enforcement officers.

The Construction Official, Fire Inspector, Fire Official, Fire Chief, Electrical Inspector, Plumbing Inspector, Housing Inspector, Health Officer or his/her designee, Health Department, all police officers, and all municipal officials referenced in Section 14-10(f) of the Borough Code are authorized enforcement officers for the purposes of enforcing the provisions of this code. This Chapter shall also be enforced by the Code Enforcement Officer, whose position is hereby created, for the sole purpose of enforcing the provisions of this Chapter. The Code Enforcement Officer shall receive such salary as provided by Ordinance and shall be appointed by the Borough Council for a term as specified in the Resolution of Appointment.

14-12.2 Procedure.

Except as otherwise set forth herein, whenever any enforcement officer determines, after appropriate investigation, that there exists a violation of any provision of this chapter, he or she shall give written notice of such alleged violation to the person or persons responsible therefor. Such notice shall include a statement of the reasons for its issuance, and shall be served upon the owner or occupant of the premises, or the agent of either. Notice shall be deemed to be properly served if a copy thereof is served upon such person personally or sent by certified mail or registered mail to his last known address, or posted in a conspicuous place in or about the premises affected by the notice. Such notice shall state that unless, within five calendar days from service of the notice, the condition complained of is abated, a municipal court summons will be issued and/or the Borough will undertake to abate the violation and place a lien on the property as hereinafter provided. A copy of the Notice shall be provided to the Borough Clerk.

14-12.3 Special Procedure in Emergency Conditions.

Whenever the enforcement officer finds that an emergency exists which requires immediate attention to protect the health or safety of the public, he or she may, without notice, issue and order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding any other provisions in this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer, shall be afforded a hearing as soon as possible. In the event that the order is disregarded by the property owner or person to whom the order is directed, the enforcement officer shall have the right to notify the Borough Clerk for the purpose of instituting immediate remedial action, the cost of which shall result in a lien on the premises. After such hearing, the enforcement officer shall continue such order in effect, or modify or withdraw it.

14-12.4 Violations and Penalties.

- a. General Penalty. Except as otherwise set forth herein, any person who shall violate any of the provisions of this chapter shall be subject to penalties as set forth in Section 1-5 of

the Revised General Ordinances of the Borough of Hightstown. Each violation of any of the provisions of this chapter and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

- b. Lien to be Placed on Property. In addition to the foregoing, and all other remedies available to the Borough, the Borough Treasurer, upon appropriate notification from the Mayor and Council and appropriate certification from the enforcement officer, shall place a lien on any property determined by the enforcement officer to be in violation of the provisions of this code, in the amount of any and all administrative expenses and any and all actual expenditures for work necessary in order to maintain the property and/or abate the violation, including the cost of removal of any offensive construction materials, refuse, hazards, overhanging objects or any other offending physical object. The lien placed upon such lands shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

BE IT FURTHER RESOLVED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER RESOLVED, 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.

BE IT FURTHER RESOLVED, that this Ordinance shall take effect following final passage and publication in accordance with the law.

George Lang, CFO, arrived at this time.

2017-03 Final Reading and Adoption – An Ordinance Amending the Borough’s Redevelopment Plan Relating to Sub-Area I (Bank Street) Within the Borough of Hightstown

Special Counsel McManimon noted that the changes being implemented into the Redevelopment Plan have been reviewed and approved by the Planning Board and that the Redevelopment Plan is being updated for clarification purposes; all approval during the redevelopment is given by the Planning Board.

Councilmember Misiura moved to amend exhibit B of ordinance 2017-03 to include the verbiage “not less than 1.4 per unit” to the required number of parking spaces; Councilmember Montferrat seconded.

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

Ordinance amended to include the verbiage “not less than 1.4 per unit” to the required number of parking spaces 6-0.

Mr. Ryan Cowell, the Redeveloper for the property, asked for clarification of the parking and had a consult with Mr. McManimon.

Councilmember Misiura moved to amend exhibit B of ordinance 2017-03 to also include the verbiage “over all phases of the redevelopment” following the previous amendment to the required number of parking spaces; Councilmember Hansen seconded.

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

Ordinance amended to include the verbiage “over all phases of the redevelopment” to the required number of parking spaces 6-0.

Borough Attorney Raffetto noted that the changes made by these amendments are not substantial and therefore the Borough Council can adopt this ordinance as amended tonight if they so choose.

Mayor Quattrone opened the public hearing for Ordinance 2017-03, no comments being heard, the public hearing was closed.

Councilmember Misiura moved Ordinance 2017-03 for adoption as amended; Councilmember Hansen seconded.

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

Ordinance adopted as amended 6-0.

Ordinance 2017-03

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

APPROVING AMENDMENTS TO REDEVELOPMENT PLAN

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), by Resolution 2003-19 duly adopted on December 1, 2003, the Borough Council (“Borough Council”) designated the properties known as Tax Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14 & 26 on the Borough’s official tax map (collectively, the “Redevelopment Area”), as an “area in need of redevelopment”; and

WHEREAS, a revised redevelopment plan (“Redevelopment Plan”, attached hereto as **Exhibit A**) containing development standards for that portion of the Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006, and October 6, 2008; and

WHEREAS, on July 29, 2016, RBG Hightstown, LLC (the “Redeveloper”) and the Borough entered into that certain Redevelopment Agreement (the “Redevelopment Agreement”) in connection with that portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-5 & 26 on the Borough’s official tax map (collectively, the “Project Area”), which constitutes part of Sub-Area I (Bank Street) and which shall also be known as The Mills at Hightstown; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper is to redevelop the Project Area by constructing thereon a project consisting of approximately 169 residential units, approximately 42,470 square feet of retail space, and associated parking and other infrastructure improvements (collectively, the “Project”); and

WHEREAS, the Borough and the Redeveloper subsequently entered into that certain Agreement providing for the acquisition of certain property, namely Block 21, Lots 6 through 13 (collectively, the “Additional Property”), which is owned by 5C Industries, LLC; and

WHEREAS, the Redeveloper proposes to also redevelop the Additional Property and to modify the Project to be constructed on the Project Area and the Additional Property; and

WHEREAS, the Borough desires to amend the Redevelopment Plan to modify the parking requirements and certain

bulk standards set forth therein to allow for the construction of a modified version of the Project, which amendments are more particularly described in **Exhibit B** attached hereto (the “Redevelopment Plan Amendments”); and

WHEREAS, in accordance with N.J.S.A. 40A:12A-7e, the Planning Board of the Borough reviewed the Redevelopment Plan Amendments and recommended that the Borough Council adopt same.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that the Redevelopment Plan, attached hereto as **Exhibit A**, be amended as set forth in **Exhibit B** hereto.

EXHIBIT A

RUGMILL REDEVELOPMENT PLAN

INTRODUCTION

The purpose of the Main Street Redevelopment Plan (the “Redevelopment Plan”) is to provide a framework for the improvement and continued revitalization of the area as designated by the Borough of Hightstown’s Planning Board, Mayor, and Council. The recommendations contained within this document will provide a structure for both physical improvements to the lands and structures within the Main Street Redevelopment Area as well as policies to guide said improvements. The Main Street Redevelopment Area is sometimes referred to herein as the “Redevelopment Area”.

The statutory requirements as per N.J.S.A 40A:12A-7 state that “The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act” P.L. 1985, c. 398 (C.52:18A-196 et al).

As described in the Determination of Need Report, dated October 14, 2003, as approved by the Borough of Hightstown Planning Board, and Mayor and Council, within the nearly built-out Borough, the Main Street Redevelopment Area is defined as the southern side of Bank Street from North Main Street to North Academy Street; the western side of South Academy Street from Rogers Avenue to Railroad Avenue; all parcels fronting on the eastern side of Mercer Street from West Ward Avenue to South Main Street and including the right-of-way; the block bound by Main Street, Stockton Street, Railroad Avenue and Rogers Avenue and the right-of-way of Railroad Avenue; and, the area on the eastern side of Main Street from the Borough parking lot to and including the walking bridge over the Peddie Lake dam. The Redevelopment Area is delineated on the attached Main Street Redevelopment Area Map and includes 81 individual parcels with 32 different owners.

The parcels contained within the Main Street Redevelopment Area include Block 54, Lots 6 - 10, 13, 14.01, 16.01 & 23; Block 40, Lots 14 - 28; Block 33, Lots 1 - 30 & 32 - 36; Block 30, Lots 1 - 13; Block 28, Lots 56 & 57; and, Block 21, Lots 1 - 14 & 26. The landowners are identified in Appendix 2, Property Owners List, attached.

