

7:30 PM – Public Session

2019-50 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2019 Budget

Public Comment II Any person wishing to address the Mayor and Council at this time will be allowed a maximum of three minutes for his or her comments.

Discussion Towing Ordinance
Qualifications of Police Officers Ordinance

Subcommittee Reports

Mayor/Council/Administrative Reports

Adjournment

**Meeting Minutes
Hightstown Borough Council
January 22, 2019
6:30 p.m. Executive Session
7:30 p.m. Public Session**

The meeting was called to order by Mayor Quattrone at 6:35 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 Misiura</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Deputy Borough Clerk; Debra Sopronyi Borough Clerk/Administrator; George Lang, CFO; Monika Patel, Assistant CFO and Fred Raffetto, Borough Attorney.

EXECUTIVE SESSION

Resolution 2019-29 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Stults; Seconded by Councilmember Musing

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes.

Resolution adopted 4-0.

Resolution 2019-29

*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 January 22, 2019 at the Hightstown First Aid Squad located at 168 Bank 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 – Police & Court Facilities (Robbinsville)
PRC Group (The Mills at Hightstown)

Personnel – Affordable Housing Administrator

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: April 22, 2019, 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

Moved by Councilmember Musing; Seconded by Councilmember Stults.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes.

Agenda approved 4-0.

INTERVIEWS FOR COUNCIL VACANCY

Council interviewed three Democratic candidates for the Council position vacated by Denise (Denny) Hansen on December 31, 2018. The three candidates were Joseph Cicalese, Joshua Jackson and Glenn Palmer. Council also interviewed three Republican Candidates for the Council position that was vacated by Connor Montferrat on December 31, 2018. Ames Eufemia and Greg Wriede. Council asked questions which consisted of, but were not limited to:

- Why do you want to be on Council?
- What is your professional experience and history with the Borough?
- What are major issues facing Hightstown that you would like to prioritize?
- Council takes a lot of time; do you have the time to commit to Council?
- What do you believe Council's job is? What is government's job?
- What is your idea to move Council forward?
- What is lacking in Hightstown that could improve it as a walking community?
- What would you like to see Council do or not do?
- What are your thoughts on consolidation and shared services?

Resolution 2019-30 Authorizing a Meeting that Excludes the Public

At 8:31 p.m., Councilmember Stults moved Resolution 2019-30; Councilmember Musing seconded.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes.

Resolution adopted 4-0.

Resolution 2019-30

*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 January 22, 2019 at the Hightstown First Aid Squad located at 168 Bank 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:

Personnel – Councilmember Vacancy

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: April 22, 2019, 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.

Council reconvened into Public Session at 8:52 p.m.

Resolution 2019-31 Appointing a Councilmember to Fill the Vacancy until the November General Election (Republican)

Moved by Councilmember Stults; Seconded by Councilmember Musing

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes.

Resolution adopted 4-0.

Resolution 2019-31

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

**APPOINTING A COUNCILMEMBER TO FILL A VACANCY UNTIL THE NOVEMBER
GENERAL ELECTION**

WHEREAS, there exists a vacancy in the office of Councilmember due to the resignation of Connor Montferrat effective December 31, 2018; and

WHEREAS, the Municipal Vacancy Law (N.J.S.A. 40A:16-1 *et seq.*), provides that the Municipal Committee of the party that previously filled the seat shall submit within fifteen (15) days three (3) names for Council's consideration in filling the vacancy; and

WHEREAS, the Republican Municipal Committee submitted the names of three (3) Nominees on January 11, 2019; and

WHEREAS, pursuant to the Municipal Vacancy Law, the Borough Council must, fill the vacancy by the appointment of a successor from the three (3) Nominees put forward from same political party which had nominated the incumbent whose office had become vacant; and

WHEREAS, the Borough Council has publicly interviewed the nominees presented by the Republican Municipal Committee and deliberated to fill the vacancy with a member who would best serve the residents of the Borough; and

WHEREAS, by vote of Borough Council, the Council has decided to appoint Patricia Egan to fill the position of Councilmember until the General Election on November 5, 2019 when a successor will be elected by the voters to fulfill the vacant unexpired term of Councilmember ending December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Patricia Egan is hereby appointed to serve in the position of Councilmember to fill the vacancy until the General Election on November 5, 2019 when a successor will be elected by the voters to fulfill the vacant unexpired term of Councilmember Connor Montferrat ending December 31, 2020.

Resolution 2019-32 Appointing a Councilmember to Fill the Vacancy of an Unexpired Term Ending December 31, 2019 (Democrat)

Moved by Council President Misiura; Seconded by Councilmember Bluth.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes.

Resolution adopted 4-0.

Resolution 2019-32

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

APPOINTING A COUNCILMEMBER TO FILL THE VACANCY OF AN UNEXPIRED TERM ENDING DECEMBER 31, 2019

WHEREAS, there exists a vacancy in the office of Councilmember due to the resignation of Denise (Denny) Hansen effective December 31, 2018; and

WHEREAS, the Municipal Vacancy Law (N.J.S.A. 40A:16-1 *et seq.*), provides that the Municipal Committee of the party that previously filled the seat shall submit within fifteen (15) days three (3) names for Council's consideration in filling the vacancy; and

WHEREAS, the Democratic Municipal Committee submitted the names of three (3) Nominees on January 10, 2019; and

WHEREAS, pursuant to the Municipal Vacancy Law, the Borough Council must, fill the vacancy by the appointment of a successor from the three (3) Nominees put forward from same political party which had nominated the incumbent whose office had become vacant; and

WHEREAS, the Borough Council has publicly interviewed the nominees presented by the Democratic Municipal Committee and deliberated to fill the vacancy with a member who would best serve the residents of the Borough; and

WHEREAS, by vote of Borough Council, the Council has decided to appoint Joshua Jackson to fill the position of Councilmember for the unexpired term ending December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Joshua Jackson is hereby appointed to serve in the position of Councilmember to fill the vacancy of the unexpired term ending December 31, 2019.

Council thanked both the Democratic and Republican Chairs for presenting very good candidates. Council thanked all the candidates for their interest in the Borough and encouraged them to stay involved.

Mayor Quattrone administered the Oath of Office to Patricia Egan and Joshua Jackson. Councilmembers Egan and Jackson took their seats on the dais.

APPROVAL OF MINUTES

December 17, 2018 – Executive Session

Moved by Councilmember Stults; Seconded by Councilmember Musing.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Minutes approved 4-0 with 2 abstentions.

December 17, 2018 – Public Session

Moved by Councilmember Stults; Seconded by Councilmember Musing.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Minutes approved 4-0 with 2 abstentions.

January 1, 2019 – Reorganization

Moved by Councilmember Musing; Seconded by Council President Misiura

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Minutes approved 4-0 with 2 abstentions.

PUBLIC COMMENT I

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

Scott Caster, 12 Clover Lane – Congratulated Ms. Egan and Mr. Jackson on their appointment to Council.

Eugene Sarafin, 628 South Main Street – Wonderful to see 6 qualified candidates for the Council vacancies.

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

ORDINANCES

Ordinance 2019-01 First Reading and Introduction – Ordinance Amending the Land Use Ordinance of the Borough of Hightstown to Add Affordable Housing Procedural and Eligibility Requirements, to Implement the Third Round of Affordable Housing in Accordance with the Fair Housing Act of 1985

Moved for Introduction by Council President Misiura; Seconded by Councilmember Stults.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Ordinance introduced 4-0 with 2 abstentions.

Public Hearing is scheduled for February 4, 2019.

Council President Misiura requested that Borough Planner, Brian Slaugh, be present at that meeting to explain the ordinance and answer any questions.

ORDINANCE 2019-01

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE
BOROUGH OF HIGHTSTOWN TO ADD AFFORDABLE HOUSING
PROCEDURAL AND ELIGIBILITY REQUIREMENTS, TO
IMPLEMENT THE THIRD ROUND OF AFFORDABLE HOUSING IN
ACCORDANCE WITH THE FAIR HOUSING ACT OF 1985**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

WHEREAS, the Mayor and Borough Council of the Borough of Hightstown are desirous of ensuring the proper implementation of the Fair Housing Act and associated rules through the adoption of land use regulations by the governing body; and

WHEREAS, the Borough of Hightstown desires to implement policies established by the New Jersey Supreme Court in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) to foster affordable housing opportunities for the production of dwellings and their occupancy by low and moderate income households.

WHEREAS, the Mayor and Borough Council of the Borough of Hightstown recognize the need to adopt Affordable Housing Procedural and Eligibility Requirements within the Land Use Ordinance of the Borough of Hightstown to implement the Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board of the Borough of Hightstown has reviewed and recommended the adoption of this ordinance.

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

Section 1. Article 28-2, entitled, Definitions and Word Usage, of the Zoning Ordinance of the Borough of Hightstown, shall be amended by adding the following definitions:

ADAPTABLE: Constructed in compliance with the technical design standards of the Barrier Free Subcode, *N.J.A.C. 5:23-7*.

ADMINISTRATIVE AGENT: The entity responsible for the administration of affordable units in accordance with this ordinance, *N.J.A.C. 5:93* and *N.J.A.C. 5:80-26.1* et seq.

AFFIRMATIVE MARKETING: A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to *N.J.A.C. 5:80-26.15*.

AFFORDABILITY AVERAGE: The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE: A sales price or rent within the means of a very low, low- or moderate-income household as defined in *N.J.S.A. 52:27D-304*; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented.

AFFORDABLE DWELLING UNIT: A very low, low or moderate income dwelling unit.

AFFORDABLE DEVELOPMENT: A housing development all or a portion of which consists of income restricted units.

AFFORDABLE HOUSING DEVELOPMENT: A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING PROGRAM: Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE RENTAL CHARGES: A monthly rent including utilities charged to an eligible very low, low or moderate income family which shall not exceed 30% of their monthly gross income as calculated by *N.J.A.C. 5:93-7.4(f)*.

AFFORDABLE UNIT: A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGE-RESTRICTED DEVELOPMENT: A residential development consisting housing units designed to meet the

needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1), all the residents of the development wherein the unit is situated are 62 years of age or older; or 2), at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3), the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENT: A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the DCA; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

CERTIFIED HOUSEHOLD - A household that has been certified by an Administrative Agent as a very low-income, low-income household or moderate-income household.

DCA: The State of New Jersey Department of Community Affairs

DEFICIENT HOUSING UNIT: A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPMENT FEE: means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:93-8*.

FAIR SHARE PLAN: The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of *N.J.A.C. 5:93-5*.

HOUSEHOLD: Persons, whether related or unrelated, living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

HOUSING ELEMENT or HOUSING PLAN ELEMENT: The portion of the Borough’s Master Plan, required by the Municipal Land Use Law in *N.J.S.A. 40:55D-28b(3)* and the Act, that includes the information required by *N.J.A.C. 5:93-5.1* and establishes Hightstown’s fair share obligation.

INCLUSIONARY DEVELOPMENT: A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD: A household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

LOW-INCOME UNIT: A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM: The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

MARKET-RATE UNITS: Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME: The median income by household size for the applicable housing region, as updated annually according to a formula approved by the Court.

MODERATE-INCOME HOUSEHOLD: A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

MODERATE-INCOME UNIT: A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE: Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

QUALIFIED PURCHASER OR RENTER: A person who:

- A. Submits an application for certification as a qualified purchaser or renter to the management of the unit;
- B. Whose gross aggregate family income at the time of the proposed purchase or rental of an affordable unit is within very low, low or moderate income levels, as defined herein; and
- C. Who obtains certification as a qualified purchaser or renter of an affordable unit from Hightstown Borough's Administrative Agent as set forth in this section.

RANDOM SELECTION PROCESS: A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REFERRAL LIST, AFFORDABLE HOUSING: A register of eligible very low, low and moderate income households for which suitable units are not yet available.

REGIONAL ASSET LIMIT: The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

REHABILITATION: The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, *N.J.A.C. 5:23-6*.

RENT: The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT: A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, but does not include a market-rate unit financed under the Urban Homeownership Recovery Program (UHORP) or Market Oriented Neighborhood Investment (MONI) program.

UHAC: The Uniform Housing Affordability Controls set forth in *N.J.A.C. 5:80-26-1, et seq.*

VERY LOW-INCOME HOUSEHOLD: A household with a total gross annual household income equal to 30% or less of the median household income by household size.

VERY LOW-INCOME UNIT: A restricted unit that is affordable to a very low-income household.

WEATHERIZATION: Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 2. Article 28-17, Reserved, of the Zoning Ordinance of the Borough of Hightstown, shall be replaced in its entirety with a new article entitled, Affordable Housing Procedural and Eligibility Requirements, as follows:

28-17 AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS

28-17-1 Purpose and General Provisions.

1. The purpose of this Article is to implement the Uniform Housing Affordability Controls ("UHAC", *N.J.A.C. 5:80-26.1 et seq.*, as they may be amended or superseded), the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301, et seq.*), extant rules of the NJ Council on Affordable Housing, and the Housing Element and Fair Share Plan of Hightstown Borough. This Article is designed to ensure that affordable housing created under the Fair Housing Act is occupied by low- and moderate-income households for the appropriate period of time. The words, phrases, and terms herein shall be interpreted to have the same meanings and usages as in the Fair Housing Act and related regulations. It is the further purpose of this Article to regulate the development and management of low- and moderate-income housing units constructed in compliance with these regulations.
2. All units, including those funded with Low Income Housing Tax Credits or other subsidy programs, shall include the required bedroom distribution and income distribution, shall be subject to affordability controls, and shall be affirmatively marketed in accordance with UHAC, with the exception that instead of 10% of all rental affordable units being affordable to households earning 35% or less of the regional median household income by household size, 13% of all rental affordable units shall be affordable to households earning 30% or less of the regional median household income by household size, and all other applicable law.
3. All new construction units shall be adaptable in conformance with *N.J.S.A. 52:27D-311a* and *-311b* and all other applicable law.

28-17-2 Affordable Housing Required.

1. Any residential development approved by the Planning Board of the Borough of Hightstown, including those developments consisting in whole or in part of beds counted as a residential dwelling, shall set aside dwelling units for persons of low and moderate income as defined in this Article. Unless otherwise stated or as may be required within specific zoning districts, the minimum set aside shall be 15% of the total number of units if the affordable units will be for rent and 20% of the total number of units if the affordable units will be for sale. In assisted living residence developments, the set-aside shall be a minimum of 10% of the total number of units. At least half of all affordable units shall be affordable to low or very low income households. Except when part of a larger development of a tract zoned or otherwise permitted to be developed at a residential density of 6 units per acre or more, developments of single-family detached and/or duplex or two-family dwellings shall be exempt from the inclusionary development requirements of this section, but shall pay an affordable housing development fee. Properties shall not be permitted to be subdivided to avoid compliance with the inclusionary development requirements of this section.
2. All developers with sites identified for affordable housing pursuant to the most recent Housing Element and Fair Share Plan adopted by the Planning Board and Borough Council of Hightstown, according to their respective duties, shall provide affordable housing units in accordance with the plan. All development, whether residential, commercial, or industrial shall construct units or pay a development fee in accordance with this Article, except as otherwise exempted.
3. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Borough of Hightstown to grant such rezoning, variance or other relief.
4. This Borough-wide mandatory set-aside requirement does not supersede the effects or requirements of any inclusionary overlay zoning districts for any inclusionary multi-family residential development that occurs within the boundaries of those districts.

5. In the event that the inclusionary set-aside percentage (15% or 20%, as the case may be) of the total number of residential units does not result in a full integer, the developer may choose one of two options of addressing the fractional unit:
 - a. The developer shall round the set-aside upward to construct a whole additional affordable unit; or
 - b. If the set-aside includes a fractional unit less than 0.5, the developer may round the set-aside downward and construct the lesser whole number of affordable units, but must also make a payment in lieu of constructing the fractional additional unit ("fractional payment in lieu").
 - c. The fractional payment in lieu amount shall be calculated as the fractional unit multiplied by the payment in lieu amount of \$250,000.00, increased annually by the construction Consumer Price Index.
 - d. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:
 1. The developer may round up the 0.4 unit to one whole affordable unit and construct a total of two affordable units, in accordance with this section; or
 2. The developer may round the set-aside downward, construct only one affordable unit and pay into the Borough's affordable housing trust fund a fractional in lieu payment equal to the dollar amount established hereinabove multiplied by 0.4 units.

28-17-3 Borough Administrative Agent and Administrative Agent.

1. The Borough Council shall yearly appoint a Borough Administrative Agent to monitor sales and resales of affordable housing units, and the leasing of units to tenants. The Borough Administrative Agent may be the Municipal Housing Liaison, but is not required to be the same person.
2. The Borough Administrative Agent shall monitor the designated Administrative Agent of the developer in the initial sales and rental transactions for low- and moderate-income dwellings in accordance with *N.J.A.C. 5:80-26.14*, as it may be amended or superseded. The developer's Administrative Agent shall have all of responsibilities as put forth in this rule. After the initial sales and rental transactions, the Borough Administrative Agent, the activities of the Administrative Agent for any re-sales or re-rentals. If the Borough Administrative Agent is the Administrative Agent for the municipality, then he or she shall assume all of the duties and responsibilities set forth in *N.J.A.C. 5:80-26.14* following the initial renting, sales and occupancy of low- and moderate-income dwellings. The affordability controls set forth in this chapter shall be administered and enforced by the Administrative Agent regardless of association. The primary responsibility of the Administrative Agent shall be to ensure that the restricted units are sold or rented, as applicable, only to low- and moderate-income households in accordance with the Fair Housing Act.
3. The Borough Council may establish a reasonable fee to program participants for the administration of the affordability controls program.
4. The Borough Council shall approve the credentials of any person who is an Administrative Agent by resolution prior to such person engaging in such work in the Borough of Hightstown.
5. The Administrative Agent, whether the Borough Administrative Agent, developer's agent, or a delegated agent, shall have the responsibility to income qualify low and moderate-income households, to place income eligible households in low- and moderate-income units upon initial occupancy, to provide for the initial occupancy of low- and moderate-income units with income qualified households, to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls, to assist with advertising and outreach to low- and moderate-income households, and to enforce the terms of the deed restriction and mortgage loan. The Administrative Agent shall provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements and landlord/tenant law.
6. The Borough Administrative Agent shall coordinate his or her activities with any outside Administrative Agent to ensure the accurate tracking of the progress of affordable housing in the municipality, answer inquiries regarding affordable housing from the public or direct same to the appropriate official or agency,

and comply with the affordable housing monitoring and reporting requirements of the state.

7. In order to ensure an orderly transfer of control responsibility from a municipality to an administrative agent, from one administrative agent to another administrative agent, or other transfer, the requirements as set forth in *N.J.A.C. 5:80-26.17* shall apply as are necessary before or during the transition. The Administrative Agent's enforcement responsibility for implementing such practices and procedures shall not be delegated or otherwise transferred to any other party, except to a successor administrative agent and as approved by the Borough Council.
8. By accepting state funds for affordable housing purposes, or by submitting to the jurisdiction of the NJ Council on Affordable Housing or its successor agency, the Borough of Hightstown shall be deemed to have delegated to the Administrative Agent the day-to-day responsibility for implementing practices and procedures designated to ensure effective compliance with the controls set forth in this Article. The governing body of the municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with the requirements as set forth in UHAC and any settlement agreements pertaining to affordable housing matters.
9. The Borough Administrative Agent shall complete and return to the NJ Council on Affordable Housing (COAH), its successor, or court of competent jurisdiction all forms necessary for monitoring requirements related to dwelling units in affordable housing projects and the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Hightstown's approved housing program, as well as to the expenditure of revenues and implementation of the approved plan.
10. The Borough Administrative Agent shall keep records of the affirmative marketing activities undertaken in accordance with the affirmative marketing plan established by any developer's administrative agent. The records shall include, but not be limited to, the following:
 - a. Electronic reporting of affordable housing activity; any required paper forms;
 - b. Copies of any press releases, brochures, flyers, print advertisements and application forms used in the affirmative marketing program.
 - c. The income and demographic characteristics of each household applying for and occupying income-restricted housing.
 - d. An evaluation of any necessary adjustments required to the affirmative marketing program as communicated by the Administrative Agent.

28-17-4 Submission of Affordable Housing Plan.

1. The developer of low- and moderate-income housing units shall submit to the Borough Administrative Agent a description of the means to be used to insure that the required low- and moderate-income units are sold or rented only to low- and moderate-income households for a period of not less than 30 years, that such units meet bedroom distribution and phasing requirements, and comports with the requirements of this Article pertaining to the provisions, leasing, selling and transferring units among eligible low- and moderate-income households.
2. The Affordable Housing Plan shall indicate how the developer will comply with the procedures of this Article for selecting occupants of low- and moderate-income housing and the required affirmative marketing requirements. The requirements for affirmative marketing are found in §28-17-16. Whenever a developer proposes a third party operator or manager of affordable housing units, the Borough Council shall specifically approve such operator and manager. The Borough Council may delegate this approval to the Borough Administrative Agent.
3. The following information shall promptly be provided to the Borough Administrative Agent by the developer or sponsor of any project containing any affordable units' subject to the requirements of this Article, upon the later of either final municipal land use approval or issuance of a grant contract by a governmental authority:

- a. The total number of units in the project, and number of restricted units, broken down by bedroom size, identifying which are low- and which are moderate-income dwellings, and including street addresses of restricted dwellings;
 - b. Floor plans of all affordable dwellings, including complete and accurate identification of uses and dimensions of all rooms;
 - c. A project map identifying the locations of low- and moderate-income and market dwellings;
 - d. A list of project principals or partners, together with a list of all other affordable projects in which they have been involved over the previous five years;
 - e. Projected construction schedule;
 - f. Proposed pricing for all units, including any purchaser options and add-on items;
 - g. A list of all public funding sources and copies of grant or loan agreements for those sources;
 - h. Condominium fees or homeowner association and any other maintenance or other fees;
 - i. Estimated real property taxes for sale units;
 - j. Sewer, trash disposal and any other utility assessments;
 - k. Flood insurance requirement, if applicable;
 - l. A description of all HVAC systems;
 - m. Location of any common areas and elevators;
 - n. Proposed form of lease for any rental units;
 - o. The name of the person who will be responsible for official contact with the Borough Administrative Agent for the duration of the project;
 - p. The name and qualifications of the developer's administrative agent, if applicable; and
 - q. The State-approved Planned Real Estate Development public offering statement and/or master deed where available or applicable.
4. The developer shall submit the marketing plan to the Borough Administrative Agent at least 45 days prior to the advertising of the availability of the units. The Borough Administrative Agent will approve or modify the plan within 30 working days of receipt of the plan or within such time as additionally granted by the developer.

28-17-5 Household Income Limitations.

- 1. The incomes of low- and moderate-income households occupying affordable housing shall not exceed the income limits as of January 1 of the current year.
- 2. Median Income Determination. Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26.1* shall be updated by the Borough annually following the publication of determinations of median income by the U.S. Department of Housing and Urban Development (HUD) and calculation by the Affordable Housing Professionals of New Jersey in the absence of such calculation by COAH.
- 3. Affordable Housing Purchase or Rent. Very low-income housing units shall be reserved for households with a gross household income less than or equal to 30% of the median regional income. Very low-income households shall be considered a subset of low-income units. Of the number of very low-income households, at least 50% shall be for family households. Low-income housing units shall be reserved for households with a gross household income less than or equal to 50% of the median regional income. Moderate-income units shall be reserved for households with a gross household income more than 50% but equal to or less than 80% of the median income.

3. Assisted Living Facilities. Income determination and eligibility for assisted living facilities shall also comply with the New Jersey Housing and Mortgage Finance Agency's Assisted Living Underwriting Guidelines and Financing Policy, dated May 28, 1996, as it may be amended or superseded. The monthly fee for rent, meals, and basic services for the affordable units in the assisted living facility shall not exceed 80% of household income. For the purposes of this section, 62.5% of the fee shall be assumed to be for meals and basic services and 37.5% of the fee for rent.

28-17-6 Household Income Verification.

1. Any Administrative Agent shall secure the information from applicant households necessary and appropriate to determine that restricted dwellings are occupied by properly sized households with appropriate very low, low or moderate income levels. No household may be referred to a restricted dwelling, or may receive a commitment with respect to a restricted dwelling, unless that household has received a signed and dated certification, as set forth in this section, and has executed the certificate in the form provided.
2. Any Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
3. Any Administrative Agent shall prepare a standard form of certification and shall sign and date one for each household when certified. This certification shall be known as a Certificate of Eligibility and shall be a prerequisite for the purchase or rental of an income-restricted dwelling. An initial certification shall be valid for no more than 180 days unless a valid contract for sale or lease has been executed within that time period. In this event, certifications shall be valid until such time as the contract for sale or lease is ruled invalid and no occupancy has occurred. Certifications may be renewed in writing at the request of a certified household for an additional period of 180 days at the discretion of the Borough Administrative Agent or Administrative Agent.
4. When reviewing an applicant household's income to determine eligibility, any Administrative Agent shall compare the applicant household's total gross annual income to the regional very low-, low- and moderate-income limits then in effect, as approved by the court of competent jurisdiction. For the purposes of this subchapter, income includes, but is not limited to, wages, salaries, tips, commissions, alimony, regularly scheduled overtime, pensions, social security, unemployment compensation, Temporary Assistance for Needy Families (TANF), verified regular child support, disability, net income from business or real estate, and income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds and imputed income from non-income producing assets, such as equity in real estate.
5. Except as otherwise specifically stated in this subchapter, the sources of income considered by the Borough Administrative Agent or Administrative Agent shall be the types of regular income reported to the Internal Revenue Service and which is eligible to be used for mortgage loan approval. Household annual gross income shall be calculated by projecting current gross income over a 12-month period.
6. Assets not earning a verifiable income shall have an annual imputed interest income using a current average annual savings interest rate. Assets not earning income include, but are not limited to, present real estate equity. Applicants owning real estate shall produce documentation of a market value appraisal and outstanding mortgage debt. The difference shall be treated as the monetary value of the asset and the imputed interest added to income. If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit, a Certificate of Eligibility shall be denied by the Borough Administrative Agent or Administrative Agent, unless the applicant's existing monthly housing costs (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium and homeowner association fees as applicable) exceed 33% of the household's eligible monthly income.
7. Rent from real estate shall be considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the Borough Administrative Agent or Administrative Agent shall impute a fair market rent.
8. Income does not include benefits, payments, rebates or credits received under any of the following:
 - a. Federal or State low income energy assistance programs;

- b. Food stamps, payments received for foster care, relocation assistance benefits;
 - c. Income of live-in attendants, scholarships, student loans, and personal property, including but not limited to, automobiles; and
 - d. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements, and part-time income of persons enrolled as full-time students.
 - e. Income, however, does include interest and other earnings from the investment of any of the foregoing benefits, payments, rebates, or credits.
9. Any Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their benefit. Household members 18 years of age or older who do not receive income must produce documentation of current status. Income verification documentation may include, but is not limited to, the following for each and every member of a household who is 18 years of age or older:
- a. Four consecutive pay stubs, not more than 120 days old, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure;
 - b. Copies of Federal and State income tax returns for each of the preceding three tax years;
 - c. A letter or appropriate reporting form verifying monthly benefits such as Social Security, unemployment, TANF, disability or pension income (monthly or annually);
 - d. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support;
 - e. Income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds; and
 - f. Evidence or reports of income from directly held assets such as real estate or businesses.
 - g. Court ordered payments for alimony or child support to another household, whether or not it is being paid regularly, shall be excluded from income for purposes of determining income eligibility.
10. At the discretion of the Borough Administrative Agent or Administrative Agent, households may also be required to produce documentation of household composition for determining the correct dwelling size and applicable median income guide.
11. Tenant Income Eligibility. In addition to the foregoing requirements, tenant income eligibility shall be in accordance with the median income limits of *N.J.A.C. 5:80-26.13*. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.
12. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to *N.J.A.C. 5:80-26.16*, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

- c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
13. The applicant shall file documentation sufficient to establish the existence of the circumstances in -2.a through -2.e above with the Administrative Agent, who shall counsel the household on budgeting.

