

Meeting Minutes
Hightstown Borough Council
May 1, 2017
7:00 p.m.

The meeting was called to order by Mayor Quattrone at 7:00 p.m. 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>		ARRIVED 7:02
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Montferrat</i>	✓	
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Deputy Borough Clerk; Debra Sopronyi Borough Clerk/Administrator and Fred Raffetto, Borough Attorney.

EXECUTIVE SESSION

Councilmember Montferrat moved Resolution 2017-97; Council President Stults seconded.

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

Resolution adopted 6-0.

Resolution 2017-97

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 May 1, 2017 at 7:00pm 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 – Randolph Boarding House
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: August 1, 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 7:32 p.m. and again read the Open Public Meetings Statement.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Mayor Quattrone requested that the following items be added to the agenda for discussion: Radon Kits, Park Bench, and Liaison Issue. Councilmember Montferrat requested that Keeping the Parks Clean be added to the agenda under discussion.

Councilmember Bluth moved the agenda as amended; Councilmember Kurs seconded.

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

Agenda approved as amended.

APPROVAL OF MINUTES

Councilmember Kurs moved the April 17, 2017 Executive Session Minutes for approval; Councilmember Montferrat seconded.

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

Minutes approved 5-0 with 1 abstention.

Councilmember Hansen moved the April 17, 2017 Open Session Minutes for approval; Councilmember Montferrat seconded.

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

PUBLIC COMMENT I

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

Scott Caster, 12 Clover Lane – Is happy to hear that Councilmember Montferrat wants to discuss keeping the parks in town clean. Cleanliness makes a statement and we need to raise the bar starting with the maintenance of Borough property.

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

PRESENTATIONS

Resolution 2017-98 Waiving Permit Fees and Supporting a Girl Scout Silver Award Project

Councilmember Bluth moved Resolution 2017-98; Councilmember Kurs seconded.

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

Resolution adopted 6-0.

Resolution 2017-98

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

**WAIVING PERMIT FEES FOR AND SUPPORTING A GIRL SCOUT SILVER
AWARD PROJECT**

WHEREAS, on April 3, 2017, Mackenzie Hoeflinger and Jackie Masone presented their Girl Scout Silver Award Project Proposal to the Mayor and Borough Council; and

WHEREAS, the project will consist of the construction of a planetary walk at Rocky Brook Park in Hightstown Borough; and

WHEREAS, the Parks and Recreation Commission, has given their support and guidance on the project; and

WHEREAS, all funds required to finance this project will be raised by Ms. Hoeflinger and Ms. Masone, and will be at no expense to the taxpayers of the Borough; and

WHEREAS, the Construction Official has requested that permit fees, if any, for this project be waived; and

WHEREAS, all appropriate applications shall be filed and all appropriate inspections shall take place for this project; and

WHEREAS, the Mayor and Borough Council give their support for this project; and finds that waiving permit fees, if any, for this project is beneficial to community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Hightstown hereby support the above Girl Scout Silver Award Project and permit fees, if any, associated with this project shall be waived.

Mayor Quattrone and Councilmember Bluth presented Girl Scout Jackie Masone with the resolution supporting a Silver Award Project being completed by herself and Mackenzie Hoeflinger.

RESOLUTIONS

Resolution 2017-99 Authorizing Payment of Bills

Councilmember Hansen moved Resolution 2017-99; Councilmember Bluth seconded.

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

Resolution adopted: 5-0 with 1 abstention.

Resolution 2017-99

*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 \$125,211.70 from the following accounts:

Current		\$63,184.32
W/S Operating		52,040.98
General Capital		5,187.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		3,413.00
Housing Trust		0.00
Animal Control		1,386.40
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$125,211.70</u>

Resolution 2017-100 Resolution Amending the Agreement Which was Approved by Resolution 2016-168, Relating to the Property Located at 278 Academy Street (Block 38, Lot 1), Owned by Norman A. Randolph, Jr. Concerning the Expenditure of Affordable Housing Trust Funds in Order to Facilitate the Provision of an Affordable Housing Project within the Borough.

Councilmember Misiura moved Resolution 2017-100; Council President Stults seconded.

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

Resolution adopted 6-0.