To address the diverse existing uses, and the large number of parcels and land owners within the Main Street Redevelopment Area, the Redevelopment Plan proposes to divide the Redevelopment Area into three (3) Sub-Areas. This will allow for a more manageable implementation phase, and permit the Borough to coordinate and manage each of the three (3) use-specific projects, residential, mixed-use, and downtown-commercial, individually. Each Sub-Area may be approved and developed independently.

The three (3) Sub-Areas, including a geographical description, are as follows:

- | | |
|-------------------------------------|---|
| Sub-Area I (Bank Street): | Proposed mixed-use redevelopment project that includes the southern side of Bank Street from North Main Street to North Academy Street, the eastern side of North Academy Street, and the western side of North Main Street from the Firehouse to Bank Street. The Sub-Area includes Block 30, Lots 1 - 13; and, Block 21, Lots 1 - 14 & 26. |
| Sub-Area II (South Academy Street): | Proposed residential infill redevelopment project that includes portions of the western side of South Academy Street from Rogers Avenue to Railroad Avenue. The Sub-Area includes Block 40, Lots 14 - 28. |
| Sub-Area III (Rt. 33): | Proposed downtown commercial parking and streetscaping redevelopment project that includes all parcels fronting on the eastern side of Mercer Street from West Ward Avenue to South Main Street and including the right-of-way; the block bounded by Main Street, Stockton Street, Railroad Avenue and Rogers Avenue and the right-of-way of Railroad Avenue; and, the area on the eastern side of Main Street from the Borough parking lot to and including the walking bridge over the Peddie Lake dam. The Sub-Area includes Block 54, Lots 6 - 10, 13, 14.01, 16.01 & 23; Block 33, Lots 1 - 30 & 32 - 36; and, Block 28, Lots 56 & 57. |

1. GOALS AND OBJECTIVES

The overarching goals for the Main Street Redevelopment Area are to:

- Eliminate blighted conditions which are negatively impacting the quality of life for residents;
- Develop new opportunities to increase ratables;
- Create new opportunities for community recreation and cultural activities;
- Enhance the view from Route 33/County Road 539 into the newly revitalized central business district of the Borough of Hightstown; and,
- Build upon the core node of mixed-use development to better utilize the frontage and access to the Route 33 transportation corridor.

Specific objectives for the Main Street Redevelopment Sub-Areas include:

Sub-Area I (Bank Street):

- Eliminate blighted, underutilized and vacant buildings and through adaptive re-use and/or new construction create a new mixed-use development within the town center;
- Create an opportunity for new commercial, governmental, greenway, and residential facilities; and,
- Provide a new greenway along Rocky Brook to link existing facilities within the Borough.

Sub-Area II (South Academy Street):

- Create new opportunities for home ownership in the Borough; and,
- Eliminate blighted and vacant units to stabilize the neighborhood.

Sub-Area III (Rt. 33):

- Facilitate the economic revitalization of the downtown district;
- Create new off-street parking opportunities; and,
- Provide new streetscaping to improve economic conditions within the area.

The Redevelopment Plan will facilitate the Borough's efforts to achieve these goals and objectives, and will improve the quality of life for residents and the economic development climate for the entire Borough.

○ PHYSICAL DESCRIPTION OF THE MAIN STREET REDEVELOPMENT AREA

The Main Street Redevelopment Area contains approximately 12 acres of land area. These 12 acres include a small portion of wetlands, the Rocky Brook (waters of the State), and a significant "Brownfield" site, which site may be constrained due to state and federal regulations, and is currently undergoing remediation by the responsible party. It is not anticipated that these two (2) factors will significantly impact implementation of the Main Street Redevelopment Plan.

The Redevelopment Area is delineated on the attached Main Street Redevelopment Area Map and includes 81 individual parcels with 32 different owners. Also see the Main Street Redevelopment Area Map, for a geographic plotting of these blocks and lots.

The Main Street Redevelopment Area contains a mix of uses, as listed below.

Sub-Area I (Bank Street): Municipal facilities (municipal building, firehouse, and Historic Society building) and partially-vacant industrial and warehouse buildings.

Sub-Area II (South Academy Street Area): Vacant residential structures and undeveloped lots.

Sub-Area III (Rt. 33): Commercial/retail structures and vacant lots.

With the exception of the parcels on Bank Street and South Academy Streets, the parcels front on Main Street (N.J.S.H. 33). All lots are within the Borough's state-designated Town Center area. See also Appendix 1, Existing Zoning and Base Map, attached hereto.

○ RELATIONSHIP OF THE MAIN STREET REDEVELOPMENT PLAN TO DEFINITE LOCAL OBJECTIVES:

The Main Street Redevelopment Plan is consistent with the Borough's 1998 Master Plan. For example, a goal of the Master Plan is to "Revitalize the central downtown business district and improve the economic viability of the Borough." An additional goal of the Circulation Element of the Plan is that "... pedestrian movement must be a priority. Linkages must be reestablished between the various areas of town." In addition, the trend toward decline of the downtown business district was recognized as an issue within the Master Plan. This Redevelopment Plan is a critical step in reversing that trend.

○ PROPOSED LAND USES AND BUILDING REQUIREMENTS:

EXISTING ZONING

The Main Street Redevelopment Area includes portions of four (4) zoning districts. They are: the PED (Planned Economic Development), R-4 (Residential Single-Family), CC-1 (Central Commercial 1), and the CC-2 (Central Commercial 2) districts. The PED district contains the partially-vacant former Phillips Lighting industrial and warehouse buildings. The R-4 district also includes the South Academy Sub-Area, which contains vacant residential structures and lots. Properties within both the CC-1 and CC-2 districts (Sub-Area II - Rt. 33) are generally-conforming and fully-utilized; however, the rear portion of these lots

are used for parking and have a confusing array of ownership and odd configurations. As a result, access is constrained and impedes future economic development within the downtown portion of the Borough.

See Appendix 1, Existing Zoning and Base Map for details.

PROPOSED ZONING

Sub-Area I (Bank Street): Additional redevelopment design and land use standards have been promulgated to address a number of development issues, including density, parking and other design issues.

The Bank Street Sub-Area Redevelopment District (pages 17-28), includes appropriate design standards for building height, façades, sidewalk, parking access and layout and other related improvements. This will facilitate a redevelopment project in which the buildings do not overwhelm the adjacent neighborhoods, and are constructed to standards which are in harmony with the existing environs. The new standards supersede the existing PED zoning regulation that would otherwise apply to Sub-Area I, except where specified otherwise herein, and will provide a framework to ensure any new development will be pedestrian-friendly and provide an attractive viewscape for motorists traveling in the area.

Sub-Area II (South Academy Street): The Sub-Area II district includes the northern side of South Academy Street from Railroad Avenue to Rogers Avenue. This portion of the Redevelopment Area will receive additional policies, proposed zoning, design and development standards in an anticipated amendment to this Redevelopment Plan.

Sub-Area III (Rt. 33): The third portion of the Redevelopment Plan may not require any revisions to the existing zoning, since only parking, streetscape, and other aesthetic enhancements are proposed for the tracts within this Sub-Area. If required, Sub-Area III may receive additional policies, proposed zoning, design and development standards in a subsequent amendment to this Redevelopment Plan.

PROPOSED IMPROVEMENTS AND DESIGN STANDARDS

There are a number of requirements for each Sub-Area of the Main Street Redevelopment Area. The requirements are outlined in the following classifications. Each of the Sub-Areas may be treated as independent phases of the overall Redevelopment Plan, and may be undertaken by different Redevelopers and at different times, independent of each other.

Sub-Area I (Bank Street): See attached Bank Street Sub-Area Development Standards (pages 17-28), which provides guidelines and requirements associated with the physical development of the site by the selected Redeveloper.

In addition to compliance with the Development Standards referenced above, the selected Redeveloper of the Bank Street Sub-Area shall be required to comply with the following:

- a. **Municipal Facility:** The existing municipal facilities, located at Block 30, Lots 10, 11, and 12 on the Borough's Tax Map have been vacant since 2011 when extensive flooding damaged the building during Hurricane Irene. The municipal functions have been re-located to a nearby Borough owned facility and the police station is operating out of leased office space at the southern end of the Borough. The selected redeveloper shall take into consideration these properties and either, a) acquire and incorporate them into their over-all redevelopment project, b) redevelop the properties in partnership with the Borough for municipal or other uses or c) coordinate with the Borough the redevelopment of those properties which will be undertaken separately by the Borough. In either of the three scenarios, these properties shall be included in the redevelopers site planning. The terms of all of the above shall be detailed in Redeveloper Agreement.