§ 28-17-7 Certificate of Eligibility, Waiting List and Selection

- A. If the household is found to be eligible for low- and moderate-income housing, they shall be issued a Certificate of Eligibility and placed on the affordable housing waiting list, except in the event that such a certificate is withheld or removed in accordance with this section. Eligible persons that live or work within the East Central Housing Region (Region 4) shall have preference over those that live or work in another housing region.
- B. Applicants shall be selected in the order in which their applications are certified and in accordance with the provisions of this section.
- C. Households remaining on a waiting list shall update its application no later than April 30 each year, including the most recent federal income tax return of each member of the proposed household and such other updated income and other information requested on the application.
- D. Households on the waiting list who have not submitted the required information by May 15 each year shall be notified by certified mail, mailed to the address on file that they have until June 30 of that year to provide the information or they shall be removed from the waiting list.
- E. Any household whose income or priority category has changed such that the household has become eligible for a different category of housing or priority list shall be placed on the appropriate list without penalty or favor as of the date of the original application.
- F. Any household whose income has increased to the degree that it is no longer eligible for low or moderate income housing shall be removed from the waiting list.
- G. If the Borough Administrative Agent or Administrative Agent has reason to believe that the information on file is erroneous or incomplete, he or she shall have the right to conduct an investigation and request any additional information deemed necessary to obtain accurate household information. If an applicant does not cooperate in such investigation or refuses to reply with the requested additional information within 30 days of said request, the applicant shall be removed from the list.
- H. All applications shall be notarized and certified complete and accurate. Anyone knowingly submitting incomplete, inaccurate, incorrect or false information may be removed from eligibility for very low-, low- and moderate-income dwellings. All information submitted to the Borough Administrative Agent or Administrative Agent for the purposes of determining applicant eligibility shall be strictly confidential and not considered a public record.
- I. Prior to the time of availability of a very low-, low- and moderate-income dwelling, the Borough Administrative Agent or Administrative Agent shall notify by certified mail the top three households on the waiting list for the type of dwelling available, its location and the estimated date it will be available. If a purchaser or tenant cannot be found from the top three households on the waiting list, notice shall be sent to the fourth, fifth, etc., household until a purchaser or tenant is found. The household shall, within 14 days of mailing, notify the Borough Administrative Agent or Administrative Agent, in writing, of its intent to occupy the dwelling and, if selected, its intent to comply with the requirements of paragraph –I, below, within 15 days. Any household which fails to respond to the notice or chooses to reject a specific dwelling by informing the Administrative Agent in writing, shall retain its priority and shall be notified of available

dwellings in the future, except that if a household chooses to reject a dwelling or fails to respond three times, it shall be removed from the list and must reapply and re-qualify if it wishes to be placed on the list at a new qualified priority.

- J. At the time of notice to a household of the availability of an appropriate type of dwelling and if the household notifies the Administrative Agent of its intent to occupy the dwelling and that household is selected for occupancy, each household member shall update the records on file and recertify the accuracy of the information as required herein. Information shall be reviewed and the eligibility status reconfirmed. The household selected shall only at that point proceed to make the legal and financial arrangements to acquire or lease the dwelling.
- K. If a household selected for occupancy is unable to obtain financing, it shall lose its eligibility for that dwelling, after notice, but shall retain its priority status for a similar appropriate dwelling as other dwellings become available and as long as the household remains eligible. When notified of the availability of another dwelling, updating and recertifying data as outlined in Subsection –H above is required.
- L. A certificate of eligibility may be withheld by the Borough Administrative Agent or Administrative Agent as a result of an applicant's inability to demonstrate sufficient present assets for down payment or security deposit purposes.
- M. A certificate of eligibility may be withheld by the Borough Administrative Agent or Administrative Agent as a result of an applicant's inability to verify funds claimed as assets, household composition or other facts represented.
- N. A certificate of eligibility shall be denied by the Borough Administrative Agent or Administrative Agent as a result of any willful and material misstatement of fact made by the applicant in seeking eligibility.

28-17-8 Unit Standards and Requirements.

- A. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low and low-income units, while the remainder may be moderate-income units.
- B. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - 1. The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;
 - 2. At least 30 percent of all low- and moderate-income units are two bedroom units;
 - 3. At least 20 percent of all low- and moderate-income units are three bedroom units; and
 - 4. The remainder, if any, may be allocated at the discretion of the developer.
- C. Age-restricted low- and moderate-income units may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.
- D. In determining the initial rents and initial sales prices for compliance with the affordable average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - 1. An efficiency shall be affordable to a one-person household;
 - 2. A one-bedroom dwelling shall be affordable to a one and one-half person household;
 - 3. A two-bedroom dwelling shall be affordable to a three-person household;
 - 4. A three-bedroom dwelling shall be affordable to a four and one-half person household;
 - 5. A four-bedroom dwelling shall be affordable to a six-person household.

6. In referring certified households to specific income-restricted units, to the extent feasible and without causing an undue delay in occupying the dwelling, the Borough Administrative Agent shall strive to:
- Provide an occupant for each unit's bedroom;
 - Provide children of different sex with separate bedrooms; and
 - Prevent more than two persons from occupying a single bedroom.
- E. Size of Units. The minimum size of affordable housing units, which is necessary to ensure the public health safety and welfare of its occupants, shall be as indicated in the following table.

Minimum Size of Affordable Housing Units.

Type of Unit	Minimum Size (gross square feet)
Efficiency	500
One-bedroom	600
Two-bedroom	750
Three-bedroom	900

- F. Certificates of Occupancy. The following additional requirements for the issuance of certificates of occupancy shall apply to inclusionary developments:
- The initial issuance of certificates of occupancy for market units shall be linked to the issuance of certificates of occupancy for affordable units. Prior to the issuance of the certificates of occupancy for market units, certificates of occupancy for affordable units shall be required in the following minimum ratios:

Required Percentage of Affordable to Market Units

Percentage of Affordable Housing Units Completed	Allowed Percentage of Market Housing Units Completed
0%	25%
10%	25% + 1
50%	50%
75%	75%
100%	90%

- Each unit of affordable housing shall require a certificate of occupancy, which shall become void upon a change of owner or tenant.
 - No certificate of occupancy shall be issued for a low- and moderate-income unit unless the provisions of *N.J.A.C. 5:93-9.3*, or superseding administrative code, are met.
- G. Unit Type and Household Size. The following housing type shall be used in determining affordability as it relates to household size:

Unit Type and Household Size

Unit Size	Household Size (persons)
Efficiency	1
One-bedroom	1.5
Two-bedroom	3
Three-bedroom	4.5
Four-bedroom	6

- H. Distribution of Low- and Moderate-Income Units. At least 50% of all units within each inclusionary development shall be affordable to low-income households. At least 50% of all rental units shall be affordable to low-income households. Of the total number of affordable housing units, 13% of the total shall be earmarked as very low-income units and shall be counted towards the minimum low-income requirement.
- I. Utilities and Heating Source. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by the NJ Department of Community Affairs for its Section 8 program. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- J. Appearance and Location. The facade of an affordable housing dwelling shall be indistinguishable from those of market units in terms of the use of exterior materials, windows, doors, reveal, roof pitch, color, or other material. Affordable housing units shall be fully integrated with market rate housing to the greatest extent feasible and shall have access to open space and site amenities comparable to that of market rate units.
- K. Tenure. For inclusionary developments with a single housing type, the affordable housing units shall have the same tenure as the market housing units.

28-17-9 Initial Selling and Renting Determinations.

- A. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures as set forth in the Uniform Housing Affordability Controls.
- B. Required pricing stratification.
1. The maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60% of median income and the average rent for low- and moderate-income units shall be affordable to households earning no more than 52% of median income. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low income and moderate income units, provided that at least 13% of all low- and moderate-income units shall be affordable to households earning no more than 30% of median income.
 2. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income. Each affordable development shall achieve an affordability average of 55% for restricted ownership units. In achieving this affordability average, moderate income ownership units shall be available for at least three different prices for each bedroom type, and low income ownership units shall be available for at least two different prices for each bedroom type.
- C. Initial Pricing and Annual Increases of Affordable Dwellings.
1. Owner-occupied dwellings initial pricing. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the dwelling, including principal and

interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under *N.J.A.C. 5:80-26.4*; provided, however, that the price shall be subject to the affordability average requirement as noted above.

2. Rental dwellings initial pricing. The initial rent for a restricted rental dwelling shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement.
3. Owner-occupied dwellings annual increase. The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
4. Rental dwellings annual increase. The rent of low and moderate income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.
5. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by the NJ Department of Community Affairs for its Section 8 program.

D. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

1. The initial purchase price for a restricted ownership dwelling shall be approved by the Borough Administrative Agent.
2. The Borough Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income homeowners and the market homeowners.

- E. The owners of restricted ownership units may apply to the Borough Administrative Agent to increase the maximum sales price for the dwelling on the basis of eligible capital improvements. Eligible capital improvements shall be those that render the dwelling suitable for a larger household or the addition of a bathroom.

28-17-10 Affordability Controls for Ownership Units.

- A. The affordability control period for a restricted ownership dwelling shall commence on the date the initial certified household takes title to the dwelling.
- B. Each restricted ownership dwelling shall remain subject to the requirements of UHAC until the Borough of Hightstown elects to release the dwelling from such requirements pursuant to action taken in compliance with *N.J.A.C. 5:80-26.5(g)*. Prior to such municipal election, a restricted ownership dwelling shall remain subject to the requirements of *N.J.A.C. 5:80-26.5*, for a period of at least 30 years, and for a period of at least 10 years or the sale and repayment of any loan proceeds for owner-occupied units that were rehabilitated. Where a dwelling unit is entered into an extension of expiring controls program, the time period for the ownership restriction shall be at least 30 years from the date that the existing or prior restriction would have expired.

- C. The affordability control period for a restricted ownership dwelling shall commence on the date the initial certified household takes title to the dwelling.
- D. Each restricted ownership dwelling shall remain in compliance with and subject to the requirements of *N.J.A.C. 5:80-26.5* for control periods, *N.J.A.C. 5:80-26.6* for price restrictions, *N.J.A.C. 5:80-26.7* for buyer income eligibility, *N.J.A.C. 5:80-26.8* for limitations on indebtedness and subordination, *N.J.A.C. 5:80-26.9* for capital improvements, and *N.J.A.C. 5:80-26.10* for maintenance.
- E. Limitations on Indebtedness Secured by Ownership Dwelling; Subordination.
 - 1. Prior to incurring any indebtedness to be secured by a restricted ownership dwelling, the Borough Administrative Agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
 - 2. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership dwelling to exceed 95% of the maximum allowable resale price of that dwelling, as such price is determined by the Borough Administrative Agent in accordance with *N.J.A.C. 5:80-26.6(b)*.
- F. Capital Improvements to Ownership Units.
 - 1. The owners of restricted ownership units may apply to the Borough Administrative Agent to increase the maximum sales price for the dwelling on the basis of capital improvements made since the purchase of the dwelling. Eligible capital improvements shall be those that render the dwelling suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing dwelling exceed the limits of affordability for the larger household.
 - 2. Upon the resale of a restricted ownership dwelling, all items of property that are permanently affixed to the dwelling or were included when the dwelling was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Borough Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the dwelling and not included in the base price may be made a condition of the dwelling resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Borough Administrative Agent. Unless otherwise approved by the Borough Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the dwelling resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.
- G. Notice of Resale, Recapture Covenant and 95/5 Purchase Options.
 - 1. The owner of the property is required to notify the Borough Administrative Agent by certified mail of any intent to sell the property 90 days prior to entering into an agreement for the first non-exempt sale of the Property after the conclusion of the period of affordability controls on restricted units in effect at the time the Property was first restricted as part of the Affordable Housing Program.
 - 2. The municipal construction code official shall inspect the available affordable resale unit for construction and property maintenance code violation(s). The code official shall submit in writing to the owner and the Borough Administrative Agent a listing of the violation(s). The estimated cost of the repairs not completed by the owner prior to resale shall be deducted from the resale price. The cost of repairs not undertaken by the owner will be determined by estimator(s) and/or contractor(s) supplied by the Borough Administrative Agent and charged back to the seller.
 - 3. Upon the first such non-exempt sale of the Property, 95% of the difference between, (i), the actual sale price; and (ii), the regulated maximum sales price that would be applicable were the period of affordability controls on restricted units still in effect, shall be paid at closing to the Borough of

Hightstown; or, to the NJ Department of Community Affairs or NJ Housing and Mortgage Finance Agency, when acting as receiving agent for the municipality. Exempt sales shall be as listed in §28-17-13.

4. Such non-exempt sale is subject to the options provided for in *N.J.A.C. 5:80-26.20* (Option to buy 95/5 units), *N.J.A.C. 5:80-26.21* (Municipal Option on 95/5 units), *N.J.A.C. 5:80-26.22* (State Option on 95/5 Units), *N.J.A.C. 5:80-26.23* (Non-Profit Option on 95/5 Units), *N.J.A.C. 5:80-26.24* (Seller Option on 95/5 Units), *N.J.A.C. 5:80-26.25* (Municipal Rejection of Repayment Option on 95/5 Units) and *N.J.A.C. 5:80-26.26* (Continued Application of Options to Create, Rehabilitate or Maintain 95/5 Units) of UHAC.

28-17-11 Affordability Controls on Rental Dwellings.

- A. Each restricted rental dwelling shall remain subject to the requirements of UHAC until the Borough of Hightstown elects to release the dwelling from such requirement pursuant to action taken in compliance with *N.J.A.C. 5:80-26.11(e)*. Prior to such a municipal election, a restricted rental dwelling shall remain subject to the requirements of *N.J.A.C. 5:80-26.11*, for a minimum of 30 years, and for a period of at least 10 years or the sale and repayment of any loan proceeds for renter-occupied units that were rehabilitated.
- B. Each restricted rental dwelling shall remain in compliance with and subject to the requirements of *N.J.A.C. 5:80-26.11* for control periods, *N.J.A.C. 5:80-26.12* for restrictions on rents, and *N.J.A.C. 5:80-26.13* for tenant income eligibility.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Mercer. A copy of the filed document shall be provided to the Borough Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental dwelling shall remain subject to the affordability controls of this Article, despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the dwelling;
 2. Sale or other voluntary transfer of the ownership of the dwelling; or
 3. The entry and enforcement of any judgment of foreclosure.
- E. Rent Restrictions for Rental Units; Leases.
 1. A written lease shall be required for all restricted rental units, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental dwelling shall be provided to the Borough Administrative Agent.
 2. No additional fees or charges shall be added to the approved rent without the express written approval of the Borough Administrative Agent.
 3. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted dwelling and shall be payable to the Borough Administrative Agent to be applied to the costs of administering the controls applicable to the dwelling as set forth in this Article.

28-17-12 Accessibility Requirements.

The following barrier free accessibility and adaptability requirements shall apply to all new construction:

- A. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub-code, *N.J.A.C. 5:23-7*.
- B. All restricted townhouse dwellings and all restricted units in other multistory buildings in which a restricted dwelling is attached to at least one other dwelling shall have the following features:

1. An adaptable toilet and bathing facility on the first floor;
2. An adaptable kitchen on the first floor;
3. An interior accessible route of travel on the first floor;
4. An interior accessible route of travel shall not be required between stories within an individual dwelling;
5. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
6. An accessible entranceway in accordance with *N.J.S.A. 52:27D-311a*, et seq. and the Barrier Free Sub-code, *N.J.A.C. 5:23-7*, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - a. Where a dwelling has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling, an accessible entrance shall be installed.
 - b. To this end, the developer of restricted units shall deposit funds within the affordable housing trust fund of the Borough of Hightstown sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - c. The funds deposited under sub-paragraph –(b) above shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable dwelling accessible when requested to do so by a person with a disability who occupies or intends to occupy the dwelling and requires an accessible entrance.
7. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from an adaptable to an accessible entrance to the Construction Code Official.
8. Once the Construction Code Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, *N.J.A.C. 5:23-7*, and that the cost estimate of such conversion is reasonable, payment shall be made into the municipality's affordable housing trust fund by the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
9. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that physical or environmental conditions of the site render it impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, *N.J.A.C. 5:23-7*.

28-17-13 Exempt Transactions.

- A. The following transactions shall be deemed "non-sales" for purposes of these regulations and the owner receiving title by virtue of any of the following transactions shall be entitled to a statement of exemption to the owner receiving title by virtue of any of the following transactions:
1. Transfer of ownership of an affordable sales unit between husband and wife;
 2. Transfer of ownership of an affordable sales unit between former spouses ordered as a result of a judicial decree of divorce (and not including sales to third parties);
 3. Transfer of ownership of an affordable unit between family members as a result of inheritance;
 4. Transfer of ownership of an affordable unit through an executor's deed to a Class A beneficiary;
 5. Transfer of ownership of an affordable unit through an order of the Superior Court or other court,

in a foreclosure proceeding or transfer in lieu of foreclosure after a foreclosure proceeding has commenced.

- B. Except for the income level of the family acquiring title by an exempt transaction, the exempt transfer will not eliminate any restrictions set forth herein including, but not limited to, the unit remaining the prime resident and the requirement for resale to low and moderate income families as applicable and all such restrictions shall remain in effect following the exempt transfer except as stated in subsection -A.5.
- C. Should a mortgagee acquire title pursuant to subsection -A.5 it may re-sell the unit to any family, regardless of income, with the municipality having the right of first refusal. The sales price to the municipality is the amount necessary to cure the foreclosure. This includes all principal and interest due to the mortgagee and other lien holders, repayment of equity to the owner prior to foreclosure and the costs of foreclosure. If the municipality does not purchase the unit, the mortgagee may sell the unit without any of the restrictions set forth in this section. The amount of the sale above that which is necessary to cure the foreclosure will be turned over to the municipality to be used for low and moderate income housing.

28-17-14 Leasing Restriction.

Initial and subsequent owners of affordable housing units shall occupy the dwelling as their principal residence. Rental or subleasing of the affordable housing unit is expressly forbidden.

28-17-15 Effect on Landlord and Tenant Relationship.

- A. Nothing in these rules should be construed to limit the rights and duties of the owner and tenant to maintain the dwelling in accordance with all appropriate New Jersey State or municipal construction and property maintenance codes.
- B. Notwithstanding anything to the contrary in this Article, any member of a household occupying a dwelling under this Article and subject to the regulations of the Borough of Hightstown is subject to eviction for any reasons allowed under applicable New Jersey law. The provisions of this Article are not intended to confer any additional rights or obligations on property owners or tenants other than those mandated by statute or required by the courts of the State of New Jersey or the duly adopted regulations of any of its agencies.

28-17-16 Affirmative Marketing for Affordable Housing.

- A. Purpose. The purpose of this Section is to establish administrative procedures to ensure a wide dissemination of knowledge of affordable housing units as they become available to the low and moderate income population, and that the selection of tenants or homeowners, as the case may be, meets the requirements of UHAC.
- B. An Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital, or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. An Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region.
- C. Affirmative Marketing Requirements. Within the overall framework of the municipality's affirmative marketing program, all affordable housing units in Hightstown Borough shall be marketed in accordance with the provisions in this Section unless otherwise provided for in N.J.A.C. 5:80-26-1. An Affirmative Marketing Plan shall be created for each development that contains or will contain low and moderate income units, including those that are part of the Borough's prior round Housing Element and its current Housing Element and those that may be constructed in future developments not yet anticipated. This Affirmative Marketing Plan shall also apply to any rehabilitated units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units when Hightstown is allocated a rehabilitation component.
- D. Plan Preparation. The Borough Administrative Agent or Administrative Agent shall prepare an Affirmative Marketing Plan for each affordable housing program, as applicable, comporting with N.J.A.C. 5:80-26.15,

for review and approval by the Borough Administrative Agent. The Borough Administrative Agent of the Borough shall oversee the work of a developer's Administrative Agent provided that the person has been approved by the Borough Administrative Agent. Regardless of the drafting agent, the Affirmative Marketing Plan is intended to be used by developers of affordable housing restricted to low and moderate income households located within the municipality. The Administrative Agent responsible for specific affordable housing programs or developments shall ensure that the affirmative marketing of all affordable units is consistent with these provisions.

- E. Affirmative Marketing Implementation. The Affirmative Marketing Plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to *N.J.A.C. 5:80-26*. All newly created affordable units will comply with the thirty-year affordability control required by UHAC, *N.J.A.C. 5:80-26-5* and *5:80-26-11*. This plan will be adhered to by all private, non-profit or municipal developers of affordable housing units and will cover the period of deed restriction or affordability controls on each affordable unit. The Affirmative Marketing Plan for each affordable housing development shall meet the following minimum requirements:
1. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4, comprised of Mercer, Monmouth and Ocean Counties.
 2. Although the Borough has the ultimate responsibility for implementing all aspects of Hightstown's affordable housing program, the Administrative Agent designated by the Borough Administrative Agent shall assure that the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
 3. The Administrative Agent shall provide a list of counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 4. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all of the affordable units have been leased or sold.
 5. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Hightstown.
 6. The Affirmative Marketing Plan for each affordable housing development shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
 7. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in Hightstown; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
 8. The Borough Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in the Region 4 Housing Area for the use of the Borough and other Administrative Agents. In addition, the list shall also include Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Trenton, Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch Branches of the NAACP, Shiloh Baptist Church, and the Supportive Housing Association, which entities shall receive specific notice of all available affordable housing units along with copies of application forms. This list shall be updated periodically. The list shall contain organizations that will aid in

the affirmative marketing program with particular emphasis on contacts with outreach to groups and individuals that are least likely to apply for affordable housing within the region. A representative sample of the organizations on the list not otherwise requiring specific notice herein shall be contacted as part of the affirmative marketing effort as approved by the Borough Administrative Agent.

9. The Affirmative Marketing Plan shall be approved by the Borough Administrative Agent prior to implementation.

28-17-17 Violations of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing the affordable dwelling by an owner, developer or tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income dwelling and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to *N.J.S.A. 2A:58-11* alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - a. A fine of not more than \$1,000.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - b. In the case of an owner who has rented his or her low- or moderate-income dwelling in violation of the regulations governing affordable housing units, payment into the Borough of Hightstown's Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an owner who has rented his or her low or moderate income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the dwelling, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low and moderate income unit.
 3. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the County Sheriff, at which time the low and moderate income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- C. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien upon the dwelling and any prior liens on the dwelling. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating owner shall be personally

responsible for the deficiency, in addition to any and all costs incurred by the Borough in connection with collecting said deficiency. The remainder, if any, up to a maximum of the amount the owner would be entitled to if he or she were to sell the dwelling as permitted by *N.J.S.A. 5:80-26.1 et seq.*, shall be placed in escrow by the Borough for the owner and shall be held in such escrow for a period of two years or until such time as the owner shall make a claim with the Borough for the same. Failure of the owner to claim said sum within the two-year period shall automatically result in a forfeiture of said remainder to the municipality and paid into the Affordable Housing Trust Fund. Any interest accrued or earned on the remainder while being held in escrow shall belong to and shall be paid to the Hightstown Borough Affordable Housing Fund whether the remainder is paid to the owner or forfeited to the Borough. Any excess funds derived over and above the sum due the owner shall be paid over to the Borough's Affordable Housing Trust Fund.

- D. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low and moderate income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing dwelling. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- E. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- F. Failure of the very low-, low- and moderate- income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- G. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- H. Right to Cure. The Borough may, at its option, advance and pay all sums necessary to protect, preserve and retain the dwelling as an affordable dwelling, subject to the terms of this Article. All sums so advanced and paid by the Borough shall become a lien against said dwelling and shall have a higher priority than any lien except the first purchase money mortgage lien and liens by duly authorized government agencies. Such sums may include but are not limited to insurance premiums, taxes, assessments (public or private) and costs of repair necessary to bring the dwelling up to any and all applicable local, state or federal codes and liens which may be or become prior and senior to any first purchase money mortgage as a lien on the dwelling or any part thereof. If, in the event of a default or nonpayment by the owner of an affordable dwelling, any first mortgagee or other creditor of an owner of an affordable dwelling exercises its contractual or legal remedies available, the owner shall notify the Administrative Agent and the Borough Solicitor of the Borough, in writing, within 10 days of notification by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint, and the Borough shall have the option to purchase, redeem or cure any default upon such terms and conditions as may be agreeable to all parties in interest and/or to acquire the first purchase money mortgage to the dwelling, thereby replacing the first mortgagee as the first mortgagee of the dwelling. The Borough shall have the same priority of lien as was held by the first mortgagee at the time the Borough acquires such first purchase money mortgage and shall have the right of subrogation with respect to any other claim or lien it satisfies or acquires.
- I. Provisions for First Purchase Money Mortgages.

1. The terms and restrictions of this section shall be subordinate only to a first purchase money mortgage lien on any affordable dwelling and in no way shall impair the first mortgagee's ability to exercise the contract remedies available to it in the event of default as set forth in the first purchase money mortgage. The first mortgagee and/or mortgage servicer shall serve written notice upon the Borough within 10 days after the first purchase money mortgage is two months in arrears and again within 10 calendar days of the filing of a complaint seeking foreclosure of the first purchase money mortgage held on an affordable dwelling. However, a judgment of foreclosure upon the property shall in no instance terminate the conditions and requirements of this Article maintaining the dwelling as an affordable, income-restricted residence.
2. The obligation of the first mortgagee and servicer to notify the Borough shall cease automatically and immediately upon the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market, unless the rules and regulations or guidelines of the Federal National Mortgage Association are amended so as to not prohibit or exclude placing such obligation upon the holder of the mortgage or its service representative, in which case, an instrument duly evidencing the same shall be recorded with the Register of Deeds, Mercer County, New Jersey, before any such obligation shall exist. Provided that the first mortgagee is obligated to give the Borough the above-mentioned notices, the first mortgagee shall also serve written notice of any proposed foreclosure sale upon the Borough at least 30 days prior to the first scheduled date of such sale. The first mortgagee shall serve notice upon the Borough within 30 days of the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market.
3. The Borough of Hightstown or any instrumentality designated by the Borough shall have the right to purchase any mortgage which is in default at any time prior to the entry of a foreclosure judgment or within the redemption period thereafter. Notification of a default and of the institution of a foreclosure action and of a sheriff's sale shall be served, in writing, upon the Borough Clerk and Municipal Attorney. The Borough of Hightstown shall at all times be considered a party in interest and shall have the right to be joined as a party defendant and/or shall have the right to intervene in any foreclosure action seeking foreclosure of a first mortgage and/or shall have the right to redeem and acquire the owner's equity of redemption or to acquire the dwelling from the owner upon such terms and conditions as may be determined by the Borough.
4. Surplus funds. In the event of a foreclosure sale by the holder of the first purchase money mortgage, the owner shall be personally obligated to pay to the Borough any excess funds, but only to the extent that such excess funds exceed the difference between what the owner could have resold his dwelling for under this Article at the time of the foreclosure sale and the amount necessary to redeem and satisfy the first purchase money mortgage debt, including costs of foreclosure and costs of repairs necessary to bring the dwelling up to any and all applicable local, state or federal codes. For the purposes of this subsection, excess funds shall be the total paid to the sheriff in excess of the amount required to pay and satisfy the first purchase money mortgage, including the costs of foreclosure, even if junior creditors actually receive payment from said surplus funds to the exclusion of the owner. The Borough is hereby given a first priority lien, second only to the first mortgagee for any taxes or public assessments by a duly authorized governmental body up to the full amount of excess funds. This obligation of the owner to pay this full amount to the Borough shall be deemed to be a personal obligation of the owner of record at the time of the foreclosure sale, and the Borough is hereby empowered to enforce this obligation in any appropriate court of law or equity as though the same were a personal contractual obligation of the owner. Neither the first mortgagee nor the purchaser at the foreclosure sale shall be responsible or liable to the Borough for any portion of this excess. The Borough shall deposit any funds received in the Affordable Housing Trust Fund and use it for the purposes as set forth in the Housing Element and Fair Share Plan.

Section 3. Continuation. In all other respects, the Zoning Ordinance of the Borough of Hightstown shall remain unchanged.

Resolution 2019-34 Authorizing Payment to Van Cleef Engineering Associates (Construction Administration and Inspection for the Rehabilitation of East Ward Street)

Moved by Councilmember Stults; Seconded by Councilmember Musing

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Resolution adopted 4-0 with 2 abstentions.

Resolution 2019-34

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

**AUTHORIZING PAYMENT TO VAN CLEEF ENGINEERING ASSOCIATES
(CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE
REHABILITATION OF EAST WARD STREET)**

WHEREAS, on March 21, 2016, the Borough Council awarded a contract for the Engineering Design and Inspection Services for the Rehabilitation of East Ward Street to Van Cleef Engineering of Hamilton, New Jersey at a cost not to exceed \$14,250.00 for design/bid services and a cost not to exceed \$22,750.00 for contract administration/inspection services for a total not to exceed amount of \$37,000.00; and

WHEREAS, the contractor has submitted a request payment in the amount of \$377.00 for the inspection of the reconstruction of the ADA ramp and the intersection of Armerlino and East Ward Streets from November 1, 2018 – November 20, 2018; and

WHEREAS, the Finance Officer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown a payment in the amount of \$377.00 to Van Cleef Engineering of Hamilton, New Jersey is hereby approved as detailed herein.

Resolution 2019-34

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

**AUTHORIZING PAYMENT TO VAN CLEEF ENGINEERING ASSOCIATES
(CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE
REHABILITATION OF EAST WARD STREET)**

WHEREAS, on March 21, 2016, the Borough Council awarded a contract for the Engineering Design and Inspection Services for the Rehabilitation of East Ward Street to Van Cleef Engineering of Hamilton, New Jersey at a cost not to exceed \$14,250.00 for design/bid services and a cost not to exceed \$22,750.00 for contract administration/inspection services for a total not to exceed amount of \$37,000.00; and

WHEREAS, the contractor has submitted a request payment in the amount of \$377.00 for the inspection of the reconstruction of the ADA ramp and the intersection of Armerlino and East Ward Streets from November 1, 2018 –

November 20, 2018; and

WHEREAS, the Finance Officer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown a payment in the amount of \$377.00 to Van Cleef Engineering of Hamilton, New Jersey is hereby approved as detailed herein.

Resolution 2019-35 Authorizing Payment #4 Final – Rapid Pump & Meter Service (Secondary Clarifier Improvements)

Moved by Councilmember Musing; Seconded by Council President Misiura.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Resolution adopted 4-0 with 2 abstentions.

Resolution 2019-35
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT #4 FINAL – RAPID PUMP & METER SERVICE
(SECONDARY CLARIFIER IMPROVEMENTS)**

WHEREAS, on December 18, 2017, the Borough Council awarded a contract for the Secondary Clarifier Improvements for the Advanced Waste Water Treatment Plant in Hightstown Borough to Rapid Pump & Meter Service Co., Inc. of Paterson, New Jersey at the price of \$142,430.00; and

WHEREAS, through a change order previously approved by Council, the final cost of the contract has been increased to \$167,450.07; and

WHEREAS, the contractor has submitted payment request #4 Final in the amount of \$27,868.67 and

WHEREAS, the Borough Engineer has recommended approval of payment #4 Final to Rapid Pump & Meter Service Co. in the amount of \$27,868.67; and

WHEREAS, the Borough Attorney has reviewed the close-out documents to the contract and found them to be acceptable; and

WHEREAS, the CFO has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown Payment Request #4 Final to Rapid Pump and Meter Service, Co. of Paterson, New Jersey in the amount of \$27,868.67, is hereby approved as detailed herein, and the CFO is authorized to issue same.

2019-36 Authorizing and Approving an Application to the New Jersey Department of Transportation's Office of Local Bicycle and Pedestrian Assistance Program for Technical Assistance in Preparing a Mobility Master Plan

Moved by Councilmember Stults; seconded by Councilmember Bluth

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Resolution adopted 4-0 with 2 abstentions.

Resolution 2019-36

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

**AUTHORIZING AND APPROVING AN APPLICATION TO THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION'S OFFICE OF LOCAL BICYCLE AND
PEDESTRIAN ASSISTANCE PROGRAM FOR TECHNICAL ASSISTANCE IN
PREPARING A MOBILITY MASTER PLAN**

WHEREAS, the Borough of Hightstown seeks to create a connected network of safe pedestrian routes and bicycle facilities by developing a Mobility Master Plan; and

WHEREAS, the adoption of a Mobility Master Plan would also aid the Borough in addressing circulation goals in accordance with its Complete Streets Policy; and

WHEREAS, past efforts to improve pedestrian and bicycle safety have demonstrated that a Mobility Master Plan is necessary to provide a comprehensive view of how various modes of transportation fit into the Borough's overall circulation network; and

WHEREAS, the Borough of Hightstown commits to providing public participation opportunities during the preparation of the Mobility Master Plan; and

WHEREAS, Borough of Hightstown pledges to make a good faith effort to implement the recommendations contained in the Mobility Master Plan once completed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hightstown formally approves the application to the New Jersey Department of Transportation's Office of Local Bicycle and Pedestrian Assistance Program for technical assistance in preparing the Mobility Master Plan; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council and Clerk are hereby authorized to submit the application for technical assistance to the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED, that if the application is approved the Mayor and Borough Council and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant.

2019-37 Authorizing a Shared Services Agreement with Hamilton Township for Certain Health Services (STD Clinic)

Moved by Councilmember Stults; Seconded by Councilmember Bouth.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Resolution adopted 4-0 with 2 abstentions.

Resolution 2019-37

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH HAMILTON
TOWNSHIP FOR CERTAIN HEALTH SERVICES (STD CLINIC)**

WHEREAS, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases (STDs); and

WHEREAS, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2019 through December 31, 2019 for a fee of \$50.00 per patient; and

WHEREAS, it is the desire of the Borough Council to enter into a shared services agreement with the Township of Hamilton for provision of these services; and

WHEREAS, such agreements are authorized pursuant to *N.J.S.A. 40A:65-1 et seq*; and

WHEREAS, funds for this purpose shall be provided for in the 2019 budget.

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

1. A shared services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2019 through December 31, 2019 is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

CONSENT AGENDA

Councilmember Musing moved Resolutions 2019-38; 2019-39; 2019-40; 2019-41; 2019-42; 2019-43 as a Consent Agenda; Councilmember Stults seconded.

Roll Call Vote: Councilmembers Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Resolutions adopted 4-0 with 2 abstentions.

Resolution 2019-38

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

**AUTHORIZING THE TAX ASSESSOR THE ABILITY TO GRANT
PROPERTY TAX EXEMPTIONS TO DISABLED VETERANS**

WHEREAS, the legislature in adopting N.J.S.A. 54:4-3.30-3.33 has granted full property tax exemption for veterans suffering from service connected disabilities as declared by the United State Department of Veterans Administration; and

WHEREAS, such exemption shall be approved and granted by the Tax Assessor upon the filing of the claim demonstrating the right to the exemption; and

WHEREAS, the Statute does not specify the effective date for granting of a disabled veteran tax exemption but rather states that the municipal governing body shall, by resolution, establish a policy for the granting of property tax exemptions under this Statute;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, County of Mercer, and the State of New Jersey, that the Tax Assessor shall be authorized to grant property tax exemption to Veterans suffering from service connected disabilities as declared by the United States Department of Veteran's Administration upon the filling of a claim demonstrating the right to an exemption; such property tax exemption shall be effective as of the date the application is received in the Tax Assessor's office.

Resolution 2019-39

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

AUTHORIZING REFUND OF WATER/SEWER OVERPAYMENT

WHEREAS, a water/sewer overpayment was made for Block 2.01, Lot 1, C0095, 140 Mill Run East, in the amount of \$204.30 due to duplicate payment; and

WHEREAS, the owner, Kevin Kappock, 17 Feathertree Court, Howell, New Jersey 07731, has requested that a refund be issued for the overpayment in the amount of \$204.30; and

WHEREAS, the Collector has requested that said overpayment be refunded in the amount of \$204.30.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Collector and CFO are hereby authorized to issue a refund in the amount of \$204.20 to Kevin Kappock, 17 Feathertree Court, Howell, New Jersey 07731, representing the water/sewer overpayment as set forth herein.

Resolution 2019-40

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

AUTHORIZING A RENEWED SHARED SERVICES AGREEMENT WITH MERCER

COUNTY FOR EMS DISPATCH SERVICES

WHEREAS, with the adoption of Resolution 2014-126 on June 2, 2014, the Borough Council approved a Shared Services Agreement with Mercer County for Emergency Medical Dispatch Services for the period of July 1, 2014 to December 31, 2016; and

WHEREAS, with the adoption of Resolution 2017-38 on January 17, 2017, the Borough Council approved a Shared Services Agreement with Mercer County for Emergency Medical Dispatch Services for the period of January 1, 2017 to December 31, 2018; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of Emergency Medical Dispatch Services to the Borough by Mercer County for a one-year period, January 1, 2019 through December 31, 2019; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Mayor and Council have reviewed the proposed Shared Services Agreement for Emergency Medical Dispatch Services for the period January 1, 2019 through December 31, 2019; and

WHEREAS, the Borough's net share of costs for these services, by the terms of this agreement, for the period January 1, 2019 through December 31, 2019 will be Four Thousand Four Hundred and Fifty Thousand Dollars (\$4,450.00) for this 12-month period; and

WHEREAS, additional terms of said Services shall be established in a shared services agreement signed by Mercer County and Hightstown Borough; and

WHEREAS, it is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2019 budget.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute a shared services agreement for EMS Dispatch Services as stated herein.
2. This agreement is approved subject to the provision of adequate funds in the Borough's 2019 budget.

Resolution 2019-41

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

AMENDING RESOLUTION 2019-04

WHEREAS, resolution 2019-04 which approved the 2019 Borough Council schedule was adopted on January 1, 2019; and

WHEREAS, the Borough Council finds that the meeting schedule for the year 2019 must be amended.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that resolution 2019-04 is hereby amended as follows: Borough Council meetings for the remainder of 2019 and for the first meeting in 2020 will be

held at **7:30 p.m.**, unless otherwise noted, at the Hightstown Firehouse at 140 North Main Street, Hightstown, on the following dates:

2019 SCHEDULED COUNCIL MEETING DATES

MONDAY	February 4
TUESDAY	February 19
MONDAY	March 4
MONDAY	March 18
MONDAY	April 1
MONDAY	April 15
MONDAY	May 6
MONDAY	May 20
MONDAY	June 3
MONDAY	June 17
MONDAY	July 15
MONDAY	August 5
TUESDAY	September 3
MONDAY	September 16
MONDAY	October 7
MONDAY	October 21
MONDAY	November 4
MONDAY	November 18
MONDAY	December 2
MONDAY	December 16

2020 Meetings

WEDNESDAY, January 1 at 12 Noon Reorganization Meeting

Resolution 2019-42

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2019 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 2018 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
Legal Services and Costs		
Other Expenses	\$ 14,000.00	\$ -
Grant Writing		
Other Expenses	-	3,000.00
Engineer		
Other Expenses		2,000.00
Solid Waste		
Other Expenses	-	3,000.00
Street Lighting		
Other Expenses		3,000.00
Natural Gas		
Other Expenses		3,000.00
TOTALS	\$ 14,000.00	\$ 14,000.00

Resolution 2019-43

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

AMENDING THE 2019 TEMPORARY OPERATING BUDGET – CURRENT FUND

WHEREAS, the Borough Council adopted the 2019 temporary current fund budget on January 1, 2019; and

WHEREAS it is necessary to amend the budget in order to provide funding for certain expenditures; and,

WHEREAS said amendment will neither increase nor decrease the total appropriations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey that the 2019 Temporary Operating Budget – Current Fund is amended as follows:

		From:	To:
Legal Services and Costs	Other Expense	20,000.00	
Police	Salaries and Wages	20,000.00	
Building Improvements/Design			40,000.00
CURRENT TOTAL		40,000.00	40,000.00

BE IT FURTHER RESOLVED that Certified copies of this Resolution shall be forwarded to the Chief Financial Officer and Borough Auditor.

PUBLIC COMMENT PERIOD II

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

Eugene Sarafin, 628 South Main Street – Stated that it is nice coming to Council meetings where members vote to keep the town moving and where people are treated with respect. Went on to speak about President Trump.

Scott Caster, 12 Clover Lane – Stated that Hightstown had a 5.5% tax increase when the State average was 1.5%. We need to lower taxes by working with Trenton. Asked Council not to commit to a new Borough Hall.

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

DISCUSSION

Council Liaisons Resolution 2019-08

Council discussed liaisons to departments, boards and committees. During the discussion, it was agreed that departments no longer needed a Council liaison. Any issues with departments should be brought to the administrator.

Resolution 2019-08 Appointing Council Liaisons

Moved by Councilmember Stults; Seconded by Councilmember Musing.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Resolution adopted 6-0.

Resolution 2019-08

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

APPOINTING COUNCIL LIAISONS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following Council liaisons are hereby confirmed:

SUSAN BLUTH

Cultural Arts Commission
Environmental Commission

PATRICIA EGAN	Board of Health
JOSHUA JACKSON	Parks and Recreation
STEVE MISIURA	First Aid
DIMITRI MUSING	Historic Preservation Commission
LEE STULTS	Housing Authority Downtown Hightstown
MAYOR QUATTRONE	Fire Department

Architect Appointment

Council President Misiura and Councilmember Stults interviewed architects for the municipal facilities. At this time they recommended awarding the contract for architectural design and contract administration to The Musial Group. At this time the contract will be for concept design not to exceed a cost of \$40,000. This contract will be amended as the project moves forward.

Resolution 2019-44 Appointing and Authorizing an Agreement for Architectural and Contract Administration services for Municipal Facilities Located at 230 Mercer Street

Moved by Councilmember Misiura; Seconded by Councilmember Stults.

Roll Call Vote: Councilmember Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Resolution adopted 4-0 with 2 abstentions.

Resolution 2019-44

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

APPOINTING AND AUTHORIZING AN AGREEMENT FOR ARCHITECTURAL AND CONTRACT ADMINISTRATION SERVICES FOR MUNICIPAL FACILITIES LOCATED AT 230 MERCER STREET

WHEREAS, eight (8) proposals were received and opened on September 20, 2018 for architectural and contract administration services; and

WHEREAS, there exists the need for specialized architectural and contract administration services for the municipal facilities project located at 230 Mercer Street in the Borough; and

WHEREAS, it is the desire of Borough Council to appoint the Musial Group, located in Mountainside, New Jersey as Architect and Contract Administrator for the municipal facilities project located at 230 Mercer Street effective January 22, 2019; and

WHEREAS, the cost for the proposed services shall not exceed \$40,000.00 for concept design without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2019 and future budgets as needed; or by adopting the appropriate bond ordinance and,

WHEREAS, the term of this contract is for the completion of the project located at 230 Mercer Street; and

WHEREAS, this contract is awarded as a “fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Hightstown that the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Musial Group, located in Mountainside, New Jersey for Architectural and Contract Administration Services for the municipal facilities project located at 230 Mercer Street.

Roger Cook Greenway Extension

Mayor Quattrone explained to Council that the East Windsor Mayor intends to apply for a Grant for the greenway. Mayor Quattrone stated that he will speak with Peddie regarding this project and that the Environmental Commission will discuss this at their next meeting.

East Windsor/Hightstown Freight Grant

Borough Administrator, Debra Sopronyi, explained that East Windsor contacted her office regarding applying for the Freight Grant. They are looking for Hightstown to support their application or for Hightstown to join in with the application. Discussion ensued. Council agreed to have East Windsor submit a joint application for this grant.

Resolution 2019-45 Authorizing an Application for Local Freight Impact Grant

Moved by Council President Misiura; Seconded by Councilmember Stults.

Roll Call Vote: Councilmember Bluth, Misiura, Musing and Stults voted yes. Councilmembers Egan and Jackson abstained.

Resolution adopted 4-0 with 2 abstentions.

Resolution 2019-45

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

AUTHORIZING AN APPLICATION FOR LOCAL FREIGHT IMPACT GRANT 2019

WHEREAS, the Borough of Hightstown is encountering an unacceptable amount of truck traffic on Wyckoff Mills Road departing from and arriving to warehouses in East Windsor Township, and is desirous of having truck traffic by-pass Wyckoff Mills Road in Hightstown Borough to **access the New Jersey Turnpike and other locally connecting truck routes; and**

WHEREAS, the Borough of Hightstown is desirous of the development of a Bypass Road (known as the Probasco Road Freight Bypass") that will bypass Probasco Road and extend from Wyckoff Mills Road in East Windsor Township to NJ State Highway Route 33 available to truck traffic for the health, safety, and welfare of its community; and

WHEREAS, the New Jersey Department of Transportation created a grant funding program for improvements to truck routes called "Local Freight Impact Grant" and has allocated a FY2019 funding round; and

WHEREAS, the Borough of Hightstown desires to submit a joint application with East Windsor Township to provide relief to the community in and around Wyckoff Mills Road; and

WHEREAS, East Windsor Township shall serve as the lead agency in the grant; and

WHEREAS, the Borough Council believes the project to be funded with this joint grant application will be beneficial to the community of the Borough of Hightstown, as well as surrounding communities.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the documentation necessary for a joint grant application on behalf of Hightstown Borough and East Windsor Township to NJDOT for the Local Freight Impact Grant FY2019 grant program.

SUBCOMMITTEE REPORTS

Council President Misiura stated that the Streets and Sidewalks subcommittee will reconvene in the new year. Thanked Beverly Asselstine for all the work she has done. There was a meeting with PRC Group on January 15th regarding the Rug Mill. They are looking to do a public presentation on March 5th. This will be a special joint meeting with Council and the Planning Board.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Stults

Downtown Hightstown will be holding a meeting next Monday for Boards and Committees to review events for 2019.

Mayor Quattrone

Announced that he has appointed John Hosteler and Amanda Rosenberg to the Historic Preservation Commission. He also welcomed Trish Egan and Josh Jackson to Council.

ADJOURNMENT

Councilmember Egan moved to adjourn at 10:14; Councilmember Jackson seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk

Woman's Club Bench at Library





Commemorative Park Benches

Open to all residents, businesses and organizations of Hightstown Borough only, on a first-come-first-served basis. One bench limit per family, business or organization. All order forms must be **mailed** with check; postmark date will determine priority order.

Honor a loved one, or sponsor your organization or business with a Park Bench. Select from the bench options below. Plaque sample and Bench color samples are on view at: Hightstown Library, 114 Franklin Street, Hightstown.

Order Form

One bench per order form.

Name of Individual paying for the bench, or Organization with contact name.

Address

email

phone

Payment must be received by mail with this order form (no email).

Please allow two months for order to be processed and shipped. Benches will be assembled and installed by Borough schedule.

☐

 Check for \$685.⁰⁰ enclosed, made out to Borough of Hightstown.

The VICTORIAN

This bench option is available for all parks except Dawes.



The HERITAGE

This bench option is available at Dawes Park only.

Select your PARK preference:

- ☐ Memorial Park /Peddie Lake -Victorian
- ☐ Grant Park - Victorian
- ☐ Rocky Brook - Victorian
- ☐ Dawes Park - Heritage

For Dawes Park, please select your BENCH color:

Slat color ☐ blue ☐ red

Frame color for all benches is black.
All benches are 5 feet (60 inches) long.

Tell us your PLAQUE message:
Plaque plate is silver with black lettering, 8” x 2”.
Maximum 40 characters per line
(use reverse side of this sheet if needed).

1st Line:

2nd Line (optional):

3rd Line (optional):

Please confirm that the spelling and info is correct.
You will be emailed a proof to approve.

Signature

DRAFT



The Hightstown Woman's Club

Contact: Barb Harrington

Bronzy11@verizon.net

609-647-2681

Want to be remembered?

Hightstown, NJ -

Have you noticed that many of Hightstown's park benches are showing their age? The Hightstown Woman's Club did, and has initiated a Community Improvement Project to replace the old benches with beautiful new benches. Open to all residents, organizations and businesses of Hightstown, this is your opportunity to commemorate a Loved One, or sponsor your Business or Club, on a Park Bench in one of Hightstown's four Parks: Memorial Park at the Library and along Peddie Lake, Grant Park, Rocky Brook Park, and Dawes Park. The new benches with your dedicated plaque will be available to donate on a first-come, first-served basis.

More details about the bench options, as well as the order form, can be found on HightstownBorough.com and DowntownHightstown.org. Because there are a limited number of benches that can fit in the Parks, it is suggested that you send in your order quickly.

This Woman's Club CIP project was created after the Club renovated their own aging bench in Memorial Park. In October, Club members Barb Harrington and Fran Lalka collaborated on a design to make the bench more meaningful to the community: the Woman's Club bench sends a heartfelt message of KINDNESS to all who pass by. Once prep was completed, three more women joined in the first day of painting: Kim Luke, Library Research Manager, and two Hightstown High ninth graders, Isabella Fowler and Kai Vista. The bench was rededicated in December 2018. Have you seen their brightly colored bench at the entrance to Hightstown Library?

Kindness is one of the tenets of the Woman's Club. They invite everyone to reflect on their own kind acts and thoughts each time you pass by the bench. Please contact Barb Harrington if you live in Mercer County and interested in joining the Woman's Club and participating in their Community Service programs: bronzy11@verizon.net

MANAGING STORMWATER:

Addressing Flooding & Water Pollution

Hightstown Borough, New Jersey
February 4, 2019

Mike L. Pisauro, Jr., Esq.
Policy Director
The Watershed Institute



Your water. Your environment. Your voice.



Presentation Outline



- I. Background on two related problems
 - Flooding
 - Water Pollution
- II. Stormwater Management Regulations and Strategies
- III. Recommendations for Hightstown's Stormwater Ordinance
- IV. Stormwater Utilities

Average Annual Precipitation Has Increased



Ave. Annual Precip. for 1 st 7 decades of 20 th Century:	44.16"
Ave. Annual Precipitation for 21 st Century:	47.62"
Ave. Annual Precipitation Increase:	3.45"

Source: Office of the NJ State Climatologist David Robinson <http://climate.rutgers.edu/stateclim/>



526.74 billion more gallons per year in NJ!

Context: Extreme Rainfall Events On Rise



Street flooding in Hightstown



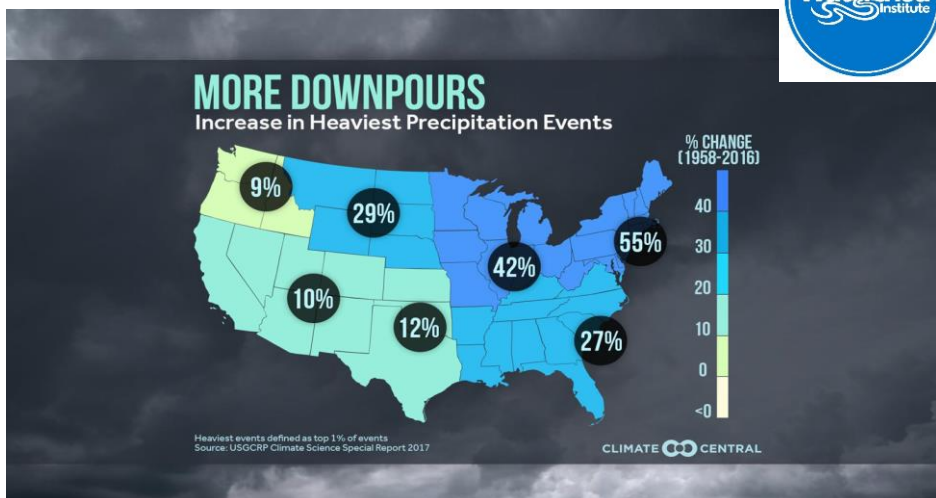
(photos courtesy of K. LeProvost)

Context: Extreme Rainfall Events On Rise

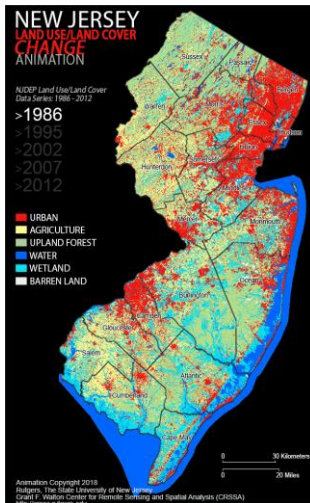


Princeton Junction after 7"+ of rain, July 2016

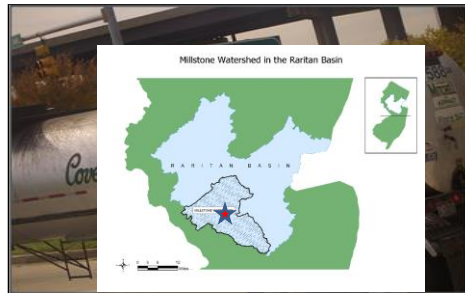
Context: Extreme Rainfall Events On Rise



Context: Development Continues to Expand

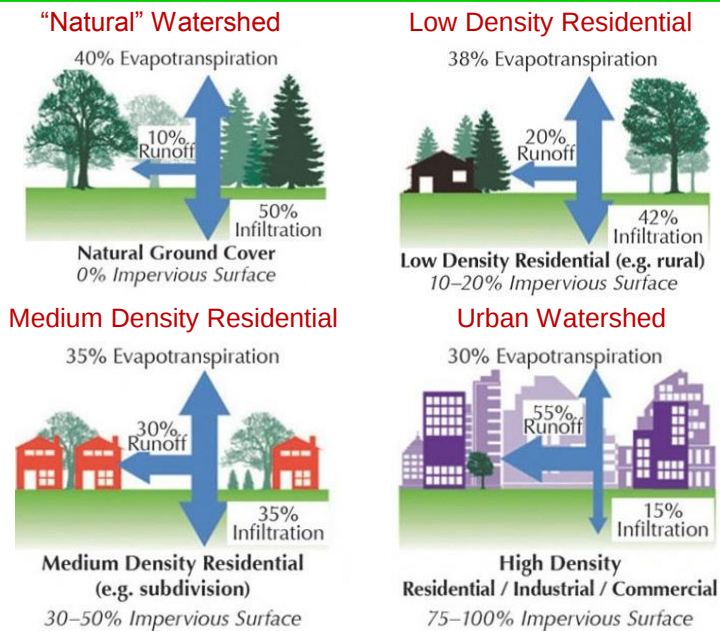


Between 1995 and 2012, impervious surfaces in the Millstone Watershed increased by more than 30 percent to 20,878 acres

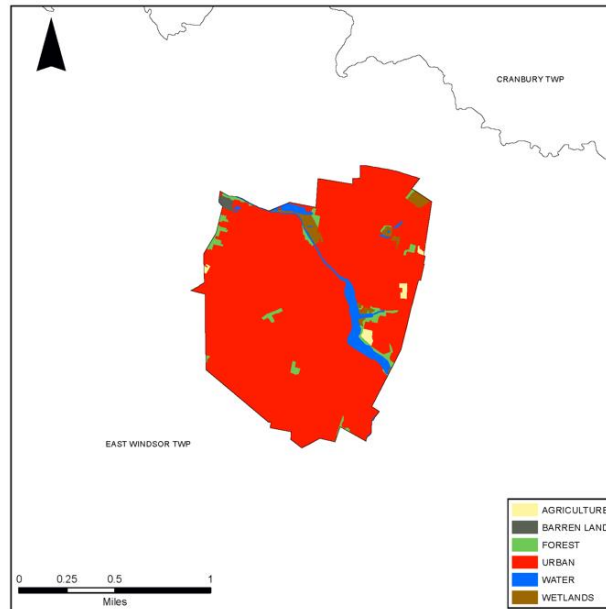


Source: Grant F. Walton Center for Remote Sensing and Spatial Analysis, Rutgers University

The Water Cycle has been altered



Urbanization in Hightstown



Water Pollution in Hightstown



			Annual Pollution Load		
Land Cover	Percent	Acres	TP Load	TN Load	TSS Load
			(lbs/yr)	(lbs/yr)	(lbs/yr)
High, Medium Density Residential	55%	430	602	6,453	60,229
Low Density, Rural Residential	8%	63	38	313	6,258
Commercial	17%	133	279	2,925	26,595
Industrial	4%	31	47	501	6,258
Urban, Mixed Urban, Other Urban	10%	78	78	782	9,386
Forest, Water, Wetlands	6%	47	5	141	1,877
Total	100%	782	1,049	11,115	110,603

Land use loading values taken from New Jersey Department of Environmental Protection (NJDEP), Stormwater Best Management Practice Manual, 2004.

This Is Not Rocket Science



+



=



Beden Brook erosion

Water Pollution

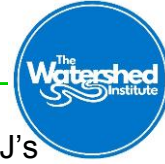


The sight and stench of our waterways created a public outcry that prompted Congress to pass the Clean Water Act in 1972.



Posted in Cleveland along the Cuyahoga River

Water Pollution Issues



“Point discharges” from factories and sewage treatment plants are largely regulated but most of NJ’s water bodies are still impaired due mostly to urban runoff/storm sewers.

- Stormwater runoff is causing impairments in 13,093.9 miles of rivers and 26,865.9 acres of lakes, reservoirs and ponds (New Jersey’s Integrated Water Quality Assessment Report 2014)

Non-point Source or “People Pollution”

Petroleum Products

Pet waste

Road Salt



Pesticides

Antifreeze

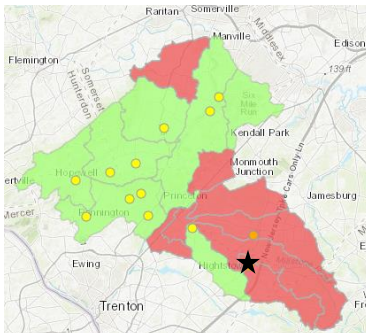
Fertilizers

Cleansers

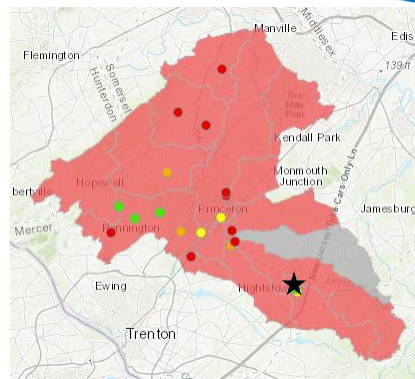
Water Pollution in Hightstown



- Phosphorus
- Sediment
- Dissolved Oxygen
- pH



Aquatic Life



Bacteria

Water Pollution in Hightstown



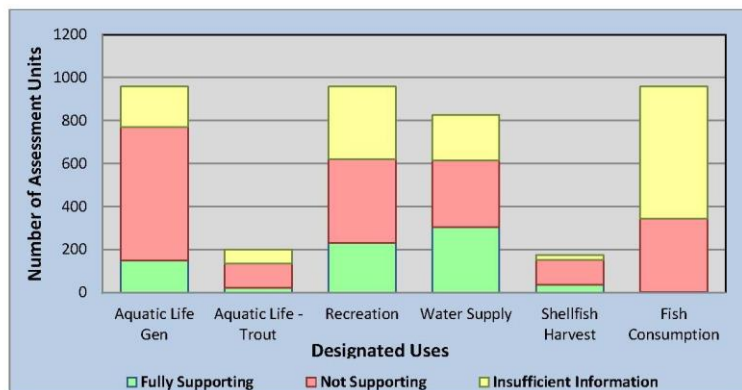
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Land use loading values taken from New Jersey Department of Environmental Protection (NJDEP), Stormwater Best Management Practice Manual, 2004.

Problem: Water Quality



Figure ES-2: Statewide Designated Use Assessment Results, 2014



Clean Water Act



CWA set goal of eliminating discharge of pollutants into navigable waters by 1985.

Municipalities have important role in achieving this goal through Stormwater Management programs

Other Laws Impacting Water



NJ statutes complement the federal CWA

- **NJ Water Pollution Control Act**
- **Water Quality Standards**
- **Stormwater Management Act**

Clean Water Programs



CWA & NJ statutes promote various strategies for reducing pollution of impaired waters.

Two strategies for today's discussion:

- **TMDLs/Section 319**
- **Stormwater management**

Strategy #2: Total Maximum Daily Loads



"Total Maximum Daily Loads" (TMDL) of pollutants determined above which clean water standards will be exceeded

Pollution ("waste loads") are allocated between sources

Strategy #3: CWA Section 319 Grants



TMDL approved by USEPA in 2016 for Total Phosphorus, Dissolved Oxygen, pH and Total Suspended Solids in Raritan Basin (includes Hopewell)

Watershed Association and Rutgers University each received 319 grants to help implement the non-point source reduction goals in the Raritan Basin TMDL (includes Hightstown)

- **Municipal Impervious Cover Assessments**
- **Planning for reduction/mitigation of impervious cover**
- **Implement pilot projects**

Stormwater Management



Old thinking:

Remove standing water from developed properties as quickly as possible



Problems:

- **Flooding problems are just pushed “downstream”**
- **Pollutants picked up by stormwater and carried to streams**
- **Reduction in groundwater “recharge” can harm aquifers**

Stormwater Management



New thinking:

Retain water on site and infiltrate to groundwater



Rain Gardens



Rain Bladders & Cisterns



Vegetated Swales

Benefits:

- Reduce flooding
- Reduce water pollution
- “Recharge” aquifers

Stormwater Management



New thinking:



Benefits:

- Reduce flooding
- Reduce water pollution
- “Recharge” aquifers

The Watershed Center—East Rain Garden



NJ Stormwater Management Rules (2004)



NJ municipalities must adopt stormwater ordinances that address stormwater from “major developments”

Defined as projects that:

- Disturb 1 acre or more of land (43,560 sq. feet)
and/or
- Add $\frac{1}{4}$ acre of impervious cover (10,890 square feet)

NJ Stormwater Management Rules (2004)



Management actions are required for major developments to:

- Retain 100% of pre-development groundwater on-site or infiltrate the increase in the 2-year storm
- Reduce post development peak flows for the 2, 10 and 100-year storms by 50%, 75% and 80%
- Reduce total suspended solids by 80% and reduce nutrients to the “maximum extent possible” in post-construction runoff
- Require use of “non structural strategies” to the “maximum extent practicable”

NJ Stormwater Management Rules (2004)



- **Current program may be slowing the rate at which the stormwater problem is getting worse.**
- **But only large developments are addressed**
- **Program not addressing existing stormwater problems**

NJ Stormwater Management Rules (2004)



NJ municipalities are authorized to adopt more protective stormwater ordinances than state minimum requirements.

Other Towns' Stormwater Ordinances



Municipalities that address “Minor Developments”

Franklin	Clinton
Cranford	Fanwood
Milburn	Bernardsville
Edison	Garwood
Rahway	Princeton

Recommendations for Strengthening Hightstown's Stormwater Ordinance



- Create rules for incorporating stormwater management into small developments below the threshold for zoning board approval
- Suggested standard: 2 gallons retained per new impervious acre
- Environmental Commission would review and provide required actions, with input from the Borough Engineer as needed
- Create option for payment in lieu of management into a community stormwater fund

Green Stormwater Infrastructure



Green Streets

Rain Gardens



Rain Gardens

Impervious Surface Area	Rain Garden Size CLAY SOIL*	Rain Garden Size SILTY SOIL	Rain Garden Size SANDY SOIL
500 ft ²	200 ft ²	100 ft ²	75 ft ²
750 ft ²	350 ft ²	150 ft ²	112 ft ²
1,000 ft ²	400 ft ²	200 ft ²	149 ft ²
1,500 ft ²	600 ft ²	300 ft ²	224 ft ²
2,000 ft ²	800 ft ²	400 ft ²	299 ft ²

(Source: Rain Garden Manual of New Jersey, Rutgers Water Resources Program)

Cost: \$3-5/SF for do-it-yourself rain garden construction
\$10-15/SF for project using landscaper

(Source: Rain Garden Alliance raingardenalliance.org)

Cisterns and Tanks



Under/above ground water storage tanks

Some models can be connected in series
500 gallon model @ \$625

Above ground water storage tanks

600 gallon model @ \$720
(raintankdepot.com)



Rain bladder: fits under deck or crawl space

500 gallon model @ \$593
(baselineequipment.com)

Rock wall tank

106 gallon model @ \$380



Pervious Pavements



Pollution from Legacy Development



- Much of the development in Hightstown occurred before the era of current stormwater management regulations, so runoff from those properties may not be managed at all.
- Older basins were often designed only for flood control, not water quality.
- Even basins that were designed to current standards may not have been maintained, which means they no longer function properly.
- For towns that are largely built-out, dealing with stormwater from legacy development can be a big undertaking.

Pollution from Legacy Development

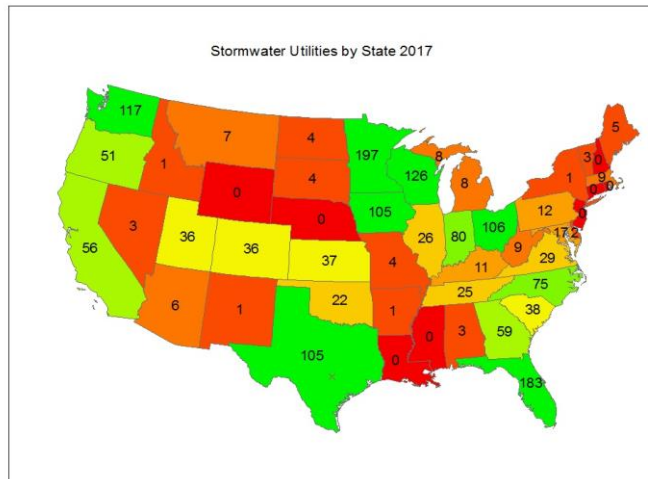


A Long List of Maintenance and Repairs



- Many communities struggle to keep up with the long list of needed repairs and permit obligations associated with managing a storm sewer system.
- These types of projects include: pipe and inlet cleaning, removing sediment from clogged basins, mowing and pruning, upgrading outdated systems, and investments in green infrastructure.
- When this type of work is funded through the General Fund, it can be hard for stormwater projects to compete with all the other pressing needs of the community.

A Solution: Stormwater Utilities



Map of Stormwater Utilities in the United States 2017 Western Kentucky University Stormwater Utility Survey

New Jersey Legislation



S1073- Sponsors: Smith, Bateman, Codey, Greenstein, Pou, Ruiz.

Passed Senate- 25 - 15.

A2694- Sponsors: McKeon & Pinkin

Released from Assembly Telecommunications and Utilities Committee on Oct. 22, 18.

Released from Assembly Appropriations on Jan. 28th
Assembly Vote on Jan. 31, 2019.

What The Legislation Does



- Allows municipalities, counties, sewerage authority, utilities authority to create S.U.
- Allows for regionalization of authority through shared services agreement
- Requires that the fee is “based on a fair and equitable approximation of the proportionate contribution of stormwater runoff from a real property.”
- Requires:
 - *Partial fee reduction for existing stormwater BMP.*
 - *Partial fee reduction for green infrastructure*
 - *Exemption from fees/charges for land actively devoted to agricultural or horticultural use that is Farmland Assessed.*

What the Legislation Does Not Do



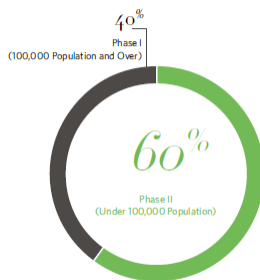
- **It is not required/mandatory.**
- Does not require the creation of a new entity
 - Stormwater Utilities may use existing staff
- Does not set a specific fee or how to calculate
- Limits the amount of \$ that may be diverted to no more than 5% of surplus

Not Just for CSO Communities

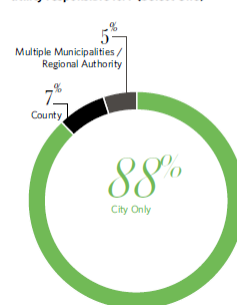


- According to a 2018 survey, the majority of stormwater utilities are administered by cities/towns with a separate storm sewer system and a phase II MS4 permit

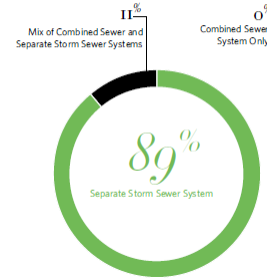
1. For MS4 permitting purposes are you classified as: (Select One)



What jurisdictional area is your stormwater utility responsible for? (Select One)



3. What is the characteristic of your service area? (Select One)



2018 Survey of Stormwater Utilities. Black & Veatch.

Conclusion



- Stormwater is the leading cause of surface water pollution in New Jersey
- For built-out communities like Hightstown, the best strategy to implement stormwater controls may be to focus on small residential development and redevelopment through ordinance updates
- Dealing with legacy pollution can be costly, but a dedicated source of funding, via a stormwater utility fee, can help to create a fair payment structure that allows municipalities to make necessary investments



Thank You

Mike Pisauro
Policy Director
The Watershed Institute

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(609) 737-3735 x 18



Your water. Your environment. Your voice.

Ordinance ~~2012-~~ 122019-XXX

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25-1, ET. SEQ.
ENTITLED “ STORMWATER CONTROL” AND SECTION 26-9 ENTITLED
“SUBDIVISION, SITE PLAN, VARIANCE AND SIGN VARIANCE CHECKLISTS FOR
DEVELOPMENT APPLICATIONS FILED PURSUANT TO HIGHTSTOWN
DEVELOPMENT REGULATIONS”
OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHTSTOWN, NEW JERSEY.”**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, that the following amendments are hereby adopted to provide improved Stormwater Control within Hightstown Borough:

SECTION 1: Purpose

Hightstown Borough seeks to improve its Municipal Stormwater Control Ordinance, which is required under the Municipal Land Use Law (N.J.S.A. 40:55D-93), and N.J.A.C. 7:8-1 et seq., to better achieve its Master Plan goals to protect the life, health, safety, and property of its residents and property owners. The Borough requires additional protections to achieve the objectives of its Stormwater Master Plan, which include: reducing flood damage, including damage to life and property; minimizing stormwater runoff from new land disturbance that will aggravate flood damage; reducing soil erosion from new development and redevelopment; assuring the safety and adequacy of culverts and bridges; inducing water recharge wherever possible; preventing nonpoint pollution wherever possible; maintaining the integrity of stream channels; and minimizing public safety hazards from stormwater detention facilities. These objectives continue to be of paramount importance to Hightstown residents and property owners because of the increased intensity and frequency of storm events, which continue to negatively affect the Borough and pose threats to life and property.

In addition, Hightstown’s Municipal Master Plan and 2005 Reexamination Report continue to promote viable commercial facilities, a mixed-use downtown, economic development, and its vibrant Historic District. These goals will not be met if the Borough’s downtown area continues to flood, suffer from pollution, and have repeated damage to structures and interrupted business activity. Better management of stormwater will assist in the protection of all properties, and in the continued economic viability of the Borough.

SECTION 2: Amend Section 25-1, Scope and Purpose, as follows:

C. Applicability

1. The ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Non-residential major developments; and

- b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- 2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Hightstown.
- 3. **This ordinance shall also apply to any Borough issued Zoning Permits which are not covered under items 1 and 2 above. The Zoning Officer shall provide a copy of all applications for Zoning permit issued in accordance with this section to the Borough's Environmental Commission for review and recommendation.**

SECTION 3: Amend Section 25-2, **Definitions**, as follows:
 "Major Development" means: .

A. Development without Planning Board Approval:

Any development that provides for the ultimate disturbance of 1,000 square feet or more of soil, or the construction or redevelopment of 250 square feet or more of impervious surface of any type for which only a Zoning Permit is required. Disturbance for the purpose of this rule is the placement or replacement/redevelopment of impervious surface; exposure and/or movement of soil or bedrock; or clearing, cutting, or removing of all vegetation. Existing residential single-family dwellings and other residential and non-residential development, which otherwise meet the definition of "major development" under this ordinance, because of the amount of disturbance, shall be subject to the Guidelines and Requirements in subsection B below. The applicant shall submit a proposed conceptual stormwater management plan, that meets the requirements below, to the review by the Environmental Commission for its review and recommendations. The Environmental Commission, a subcommittee or a designee thereof. The Environmental Commission, subcommittee or a designee thereof, shall review the plans and make written recommendations as shall be appropriate regarding green infrastructure and other non-structural methods, such as rain gardens, pervious pavement, vegetative swales, etc., to improve stormwater management within the time periods required by law. The Environmental Commission may request review and comment from the refer development or redevelopment under this section to the Borough Engineer for stormwater review as needed, in its discretion. The Applicant shall implement the recommendations from the Environmental Commission. Failure of the Environmental Commission to provide recommendations shall not prevent the Zoning Official from issuing permit(s) under the time period(s) required by law.

B. Guidelines and Requirements:

(1) For each square foot of new impervious surface, 2 gallons of Stormwater shall be retained on-site using green infrastructure practices or such other measures as may be required by the environmental commission and or municipal engineer.

(2) All such development shall be subject to review by the municipal engineer to determine that all stormwater runoff created by the development is adequately controlled and does not cause an adverse impact on adjoining property owners.

(3) In such cases where it is determined that, the out flow from the stormwater management system will impact an adjacent property, the out flow shall be directed to a storm sewer, gutter, swale, or other suitable stormwater runoff conveyance measure.

(4) If the municipal engineer determines that the out flow from the stormwater management system will impact an adjoining property and the out flow cannot be safely directed to a storm sewer, gutter, swale, or other suitable stormwater runoff conveyance measure, the stormwater runoff from the development shall be retained on-site at a rate of 3 gallons of storage for each square foot of new impervious surface using green infrastructure practices or such other measures as may be required by the municipal engineer.

(b) The stormwater management feature shall be protected from future development by conservation easement, deed restriction, or other acceptable legal measures.

(5) If the Applicant cannot meet the stormwater management requirements for Development without Planning Board Approval or prefers to not construct the required management features

the Applicant may pay a stormwater management waiver fee to the Borough in the an amount set forth in a schedule adopted by the Environmental Commission and updated as need. The stormwater management waiver fee shall be used by the Borough to construct and maintain green infrastructure stormwater management features in the borough.

C. Development with Planning Board Approval

Any New development and/or redevelopment, which meets the definition of “major development” under state law, in N.J.A.C. 7:8-1.2 (Definitions), i.e. one-quarter acre of new impervious cover and/or one acre of disturbance, shall be required to comply with the non-structural point system and/or the construction of structural stormwater management measures, as specified in Section 25-4 of the Revised General Ordinances of the Borough of Hightstown.

SECTION 4: Amend 25-4 (C), **Stormwater Management Requirements for Major Development**, as follows:

- D. The following linear development projects are exempt from stormwater runoff quantity and quality requirements of Sections 4.F and 4.G:
1. The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 2. The construction of an above ground utility line provided that the existing conditions are maintained to the maximum extent ~~practicable~~ **possible**; and ~~or~~
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material, **or provided that an access made of impervious material occurs solely as a replacement for existing material and no permeable material is practical for this use**;

SECTION 5: Amend Section 26-9-1, **Checklist for Subdivisions**, to add a new section 26-9-14 (h), as follows:

14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

.....

h. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 6: Amend Section 26-9-1(c), Requirements for Minor Subdivision, to add the following to 26-9-1(c) 18:

18. Provisions for collecting and discharging stormwater runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points, breaks in grade, and tentative elevation at the corners of the house locations on each lot. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:85.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 7: Add a new section 26-9-2(a)29(h), **Checklist for Site Plans**, as follows:

29. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

h. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 8: Add a new section 26-9-3(a) 11, **Checklist for Variances**, as follows:

11. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 9 : Severability

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph or other wording in this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 10 : Effective Date

This Ordinance shall take effect upon compliance with procedures prescribed by law, including NJSA 40:55D-97 of the Municipal Land Use Law (Submission of plan and ordinances to County Planning Board for approval).

Introduced:

Adopted:

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Steven Kirson
Mayor

ORDINANCE 2018-23

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 25-10, ENTITLED “MAINTENANCE AND REPAIR,” OF SECTION 25, “STORMWATER CONTROL,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Borough of Hightstown (the “Borough”) maintains an MS4 New Jersey Pollutant Discharge Elimination System (NJPDES) Stormwater Permit (the “Stormwater Permit”); and

WHEREAS, the Stormwater Permit must remain in compliance each year; and

WHEREAS, as of January 1, 2018, the New Jersey Department of Environmental Protection (the “NJDEP”) updated and issued new requirements that the Borough must adhere to in order to comply with the Annual Permit Recertification; and

WHEREAS, the Borough is required to develop, update, implement, and enforce a program to ensure adequate long-term cleaning, operation, and maintenance of stormwater facilities not owned or operated by the Borough; and

WHEREAS, at the recommendation of the Borough Engineer, and in order to remain in compliance with the Stormwater Permit, the Hightstown Borough Council has agreed to modify the existing language of certain provisions currently contained within the Borough Code.

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

Section 1. Subsection 25-10, entitled “Maintenance and Repair,” of Section 25 “Stormwater Control,” of the “Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented in the following respects (additions are shown with underline, deletions are shown with ~~strikeout~~):

Section 25 STORMWATER CONTROL

25-10. Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section 10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related workorders.

7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Section 10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 10.B.6 and 10.B.7 above.
9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the Borough.
10. For all stormwater management facilities not dedicated to the Borough, a two year maintenance guarantee for maintenance and repair of the stormwater management facility shall be submitted to the Borough in accordance with N.J.S.A. 40:55D-53. The maintenance guarantee shall be in addition to the submission of performance and maintenance guarantees required for subdivisions and site plans.
11. The owner of a private stormwater facility is required to inspect the facility after each major storm event and perform any maintenance and/or repairs that may be required, in addition to routine mowing and removal and disposal of accumulated debris from the facility. The owner shall file a report with the Borough annually which provides its inspection dates (which shall be performed quarterly), and any action(s) taken to rectify any condition(s) found. The Borough shall inspect the facility once per year at the cost of the property owner, which cost shall be based upon the actual costs incurred by the Borough in performing the inspection. The Borough shall also maintain a log and map to demonstrate compliance with maintenance requirements and shall document any actions taken by the Borough to enforce compliance. If inspection reveals that maintenance has not been maintained by the owner of the stormwater facility, then the Borough Official will issue an order to correct the deficiency within 30 days. If the deficiency is not corrected within 30 days, the Borough will correct the deficiency and recover the cost under the Property Maintenance Section of the Borough Code (Section 14-12). The Borough, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause as approved by the Borough Engineer or his/her designee.

C. Nothing in this section shall preclude the Borough in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D—53.

Section 2. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. 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.

Introduction: December 3, 2018

Adoption: December 17, 2018

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR

ORDINANCE 2019-01

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE BOROUGH OF HIGHTSTOWN TO ADD AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS, TO IMPLEMENT THE THIRD ROUND OF AFFORDABLE HOUSING IN ACCORDANCE WITH THE FAIR HOUSING ACT OF 1985

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

WHEREAS, the Mayor and Borough Council of the Borough of Hightstown are desirous of ensuring the proper implementation of the Fair Housing Act and associated rules through the adoption of land use regulations by the governing body; and

WHEREAS, the Borough of Hightstown desires to implement policies established by the New Jersey Supreme Court in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) to foster affordable housing opportunities for the production of dwellings and their occupancy by low and moderate income households.

WHEREAS, the Mayor and Borough Council of the Borough of Hightstown recognize the need to adopt Affordable Housing Procedural and Eligibility Requirements within the Land Use Ordinance of the Borough of Hightstown to implement the Housing Element and Fair Share Plan; and

WHEREAS, the Planning Board of the Borough of Hightstown has reviewed and recommended the adoption of this ordinance.

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

Section 1. Article 28-2, entitled, Definitions and Word Usage, of the Zoning Ordinance of the Borough of Hightstown, shall be amended by adding the following definitions:

ADAPTABLE: Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT: The entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

AFFIRMATIVE MARKETING: A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE: The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE: A sales price or rent within the means of a very low, low- or moderate-income household as defined in N.J.S.A. 52:27D-304; in the case of an ownership unit, that the sales price for the unit conforms to the standards

set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented.

AFFORDABLE DWELLING UNIT: A very low, low or moderate income dwelling unit.

AFFORDABLE DEVELOPMENT: A housing development all or a portion of which consists of income restricted units.

AFFORDABLE HOUSING DEVELOPMENT: A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING PROGRAM: Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE RENTAL CHARGES: A monthly rent including utilities charged to an eligible very low, low or moderate income family which shall not exceed 30% of their monthly gross income as calculated by *N.J.A.C. 5:93-7.4(f)*.

AFFORDABLE UNIT: A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

AGE-RESTRICTED DEVELOPMENT: A residential development consisting housing units designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1), all the residents of the development wherein the unit is situated are 62 years of age or older; or 2), at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3), the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ALTERNATIVE LIVING ARRANGEMENT: A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the DCA; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

CERTIFIED HOUSEHOLD - A household that has been certified by an Administrative Agent as a very low-income, low-income household or moderate-income household.

DCA: The State of New Jersey Department of Community Affairs

DEFICIENT HOUSING UNIT: A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

DEVELOPMENT FEE: means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:93-8*.

FAIR SHARE PLAN: The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of *N.J.A.C. 5:93-5*.

HOUSEHOLD: Persons, whether related or unrelated, living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

HOUSING ELEMENT or HOUSING PLAN ELEMENT: The portion of the Borough's Master Plan, required by the Municipal Land Use Law in *N.J.S.A. 40:55D-28b(3)* and the Act, that includes the information required by *N.J.A.C. 5:93-5.1* and establishes Hightstown's fair share obligation.

INCLUSIONARY DEVELOPMENT: A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD: A household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

LOW-INCOME UNIT: A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM: The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

MARKET-RATE UNITS: Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME: The median income by household size for the applicable housing region, as updated annually according to a formula approved by the Court.

MODERATE-INCOME HOUSEHOLD: A household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

MODERATE-INCOME UNIT: A restricted unit that is affordable to a moderate-income household.

NON-EXEMPT SALE: Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

QUALIFIED PURCHASER OR RENTER: A person who:

- A. Submits an application for certification as a qualified purchaser or renter to the management of the unit;
- B. Whose gross aggregate family income at the time of the proposed purchase or rental of an affordable unit is within very low, low or moderate income levels, as defined herein; and
- C. Who obtains certification as a qualified purchaser or renter of an affordable unit from Hightstown Borough's Administrative Agent as set forth in this section.

RANDOM SELECTION PROCESS: A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REFERRAL LIST, AFFORDABLE HOUSING: A register of eligible very low, low and moderate income households for which suitable units are not yet available.

REGIONAL ASSET LIMIT: The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

REHABILITATION: The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, *N.J.A.C. 5:23-6*.

RENT: The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT: A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, but does not include a market-rate unit financed under the Urban Homeownership Recovery Program (UHORP) or Market Oriented Neighborhood Investment (MONI) program.

UHAC: The Uniform Housing Affordability Controls set forth in *N.J.A.C. 5:80-26-1*, *et seq.*

VERY LOW-INCOME HOUSEHOLD: A household with a total gross annual household income equal to 30% or less of the median household income by household size.

VERY LOW-INCOME UNIT: A restricted unit that is affordable to a very low-income household.

WEATHERIZATION: Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 2. Article 28-17, Reserved, of the Zoning Ordinance of the Borough of Hightstown, shall be replaced in its entirety with a new article entitled, Affordable Housing Procedural and Eligibility Requirements, as follows:

28-17 AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS

28-17-1 Purpose and General Provisions.

1. The purpose of this Article is to implement the Uniform Housing Affordability Controls (“UHAC”, *N.J.A.C. 5:80-26.1 et seq.*, as they may be amended or superseded), the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301, et seq.*), extant rules of the NJ Council on Affordable Housing, and the Housing Element and Fair Share Plan of Hightstown Borough. This Article is designed to ensure that affordable housing created under the Fair Housing Act is occupied by low- and moderate-income households for the appropriate period of time. The words, phrases, and terms herein shall be interpreted to have the same meanings and usages as in the Fair Housing Act and related regulations. It is the further purpose of this Article to regulate the development and management of low- and moderate-income housing units constructed in compliance with these regulations.
2. All units, including those funded with Low Income Housing Tax Credits or other subsidy programs, shall include the required bedroom distribution and income distribution, shall be subject to affordability controls, and shall be affirmatively marketed in accordance with UHAC, with the exception that instead of 10% of all rental affordable units being affordable to households earning 35% of less of the regional median household income by household size, 13% of all rental affordable units shall be affordable to households earning 30% or less of the regional median household income by household size, and all other applicable law.
3. All new construction units shall be adaptable in conformance with *N.J.S.A. 52:27D-311a* and *-311b* and all other applicable law.

28-17-2 Affordable Housing Required.

1. Any residential development approved by the Planning Board of the Borough of Hightstown, including those developments consisting in whole or in part of beds counted as a residential dwelling, shall set aside dwelling units for persons of low and moderate income as defined in this Article. Unless otherwise stated or as may be required within specific zoning districts, the minimum set aside shall be 15% of the total number of units if the affordable units will be for rent and 20% of the total number of units if the affordable units will be for

sale. In assisted living residence developments, the set-aside shall be a minimum of 10% of the total number of units. At least half of all affordable units shall be affordable to low or very low income households. Except when part of a larger development of a tract zoned or otherwise permitted to be developed at a residential density of 6 units per acre or more, developments of single-family detached and/or duplex or two-family dwellings shall be exempt from the inclusionary development requirements of this section, but shall pay an affordable housing development fee. Properties shall not be permitted to be subdivided to avoid compliance with the inclusionary development requirements of this section.

2. All developers with sites identified for affordable housing pursuant to the most recent Housing Element and Fair Share Plan adopted by the Planning Board and Borough Council of Hightstown, according to their respective duties, shall provide affordable housing units in accordance with the plan. All development, whether residential, commercial, or industrial shall construct units or pay a development fee in accordance with this Article, except as otherwise exempted.
3. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Borough of Hightstown to grant such rezoning, variance or other relief.
4. This Borough-wide mandatory set-aside requirement does not supersede the effects or requirements of any inclusionary overlay zoning districts for any inclusionary multi-family residential development that occurs within the boundaries of those districts.
5. In the event that the inclusionary set-aside percentage (15% or 20%, as the case may be) of the total number of residential units does not result in a full integer, the developer may choose one of two options of addressing the fractional unit:
 - a. The developer shall round the set-aside upward to construct a whole additional affordable unit; or
 - b. If the set-aside includes a fractional unit less than 0.5, the developer may round the set-aside downward and construct the lesser whole number of affordable units, but must also make a payment in lieu of constructing the fractional additional unit ("fractional payment in lieu").
 - c. The fractional payment in lieu amount shall be calculated as the fractional unit multiplied by the payment in lieu amount of \$250,000.00, increased annually by the construction Consumer Price Index.
 - d. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:
 1. The developer may round up the 0.4 unit to one whole affordable unit and construct a total of two affordable units, in accordance with this section; or
 2. The developer may round the set-aside downward, construct only one affordable unit and pay into the Borough's affordable housing trust fund a fractional in lieu payment equal to the dollar amount established hereinabove multiplied by 0.4 units.

28-17-3 Borough Administrative Agent and Administrative Agent.

1. The Borough Council shall yearly appoint a Borough Administrative Agent to monitor sales and resales of affordable housing units, and the leasing of units to tenants. The Borough Administrative Agent may be the Municipal Housing Liaison, but is not required to be the same person.
2. The Borough Administrative Agent shall monitor the designated Administrative Agent of the developer in the initial sales and rental transactions for low- and moderate-income dwellings in accordance with *N.J.A.C. 5:80-26.14*, as it may be amended or superseded. The developer's Administrative Agent shall have all of responsibilities as put forth in this rule. After the initial sales and rental transactions, the Borough Administrative Agent, the activities of the Administrative Agent for any re-sales or re-rentals. If the Borough Administrative Agent is the Administrative Agent for the municipality, then he or she shall assume all of the duties and responsibilities set forth in *N.J.A.C. 5:80-26.14* following the initial renting, sales and occupancy

of low- and moderate-income dwellings. The affordability controls set forth in this chapter shall be administered and enforced by the Administrative Agent regardless of association. The primary responsibility of the Administrative Agent shall be to ensure that the restricted units are sold or rented, as applicable, only to low- and moderate-income households in accordance with the Fair Housing Act.

3. The Borough Council may establish a reasonable fee to program participants for the administration of the affordability controls program.
4. The Borough Council shall approve the credentials of any person who is an Administrative Agent by resolution prior to such person engaging in such work in the Borough of Hightstown.
5. The Administrative Agent, whether the Borough Administrative Agent, developer's agent, or a delegated agent, shall have the responsibility to income qualify low and moderate-income households, to place income eligible households in low- and moderate-income units upon initial occupancy, to provide for the initial occupancy of low- and moderate-income units with income qualified households, to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls, to assist with advertising and outreach to low- and moderate-income households, and to enforce the terms of the deed restriction and mortgage loan. The Administrative Agent shall provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements and landlord/tenant law.
6. The Borough Administrative Agent shall coordinate his or her activities with any outside Administrative Agent to ensure the accurate tracking of the progress of affordable housing in the municipality, answer inquiries regarding affordable housing from the public or direct same to the appropriate official or agency, and comply with the affordable housing monitoring and reporting requirements of the state.
7. In order to ensure an orderly transfer of control responsibility from a municipality to an administrative agent, from one administrative agent to another administrative agent, or other transfer, the requirements as set forth in *N.J.A.C. 5:80-26.17* shall apply as are necessary before or during the transition. The Administrative Agent's enforcement responsibility for implementing such practices and procedures shall not be delegated or otherwise transferred to any other party, except to a successor administrative agent and as approved by the Borough Council.
8. By accepting state funds for affordable housing purposes, or by submitting to the jurisdiction of the NJ Council on Affordable Housing or its successor agency, the Borough of Hightstown shall be deemed to have delegated to the Administrative Agent the day-to-day responsibility for implementing practices and procedures designated to ensure effective compliance with the controls set forth in this Article. The governing body of the municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with the requirements as set forth in UHAC and any settlement agreements pertaining to affordable housing matters.
9. The Borough Administrative Agent shall complete and return to the NJ Council on Affordable Housing (COAH), its successor, or court of competent jurisdiction all forms necessary for monitoring requirements related to dwelling units in affordable housing projects and the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Hightstown's approved housing program, as well as to the expenditure of revenues and implementation of the approved plan.
10. The Borough Administrative Agent shall keep records of the affirmative marketing activities undertaken in accordance with the affirmative marketing plan established by any developer's administrative agent. The records shall include, but not be limited to, the following:
 - a. Electronic reporting of affordable housing activity; any required paper forms;
 - b. Copies of any press releases, brochures, flyers, print advertisements and application forms used in the affirmative marketing program.
 - c. The income and demographic characteristics of each household applying for and occupying income-restricted housing.
 - d. An evaluation of any necessary adjustments required to the affirmative marketing program as communicated by the Administrative Agent.

28-17-4 Submission of Affordable Housing Plan.

1. The developer of low- and moderate-income housing units shall submit to the Borough Administrative Agent a description of the means to be used to insure that the required low- and moderate-income units are sold or rented only to low- and moderate-income households for a period of not less than 30 years, that such units meet bedroom distribution and phasing requirements, and comports with the requirements of this Article pertaining to the provisions, leasing, selling and transferring units among eligible low- and moderate-income households.
2. The Affordable Housing Plan shall indicate how the developer will comply with the procedures of this Article for selecting occupants of low- and moderate-income housing and the required affirmative marketing requirements. The requirements for affirmative marketing are found in §28-17-16. Whenever a developer proposes a third party operator or manager of affordable housing units, the Borough Council shall specifically approve such operator and manager. The Borough Council may delegate this approval to the Borough Administrative Agent.
3. The following information shall promptly be provided to the Borough Administrative Agent by the developer or sponsor of any project containing any affordable units' subject to the requirements of this Article, upon the later of either final municipal land use approval or issuance of a grant contract by a governmental authority:
 - a. The total number of units in the project, and number of restricted units, broken down by bedroom size, identifying which are low- and which are moderate-income dwellings, and including street addresses of restricted dwellings;
 - b. Floor plans of all affordable dwellings, including complete and accurate identification of uses and dimensions of all rooms;
 - c. A project map identifying the locations of low- and moderate-income and market dwellings;
 - d. A list of project principals or partners, together with a list of all other affordable projects in which they have been involved over the previous five years;
 - e. Projected construction schedule;
 - f. Proposed pricing for all units, including any purchaser options and add-on items;
 - g. A list of all public funding sources and copies of grant or loan agreements for those sources;
 - h. Condominium fees or homeowner association and any other maintenance or other fees;
 - i. Estimated real property taxes for sale units;
 - j. Sewer, trash disposal and any other utility assessments;
 - k. Flood insurance requirement, if applicable;
 - l. A description of all HVAC systems;
 - m. Location of any common areas and elevators;
 - n. Proposed form of lease for any rental units;
 - o. The name of the person who will be responsible for official contact with the Borough Administrative Agent for the duration of the project;
 - p. The name and qualifications of the developer's administrative agent, if applicable; and
 - q. The State-approved Planned Real Estate Development public offering statement and/or master deed where available or applicable.
4. The developer shall submit the marketing plan to the Borough Administrative Agent at least 45 days prior to the advertising of the availability of the units. The Borough Administrative Agent will approve or modify the

plan within 30 working days of receipt of the plan or within such time as additionally granted by the developer.

28-17-5 Household Income Limitations.

1. The incomes of low- and moderate-income households occupying affordable housing shall not exceed the income limits as of January 1 of the current year.
2. Median Income Determination. Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26.1* shall be updated by the Borough annually following the publication of determinations of median income by the U.S. Department of Housing and Urban Development (HUD) and calculation by the Affordable Housing Professionals of New Jersey in the absence of such calculation by COAH.
3. Affordable Housing Purchase or Rent. Very low-income housing units shall be reserved for households with a gross household income less than or equal to 30% of the median regional income. Very low-income households shall be considered a subset of low-income units. Of the number of very low-income households, at least 50% shall be for family households. Low-income housing units shall be reserved for households with a gross household income less than or equal to 50% of the median regional income. Moderate-income units shall be reserved for households with a gross household income more than 50% but equal to or less than 80% of the median income.
3. Assisted Living Facilities. Income determination and eligibility for assisted living facilities shall also comply with the New Jersey Housing and Mortgage Finance Agency's Assisted Living Underwriting Guidelines and Financing Policy, dated May 28, 1996, as it may be amended or superseded. The monthly fee for rent, meals, and basic services for the affordable units in the assisted living facility shall not exceed 80% of household income. For the purposes of this section, 62.5% of the fee shall be assumed to be for meals and basic services and 37.5% of the fee for rent.

28-17-6 Household Income Verification.

1. Any Administrative Agent shall secure the information from applicant households necessary and appropriate to determine that restricted dwellings are occupied by properly sized households with appropriate very low, low or moderate income levels. No household may be referred to a restricted dwelling, or may receive a commitment with respect to a restricted dwelling, unless that household has received a signed and dated certification, as set forth in this section, and has executed the certificate in the form provided.
2. Any Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
3. Any Administrative Agent shall prepare a standard form of certification and shall sign and date one for each household when certified. This certification shall be known as a Certificate of Eligibility and shall be a prerequisite for the purchase or rental of an income-restricted dwelling. An initial certification shall be valid for no more than 180 days unless a valid contract for sale or lease has been executed within that time period. In this event, certifications shall be valid until such time as the contract for sale or lease is ruled invalid and no occupancy has occurred. Certifications may be renewed in writing at the request of a certified household for an additional period of 180 days at the discretion of the Borough Administrative Agent or Administrative Agent.
4. When reviewing an applicant household's income to determine eligibility, any Administrative Agent shall compare the applicant household's total gross annual income to the regional very low-, low- and moderate-income limits then in effect, as approved by the court of competent jurisdiction. For the purposes of this subchapter, income includes, but is not limited to, wages, salaries, tips, commissions, alimony, regularly scheduled overtime, pensions, social security, unemployment compensation, Temporary Assistance for Needy Families (TANF), verified regular child support, disability, net income from business or real estate, and income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds and imputed income from non-income producing assets, such as equity in real estate.

5. Except as otherwise specifically stated in this subchapter, the sources of income considered by the Borough Administrative Agent or Administrative Agent shall be the types of regular income reported to the Internal Revenue Service and which is eligible to be used for mortgage loan approval. Household annual gross income shall be calculated by projecting current gross income over a 12-month period.
6. Assets not earning a verifiable income shall have an annual imputed interest income using a current average annual savings interest rate. Assets not earning income include, but are not limited to, present real estate equity. Applicants owning real estate shall produce documentation of a market value appraisal and outstanding mortgage debt. The difference shall be treated as the monetary value of the asset and the imputed interest added to income. If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit, a Certificate of Eligibility shall be denied by the Borough Administrative Agent or Administrative Agent, unless the applicant's existing monthly housing costs (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium and homeowner association fees as applicable) exceed 33% of the household's eligible monthly income.
7. Rent from real estate shall be considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the Borough Administrative Agent or Administrative Agent shall impute a fair market rent.
8. Income does not include benefits, payments, rebates or credits received under any of the following:
 - a. Federal or State low income energy assistance programs;
 - b. Food stamps, payments received for foster care, relocation assistance benefits;
 - c. Income of live-in attendants, scholarships, student loans, and personal property, including but not limited to, automobiles; and
 - d. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements, and part-time income of persons enrolled as full-time students.
 - e. Income, however, does include interest and other earnings from the investment of any of the foregoing benefits, payments, rebates, or credits.
9. Any Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their benefit. Household members 18 years of age or older who do not receive income must produce documentation of current status. Income verification documentation may include, but is not limited to, the following for each and every member of a household who is 18 years of age or older:
 - a. Four consecutive pay stubs, not more than 120 days old, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure;
 - b. Copies of Federal and State income tax returns for each of the preceding three tax years;
 - c. A letter or appropriate reporting form verifying monthly benefits such as Social Security, unemployment, TANF, disability or pension income (monthly or annually);
 - d. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support;
 - e. Income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds; and
 - f. Evidence or reports of income from directly held assets such as real estate or businesses.
 - g. Court ordered payments for alimony or child support to another household, whether or not it is being paid regularly, shall be excluded from income for purposes of determining income eligibility.
10. At the discretion of the Borough Administrative Agent or Administrative Agent, households may also be required to produce documentation of household composition for determining the correct dwelling size and applicable median income guide.

11. Tenant Income Eligibility. In addition to the foregoing requirements, tenant income eligibility shall be in accordance with the median income limits of *N.J.A.C. 5:80-26.13*. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.
12. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to *N.J.A.C. 5:80-26.16*, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
13. The applicant shall file documentation sufficient to establish the existence of the circumstances in -2.a through -2.e above with the Administrative Agent, who shall counsel the household on budgeting.

§ 28-17-7 Certificate of Eligibility, Waiting List and Selection

- A. If the household is found to be eligible for low- and moderate-income housing, they shall be issued a Certificate of Eligibility and placed on the affordable housing waiting list, except in the event that such a certificate is withheld or removed in accordance with this section. Eligible persons that live or work within the East Central Housing Region (Region 4) shall have preference over those that live or work in another housing region.
- B. Applicants shall be selected in the order in which their applications are certified and in accordance with the provisions of this section.
- C. Households remaining on a waiting list shall update its application no later than April 30 each year, including the most recent federal income tax return of each member of the proposed household and such other updated income and other information requested on the application.
- D. Households on the waiting list who have not submitted the required information by May 15 each year shall be notified by certified mail, mailed to the address on file that they have until June 30 of that year to provide the information or they shall be removed from the waiting list.
- E. Any household whose income or priority category has changed such that the household has become eligible for a different category of housing or priority list shall be placed on the appropriate list without penalty or favor as of the date of the original application.
- F. Any household whose income has increased to the degree that it is no longer eligible for low or moderate income housing shall be removed from the waiting list.

- G. If the Borough Administrative Agent or Administrative Agent has reason to believe that the information on file is erroneous or incomplete, he or she shall have the right to conduct an investigation and request any additional information deemed necessary to obtain accurate household information. If an applicant does not cooperate in such investigation or refuses to reply with the requested additional information within 30 days of said request, the applicant shall be removed from the list.
- H. All applications shall be notarized and certified complete and accurate. Anyone knowingly submitting incomplete, inaccurate, incorrect or false information may be removed from eligibility for very low-, low- and moderate-income dwellings. All information submitted to the Borough Administrative Agent or Administrative Agent for the purposes of determining applicant eligibility shall be strictly confidential and not considered a public record.
- I. Prior to the time of availability of a very low-, low- and moderate-income dwelling, the Borough Administrative Agent or Administrative Agent shall notify by certified mail the top three households on the waiting list for the type of dwelling available, its location and the estimated date it will be available. If a purchaser or tenant cannot be found from the top three households on the waiting list, notice shall be sent to the fourth, fifth, etc., household until a purchaser or tenant is found. The household shall, within 14 days of mailing, notify the Borough Administrative Agent or Administrative Agent, in writing, of its intent to occupy the dwelling and, if selected, its intent to comply with the requirements of paragraph –I, below, within 15 days. Any household which fails to respond to the notice or chooses to reject a specific dwelling by informing the Administrative Agent in writing, shall retain its priority and shall be notified of available dwellings in the future, except that if a household chooses to reject a dwelling or fails to respond three times, it shall be removed from the list and must reapply and re-qualify if it wishes to be placed on the list at a new qualified priority.
- J. At the time of notice to a household of the availability of an appropriate type of dwelling and if the household notifies the Administrative Agent of its intent to occupy the dwelling and that household is selected for occupancy, each household member shall update the records on file and recertify the accuracy of the information as required herein. Information shall be reviewed and the eligibility status reconfirmed. The household selected shall only at that point proceed to make the legal and financial arrangements to acquire or lease the dwelling.
- K. If a household selected for occupancy is unable to obtain financing, it shall lose its eligibility for that dwelling, after notice, but shall retain its priority status for a similar appropriate dwelling as other dwellings become available and as long as the household remains eligible. When notified of the availability of another dwelling, updating and recertifying data as outlined in Subsection –H above is required.
- L. A certificate of eligibility may be withheld by the Borough Administrative Agent or Administrative Agent as a result of an applicant's inability to demonstrate sufficient present assets for down payment or security deposit purposes.
- M. A certificate of eligibility may be withheld by the Borough Administrative Agent or Administrative Agent as a result of an applicant's inability to verify funds claimed as assets, household composition or other facts represented.
- N. A certificate of eligibility shall be denied by the Borough Administrative Agent or Administrative Agent as a result of any willful and material misstatement of fact made by the applicant in seeking eligibility.

28-17-8 Unit Standards and Requirements.

- A. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low and low-income units, while the remainder may be moderate-income units.
- B. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - 1. The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;

2. At least 30 percent of all low- and moderate-income units are two bedroom units;
 3. At least 20 percent of all low- and moderate-income units are three bedroom units; and
 4. The remainder, if any, may be allocated at the discretion of the developer.
- C. Age-restricted low- and moderate-income units may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.
- D. In determining the initial rents and initial sales prices for compliance with the affordable average requirements for restricted units other than assisted living facilities, the following standards shall be used:
1. An efficiency shall be affordable to a one-person household;
 2. A one-bedroom dwelling shall be affordable to a one and one-half person household;
 3. A two-bedroom dwelling shall be affordable to a three-person household;
 4. A three-bedroom dwelling shall be affordable to a four and one-half person household;
 5. A four-bedroom dwelling shall be affordable to a six-person household.
 6. In referring certified households to specific income-restricted units, to the extent feasible and without causing an undue delay in occupying the dwelling, the Borough Administrative Agent shall strive to:
 - a. Provide an occupant for each unit's bedroom;
 - b. Provide children of different sex with separate bedrooms; and
 - c. Prevent more than two persons from occupying a single bedroom.
- E. Size of Units. The minimum size of affordable housing units, which is necessary to ensure the public health safety and welfare of its occupants, shall be as indicated in the following table.

Minimum Size of Affordable Housing Units.

Type of Unit	Minimum Size (gross square feet)
Efficiency	500
One-bedroom	600
Two-bedroom	750
Three-bedroom	900

- F. Certificates of Occupancy. The following additional requirements for the issuance of certificates of occupancy shall apply to inclusionary developments:
1. The initial issuance of certificates of occupancy for market units shall be linked to the issuance of certificates of occupancy for affordable units. Prior to the issuance of the certificates of occupancy for market units, certificates of occupancy for affordable units shall be required in the following minimum ratios:

Required Percentage of Affordable to Market Units

Percentage of Affordable Housing Units Completed	Allowed Percentage of Market Housing Units Completed
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0%	25%
10%	25% + 1
50%	50%
75%	75%
100%	90%

2. Each unit of affordable housing shall require a certificate of occupancy, which shall become void upon a change of owner or tenant.
 3. No certificate of occupancy shall be issued for a low- and moderate-income unit unless the provisions of *N.J.A.C. 5:93-9.3*, or superseding administrative code, are met.
- G. Unit Type and Household Size. The following housing type shall be used in determining affordability as it relates to household size:

Unit Type and Household Size

Unit Size	Household Size (persons)
Efficiency	1
One-bedroom	1.5
Two-bedroom	3
Three-bedroom	4.5
Four-bedroom	6

- H. Distribution of Low- and Moderate-Income Units. At least 50% of all units within each inclusionary development shall be affordable to low-income households. At least 50% of all rental units shall be affordable to low-income households. Of the total number of affordable housing units, 13% of the total shall be earmarked as very low-income units and shall be counted towards the minimum low-income requirement.
- I. Utilities and Heating Source. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by the NJ Department of Community Affairs for its Section 8 program. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- J. Appearance and Location. The facade of an affordable housing dwelling shall be indistinguishable from those of market units in terms of the use of exterior materials, windows, doors, reveal, roof pitch, color, or other material. Affordable housing units shall be fully integrated with market rate housing to the greatest extent feasible and shall have access to open space and site amenities comparable to that of market rate units.
- K. Tenure. For inclusionary developments with a single housing type, the affordable housing units shall have the same tenure as the market housing units.

28-17-9 Initial Selling and Renting Determinations.

- A. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures as set forth in the Uniform Housing Affordability Controls.
- B. Required pricing stratification.

1. The maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60% of median income and the average rent for low- and moderate-income units shall be affordable to households earning no more than 52% of median income. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low income and moderate income units, provided that at least 13% of all low- and moderate-income units shall be affordable to households earning no more than 30% of median income.
2. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income. Each affordable development shall achieve an affordability average of 55% for restricted ownership units. In achieving this affordability average, moderate income ownership units shall be available for at least three different prices for each bedroom type, and low income ownership units shall be available for at least two different prices for each bedroom type.

C. Initial Pricing and Annual Increases of Affordable Dwellings.

1. Owner-occupied dwellings initial pricing. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the dwelling, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under *N.J.A.C. 5:80-26.4*; provided, however, that the price shall be subject to the affordability average requirement as noted above.
2. Rental dwellings initial pricing. The initial rent for a restricted rental dwelling shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement.
3. Owner-occupied dwellings annual increase. The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
4. Rental dwellings annual increase. The rent of low and moderate income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.
5. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by the NJ Department of Community Affairs for its Section 8 program.

D. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

1. The initial purchase price for a restricted ownership dwelling shall be approved by the Borough Administrative Agent.
2. The Borough Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income homeowners and the market homeowners.

- E. The owners of restricted ownership units may apply to the Borough Administrative Agent to increase the maximum sales price for the dwelling on the basis of eligible capital improvements. Eligible capital improvements shall be those that render the dwelling suitable for a larger household or the addition of a bathroom.

28-17-10 Affordability Controls for Ownership Units.

- A. The affordability control period for a restricted ownership dwelling shall commence on the date the initial certified household takes title to the dwelling.
- B. Each restricted ownership dwelling shall remain subject to the requirements of UHAC until the Borough of Hightstown elects to release the dwelling from such requirements pursuant to action taken in compliance with *N.J.A.C. 5:80-26.5(g)*. Prior to such municipal election, a restricted ownership dwelling shall remain subject to the requirements of *N.J.A.C. 5:80-26.5*, for a period of at least 30 years, and for a period of at least 10 years or the sale and repayment of any loan proceeds for owner-occupied units that were rehabilitated. Where a dwelling unit is entered into an extension of expiring controls program, the time period for the ownership restriction shall be at least 30 years from the date that the existing or prior restriction would have expired.
- C. The affordability control period for a restricted ownership dwelling shall commence on the date the initial certified household takes title to the dwelling.
- D. Each restricted ownership dwelling shall remain in compliance with and subject to the requirements of *N.J.A.C. 5:80-26.5* for control periods, *N.J.A.C. 5:80-26.6* for price restrictions, *N.J.A.C. 5:80-26.7* for buyer income eligibility, *N.J.A.C. 5:80-26.8* for limitations on indebtedness and subordination, *N.J.A.C. 5:80-26.9* for capital improvements, and *N.J.A.C. 5:80-26.10* for maintenance.
- E. Limitations on Indebtedness Secured by Ownership Dwelling; Subordination.
 - 1. Prior to incurring any indebtedness to be secured by a restricted ownership dwelling, the Borough Administrative Agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
 - 2. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership dwelling to exceed 95% of the maximum allowable resale price of that dwelling, as such price is determined by the Borough Administrative Agent in accordance with *N.J.A.C. 5:80-26.6(b)*.
- F. Capital Improvements to Ownership Units.
 - 1. The owners of restricted ownership units may apply to the Borough Administrative Agent to increase the maximum sales price for the dwelling on the basis of capital improvements made since the purchase of the dwelling. Eligible capital improvements shall be those that render the dwelling suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing dwelling exceed the limits of affordability for the larger household.
 - 2. Upon the resale of a restricted ownership dwelling, all items of property that are permanently affixed to the dwelling or were included when the dwelling was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Borough Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the dwelling and not included in the base price may be made a condition of the dwelling resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Borough Administrative Agent. Unless otherwise approved by the Borough Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the dwelling resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

G. Notice of Resale, Recapture Covenant and 95/5 Purchase Options.

1. The owner of the property is required to notify the Borough Administrative Agent by certified mail of any intent to sell the property 90 days prior to entering into an agreement for the first non-exempt sale of the Property after the conclusion of the period of affordability controls on restricted units in effect at the time the Property was first restricted as part of the Affordable Housing Program.
2. The municipal construction code official shall inspect the available affordable resale unit for construction and property maintenance code violation(s). The code official shall submit in writing to the owner and the Borough Administrative Agent a listing of the violation(s). The estimated cost of the repairs not completed by the owner prior to resale shall be deducted from the resale price. The cost of repairs not undertaken by the owner will be determined by estimator(s) and/or contractor(s) supplied by the Borough Administrative Agent and charged back to the seller.
3. Upon the first such non-exempt sale of the Property, 95% of the difference between, (i), the actual sale price; and (ii), the regulated maximum sales price that would be applicable were the period of affordability controls on restricted units still in effect, shall be paid at closing to the Borough of Hightstown; or, to the NJ Department of Community Affairs or NJ Housing and Mortgage Finance Agency, when acting as receiving agent for the municipality. Exempt sales shall be as listed in §28-17-13.
4. Such non-exempt sale is subject to the options provided for in *N.J.A.C. 5:80-26.20* (Option to buy 95/5 units), *N.J.A.C. 5:80-26.21* (Municipal Option on 95/5 units), *N.J.A.C. 5:80-26.22* (State Option on 95/5 Units), *N.J.A.C. 5:80-26.23* (Non-Profit Option on 95/5 Units), *N.J.A.C. 5:80-26.24* (Seller Option on 95/5 Units), *N.J.A.C. 5:80-26.25* (Municipal Rejection of Repayment Option on 95/5 Units) and *N.J.A.C. 5:80-26.26* (Continued Application of Options to Create, Rehabilitate or Maintain 95/5 Units) of UHAC.

28-17-11 Affordability Controls on Rental Dwellings.

- A. Each restricted rental dwelling shall remain subject to the requirements of UHAC until the Borough of Hightstown elects to release the dwelling from such requirement pursuant to action taken in compliance with *N.J.A.C. 5:80-26.11(e)*. Prior to such a municipal election, a restricted rental dwelling shall remain subject to the requirements of *N.J.A.C. 5:80-26.11*, for a minimum of 30 years, and for a period of at least 10 years or the sale and repayment of any loan proceeds for renter-occupied units that were rehabilitated.
- B. Each restricted rental dwelling shall remain in compliance with and subject to the requirements of *N.J.A.C. 5:80-26.11* for control periods, *N.J.A.C. 5:80-26.12* for restrictions on rents, and *N.J.A.C. 5:80-26.13* for tenant income eligibility.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Mercer. A copy of the filed document shall be provided to the Borough Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental dwelling shall remain subject to the affordability controls of this Article, despite the occurrence of any of the following events:
 1. Sublease or assignment of the lease of the dwelling;
 2. Sale or other voluntary transfer of the ownership of the dwelling; or
 3. The entry and enforcement of any judgment of foreclosure.
- E. Rent Restrictions for Rental Units; Leases.
 1. A written lease shall be required for all restricted rental units, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental dwelling shall be provided to the Borough Administrative Agent.

2. No additional fees or charges shall be added to the approved rent without the express written approval of the Borough Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted dwelling and shall be payable to the Borough Administrative Agent to be applied to the costs of administering the controls applicable to the dwelling as set forth in this Article.

28-17-12 Accessibility Requirements.

The following barrier free accessibility and adaptability requirements shall apply to all new construction:

- A. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub-code, *N.J.A.C. 5:23-7*.
- B. All restricted townhouse dwellings and all restricted units in other multistory buildings in which a restricted dwelling is attached to at least one other dwelling shall have the following features:
 1. An adaptable toilet and bathing facility on the first floor;
 2. An adaptable kitchen on the first floor;
 3. An interior accessible route of travel on the first floor;
 4. An interior accessible route of travel shall not be required between stories within an individual dwelling;
 5. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 6. An accessible entranceway in accordance with *N.J.S.A. 52:27D-311a*, et seq. and the Barrier Free Sub-code, *N.J.A.C. 5:23-7*, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - a. Where a dwelling has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling, an accessible entrance shall be installed.
 - b. To this end, the developer of restricted units shall deposit funds within the affordable housing trust fund of the Borough of Hightstown sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - c. The funds deposited under sub-paragraph –(b) above shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable dwelling accessible when requested to do so by a person with a disability who occupies or intends to occupy the dwelling and requires an accessible entrance.
 7. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from an adaptable to an accessible entrance to the Construction Code Official.
 8. Once the Construction Code Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, *N.J.A.C. 5:23-7*, and that the cost estimate of such conversion is reasonable, payment shall be made into the municipality's affordable housing trust fund by the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 9. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that physical or environmental conditions of the site render it impracticable to meet the

requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, *N.J.A.C. 5:23-7*.

28-17-13 Exempt Transactions.

- A. The following transactions shall be deemed "non-sales" for purposes of these regulations and the owner receiving title by virtue of any of the following transactions shall be entitled to a statement of exemption to the owner receiving title by virtue of any of the following transactions:
 - 1. Transfer of ownership of an affordable sales unit between husband and wife;
 - 2. Transfer of ownership of an affordable sales unit between former spouses ordered as a result of a judicial decree of divorce (and not including sales to third parties);
 - 3. Transfer of ownership of an affordable unit between family members as a result of inheritance;
 - 4. Transfer of ownership of an affordable unit through an executor's deed to a Class A beneficiary;
 - 5. Transfer of ownership of an affordable unit through an order of the Superior Court or other court, in a foreclosure proceeding or transfer in lieu of foreclosure after a foreclosure proceeding has commenced.
- B. Except for the income level of the family acquiring title by an exempt transaction, the exempt transfer will not eliminate any restrictions set forth herein including, but not limited to, the unit remaining the prime resident and the requirement for resale to low and moderate income families as applicable and all such restrictions shall remain in effect following the exempt transfer except as stated in subsection -A.5.
- C. Should a mortgagee acquire title pursuant to subsection -A.5 it may re-sell the unit to any family, regardless of income, with the municipality having the right of first refusal. The sales price to the municipality is the amount necessary to cure the foreclosure. This includes all principal and interest due to the mortgagee and other lien holders, repayment of equity to the owner prior to foreclosure and the costs of foreclosure. If the municipality does not purchase the unit, the mortgagee may sell the unit without any of the restrictions set forth in this section. The amount of the sale above that which is necessary to cure the foreclosure will be turned over to the municipality to be used for low and moderate income housing.

28-17-14 Leasing Restriction.

Initial and subsequent owners of affordable housing units shall occupy the dwelling as their principal residence. Rental or subleasing of the affordable housing unit is expressly forbidden.

28-17-15 Effect on Landlord and Tenant Relationship.

- A. Nothing in these rules should be construed to limit the rights and duties of the owner and tenant to maintain the dwelling in accordance with all appropriate New Jersey State or municipal construction and property maintenance codes.
- B. Notwithstanding anything to the contrary in this Article, any member of a household occupying a dwelling under this Article and subject to the regulations of the Borough of Hightstown is subject to eviction for any reasons allowed under applicable New Jersey law. The provisions of this Article are not intended to confer any additional rights or obligations on property owners or tenants other than those mandated by statute or required by the courts of the State of New Jersey or the duly adopted regulations of any of its agencies.

28-17-16 Affirmative Marketing for Affordable Housing.

- A. Purpose. The purpose of this Section is to establish administrative procedures to ensure a wide dissemination of knowledge of affordable housing units as they become available to the low and moderate income

population, and that the selection of tenants or homeowners, as the case may be, meets the requirements of UHAC.

- B. An Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital, or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. An Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region.
- C. Affirmative Marketing Requirements. Within the overall framework of the municipality's affirmative marketing program, all affordable housing units in Hightstown Borough shall be marketed in accordance with the provisions in this Section unless otherwise provided for in N.J.A.C. 5:80-26-1. An Affirmative Marketing Plan shall be created for each development that contains or will contain low and moderate income units, including those that are part of the Borough's prior round Housing Element and its current Housing Element and those that may be constructed in future developments not yet anticipated. This Affirmative Marketing Plan shall also apply to any rehabilitated units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units when Hightstown is allocated a rehabilitation component.
- D. Plan Preparation. The Borough Administrative Agent or Administrative Agent shall prepare an Affirmative Marketing Plan for each affordable housing program, as applicable, comporting with *N.J.A.C. 5:80-26.15*, for review and approval by the Borough Administrative Agent. The Borough Administrative Agent of the Borough shall oversee the work of a developer's Administrative Agent provided that the person has been approved by the Borough Administrative Agent. Regardless of the drafting agent, the Affirmative Marketing Plan is intended to be used by developers of affordable housing restricted to low and moderate income households located within the municipality. The Administrative Agent responsible for specific affordable housing programs or developments shall ensure that the affirmative marketing of all affordable units is consistent with these provisions.
- E. Affirmative Marketing Implementation. The Affirmative Marketing Plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to *N.J.A.C. 5:80-26*. All newly created affordable units will comply with the thirty-year affordability control required by UHAC, *N.J.A.C. 5:80-26-5* and *5:80-26-11*. This plan will be adhered to by all private, non-profit or municipal developers of affordable housing units and will cover the period of deed restriction or affordability controls on each affordable unit. The Affirmative Marketing Plan for each affordable housing development shall meet the following minimum requirements:
 - 1. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4, comprised of Mercer, Monmouth and Ocean Counties.
 - 2. Although the Borough has the ultimate responsibility for implementing all aspects of Hightstown's affordable housing program, the Administrative Agent designated by the Borough Administrative Agent shall assure that the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
 - 3. The Administrative Agent shall provide a list of counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - 4. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all of the affordable units have been leased or sold.
 - 5. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Hightstown.
 - 6. The Affirmative Marketing Plan for each affordable housing development shall describe the media

to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

7. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in Hightstown; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
8. The Borough Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in the Region 4 Housing Area for the use of the Borough and other Administrative Agents. In addition, the list shall also include Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Trenton, Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch Branches of the NAACP, Shiloh Baptist Church, and the Supportive Housing Association, which entities shall receive specific notice of all available affordable housing units along with copies of application forms. This list shall be updated periodically. The list shall contain organizations that will aid in the affirmative marketing program with particular emphasis on contacts with outreach to groups and individuals that are least likely to apply for affordable housing within the region. A representative sample of the organizations on the list not otherwise requiring specific notice herein shall be contacted as part of the affirmative marketing effort as approved by the Borough Administrative Agent.
9. The Affirmative Marketing Plan shall be approved by the Borough Administrative Agent prior to implementation.

28-17-17 Violations of Affordable Housing Regulations

- A. Upon the occurrence of a breach of any of the regulations governing the affordable dwelling by an owner, developer or tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income dwelling and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to *N.J.S.A. 2A:58-11* alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - a. A fine of not more than \$1,000.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - b. In the case of an owner who has rented his or her low- or moderate-income dwelling in violation of the regulations governing affordable housing units, payment into the Borough of Hightstown's Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - c. In the case of an owner who has rented his or her low or moderate income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the dwelling, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low and moderate income unit.
 3. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the County Sheriff, at which time the low and moderate income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- C. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien upon the dwelling and any prior liens on the dwelling. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating owner shall be personally responsible for the deficiency, in addition to any and all costs incurred by the Borough in connection with collecting said deficiency. The remainder, if any, up to a maximum of the amount the owner would be entitled to if he or she were to sell the dwelling as permitted by *N.J.S.A. 5:80-26.1 et seq.*, shall be placed in escrow by the Borough for the owner and shall be held in such escrow for a period of two years or until such time as the owner shall make a claim with the Borough for the same. Failure of the owner to claim said sum within the two-year period shall automatically result in a forfeiture of said remainder to the municipality and paid into the Affordable Housing Trust Fund. Any interest accrued or earned on the remainder while being held in escrow shall belong to and shall be paid to the Hightstown Borough Affordable Housing Fund whether the remainder is paid to the owner or forfeited to the Borough. Any excess funds derived over and above the sum due the owner shall be paid over to the Borough's Affordable Housing Trust Fund.
- D. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low and moderate income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing dwelling. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- E. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- F. Failure of the very low-, low- and moderate- income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- G. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- H. Right to Cure. The Borough may, at its option, advance and pay all sums necessary to protect, preserve and retain the dwelling as an affordable dwelling, subject to the terms of this Article. All sums so advanced and

paid by the Borough shall become a lien against said dwelling and shall have a higher priority than any lien except the first purchase money mortgage lien and liens by duly authorized government agencies. Such sums may include but are not limited to insurance premiums, taxes, assessments (public or private) and costs of repair necessary to bring the dwelling up to any and all applicable local, state or federal codes and liens which may be or become prior and senior to any first purchase money mortgage as a lien on the dwelling or any part thereof. If, in the event of a default or nonpayment by the owner of an affordable dwelling, any first mortgagee or other creditor of an owner of an affordable dwelling exercises its contractual or legal remedies available, the owner shall notify the Administrative Agent and the Borough Solicitor of the Borough, in writing, within 10 days of notification by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint, and the Borough shall have the option to purchase, redeem or cure any default upon such terms and conditions as may be agreeable to all parties in interest and/or to acquire the first purchase money mortgage to the dwelling, thereby replacing the first mortgagee as the first mortgagee of the dwelling. The Borough shall have the same priority of lien as was held by the first mortgagee at the time the Borough acquires such first purchase money mortgage and shall have the right of subrogation with respect to any other claim or lien it satisfies or acquires.

I. Provisions for First Purchase Money Mortgagees.

1. The terms and restrictions of this section shall be subordinate only to a first purchase money mortgage lien on any affordable dwelling and in no way shall impair the first mortgagee's ability to exercise the contract remedies available to it in the event of default as set forth in the first purchase money mortgage. The first mortgagee and/or mortgage servicer shall serve written notice upon the Borough within 10 days after the first purchase money mortgage is two months in arrears and again within 10 calendar days of the filing of a complaint seeking foreclosure of the first purchase money mortgage held on an affordable dwelling. However, a judgment of foreclosure upon the property shall in no instance terminate the conditions and requirements of this Article maintaining the dwelling as an affordable, income-restricted residence.
2. The obligation of the first mortgagee and servicer to notify the Borough shall cease automatically and immediately upon the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market, unless the rules and regulations or guidelines of the Federal National Mortgage Association are amended so as to not prohibit or exclude placing such obligation upon the holder of the mortgage or its service representative, in which case, an instrument duly evidencing the same shall be recorded with the Register of Deeds, Mercer County, New Jersey, before any such obligation shall exist. Provided that the first mortgagee is obligated to give the Borough the above-mentioned notices, the first mortgagee shall also serve written notice of any proposed foreclosure sale upon the Borough at least 30 days prior to the first scheduled date of such sale. The first mortgagee shall serve notice upon the Borough within 30 days of the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market.
3. The Borough of Hightstown or any instrumentality designated by the Borough shall have the right to purchase any mortgage which is in default at any time prior to the entry of a foreclosure judgment or within the redemption period thereafter. Notification of a default and of the institution of a foreclosure action and of a sheriff's sale shall be served, in writing, upon the Borough Clerk and Municipal Attorney. The Borough of Hightstown shall at all times be considered a party in interest and shall have the right to be joined as a party defendant and/or shall have the right to intervene in any foreclosure action seeking foreclosure of a first mortgage and/or shall have the right to redeem and acquire the owner's equity of redemption or to acquire the dwelling from the owner upon such terms and conditions as may be determined by the Borough.
4. Surplus funds. In the event of a foreclosure sale by the holder of the first purchase money mortgage, the owner shall be personally obligated to pay to the Borough any excess funds, but only to the extent that such excess funds exceed the difference between what the owner could have resold his dwelling for under this Article at the time of the foreclosure sale and the amount necessary to redeem and satisfy the first purchase money mortgage debt, including costs of foreclosure and costs of

repairs necessary to bring the dwelling up to any and all applicable local, state or federal codes. For the purposes of this subsection, excess funds shall be the total paid to the sheriff in excess of the amount required to pay and satisfy the first purchase money mortgage, including the costs of foreclosure, even if junior creditors actually receive payment from said surplus funds to the exclusion of the owner. The Borough is hereby given a first priority lien, second only to the first mortgagee for any taxes or public assessments by a duly authorized governmental body up to the full amount of excess funds. This obligation of the owner to pay this full amount to the Borough shall be deemed to be a personal obligation of the owner of record at the time of the foreclosure sale, and the Borough is hereby empowered to enforce this obligation in any appropriate court of law or equity as though the same were a personal contractual obligation of the owner. Neither the first mortgagee nor the purchaser at the foreclosure sale shall be responsible or liable to the Borough for any portion of this excess. The Borough shall deposit any funds received in the Affordable Housing Trust Fund and use it for the purposes as set forth in the Housing Element and Fair Share Plan.

Section 3. Continuation. In all other respects, the Zoning Ordinance of the Borough of Hightstown shall remain unchanged.

Section 4. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Zoning Ordinance as a whole, or any other part thereof.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Borough Clerk of the Borough of Hightstown in the manner prescribed by law.

Introduction: January 22, 2019

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR



The Borough of Hightstown Planning Board

156 Bank Street, Hightstown, New Jersey 08520

609-490-5100, extension 617

Website: www.hightstownborough.com

TO: Borough of Hightstown Council

FROM: Planning Board

SUBJECT: Ordinance Amending the Land Use Ordinance of the Borough of Hightstown to Add Affordable Housing Procedural and Eligibility Requirements, to implement the third round of affordable housing in Accordance with the Fair Housing Act of 1985

DATE: December 14, 2018

The Planning Board reviewed the proposed Ordinance Amending the Land Use Ordinance of the Borough of Hightstown to Add Affordable Housing Procedural and Eligibility Requirements, to implement the third round of affordable housing in Accordance with the Fair Housing Act of 1985 at the December 10, 2018 Meeting.

Planning Board Planner suggested a minor change: Page 20 28-17-17 – Violations Regulations to read “Violations of Affordable Housing Regulations.”

The Planning Board finds the proposed Ordinance Amending the Land Use Ordinance of the Borough of Hightstown to Add Affordable Housing Procedural and Eligibility Requirements, to implement the third round of Affordable Housing in Accordance with the Fair Housing Act of 1985, with the proposed amendment as stated above, to be not inconsistent with the Borough of Hightstown Master Plan.

Motion passed 9-0 by the Planning Board.

Submitted by:

Sandy Belan
Planning Board Secretary

Resolution 2019-46

*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 \$81,462.11 from the following accounts:

Current		\$53,647.66
W/S Operating		23,230.85
General Capital		977.00
Water/Sewer Capital		600.00
Grant		300.00
Trust		0.00
Housing Trust		0.00
Animal Control		3.60
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>2,703.00</u>
Total		<u>\$81,462.11</u>

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 4, 2019.

Debra L. Sopronyi
Borough Clerk

P.O. Type: All		Include Project Line Items: Yes			Open: N	Paid: N	Void: N				
Range: First		to Last			Rcvd: Y	Held: Y	Aprv: N				
Format: Detail without Line Item Notes					Bid: Y	State: Y	Other: Y	Exempt: Y			
Vendor # Name											
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099	
Item Description	Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl	
A0584 AMERICAN TEST CENTERS											
18-01771 11/26/18 OSHA LIFT INSPECTIONS											
1 ANNUAL OSHA LIFT INSPECTIONS	1,425.00	8-01-26-290-001-189	B	Safety Equipment & Testing	R	11/26/18	01/30/19			N	
Vendor Total:		1,425.00									
A0027 ANJEC											
19-00129 01/29/19 2019 MEMBERSHIP DUES											
1 2019 MEMBERSHIP DUES	350.00	9-01-27-335-001-044	B	Professional Assoc. Dues	R	01/29/19	01/30/19			N	
Vendor Total:		350.00									
A0107 ANSELL GRIMM & ARRON, PC											
19-00125 01/29/19 DECEMBER LEGAL BILLS											
1 433338 GENERAL	771.99	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433338	N	
2 433339 ORDINANCES	324.00	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433339	N	
3 433340 RESOLUTIONS	67.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433340	N	
4 433341 ENGINEERING MATTERS	391.50	8-01-20-165-001-199	B	MISCELLANEOUS	R	01/29/19	01/30/19		433341	N	
5 433342 MEETINGS	918.00	8-01-20-155-001-029	B	Attendance at Council Meetings	R	01/29/19	01/30/19		433342	N	
6 433343 LITIGATION	243.00	8-01-20-155-001-033	B	Litigation	R	01/29/19	01/30/19		433343	N	
7 433351 HIGHTS REALTY	67.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433351	N	
8 433344 OPRA ISSUES	13.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433344	N	
9 433345 TAX APPEAL MATTERS	40.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433345	N	
10 433346 REDEVELOPMENT	17.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433346	N	
11 433347 AFFORDABLE HOUSING	40.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433347	N	
12 433348 GREY WATER DELINQUENTS	202.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433348	N	
13 433349 GREY WATER DELINQUENTS	929.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433349	N	
14 433350 MUNICIPAL MATTERS	175.50	8-01-20-155-001-027	B	General Matters	R	01/29/19	01/30/19		433350	N	
		4,202.99									
Vendor Total:		4,202.99									

Vendor # Name										
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099
Item Description	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice		Exc
A0054 AQUA PRO-TECH LABORATORIES										
19-00079 01/23/19 INVOICE #8120021M										
1 ITEM #8120021-01 OIL & GREASE	45.00	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
2 ITEM #8120021-02 VO+15	150.00	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
3 ITEM #8120021-03 FECAL COLIFOR	87.50	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
4 ITEM #8120175-01 AMMONIA	38.00	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
5 ITEM #8120227-01 AMMONIA	38.00	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
6 ITEM#8120227-02 FECAL COLIFORM	50.00	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
7 ITEM #8120475-01 AMMONIA	38.00	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
8 HANDLING CHARGE	13.40	9-09-55-501-002-532	B Outside Lab Testing	R	01/23/19	01/30/19		8120021M		N
	459.90									
Vendor Total:	459.90									
A0025 AT&T MOBILITY										
19-00126 01/29/19 287258726345 12/13-1/12/19										
1 287258726345 12/13-1/12/19 PD	309.34	9-01-31-440-001-079	B Telephone-VERIZON WIRELESS	R	01/29/19	01/30/19		287258726345		N
2 287258726345 12/13-1/12/19 DPW	213.21	9-01-31-440-001-079	B Telephone-VERIZON WIRELESS	R	01/29/19	01/30/19		287258726345		N
3 287258726345 12/13-1/12/19CHAD	8.91	9-01-25-256-002-094	B Computer Service,Support & Software	R	01/29/19	01/30/19		287258726345		N
4 287258726345 12/13-1/12/19CHAD	89.20	9-09-55-501-003-545	B Telephone-W/S-VERIZON	R	01/29/19	01/30/19		287258726345		N
5 287258726345 12/13-1/12/19CHAD	115.43	9-09-55-501-003-548	B Telephone-	R	01/29/19	01/30/19		287258726345		N
	736.09									
Vendor Total:	736.09									
A0454 ATLANTIC TOMORROW'S OFFICE										
19-00102 01/28/19 ANNUAL MAINT CONTRACT 2019										
1 ANNUAL MAINT CONTRACT 2019	512.00	9-01-25-240-001-029	B Maint. Contracts - Other	R	01/28/19	01/30/19				N
Vendor Total:	512.00									
C0396 CAVANAUGH'S, INC.										
19-00047 01/16/19 JAN 2019 PEST SERVICE										
1 INV. 725802 - 156 BANK ST.	20.00	9-01-26-310-001-029	B Maintenance Contracts	R	01/16/19	01/30/19		725802		N

Vendor # Name													
PO #	PO Date	Description	Amount	Contract	PO Type			First	Rcvd	Chk/Void		1099	
Item	Description			Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl	
C0396	CAVANAUGH'S, INC.	Continued											
19-00047	01/16/19 JAN 2019 PEST SERVICE	Continued											
2 INV.	725801 - 417 MERCER ST.	20.00		9-01-26-310-001-029	B Maintenance Contracts	R	01/16/19	01/30/19		725801		N	
		40.00											
	Vendor Total:	40.00											
CGPH0005	CGP&H												
19-00030	01/15/19 INV 35288 GRANT WRITER												
1 INV	35288 GRANT WRITER	1,014.00		8-01-20-136-001-029	B GRANT WRITING	R	01/15/19	01/30/19		35288		N	
	Vendor Total:	1,014.00											
C0736	CHAS L. SMITH												
19-00052	01/16/19 WINTERIZE 230 MERCER ST.												
1 INV.	6259 - WINTERIZE	500.00		9-01-26-310-001-024	B Building Maintenance	R	01/16/19	01/30/19		6259		N	
	Vendor Total:	500.00											
CLARK005	CLARKE CATON HINTZ												
19-00077	01/23/19 #74270-Springpoint												
1 Rev.amended site plan/200 Etra		1,862.25		2018-04	P Senior Living Facility	R	01/23/19	01/30/19		74270		N	
19-00078	01/23/19 #742681/11/19-Housing Plan												
1 #742681/11/19-Housing Plan		208.00		8-01-21-180-001-105	B General Planning-Consulting	R	01/23/19	01/30/19		#74268		N	
2 Attend 12/10/18 Planning Bd Mt		529.78		8-01-21-180-001-105	B General Planning-Consulting	R	01/23/19	01/30/19		#74269		N	
		737.78											
	Vendor Total:	2,600.03											
COMCA005	COMCAST BUSINESS												
19-00074	01/22/19 ACCT#930909813												
1 ACCT#930909813		195.30		9-01-20-140-001-060	B Internet Services and Web Services	R	01/22/19	01/30/19		930909813		N	
	Vendor Total:	195.30											

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Borough of Hightstown
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Vendor # Name											
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099	
Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl	
E0210 EMERSON PROCESS MANAGEMENT											
18-01805	11/30/18	QUOTE #WAS-AM-19DA0423									
1	CONTROLL WAVE ANNUAL RENEWAL	2,346.54	8-09-55-501-002-550	B Scada Fees	R	11/30/18	01/30/19				N
Vendor Total:		2,346.54									
E0414 ENTENMANN-ROVIN CO.											
18-01839	12/07/18	HIGHTSTOWN PD 154TT FLAT BADGE									
1	HIGHTSTOWN PD 154TT FLAT BADGE	98.00	8-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	12/07/18	01/30/19				N
2	HIGHTSTOWN PD 154TT FLAT BADGE	4.50	8-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	12/07/18	01/30/19				N
3	HIGHTSTOWN PD 154TT FLAT BADGE	17.00	8-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	12/07/18	01/30/19				N
		119.50									
Vendor Total:		119.50									
Q0176 EUROFINS QC, INC											
19-00050	01/16/19	WATER TESTING									
1	INV. 1963513 - WATER TESTING	108.75	9-09-55-501-001-532	B Outside Testing/Labs	R	01/16/19	01/30/19		1963513		N
Vendor Total:		108.75									
F1181 FOX WELDING SERVICE											
19-00011	01/14/19	STRAIGHTEN/WELD ALUM RAILING									
1	STRAIGHTEN/WELD ALUM RAILING	60.00	9-09-55-501-002-503	B Sewer Plant Maintenance	R	01/14/19	01/30/19		1/4/19		N
Vendor Total:		60.00									
F1183 FRANK GENDRON											
19-00083	01/23/19	FBINAA REIMBURSEMENT									
1	FBINAA REIMBURSEMENT	110.00	9-01-25-240-001-044	B Professional Assoc. Dues	R	01/23/19	01/30/19				N
Vendor Total:		110.00									
G0214 GARDEN STATE HIGHWAY PRODUCTS											
18-01455	10/03/18	SIGNS									
1	SPT47209063REWH - SPECIAL SIGN	125.00	8-01-26-290-001-126	B Signs & Posts	R	10/03/18	01/30/19				N
2	R1-4T4_1806063 - R1-4 ALL WAY	50.00	8-01-26-290-001-126	B Signs & Posts	R	10/03/18	01/30/19				N

[illegible]

Vendor # Name										
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099
Item Description	Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice		Excl
H0048 HIGHTS REALTY LLC										
19-00147	01/30/19	FEBRUARY PD RENT								
1 FEBRUARY PD RENT	4,033.00	9-01-26-310-001-025	B Building Rental	R	01/30/19	01/30/19		FEBRUARY RENTPD	N	
Vendor Total:	4,033.00									
H1100 HOME DEPOT CREDIT SERVICES										
18-01995	12/31/18	DECEMBER 2018 INVOICES								
1 INV. 0014917 - SAKRETE	18.36	8-01-26-290-001-127	B Street Repair & Maintenance	R	12/31/18	01/30/19		0014917	N	
2 ORDER #WD47771761 - SUPPLIES	753.52	8-01-25-240-001-112	B Prisoner Expense	R	12/31/18	01/30/19		WD47771761	N	
3 INV. 2050564 - TOOLS	242.75	8-01-26-290-001-050	B DPW Work Equipment	R	12/31/18	01/30/19		2050564	N	
4 INV. 4034014 - TOOLS	36.96	8-09-55-501-002-503	B Sewer Plant Maintenance	R	12/31/18	01/30/19		4034014	N	
5 INV. 4034074 - PRIME OR BTR PT	30.94	8-09-55-501-002-503	B Sewer Plant Maintenance	R	12/31/18	01/30/19		4034074	N	
6 INV. 7040415 - PAINT	15.88	8-01-26-290-001-127	B Street Repair & Maintenance	R	12/31/18	01/30/19		7040415	N	
7 INV. 7040449 - PAINT	7.94	8-01-26-290-001-127	B Street Repair & Maintenance	R	12/31/18	01/30/19		7040449	N	
8 INV. 6035047 - NYLON LOCL	5.97	8-01-26-290-001-127	B Street Repair & Maintenance	R	12/31/18	01/30/19		6035047	N	
	<u>1,112.32</u>									
18-02022	12/31/18	DEC 2018 INVOICES								
1 INV. 3035447 - TEE/BUSHINGS	10.97	8-01-26-290-001-127	B Street Repair & Maintenance	R	12/31/18	01/30/19		3035447	N	
2 INV. 3024982 - BATTERIES/CABLE	41.53	8-09-55-501-002-503	B Sewer Plant Maintenance	R	12/31/18	01/30/19		3024982	N	
	<u>52.50</u>									
Vendor Total:	1,164.82									
J0378 J.W. KENNEDY & SON INC WELDING										
18-02032	12/31/18	CYLINDER RENTAL								
1 INV. 1683476 - CYLINDER RENTAL	12.00	8-01-26-290-001-050	B DPW Work Equipment	R	12/31/18	01/30/19		1683476	N	
Vendor Total:	12.00									
J0258 JCP&L (STREET LIGHTING)										
19-00123	01/29/19	100011415765 & 100011415724								
1 100011415765	1,720.54	9-01-31-435-001-075	B Street Lighting	R	01/29/19	01/30/19		100011415765	N	

Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
M0180 MCMaster-CARR												
18-01352	09/12/18	PLANT SUPPLY										
1	ITEM #92186A728	4" 1 1/4x1 5/8	32.10	8-09-55-501-002-503	B Sewer Plant Maintenance	R	09/12/18	01/30/19				N
2	ITEM #5779K311	1/2"	32.64	8-09-55-501-002-503	B Sewer Plant Maintenance	R	09/12/18	01/30/19				N
3	SHIPPING		6.90	8-09-55-501-002-503	B Sewer Plant Maintenance	R	09/24/18	01/30/19			73646574	9/17 N
			71.64									
19-00072	01/22/19	70447071,73645792,73852445										
1	70447071		159.28	8-09-55-501-002-503	B Sewer Plant Maintenance	R	01/22/19	01/30/19			70447071	N
2	73645792		42.84	8-09-55-501-002-503	B Sewer Plant Maintenance	R	01/22/19	01/30/19			73645792	N
3	CREDIT 73852445		63.66	8-09-55-501-002-503	B Sewer Plant Maintenance	R	01/22/19	01/30/19			73852445	N
			138.46									
Vendor Total:			210.10									
M0536 MGL PRINTING SOLUTIONS												
18-02020	01/04/19	INV 160390 DATED 12/22/18										
1	INV 160390 DATED 12/22/18		117.00	8-01-20-176-000-036	B Office Supplies	R	12/31/18	01/30/19			160390	N
Vendor Total:			117.00									
NJADV005 NJ Advance Media												
19-00114	01/28/19	LEGAL ADS 1/9-1/18/2019										
1	2019 COUNCIL ANNUAL NOTICE		63.80	9-01-20-120-001-021	B Advertisements	R	01/28/19	01/30/19			8972358	N
2	COUNCIL 1/22/19 MEETING CHANGE		10.44	9-01-20-120-001-021	B Advertisements	R	01/28/19	01/30/19			8988078	N
			74.24									
Vendor Total:			74.24									
N0231 NJ CONFERENCE OF MAYORS												
19-00109	01/28/19	MEMBERSHIP 2019										
1	MEMBERSHIP 2019		395.00	9-01-20-110-001-195	B Mayor's Expense	R	01/28/19	01/30/19			2019249	N
Vendor Total:			395.00									

Vendor # Name											
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099	
Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl	
N0425 NJ DEPT. OF HEALTH & SR SERV.											
19-00111	01/28/19	DOG PILOT PROGRAM OCT/NOV 2018									
1	DOG PILOT PROGRAM OCT/NOV 2018	3.60	T-13-05-265-000-001	B DUE STATE OF NEW JERSEY	R	01/28/19	01/30/19		HIGHTSTOWN		N
Vendor Total:		3.60									
N0275 NJ LEAGUE OF MUNICIPALITIES											
19-00115	01/28/19	2019 LEAGUE MEMBERSHIP									
1	2019 LEAGUE MEMBERSHIP	605.00	9-01-20-110-001-044	B Professional Assoc. Dues	R	01/28/19	01/30/19		214MLJ19		N
Vendor Total:		605.00									
N0044 NJAPZA											
19-00062	01/16/19	GEORGE CHIN MEMBERSHIP DUES									
1	GEORGE CHIN MEMBERSHIP DUES	100.00	9-01-21-180-001-044	B PROFESSIONAL ASSOCIATION DUES	R	01/16/19	01/30/19				N
Vendor Total:		100.00									
00050 ONE CALL CONCEPT INC											
18-02036	12/31/18	DEC 2018 ONE CALL MESSAGES									
1	DEC 2018 ONE CALL MESSAGES	20.00	8-09-55-501-001-535	B Hydrants and Line Repair	R	12/31/18	01/30/19		8125086		N
Vendor Total:		20.00									
P0005 PARIS AUTOMOTIVE SUPPLY											
18-02029	12/31/18	DEC 2018 INVOICES									
1	DEC 2018 INVOICES	295.80	8-01-26-290-001-034	B Motor Vehicle Parts & Access.	R	12/31/18	01/30/19				N
2	DEC 2018 INVOICES	66.79	8-01-31-460-001-166	B Motor Fuel - Fire Dept.	R	12/31/18	01/30/19		DEC 2018		N
		362.59									
Vendor Total:		362.59									
E8035 PENN VALLEY PUMP											
19-00087	01/23/19	INVOICE #13653									
1	INTERMEDIATE HOUSING CAST IRON	695.00	9-09-55-501-002-503	B Sewer Plant Maintenance	R	01/23/19	01/30/19		13653		N

Vendor # Name										
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099
Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl
E8035 PENN VALLEY PUMP Continued										
19-00087 01/23/19 INVOICE #13653			Continued							
2 FREIGHT		15.70	9-09-55-501-002-503	B Sewer Plant Maintenance	R	01/23/19	01/30/19		13653	N
		710.70								
Vendor Total:		710.70								
PENNS005 PENNSYLVANIA STATE UNIVERSITY										
18-01984 12/31/18 TRAINING - MILLER										
1 TRAINING - MILLER		345.00	8-01-25-240-001-041	B Conferences & Meetings	R	12/31/18	01/30/19			N
Vendor Total:		345.00								
P0044 PSE&G										
19-00127 01/29/19 MISC GAS ACCOUNTS 1/14/19										
1 232 MERCER STREET		358.60	8-01-31-446-001-070	B Gas Heat - Borough Hall	R	01/29/19	01/30/19		7419908206	N
2 1ST AVE WATER TOWER		27.76	8-09-55-501-001-505	B Gas Service	R	01/29/19	01/30/19		6503987609	N
3 156 BANK		191.47	8-01-31-446-001-070	B Gas Heat - Borough Hall	R	01/29/19	01/30/19		6687890808	N
4 168 BANK STREET		345.08	8-01-25-260-001-073	B Natural Gas Heat	R	01/29/19	01/30/19		6550326206	N
5 140 NORTH MAIN		72.64	8-01-31-446-001-143	B Gas/Heat - Fire House	R	01/29/19	01/30/19		6675946706	N
6 1301418404 7341583509		836.37	8-01-31-446-001-143	B Gas/Heat - Fire House	R	01/29/19	01/30/19		7341583509	N
7 7341583606		1,500.21	8-01-31-446-001-070	B Gas Heat - Borough Hall	R	01/29/19	01/30/19		7341583606	N
8 7341583703 BANK STREET		443.27	8-09-55-501-001-505	B Gas Service	R	01/29/19	01/30/19		7341583703	N
9 7341583800 OAK LANE		2,122.08	8-09-55-501-002-505	B Gas Service	R	01/29/19	01/30/19		7341583800	N
		5,897.48								
Vendor Total:		5,897.48								
REDAR005 RED ARROW TECHNOLOGIES, LLC										
19-00106 01/28/19 MONTHLY SUPPORT JANUARY 2019										
1 TECH SUPPORT - JANUARY		1,319.70	9-01-20-140-001-094	B Computer Service & Support	R	01/28/19	01/30/19		1818	N
2 INTERNET & WEB - JANUARY		1,042.94	9-01-20-140-001-094	B Computer Service & Support	R	01/28/19	01/30/19		1818	N
3 TECH SUPPORT/INTERNET/WEB		257.96	9-09-55-501-002-530	B Computer Software/Maint/Equip	R	01/28/19	01/30/19		1818	N
4 TECH SUPPORT/INTERNET/WEB		257.96	9-09-55-501-001-530	B Computer Software/Maint/Equip	R	01/28/19	01/30/19		1818	N
5 TECH SUPPORT - FEBRUARY		1,319.78	9-01-20-140-001-094	B Computer Service & Support	R	01/28/19	01/30/19		1950	N
6 INTERNET & WEB - FEBRUARY		1,042.94	9-01-20-140-001-060	B Internet Services and Web Services	R	01/28/19	01/30/19		1950	N
7 TECH SUPPORT/INTERNET/WEB		257.96	9-09-55-501-002-530	B Computer Software/Maint/Equip	R	01/28/19	01/30/19		1950	N
8 TECH SUPPORT/INTERNET/WEB		257.96	9-09-55-501-001-530	B Computer Software/Maint/Equip	R	01/28/19	01/30/19		1950	N

Vendor # Name											
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099	
Item Description		Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl	
REDAR005 RED ARROW TECHNOLOGIES, LLC Continued											
19-00106	01/28/19	MONTHLY SUPPORT JANUARY 2019	Continued								
9	ONSITE SUPPORT 12/02/2018	199.99	8-01-20-140-001-094	B Computer Service & Support	R	01/28/19	01/30/19		1778	N	
		5,957.19									
	Vendor Total:	5,957.19									
REPUB005 REPUBLIC SERVICES											
18-00084	01/23/18	ACCT 3-0689-0108950	B								
13	INV 0689-002822181 12/12/18	3,731.29	8-01-26-305-001-029	B Contract-Republic Services, NJ-Dumpsters	R	10/24/18	01/30/19		0689002822181	N	
	Vendor Total:	3,731.29									
R0077 ROBERTS ENGINEERING GRP LLC											
19-00076	01/23/19	#2295, 12/31/18									
1	#2295/Resolu compli. rev & ltr	840.75	2017-03	P 111 ORCHARD AVENUE	R	01/23/19	01/30/19		2295	N	
	Vendor Total:	840.75									
S0161 SAFE-T											
18-01533	10/12/18	QUOTE 5684 DATED 10/12/18									
1	QUOTE 5684 BOOTS	245.00	8-01-25-256-002-043	B Uniforms	R	10/12/18	01/30/19			N	
	Vendor Total:	245.00									
S0061 SEA BOX											
19-00051	01/16/19	JAN/FEB 2019 CONTAINER RENTAL									
1	INV. SI72066 - JAN 2019	75.00	9-01-26-310-001-025	B Building Rental	R	01/16/19	01/30/19		SI72066	N	
2	INV. SI73547 - FEB 2019	75.00	9-01-26-310-001-025	B Building Rental	R	01/16/19	01/30/19		SI73547	N	
		150.00									
	Vendor Total:	150.00									
SHERW010 SHERWIN WILLIAMS PAINT											
18-01761	11/26/18	5 GALLON MINERAL SPIRITS									
1	5 GALLON MINERAL SPIRITS	525.00	8-09-55-501-002-535	B Chemicals Miscellaneous	R	11/26/18	01/30/19			N	
	Vendor Total:	525.00									

January 30, 2019
01:30 PM

Borough of Hightstown
Bill List By Vendor Name

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Vendor # Name											
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099	
Item Description			Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl
STREE005 STREET COP TRAINING											
19-00084	01/23/19	TRAINING - KRUPA									
1 TRAINING - KRUPA			95.00	9-01-25-240-001-042	B Education & Training	R	01/23/19	01/30/19			N
Vendor Total:			95.00								
T0061 TOWNSHIP OF ROBBINSVILLE DPW											
19-00086	01/23/19	HPD VEHICLE MAINTENANCE CAR 2									
1 HPD VEHICLE MAINTENANCE CAR 2			264.61	8-01-43-515-001-170	B Mechanic Services	R	01/23/19	01/30/19			N
Vendor Total:			264.61								
TELEV TREASURER STATE OF NEW JERSEY											
19-00137	01/30/19	2019 ELEVATOR INSPECTION									
1 2019 ELEVATOR INSPECTION			258.00	9-01-26-310-001-164	B Elevator Inspections	R	01/30/19	01/30/19			N
Vendor Total:			258.00								
V0007 VALLEY PHYSICIAN SERVICES, PC											
19-00046	01/16/19	4TH QUARTER DOT TESTING									
1 INV. 356103C5622			119.00	8-01-26-290-001-093	B Employee Physicals/Drug Tests	R	01/16/19	01/30/19		356103C5622	N
Vendor Total:			119.00								
V0504 VAN CLEEF ENGINEERING ASSOC.											
19-00094	01/25/19	INV 1601-HG-16 RES 2019-34									
1 INV 1601-HG-16 RES 2019-34			377.00	C-04-55-879-001-447	B REHAB OF EAST WARD ST SEC 20 2016-12	R	01/25/19	01/30/19		1601HG-16 19-34	N
Vendor Total:			377.00								
VENTU005 VENTURA, MIESOWITZ, KEOUGH &											
19-00063	01/17/19	#21340, 1/14/19									
1 Attend Oct. 9, 2018 Meeting			450.00	9-01-21-180-001-107	B Planning Board - Attorney	R	01/17/19	01/30/19		21340	N
2 Attend PB Meeting 12-10-18			450.00	9-01-21-180-001-107	B Planning Board - Attorney	R	01/17/19	01/30/19		21340	N

Vendor # Name												
PO #	PO Date	Description	Amount	Contract Charge Account	PO Type Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl		
VENTU005 VENTURA, MIESOWITZ, KEOUGH & SONS INC. Continued												
19-00063	01/17/19	#21340, 1/14/19		Continued								
3		Email-outside mtg Springpoint	42.00	9-01-21-180-001-107	B Planning Board - Attorney	R	01/17/19	01/30/19	21340	N		
			942.00									
		Vendor Total:	942.00									
V0019 VERIZON												
19-00121	01/29/19	201X069366148 1/15/19										
1		201X069366148 1/15/19	215.76	9-01-31-440-001-089	B Telephone-VERIZON	R	01/29/19	01/30/19	201X069366148	N		
		Vendor Total:	215.76									
VERIZON FIOS												
19-00120	01/29/19	155-504-140-0001-53										
1		155-504-140-0001-53	139.99	9-01-25-240-001-060	B INTERNET AND WEB SERVICES	R	01/29/19	01/30/19	155504140000153	N		
		Vendor Total:	139.99									
V0022 VERIZON WIRELESS												
19-00124	01/29/19	9821968822										
1		9821968822	200.18	9-01-31-440-001-079	B Telephone-VERIZON WIRELESS	R	01/29/19	01/30/19	9821968822	N		
		Vendor Total:	200.18									
V0290 VITAL COMMUNICATIONS INC.												
19-00012	01/14/19	INV v73137 DATED 12/21/18										
1		INV v73137 DATED 12/21/18	210.00	9-01-20-150-001-029	B Maintenance Contracts	R	01/14/19	01/30/19	73137	N		
		Vendor Total:	210.00									
W0071 WASTE MGMENT OF NEW JERSEY, INC.												
18-01727	11/13/18	SLUDGE 12-23301-33007										
1		SLUDGE 12-23301-33007	7,182.34	8-09-55-501-002-538	B Sludge Removal/Disposal-Waste Management R		11/13/18	01/30/19	12-23301-33007	N		
		Vendor Total:	7,182.34									

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099
	Item	Description	Amount	Charge Account	Acct Type Description		Enc Date	Date	Date Invoice	Excl
W0098 WATER ENVIRONMENT FEDERATION										
	19-00080	01/23/19 WEF ANNUAL MEMBERSHIP								
	1	WEF ANNUAL MEMBERSHIP FEE	59.00	9-09-55-501-002-513	B Education & Training	R	01/23/19	01/30/19		N
	Vendor Total:		59.00							
W0286 WEST WINDSOR TOWNSHIP										
	19-00013	01/14/19 2019 HEALTH INTERLOCAL 1ST QTR								
	1	2019 HEALTH INTERLOCAL 1ST QTR	7,585.50	9-01-43-511-001-026	B West Windsor Health Contract	R	01/14/19	01/30/19	1ST QTR HEALTH	N
	Vendor Total:		7,585.50							
WIREL005 WIRELESS ELECTRONICS, INC.										
	19-00097	01/28/19 MONTHLY SVC CONTRACT JAN 2019								
	1	MONTHLY SVC CONTRACT JAN 2019	415.00	9-01-25-240-001-029	B Maint. Contracts - Other	R	01/28/19	01/30/19		N
	Vendor Total:		415.00							
W0100 WITMER PUBLIC SAFETY GROUP INC										
	18-01985	12/31/18 GLOCK MAGAZINE								
	1	GLOCK MAGAZINE	315.00	8-01-25-240-001-116	B Traffic Bureau	R	12/31/18	01/30/19		N
	2	GLOCK MAGAZINE	10.00	8-01-25-240-001-116	B Traffic Bureau	R	12/31/18	01/30/19		N
			325.00							
	Vendor Total:		325.00							
Y0025 YOSTEMBSKI, ROBERT										
	19-00069	01/18/19 SPECIAL DUI SESSION 12/19/18								
	1	SPECIAL DUI SESSION 12/19/18	300.00	G-02-41-719-009-317	B MUNIC COURT ALCOHOL ED AND REHAB	R	01/18/19	01/30/19	12-19-18 DUI	N
	Vendor Total:		300.00							
Total Purchase Orders: 73 Total P.O. Line Items: 153 Total List Amount: 81,462.11 Total Void Amount: 0.00										

Totals by Year-Fund								
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	8-01	28,596.88	0.00	28,596.88	0.00	0.00	0.00	28,596.88
	8-09	13,809.69	0.00	13,809.69	0.00	0.00	0.00	13,809.69
Year Total:		42,406.57	0.00	42,406.57	0.00	0.00	0.00	42,406.57
CURRENT FUND	9-01	25,050.78	0.00	25,050.78	0.00	0.00	0.00	25,050.78
	9-09	9,421.16	0.00	9,421.16	0.00	0.00	0.00	9,421.16
	9-21	0.00	0.00	0.00	0.00	0.00	2,703.00	2,703.00
Year Total:		34,471.94	0.00	34,471.94	0.00	0.00	2,703.00	37,174.94
GENERAL CAPITAL	C-04	977.00	0.00	977.00	0.00	0.00	0.00	977.00
WATER/SEWER CAPITAL	C-08	600.00	0.00	600.00	0.00	0.00	0.00	600.00
Year Total:		1,577.00	0.00	1,577.00	0.00	0.00	0.00	1,577.00
	G-02	300.00	0.00	300.00	0.00	0.00	0.00	300.00
ANIMAL CONTROL TRUST FUND #13	T-13	3.60	0.00	3.60	0.00	0.00	0.00	3.60
Total of All Funds:		78,759.11	0.00	78,759.11	0.00	0.00	2,703.00	81,462.11

Project Description	Project No.	Rcvd Total	Held Total	Project Total
111 ORCHARD AVENUE	2017-03	840.75	0.00	840.75
Senior Living Facility	2018-04	1,862.25	0.00	1,862.25
Total of All Projects:		<u>2,703.00</u>	<u>0.00</u>	<u>2,703.00</u>

Resolution 2019-47

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

AUTHORIZING THE DONATION OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, Roosevelt Borough donated a Brush Truck to Hightstown Borough; and

WHEREAS, the Borough of Hightstown has determined that the property received and described as a 1988 Ford Brush Truck VIN 21FDKF38MXJKA57226 is no longer needed for public use by Hightstown Borough; and

WHEREAS, the State of New Jersey permits the disposal and/or donation of surplus property no longer needed for public use pursuant to the Local Public Contract Law 40A:11-36.; and

WHEREAS, Local Public Contract Law permits the transfer of surplus property to another government entity within the United States; and

WHEREAS, Macclesfield Fire Department located at 104S 3rd Street, Macclesfield, North Carolina, suffered a substantial loss in a fire, including the loss of their facilities and equipment; and

WHEREAS, Hightstown Engine Co. No. 1 finds that the brush truck designated above as surplus would serve a useful purpose to the Macclesfield Fire Department and has requested permission to donate said vehicle to the Macclesfield Fire Department; and

WHEREAS, the Mayor and Council finds it in the best interest of the Hightstown and Macclesfield communities to donate this brush truck to the Macclesfield Fire Department.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council hereby declares the equipment listed above to be no longer needed for public use and authorizes Hightstown Engine Co. No. 1 to properly dispose of same through a donation to the Macclesfield Fire Department located at 104S 3rd Street, Macclesfield, North Carolina.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 4, 2019.

Debra L. Sopronyi
Borough Clerk

Resolution 2019-48

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

ESTABLISHING A "GREEN TEAM" ADVISORY COMMITTEE AS A WORKING SUBCOMMITTEE OF THE ENVIRONMENTAL COMMISSION OF THE BOROUGH OF HIGHTSTOWN

WHEREAS, the Borough Council of the Borough of Hightstown strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially, and which would thrive well into the new century and beyond; and

WHEREAS, the Hightstown Borough Council wishes to build a model of government which benefits our residents now and far into the future with green community initiatives, which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on "Green" issues, the Hightstown Borough Council wishes to establish a Green Team Advisory Committee (GTA); and

WHEREAS, the Hightstown Borough Council wants to focus on "Green" issues by developing initiatives and projects which may engage a wide range of community stakeholders and enhance the goals of sustainability; and

WHEREAS, the Hightstown Borough Council seeks to make its operations greener and more environmentally friendly, by commissioning the GTA to address effective ways to reduce energy consumption and to raise awareness of, and attentiveness to, environmental issues, with regard to Borough departments, facilities, and equipment, and in all ways touching on and impacting the lives of Hightstown residents, and our world community; and

WHEREAS, solar power, changes to fleet purchasing and maintenance, water quality improvements, and operational changes will all be considered as the Borough moves to do its share to lessen the environmental impact of its operations;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, that we do hereby establish a Green Team Advisory Committee (GTA), as a working subcommittee of the Hightstown Environmental Commission, whose membership shall be made up of people who shall reside and/or work in the Borough of Hightstown; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Hightstown, that the following individuals are hereby appointed to the Green Team Advisory Committee: Gary Grubb (Hightstown Environmental Commission and Hightstown Parks and Recreation Commission); Barbara Jones (Hightstown Environmental Commission); Yan Trozier (Hightstown Environmental Commission); David Zaiser (Hightstown Environmental Commission and Shade Tree Officer); Joe Cicalese (Planning Board); Ken Lewis (Public Works and Recycling Coordinator); Debra Sopronyi (Borough Administrator); Allen Keith LePrevost (Hightstown Housing Authority and Environmental Commission); Todd Frantz (Hightstown Environmental Commission); Donna LePrevost (Hightstown Environmental Commission) Susan Bluth (Council Liaison).

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 4, 2019.

Debra Sopronyi
Borough Clerk

Resolution 2019-49

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

**AUTHORIZING RELEASE OF ESCROW FUNDS – EL ZORRO - 3 CHURCH STREET
BLOCK 31, LOT 3**

WHEREAS, El Zorro, LLC deposited escrow funds for a project at Block 31, Lot 3 commonly known as 3 Church Street; and

WHEREAS, El Zorro, LLC has requested that the escrow funds on deposit with the Borough for Block 31, Lot 3 be released; and

WHEREAS, The Borough has inspected all improvements related to the above site and found all improvements to be completed satisfactorily and;

WHEREAS, The Borough has determined that there are no outstanding invoices for this project; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the CFO is authorized and directed to release the escrow funds on deposit with the Borough for the project at Block 31, Lot 3 to El Zorro, LLC, 24 Eastwood Drive, East Windsor, NJ 08520.

A certified copy of this Resolution shall be provided to the following:

- a. El Zorro, LLC
- b. George Lang, Hightstown Borough CFO
- c. George Chin, Hightstown Borough Construction Official
- d. Sandy Belan, Planning Board Secretary
- e. Carmela Roberts, Borough Engineer

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 4, 2019.

Debra L. Sopronyi
Borough Clerk

Resolution 2019-50

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2019 BUDGET

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2019 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 2019 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	THIS RESOLUTION	PREVIOUS TOTAL	CUMULATIVE TOTAL
Current	15,500.00	0.00	15,500.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	0.00	0.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	15,500.00	0.00	15,500.00

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 2019 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.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 4, 2019.

Debra L. Sopronyi
Borough Clerk

Borough of Hightstown
Emergency Temporary No. 1
2/4/2019

Current Fund

Data Processing	Other Expenses	15,000.00
Mayor and Council	Other Expenses	500.00
Total Current Fund		<u>15,500.00</u>

Chapter 8

TOWING AND STORAGE

Sections:

- 8.1 PURPOSE
- 8.2 ~~SCOPE~~ **APPLICABILITY OF PROVISIONS**
- 8.3 DEFINITIONS
- 8.4 TOWING SERVICE REGISTRATION
- 8.5 INSURANCE
- 8.6 RATES AND FEES
- 8.7 RULES AND REGULATIONS
- 8.8 TOWING LIST; ROTATION
- 8.9 STORAGE FACILITIES
- 8.10 TOWING VEHICLE AND EQUIPMENT SPECIFICATIONS; **CLEANUP AT SCENE**
- 8.11 RIGHTS OF OWNERS/OPERATORS OF MOTOR VEHICLES REQUIRED TO BE TOWED
- 8.12 COLLECTION OF FEES
- 8.13 COMPLAINTS; VIOLATIONS; HEARINGS
- 8.14 **SOLICITATION OF BUSINESS**
- 8.15 **VEHICLES INVOLVED IN SUSPECTED CRIMES**
- 8.16 **UNETHICAL CONDUCT PROHIBITED**
- 8.17 **FINAL DETERMINATION BY POLICE OFFICER AT SCENE**

Hightstown Borough Revised General Ordinances

Section 8-1 Purpose.

To establish rules and regulations, pursuant to N.J.S.A. 40:48-2.49, et seq., for the towing and storage of motor vehicles from public roadways by operators engaged in the business of towing and storing motor vehicles.

Section 8-2 ~~Scope.~~ **Applicability of Provisions**

~~The provisions of this chapter shall apply to those businesses that engage in towing and storage of motor vehicles within the Borough of Hightstown through the police department.~~

a. ~~The provisions of this chapter shall apply only when a towing service on the towing list is responding to a call initiated by the Hightstown Police Department.~~

b. ~~This chapter shall only apply to all motor vehicle towing and storage operations within the Borough of Hightstown, which occur at the initiation of the Hightstown Police Department. Nothing herein limits the right of the owner or operator of a motor vehicle to request or summon a tow operator of his or her own choosing or a tow operator from another municipality, unless a borough police officer at the scene determines that the tow service to be summoned cannot arrive at the scene within the limited specified in 8-7 hereof, or does not have the proper equipment to clear the scene, pursuant to subsection 8-10 hereof, and the safety of persons and motorists may be jeopardized thereby.~~

Section 8-3 Definitions.

As used in this chapter:

~~“Abandoned vehicle” shall mean a motor vehicle which the owner or operator leaves on a public roadway and fails to notify the police or does not attempt to repair and remove the same within a reasonable period of time.~~

~~“Accident vehicle” shall mean a motor vehicle which has been involved in an accident.~~

ADMINISTRATION FEE

~~A one-time fee for time spent with customers, insurance companies, police, making copies, faxing or sending of emails by staff.~~

BASIC TOWING SERVICE

~~Refers to the removal and transportation of an automobile from a highway, street or other public or private roadway, or a parking area, or from a storage facility, and other services incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.~~

DOUBLE TOW

~~When any motor vehicle is brought from the original location to police headquarters for investigative purpose and upon completion, is moved from police headquarters to a final destination, the charge will be one and one half times the actual rate for one tow.~~

Hightstown Borough Revised General Ordinances

ROADSIDE ASSISTANCE CALLS

Basic roadside assistance calls such as tire changing, up to two gallons of fuel, vehicle lockouts or jumpstarting. Due to traffic patterns, roadway design and the inability to conduct quick roadside assistance, the Borough of Hightstown does not recognize roadside assistance for vehicles in excess of 16,000 GVW. Disabled vehicle in excess of 16,000 GVW must be towed from the roadway or any other vehicle deemed to be unsafe on the roadway. If the roadside assistance call results in tow, then the vehicle operator will only be charged for the towing.

ENVIRONMENTAL CLEAN-UP

Removal and/or disposal of any fluids or debris left on the roadway or property as a result of a motor vehicle accident or recovery.

COMMERICAL MOTOR VEHICLE

Any motor vehicle with a GVW greater than 16,000 pounds which is not classified as an automobile

~~"Disabled vehicle"~~ shall mean any motor vehicle which is unable to operate under its own power.

~~"Heavy-duty recovery"~~ shall mean the recovery of any motor vehicle over 10,000 pounds gross vehicle weight which requires the vehicle to be uprighted or recovered from either on or off the traveled portion of a public roadway.

~~"Heavy-duty towing"~~ shall mean the towing of any motor vehicle over 10,000 16,000 pounds gross vehicle weight.

~~"Impounded vehicle"~~ shall mean a vehicle which, at the direction of the police department, is taken into police custody because the operator of the vehicle was engaged in a violation of the law, including but not limited to, the operator being arrested on a DWI charge, the operator having been arrested for driving without registration or insurance, or the operator having been arrested for stealing the motor vehicle, or the vehicle having been involved in a serious accident.

~~"Light-duty towing"~~ shall mean the towing of any motor vehicle up to and including 10,000 pounds gross vehicle weight.

MOTOR VEHICLE

~~"Motor vehicle"~~ shall mean all **any** vehicles propelled otherwise than by muscular power, including trailers and recreational campers, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

STORAGE RATE

~~"Storage rates"~~ shall mean fees charged for the storage of motor vehicles.

TOWING LIST

~~"Towing list"~~ shall mean a rotating list of all towing services registered with the Borough of Hightstown kept by the Borough Chief of Police.

TOW OPERATOR

A person engaged in the business of or offering the services of a tow vehicle or tow truck and storage services.

Hightstown Borough Revised General Ordinances

TOWING RATES

~~"Towing rates"~~ shall mean fees charged by a towing service for removal and transportation of a motor vehicle.

TOWING SERVICE

~~"Towing service"~~ shall mean a business engaged in the towing and storing of motor vehicles which has been approved for the towing list.

TOWING VEHICLE

~~"Towing vehicle"~~ shall mean a motor vehicle employed by a towing service for the purpose of towing, transporting, conveying or removing motor vehicles from public roadways.

WINCHING

An operation by which a vehicle is moved into the roadway from a position off the roadway or other operation in which substantial work is required to prepare a vehicle for normal towing (i.e. lifting, dragging, up righting a vehicle etc.).

YARD SERVICE FEE

A one-time fee to cover the cost of handling the vehicle while in the tow yard, including but not limited to assisting insurance adjuster, salvage companies, owner of the vehicle or any labor involving the vehicle after has been brought to the tow facility or storage yard.

Section 8-4 Towing Service Registration.

a. No towing service shall be placed upon the towing list for the towing or storing of motor vehicles within the Borough, unless the towing service shall first register with the Borough. In order to be placed upon the towing list for towing, a towing service must be located within five (5) miles of the geographic center of the Borough of Hightstown or within the Borough of Hightstown. Registration applications shall be made available by the Borough police department. A towing service that has met all the specifications and requirements of this chapter and has registered with the Borough shall be placed on the towing list by the Chief of Police; however, the maximum number of towing services on the Borough's towing list shall be up to five (5) such services. Services shall be placed on the Borough's towing list on a first-come first-served basis. Vacancies shall be filled in the same manner. Each towing service must submit their schedule of basic towing and storage rates with their registration application. The rates and fees for towing and storage of motor vehicles shall not exceed the rates set by this chapter.

b. The towing service owner or its authorized representative shall sign the registration application form indicating that the full requirements of this chapter have been met by the towing service applicant.

c. If any information provided by a towing service in its registration application changes, the towing service is responsible for notifying the police department of the change in the registration information within thirty (30) days of such change. Failure to comply with this provision will be deemed a violation of this chapter.

(Ord. No. 2009-19)

Section 8-5 Insurance.

a. No towing service shall operate within the Borough unless it carries liability insurance in the following amounts:

Hightstown Borough Revised General Ordinances

1. Garage Liability/Comprehensive General Liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit covering bodily injury and property damage liability, including but not limited to personal injury, products liability, independent contractor and completed operation coverage;
2. Garage Keepers Legal Liability insurance policy in an amount not less than One Hundred Thousand Dollars (\$100,000.00);
3. For heavy-duty towing and heavy-duty recovery vehicles, One Million Dollars (\$1,000,000.00) combined single limit with endorsement MSC-90;
4. Automobile Liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit covering bodily injury and property damage liability, including but not limited to owned, non-owned and hired vehicles;
5. Worker's Compensation insurance as required by law, including but not limited to statutory New Jersey Worker's Compensation Benefits and employer's liability coverage;
6. All policies shall provide an endorsement for collision coverage for motor vehicles and cargo towed by towing service vehicles; and
7. On all liability policies, the Borough of Hightstown shall be added as an additional insured, and insurance policies and/or certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Borough.

Section 8-6 Rates and Fees.

- a. Fees and rates for the towing, **roadside assistance** and storage of motor vehicles shall be established by resolution of the Mayor and Borough Council, which rates shall be based on the usual, customary and reasonable rates of operators towing and storing motor vehicles in the Borough.
- b. Fees and rates for the towing and storage of motor vehicles shall be reviewed by the Chief of Police on an annual basis, and shall be revised, if necessary, by resolution of the Mayor and Borough Council. The Chief of Police shall advise all towing services placed on the towing list of any such revisions.
- c. The fees and rates set by this chapter, and any subsequent revisions thereto, shall be submitted to the Division of Consumer Affairs for review, and shall be made available to the public during normal business hours of the Borough.

Section 8-7 Rules and Regulations.

- a. All towing services placed on the towing list shall be available to respond to a call in accordance with the towing rotation schedule of on-call status established by the Chief of Police.
- b. All towing services shall respond to a call in any part of the Borough within twenty (20) minutes. If a towing service does not respond within twenty (20) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed, and the first towing service shall lose any claim to compensation.

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c. All drivers and operators of towing vehicles shall be properly licensed to operate a motor vehicle within the State of New Jersey and are subject to driver's license checks by the Borough police department at the time of registration and at least on an ~~an~~ **bi-** annual basis thereafter. All towing vehicles shall be properly registered and inspected in accordance with any applicable law.

d. All vehicles must be towed in a safe manner.

e. All towing services shall be capable of providing reasonable roadside services to disabled vehicles such as, but not limited to, jump-starting, changing of flat tires, **vehicle lockouts** and providing fuel. Such services will only be performed if they can be done so safely, as determined by the police officer on the scene. **The fees charged for service shall be in accordance with this chapter.**

f. All towing services shall make available a copy of its basic rates and a business card to all owners and operators of motor vehicles which will be towed.

g. All towing services shall keep accurate records of all motor vehicles towed and stored at the direction of the Borough police department. A copy of such records shall be provided to the Borough upon request.

h. Towing services shall not remove any motor vehicle which has been abandoned or involved in an accident in any public roadway without first notifying the Borough police department.

i. The police department shall not call a towing service to remove a vehicle from private property. The police department shall provide the property owner with all available information regarding the ownership of the motor vehicle on their property, and the property owner will then be responsible for making their own arrangements to remove the vehicle.

j. The towing service shall notify the police department of all vehicles found by the towing service to have been abandoned and not claimed within fourteen (14) days after being stored. The police department shall, upon notification, expeditiously process the vehicle in accordance with the New Jersey Motor Vehicle Code concerning abandoned and unclaimed motor vehicles.

k. Towing service shall be in compliance with the state affirmative action statutes and rules.

l. Towing service must be in compliance with the Americans with Disabilities Act.

m. Towing service shall confirm that it is an independent contractor and does not represent or act for the Borough of Hightstown in any way.

n. All towing services authorized by the Borough of Hightstown must perform emergency roadside assistance when so requested by the Hightstown Police Department.

o. Nothing in this chapter shall preclude the right of a motorist or vehicle operator to summon a tow operator of his or her own choosing, pursuant to the provisions of 8-2.

p. The Borough of Hightstown shall not be liable for the cost of any services performed by the towing service unless those services are performed on borough vehicles.

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Section 8-8 Towing List; Rotation.

a. A towing list will be kept with the Chief of Police. The towing list shall include all towing services which have registered with the Borough. A towing service shall be placed on the bottom of the towing list upon registration with the Borough. The towing list shall be a rotating list as provided in paragraphs b, c and d of this section.

b. When the need arises, the police department will call the towing service on the top of the list, which is on-call on the towing rotation schedule. The towing service called, if it shall perform any of the services covered by this chapter, shall be placed at the bottom of the towing list and not called again until all other on-call towing services on the towing list have been called.

c. If a towing service is unavailable to perform required services when called by the police department, for whatever reason, said towing service shall be charged with a call and placed at the bottom of the towing list, and the next available on-call towing service shall be called. The towing service that responds in its place shall remain at the top of the list.

d. If a towing service, after being dispatched, is recalled and does not perform any duties or services covered by this chapter, the towing service shall remain on the top of the towing list. However, if a towing service arrives at the scene of an incident in which its services are required and cannot perform said services, it shall lose its place on the towing list, and the next on-call towing service on the list shall be called.

Section 8-9 Storage Facilities.

a. All storage facilities operated or used by towing services shall meet all local zoning and code requirements, and must be located within five (5) miles of the geographic center of the Borough of Hightstown or within the Borough.

b. All towing services shall have an indoor storage facility at its disposal for motor vehicles which have been involved in criminal activity and impounded by the police department.

c. All storage facilities shall have a business office open to the public ~~between normal business hours at least five (5) days a week, excluding holidays.~~ **at least 6 days in a calendar week and at least 40 hours in the week, excluding weeks that contain New Jersey State holidays. An employee is required to be at the storage yard during these hours, unless the employee is out on a towing assignment. The business hours of operation are to be posted in a conspicuous space.**

d. All outside storage facilities shall be secured and fully enclosed by a sturdy fence having a minimum height of six (6) feet, with a lockable gate for ingress and egress, and shall be lighted from dusk to dawn.

e. A towing service shall not charge a release fee or other charge for releasing motor vehicles to their owners after normal business hours or on weekends. **However the releasing of vehicles not during normal business hours is at the sole discretion of the towing company.**

f. All towing services shall be responsible for ensuring the proper and safe storage of all motor vehicles towed pursuant to this chapter, and shall be liable for any damage incurred by such motor vehicles while in transit to or while stored in the storage facilities.

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g. All vehicles towed must be removed to an approved storage facility unless the owner or operator of the vehicle specifically requests that it be towed to another place and the police officer at the scene does not direct otherwise.

Section 8-10. Towing Vehicle and Equipment Specifications; cleanup at scene.

a. All towing services engaged in light-duty towing shall have at least one (1) rollback truck and one (1) wrecker, with necessary brooms and equipment to do the complete removal. Each truck must have a manufacturer's capacity of at least ten thousand (10,000) pounds gross vehicle weight and a manufacturer's boom capacity of four (4) tons; one (1) heavy-duty wrecker with a manufacturer's capacity of not less than twenty-seven thousand (27,000) pounds gross vehicle weight and a boom capacity of not less than twenty-five thousand (25,000) pounds independently or twenty-four (24) tons jointly; two (2) power winches with pulling capacity of not less than twenty-five thousand pounds each; at least two hundred (200) feet of cable at least nine-sixteenths (9/16) of an inch diameter on each drum; double boom to permit splitting, or single boom hydraulically elevated and extendable with a 360-degree swivel on the end of the boom; air brakes so constructed as to lock rear wheels; heavy-duty under reach; two (2) snatch blocks with a twenty-five thousand (25,000) pound rating and two (2) scotch blocks.

b. All towing vehicles must have radio equipment with a 24-hour dispatch service or a cellular telephone for the purpose of maintaining communications with the police department radio desk.

c. All towing vehicles must be equipped with amber beacons or strobe lights, and amber-colored safety tow lights or magnetic tow lights for towing vehicles at night, as permitted by the State of New Jersey. All tow vehicles must have at least one (1) five pound ABC-type fire extinguisher, safety chains, flares, jumper cables, shovel, pry bar, heavy-duty push broom and substances for application to small liquid spills, and ~~stiff push brooms to clean up debris at the scene.~~

d. Each tow operator, prior to departure from the scene of towing, shall clean and clear any customary or usual debris from the accident scene. Each tow operator shall also clean, clear, absorb or dilute any usual oil, gasoline or other motor vehicle fluid spill at the scene of the towing service. All materials disposed of by a tow operator shall be properly disposed of in accordance with the requirements of the New Jersey Department of Environmental Protection and the Federal Environmental Protection Agency. Nothing in this chapter shall prevent the Hightstown Police Department from summoning any other person, if an unusual or potentially dangerous situation occurs or it is otherwise necessary to do so. Such situations include, but are not limited to, accidents or breakdowns involving dangerous or potentially dangerous cargo, or spills of chemicals, solvents or other fluids.

~~d. e.~~ Proof of towing vehicle and equipment specifications shall be provided to the Borough with the registration application.

e f. All towing vehicles are to conform with all applicable State and Federal laws and shall be subject to inspection by Borough officials during normal business hours at the time of registration and on an annual basis thereafter.

(Ord. No. 2009-19)

Section 8-11 Rights of Owners/Operators of Motor Vehicles Required to be Towed.

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a. If a motor vehicle operator or owner wishes to have his vehicle towed by a particular towing service, their request shall be honored, providing the police officer in charge at the scene has not already dispatched a towing service or the police officer has determined that the motor vehicle in question will not be removed in an expeditious or safe manner and will jeopardize the public safety, in which case the motor vehicle operator or owner shall be required to utilize a compensated dispatched towing service.

b. The owner or operator of any motor vehicle required to be towed or stored shall have the right to remove all personal items and effects from the motor vehicle unless the police department has placed a police hold on any such items.

c. The motor vehicle owner or his representative shall have the right to take photographs of any stored vehicle for insurance purposes.

d. Upon request of the motor vehicle owner or his representative, a towing service shall provide a detailed and itemized bill for all services rendered.

Section 8-12 Collection of Fees.

All towing services shall be responsible for collection of all fees for services rendered.

Section 8-13 Complaints; Violations; Hearings.

a. All violations of this chapter and all complaints by the public or police department against any towing service shall be forwarded to the Mayor and Borough Council.

b. The Mayor and Borough Council, in their discretion, shall determine if any complaint or violation against a towing service is of such a serious nature as to warrant a hearing and possible disciplinary measures. If the Mayor and Borough Council decide that a hearing is required, they shall, upon proper notice to all interested parties, conduct a hearing in which all parties may present evidence. If, after a hearing, the Mayor and Borough Council find that a towing service has violated any provision of this chapter, they may, depending on the seriousness of the offense:

1. Fine the violating party not more than One Thousand Dollars (\$1,000.00).

2. Suspend the violating party from the towing list for not more than three (3) months for a first offense; not more than six (6) months for a second offense; and permanently remove the violating party from the towing list for a third offense.

8-14 Solicitation of business.

No tow service may respond to the scene of an accident or emergency with the purpose of towing vehicles unless specifically called there by the police or person involved in the accident or emergency. This section is intended to prohibit tow operators from soliciting business at the scene of accidents or emergencies and shall not be construed to prohibit any person from summoning a tow operator of his or her own choice in accordance with 8-2 of this chapter.

8-15 Vehicles involved in suspected crimes.

Tow operators shall comply with the directions of the police investigator in connection with vehicles involved in suspected crimes.

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8-16 Unethical conduct prohibited.

No reward, gratuity, gift or any type of remuneration shall be offered to any Hightstown Borough police officer, borough official or borough employee by any towing service or tow operator.

8-17 Final determination by officer at scene

When a borough police officer is at the scene of an accident requiring towing service, said officer shall be responsible for making the final determination as to when towing shall take place. The officer shall not be limited to the tow list when it is clear that special towing equipment is required for large vehicles and/or public safety may be threatened by vehicles requiring removal.

(Ord. No. 2009-19)

	Hightstown as of 2004	Cranbury as of 2013
Light-duty tow up to 6000	N/A	\$125.00 per veh/HR
Light-duty tow up to 10,000	\$75.00 plus 5 miles	\$125.00 per veh/HR
Med-Duty tow 6,000 to 15,000	N/A	N/A
Med-Duty tow 9,500 to 18,000	N/A	\$175.00 per veh/HR
Med-Duty tow 10,000-16,000	N/A	N/A
Med-Duty tow 10,000-26,000	\$125.00 per HR	N/A
Heavy Duty 15,000 & Up	N/A	N/A
Heavy Duty 16,000 & Up	N/A	N/A
Heavy-Duty 18,001 to 80,000	N/A	\$475.00 per veh/HR
Heavy-Duty 26,000 & Up	\$225.00 per HR	N/A
Heavy-Duty with wheel lift required	\$325.00 per HR	N/A

**Tow rates based on Vehicle not
vehicle GVW**

School Bus	N/A	N/A
Bus (Charter)	N/A	N/A
Tractor Trailer	N/A	N/A
Motercycle	N/A	N/A

Winching

Winching Light-Duty	N/A	\$50.00 per 1/4 HR
Winching Medium Duty	N/A	\$450. 00 Per HR
Winching Heavy-Duty	N/A	\$450.00 Per HR

Winch Operator Rates Lgt Duty	N/A	\$50.00 per 1/4 HR
Winch Operator Rates Heavy Duty	N/A	\$50.00 per 1/4 HR

Additional personal at Scene	N/A	\$80.00 Per HR
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**Vehicle prep to complete tow (i.e.
remove vehicle parts, airlines,bumper, etc.)**

Light Duty	N/A	\$50.00 per 1/4 HR
Heavy-Duty	N/A	\$50.00 per 1/4 HR

Specialized Equipment

Crane	N/A	\$450.00 per HR
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Heavy-Duty Flatbed/Lowboy	N/A	\$225.00 per HR
Flatbed	N/A	N/A

Milage Rates

In Borough/Township	\$3.00 per mile	N/A
Outside of Borough/Township	\$3.00 per mile	N/A
Heavy-Duty (out of town/boro)	N/A	N/A

Enviornmental Clean-up

Basic Service	N/A	\$55.00 per Veh
Additional of absorbent	N/A	\$20.00 per bag

Waiting/Stand-By Time

N/A	N/A
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Roadside Assistance

Light-Duty 8am-5pm	\$40.00 per HR	\$50.00 per
Light-Duty 5:01pm to 08:00am	\$40.00 per HR	\$50.00 per
Medium-Duty	N/A	N/A
Trucks/Buses 8am-5pm	\$54.00 per HR	N/A
Trucks/Buses 5pm-8am	\$54.00 per HR	N/A

Storage Fees

Auto/ Outside	\$25.00 per day	\$30.00 per day
Auto / Inside	N/A	N/A
Medium-Duty Vehicle/ Outside	\$61.00 per day	\$75.00 per day
Tractor Only	N/A	\$75.00 per day
Tractor Trailer	N/A	\$150.00 per day
Buses	N/A	\$150.00 per day
Motorcycles	N/A	\$30.00 per day

Additional Fees

Administrative Fee (LGT-Duty)	N/A	\$25.00
Administrative Fee (Med-Duty)	N/A	\$25.00
Administrative Fee (Hvy-Duty)	N/A	\$25.00

After hours release fee 5pm-12am	N/A	\$30.00
After hours release fee 12am-8am)	N/A	\$30.00`
Yard Service fee (LGT-Duty)	N/A	\$25.00
Yard Service fee (Med-Duty)	N/A	\$25.00
Yard Service fee (Hvy-Duty)	N/A	\$25.00
Labor at yard fee	N/A	\$89.00
Auto/Wrap or Trap	N/A	N/A

East Windsor as	Robbinsville as 2018	Recommended Change
\$100.00 1st 1/2 HR	N/A	N/A
N/A	\$150.00	\$150.00
\$200.00 1st 1/2 HR	N/A	N/A
N/A	N/A	N/A
N/A	\$250.00	\$250.00
N/A	N/A	N/A
\$350.00 1st 1/2 HR	N/A	N/A
N/A	\$500.00	\$500.00
N/A	N/A	N/A
N/A	N/A	N/A
\$325.00 1st 1/2 HR	\$550.00	\$550.00
\$150.00 1st 1/2 HR	N/A	N/A
\$450.00 1st 1/2 HR	N/A	N/A
\$450.00 1st 1/2 HR	N/A	N/A
\$75.00 1st 1/2 HR	N/A	\$125.00
\$100.00 per HR	\$350.00 per HR	\$350.00
N/A	\$350.00 per HR	\$350.00
\$450.00 per HR	\$600.00	\$600.00
2 hour minimum		
N/A	N/A	N/A
N/A	N/A	N/A
\$50.00 per HR	N/A	\$75.00 Per Hr.
N/A	N/A	\$50.00 per 1/2 Hr.
N/A	\$30.00 to \$60.00 per item	\$50.00 per 1/2 Hr.
\$450.00 per HR	N/A	\$450.00 per Hr.

2 hour minimum		
\$325.00 per HR	N/A	\$350.00 per Hr
\$75.00	N/A	N/A

N/A	N/A	N/A
\$3.00 per mile	N/A	\$5.00 per mile
\$5.00 per mile	N/A	\$8.00 per mile

\$30.00 1st 30 min	\$75.00 per HR	\$65.00 per Hr.
\$20.00 per bag	\$20.00 per bag	\$20.00 per bag

N/A	\$60.00 per HR	\$60.00 per Hr.
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\$55.00 1st 20 min	\$100.00	\$100.00
\$65.00 1st 20 min	\$100.00	\$100.00
N/A	\$225.00	\$225.00
\$85.00 1st 20 min	\$450.00	\$450.00
\$95.00 1sr 20 min	\$450.00	\$450.00

\$35.00 per day	\$45.00 per day	\$45.00
\$50.00 per day	N/A	

\$75.00 per day	\$75.00 per day	\$75.00
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\$75.00 per day	\$150.00 per day	\$150.00
\$125.00 Per Day	\$150.00 per day	\$150.00
\$150.00 per day	\$150.00 per day	\$150.00

\$30.00 per day	N/A	\$30.00
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N/A	\$50.00	\$50.00
N/A	\$200.00	\$100.00
N/A	\$200.00	\$100.00

\$25.00	N/A	N/A
\$35.00	N/A	N/A
N/A	\$45.00	\$45.00
N/A	\$90.00	\$75.00
N/A	\$250.00	\$175.00
N/A	N/A	
N/A	\$75.00 per Hr	\$75.00 per Hr.

Subsection 2-19.10 Qualifications for Police Officers.

No person shall be appointed as a regular or permanent member of the Police Department unless that person is qualified in accordance with the requirements of N.J.S.A. 40A:14-122 and the age requirements set forth in N.J.S.A. 40A:14-127 et seq. In particular, no person shall be eligible or qualified to be appointed as a regular or permanent police officer unless, at the time of his/her appointment:

- a. She/he shall be a citizen of the United States and resident of the State of New Jersey.
- b. She/he shall not be less than eighteen (18) years of age and shall be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to her/his eligibility for membership in the retirement system. Age shall not be considered in the promotion of any officer to a higher rank.
- c. She/he shall demonstrate the ability to read and write the English language intelligently.
- d. She/he is of good moral character and shall not have been convicted of a crime or disorderly persons offense that, in the judgment of the Borough Council, would be prejudicial to the morale or the reputation of the Police Department.
- e. She/he must successfully pass the required physical fitness examination, drug and alcohol screening, psychological examination administered by a physician or laboratory of the Borough's choosing and be a successful graduate of a certified police academy as she/he may be assigned by the Borough. Any drug screening, psychological or medical examination or physical fitness examination shall be conducted after a conditional offer of employment or promotion has been made by the Borough.
- f. She/he is a holder of a valid New Jersey driver's license.
- g. She/he ~~has a minimum of an associate's degree~~ must have an associate's degree or 60 college credits from an accredited college or university PLUS at least 24 months of satisfactory employment or military experience.

(Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2012-07; Ord. No. 2016-03)