Resolution 2017-100

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

RESOLUTION AMENDING THE AGREEMENT WHICH WAS APPROVED BY RESOLUTION 2016-

**168, RELATING TO THE PROPERTY LOCATED AT 278 ACADEMY STREET (BLOCK 38, LOT 1),
OWNED BY NORMAN A. RANDOLPH, JR., CONCERNING THE EXPENDITURE OF
AFFORDABLE HOUSING TRUST FUNDS IN ORDER TO FACILITATE THE PROVISION OF AN
AFFORDABLE HOUSING PROJECT WITHIN THE BOROUGH.**

WHEREAS, the Borough has determined to amend the Agreement (the "Agreement") that was previously approved by Resolution 2016-168, adopted on September 19, 2016, in certain respects; and

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

WHEREAS, per the Agreement, the Property currently comprises a "Class A" rooming/boarding home commonly known as the "Randolph Rooming House," which contains nine (9) separate living units; and

WHEREAS, per the Agreement, the Owner has proposed the imposition of deed restrictions on all nine (9) of the living units at the Property, with the length of the restrictions to endure for a period of not less than thirty (30) years, so that the units may only be occupied as affordable units by income-eligible inhabitants (as specified in more detail below), premised upon the Borough providing a contribution to the Owner to underwrite the provision of these new affordable units; and

WHEREAS, per the Agreement, of the nine (9) housing units at the Property to be deed restricted with affordability controls, seven (7) units shall be occupied by low-income households and two (2) units shall be occupied by moderate-income households, eligibility for which shall be determined in accordance with established prevailing criteria; and

WHEREAS, the Agreement authorizes the Borough to provide said contribution, conditioned upon the execution of a deed restriction relating to the nine (9) housing units at the Property ensuring that they shall remain restricted for the provision of affordable housing (with a break-down between low and moderate-income units as specified above) for a period of not less than thirty (30) years, and which also requires the Property to maintain its licensure as a "Class A" boarding/rooming house for the duration of the 30-year deed restriction; and

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

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

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

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

- I. That the attached amended Agreement is hereby approved by the Borough.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the

attached revised Agreement on behalf of the Borough.

3. That the Mayor is hereby additionally authorized to execute, and the Borough Clerk to attest, a deed restriction relating to the nine (9) housing units at the Property (seven (7) of which shall be occupied by low-income households and two (2) of which shall be occupied by moderate-income households, eligibility for which shall be determined in accordance with established prevailing criteria) ensuring that they shall remain restricted accordingly for the provision of affordable housing for a period of not less than thirty (30) years, and which also requires the Property to maintain its licensure as a "Class A" boarding/rooming house for the duration of the 30-year deed restriction. Said deed restriction must be approved as to form by the Borough's legal counsel and the Borough's Affordable Housing Administrative Agent before execution and recording.
4. That, once the deed restriction has been fully executed, the Borough Attorney shall cause the same to be recorded with the Mercer County Clerk's Office.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Norman A. Randolph, Jr. 200
Mercer Street, Suite B
Hightstown, New Jersey 08520;
 - b. Rehabco, Inc. 470
Mantoloking Rd.
Brick, New Jersey
08723;
 - c. Debra Sopronyi, Interim Borough Administrator;
 - d. Brian Slaugh, PP, AICP, Borough Planner;
 - e. Frederick C. Raffetto, Esq., Borough Attorney;
 - f. Jolanta Maziarz, Esq., Planning Board Attorney/Affordable Housing Counsel; and
 - g. Ken Pacera, Tax Assessor.

AGREEMENT

FOR THE CREATION OF AN AFFORDABLE HOUSING PROJECT AND DISBURSEMENT OF MUNICIPAL HOUSING TRUST FUNDS IN RELATION THERETO – 278 ACADEMY STREET (BLOCK 38, LOT 1).

This **AGREEMENT**, made this 1st day of May, 2017, by and between:

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

“Borough” or “Hightstown”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **DEED RESTRICTION.** The Owner hereby agrees to the placement of a deed restriction (the “deed restriction” or “restriction”) which shall endure for a period of not less than thirty (30) years on the Property, which deed restriction shall impose affordability controls on nine (9) housing units located at the Property, in an effort to assist the Borough in satisfying its Third Round fair share affordable housing obligation. The deed restriction shall ensure that the nine (9) housing units at the Property may only be occupied by income-eligible households during the term of the restriction (with a breakdown between low and moderate-income units as specified below), and that the rents charged shall not exceed prevailing acceptable rent levels for low and moderate-income affordable housing units, as applicable. The deed restriction shall inure to the benefit of the Borough, and shall run with the land

and be binding upon the Owner, as well as all successors in title to the Property, during the term of the deed restriction. Of the nine (9) housing units at the Property to be deed restricted with affordability controls, seven (7) units shall be occupied by low-income households and two (2) units shall be occupied by moderate-income households, eligibility for which shall be determined in accordance with established prevailing criteria. Said deed restriction shall be in a form which is generally consistent with the "model" form of deed restriction utilized for rental properties (a copy of which is attached hereto as "Exhibit "A"), as sanctioned by the State of New Jersey, and shall be satisfactory to the Borough.