- b. **Recreational Facilities:** The selected Redeveloper shall be required to make a contribution for recreational facilities in an amount to be negotiated by the Borough and the selected Redeveloper and detailed in the Redeveloper Agreement. Said contribution shall be deposited in a Recreation Trust Fund established for the Borough of Hightstown, the purpose of which is to provide for the purchase, lease, acquisition, maintenance and/or improvement of recreational facilities serving the Borough, with specific emphasis on the additional needs arising as a result of the residential and non-residential construction contemplated under this Redevelopment Plan. Said contribution shall be paid in accordance with requirements to be set forth in the Redeveloper Agreement.
- c. **Affordable Housing:** At the current time it is anticipated that no affordable housing units will be required.
- d. **Restaurant:** The inclusion of a full-service, sit-down restaurant is highly encouraged as part of the redevelopment project.
- e. **Artist Live/Work Studio Lofts:** The inclusion of artist live/work studio lofts in all or a portion of the existing mill structures is highly encouraged as part of the redevelopment project.
- f. **Bridge construction/rehabilitation:** The original bridge structure traversing Rocky Brook connecting the existing industrial buildings at the site shall be exposed, rehabilitated, and made ADA compliant, if required by law, and an additional pedestrian bridge shall be constructed across Rocky Brook to facilitate pedestrian access to and from all areas of the redevelopment area. The construction of said pedestrian bridge is conditioned upon the receipt of all necessary permits and approvals from State agencies having jurisdiction over such a stream crossing.
- g. **Payment in Lieu of Taxes (PILOT):** The selected Redeveloper may apply to the Borough for a PILOT associated with the redevelopment project, in accordance with applicable law. Specific requirements associated with any such PILOT shall be set forth in the Redeveloper Agreement, and further action of the Governing Body will be required to effectuate any such PILOT.
- h. **Development Standards:** As indicated above, the attached Bank Street Sub-Area Development Standards provide the overall guidelines and requirements associated with the physical development of the site by the selected Redeveloper.

Sub-Area II (South Academy Street):

Land Use: This portion of South Academy Street currently contains residential uses and is adjacent to the Hightstown Housing Authority property. Improved streetscape, improvements to nearby neighborhood recreational facilities, and other aesthetic enhancements are planned improvements for this Sub-Area. Subsequent amendments to the Redevelopment Plan may identify structures and lots within the designated area to be acquired and demolished and the lots could then be combined to facilitate the redevelopment of the area. As stated below in the relocation section, no residential relocations are part of this Redevelopment Plan. Alone, or in partnership with the selected Redeveloper, the Borough may also pursue various state and federal grant opportunities to help implement various elements of the Redevelopment Plan for Sub-Area II.

Sub-Area III (Rt. 33):

Land Use: While there are no specific design standards proposed for these downtown areas at this time, the streetscape enhancements envisioned for these loci are similar to those currently in the central downtown district. These include brick paver accents, period lighting, street furniture, stamped, painted crosswalks, etc. In addition, the walking bridge over the Peddie Lake dam may

be replaced. A parking area plan for Block 33 has been prepared by Carmella Santanielo, of Van Cleef Engineering, entitled, "Stockton Street Parking Lot, Phase 2 Downtown Revitalization," dated 2/27/04, and is currently under construction.

○ RELOCATION PLAN

As per N.J.S.A. 40A:12A-7a.(3) the Redevelopment Plan is required to provide for any residential and business relocations. No residential relocations are planned by the Borough. Except as may be otherwise provided in the Redeveloper Agreement for a specific Sub-Area, any and all costs associated with any business relocations resulting from agreements between the selected Redeveloper and property owners will be the responsibility of the selected Redeveloper.

○ ACQUISITION OF PROPERTIES

Unless otherwise determined by the Redevelopment Agency, only the following properties, all within Sub-Area I (Bank Street), are proposed for acquisition as part of the Main Street Redevelopment Area:

- Block 30, Lots 1 - 7 and 10 - 12; and, Block 21, Lots 1 - 14 and 26

To encourage the Redevelopment Plan implementation, the stub portion of Mechanic Street into Sub-Area I ~~shall~~ may be vacated by the Borough. In addition, Block 30, Lots 8 and 9 (the Historic Society building), Lot 13, (the municipal firehouse), and Lots 10, 11, and 12 (the municipal buildings) are not proposed for acquisition.

The selected Redeveloper will assume responsibility for any and all property acquisitions within Blocks 30 and 21. The Borough may convey Lots 10, 11, and 12 in Block 30 to the Redeveloper in accordance with the terms of the Redeveloper Agreement.

The redevelopment of Block 21, Lots 6-14 may occur at a later date and under a separate Redeveloper Agreement if those lots cannot be acquired at this time.

○ CONFORMANCE: THE RELATION OF THE MAIN STREET REDEVELOPMENT PLAN TO INTERGOVERNMENTAL PLANNING:

As per N.J.S.A. 40A:12A-7a.(4) the Redevelopment Plan must be in conformance with the Master Plans of the contiguous municipalities, the county master plan, and the State Development and Redevelopment Plan (SDRP). The Borough of Hightstown is totally encompassed by the Township of East Windsor, also located in Mercer County; however, none of the Redevelopment Plan's Sub-Areas border the Township of East Windsor (and its zoning districts) and, therefore, no impacts are anticipated and conformance with the SDRP is not an issue.

The Main Street Redevelopment Plan, including all three (3) Sub-Areas, is consistent with the 1986 Mercer County Growth Management Plan and the 2001 SDRP, which both have similar goals and objectives. The Redevelopment Plan will further the following specific goals of the SDRP:

Land Use: "Promote redevelopment and development in Cores and neighborhoods of Centers and Nodes that have been identified through cooperative regional planning efforts." March 2001, The New Jersey State Development and Redevelopment Plan, pg. 191.

Economic Development: "Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace." March 2001, The New Jersey State Development and Redevelopment Plan, pg. 191.

Natural Resource Conservation: "Reclaim environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, scenic vistas, wildlife habitats and to Critical

Environmental Sites and Historic and Cultural Sites.” March 2001, The New Jersey State Development and Redevelopment Plan, pg. 191.

Recreation: “Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects.” March 2001, The New Jersey State Development and Redevelopment Plan, pg. 192.

Redevelopment: “Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduce dependency on the automobile.” March 2001, The New Jersey State Development and Redevelopment Plan, pg. 192.

According to the SDRP, Hightstown is located within the suburban Planning Area (PA2) and is identified as a Town Center. In 1997, as part of the SDRP process, the Borough of Hightstown became an officially designated Town Center. This Redevelopment Plan will specifically promote the Borough’s State-certified Center Designation Plan and Implementation Agenda. According to page 15 of the Hightstown Town Center petition, “Enhancing the appearance of the downtown will attract people and business. Similar coordination will be required to improve accessibility to an interconnected system of parking.”

The Redevelopment Plan is also consistent with a number of activities outlined in the Center Designation petition to promote economic growth in Hightstown including:

- Revitalizing the Main Street business district and transportation corridor;
- Creating a more inviting user-friendly downtown;
- Improving parking facilities and access to parking; and,
- Expanding access to existing and future commercial establishments

Finally, the Main Street Redevelopment Plan is consistent with the goals of the Delaware Valley Regional Planning Commission’s (DVRPC) Horizons 2025 Plan as follows:

- The Main Street Redevelopment Plan will assist in stabilizing an older borough by improving its current infrastructure to support and enhance the social, economic and physical character of the community.
- It encourages center-based planning since the Borough of Hightstown is a New Jersey-designated Town Center.

IMPLEMENTATION

Implementation of the Redevelopment Plan for each Sub-Area will be detailed in the Redeveloper Agreement as negotiated by the Redevelopment Agency and the selected Redeveloper(s). An additional section, Funding Resources, is also appended to the Redevelopment Plan as a roadmap to potential sources of funding to ensure full implementation of any development scheme for each of the three Sub-Areas. No redevelopment activities may commence in any of the designated redevelopment areas governed by this Redevelopment Plan until a Redeveloper Agreement has been executed by the Borough and the selected Redeveloper(s) for the applicable area of the Borough.

CONCLUSION

The Main Street Redevelopment Plan has the potential to provide the largest fiscal and aesthetic impact that the Borough has experienced in many years. Significant volunteer, public and private sector, and professional commitments and expenditures of time and fiscal resources have been expended to facilitate the redevelopment of this area.