2. **PAYMENT TO PROPERTY OWNER.** In consideration for the Owner's placement of the thirty (30)-year deed restriction on the nine (9) housing units at the Property, as referenced in Paragraph 1 above, and subject to the conditions set forth in Paragraph 3 below, the Borough hereby agrees to make a payment to the Owner in the amount of One Hundred and Eleven Thousand and 00/100 Dollars (\$111,000.00) from the Borough's Affordable Housing Trust Fund. This payment represents approximately Twelve Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$12,333.33) per unit restricted, and shall be made in accordance with the schedule set forth in Paragraph 3 below.
3. **CONDITIONS TO PAYMENT.** The parties agree that full payment of the amount referenced in Paragraph 2 above from the Borough to the Owner is hereby expressly contingent upon the following conditions:
 - a. The final execution of the within Agreement; and
 - b. The Borough's receipt of a written property inspection report from the Borough's designated Affordable Housing Administrative Agent certifying that the Property is in satisfactory condition according to applicable prevailing requirements; and
 - c. The execution of a deed restriction relating to the Property by duly authorized representatives of the Borough and the Owner (which deed restriction shall be forwarded by the Borough Attorney to the Mercer County Clerk's Office for recording) which is generally consistent with the "model" form of deed restriction attached hereto as "Exhibit "A," which imposes affordability controls on nine (9) housing units located at the Property (seven (7) of which shall be occupied by low-income households and two (2) of which shall be occupied by moderate-income households) for a period of not less than thirty (30) years, as referenced in Paragraph 1 above, and which requires the Property to maintain its licensure as a "Class A" boarding/rooming house for the duration of the 30-year deed restriction.

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

- d. **CONTINUED MONITORING OF AFFORDABLE UNITS; PROPERTY OWNER'S RESPONSIBILITIES.** During the term of the thirty (30)-year period of affordability controls on the Property, the Borough's designated Affordable Housing Administrative Agent shall be responsible for, among other things, ensuring that all proposed occupants of the nine (9) restricted housing units at the Property (seven (7) of which shall be occupied by low-income households and two (2) of which shall be occupied by moderate-income households) are income qualified accordingly prior to the commencement of their respective tenancies, that the rents charged to occupants of the units do not exceed prevailing acceptable rent levels for the respective affordable housing units, that the units meet all applicable criteria associated with their designation as affordable housing, and that the units continue to be operated in all respects in accordance with the requirements set forth in the recorded deed restriction, as well as those prescribed by applicable N.J. affordable housing rules and regulations. The Owner shall be required to directly fund, at its own cost and expense, any and all fees incurred by the Borough's Affordable Housing Administrative Agent that are associated with the above responsibilities, or which are in any way related to oversight of the Property. The Owner hereby agrees to cooperate in good faith with the Borough and the

Borough's designated Affordable Housing Administrative Agent in order to ensure that all of the restricted housing units continue to be operated in a manner which is consistent with the requirements of the recorded deed restriction, as well as those prescribed by applicable N.J. affordable housing rules and regulations. This requirement shall run with the land and be binding upon the Owner, as well as all successors in title to the Property, during the term of the deed restriction.

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

ATTEST:

THE BOROUGH OF HIGHTSTOWN

Debra Sopronyi, Borough Clerk

By: _____
Hon. Lawrence Quattrone, Mayor

WITNESS:

PROPERTY OWNER

By: _____
Norman A. Randolph, Jr.

updated June 2007

APPENDIX E-2

MANDATORY DEED RESTRICTION FOR RENTAL PROJECTS

Deed Restriction

**DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY
WITH RESTRICTIONS ON RESALE AND REFINANCING**

To Rental Property

With Covenants Restricting Rentals, Conveyance and Improvements
And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the ____ day of _____, 20____, by and between the [Administrative Agent] ("Administrative Agent"), or its successor, acting on behalf of _____ [Municipality], with offices at _____, and _____ a New Jersey [Corporation / Partnership / Limited Partnership] having offices at _____ the developer/sponsor (the "Owner") of a residential low- or moderate-income rental project (the "Project"):

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding this rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

[If the project is a 100 percent affordable development, use the following:]

The Property consists of all of the land, and improvements thereon, that is located in the municipality of _____, County of _____, State of New Jersey, and described more specifically as Block No. _____ Lot No. _____, and known by the street address:

[Where restrictions are limited to specific units within the project, use the following:]

updated June 2007

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of _____, County of _____, State of New Jersey, and described more specifically as Block No. _____ Lot No. _____, and known by the street address:

More specifically designated as:

(List specific affordable units by address or apartment number.)

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the earlier of the date hereof or the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that:

1. Units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years; and
 2. Any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant or contract.
- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the "Uniform Controls").
 - B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.
 - C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.

updated June 2007

- D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
- E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

[THE ADMINISTRATIVE AGENT]

BY: _____
XXXXXXXXXXXXX
Title

[THE OWNER]

BY: _____
XXXXXXXXXXXXX
Title

APPROVED BY _____ [Municipality]

BY: _____
XXXXXXXXXXXXX
Title

ACKNOWLEDGEMENTS

updated June 2007

On this the day of , 20 before me came _____, to me known and known to me to be the Administrative Agent for _____ [Municipality], who states that (s)he has signed said Agreement on behalf of said Municipality for the purposes stated therein.

NOTARY PUBLIC

On this the day of , 20 before me came _____, to me known and known to me to be _____, the Owner of the Property, who states that (s)he has signed said Agreement for the purposes stated therein.

NOTARY PUBLIC

On this the day of , 20 before me came _____ known and known to me to be _____ of _____, the Municipality identified as such in the foregoing Agreement, who states that (s)he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein

NOTARY PUBLIC

Resolution 2017-101 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2017 Budget

Councilmember Montferrat moved Resolution 2017-101; Councilmember Misiura seconded.

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

Resolution adopted 6-0.

Resolution 2017-101
*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	256,000.00	740,418.00	996,418.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	40,000.00	339,316.00	379,316.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	296,000.00	1,079,734.00	1,375,734.00

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.

PUBLIC COMMENT PERIOD II

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

Scott Caster, 12 Clover Lane – Looking forward to everyone joining in on the cleanup of downtown.

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

DISCUSSION

Bench in Park

The Borough has received a request from Samuel Roth, East Windsor, to install a park bench by Peddie Lake with a small plaque for his father. His father has six weeks left to live and loves the lake area in town. After discussion, Council decided to grant permission for this project. Borough Clerk/Administrator will get in touch with Mr. Roth and Public Works.

Liaison - Housing Authority

Mayor Quattrone has decided to remove Councilmember Hansen as the Housing Authority Liaison. He explained that a conflict of has arisen because Councilmember Hansen is a member of the sub-committee reviewing the Borough's Fair Share Housing Plan.

Radon Kits

The Health Department supplied all Councilmembers with radon test kits. Mayor Quattrone emphasized the importance of testing your home for radon.

Sustainable Jersey

Councilmember Montferrat informed Council that he is working with the Environmental Commission on completing the renewal application. We will maintain our Bronze Status. Going forward, Mr. Montferrat suggested that one person from each department and committee work together for the next renewal. The draft application and narrative are due June 4th. Mr. Montferrat spoke of having the "Creative Team" under the planned section of the application in the hopes that this can be in place by November for the final application. Mr. Montferrat also explained the Wildlife Pledge Support Resolution doesn't obligate the Borough to anything. Mr. Montferrat thanked the Borough staff for working with him to get the required paperwork together. They have been extremely helpful.

Discussion ensued. It was decided that the Wildlife Pledge Support Resolution will be placed on the agenda for the May 15th meeting. Councilmember Bluth stated that she will speak to the Cultural Arts Commission regarding putting together a Creative Team. Mr. Montferrat also stated that all resolutions related to Sustainable Jersey be sent to all departments and commissions/committees. Mayor Quattrone thanked Councilmember Montferrat for all of his work.

Cleaning up Hightstown

Councilmember Montferrat stated that there is a large amount of trash at the bus stops located in front of both the Rogers and Black Schools. Littering signs need to be posted through town and more trash receptacles be made available. Discussion ensued. Councilmember Kurs stated that he would speak to Chief Gendron regarding enforcement of the littering ordinance. It was decided that Borough Clerk/Administrator Sopronyi reach out to the schools regarding cleaning up in front of the schools. Ms. Sopronyi will also speak with the schools regarding a "Cleanup Hightstown" poster contest for the grammar schools and a "No Bicycles on the Sidewalk" poster contest for the High School.