Additionally, the Redevelopment Plan creates the potential for a phased approach to redeveloping the area. It provides for pedestrian-friendly development, protects the natural resources of Rocky Brook and Peddie Lake, creates a green corridor through the center of town, enhances the frontage on County Route 539, stabilizes and revitalizes a neighborhood, and includes design standards for Sub-Area I to ensure that all structures within the Sub-Area fit the landscape.

The final outcome of the Main Street Redevelopment Plan will be the revitalization of critical areas of the community, while creating a new mixed-use development, which will bring significant new ratables into the community. Additional housing, economic, and recreational and cultural opportunities will also be created. Finally, the Main Street Redevelopment Plan will help redefine the Borough of Hightstown and enhance its position as a State-Designated Town Center.

MAP 1

MAP II

MAP III

PROPERTY OWNERS LIST (As of December 3, 2014)	
BLOCK/LOT	OWNER OF RECORD & MAILING ADDRESS
54/6 & 7	Dogias, A. Alexander & Lola, 4754 White Tail Lane, Newport Richey, FL 34653
54/8 & 9	RPSP Holdings, LLC, 139 Mercer St. Hightstown NJ 08520
54/10 & 23	Jeffrey Bond, 210 S. Main St., Hightstown, NJ 08520
54/13 & 16.01	KPM Holdings, LLC, 19 Robbins Rd., Millstone TWP 08535
54/14.01	Ordonez, Luis F. & Juan E., 138 S. Main St., Hightstown, NJ 08520
40/14	Carias, Hector & Barrios, Maydra, 207 Rogers Ave., Hightstown, NJ 08520
40/15	Battash, Annie, 10 Hidden Spring Lane East Windsor, NJ 08520
40/16	Darling, Elizabeth & Shishone Evers, S. 200 Academy St., Hightstown, NJ 08520
40/17	Amin, Mohammad, 102 Bryn Mawr Avenue, Lansdowne, PA 19050
40/18	Ames, Samuel, 210 Academy St., Hightstown, NJ 08520
40/19	McKinnie, Virginia, 212 Academy St., Hightstown, NJ 08520
40/20	Ordonez Realty, LLC, 138 S. Main Street, Hightstown, NJ 08520 (20 & 21 consolidated in 2006)
40/22 - 24	Millstone Basin Area Hab for Humanity, 120 Main St. #207 Hightstown, NJ 08520
40/25	Bowman, Lucy, 238 Academy St., Hightstown, NJ 08520
40/26	Phillips, Dennis G., 240 Academy St., Hightstown, NJ 08520
40/28	Regenthal, Frank W & Jamie A., 250 Academy St. , Hightstown, NJ 08520
33/1, 9, 12, 33 & 35	Borough of Hightstown, 148 N. Main Street, Hightstown, NJ 08520
33/2	Wang, BJ. & HS Trustees Wang Family, 43314 Clearwood Drive, Fremont CA 94538
33/3	Owner Unknown
33/4, 5, 8, 10 & 13	Bond, Jeffrey, 210 S. Main St., Hightstown, NJ 08520
33/6	Cheng, Yin & Zheng, Ziu Quin, 100 Main Street, Hightstown, NJ 08520
33/7	Unknown Owner
33/11	Unknown Owner
33/14	Eastern Dragon Ocean, Inc., 114 Main St., 2 nd Floor, Hightstown, NJ 08520
33/15 & 16	Eastern Dragon Ocean, Inc., 114 Main St., 2 nd Floor, Hightstown, NJ 08520

PROPERTY OWNERS LIST (As of December 3, 2014)	
BLOCK/LOT	OWNER OF RECORD & MAILING ADDRESS
33/17, 21, 22, 26, 27 & 31, 32	These lots no longer exist in the Borough
33/18, 29 & 34	TPS Management, c/o Richardson Management, 2115 State Highway 33, Trenton, NJ 08690-1740
33/19	Salnin LLC, 124 Main St., Hightstown, NJ 08520
33/20	Alderman, Gloria, POB 7424, Monroe, NJ 08831
33/23 - 25	C.J. Vanderbeck, LLC, 344 Stockton St., Hightstown, NJ 08520
33/28 & 36	Sackowitz, Harry, 106 Mercer St., Hightstown, NJ 08520
33/30	Bond, Jeffrey & Tolmie, Catherine, 210 S. Main St., Hightstown, NJ 08520
30/1 - 7	Greystone Capital Partners NJ, LLC, 920 Matsonford Road, West Conshohocken, PA 19428
30/10-13	Borough of Hightstown, 148 N. Main Street, Hightstown, NJ 08520
30/8 & 9	Hightstown-East Windsor Historical Society, 164 N. Main Street, Hightstown, NJ 08520
28/56 & 57	Borough of Hightstown, 148 N. Main Street, Hightstown, NJ 08520
21/1 - 5 & 26	Greystone Capital Partners NJ, LLC, 920 Matsonford Road, West Conshohocken, PA 19428
21/6-14	5C Industries LLC, 101 Bank Street, Hightstown, NJ 08520

IMPLEMENTATION FUNDING RESOURCES

Based on proposed development information provided at the various public hearings, the following list of grant/loan programs and other funding sources may be utilized to address some of these elements. The following is not a comprehensive list, but merely represents known opportunities. Additional funding sources will be identified as the project elements proceed and new opportunities surface.

- NJ DOT Transportation Enhancement Program Fund: This grant program could provide funds to make significant enhancements, such as period lighting, sidewalk replacement, street furniture and landscaping, to the remaining unimproved areas within the downtown district.
- NJ DOT Bikeways Program: This program could provide grants up to about \$150,000 each to build the infrastructure within the proposed greenway. Projects that connect to regional trails and local amenities/facilities will fare best.
- NJ DOT Centers of Place Program: This program provides grant funding to address transportation-related issues, such as parking, or pedestrian amenities, such as the Peddie lake crosswalk. Only municipalities which are listed as designated within the SDRP, such as Hightstown, are eligible for this grant program. In 2003 awards averaged \$187,000.

- NJ DEP Historic Preservation Trust and the New Jersey Historic Commission Grant Programs: These two (2) programs provide grants for restoration of historic structures, including design and capital costs necessary to preserve existing historic resources. Capital Preservation Grants are for construction expenses related to the preservation and restoration of historic properties and associated architectural and engineering expenses and awards range from \$5,000 to \$750,000; however, the applicant, (local government or a non-profit) must own the property or have a valid lease for 15 years, and the property must be listed, or eligible for listing, in the state or federal Register of Historic Places.
- NJ DEP Environmental Infrastructure Financing Program: This program could provide a low-interest loan (currently around 1.2%) for construction costs to replace/repair existing sewer and storm water systems to ensure the protection of water quality. This program may provide significant savings due to the lower interest rate of this program and costs of bonding locally. This program could also provide funding to study and remediate localized storm water flooding. While there is no upper limit to funding, most awards are multi-million in magnitude.
- NJ DEP Livable Communities Program: This program could provide grant funds for recreation-related improvements and development (excluding land acquisition) such as the greenway. In previous years, Livable Communities were capped at \$100,000.
- NJ DEP Hazardous Discharge and Site Remediation (HDSRF) Program: The grant program could provide up to \$2,000,000 in grant funding to the municipality for environmental site investigation. Funds may be used for Preliminary Assessment (PA), Site Investigation (SI) and Remedial Investigation (RI). Funds may not be used for cleanup activities.
- NJ DCA Small Cities Programs:
 - Public Facilities: These funds may be utilized to construct or improve essential public facilities which will primarily benefit people of low and moderate-income and/or redevelopment areas. In a designated redevelopment area, eligible activities include streets, sidewalks, streetscape improvements, lighting, infrastructure and recreational amenities. Awards are typically in the \$400,000 range.
 - Innovative Development Fund (IDF): Projects within a redevelopment area, that propose two (2) or more inter-related activities such as land acquisition and parking, and are related to implementation of the redevelopment project, are eligible for this funding source. Additionally, IDF projects must be ineligible for any other Small Cities funding source. Awards generally range up to \$400,000.
 - Employment Development: Projects that result in the creation of new employment opportunities for low and moderate income are eligible for funding under this category. Proposed projects may include loans to for-profit enterprises, or off-site public improvement grants. Awards generally range up to \$400,000.
- Federal Historic Preservation Tax Incentives: This program offers development costs for the rehabilitation and restoration of buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income-producing and must be rehabilitated according to standards set by the Secretary of the Interior. A 20% rehabilitation tax credit equals 20% of the amount spent in the certified rehabilitation of a certified historic structure. The 10% tax credit equals 10% of the amount spent to rehabilitate a non-historic building built before 1936.
- Various NJ Economic Development Authority (EDA): EDA offers a wide-range of loans and tax credits for projects that result in new job creation. As additional information becomes available on the types of uses within the Redevelopment Area, specific NJ EDA programs will be identified and targeted.

- **Municipal Bonding:** Local financing may be provided to the designated Redeveloper for portions of the project at a lower-than-market interest rate. The designated Redeveloper would benefit from the lower interest rate and would be responsible for all municipal fees, principal and interest payments.
- **Borough Insurance Claim:** The Borough may be able to apply funds of up to 2 million dollars from the Hurricane Irene insurance claim towards work related to the vacant municipal properties, (Block 30 Lots 10, 11 and 12).

Sub-Area I (BANK STREET) DESIGN CRITERIA

The overarching design criteria governing the redevelopment of the former Rug Mill site are as follows:

1. Green space shall be included to the maximum extent possible within the Sub-Area and should be considered an integral design element.
2. Reasonable efforts must be made to allow visibility of the site's retail/commercial facilities and the site's natural and historic features from North Main Street.
3. The surrounding Main Street streetscaping design shall be continued along the west side of the North Main Street frontage, to Bank Street. Elements of the existing streetscape design should be used within the site and along Bank Street, as accents. See Subsection k.1.
4. A greenway shall be established along the Rocky Brook corridor and a footbridge, subject to State approvals, shall be provided to link the Redevelopment Area together.
5. The inclusion of an engineered passive water feature that shall also serve as a detention pond in the event of a flood shall be evaluated and if feasible incorporated into the project.
6. Usable pedestrian access ways shall be provided throughout the site, connecting to existing perimeter sidewalks and to the Greenway.
7. Buildings shall be considered in terms of their relationship to the surrounding neighborhood and natural environment as well as in relation to the human scale.
8. Design visual and green space transitions, which include pedestrian connections and landscaping, to buffer the existing Historical Society property. Additionally, volunteer firefighters and fire equipment shall have unimpeded access to the firehouse.
9. Create a new street front along Academy Street that respects the scale and character of the neighborhood on the opposite side of the street.
10. Roof top spaces shall be encouraged for passive and active recreation uses, such as patios, gardens, swimming pools and sunbathing areas.
11. The Borough of Hightstown recognizes the importance of environmental sustainability and, therefore, the Redeveloper is encouraged to evaluate the potential for LEED accreditation of the Bank Street Sub-Area I Redevelopment District.

BANK STREET SUB-AREA REDEVELOPMENT DISTRICT – DEVELOPMENT STANDARDS

LAND USE

Land Use: The Bank Street Sub-Area currently contains partially-vacant facilities, and commercial and governmental uses. The area is bounded by Route 33 (Main Street), Rocky Brook, and residential neighborhoods. Selected structures, if approved by the Borough, may be demolished, and existing environmental hazards remediated as required by the New Jersey Department of Environmental Protection (NJDEP). The lots will then be combined to facilitate the redevelopment of the area. In partnership with the selected Redeveloper, the Borough may pursue various state and federal grant opportunities to help accomplish the redevelopment of this Sub-Area. The collaborative partnership between the Borough and the selected Redeveloper may also seek funding assistance to assist in the development of the greenway along Rocky Brook.

The following uses are permitted within the Sub-Area I Redevelopment district:

Adaptive reuse of the site's existing structures for residential and commercial/office use

Residential uses including multi-family dwellings and duplex town homes , (facing Academy Street only).

Artist live/work studio lofts.

Studios for the visual and performing arts

Hotel

Governmental uses and other public facilities

Passive and active recreational facilities

Retailing within a completely enclosed building, but excluding drive through retail. A variety of retail shops shall be provided to encourage and maximize consumer choice.

Personal and other business services within a completely enclosed building, excluding drive-thrus.

Offices.

Public facilities, including public parking facilities

Restaurants and other places to eat and drink, but not including drive-thrus .

Banks and financial institutions, excluding drive-thrus.

Residential dwelling units as upper floor use of buildings containing above-permitted principal uses.

Scientific and research laboratories

Pharmaceutical operations (non-manufacturing)

Galleries, theatres and performance spaces.

For-profit only schools, testing centers and learning centers.

Accessory Uses:

Signs

Parking decks and garages

Roof top recreation spaces and uses.

All other uses, unless specifically permitted, are prohibited.

Permitted residential dwelling types include: (1) townhomes/duplexes on fee simple lots or under a condominium form of ownership; and (2) multi-family dwellings which shall contain no more than two (2) bedrooms per dwelling .

Only townhouse/duplex units shall be permitted to front on North Academy Street.

DESIGN STANDARDS

Setbacks and Buffers: In consideration of Rocky Brook and the critical need for an attractive viewscape from New Jersey State Highway 33 and County Route 539, the following setbacks and buffers will be required.

Setbacks:

All buildings shall have minimum set backs consistent with the building setback of the Historical Society (Block 30, Lots 8 and 9) from County Route 539 (North Main Street). All parking and roadways shall be setback a minimum of 15 feet from the interior edge of the existing sidewalk along North Main Street (C.R. 539), to facilitate the creation of the viewscape from Route 33 into the new mixed-use development. Based on review of the parking study, additional buffering, green space, and/or landscaping may be required.

It is the intent of the Governing Body to retain as much of the historic structures as practicable. Any demolition of any part of the existing structures is subject to approval of the Planning Board through the site plan review process.

Ten (10) foot front and side yard setbacks shall be required for all new structures along Bank Street.

Minimum front yard setbacks for townhomes/duplexes shall be fifteen (15) feet. Minimum rear yard setback for townhomes/duplexes shall be thirty (30) feet. Porches may project not more than five (5) feet into the required front yard setback.

Minimum lot depth for townhomes/duplexes shall be one hundred ten (110) feet.

Minimum distance between townhome/duplexes shall be fifteen (15) feet, equally divided between lots.

The minimum set back for accessory structures shall be five (5) feet.

Buffers:

All proposed structures, with the exception of improvements to the greenway and parking lots, shall be set back from any environmentally-sensitive areas as designated by the NJDEP and the Rocky Brook. A minimum 10 foot wide buffer, measured from top of bank and extending to 28 feet in width or greater, wherever practicable, shall be provided on both sides of the Rocky Brook as per the Hightstown Environmental Commission's greenway design concept specifications (February 1999). Specifically, the Rocky Brook buffer is to be 28 feet in width on both sides of the water body, unless the selected Redeveloper demonstrates to the satisfaction of the Planning Board that compliance with same is impracticable and will exact undue hardship on the ability of the selected Redeveloper to provide adequate parking for the development, in which case the buffer area may be reduced in certain locations along the Rocky Brook to no less than ten (10) feet in width. A continuous eight (8) foot wide pathway shall be provided within the greenway along the Rocky Brook to permit public access through the greenway and link with the planned eight (8) foot wide pedestrian access bridge. The planned pedestrian access bridge shall have a minimum span to conform with floodway requirements. The Environmental Commission shall review the Redeveloper's greenway plan and provide comment to the Planning Board.

Buffers as required by the regulations in effect at the time of plan approval shall be provided for any environmentally sensitive lands as designated by NJDEP. Those areas, as well as the buffers, shall be deed restricted to prevent future development, with the exception of trails for recreational or pedestrian circulation purposes, and the Borough of Hightstown shall be granted an easement on said lands for that purpose.

A thirty (30) foot buffer shall be required between any new structures, with the exception of service area structures, and the Historic Society building (Block 30, Lots 8 and 9). This buffer may include green space, pedestrian improvements such as sidewalks, and recycling/rubbish storage areas.

Individual driveways and garages shall not be permitted to front on North Academy Street.

Design Standards

Building Design:

The maximum height of any new building or building addition, excluding residential townhomes/duplexes, shall not exceed the height of the existing Rug Mill structures. Rooftop appurtenances for new buildings or additions shall not exceed five (10) feet above the roofline. The maximum height for adaptive reuse of existing site buildings shall be the existing building height, excluding screened rooftop appurtenances, which shall not exceed an additional five (10) feet and shall be set back a minimum of (10) feet from the front facade.

Residential townhomes/duplexes shall not exceed two and one half stories or thirty-five (35) feet in height as measured from the grade curb level in front of each residential building to the highest point of the roof.

Residential uses shall be permitted on all floors of the existing buildings and accessory recreation uses for residents may be developed on building roof tops.

All new buildings, excluding residential townhomes/duplexes shall compliment the façade of the existing Rug Mill structures. Residential townhomes and duplexes shall match the character and style of the North Academy/Stockton Street neighborhood. Detailed architectural plans including colors, materials, and textures, shall be provided for all buildings and accessory structures. If rehabilitation of the municipal building is selected by the parties, detailed floor plans shall be provided for the new municipal facility.

The Architectural Review Committee shall review and advise the Planning Board and the Redeveloper with regard to architectural features, styles, materials and colors.

Buildings shall be located, designated and identified to allow for adequate fire and emergency access.

All new construction and adaptive reuse must conform to all applicable codes and standards including Americans with Disabilities (ADA) Act requirements.

All external mechanical, electrical, and plumbing appurtenances, including but not limited to electrical components and HVAC equipment, including roof-mounted units, shall not exceed five (10) feet above the roofline, shall be screened by landscaping or enclosed and shall not be included in determining building height.

Such HVAC and other appurtenances shall comply with all state statutes governing noise levels for both day and night time uses.

All electrical, gas, water, sewer, telephone, cable television, power, phone, CATV, and other utilities shall be installed underground, as per current engineering standards. Roof antennae or towers shall not be permitted.

Circulation and Parking: The circulation plan will be dependent on final design submitted by the selected Redeveloper(s) to the Planning Board.

1. Usable pedestrian walkways within the site shall be designed to interconnect to parking lots and North Main and Bank Streets, and to the greenway where possible. Based upon the selected Redeveloper's parking plan, which plan will identify the number of potential on-street parking spaces along North Academy Street, the Planning Board may allow on-street parking along North Academy Street to be included in the Redeveloper's overall parking requirement calculations. Four (4) spaces of on-street parking on Bank Street shall be made available for use by the existing business on the corner of Bank and North Main Streets and shall not be included in any shared use parking analysis. Circulation throughout the site should be designed so that pedestrian pathways have priority and take precedence over vehicular circulation. Downtown parking ratios can

only be sustained when complemented by a well developed pedestrian system. The downtown parking ratios that follow will be permitted only when the Redeveloper can demonstrate to the Planning Board that the design of the site's pedestrian circulation adequately establishes pedestrian priorities and connections to the downtown. Absent such design, additional parking on-site may be required.

2. Retail or other commercial uses shall provide one (1) parking space for every 500 square feet of gross floor area utilized by the commercial or retail use. Retail or food service drive-thrus are prohibited.
3. Office uses shall provide one (1) parking space for each 400 square feet of gross floor area utilized by the office use.
4. Movie houses, other theaters, restaurants, and entertainment uses shall provide one (1) space for every three (3) seats or one (1) space per 40 square feet of usable seating, floor, or activity area, whichever is greater.
5. The Planning Board may approve a total reduction of the required parking where such reduction is demonstrated by a study of the combined, or shared uses and customary operation of the uses that adequate parking would be provided for the actual uses. The Planning Board shall also encourage the developer to pursue accessible off-site shared parking use.
6. The selected Redeveloper's traffic study shall investigate such limiting factors including but not limited to, safe and efficient access, existing roadway capacities and levels of service, traffic signals, timing, existing and proposed volumes, peak hour analyses, and the ability of the existing conditions to safely absorb the projected amount of traffic. Utilization of the property shall be dependent upon the results of the traffic study, which results may alter the number of units, mix of uses and commercial floor area permitted on-site.
7. For 90 degree parking, standard parking spaces shall be nine (9) feet in width and a minimum of eighteen (18) feet in length. Up to 1/3 of the parking spaces may be designed as compact car spaces and designated as such. For 90 degree parking compact parking spaces shall be (8) feet by (15) feet.
8. The location, size, and signage of accessible parking spaces must conform to all ADA requirements.
9. Parking lot layout, landscaping, and buffering shall be designed to enhance the viewscape from New Jersey State Highway (NJSH) Route 33 (North Main Street) frontage.
10. The interior of parking lots shall be landscaped to provide shade and visual relief.
11. Parking garages and decks are permitted accessory uses in Sub-Area I, and are subject to Planning Board approval. Approval of the need for and size of the parking garage shall be determined by the Planning Board in conjunction with the overall number of parking spaces required. If the selected Redeveloper proposes a parking garage or deck, it must be properly located by the Redeveloper to provide clear views of all scenic and historic sites within Sub-Area I from key off-site and on-site vistas, as determined by the Planning Board.

Any approvals of a parking garage, including bulk and height, will be evaluated and determined by the Planning Board during the site plan review process.

12. Landscaped islands shall dictate flow and provide pedestrian safety zones.
13. For lots with eleven (11) or more spaces, a minimum of one (1) tree shall be planted for every twenty (20) spaces and shall not include those planted along the perimeter.
14. Parking spaces and ADA accessible spaces shall be clearly marked at all times.
15. Parking for residential units shall require two (2) parking spaces per unit, subject to approval under N.J.A.C. 5:21-3.5 (Special Area Standards).
16. Individual driveways and garages shall not be permitted to front on North Academy Street.
17. Increase the safety of pedestrians, bicyclists and motorists by providing streetscape improvements and a mid-block pedestrian crossing on Bank Street.

Loading and Unloading: All such activities shall occur on the interior of the development and not on any state, county or municipal right-of-way. Hours of delivery shall be determined by the Planning Board and set forth as a condition of approval.

Signs:

Except as noted below, all applicable provisions of Chapter 29, Signs, of the existing Revised General Ordinances of the Borough of Hightstown, including but not limited to provisions applicable to PED and shopping centers shall apply to Sub-Area I:

One (1) free standing sign shall be permitted along the North Main Street frontage, and one (1) free standing sign to identify the commercial buildings shall be permitted along the Bank Street frontage.

Each retail store front shall be permitted a façade sign.

The Redeveloper shall provide a comprehensive sign package, including colors and materials, to the Planning Board. The Planning Board may approve a comprehensive sign package for the project that exceeds the standards in Chapter 29 and/or in this document, without the need for a variance, in terms of sign area and number of signs if it is demonstrated to the Board's satisfaction such additional signage is necessary to appropriately identify the uses on the site from the street, and is consistent with good planning for the site.

Lighting:

All lighting shall be post or building mounted and oriented earthward to minimize light pollution.

Parking area lighting shall be post-mounted, located on landscaped islands, and shall not exceed 20 feet in height above grade.

Street fixtures should be period lighting similar to those sited in the downtown area along Mercer Street.

Pedestrian and access point lighting shall be post-mounted and shall not exceed 14 feet in height above grade.

Where parking lighting abuts residential areas, fixtures shall be shielded to eliminate light overflow into residential lots.

Lighting shall conform to the Borough's specifications and the developer shall pay the up-front cost per fixture for street lights to reduce the ongoing operational and maintenance costs to the municipality. Exact details will be specified in the Redeveloper Agreement.

Lighting in interior parking and commercial/office areas of the development shall be privately owned and maintained by the selected Redeveloper.

Fences/Enclosures: Shall be prohibited with the following exceptions:

All bulk waste/recycling receptacles (dumpsters) shall be fully screened. Such screening shall be of adequate height to fully shield the receptacle and shall utilize plantings and/or brick construction with a brick front and gated access way which can be secured during periods of non-use. Chain link fencing is prohibited. If landscape screening is utilized, bollards shall be provided to maintain the integrity of the planted screening. Full brick construction shall be required for structures located within designated buffer areas adjacent to any residential or commercial building.

Ornamental fencing along North Main Street.

Privacy fencing along the rear boundary of the Bank Street Sub-Area abutting the properties designated as Block 21, Lots 15, 19, 21 and 22.

Heights of all fencing are subject to Planning Board review and approval.

Infrastructure:

Sidewalk/Walkways: Pedestrian or connecting walkways shall be constructed of pavers, concrete and/or textured concrete in colors and/or patterns consistent with the existing Main Street infrastructure. All walkways shall be a minimum of five (5) feet in width, and shall extend from the building façade to the curb line, with an area for landscaping and street trees. All facilities within the eastern portion of the Bank Street Sub-Area shall be connected by such walkways. Crosswalks traversing parking areas shall be constructed of similar decorative paving materials.. All materials shall be compatible with the existing streetscape along Main Street.

Roadways: As appropriate, all roadways must conform to the State of New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21, unless otherwise approved under N.J.A.C. 5:21-3.5 (Special Area Standards).

Water, Sewer and Stormwater Management: These systems are to be investigated, constructed and upgraded, as required, by the designated Redeveloper, and shall be subject to review and approval by all applicable federal, state, and local agencies, and will be the responsibility of the selected Redeveloper(s) based on the final approved usages within the area. All water, sewer and stormwater

systems must conform to the State of New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21, as relating to the residential component of the proposed plan, unless otherwise approved under N.J.A.C. 5:21-3.5 (Special Area Standards), and to the NJDEP Stormwater regulations as relating to the non-residential components of the plan, and shall be subject to applicable state laws and regulations in effect at the time of plan approval.

Unless expressly modified herein, all existing Borough of Hightstown Site Plan and Subdivision Ordinances and criteria shall apply to development plans submitted within the Bank Street Sub-Area I Redevelopment district as per Chapters 26, 27, 28 and 29 of the Borough of Hightstown Code. In the event of any inconsistencies between the approved Redevelopment Plan and the aforementioned Code chapters, this Redevelopment Plan shall govern.

The Planning Board is hereby authorized to grant all necessary relief pursuant to N.J.S.A. 40:55D-70a., b. and c., as well as all requested waivers.

A final project market study shall be submitted to the Planning Board together with a Site Plan application.

All NJDEP environmental remediation documents, including all approvals, regarding the Mill Property shall be submitted to the Planning Board and Borough Engineer together with a Site Plan application.

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EXHIBIT B REDEVELOPMENT PLAN AMENDMENTS

The Rugmill Redevelopment Plan Amendments as follows [additional language underlined; ~~omitted language struck through~~]:

1. Pg 16, Section a.2 in “Land Use” – modify as follows:

“Residential uses including multi-family dwellings and ~~duplex townhomes (facing Academy Street only).~~”

2. Pg 17, Section b entitled “Accessory Uses:” – Add the following:

“4. Surface parking lot(s).”

3. Pg 17, Section c in “Land Use” – modify as follows:

“Permitted residential dwelling types include: (1) townhomes/~~duplexes~~ on fee simple lots or under a condominium form of ownership; and (2) multi-family dwellings which shall contain no more than two (2) bedrooms per dwelling.”

4. Pg 18, Section 1.a.4 in “Setbacks and Buffers: Setbacks:” – modify as follows:

“Minimum front yard setbacks for townhomes/~~duplexes~~ shall be ~~ten (10)~~ fifteen (15) feet. Minimum rear yard setback for townhomes/~~duplexes~~ shall be ~~zero (0)~~ thirty (30) feet. Porches may project not more than five (5) feet into the required front yard setback.

5. Pg 18, Section 1.a.6 in “Setbacks and Buffers: Setbacks:” – modify as follows:

“Minimum distance between townhome buildings/~~duplexes~~ shall be fifteen (15) feet, ~~equally divided between lots.~~ Townhome buildings may contain more than one townhome unit.”

6. Pg 19, Section 1.d in “Setbacks and Buffers:” – modify as follows:

“A thirty (30) foot buffer shall be required between any new structures, with the exception of service area structures, any townhome buildings and the Historic Society building (Block 30, Lots 8 and 9). This buffer may include green space, pedestrian improvements such as sidewalks, and recycling/rubbish storage areas.”

7. Pg 21, Section 1.g.1 in “Circulation and Parking” – modify the 2nd sentence of subparagraph 1 as follows:

“Based upon the selected Redeveloper’s parking plan, which plan will identify the number of potential on-street parking spaces along North Academy Street and/or Bank Street, as applicable, the Planning Board

may allow on-street parking along North Academy Street and/or Bank Street, as applicable, to be included in the Redeveloper's overall parking requirement calculations."

8. Pg 23, Section 1.g.15 in "Circulation and Parking" – modify as follows: "Parking for residential units shall require ~~two (2) parking spaces per unit~~ one (1) space per bedroom, but not less than 1.4 spaces per unit over all phases of the redevelopment, subject to approval under N.J.A.C. 5:21-3.5 (Special Area Standards)."

RESOLUTIONS

Resolution 2017-61 Authorizing Payment of Bills

Councilmember Kurs moved Resolution 2017-61; Councilmember Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2017-61

*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 \$108,882.30 from the following accounts:

Current		\$48,393.88
W/S Operating		60,488.42
General Capital		0.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		0.00
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$108,882.30</u>

Resolution 2017-62 Resolution of the Borough of Hightstown, in the County of Mercer, Authorizing Execution of Amended and Restated Redevelopment Agreement for Portion of the Rugmill Redevelopment Area

Councilmember Kurs moved Resolution 2017-62; Councilmember Stults seconded.

Mr. McManimon explained the need for this resolution and the process for amending the redeveloper agreement; noting that this is being done to include the Academy Street portion of the project since the Developer has acquired this property and wishes to add it to the project as presented in the new concept plan. The amendments to the agreement are for clarification purposes.

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

Resolution adopted 6-0.

Resolution 2017-62

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

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER
AUTHORIZING EXECUTION OF AMENDED AND RESTATED REDEVELOPMENT
AGREEMENT FOR PORTION OF THE RUGMILL REDEVELOPMENT AREA

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, by Resolution 2003-19 duly adopted on December 1, 2003, the Borough Council (“Borough Council”) of the Borough of Hightstown (the “Borough”) designated the properties known as Tax Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14 & 26 on the Borough’s official tax map (collectively, the “Redevelopment Area”), as an “area in need of redevelopment”; and

WHEREAS, a revised redevelopment plan (“Redevelopment Plan”) containing development standards for that portion of the Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006, and October 6, 2008; and

WHEREAS, on July 29, 2016, the Borough and RBG Hightstown, LLC (the “Redeveloper”) entered into that certain Redevelopment Agreement (the “Original Redevelopment Agreement”), pursuant to which, among other things, the Redeveloper is required to redevelop the portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-5 & 26 on the Borough’s official tax map (collectively, the “Original Project Area”), which constitutes part of Sub-Area I (Bank Street), by constructing thereon a project including approximately 42,470 square feet of retail space, between 169 and 232 residential units, and associated parking and other infrastructure improvements, consistent with the Concept and Phasing Plan attached as Exhibit 2 to the Original Redevelopment Agreement (the “Original Project”); and

WHEREAS, the Redeveloper was to construct the Original Project in two (2) phases described in more detail in the Original Redevelopment Agreement; and

WHEREAS, after the execution of the Original Redevelopment Agreement, the Redeveloper expressed a desire to also redevelop the portion of the Redevelopment Area consisting of Block 21, Lots 6 through 13 (collectively, the “Academy Street Property” and, together with the Original Project Area, the “Project Area”); and

WHEREAS, the Redeveloper proposes to construct on the Academy Street Property thirty-four (34)

townhomes; and

WHEREAS, the Borough and Redeveloper now desire to amend and restate the Original Redevelopment Agreement to expand the Redeveloper's designation as redeveloper of the Original Project Area to include the Academy Street Property, to modify the description of the project to be constructed on such expanded Project Area, and to modify the phasing of the implementation of such modified project; and

WHEREAS, toward those ends, the Borough desires to designate RBG as the redeveloper of the Academy Street Property and to authorize the execution of an amended and restated redevelopment agreement by and between the Borough and RBG, in substantially the same form as that on file with the Borough Clerk (the "Amended and Restated Redevelopment Agreement").

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. RBG is hereby designated as the redeveloper of the Academy Street Property, subject to the execution by the Borough and RBG of the Amended and Restated Redevelopment Agreement.

Section 3. The Mayor is authorized to execute the Amended and Restated Redevelopment Agreement with RBG, in substantially the same form as that on file with the Borough Clerk.

Section 4. This resolution shall take effect immediately.

CONSENT AGENDA

Resolutions 2017-63, 2017-64, 2017-65, and 2017-66

Councilmember Kurs moved Resolutions 2017-63, 2017-64, 2017-65, and 2017-66 as the consent agenda; Councilmember Hansen seconded.

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

Resolutions adopted 6-0.

Resolution 2017-63

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for

tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2016 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown as follows:

1. The Borough of Hightstown hereby endorses the submission of a 2016 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Ken Lewis, Recycling Coordinator, 156 Bank Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 2017-64

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

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$800,000 WATER-SEWER UTILITY BONDS, OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.

WHEREAS, the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"), has determined that there exists a need within the Borough to provide for improvements to Well #2 and the settling tank including the acquisition and installation of all equipment and materials and all work necessary therefore or incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's Water-Sewer Utility Bonds, in an aggregate principal amount not to exceed \$800,000, a

portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Borough Bonds and the execution and delivery of one or more of the Loan Agreements and the Continuing Disclosure Agreement, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Borough and the escrow agent named therein; and

WHEREAS, in connection with the issuance of the Borough Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Borough authorizes release of the same.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Borough as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its Borough Bonds in an aggregate principal amount not to exceed \$800,000 in accordance with the provisions hereof. The Borough Bonds have been referred to and are described in a bond ordinance of the Borough, which bond ordinance is entitled, "Bond Ordinance Providing for Various Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,860,000 Therefor and Authorizing the Issuance of \$1,860,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof" and was finally adopted by the Borough at a meeting duly called and held on June 6, 2016 at such time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$800,000;
- (b) The maturity and annual principal installments of the Borough Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Borough Bonds;
- (d) The interest rates of the Borough Bonds;
- (e) The purchase price for the Borough Bonds; and
- (f) The terms and conditions under which the Borough Bonds shall be subject to redemption prior to their

stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Borough Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough hereby determines that certain terms of the Borough Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-3. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-4;
- (b) The Borough Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Borough Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Borough Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Borough Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Borough is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Borough.

Section 7. The Borough hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Borough Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Borough Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Borough by either the Mayor or the Chief Financial Officer in substantially the forms available in the office of the Borough Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Borough (collectively, the "Borough Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Borough Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Borough Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Borough as determined hereunder and to affix the corporate seal of the Borough to such Financing Documents.

Section 10. The Authorized Officers of the Borough are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the

execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 11. This resolution shall take effect immediately.

Section 12. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

The preceding resolution was adopted at a regular meeting of the Borough Council of the Borough of Hightstown, in the County of Mercer, New Jersey held at the Hightstown Firehouse in the Borough on March 6, 2017, and the same shall be reflected in the minutes of such meeting.

(Drinking Water Projects 007/008)

PRESENT: Bluth, Hansen, Kurs, Misiura, Montferrat, Stults

ABSENT: NONE

Councilmember Kurs introduced and moved the adoption of the preceding resolution and Councilmember Hansen seconded the motion.

ROLL CALL VOTE: Council members Bluth, Hansen, Kurs, Misiura, Montferrat, and Stults voted Yes.

Resolution 2017-65

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2017 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2017 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2017 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	4,000.00	72,000.00	76,000.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	100,000.00	100,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	4,000.00	172,000.00	176,000.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are

attached hereto and made a part hereof;

2. Each emergency appropriation listed will be provided for in the 2017 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Chief Finance Officer.

Borough of Hightstown
Emergency Temporary No. 1
3/6/2017

Current Fund

Financial Administration	Other Expenses	2,000.00
Tax Collector	Other Expenses	2,000.00
		<hr/>
Total Current Fund		4,000.00
		<hr/>
Total		4,000.00
		<hr/>

Resolution 2017-66

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2016 BUDGET

Whereas, N.J.S.A. 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the following year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2016 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
Gasoline		
Other Expenses	\$ 8,500.00	\$ -
Snow Removal		
Other Expenses	-	8,000.00
Fire Department		
Other Expenses	-	500.00
TOTALS	\$ 8,500.00	\$ 8,500.00

PUBLIC COMMENT PERIOD II

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

Scott Caster, 12 Clover Lane – Noted that he is pleased to see the town center designation in the agreement; the Borough should request that NJDOT put Hightstown on the fast track and that they partner with the Borough.

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

DISCUSSION

Budget Meeting Date

Mayor Quattrone inquired as to whether Clerk/Administrator Sopronyi could suggest a date for the budget meeting. Ms. Sopronyi suggested Saturday, March 18th at 9:00am.

After confirming Council member availability, it was decided that the budget meeting would be held on March 18th at 9:00am; the location to be determined.

SUBCOMMITTEE REPORTS

GR Gateway Retail and OC Office Campus Zoning Review (Route 33 Corridor Zoning)

Councilmember Montferrat noted that the subcommittee consisting of Council members Montferrat and Bluth reviewed the changes and have distributed their recommendations to Council. Mayor Quattrone directed Council to review the recommendations prior to the next meeting so discussion can take place; after Council review, the revisions can then be sent to our Professionals for review prior to adoption.

Borough Administrator Search

Mayor Quattrone noted that the search committee has re-advertised for the Administrator position and the resumes are due around April 1st.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Bluth

Advised that the Cultural Arts Commission, in conjunction with RISE, will hold their Empty Bowls fundraiser on March 25th, tickets are currently on sale at \$35.00 each, and there will be entertainment at the event; Parks & Recreation held their planning meeting and have decided that the Farmers Market will not be held weekly, but will be held on specific dates: June 23rd, July 2nd, August 25th, and September 8th and they plan to hold other community events in between. The Friday night swims will take place June through September; there are plans to update Dawes Park with the replacement and repair of playground equipment, a water park, and new basketball court.

Councilmember Montferrat

Agreed with Scott Caster regarding the Town Center designation, noting that it is a lot of work to get such a designation and requires assessments; the Harvest Fair Committee will be holding their first meeting on March 21st; work is starting on the Latino Festival; the Board of Health meeting is this Wednesday; the Environmental Commission's budget requests are forthcoming; a representative of the Watershed attended the Environmental Commission meeting and has concerns with the Lakefront project; the Environmental Commission is suggesting dropping out of the Sustainable Jersey Program as it is a lot of work and nobody on the Commission has the time to

dedicate to the certification, they are asking for Council's opinion; Allentown Borough also attended the Environmental Commission meeting to inquire about the Sustainable Jersey certification.

There was discussion and Council requested that a member of the Environmental commission come to a Council meeting to have a discussion regarding the Sustainable Jersey certification before Council comments on the matter.

Councilmember Misiura

Commented that it is good to hear about the planned improvements to Dawes Park; the Planning Board held a special meeting to review the changes to the Redevelopment Plan and have approved its amendment; the Planning Board needs to work on the Fair Share and Affordable Housing Plan for zoning changes and it may be necessary to appoint a Fair Share Attorney. He suggested appointing the Planning Board Attorney for this position if needed.

Councilmember Misiura then presented a letter given to him by Mr. Rubenstein, a resident; he asked that it be distributed to Mayor and Council. He then thanked the staff for their hard work during the computer crisis and the input of data afterward.

Councilmember Kurs

Noted that the First Aid appreciates that its concerns about parking on Bank Street for the redevelopment project are being addressed; commented that it is great to see progress with the Rugmill project, and thanked the subcommittee for their hard work; advised that he and the Chief reviewed the prospect of a shared service for the equipment and software needed on the back end of the body cameras, but it is not feasible.

Councilmember Hansen

Advised that she attended the Housing Authority meeting and there was good discussion regarding the ordinance and roles, best practices, Council issues and COAH, and she looks forward to the next meeting; she has suggested that a Commissioner attend a Council meeting occasionally to report to Council; Monique could not make tonight's meeting so she will swear her in at the next Housing Authority meeting; the subcommittee for appointing the Auditor is waiting until the 2015 and 2016 audits are completed before appointing an Auditor for 2017.

Council President Stults

Noted that he attended the seminar regarding budgets and it was interesting, he is confident with the way things are being done in Hightstown; he then thanked the staff for their hard work during the computer crisis; noted that the business group that has been meeting once a month is now rolling into Downtown Hightstown, and they are working on a new website that will showcase Hightstown as a shopping destination; the businesses would like to work with the Parks and Recreation and Cultural Arts Commissions to plan events; a new business is coming to town on South Main Street; he is glad the property maintenance ordinance has been adopted; he is looking forward to the Empty Bowls event.

Clerk/Administrator Sopronyi

Ms. Sopronyi advised Council that Radon Kits are still available free of charge in the Clerk's Office; Deputy Clerk, Peggy Riggio, has been ill and out of the office; Ms. Sopronyi noted that she has obtained her Certified Municipal Clerk designation and will be taking a vacation to Montreal in May to attend a conference for which she was awarded a scholarship; these credits from the conference will be used toward obtaining her Master Municipal Clerk designation.

George Lang, CFO

Noted that he is glad that a date for the budget meeting has been set; and the finance office is still cleaning up the missing data in the system.

Mayor Quattrone

Noted that Mr. & Mrs. Franz are in the audience and they are interested in becoming members to a Borough board and/or committee; he has been approached with an inquiry for an Eagle Scout project, and he asked Council to check with the various boards and committees to which they are Liaison to see if they have a recommendation; he thanked the staff for keeping Borough Hall up and running through the computer issues.

ADJOURNMENT

Councilmember Hansen motioned to adjourn at 9:05 pm; Councilmember Montferrat seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi
Borough Clerk