SUB-COMMITTEE REPORTS

Administrator Position

Interviews with four (4) candidates, including Borough Clerk/Administrator Sopronyi, have been scheduled for next Wednesday, May 10th. Mayor Quattrone and Councilmember Kurs will be conducting the interviews.

Affordable Housing

The Sub-Committee consists of Councilmembers Misiura and Hansen, Planning Board Members Joshua Jackson and Fred Montferrat and Borough Planner Brian Slaugh. The sub-committee met last week to review the current plan and prior round commitments. Mr. Slaugh would like a strong plan in place that will stand up to challenges.

Rug Mill

Councilmember Misiura stated that the minutes from the March meeting were recently distributed. To date, the project is on schedule. In speaking with RBG, they have decided against having any 3 bedroom units.

Parking Downtown & Taxi's

Councilmember Stults informed Council that he has been working with Chief Gendron regarding parking downtown. Mr. Stults reviewed changes that need to be made to the parking lots, on street parking and taxi stands. Discussion ensued. It was decided that a report needs to be received from Chief Gendron and the subcommittee before any further discussion takes place or decisions made.

Mayor Quattrone informed Council that he, along with Chief Gendron and Borough Clerk/Administrator Sopronyi, met with the taxi cab owners. They discussed parking and licensing their drivers. Another meeting will be taking place in the near future.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Bluth

Parks and Rec will be supplying Public Works with pet waste disposal bags to be placed near trash receptacles in the parks. Dawes Park will be resurfaced this summer. She wanted to thank Ken Lewis, Public Works Superintendent, for attending the Parks and Rec meeting. Open water swim will be held at Peddie Lake from June – September. The Triathlon is scheduled for September 10, 2017. The Cultural Arts Commission will be sponsoring the 4th season of Theater in the Park at Association Park. The performance dates are scheduled for July 28, 29 and 30. The Empty Bowls event made a net profit of \$5,943.33

Councilmember Montferrat

The Latino Festival is scheduled for June 17, 2017. The Environmental Commission is continuing to work on Sustainable Jersey. The Board of Health has a meeting this month. The last Harvest Fair Meeting was cancelled. The next meeting is scheduled for May 16th.

Councilmember Misiura

The Historic Preservation Commission met on April 19. They discussed establishing criteria for the Steward of Hightstown Award. The HPC inquired as to if Dan Buriek received a proclamation from Council for establishing

the Historic District. Borough Clerk/Administrator Sopronyi will check on that for them. HPC is also looking into funding for the banner project for the Downtown Historic District.

Councilmember Kurs

There is a meeting with the Fire Department scheduled for May 2nd. The meeting will be attended by himself, Mayor Quattrone and Borough Clerk/Administrator Sopronyi. At the last meeting, it was brought up that names are no longer being printed in the Windsor Hights Herald Police Blotter. He spoke to the Chief about this and found that this is a decision by the newspaper. The Police Department has not changed what they report to the paper.

Councilmember Hansen

The evaluation of the AWWTP is almost complete and we should have a report from Roberts Engineering in approximately 3 weeks. We should also be receiving a letter from Roberts regarding East Ward Street very soon.

Council President Stults

Reviewed the most recent report from the Construction Office. Dave Bell, Housing Official, is working on getting a surveillance camera operational. The Downtown Business Meeting is scheduled for this Wednesday at 8:30 am – Cranbury Design Center. They have created an event sign that businesses are purchasing. If any businesses are interested in purchasing a sign, they can contact the Cranbury Design Center.

Deputy Clerk Riggio

The Memorial Day Parade is scheduled for May 29th at 9:00 a.m. Participant information can be sent to the Clerk's Office.

Borough Attorney Raffetto

Happy we are moving forward with the Randolph agreement for Affordable Housing. We are looking to close on this ASAP.

Mayor Quattrone

He received letters from 2nd Graders from the Rogers School regarding taking care of the environment. He went and met with and spoke to the children about what they can do to help the environment and invited the students to the Arbor Day Celebration to plant the tree. Two of the students and their families did attend the Arbor Day tree planting. Wanted to look into sending a quarterly newsletter out to residents. Deputy Clerk Riggio obtained prices for the printing of the newsletter. Borough Clerk/Administrator Sopronyi is going to look into the other costs associated with a quarterly newsletter.

ADJOURNMENT

Councilmember Kurs moved to adjourn at 9:21 p.m. Councilmember Montferrat seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk