

Agenda
Hightstown Borough Council
Business Meeting
 September 21, 2015
 First Aid Building
 6:15 PM Executive Session
 7:00 PM Business Meeting

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATION THAT MAY INTERFERE WITH THE MEETING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

Meeting called to order by Mayor Lawrence Quattrone.

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was provided to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office.

Roll Call

Flag Salute

Executive Session:

Resolution 2015-231

Personnel – Professional Services
 Contract Negotiations – Shared Services – Various (Police/Dispatch/Court)
 Litigation - Affordable Housing Declaratory Judgment Action

Approval of the Agenda

Minutes

September 8, 2015 Workshop Session
 September 8, 2015 Executive Session

Public Comment I

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.

Ordinances

- 2015-21 **First Reading and Introduction**** – An Ordinance Repealing Ordinance 2005-28
- 2015-22 **First Reading and Introduction**** – An Ordinance Amending and Supplementing Chapter 13 “Housing” of the “Revised General Ordinances of the Borough of Hightstown, Mercer County, New Jersey”
- 2015-23 **First Reading and Introduction**** – An Ordinance Amending Chapter 3 “Police Regulations”, Section 3-10 “Abandoned or Wrecked Vehicles”. And Section 3-11 “Parking of Boats, Trailers and Registered Vehicles” of the “Revised General Ordinances of the Borough of Hightstown”

Resolutions

- 2015-232** Authorizing the Payment of Bills
- 2015-233** Waiving Raffle Fees for Fire & First Aid

- Consent Agenda**
- 2015-234** Adopting the Hearing Officer's Recommendation, Authorizing the Termination of Officer Frank Marchione, and Authorizing the Borough Administrator to Recoup Salary Pursuant to N.J.S.A. 40A:14-149.3
 - 2015-235** Authorizing the Borough Engineer to Survey, Design, Prepare Plans and Permits, and Perform Construction Inspections for New Curbs and Sidewalks from South Main Street to the Meadow Lakes Property on Etra Road
 - 2015-236** Authorizing the Borough Engineer to Submit an Application for the FY2016 NJDOT Municipal Aid Grant for Improvements to First Avenue
 - 2015-237** Authorizing Change Order #2 & Payment #3 – Lucas Construction Group, Inc. (2014 Road Improvement Program)
 - 2015-238** Authorizing Release of Escrow Funds – Peddie School (Block 53, Lot 1.01)
 - 2015-239** Authorizing the Borough to Execute an Amendment to the Municipal Shared Services Defense Agreement
 - 2015-240** Authorizing Issuance of Bingo License #BL-2015-003 to Hightstown High School Parents Assoc.
 - 2015-241** Authorizing Issuance of Raffle License #RL-2015-014 to Hightstown High School Parents Assoc.
 - 2015-242** Authorizing Issuance of Bingo License #BL-2015-004 to Hightstown Engine Co. #1
 - 2015-243** Authorizing Issuance of Raffle License #RL-2015-015 to Hightstown Engine Co. #1
 - 2015-244** Authorize Issuance of an Auction License – Empire Antiques

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.

Mayor/Council/Administrative Reports

Adjournment

Resolution 2015-231

*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 September 21, 2015 following the general meeting in the First Aid Building 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 – Shared Service (Police/Dispatch/Court)
Personnel – Professional Services
Litigation - Affordable Housing Declaratory Judgment Action

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: December 21, 2015 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.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk

**Meeting Minutes
Hightstown Borough Council
Workshop Meeting
September 8, 2015
7:00 pm**

The meeting was called to order by Mayor Quattrone at 7:04pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

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

Councilmember Bluth moved the agenda for approval, Council President Hansen seconded.

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

Agenda approved 6-0.

Councilmember Stults moved the August 10, 2015 special session minutes for approval, Councilmember Kurs seconded.

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

Minutes approved 6-0.

Council President Hansen moved the August 10, 2015 executive session minutes for approval, Councilmember Kurs seconded.

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

Minutes approved 6-0.

Councilmember Bluth noted that the date in the footer of the minutes of August 17, 2015 must be corrected and Councilmember Misiura made a spelling correction on page 3 of the minutes.

Councilmember Kurs moved the August 17, 2015 business session minutes as amended for approval; Councilmember Montferrat seconded.

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

Minutes approved as amended 5-0, with one abstention.

September 8, 2015

Council President Hansen moved the August 17, 2015 executive session minutes for approval; Councilmember Kurs seconded.

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

Minutes approved 5-0, with one abstention.

Etra Road Sidewalk & Curb

Mr. Underhill reviewed the previous discussion on this matter and noted that the donor would like to move ahead with the project. Mayor Quattrone noted that he has contacted the County and Meadow Lakes regarding becoming partners in the project; the County did not respond and Meadow Lakes is willing to partner.

There was discussion regarding having the final inspection performed in-house by Construction and/or Public Works, to save the \$7,000.00 inspection fee. The Engineer gave an overview of the process for the project and what is needed. Mr. Underhill noted that he will speak to in-house personnel and if they are comfortable with performing the inspections, they can do them; if they encounter any issues, they can refer to the Engineer. Council then confirmed with the Engineer that there would be nothing special in the final inspection to be performed and there was discussion regarding the total scope of work for the \$7,000.00 fee. There was concern regarding future issues that may arise with the project if the Engineer does not perform the complete project, including inspections.

Councilmember Kurs moved that the proposal be accepted as submitted by the Borough Engineer on August 11, 2015 at an estimated cost of \$4,500.00 for surveying, \$7,500.00 for design, preparation of plans and permits, and \$7,000.00 for construction inspections; Council President Hansen seconded.

There was discussion regarding Meadow Lakes taking part in the project.

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

Motion approved 6-0. A resolution memorializing the approval will be on the next agenda.

DOT FY2016 State Aid Programs

The Borough Engineer reviewed the recommendations made at the last meeting, noting that the Borough should apply for municipal aid for Sunset and Maple to finish that area; or First Avenue, which would complete that area and is in worst condition, and with water/sewer would be a more complicated project. The Borough Clerk noted, and the Engineer confirmed, that the Borough can submit two applications, but must prioritize the projects for consideration.

The Borough Engineer advised that the Safe Routes to Transit application is also available, and she recommends applying for the grant to do Board Street.

There was discussion regarding the Borough's infrastructure and the Borough cost that could be associated with the projects. The Council agreed that an application would be submitted for First Avenue at this time and a resolution will be on the next agenda authorizing the Engineer to apply for the grant.

Resolution 212 Authorizing the Borough Engineer to Field Survey East Ward Street as Part of the East Ward Street Rehabilitation Project

Mayor Quattrone reviewed the previous discussion on this matter. There was discussion regarding waiting until 2016 to perform the survey, and soliciting proposals from various Engineers to get competitive rates for this project. The Borough Engineer noted that if the survey is not performed this year, prior to the winter weather, the project could be delayed until next fall, noting that her firm has given Hightstown a very fair cost for the project.

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Councilmember Kurs moved resolution 2015-212, Councilmember Bluth seconded.

Councilmember Misiura confirmed that this resolution only authorizes that the survey for this project is performed and no other work.

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

Resolution adopted 6-0.

Resolution 2015-212
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AUTHORIZING THE BOROUGH ENGINEER TO FIELD SURVEY EAST WARD STREET AS
 PART OF THE EAST WARD STREET REHABILITATION PROJECT**

WHEREAS, Hightstown Borough has been awarded a Municipal Aid Grant in the amount of \$300,000.00 for the rehabilitation of East Ward Street which project has been estimated at a cost of \$498,275.00; and

WHEREAS, the Borough finds it beneficial to postpone the bidding of this project until 2016; and

WHEREAS, the Borough Engineer has estimated that the design and permitting cost for the project shall not exceed \$36,500.00; and

WHEREAS, the Borough Engineer has estimated the field surveying required to prepare for the engineering design and permitting at a cost not to exceed \$10,500.00; and

WHEREAS, the Borough Engineer has requested permission to complete the field survey prior to winter weather in preparation of the design and permit work necessary in 2016 for the bid process; and

WHEREAS, the Borough finds it beneficial to permit the Borough Engineer to complete the field survey for this project in 2015, prior to the winter weather; and

WHEREAS, the Treasurer has certified that funds are available for the field surveying for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to perform the field survey for the East Ward Street Rehabilitation project in 2015, prior to the winter weather.

Resolution 2015-226 Awarding Alternate A-1 Landscaping for the Enchantment at Hightstown Road Improvement Program

Councilmember Kurs moved resolution 2015-226, Councilmember Stults seconded.

The Borough Engineer noted that the Landscaper from Enchantment opted not to give a price for this project, and she recommends that the alternate be awarded to the original low bidder.

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

Resolution adopted 6-0.

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Resolution 2015-226

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

**AWARDING ALTERNATE A-1 FOR LANDSCAPING FOR THE ENCHANTMENT AT
HIGHTSTOWN ROAD IMPROVEMENT PROGRAM**

WHEREAS, Pursuant to resolution 2015-182 adopted on July 20, 2015, Hightstown Borough Council awarded a contract for the Enchantment at Hightstown Road Improvement Program to Pioneer General Contracting in the amount of \$344,083.00; and

WHEREAS, at that time the Borough reserved the right to award alternate A-1 for landscaping to permit for an evaluation of the bid and a possible award to the landscaper presently working for the Homeowner Association of Enchantment at Hightstown; and

WHEREAS, an evaluation has been performed and the Borough Engineer recommends that alternate A-1 for landscaping for the Enchantment at Hightstown Road Improvement Program also be awarded to Pioneer General Contracting in the amount of \$29,050.00 bringing the total awarded contract for the project to \$363,133.00; and

WHEREAS, the Treasurer has certified that funds are available for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that alternate A-1 landscaping for the project known as the Enchantment at Hightstown Road Improvement Program is hereby awarded to Pioneer General Contracting in the amount of \$29,050.00.

BE IT FURTHER RESOLVED that the award of alternate A-1 landscaping brings the total contract awarded to Pioneer General Contracting for the Enchantment at Hightstown Road Improvement Program to \$363,133.00.

Mayor Quattrone asked for an update on the Enchantment project. The Borough Engineer noted that a pre-construction meeting was held and representatives from Enchantment were present. It appears they would like additional work to be performed because the bid came in lower than expected, and the work they are requesting was not part of the punch list that the bond covered from the original project. The Borough Attorney noted that the funds left over from the project should only be used for public improvements. The Borough Engineer noted that she has instructed Enchantment to submit any requests for additional work to be directed to the Mr. Underhill, who can then bring it to Council for consideration.

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

Lynne Woods, 315 Park Avenue – commented that Council did not respond to her e-mail on Friday, nor did they amend the agenda to add the resolution that she wrote. She then noted that the vehicle ordinance that is going to be discussed cannot be enforced because police cannot go on private property without cause.

Phyllis Deal, 302 Stockton Street – noted that the sign regarding the Triathlon is not operating properly.

Doug Mair, 536 S. Main Street – commented that Council has had a good discussion regarding the roads; he then read an article from the newspaper regarding the Etra Road sidewalks and curb. He noted that he wants to know who the donor is for the Etra Road curbs and sidewalks. Mayor Quattrone noted that the donor has requested to remain anonymous. The Borough Attorney noted that if the donor requests to remain anonymous, Council can honor the request.

Mr. Mair continued that it is a funding issue and the public has a right to know to assure that the donor can financially cover the construction cost so the taxpayer does not get stuck with the bill. Mr. Underhill noted that the CFO will certify that funds are available for the project when the resolution is adopted. Mr. Mair noted that he wants to know how much money is in the Borough's bank account and he wants the CFO to provide the answer.

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Tamar Lee, Borough Planner, arrived at this time.

Eugene Sarafin, 628 S. Main Street – commented that the Council is doing a great job, but they have an obligation to lobby for their citizens for gun control.

George Lang, CFO, arrived at this time. Carmela Roberts, Borough Engineer, departed the meeting at this time.

Scott Caster, 12 Clover Lane – requested that Council adopt a resolution similar to the one Lynn Woods wrote and send it to the various websites so the Borough can be taken off of the Sanctuary City list. Mayor Quattrone noted he did send a letter to the websites, and Mr. Caster thanked him.

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

Ordinance 2015-17 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 2, Entitled “Administration” Section 55, Entitled “Fees for Municipal Services” to the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Mayor Quattrone opened the public hearing on ordinance 2015-17; there being no comments the public hearing was closed.

Council President Hansen moved ordinance 2015-17 for adoption, Councilmember Stults seconded.

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

Ordinance adopted 6-0.

Ordinance 2015-17
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ENTITLED “ADMINISTRATION,” SECTION 55, ENTITLED “FEES FOR MUNICIPAL SERVICES” TO THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Borough Officials have determined that amendments are needed to Chapter 2, Section 55, of the Revised General Ordinances of the Borough of Hightstown.

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

Section 1. That Chapter 2, entitled “Administration,” Section 55, entitled “Fees for Municipal Services,” of the Revised General Ordinances of the Borough of Hightstown, is hereby amended to read (additions are shown with underline):

Subsection 2-55.10 Fingerprinting Fee.

The Police Department shall provide fingerprinting services to residents who require them for various legal and employment matters. The fee for said services shall be \$20.00 per service and all services shall be provided by appointment only. These services shall be provided to Hightstown Borough residents only.

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

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

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

The Borough Engineer left the meeting at this time.

Ordinance 2015-18 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 12, Entitled “Building and Construction,” Section 2, Entitled “Fees” to the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Mayor Quattrone opened the public hearing on ordinance 2015-18; there being no public comments the public hearing was closed.

Councilmember Stults moved ordinance 2015-18 for adoption, Councilmember Bluth seconded.

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

Ordinance adopted 6-0.

Ordinance 2015-18
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12, ENTITLED “BUILDING AND CONSTRUCTION,” SECTION 2, ENTITLED “FEES” TO THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, Borough Officials have determined that amendments are needed to Chapter 12, Section 2, of the Revised General Ordinances of the Borough of Hightstown.

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

Section 1. That Chapter 12, entitled “Building and Construction,” Section 2, entitled “Fees,” of the Revised General Ordinances of the Borough of Hightstown, is hereby amended to read (deletions are shown by ~~cross-out~~ and additions are shown with underline):

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Section 12-2

FEES

Subsections:

12-2-1	Construction Permit Fees.
12-2-2	Plan Review Fees.
12-2-3	Demolition Fees.
12-2-4	Building Removal; Structural Inspection of Existing Dwelling Fees.
12-2-5	Sign Construction Fees.
12-2-6	Certificates of Occupancy Fees.
12-2-7	Biannual Report to Borough Council Recommending Fee Schedule.
12-2-8	Surcharge.
12-2-9	Report of Fees Collected.
12-2-10	Temporary Waiver of Construction Permit Fees
12-2-11	Application for a Variation

Subsection 12-2-1 Construction Permit Fees.

The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a. through e. and shall be paid before the permit is issued.

- a. Building Subcode Fee. The building subcode fee shall be:
 1. For new construction, the permit fees shall be computed at the rate of \$0.034 per cubic foot of volume. However, structures falling into S-1 or S-2 categories shall be charged at the rate of \$0.020 cents per cubic foot; except that the minimum fee in all cases shall be sixty-five (\$65.00) dollars.
 2. For alterations, renovations and repairs, the permit fees shall be based upon the estimated cost of the work and shall be in the amount of thirty (\$30.00) dollars per one thousand (\$1,000.00) dollars of estimated cost, up to and including fifty thousand (\$50,000.00) dollars; from fifty thousand one (\$50,001.00) dollars to and including one hundred thousand (\$100,000.00) dollars, the additional fee shall be in the amount of twenty-three (\$23.00) dollars per one thousand (\$1,000.00) dollars of estimated cost; above one hundred thousand (\$100,000.00) dollars, the additional fee shall be in the amount of nineteen (\$19.00) dollars per one thousand (\$1,000.00) dollars of estimated cost. For the purpose of determining estimated cost, the applicant shall submit to the enforcing agency, if available, cost data produced by the architect or engineer of record or by a recognized estimate firm or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The enforcing agency shall make the final decision regarding estimated cost. There shall be a minimum of sixty-five (\$65.00) dollars for any permit under this subsection.
 3. For additions, permit fees shall be computed the same as for new construction, \$0.034 per cubic foot of volume, except that the minimum fee shall be sixty-five (\$65.00) dollars.

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4. For additions and alterations, permit fees shall cost the sum of respective fees for alterations and additions computed separately.

5. The fee for an above-ground swimming pool shall be \$126.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$65.00. The fee for an in-ground swimming pool shall be \$189.00 for a pool with a surface are greater than 550 square feet; the fee in all other cases shall be \$95.00.

b. Plumbing Subcode Fees. Fees for the plumbing subcode shall be as follows:

Water closet.....	\$13.00
Urinal/bidet.....	\$13.00
Lavatory.....	\$13.00
Shower.....	\$13.00
Floor drain.....	\$13.00
Sink.....	\$13.00
Dishwasher.....	\$13.00
Drinking fountain.....	\$13.00
Washing machine.....	\$13.00
Hose bib.....	\$13.00
Water heater.....	\$13.00
Fuel oil piping.....	\$13.00
Gas piping.....	\$13.00
Steam boiler.....	\$82.00
Hot water boiler.....	\$82.00
Sewer pump.....	\$82.00
Interceptor/separator.....	\$82.00
Backflow preventer.....	\$82.00
Sewer connection.....	\$82.00
Water service connection.....	\$82.00
Stacks.....	\$13.00
Furnace.....	\$60.00

There shall be a minimum fee of fifty-five dollars (\$55.00) for this subsection.

c. Electrical Subcode Fees. Fees for the electrical subcode shall be as follows:

Lighting fixtures, receptacles, switches, detectors, light poles, motors (fractional, h.p.), emergency and exit lights, communication points, and alarm devices which are less than 20 amps:

First 50 units.....	\$45.00
Each 10 units additional.....	\$11.00
Pool permit (lights included).....	\$69.00
Storable pool/spa/hot tub.....	\$69.00
Electrical range.....	\$13.00
Electrical water heater.....	\$13.00

Electrical dryer	\$13.00
Dishwasher	\$13.00
Air conditioning unit.....	\$13.00
Space heater.....	\$13.00
Baseboard heater (each).....	\$13.00
H.P. motors (1+ HP)	
1 – 10 HP.....	\$13.00
10 – 50 HP.....	\$58.00
50 – 100 HP.....	\$116.00
100+ HP.....	\$576.00
KW Transformers/Generators (under 225 amps).....	\$58.00
KW Transformers/Generators (225 - 1000 amps)	\$116.00
KW Transformers/Generators (over 1000 amps).....	\$576.00
Service entrance (amp service)	Same as Transformers/Generators
Smoke and Heat Detectors (one- and two-family dwellings)	\$29.00
KW Electric signs, outline lights	\$46.00
Photovoltaic Systems	
1 – 5- kilowatts.....	\$58.00
51-100 kilowatts.....	\$116.00
Greater than 100 kilowatts	\$576.00
Minimum permit	\$60.00

d. Fire Subcode Fee. The fee for the fire subcode shall be as follows:

1. For plan review to establish fire safety \$50.00
2. For inspection of new homes

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- 3. For inspection of newly installed wood stoves or fireplaces or new or rebuilt chimneys..... \$58.00

- 4. For inspection of smoke detectors:
 - (a) 1 to 20..... \$75.00.00
 - (b) 21 to 100..... \$151.00
 - (c) 101 to 200..... \$289.00
 - (d) 201 to 400 \$748.00
 - (e) 401 to 1,000 \$1,036.00
 - (f) Over 1,000..... \$1,323.00

- 5. For inspection of storage tanks:
 - (a) Up to one hundred (100) gallons, not to include drums or gas cans..... \$58.00
 - (b) For each additional five hundred (500) gallons or fraction thereof \$40.00

- 6. For inspection of sprinkler systems:

Number of Heads Fee	
1to 20	\$ 82.00
21to 100	\$151.00
101to 200	\$289.00
201to 400	\$748.00
401to 1000	\$1,036.00
Over 1000	\$1,323.00

- 7. For inspecting fire hazards, such as boilers, fire-suppression systems, fire hose cabinets, fire alarms and standpipes, per visit..... \$60.00

(1991 Code § 81-14; Ord. No. 847 § 1; Ord. No. 1996-6 § 1; Ord. No. 2000-19; Ord. No. 2001-16; Ord. 2000-19, Amended, 08/24/2000; Ord. No. 2004-31 § 1; Ord. No. 2008-09)

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Subsection 12-2-2 Plan Review Fees.

The fee for plan review shall be five (5%) percent of the amount charged for the construction permit. The fee for the plan review of a consultative nature where no immediate construction is planned shall be twenty (20%) percent of the estimated cost of the construction work or fifty-five (\$55.00) dollars, whichever is higher. (1991 Code § 81-15; Ord. No. 847 § 1; Ord. No. 1996-6 § 2)

(Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-3 Demolition Fees.

The fee for a permit for demolition of a building or structure shall be two hundred (\$200.00) dollars for one (1)-family or two (2)-family residences, sixty-five (\$65.00) dollars for garage or storage sheds, and three hundred (\$300.00) dollars for all other buildings or structures.

The fee for a permit for underground storage tank removal shall be \$75.00 for a residential property, \$250.00 for all other uses.

(1991 Code § 81-16; Ord. No. 847 § 1)

(Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-4 Building Removal; Structural Inspection of Existing Dwelling Fees.

a. The fee for a permit for the removal of a building or structure from one (1) lot to another or to a new location on the same lot shall be ten (\$10.00) dollars per one thousand (\$1,000.00) dollars of the sum of the estimated costs for moving, for new foundations and for placement in a complete condition in the new location, except that the minimum fee shall be fifty (\$50.00) dollars.

b. The fee or structural inspection of an existing dwelling shall be fifty (\$50.00) dollars. (1991 Code § 81-17; Ord. No. 847 § 1)

(Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-5 Sign Construction Fees.

The fee for a permit to construct a sign shall be two (\$2.00) dollars per square foot of the surface area of the sign, except that the minimum fee shall be fifty-five (\$55.00) dollars. (1991 Code § 81-18; Ord. No. 847 § 1; Ord. 2000-19, Amended, 08/24/2000; Ord. No. 2004-31, § 2)

Subsection 12-2-6 Certificates of Occupancy Fees.

The following fees shall be charged for certificates of occupancy:

- | | |
|---|----------|
| a. New home: Ten (10%) percent of the construction permit fee, but not less than \$55.00. | |
| b. Additions, etc. | \$ 55.00 |
| c. Change of use | 100.00 |
| d. Continued occupancy | 50.00 |
| e. Temporary occupancy | None |

(1991 Code § 81-19; Ord. No. 847 § 1; Ord. 2000-19, Amended, 08/24/2000; Ord. No. 2004-31, § 3)

Subsection 12-2-7 Biannual Report to Borough Council Recommending Fee Schedule.

The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Borough Council biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act. (1991 Code § 81-21; Ord. No. September 8, 2015)

847 § 1; Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-8 Surcharge.

As required by the Department of Community Affairs, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee of \$0.0016 per cubic foot of volume of new construction, and (\$0.80) cents per one thousand (\$1,000.00) dollars of construction costs of all other permits. Such surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending March 31, June 30, September 30 and December 3, and not later than one (1) month next succeeding the end of the quarter for which it is due. In the fiscal year in which the regulations first become effective, such fee shall be collected and remitted for the third and fourth quarters only. (1991 Code § 81-22; Ord. No. 847 § 1)

(Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-9 Report of Fees Collected.

The enforcing agency shall report annually, at the end of each fiscal year, to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, such report shall be for the third and fourth quarters only. (1991 Code § 81-23; Ord. No. 847 § 1)

(Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-10 Temporary Waiver of Construction Permit Fees

Fees shall be waived for all municipal construction permits issued for alterations on any building in the Borough's designated CC-1 (Central Commercial 1) zone between November 1, 2001 and the date of completion of the downtown revitalization or December 31, 2002, whichever occurs first. New Jersey DCA training fees will not be waived. (New - Ord. No. 2001-21)

Subsection 12-2-11 Application for a Variation

The fee for an application for a variation in accordance with the Uniform Construction Code shall be one hundred and fifty (\$150.00) dollars. (New – Ord. No. 2008-09)

Section 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 5. This ordinance shall take effect after final passage and upon publication according to law.

Ordinance 2015-19 Final Reading and Adoption – An Ordinance Amending Chapter 29 “Signs” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Mayor Quattrone opened the public hearing on ordinance 2015-19 and the following individuals spoke:

Scott Caster, 12 Clover Lane – commented that he likes the sign ordinance, but there needs to be enforcement.

Councilmember Kurs moved ordinance 2015-19 for adoption, Council President Hansen seconded.

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

Ordinance adopted 6-0.

September 8, 2015

Ordinance 2015-19
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AMENDING CHAPTER 29 “SIGNS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

WHEREAS, the Zoning Officer and Planning Board Subcommittee have made certain recommendations for revisions to Chapter 29 of the Borough Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Planning Board has reviewed and concurs with these recommendations;

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

Section 1. Section 29-6 “Sign Exempt From Permits” is hereby amended as follows (underline for additions, strikethroughs for deletions):

Subsection 29-6F is amended as follows:

F. Yard tag or garage sales. Such signs shall not exceed four (4) square feet; shall not be erected more than forty-eight 48 hours prior to such sale; shall include the address and date of the sale; and shall be removed immediately after the sale. No premises shall be permitted to erect such signs more than four (4) times in any calendar year. ~~and no off-premises signs are permitted.~~ No yard or garage sale shall take place for more than two (2) consecutive days, and sales taking place on consecutive days shall be treated as a single sales event. One (1) off premise sign shall be permitted to be placed in the Borough’s right-of-way. In the event the resident of the property in front of which the sign is placed objects to its placement, the sign shall be removed by the person placing the sign or by property owner.

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

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

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

Ordinance 2015-20 Final Reading and Adoption – a Bond Ordinance Providing for the Acquisition an Automated Garbage Truck in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$325,00 Therefor and Authorizing the Issuance of \$309,500 Bonds or Notes of the Borough to Finance Part of the Cost hereof

Mayor Quattrone opened the public hearing on ordinance 2015-20; there being no public comments, the public hearing was closed.

Councilmember Montferrat moved ordinance 2015-20 for adoption, Council President Hansen seconded.

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

Ordinance adopted 6-0.

Ordinance 2015-20

September 8, 2015

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

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN
AUTOMATED GARBAGE TRUCK IN AND BY THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$325,000 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$309,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF
THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$325,000, including the sum of \$15,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$309,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of an automated garbage truck, including all related costs and expenditures incidental thereto.

- (b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

September 8, 2015

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$309,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$9,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Quattrone asked George Lang, CFO, to answer Doug Mair's previous inquiry. Mr. Mair again read the article from the paper that spoke regarding the Etra Road sidewalks and curbs; and then inquired of the CFO as to how much money the Borough has in the bank. Mr. Lang explained that the funds from this project will be coming from trust funds and an old ordinance; noting that the budget for a Municipality is not based on funds in the bank.

Resolution 2015-227 Payment of Bills

Councilmember Kurs moved resolution 2015-227, Councilmember Stults seconded.

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

September 8, 2015

Resolution adopted 6-0.

Resolution 2015-227
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 \$210,203.29 from the following accounts:

Current		\$123,626.38
W/S Operating		62,184.89
General Capital		13,360.29
Water/Sewer Capital		
Grant		152.50
Trust		1,963.75
Housing Trust		4,617.83
Animal Control		23.40
Law Enforcement Trust		0.00
Housing Rehab Loans		
Unemployment Trust		
Escrow		<u>4,274.25</u>
		210,203.29
Total		

Consent Agenda Resolutions 2015-228, 2015-229:

Council President Hansen moved resolutions 2015-228 and 2015-229 as the consent agenda, Councilmember Stults seconded.

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

Resolutions adopted 6-0.

September 8, 2015

Resolution 2015-228

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

AUTHORIZING USE OF THE MUNICIPAL PARKING LOT FOR THE TRIATHLON

WHEREAS, the Parks & Recreation Commission will require the use of the Memorial Parking Lot as a staging area for Triathlon to be held on September 13, 2015; and

WHEREAS, this event is sponsored by the Hightstown Borough Parks & Recreation Commission and will be held at no cost to the taxpayers; and

WHEREAS, the Borough Council is responsible for issuing permission for use of the municipal parking lot; and

WHEREAS, the Borough Council finds that such an event would benefit the residents of Hightstown Borough.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that permission is hereby granted to the Hightstown Borough Parks & Recreation Commission for the use of the Memorial Parking Lot for the Hightstown Triathlon to be held on September 13, 2015.

Resolution 2015-229

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

**CANCELING GENERAL CAPITAL IMPROVEMENT
APPROPRIATION BALANCES**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to General Capital Fund Balance and Capital Improvement Fund;

NOW, THEREFORE, BE IT RESOLVED, by the council of the Borough of Hightstown, County of Mercer, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

Ord.	Date		Funded	Funded	Unfunded
No.	Auth.	Project Description	Capital Fund Balance	Capital Improvement Fund	Deferred Charges to Future Taxation
99-03	3/15/1999	Various Capital Improvements	\$ 7,000.00	\$ -	\$ -
05-32	9/19/2005	Various Equipment Police & Court	2,509.00		
08-18	10/20/2008	Police Radar and Radio Equipment	452.50		

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09-09	4/20/2009	Improvements to Franklin Street	72,021.25	
10-02	2/1/2010	Reconstruction of Leshin Lane		30,000.00
13-04	2/19/2013	Road Improvements Grape Run and Pershing Ave.		100,000.00
<hr/>				
TOTAL			\$ 81,530.25	\$ 452.50 \$ 130,000.00

MOVED: Hansen

SECONDED: Stults

ROLL CALL:

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

NAYS:

ABSTAIN:

ABSENT:

COAH Fees

Tamara Lee, Borough Planner, reviewed the present ordinance regarding developer fees for the COAH trust fund, noting that the Borough had been using the Growth Share method until the Growth Share was suspended when the method was ruled unconstitutional. The Borough never re-instituted the developer fees, but should. The current ordinance is outdated; the Planning Board would like to clean up the ordinance and repeal the Growth Share. She inquired as to whether the Council would be amicable to this process and explained the Borough’s options and recommended fees to be implemented. She noted that the Planning Board would like the fees to apply to all zones and uses.

Ms. Lee continued that the Housing Fund is depleted and there is a need to rebuild the fund to subsidize the rehabilitation requirements. There was discussion regarding hindering development due to the fees; experience with developers; the developer fee percentages being less than growth share; the fees applying to new units only in residential but include added assessments in commercial; encouraging development and possible waivers; and the possibility of sliding scale fees.

It was recommended that the Growth Share ordinance be repealed at the next meeting. The Borough Council decided that they would develop the ordinance and send it to the Planning Board. After further discussion Council members Stults and Montferrat volunteered to work with the Attorney and Planner to develop a development fee ordinance and bring it back to Council.

Tamara Lee, Borough Planner, left the meeting at this time.

Housing Ordinance

Councilmember Stults advised that the Code Enforcement office recommended the changes in the ordinance to assist with enforcement. He reviewed each change and its benefit. After discussion, Council requested that on page 8, f. be changed to read “keyed or combination locks”; the word “license” be removed from the title on page 29; and on page 30 e. be changed to read “Code Enforcement/Housing Inspector”. There was discussion regarding the maximum fine; refrigerators
September 8, 2015

in bedrooms versus other legitimate locations in the home; and the renewal cycle for landlord registrations.

Council requested that the ordinance be revised as requested and that the revised ordinance be placed on the next agenda for introduction.

Parking of Vehicles Ordinance

Mayor Quattrone advised that he asked that the Housing Inspector be added to this ordinance for enforcement purposes. There was discussion regarding covering unassembled or junk vehicles being parked on personal property and the Borough Attorney was directed to add this type of enforcement to the ordinance and that the ordinance be placed on the next agenda for introduction.

First Aid Purchases

Mark Madonia, Captain of Hightstown First Aid, advised that all the proper documentation has been submitted to Administration for the purchase of the replacement ambulance with the insurance proceeds. He then thanked Administrator Underhill and Municipal Clerk/Purchasing Agent Sopronyi for their assistance. Mr. Underhill noted that the insurance company has advised that the check has been sent out and the only portion that has to be paid by the Borough is the deductible.

Mr. Underhill then advised Council that the First Aid has received notice from the State regarding an accident investigation and it is necessary that an attorney be hired to protect the First Aid's interest in the matter. The Borough Attorney noted that it is appropriate that the Borough provide representation for the First Aid and Municipal Clerk/Purchasing Agent Sopronyi advised that a resolution of appointment would be needed for this professional service.

Councilmember Kurs noted that the First Aid is getting calls regarding the investigation and an attorney should be hired to represent them as soon as possible. There was discussion and it was decided that since this item was not on the agenda, it should be addressed at the next meeting.

Raffle License Fee Waivers

Councilmember Kurs advised that the Fire Department and First Aid are requesting that the required fees for raffles and bingo be waived for them since they are a function of the Borough. Mayor Quattrone noted that a lot of work is performed by the Borough Clerk's office for the issuance of these licenses. Borough Clerk Sopronyi explained the fees and requirements for the licenses, and noted that only non-profits are eligible to hold these fundraisers and obtain the necessary permit from the state to get the licenses.

It was noted that if they are a function of the Borough, they should be providing assistance to the Borough by allowing use of their sign, etc. for Borough events. It was decided that the Borough Clerk would provide fee information and a resolution at the next meeting.

Handicapped Parking Request

Mayor Quattrone reviewed the requests for personal handicapped parking spaces at residences. There was discussion and Borough Clerk Sopronyi advised that an amendment to the ordinance is required for these parking places to be approved. After discussion, it was decided that the Borough Clerk shall work with the Police Department to acquire the necessary paperwork from the residents making the requests, and bring the amended ordinance back to Council for review.

Clothing Collection Bin Request

Mayor Quattrone noted that this is regarding the information given at the last meeting. It was suggested that this matter wait until the clothing bin ordinance comes back from the Planning Board before further discussion and a decision is made; Council agreed.

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

Doug Mair, 536 S. Main Street – commented that New Jersey Monthly released a list ranking New Jersey towns and out of 510, Hightstown was rated 486; Council has an obligation to the taxpayers to adopt a resolution or make a statement regarding the sanctuary city designation.

Lynne Woods, 315 Park Avenue – commented that she tried to get the Borough away from the sanctuary city designation with the resolution stating that the Borough supports federal government policy; she recommended that the Council contact the website to get the Borough removed from their list.

Scott Caster, 12 Clover Lane – commended Council on their code enforcement discussion and he will request another code enforcement officer at budget time; people need to shop downtown and maintenance should be addressed; we need a Borough Hall.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Stults – commented that there is a lot of work to do to increase the Borough's popularity and it will be addressed at the Vision Meeting to be held on September 30th, at the Firehouse; he encouraged everyone to attend. The Planning Board meeting of August 10th was cancelled and they are still reviewing the sandwich sign ordinance. He then reviewed the code enforcement reports for June and July and noted that they are having a good affect on Hightstown. Residents and Business Owners in town can assist them by reporting infractions of the code.

Councilmember Bluth – advised that the Triathlon is this Sunday with over 300 registrants and volunteers are needed; there is a Triathlon meeting tomorrow night and a Parks & Recreation meeting Thursday night where you can volunteer. She has gone to the website regarding sanctuary cities and it would prove to be beneficial to reach out to them.

Councilmember Kurs – noted that code enforcement is doing a great job, but residential assistance would be helpful; he reviewed the police report for August; the Fire Department Dive Team performed a rescue last week; he is glad the ambulance is moving forward; he looks forward to solidifying the legal representation for the First Aid at the next meeting; the 9-1-1 Ride went through Hightstown two weeks ago; the DEP Wildlife Expo is this weekend in Jackson; school is back in session, please drive safely.

Councilmember Montferrat – noted that we should not be paying attention to lists and we are trying to improve the town; as business leaders, you should be putting forward positive comments about the Borough.

Administrator Underhill – noted that the HPC received the Preserve America sign today; it is larger than expected and being addressed.

Councilmember Misiura – noted that New Jersey Family.com lists Hightstown as 232 out of 250 for places for families to which is very positive; lists are lists and there is a lot of positive in the Borough. The Rug Mill project is moving forward and Borough Hall is playing a part in the project. The Board of Health and Housing Authority meetings are this week; the Housing Authority wants a new crosswalk. He wished the Hightstown students a good school year.

Council President Hansen – commented that she could not attend the Cultural Arts Commission meeting; water/sewer will meet on Friday; noted that the comments regarding the ranking are by one real estate agency; the Borough is improving with two exciting development projects on the cusp and if they move forward, home values will improve. She went to the sanctuary city website and sees no harm in posting something to dispute the designation; the press is having an effect.

Mayor Quattrone – noted that he finds the negative comments a shame, we work so hard on a lot of positive things but the public only notes the negative; he is excited about the downtown prospects; code enforcement has been a huge success; the

September 8, 2015

drivers are catching on to the signs on Morrison Avenue; school is open and the crossing guards are working; he attended Freshman orientation and the event was very nice with businessmen and politicians attending.

Resolution 2015-230 Authorizing a Meeting Which Excludes the Public

Councilmember Monteferrat moved resolution 2015-230, Councilmember Stults seconded.

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

Resolution adopted 6-0.

Resolution 2015-230

*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 September 8, 2015 following the general meeting in the First Aid Building 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 – Shared Services (Police/Dispatch/Court)
Habitat for Humanity

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: December 8, 2015 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 adjourned into executive session at 10:05pm.

Council returned to open session at 10:40pm.

Council President Hansen moved to adjourn at 10:40pm, Councilmember Bluth seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

September 8, 2015

Ordinance 2015-21

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

AN ORDINANCE REPEALING ORDINANCE 2005-28

IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Hightstown Borough Ordinance 2005-28 which estsablished Growth Share Affordable Housing Requirements, and amended and supplemented Chapter 26, "Land Use Procedures," of the "Revised General Ordinances of the Borough of Hightstown, County of Mercer, New Jersey" in order to establish a new section thereof to be known as Section 26-11, is hereby repealed.

Introduced:

Adopted:

ATTEST:

Debra L. Sopronyi,
Borough Clerk

Lawrence D. Quattrone,
Mayor

Ordinance 2015-22

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

AMENDING AND SUPPLEMENTING CHAPTER 13 “HOUSING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY”

WHEREAS, the Housing Official and Inspector have made certain recommendations for revisions to Chapter 13, “Housing” of the Borough Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Borough Council has reviewed and concurs with these recommendations;

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

Section 1. Chapter 13 “Housing” is hereby amended as follows (underline for additions, strikethroughs for deletions):

Chapter 13

HOUSING

Sections:

13-1	GENERAL PROVISIONS
13-2	ADMINISTRATION AND ENFORCEMENT
13-3	HOUSING STANDARDS FOR OWNER OCCUPIED UNITS AND RENTAL UNITS
13-4	ADDITIONAL HOUSING STANDARDS FOR RENTAL UNITS
13-5	INSPECTIONS; NOTICE; HEARINGS
13-6	UNFIT BUILDINGS
13-7	TRANSFER OF PROPERTY
13-8	CERTIFICATE OF COMPLIANCE REQUIREMENT FOR CHANGES IN OCCUPANCY OF RENTED DWELLINGS
13-9	VIOLATIONS AND PENALTIES
13-10	BOARDINGHOUSES AND ROOMING HOUSES
13-11	Reserved
13-12	LICENSING AND REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

Section 13-1

GENERAL PROVISIONS

Subsections:

- 13-1-1 Purpose.**
13-1-2 Definitions and Word Usage.

Subsection 13-1-1 Purpose.

The purpose of this chapter shall be to establish and maintain every person's right to a decent home, located in a desirable, suitable and well-kept neighborhood environment; to establish minimum standards governing the required plumbing, heating and electrical facilities and their maintenance; to establish minimum standards governing the conditions and maintenance of dwellings and other structural things and conditions on the inside and outside of dwellings and the premises surrounding dwellings; to make dwellings safe, sanitary and fit for decent living; to establish minimum standards governing the conditions of dwellings offered for rent, fixing the responsibilities of both owners and occupants of dwellings; to authorize and command the inspection of dwellings and the condemnation of dwellings unfit for human habitation; and to fix the penalties for its violations.

However, the Borough, by this section, is not acting as a guarantor of the condition of any property insofar as any potential owner or occupant is concerned, nor shall the Borough be considered to be involved in any manner in the contractual relationships between parties buying, selling or renting property. Inspections by Borough officials are not a substitute for engineering or other inspections which may be required by contract in connection with a change in ownership or occupancy of any property. (1991 Code § 121-1; Ord. No. 823 § 1)

Subsection 13-1-2 Definitions and Word Usage.

a. Whenever the words "dwelling," "dwelling unit," "apartment," "living unit," "rooming house," "hotel," "motel," "rooming unit," "boardinghouse" and "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

b. As used in this chapter:

Basement shall mean that portion of a building located partly or wholly underground and having more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Bathroom shall mean a room which has a floor area, including fixtures, of at least thirty-five (35) square feet and which contains a minimum of one (1) flush water closet, one (1) washbasin and one (1) bathtub or shower stall.

Bedroom shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for sleeping, equipped with a privacy door (which does not have any keyed locks), at least one window allowing access to the outside, and having a ceiling height of at least seven feet over at least one-half of the floor area. Square footage for determining occupancy load shall not include bathrooms, kitchens, dining rooms, living rooms, family rooms, water closet compartments, walk-in closets, laundries, pantries, foyers, hallways or storage spaces.

Boardinghouse shall mean any private dwelling or dwelling unit where the owner, tenant or operator thereof is engaged in keeping one (1) or more roomers or boarders who are not husband and wife or son or daughter, mother or father or sister or brother of the owner, tenant or operator or of the spouse of the owner, tenant or operator and in serving food to some or all of such lodgers for a part of a day or longer period under expressed

contract or rate of payment.

Building shall mean any building or structure or part thereof used for human habitation, use or occupancy, including any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

Cellar shall mean that portion of a building located partly or wholly underground and having more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling shall mean a building or structure or part thereof containing one (1) or more dwelling units or lodging units.

Dwelling unit shall mean an apartment, living unit or similar designation or any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used or designed to be used for living, sleeping, cooking and eating.

Garbage shall mean the animal and vegetable and other organic waste resulting from handling, preparation, cooking and consumption of food.

Habitable room shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

Historic landmark shall mean any building, the location, design, setting, materials or workmanship of which is specifically definable, and which is:

- a. Of particular historic significance; or
- b. Associated with historic personages; or
- c. An embodiment of the distinctive characteristics of a type, period or method of architecture or engineering.

Housing Inspector shall mean the officer or officers who are authorized by the provisions of this chapter to exercise the powers prescribed herein.

Infestation shall mean the presence within or around a building of any insects, rodents or other pests.

Lodging shall mean rooming.

Lodging house shall mean any building or that part of any building containing one (1) or more lodging units, each of which is rented by one (1) or more persons who are not husband and wife or son or daughter, mother or father or sister or brother of the owner or operator or of the spouse of the owner, tenant or operator.

Lodging unit shall mean a rented room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together, or by a person living alone, within a building.

Multiple dwelling or apartment house shall mean any dwelling containing more than three (3) dwelling units.

Occupant shall mean any person in actual possession of and living in the building or dwelling unit, including the owner.

Owner shall mean any person who, alone or jointly or severally with others:

- a. Has legal title to any dwelling, dwelling unit, hotel, motel, rooming house, rooming unit or boardinghouse, with or without accompanying actual possession thereof.
- b. Has charge, care or control of any dwelling or dwelling unit, hotel, motel, rooming house, rooming unit or boardinghouse as owner or agent of the owner or as executor, executrix, administrator,

administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall comply with the provisions of this chapter and the rules and regulations adopted pursuant thereto to the same extent as if he were owner.

Plumbing shall include all the supplied piping, facilities, fixtures and equipment; the house sewer from the septic tank, cesspool, curb or property line to the building foundation; the water service from the curb or property line to the building foundation; the system of soil, vent and waste pipes from their connection at the foundation to the house sewer to their connections to the various plumbing fixtures and to their termination through the roof; all hot- and cold-water lines in the dwelling or building; every plumbing fixture, trap, floor drain or any fixture directly or indirectly connected to the plumbing system; the gas piping from the gas meter to the connections to the various gas appliances; and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rubbish shall mean combustible and noncombustible waste material, including boxes, barrels, sticks, stones, bricks, bottles, cans, metal drums, iron pipe, cold sheet metal, old furniture, unused motor vehicles and boats, auto parts, filth, junk, trash, debris and old lumber or firewood, unless such lumber or firewood is neatly stacked or piled on a support or platform at least eight (8) inches above the ground. It shall also include any other articles which the Housing Inspector, in his judgment, declares to be "rubbish."

Smoke sensitive alarm device shall mean a fire alarm device capable of sensing visible or invisible particles of combustion and providing a suitable alarm audible in all sleeping areas.

Supplied shall mean paid for, furnished or provided by or under the control of the owner or operator.

Utilities shall include electric, gas heating, water and sewage services and equipment therefor. (1991 Code § 121-2; Ord. No. 823 § 2; Ord. No. 2002-20)

Section 13-2
ADMINISTRATION AND ENFORCEMENT

Subsections:

- 13-2-1 Administration.**
13-2-2 Enforcing Authority Designated.
13-2-3 Powers of Housing Inspector.

Subsection 13-2-1 Administration.

The Housing Inspector shall be responsible for the administration of the Housing Code. (1991 Code § 121-3)

Subsection 13-2-2 Enforcing Authority Designated.

The enforcing authority for the provisions of this chapter shall be the Housing Inspector, who shall be appointed by the Mayor and confirmed by the Borough Council pursuant to law for a term of one (1) year. (1991 Code § 121-4)

Subsection 13-2-3 Powers of Housing Inspector.

The Housing Inspector shall be authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following, in addition to others herein granted:

- a. To investigate dwelling conditions in the Borough in order to determine which dwellings therein are unfit for human habitation.
- b. To administer oaths and affirmations, examine witnesses and receive evidence.
- c. To enter upon premises for the purpose of making examination, provided that such entries are made in such manner as to cause the least possible inconvenience to the persons in possession.
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
- e. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (1991 Code § 121-5)

Section 13-3

HOUSING STANDARDS FOR OWNER OCCUPIED UNITS AND RENTAL UNITS

Subsections:

13-3-00	Housing Standards for Owner Occupied Units and Rental Units.
13-3-1	Maintenance.*
13-3-2	Sump Pump and Sewer Line Clean-Outs.
13-3-3	Water Supply.
13-3-4	Plumbing and Heating.
13-3-5	Electrical.
13-3-6	Smoke <u>and Carbon Monoxide</u> Alarms Required.
13-3-7	Fences.
13-3-8	Use and Occupancy of Space.
13-3-9	Ventilation.
13-3-10	Historic Landmarks.
13-3-11	Egress
13-3-12	Signs

Subsection 13-3-00 Housing Standards for Owner Occupied Units and Rental Units.

Standards applicable to dwelling units which are owner-occupied and dwelling units and lodging units which are rented to tenants (all dwellings and dwelling units). (1991 Code AIV; Ord. No. 823 § 3)

Subsection 13-3-1 Maintenance.*

a. Every foundation, floor, wall, ceiling, door, window, roof or other part of a building shall be maintained in a safe, sanitary, and structurally sound condition so as not to pose a threat to the public health, safety or welfare, and capable of the use intended by its design. Any exterior part or parts thereof shall be maintained weatherproof and properly surface-coated where required to prevent deterioration.

b. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of safely supporting the imposed dead and live loads and shall be kept in sound condition and good repair. As of the effective date of this section, every stairway having four (4) or more risers shall be properly bannistered and safely balustraded pursuant to the Uniform Construction Code of the State of New Jersey.

c. Every porch, balcony, roof or similar place higher than thirty (30) inches above the ground used for egress or for use by occupants shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and shall not be less than three (3) feet in height.

d. Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.

e. Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent-proofing may be required by the Health Department.

f. Every building, dwelling, dwelling unit, and all other areas of the premises shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and not permitted to

become overgrown, thereby becoming a hazard to the public health, safety and welfare. Dead or broken limbs which may pose a threat to the safety and welfare of the public shall be removed.

g. The Housing Inspector may order the owner to clean, repair, paint, whitewash or paper any walls or ceilings within a dwelling which have deteriorated so as to provide a harborage for rodents or vermin.

h. Every sidewalk, walkway and driveway shall be maintained in such a manner as not to pose a safety hazard. There must be at least seven (7) foot clearance from the sidewalk to the lowest tree branch overhanging the sidewalk, and shrubbery must not overhang or obstruct the sidewalk.

i. All chimneys, smokestacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. Various and sundry outbuildings, garages and sheds shall be maintained so as to be safe, and any exterior part or parts thereof shall be maintained weatherproof and properly surface-coated where required to prevent deterioration. All sheds erected after the effective date of this section shall be safely anchored. (1991 Code § 121-6; Ord. No. 823 § 3; Ord. No. 2010-05)

* **Editor's Note:** For additional regulations on property maintenance, see Chapter XIV.

Subsection 13-3-2 Sump Pump and Sewer Line Clean-Outs.

No sump pump shall be connected to any sanitary sewer line within the Borough. All sewer line clean-outs shall be at least one (1) foot above floor level. This subsection shall be enforced by the Housing Inspector or the Superintendent of the Advanced Wastewater Treatment Plant in accordance with the provisions of subsection 19-3.1g. of Chapter XIX governing wastewater discharges. Certificates of Compliance, pursuant to Sections 13-7 and 13-8 of this chapter shall be not issued prior to compliance with the provisions of subsection 19-3.1g. of Chapter XIX. (1991 Code § 121-7; Ord. No. 823 § 3; Ord. No. 94-6 § 3)

Subsection 13-3-3 Water Supply.

Every dwelling and dwelling unit shall be provided with a safe supply of potable water meeting the standards set forth in the Potable Water Standards as published by the New Jersey Department of Environmental Protection and Energy. (1991 Code § 121-8; Ord. No. 823 § 3)

Subsection 13-3-4 Plumbing and Heating.

a. All plumbing and heating systems shall be in satisfactory working order.

b. No room heater, heating stove, space heater or tank water heater designed for the use of kerosene, gasoline, oil, gas, wood, coke, charcoal or coal as a fuel shall be used in any dwelling or dwelling unit unless it has an approved direct smoke pipe or flue connection to a properly constructed chimney capable of carrying all of the products of combustion to the outside air. (1991 Code § 121-9; Ord. No. 823 § 3)

Subsection 13-3-5 Electrical.

The electrical system shall be in proper working order so as not to pose a threat of electrical shock, fire or other hazard. All Groundfault Interrupt Outlets shall function as designed. All plates and covers shall be in place. No extension cords shall be connected to appliances and/or air conditioners. (1991 Code § 121-10; Ord. No. 823 § 3)

Subsection 13-3-6 Smoke and Carbon Monoxide Alarms Required.

All dwellings and dwelling units shall have a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area and located on or near the ceiling in accordance with P.L. 1991, c. 92. A carbon monoxide detector must be located outside all sleeping areas. (1991 Code § 121-11; Ord. No. 823-3)

Subsection 13-3-7 Fences.

Every fence shall be maintained and kept in a condition which shall not pose structural, health or safety dangers. (1991 Code § 121-12; Ord. No. 823-3)

Subsection 13-3-8 Use and Occupancy of Space.

a. It shall be the responsibility of the owner to ensure that the maximum number of occupants in a dwelling unit shall not exceed the following standard:

1. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, such floor space to be calculated on the basis of total habitable room area.

b.

1. Every room in a dwelling unit occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof. Under no circumstances shall there be more than two (2) occupants in each bedroom of a dwelling unit. Children under the age of two (2) shall not be considered to be additional occupants.
2. Notwithstanding the foregoing, in every lodging unit every room occupied for sleeping purposes by one (1) occupant shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least sixty (60) square feet of floor space for each occupant thereof.

c. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

d. No room in a dwelling unit may be used for sleeping if the floor level of the room is lower than three and one-half (3 ½) feet below the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room.

e. A room located below the level of the ground but with the floor level less than three and one-half (3 ½) feet below and the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room may be used for sleeping, provided that the walls and floor thereof in contact with the earth have been damp proofed in accordance with a method approved by the Housing Inspector and that the windows thereof are at least fifteen (15) feet from the nearest building or wall.

f. Keyed and/or combination locks on ~~bedroom-interior~~ doors are prohibited. Privacy locks are allowed on

bedroom doors, provided that the lock can be opened easily and without the use of force from the outside of the room, or from any hallway or common area, in the event of emergency.

g. Non-habitable spaces, including storage and closet areas, kitchens, hallways and all portions of living rooms, dining rooms, dens, enclosed porches, attics and basements, shall not be used as bedrooms or otherwise occupied for sleeping purposes; notwithstanding the foregoing, attics and basements may be used as bedrooms if they have been rendered habitable pursuant to all requirements of the State Housing Code.

h. The number of bedrooms in a dwelling unit is determined by the number of bedrooms on the tax records for the property.

i. The bedroom cannot be used to pass through to another habitable space, bedroom or kitchen.

j. Overcrowding – The following factors may be considered by the Housing Inspector as rebuttable presumption of overcrowding, as that term is defined by this chapter and shall support the issuance of a summons and complaint by the Housing Inspector, without first issuing a notice of violation:

1. The occupying of areas of a rental dwelling unit prohibited pursuant to section 13-3-8(g) of this chapter, such as basements and attics;
2. The location of mattresses or bedding materials in areas of a dwelling unit prohibited for occupancy pursuant to section 13-3-8(g); and
3. The existence of cooking appliances, and/or refrigeration units, (excluding freezer appliances) in inappropriate areas of a dwelling unit in addition to those located in the kitchen, as determined by the Housing Inspector.

(1991 Code § 121-13; Ord. No. 823 § 3; Ord. No. 2010-05; Ord. No. 2014-14)

Subsection 13-3-9 Ventilation.

All dwellings shall be adequately ventilated; every bathroom and water closet compartment shall have ventilation provided either by a window, skylight or mechanical ventilation system. (1991 Code § 121-14; Ord. No. 823 § 3)

Subsection 13-3-10 Historic Landmarks.

Upon written request of the property owner, an historic landmark may be exempted by the Housing Inspector from strict compliance with the requirements of this chapter if such strict compliance would compromise the historic significance of the property; provided, however, that no exemption shall be granted which, in the opinion of the Housing Inspector, would create a health or safety hazard or allow such a hazard to continue. (1991 Code § 121-15; Ord. No. 823 § 3)

Subsection 13-3-11 Egress

All exit doors shall be readily opened from the side from which egress is to be made, without the use of a key, unless the key is permanently affixed in the lock, and without use of a combination lock, electronic code or similar special knowledge or effort. (Ord. No. 2002-20)

Subsection 13-3-12 Signs

a. Posting of signs for rent, or advertising room or rooms for rent by any means of publication (whether through broadcast media, print media, or by electronic means, including the internet), is prohibited for any property in the Borough of Hightstown for which no license has been issued in accord with Sections 4-1, 13-8, and 13-10 of this Code to qualify that property as a boarding house, rooming house, or rooming unit.

b. Posting of signs, or advertising an apartment or house for rent by any means of publication (whether through broadcast media, print media, or by electronic means, including the internet), is prohibited for any property in the Borough of Hightstown for which a Rental Certificate of Compliance has not been issued by the Housing Inspector, pursuant to Subsection 13-8-1 of this Code. (Ord. No. 2010-05)

Section 13-4

ADDITIONAL HOUSING STANDARDS FOR RENTAL UNITS

Subsections:

- 13-4-1 **Required Facilities.**
- 13-4-2 **Ventilation and Glass.**
- 13-4-3 **Lighting.**
- 13-4-4 **Minimum Standards for Heating.**
- 13-4-5 **Egress.**
- 13-4-6 **Water Damage.**
- 13-4-7 **Additional Maintenance Requirements.**
- 13-4-8 **Additional Responsibilities Concerning Garbage, Rubbish and Recyclable Materials.**
- 13-4-9 **Additional Responsibilities Concerning Insects and Rodents.**
- 13-4-10 **Owner Responsible.**

Subsection 13-4-1 Required Facilities.

a. Every foundation, floor, wall, ceiling, door, window, roof or other part of a building in a dwelling unit, hotel, motel and rooming house, shall be maintained in a safe, sanitary, and structurally sound condition so as not to pose a threat to the public health, safety or welfare, that is, free from cracks, holes, breaks, split or splintering boards on woodwork, loose plaster, flaking or peeling paint or other materials. Loose or defective sections shall be removed and replaced so that the sound material is flush and smooth. Floors, walls, ceilings and other exposed surfaces shall be kept clean, free from visible foreign matter, and sanitary at all times. If necessary to accomplish the foregoing, these surfaces shall be kept well painted, whitewashed, papered, covered or treated with ceiling material or other coating as needed. The original design and material shall be matched as near as reasonably possible and when completed shall be aesthetically acceptable. Any exterior part or parts thereof shall be maintained weatherproof and properly surface-coated where required to prevent deterioration.

b. All plumbing fixtures shall function perfectly at all times. The finish of toilets, sinks and tubs shall not be chipped or cracked and shall have a smooth finish. There shall not be any leaks, clogs or broken handles on any fixture. All plumbing fixtures and all floors, walls and ceilings in any room containing plumbing fixtures shall be kept in a sanitary condition at all times.

c. Every water closet compartment floor and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water and permit such floor to be kept in a clean condition.

d. In dwellings containing two (2) or more dwelling units having a common source of heat for domestic hot water, it shall be the responsibility of the owner to make provision for the proper operation of such facilities at all times.

e. Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.

f. Every foundation, floor and wall of a dwelling shall be free from chronic dampness.

g. No owner or occupant shall cause any services, facilities, equipment or utilities which are required under this chapter to be removed from, shut off or discontinued in any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is authorized by the Housing Inspector. If any service or utility which the owner has agreed to supply is discontinued, the owner shall take immediate steps to cause the

restoration of any such service or utility, unless the owner can prove that the tenant has agreed to supply such service or utility. (1991 Code § 121-16; Ord. No. 823 § 3)

Subsection 13-4-2 Ventilation and Glass.

a. Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least forty-five (45%) percent of the minimum window area or minimum skylight area as required by this section or by other means acceptable to the Housing Inspector which will provide at least two (2) air changes per hour.

b. Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least forty-five (45%) percent of the minimum window area or minimum skylight area as required by this section or by other means acceptable to the Housing Inspector which will provide at least six (6) air changes per hour.

c. All glass panes will be free from cracks and breaks. All panes will be securely anchored and properly glazed within their frames. All voids and cracks around window frames which may allow the entrance of weather or insects shall be sealed. All ground-level windows shall be equipped with latches.

d. Every openable window, exterior door, skylight and other opening to the outdoors shall be supplied with properly-fitting screens in good repair from May 1 to October 1 of each year. Such screens shall have a mesh of not less than No. 16. (1991 Code § 121-17; Ord. No. 823 § 3)

Subsection 13-4-3 Lighting.

a. Every habitable or occupiable room shall have lights available at all times, with an illumination of at least six (6) footcandles. Every required exit shall have lights available at all times, with an illumination of at least three (3) footcandles. All such light shall be measured thirty (30) inches from the floor at the center of the exit.

b. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window or skylight area, measured between stops, for every habitable room shall be ten (10%) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any habitable room and are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15%) percent of the total floor area of such room. Skylight-type windows existing on December 1, 1971, may, if less than fifteen (15%) percent of the total floor space, be increased to fifteen (15%) percent, but no skylight-type window shall be installed in lieu of a window where a skylight has not previously existed.

c. Every dwelling shall be provided with electric service.

d. Every habitable room shall contain at least two (2) separate wall-type electric convenience outlets or one (1) such convenience outlet and one (1) ceiling or wall-type electric light fixture. Every such outlet and fixture shall be connected to the source of electric power. No temporary wiring shall be used, except extension cords which run directly from portable electrical fixtures to convenience outlets and which do not lie under rugs or other floor coverings nor extend through doorways, transoms or other openings through structural elements.

e. Every portion of each staircase, hall, cellar, basement, landing, furnace room, utility room and all similar nonhabitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two (2) footcandles in the darkest portions.

f. Every portion of any interior or exterior passageway or staircase common to two (2) or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two (2) footcandles in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two (2) dwelling units, such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.

g. Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three (3) footcandles. Such light shall be measured thirty-six (36) inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch located so as to avoid danger of electrical hazards. (1991 Code § 121-18; Ord. No. 823 § 3)

Subsection 13-4-4 Minimum Standards for Heating.

a. When any part of any premises shall be rented to another for habitation, the premises so rented shall be served by a heating system which can provide heat sufficient to maintain a minimum inside temperature of sixty-eight (68E) degrees Fahrenheit in all habitable rooms, measured at least one (1) foot away from any surface at the coldest portion of the space subject to regular use by occupants of any room when the average temperature outside the rented premises within a twenty-four (24)-hour period is below fifty-five (55E) degrees Fahrenheit.

b. When the heating system is not controlled by the person renting the premises, the owner shall be responsible for providing that, from October 1 of each year to the next succeeding May 1, every unit of dwelling space and every habitable room therein shall be maintained at a temperature of at least sixty-eight (68E) degrees Fahrenheit between the hours of 6:00 a.m. and 11:00 p.m. and at least sixty-five (65E) degrees between the hours of 11:00 p.m. and 6:00 a.m. Such levels of heat shall also be provided by the owner between May 1 and the next succeeding October 1 during any period in which the average temperature outside the rented premises within a twenty-four (24)-hour period is below sixty-five (65E) degrees Fahrenheit. (1991 Code § 121-19; Ord. No. 823 § 3)

Subsection 13-4-5 Egress.

a. Every dwelling, dwelling unit or lodging unit shall have safe and unobstructed means of egress. Each means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.

b. A room used for sleeping purposes under the provisions of this chapter shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street. (1991 Code § 121-20; Ord. No. 823 § 3)

Subsection 13-4-6 Water Damage.

Every roof, wall, window, exterior door, foundation and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness. (1991 Code § 121-21; Ord. No. 823 § 3)

Subsection 13-4-7 Additional Maintenance Requirements.

a. The Housing Inspector may order the owner to clean, repair or paint any walls or ceilings within a dwelling when such walls or ceiling have become stained or soiled, or the plaster, wallboard or other covering has become loose or badly cracked or missing.

b. All exterior parts of the structure which are subject to corrosion shall be kept painted and the Housing Inspector may order the owner to paint the exterior of the premises when the painting is necessary in order to retard leakage, deterioration or excessive dampness.

c. Nothing herein shall be construed so as to place upon a nonresident owner the responsibility of a tenant to keep in a clean and sanitary condition that part of the dwelling which the tenant occupies and controls.

d. No owner shall let to an occupant any vacant dwelling, dwelling unit or lodging unit unless it is clean and sanitary.

e. Every owner of a dwelling containing three (3) or more dwelling or lodging units shall comply with all maintenance requirements of Title 5, Chapter 10 of the New Jersey Administrative Code as they pertain to multiple dwellings. In the event any of the requirements set forth therein are less strict than the requirements of this chapter, this chapter shall control. (1991 Code § 121-22; Ord. No. 823 § 3)

Subsection 13-4-8 Additional Responsibilities Concerning Garbage, Rubbish and Recyclable Materials.

a. In dwellings containing no more than three (3) dwelling units, it shall be the responsibility of the occupant of each dwelling unit to furnish such receptacles outside the dwelling unit as are needed for the storage of garbage, rubbish and recyclable materials until removed from the premises. In lodging houses and in dwellings containing four (4) or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside the lodging units or dwelling units as are needed for the storage of garbage, rubbish and recyclable materials until removal from the premises.

b. Every occupant of a dwelling unit in a dwelling containing no more than three (3) dwelling units shall be responsible, unless provided for otherwise under a lease agreement, for the periodic removal of all garbage, rubbish and recyclable materials from the premises each week in accordance with the regulations of the Borough for the collection of garbage, rubbish and recyclable materials.

c. Every occupant of a dwelling unit shall dispose of all solid wastes in the manner required by Chapter XVIII. (1991 Code § 121-23; Ord. No. 823 § 3)

Subsection 13-4-9 Additional Responsibilities Concerning Insects and Rodents.

Every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for extermination of any insects, rodents or other pests whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more dwelling units in any dwelling or in the common parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner. (1991 Code § 121-24; Ord. No. 823 § 3)

Subsection 13-4-10 Owner Responsible.

The owner shall be responsible for compliance with all of the provisions of this chapter not specified as the responsibility of the occupant. (1991 Code § 121-25; Ord. No. 823 § 3)

Section 13-5
INSPECTIONS; NOTICE; HEARINGS

Subsections:

- 13-5-1 Promulgation of Rules and Regulations.**
- 13-5-2 Inspections.**
- 13-5-3 Access to Premises.**
- 13-5-4 Search Warrants.**
- 13-5-5 Notice of Violation.**
- 13-5-6 Hearings.**

Subsection 13-5-1 Promulgation of Rules and Regulations.

The Housing Inspector may make rules and regulations which interpret or amplify any provision of this chapter or for the purpose of making the provisions of this chapter more effective. No regulation shall be inconsistent with or alter or amend any provision of this chapter, and no regulation shall impose any requirement which is in addition to or greater than the requirements that are expressly or by implication imposed by any provision of this chapter. Rules and regulations shall be subject to the same penalty as other violations of this chapter. (1991 Code § 121-17)

Subsection 13-5-2 Inspections.

The Housing Inspector or his agents or employees shall make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Borough. For the purpose of making inspections, the Housing Inspector or his agents are authorized to enter and examine any dwelling, dwelling unit, rooming unit or premises at such reasonable hours as the circumstances of the case permit. This subsection shall not be construed to prohibit the entry of the Housing Inspector or his agents at any time when an actual emergency exists which tends to create a danger to public health or safety or at any time when an inspection is requested by an owner or occupant. (1991 Code § 121-18)

Subsection 13-5-3 Access to Premises.

Upon presentation of proper identification, the owner, occupant or person in charge of a dwelling, dwelling unit or rooming unit shall give the Housing Inspector or his agents free access to the premises for the purpose of inspection or of making any repairs or alterations which are necessary to effect compliance with this chapter. (1991 Code § 121-19)

Subsection 13-5-4 Search Warrants.

The Housing Inspector or his agents may, upon affidavit, apply to the Judge of the Municipal Court for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises, and if the Judge of the Municipal Court is satisfied as to the matter set forth in the affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. Search warrants may also be applied for and obtained as part of a general program of inspections, for which program reasonable grounds exist. (1991 Code § 121-20)

Subsection 13-5-5 Notice of Violation.

a. Whenever the Housing Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulations adopted pursuant thereto, he shall give notice of the alleged violation to the person responsible therefor as hereinafter provided. The notice shall:

1. Be written.
2. Include a statement of the reasons why it is being issued.
3. Allow a reasonable time for the performance of any act it requires.

4. Be served upon the owner or his agent or the occupant, as the case may require, provided that notice shall be deemed to be properly served upon such owner or agent or upon such occupant personally if a copy thereof is sent by certified mail to his last known address or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice or if he is served with such notice by any other method authorized or required under the laws of this State.

b. The notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto. (1991 Code § 121-21)

Subsection 13-5-6 Hearings.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Housing Inspector, provided that such person files in the office of the Housing Inspector a written petition requesting a hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice is served. Upon receipt of the petition, the Housing Inspector shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition is filed, provided that, upon application of the petitioner, the Housing Inspector may postpone the date of the hearing for a reasonable time beyond the ten (10)-day period if, in his judgment, the petitioner has submitted a good and sufficient reason for the postponement. After the hearing, the Housing Inspector shall sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with. If the Housing Inspector sustains or modifies the notice, it shall be deemed to be an order. Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Inspector within ten (10) days after the notice is served. The proceedings at the hearing, including the findings and the decision of the Housing Inspector, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Housing Inspector. The record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Housing Inspector may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State. Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this section, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the Housing Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted

pursuant thereto have been complied with, the Housing Inspector shall continue such order in effect, modify it or revoke it. (1991 Code § 121-22)

Section 13-6
UNFIT BUILDINGS

Subsections:

- 13-6-1** **Legislative Findings; Purpose.**
- 13-6-2** **Definitions.**
- 13-6-3** **Powers of the Housing Inspector.**
- 13-6-4** **Standards for Finding of Unfitness.**
- 13-6-5** **Petition; Issuance of Complaint; Hearing.**
- 13-6-6** **Order for Abatement or Demolition.**
- 13-6-7** **Failure to Comply with Order.**
- 13-6-8** **Removal or Demolition by Borough.**
- 13-6-9** **Damaged Buildings; Repair or Demolition by Borough.**
- 13-6-10** **Recovery of Costs.**
- 13-6-11** **Summary Judgment.**
- 13-6-12** **Service of Complaints or Orders.**
- 13-6-13** **Compliance Required.**
- 13-6-14** **Remedies; Injunctive Relief.**

Subsection 13-6-1 Legislative Findings; Purpose.

It is hereby found that there exist in the Borough buildings that are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such buildings, or parts thereof, unsafe and unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the Borough. It is hereby declared that this section is in the exercise of the police powers of the municipality to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings, or parts thereof, in the manner herein provided. (1991 Code § 121-32; Ord. No. 823 § 5)

Subsection 13-6-2 Definitions.

As used in this section:

Building shall mean any building or structure, or part thereof, used for human habitation or otherwise, or intended to be so used, including any outhouses and appurtenances belonging thereto or usually adjoined therewith.

Housing Inspector shall mean the Housing Inspector and such assistants as shall be designated in writing.

Owner shall mean the holder or holders of the title in fee simple.

Parties in interest shall mean all individuals, associations and corporations who have interest of record in a dwelling, and any who are in possession thereof.

Public authority shall mean any authority having jurisdiction in the municipality or any officer who is in charge of any department or branch of the government of the Borough of the County or the State relating to health, fire or building regulations, or to other activities concerning dwellings in the Borough. (1991 Code § 121-33; Ord. No. 823 § 5)

Subsection 13-6-3 Powers of the Housing Inspector.

The Housing Inspector is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the following powers in addition to others granted herein:

- a. To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation, occupancy or use.
- b. To administer oaths and affirmations, examine witnesses and receive evidence.
- c. To enter upon premises for the purpose of making examinations with the consent of the owner, his designated agent or occupant thereof, or failing that, pursuant to a properly issued search warrant in such manner as to cause the least possible inconvenience to the persons in possession.
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this section.
- e. To delegate any of his functions and powers under this section to such officers and agents as he may designate. (1991 Code § 121-34; Ord. No. 823 § 5)

Subsection 13-6-4 Standards for Finding of Unfitness.

The Housing Inspector may determine that a building is unfit for human habitation, occupancy or use if he finds that conditions exist in such building which are dangerous and injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Borough. Such conditions may include defects therein increasing the hazards of fire, accident or other calamity; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness. (1991 Code § 121-35; Ord. No. 823 § 5)

Subsection 13-6-5 Petition; Issuance of Complaint; Hearing.

A petition may be filed with the Housing Inspector by a public authority or by at least five (5) residents of the Borough charging that any dwelling is unfit for human habitation as defined in this section. The Housing Inspector shall then undertake a preliminary investigation of the dwelling which is the subject of the petition. The Housing Inspector may, on his own motion, conduct a preliminary investigation whenever it appears to the Housing Inspector that any dwelling is unfit for human habitation. The Housing Inspector shall issue and cause to be served upon the owner and parties in interest of such a dwelling, as defined in subsection 13-6.2, a complaint if the preliminary investigation discloses a basis for such charges. The complaint must state the charges and contain a notice that a hearing will be held before the Housing Inspector at a place identified in the complaint not less than seven (7) days nor more than thirty (30) days after the serving of the complaint, and that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place identified in the complaint. The rules of evidence prevailing in the courts need not control in hearings before the Housing Inspector. (1991 Code § 121-36; Ord. No. 823 § 5)

Subsection 13-6-6 Order for Abatement or Demolition.

If, after notice and hearing, the Housing Inspector determines that the dwelling under consideration is unfit for human habitation, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

a. The repair, alteration or improvement of the building to be made by the owner, within a reasonable time, which shall be set forth in the order, or, at the option of the owner, that the owner vacate or have the building vacated and closed within the time set forth in the order.

b. If the building is in such condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve the building within the time specified in the order, that the owner shall remove or demolish the building within a reasonable time as specified in the order issued by the Housing Inspector. (1991 Code § 121-37; Ord. No. 823 § 5)

Subsection 13-6-7 Failure to Comply with Order.

If the owner fails to comply with an order to repair, alter or improve, or at the option of the owner, to vacate and close the building, the Housing Inspector may cause such building to be repaired, altered or improved or to be vacated, closed and boarded up, and may order utilities disconnected if the dwelling is to be vacated, closed and boarded up. The Housing Inspector may post a placard on the main entrance of any building with the following language: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful." (1991 Code § 121-38; Ord. No. 823 § 5)

Subsection 13-6-8 Removal or Demolition by Borough.

If the owner fails to comply with an order to remove or demolish the building, the Housing Inspector, with the approval of the Borough Council, may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement and receipt of bids therefor. (1991 Code § 121-39; Ord. No. 823 § 5)

Subsection 13-6-9 Damaged Buildings; Repair or Demolition by Borough.

Any building or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of the municipality wherein it is located, and the municipality may exercise its police powers to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to P.L. 1942, (c. 112 C. 40:48-2.3 et seq.), and the procedures set forth therein. (1991 Code § 121-40; Ord. No. 823 § 5)

Subsection 13-6-10 Recovery of Costs.

a. The amount of:

1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this section shall be determined in favor of the Borough.

2. The cost of repairs, alterations, improvements, vacating, closing, boarding up, removal or demolition, if any, shall be a municipal lien against the real property upon which such cost was incurred. If any money is realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, the amount of the money thus realized shall be deducted from the costs incurred which shall be a municipal lien against the real property.

b. If the building is removed or demolished by the Housing Inspector, he shall sell the materials of such building. There shall be credited against the cost of removal or demolition thereof, including the clearance and, if necessary, levelling at the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens, and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the Housing Inspector, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of the Court to the persons found to be entitled thereto by final order or judgment of such Court. Any owner or party in interest may, within thirty (30) days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

c. Nothing in this section shall be construed to impair or limit in any way the power of the Borough to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

d. Nothing in this section is intended to limit the authority of the Construction Official under the "State Uniform Construction Code Act", N.J.S. 52:27D-119 et seq. or any rules or regulations adopted thereunder. (1991 Code § 121-41; Ord. No. 823 § 5)

Subsection 13-6-11 Summary Judgment.

If an actual and immediate danger to life is posed by the threatened collapse of any fire-damaged or other structurally unsafe building, the Housing Inspector may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof. (1991 Code § 121-42; Ord. No. 823 § 5)

Subsection 13-6-12 Service of Complaints or Orders.

Complaints or orders issued by the Housing Inspector pursuant to this section shall be served upon any person either personally or by certified mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the Housing Inspector in the exercise of reasonable diligence and the Housing Inspector makes an affidavit to that effect, then the serving of the complaint or order upon such person may be made by publishing the same once each week for two (2) successive weeks in a newspaper having circulation in the Borough. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of the complaint or order shall be duly recorded or lodged for record with the Mercer County Recording Officer. (1991 Code § 121-43; Ord. No. 823 § 5)

Subsection 13-6-13 Compliance Required.

No person shall occupy as owner or occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of this section, which is established as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation. (1991 Code § 121-44; Ord. No. 823 § 5)

Subsection 13-6-14 Remedies; Injunctive Relief.

Any person aggrieved by an order issued by the Housing Inspector under this section may, within sixty (60) days after the posting and service of such order, bring an action for injunctive relief to restrain the Housing Inspector from carrying out the provisions of the order and for any other appropriate relief. The remedy herein provided shall be exclusive, and no person affected by an order of the Housing Inspector shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the Housing Inspector. (1991 Code § 121-45; Ord. No. 823 § 5)

Section 13-7

TRANSFER OF PROPERTY

Subsections:

13-7-1 Certificate of Compliance Required for Occupancy.

13-7-2 Fees; Inspections.

Subsection 13-7-1 Certificate of Compliance Required for Occupancy.

Pursuant to N.J.S. 40:48-2.2(a), at least thirty (30) days prior to the scheduled date of a new occupancy of any dwelling house which has been sold or is under contract to be sold, the seller or buyer thereof, or the authorized agent of either, shall apply to the Housing Office for a certificate stating that the building and premises comply with the requirements of this chapter. In the event occupancy is to take place more than one hundred (120) days after the issuance of the certificate, an additional inspection and new certificate shall be required prior to occupancy. No such dwelling shall be occupied prior to the issuance of such a certificate unless such occupancy is permitted in writing, on a temporary basis, by the Housing Inspector, for a term to be determined by him depending upon the particular circumstances of each case; provided, however, that such term shall not exceed a cumulative period of one hundred twenty (120) days. The Housing Inspector may, upon receiving a written petition detailing unique circumstances, and upon good cause shown, permit an extension of the one hundred twenty (120) day term for an additional sixty (60) days. It is the intent of this section to regulate the occupancy not the transfer of real property. A dwelling house shall mean an owner-occupied single-family house or an owner-occupied dwelling unit in a building containing more than one (1) owner-occupied dwelling unit, including a condominium unit. See subsection 13-8.1 for Certificate of Occupancy requirements for rental units. (1991 Code § 121-46; Ord. No. 823 § 6; Ord. No. 94-6 § 4)

Subsection 13-7-2 Fees; Inspections.

The Housing Code Certificate required by subsection 13-7.1 hereof shall be secured from the Borough Housing Inspector. At the time of the application for such certificate, a fee of ~~eighty-one hundred~~ (~~\$80100.00~~) dollars shall be paid. The fee shall cover the application and initial inspection of the premises and the issuance of the Certificate. In the event that any additional inspections of the premises are required because of a failure of the owner to comply with the provisions of this chapter, an additional fee of ~~twenty-fivefifty~~ (~~\$2550.00~~) dollars shall be paid for each additional inspection required. All fees shall be made payable to the Borough and be delivered to the Housing Inspector and turned over to the Borough Treasurer. In the event of cancellation of a requested inspection, the Housing Department must be notified within twenty-four (24) hours prior to the scheduled inspection time. Failure to do so will result in forfeiture of the inspection fee. (1991 Code § 121-47; Ord. No. 823 § 6; Ord. No. 94-6 § 4; Ord. No. 2004-31 §4; Ord. No. 2008-09 § 7)

Section 13-8

CERTIFICATE OF COMPLIANCE REQUIREMENT FOR CHANGES IN OCCUPANCY OF RENTED DWELLINGS

Subsections:

13-8-1 Certificate of Compliance Required; Exceptions.

13-8-2 Fees; Inspections.

Subsection 13-8-1 Certificate of Compliance Required; Exceptions.

The rental and occupancy of buildings and parts thereof for human habitation or use shall be subject to the following: No person shall rent to another or suffer or permit occupancy by another of any building or part thereof for human habitation or use without first obtaining from the Housing Inspector a certificate stating that the premises, at the time of the proposed rental to or occupancy by such other person, comply with the requirements of the housing standards set forth in this chapter, provided that this section shall not apply to:

a. Rental or occupancy under a temporary permit issued by the Housing Inspector authorizing rental or occupancy for a specified period, not to exceed sixty (60) days, during the making of repairs, alterations and improvements required by such inspection certificate;

b. Rentals to or occupancies by students, faculty or staff of nonprofit educational institutions of on-campus premises owned and maintained by such institutions, nor shall it apply to transient occupancies of hotel rooms.

This section shall apply to all dwellings and dwelling units and shall include single-family dwellings, any multiple dwelling or apartment house, or any rented dwelling unit in a commercial or mixed-use building. The certificate required herein shall be obtained prior to a change of occupancy in any such dwelling. (1991 Code § 121-48; Ord. No 823 § 7)

Subsection 13-8-2 Fees; Inspections.

The Housing Code Certificate required by subsection 13-8.1 hereof shall be secured from the Borough Housing Inspector. At the time of the application for such Certificate, a fee of ~~sixty-one hundred~~ (~~\$60100.00~~) dollars shall be paid. The fee shall cover the application and initial inspection of the premises and the issuance of the Certificate. In the event that any additional inspections of the premises are required because of a failure of the landlord or owner to comply with the provisions of this chapter, an additional fee of ~~twenty-five~~ (~~\$2550.00~~) dollars shall be paid for each additional inspection required. All fees shall be made payable to the Borough and be delivered to the Housing Office and turned over to the Borough Treasurer. In the event of cancellation of a requested inspection, the Housing Department must be notified within twenty-four (24) hours prior to the scheduled inspection time. Failure to do so will result in forfeiture of the inspection fee. (1991 Code § 121-49; Ord. No. 823 § 7; Ord. No. 2004-31 §5)

Section 13-9
VIOLATIONS AND PENALTIES

Subsections:

13-9-1 Violations and Penalties.

Subsection 13-9-1 Violations and Penalties.

a. Notwithstanding the provisions of any other section of this chapter, the Housing Inspector, any member of the Police Department, any other authorized municipal official, and, with respect to subsection 13-3.2, the Superintendent of the Advanced Wastewater Treatment Plant or his designee, may issue Orders, Notices of Violation and Summonses to any person, firm or corporation violating any of the provisions of this chapter, the person, firm or corporation to be liable for fines for each separate offense not exceeding one thousand (\$1,000.00) dollars or imprisonment for a period not exceeding ninety (90) days, or both.

b. Each day of a continuing violation of any provision of this chapter shall constitute a separate and additional offense. (1991 Code § 121-50; Ord. No. 823 § 8; Ord. No. 94-6 § 5)

Section 13-10

BOARDINGHOUSES AND ROOMING HOUSES

Subsections:

- 13-10-1** **License Required.***
- 13-10-2** **Definition.**
- 13-10-3** **Additional Application Information.**
- 13-10-4** **Referral of Application; Issuance of License.**
- 13-10-5** **Compliance with Other Standards Required.**

Subsection 13-10-1 License Required.*

No person shall manage, conduct or operate the business of keeping a boardinghouse, rooming house or rooming unit without first having obtained a license therefor. (1991 Code § 67-1)

Subsection 13-10-2 Definition.

As used in this section:

Boardinghouse shall mean any building in which three (3) or more persons not related by blood or marriage to the owner or operator of the business are lodged and served meals for a consideration.

Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Operator shall mean any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let. "Operator" may be synonymous with the terms "owner," "lessee" and "tenant" if the facts of any situation coincide with the accepted meaning of the words "owner," "lessee" and "tenant."

Owner shall mean any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this section to the same extent as if he were the owner.

Rooming house shall mean any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let by the owner or operator for a consideration to three (3) or more persons not related by blood or marriage to the owner or operator of the rooming house.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes. (1991 Code § 67-2)

* **Editor's Note:** For license fees for rooming houses and boardinghouses see Chapter IV, subsection 4-1.4.

Subsection 13-10-3 Additional Application Information.

In addition to standard requirements, the application under Chapter IV, Section 4-1 shall disclose:

- a. The number and location of bedrooms to be used for boarding and rooming and the size of each room.
- b. The number of baths and toilets and their location in the boardinghouse, rooming house or rooming unit. (1991 Code § 67-3)

Subsection 13-10-4 Referral of Application; Issuance of License.

Each application shall be referred to the Health Officer and the Board of Health for inspection, report and recommendation. The Board of Health may request the Police Department to conduct an investigation of the applicant. If the report of the Health Officer or the Police Department discloses a violation of the housing or health codes or an undesirable history, no license shall be issued. If the report of the Health Officer discloses no violation of the housing or health codes and the report of the Police Department is favorable, a license may be issued. (1991 Code § 67-4)

Subsection 13-10-5 Compliance with Other Standards Required.

All rooming houses, rooming units and boardinghouses shall comply at all times with the ordinances, laws, rules and regulations of the Board of Health and with the provisions of the Housing Code, as well as all other laws and ordinances. (1991 Code § 67-5)

Section 13-11 Reserved

Section 13-11, which was created with Ord. No. 1997-20, was deleted in its entirety with Ord. 2000-30.

Section 13-12

LICENSING AND REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

Subsections:

13-12-1	Definitions
13-12-2	Registration and Licensing Required
13-12-3	Fees
13-12-4	Taxes and Other Municipal Charges; Payment Precondition for Registration and License <u>and Certificate of Occupancy</u>
13-12-5	Providing Copy of <u>License Registration</u> to Occupants and Tenants
13-12-6	Maximum Number of Occupants; Posting
13-12-7	Rental Unit Standards
13-12-8	Occupant Standards
13-12-9	Procedure For Revocation or Suspension of License
13-12-10	Violations; Penalties

Subsection 13-12-1 Definitions

Unless the context clearly indicates a different meaning, the following words or phrases when used in this Section shall be defined as follows:

“Agent” shall mean the individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this Ordinance.

“Apartment Complex” shall mean two or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

“Apartment” or “dwelling” shall mean any apartment, cottage, bungalow, or room or rooms in a rooming/boarding house, dormitory or other dwelling unit consisting of one or more rooms, whether designed with or without housekeeping facilities, for dwelling purposes, and notwithstanding whether the apartment be designed for residence, for office, for the operation of any industry or business or for any other type of independent use.

“License” shall mean the license issued by the Borough Clerk or designee attesting that the rental unit has been properly registered in accordance with this Ordinance.

“Licensee” shall mean the person to whom the license is issued pursuant to this Ordinance. The term “licensee” includes within its definition the term “agent” where applicable.

“Owner” shall mean an individual, firm, corporation or officer thereof, partnership association, or trust who owns, operates, exercises control over or is in charge of a rental facility.

“Person” shall mean an individual, firm, corporation, partnership, association, trust, or other legal entity; or any combination thereof.

“Rental facility” shall mean a building, group of buildings or any portion thereof which is kept, used, maintained, advertised or held out to be a place where accommodations are supplied.

“Reside” shall mean to dwell permanently or continuously, or to occupy a place as one’s legal domicile.

Subsection 13-12-2 Registration ~~and Licensing~~ Required

- (a) Owners of every residential rental facility located within the Borough are required to register with

the Borough Clerk or his/her designee, on forms supplied by the Borough. A separate registration ~~and license~~ shall be required for each rental unit, even if more than one (1) rental unit is contained in the property. Such registration shall contain, at minimum, the following information:

- 1) The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership the names of all general partners shall be provided;
- 2) If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation;
- 3) If the address of any record owner is not located in Mercer County, the name and address of a person who resides in Mercer County and is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;
- 4) The name and address of the managing agent of the premises, if any;
- 5) The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any;
- 6) The name, address and telephone number of an individual representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;
- 7) The name and address of every holder of a recorded mortgage on the premises;
- 8) If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- 9) The number of rental units located in the facility;
- 10) The type of unit being licensed (i.e. room, apartment, single family home, etc.); and
- 11) The full names (first and last) of all tenants residing in the unit, including children over two (2) years of age.

(b) ~~Licenses issued~~Registration shall cover ~~the atwoone~~-year period running from April 1 ~~of the licensing year~~ through March 31 ~~of the following licensing year~~. Initial registrations under this Section are due no later than April 30, ~~2004th~~. Newly acquired units must be registered prior to their rental and ~~biennially annually thereafter, beginning with April of the next licensing year. Licensing years are considered to be 2001 and biennially thereafter.~~

(c) Inspections shall be performed and a Certificate of Occupancy obtained whenever tenancy changes or ~~annually, in any event, at least once every two years~~. It shall be the responsibility of the owner to arrange for inspections when there is a change in occupancy. Routine ~~biennial annual~~ inspections will be scheduled by the Housing Officer.

(d) It shall be a violation of this article for a person to knowingly provide false or inaccurate information on any form submitted to the rental housing coordinator pursuant to this article.

(e) Any change pertaining to this rental (rental status, ownership, tenant, emergency contact) must be reported to the Code Enforcement/Housing Inspector within twenty (20) days.

(f) Any failure to receive notice from the Borough shall not constitute grounds for failing to register.

Subsection 13-12-3 Fees

(a) At the time of registration, ~~and prior to the issuance of a license~~, the owner or agent of the owner must pay a ~~two-year licensing~~one-year registration fee as follows:

- (1) For one- to three-unit dwellings: ~~\$60.00~~ 100 per unit
- (2) For dwellings of more than three but less than 50 units: ~~\$50.00~~ 90 per unit, to a maximum fee of two thousand (\$2,000.00) dollars.
- (3) For dwellings which include more than 50 units: ~~\$40.00~~ 80 per unit

(b) ~~Fees for Certificate of Occupancy Inspections required under this Section shall be as follows:~~

- ~~(1) For dwellings which include up to 50 units: thirty five (\$35.00) dollars per rental unit, up to a maximum fee of one thousand two hundred and fifty (\$1,250.00) dollars.~~
- ~~(2) For dwellings which include more than 50 units: twenty five (\$25.00) per rental unit.~~

One re-inspection is included within the fees listed above, provided that the re-inspection occurs within ~~thirty (30)~~ fifteen (15) days of the initial inspection. Otherwise, re-inspection fees shall be ~~\$25.00~~ \$50 per unit.

(c) If the owner of the property is a Senior Citizen who resides in one unit of a two-unit property and rents out the remaining unit, and who would otherwise qualify under the State of New Jersey property tax deduction under New Jersey Statue 54:4-8.41, there shall be no fee.

(d) The completed rental registration process must be received by April 30th. Beginning May 1st a late fee of \$25.00 per month/per unit will be assessed on all Rental Renewal applications.

~~(d) If the license fee is not paid within thirty (30) days of its due date, a late fee surcharge of five (\$5.00) dollars per day per unit shall be assessed.~~

Subsection 13-12-4 Taxes and Other Municipal Charges; Payment Precondition for Registration and License Certificate of Occupancy

No ~~license Certificate of Occupancy~~ shall be issued for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments for that property are paid on a current basis.

Subsection 13-12-5 Providing Copy of License Registration to Occupants and Tenants

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the license Registration required by this Ordinance. This particular provision shall not apply to any hotel, motel, or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3.

Compliance with this provision may be attained by posting a copy of the license registration in a conspicuous place within the rental unit(s).

Subsection 13-12-6 Maximum Number of Occupants; Posting

The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant, or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 28 days. Any person violating this provision shall be subject to the penalty provisions of Section 13-12.10.

Overcrowding – The following factors may be considered by the Housing Inspector as rebuttable presumption of overcrowding, as that term is defined by this chapter and shall support the issuance of a summons and complaint by the Housing Inspector, without first issuing a notice of violation:

1. The occupying of areas of a rental dwelling unit prohibited pursuant to section 13-3-8(g) of this chapter, such as basements and attics;
2. The location of mattresses or bedding materials in areas of a dwelling unit prohibited for occupancy pursuant to section 13-3-8(g); and
3. The existence of cooking appliances, and/or refrigeration units, (excluding freezer appliances) in various areas of a dwelling unit in addition to those located in the kitchen.

Subsection 13-12-7 Rental Unit Standards

All dwelling units shall be maintained in accordance with Chapter 13 (“Housing”) of the Revised General Ordinances of the Borough of Hightstown, and with the 2000 International Property Maintenance Code.

Subsection 13-12-8 Occupant Standards

- (a) OCCUPANTS. Only those occupants whose names are on file with the Borough Clerk as provided in the Ordinance may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant, or other person residing in said premises.
- (b) NUISANCE PROHIBITED. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding property owners or of the public in general.
- (c) COMPLIANCE WITH OTHER LAWS. The maintenance of all rental facilities and the conduct engaged in and upon the premises by occupants and their guests shall at all times be in full compliance with all applicable Ordinances and Regulations of the Borough of Hightstown and with all applicable State and Federal Laws.
- (d) PENALTIES. Any landlord, tenant, or other person violating the provisions of this section shall be subject to the penalty provisions of Section 13-12.10.

Subsection 13-12-9 Procedure For Revocation or Suspension of License

Grounds. In addition to any other penalty provision prescribed herein, an owner may be subject to the revocation or suspension of any license issued hereunder upon the occasion of one or more of the following:

- (1) Conviction of a violation of this Ordinance in the Municipal Court or any other Court of competent jurisdiction.
 - (2) Determination of a violation of this Ordinance at a hearing held pursuant to Section 13-12.8(b).
 - (3) Repeatedly renting the unit or units to a tenant or tenants who are convicted of violating the provisions of Section 3-7 of the Revised General Ordinances of the Borough of Hightstown ("Noise Control")
 - (4) Maintaining the rental unit or units or the property of which the rental unit is a part, in a dangerous condition likely to result in injury to person or property.
- (b) Procedure; Written Complaint; Notice; Hearing.
- (1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Director of Public Safety, Chief of Police, Construction Code Official, Housing Inspector, Zoning Enforcement Officer or any other person(s) or office authorized to file such complaint. Such complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely only on personal information.
 - (2) Upon the filing of such written complaint, the Borough Clerk or his/her designee shall immediately inform the Borough Council and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Borough Clerk or his/her designee shall forward a copy of the complaint and a notice of the hearing date to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent only shall be considered to be sufficient notice under this Section.
 - (3) The hearing required by this section shall be held before the Borough Council, unless, in its discretion, the Borough Council determines that the matter should be heard by a Hearing Officer who shall be appointed by the Borough Council. If the matter is referred to a Hearing Officer, such officer shall transmit findings of fact and conclusions of law to the Borough Council within 30 days of the conclusion of the hearing. The Borough Council shall then review the matter and may accept, reject, or modify the recommendations of the Hearing Officer based on the record before such hearing officer. In the event that the matter is not referred to a Hearing Officer and is heard by the Borough Council, then the decision of the Borough Council shall be rendered, either dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one (1) or more subsequent license years. Decisions of the Borough Council shall be rendered no later than the second meeting following either receipt of the Hearing Officer's recommendations or hearing by the Borough Council.
 - (4) A recorded transcript shall be made of the hearing. Such transcript may be in the form of an audio tape, a stenographic transcript and/or meeting minutes as recorded by the Borough Clerk and approved by Council. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply and the evidential rules and burden of proof shall be those which generally control administrative hearings.
 - (5) The Borough Attorney or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted by the Borough Council pursuant to this section.
- (c) Defenses. It shall be considered to be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license if it may be demonstrated that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to institution of legal action against the tenant(s), occupant(s), or guests for recovery of the premises; eviction of the tenant(s); or otherwise.

Subsection 13-12-10 Violations; Penalties

Any person who violates any provision of this Ordinance shall, upon conviction in the Municipal Court of the Borough of Hightstown or such other court having jurisdiction, be liable to a fine not exceeding \$~~1,000.00~~ 2,000 ~~1,250.00~~ or imprisonment for a term not exceeding 90 days, or both. Each day that a violation exists or occurs shall be deemed a separate and distinct violation subject to penalty provisions of this Ordinance.

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

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

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

Introduction:

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR

Ordinance 2015-23

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

AMENDING CHAPTER 3 “POLICE REGULATIONS”, SECTION 3-10 “ABANDONED OR WRECKED VEHICLES”, AND SECTION 3-11 “PARKING OF BOATS, TRAILERS AND REGISTERED VEHICLES” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN”

WHEREAS, the Borough Council finds that enforcement of certain regulations within Chapter 3, Sections 10 and 11 of the “Revised General Ordinances of the Borough of Hightstown” should be enforceable by the Housing Inspector, Construction Official, or the Zoning Officer; and

WHEREAS, the Police Department has determined that such a change in the ordinance is advantageous to the residents of the Borough.

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

Section 1. Section 3-10 “Abandoned or Wrecked Vehicle” is hereby amended as follows (underline for additions, strikethroughs for deletions):

Section 3-10

ABANDONED OR WRECKED VEHICLES*

Subsections:

- 3-10.1** **Definitions.**
- 3-10.2** **Abandoning Vehicles Unlawful.**
- 3-10.3** **Leaving Non-operating Vehicles on Streets Unlawful.**
- 3-10.4** **Storage on Private or Borough Property Restricted; Exceptions.**
- 3-10.5** **Impoundment; Redemption.**

* **Editor's Note:** For additional regulations on property maintenance, see Chapter XIV.

3-10.1 Definitions.

As used in this section:

“Property” shall mean any real property within the Borough which is not a street or highway.

“Street” or “highway” shall mean the entire width between the boundary lines of every way maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

“Vehicle” shall mean a machine propelled by other than human power, designed to travel along the ground by the use of wheels, treads, runners or slides and to transport persons or property or pull machinery, including, but not by way of limitation, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (1991 Code § 217-1)

3-10.2 Abandoning Vehicles Unlawful.

No person shall abandon a vehicle within the Borough, and no person shall leave a vehicle at any place within the Borough for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. (1991 Code § 217-2)

3-10.3 Leaving Non-operating Vehicles on Streets Unlawful.

No person shall leave any unregistered, partially dismantled, non-operating, wrecked or junked vehicle on a street or highway within the Borough. (1991 Code § 217-3; Ord. No. 2002-04)

3-10.4 Storage on Private or Borough Property Restricted; Exceptions.

a. No person in charge or control of property within the Borough, whether as owner, tenant, occupant, lessee or otherwise, shall allow unregistered, partially dismantled, non-operating, wrecked, junked or discarded vehicles to be parked or stored anywhere on private property except on a paved or stoned driveway or an approved extension of a driveway, and such vehicles shall not be permitted to remain on the property longer than forty-eight (48) hours. ~~and Moreover,~~ no person shall leave such vehicles on any property within the Borough for a longer period than forty-eight (48) hours.

b. This section shall not apply to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Borough. (1991 Code § 217-4; Ord. No. 2002-04)

c. If an unregistered, partially dismantled, non-operating, wrecked, junked or discarded vehicle is parked on private or Borough property in any other manner than as permitted pursuant to this Section, then it shall be considered a violation of this Section.

3-10.5 Impoundment; Redemption.

The Chief of Police or any member of the Police Department designated by him is authorized to remove or have removed any vehicle left at any place within the Borough which appears to be present in violation of this section. Such a vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable statutes. The Chief of Police or any member of the Police Department acting for him shall notify the registered and legal owner, in writing, by personal service or by certified mail, at the last known address of the owner, of the removal of the vehicle, the reason for the removal and the location of the vehicle. The vehicle shall be retained and impounded until the owner or his authorized agent pays the cost of such taking and removal, together with a garage charge of two (\$2.00) dollars for each day that the vehicle is retained and impounded. (1991 Code § 217-5)

3-10.6 Violations and Penalties.

In addition to the penalties set forth in Subsection 3-10.5, a summons may be issued for any violation of the provisions of this Section by any member of the Police Department, or by the Housing Inspector, the Construction Official, or the Zoning Officer. Any person violating any provision of this Section shall, upon conviction, be subject to the fine(s) prescribed in Section 1-5 of the Borough Code, or as otherwise provided by law.

Section 2. Section 3-11 "Parking of Boats, Trailers and Registered Vehicles" is hereby amended

as follows (underline for additions, strikethroughs for deletions):

Section 3-11

PARKING OF BOATS, TRAILERS AND REGISTERED VEHICLES

Subsections:

- 3-11.1** **Definitions.**
- 3-11.2** **Parking in Public Streets Restricted; Repairs.**
- 3-11.3** **Storage of Boats, Trailers and Camping Vehicles on Private Property.***
- 3-11.4** **Storage of Registered, Operating Vehicles on Private Property**

3-11.1 **Definitions.**

As used in this section:

Trailer or Camping and recreational vehicle shall mean any boat mounted on a trailer or any vehicle or structure used or intended to be used as a conveyance upon the public streets or highways and duly licensed as such, including self-propelled and non-self-propelled vehicles or structures designed, constructed and reconstructed or added to by means of accessories in such a manner as to permit the occupancy thereof as a dwelling or sleeping place, temporary or permanent, for one (1) or more persons and having no foundations other than wheels, skids, jacks or similar devices so arranged as to be integral with or portable by the trailer or camping and recreational vehicle, including any trailer or camping and recreational vehicle so arranged and installable as not be subject to transportation. (1991 Code § 203-1)

3-11.2 **Parking in Public Streets Restricted; Repairs.**

a. No person shall park any camping vehicle for any period exceeding two (2) hours on any street in the Borough except for the purpose of repair.

b. If any person desires to repair a camping vehicle while it is parked on any street, he shall obtain a permit therefor from the Police Department. Such permit shall not be issued unless the camping vehicle cannot be removed to a garage, service station or other premises for the purpose of repair and shall be granted on request without fee. It shall be valid for a period of forty-eight (48) hours from the issuance thereof but may, for good cause shown, be renewed for an additional forty-eight (48) hour period or periods as necessity may require. Any camping vehicle undergoing repairs while parked in a street shall not be used by any person as a dwelling or sleeping place during such period of repair. (1991 Code § 203-2)

3-11.3 **Storage of Boats, Trailers and Camping Vehicles on Private Property.***

Any owner of a boat, trailer or camping vehicle may park or store his equipment on private residential property in the Borough subject to the following conditions:

a. If the boat, trailer or camping vehicle is parked or stored outside of a garage or building, it shall be parked or stored to the rear of the front building line of the lot, on a paved or stoned driveway or an approved extension of a driveway, except that a boat, trailer or camping vehicle may be parked anywhere on private residential property for loading or unloading purposes.

b. At no time shall a parked or stored boat or camping vehicle be occupied or used for living, sleeping or housekeeping purposes or for storage of other than equipment used in connection with the vehicle.

c. Only one (1) of each such vehicle shall be permitted to be parked at one (1) time on any one (1) property. (1991 Code § 203-3; Ord. No. 2002-04)

* **Editor's Note:** For additional regulations on property maintenance, see Chapter XIV.

3-11.4 Storage of Registered, Operating Vehicles on Private Property

Registered, operating vehicles shall be parked or stored on a paved or stoned driveway or an approved extension of a driveway. If a vehicle is parked on private property in any other manner, then it shall be considered a violation of this Section. (Ord. No. 2002-04)

3-11.5 Violations and Penalties.

For any violation of the provisions of this Section, a summons may be issued by any member of the Police Department, or by the Housing Inspector, the Construction Official, or the Zoning Officer. Any person violating any provision of this Section shall, upon conviction, be subject to the fine(s) prescribed in Section 1-5 of the Borough Code, or as otherwise provided by law.

Section 3. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 5. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Introduction:

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR

Resolution 2015-232

*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 \$ 999,440.42 from the following accounts:

Current	\$786,759.19
W/S Operating	200,224.25
General Capital	4,000.00
Water/Sewer Capital	0.00
Grant	0.00
Trust	5,777.83
Housing Trust	0.00
Animal Control	0.00
Law Enforcement Trust	0.00
Housing Rehab Loans	2,679.15
Unemployment Trust	0.00
Escrow	<u>0.00</u>
 Total	 <u>\$999,440.42</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 September 21, 2015.

Debra L. Sopronyi
Borough Clerk

21-September, 2015

To: Mayor and Council

From: Finance Office

Re: Manual Bill List

<u>CURRENT ACCOUNT</u>	<u>PO #</u>	<u>AMOUNT</u>
Starplex Cinemas	15-01081	330.00
Treasurer, State of NJ	15-01148	3,986.00
Freedom Fest State Fair	15-01146	672.00
Liberty Science Center	15-01217	884.00
Jenkinson's Boardwalk	15-01318	545.00
Softcome Technology Consulting	15-01323	193.27
Treasurer, State of NJ/2003 DRI	15-00955	4,962.73
EW Regional School	15-01383	684,809.00
EW Regional School	15-01238	63,428.30
TOTAL		759,810.30

<u>Trust Account</u>		
Mercer County Soil Conservation	15-01080	985.00
NJ Dept of Transportation	15-01218	150.00
Philadelphia Zoo	15-01239	750.00
Six Flags Great Adventure	15-01303	2,604.40
Francisco Jimenez	15-01319	228.93
Seljoy	15-01452	275.00
TOTAL		4,993.33

<u>Housing Trust</u>		
Jeffrey R Surenian & Assoc, LLC	15-01005	2,000.00
		2,000.00

<u>WATER AND SEWER OPERATING ACCOUNT</u>		
NJEIT	15-01309	166,716.70
State of NJ PWT	15-01167	512.34
		167,229.04
TOTAL		

MANUAL TOTAL		934,032.67
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Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl	
C0058 CINTAS CORPORATION #061 Continued												
	15-00140	01/30/15	2015 UNIFORM CONTRACT	Continued								
	37 INV	61838654	DATED 8/28/15	62.12	5-09-55-501-002-507	B	Uniforms & Safety Equipment	R	08/10/15	09/16/15	61838654	N
				248.48								
	Vendor Total:			248.48								
C0023 COMCAST												
	15-01529	09/11/15	8499052430034100 9/2/15 PD									
	1	8499052430034100	9/2/15 PD	142.85	5-01-20-140-001-060	B	Internet Services and Web Services	R	09/11/15	09/16/15	849905243003410	N
	Vendor Total:			142.85								
C0088 CUSTOM ENVIRONMENTAL TECH, INC												
	15-00351	02/24/15	RES 2015-36 ZETA LYTE 1A CONT.	B								
	4 INV	2732	DATED 9/4/15	582.45	5-09-55-501-002-554	B	ZETA LYTE 1A POLYMER	R	02/24/15	09/16/15	2732	N
	Vendor Total:			582.45								
DRAMY005 DR. AMY GITTELL												
	15-01530	09/11/15	SEPTEMBER 11, 2015 CLINIC									
	1	SEPTEMBER 11, 2015	CLINIC	330.00	5-01-27-330-001-031	B	Contract-Professional Serv.(B)	R	09/11/15	09/16/15	9/11/15 HEALTH	N
	Vendor Total:			330.00								
Q0176 EUROFINS QC, INC												
	15-01509	09/03/15	INV #1727996 & INV 1727991									
	1 INV	#1727996		107.00	5-09-55-501-001-532	B	Outside Testing/Labs	R	09/03/15	09/16/15	1727996	N
	2 INV	#1727991		144.50	5-09-55-501-001-532	B	Outside Testing/Labs	R	09/03/15	09/16/15	1727991	N
				251.50								
	Vendor Total:			251.50								
EVOQU005 EVOQUA WATER TECHNOLOGIES												
	15-00672	04/21/15	RES 2015-38 ODOR CONTROL	B								
	4	BILLING#902264901	7/29/15	2,301.20	5-09-55-501-002-547	B	Odor Control	R	04/21/15	09/16/15	902264901	N

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
EVOQU005 EVOQUA WATER TECHNOLOGIES Continued												
	15-01233	07/20/15	DRIVE WHEELS-TERTIARY FILTERS									
	1		DRIVE WHEELS-TERTIARY FILTERS	780.00	5-09-55-501-002-503	B Sewer Plant Maintenance	R	07/20/15	09/16/15			N
	Vendor Total:			3,081.20								
FEDEX015 FEDEX												
	15-01454	08/24/15	5-114-88174 DATED 8/3/15									
	1		5-114-88174 DATED 8/3/15	27.88	5-01-25-240-001-093	B Medical Exams/Hepatitis B Shot	R	08/24/15	09/16/15		5-114-88174	N
	Vendor Total:			27.88								
F1183 FRANK GENDRON												
	15-01512	09/03/15	REIMBURSEMENT - SUMMER CONCERT									
	1		REIMBURSEMENT - SUMMER CONCERT	40.00	5-01-25-240-001-116	B Traffic Bureau	R	09/03/15	09/16/15			N
	Vendor Total:			40.00								
G0115 GILMARTIN, ROBERT D.												
	15-01531	09/11/15	9/9/15 BOARD OF HEALTH MEETING									
	1		9/9/15 BOARD OF HEALTH MEETING	93.00	5-01-27-330-001-039	B Recording Secty.	R	09/11/15	09/16/15		9/9/15 MEETING	N
	Vendor Total:			93.00								
G0050 GROVE SUPPLY INC												
	15-01478	08/31/15	MISCELLANEOUS PARTS									
	1		MISCELLANEOUS PARTS	11.09	5-09-55-501-002-503	B Sewer Plant Maintenance	R	08/31/15	09/16/15		S4222985.001	N
	Vendor Total:			11.09								
H0048 HIGHTS REALTY LLC												
	15-01525	09/10/15	SEPTEMBER RENT									
	1		SEPTEMBER RENT	3,800.00	5-01-26-310-001-025	B Building Rental	R	09/10/15	09/16/15		SEPT. RENT	N
	Vendor Total:			3,800.00								

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
N0275 NJ LEAGUE OF MUNICIPALITIES												
	15-01559	09/15/15	LEGISLATIVE BULLETIN 2015-16									
	1		LEGISLATIVE BULLETIN 2015-16	49.00	5-01-20-110-001-199	B Miscellaneous	R	09/15/15	09/16/15		15B-8931	N
	Vendor Total:			49.00								
P0088 PARKER MCCAY, P.A.												
	15-01534	09/14/15	2546674, 2546673									
	1		2546673	596.93	5-01-20-155-001-031	B Labor,Personnel & Union Council	R	09/14/15	09/16/15		2546673	N
	2		2546674	1,248.96	5-01-20-155-001-031	B Labor,Personnel & Union Council	R	09/14/15	09/16/15		2546674	N
				<u>1,845.89</u>								
	Vendor Total:			1,845.89								
R0077 ROBERTS ENGINEERING GRP LLC												
	15-00213	02/09/15	2015 BLANKET-GENERAL ENGINEER			B						
	28		14225 COUNCIL MEETINGS	300.00	5-01-20-165-001-104	B Attendance at Meetings (B)	R	02/11/15	09/16/15		14225	N
	29		14266 COUNCIL MEETINGS	450.00	5-01-20-165-001-104	B Attendance at Meetings (B)	R	02/11/15	09/16/15		14266	N
	30		14267 MISC REQUESTS	167.50	5-01-20-165-001-103	B Misc-Req For Info & Data(B)	R	03/04/15	09/16/15		14267	N
	31		14226 MISC REQUESTS	672.50	5-01-20-165-001-103	B Misc-Req For Info & Data(B)	R	03/04/15	09/16/15		14226	N
	32		14177 MISC REQUESTS	215.00	5-01-20-165-001-103	B Misc-Req For Info & Data(B)	R	07/14/15	09/16/15		14177	N
				<u>1,805.00</u>								
	15-00229	02/11/15	2015 WATER/SEWER BLANKET			B						
	44		INV 14231 GENERAL WATER	455.00	5-09-55-501-001-508	B Engineer	R	06/09/15	09/16/15		14231	N
	45		INV 14181 GENERAL SEWER	120.00	5-09-55-501-001-508	B Engineer	R	06/09/15	09/16/15		14181	N
	46		INV 14230 GENERAL SEWER	525.00	5-09-55-501-001-508	B Engineer	R	06/09/15	09/16/15		14230	N
				<u>1,100.00</u>								
	15-00230	02/11/15	2015 PLANNING BOARD CONTRACT			B						
	6		INV 14237 PLANNING BOARD MTG	300.00	5-01-21-180-001-106	B Planning Board Engineer-General	R	02/11/15	09/16/15		14237	N
	15-01567	09/16/15	14238/14274/14233/14234									
	1		14238 LITIGATION	255.00	5-01-20-155-001-033	B Litigation	R	09/16/15	09/16/15		14238	N
	2		14274 LITIGATION	275.00	5-01-20-155-001-033	B Litigation	R	09/16/15	09/16/15		14274	N
	3		14233 WELL NO 2 REHAB	301.25	5-01-20-155-001-033	B Litigation	R	09/16/15	09/16/15		14233	N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
R0077 ROBERTS ENGINEERING GRP LLC Continued											
	15-01567	09/16/15	14238/14274/14233/14234	Continued							
	4		14234 SETTING TANK REPAIRS	301.25	5-01-20-155-001-033	R	09/16/15	09/16/15		14234	N
				1,132.50							
			Vendor Total:	4,337.50							
S0746 SAMZIES UNIFORMS, INC											
	15-00531	03/24/15	CLOTHING ALLOWNC-FIRE OFFICIAL								
	1		2 PANTS, 2 SHORTS- CHAD REED	244.95	5-01-25-256-002-043	R	03/24/15	09/16/15		94891	N
	15-01027	06/22/15	CLOTHING ALLOWANCE - GENDRON								
	1		CLOTHING ALLOWANCE - GENDRON	109.99	5-01-25-240-001-043	R	06/22/15	09/16/15		95229	N
			Vendor Total:	354.94							
W0156 SEARING, WILLIAM											
	15-01520	09/10/15	REIMBURSEMENT 9V BATTERIES								
	1		REIMBURSEMENT 9V BATTERIES	11.99	5-09-55-501-002-503	R	09/10/15	09/16/15		REIMBURSEMENT	N
			Vendor Total:	11.99							
0028 SIGMA CONTROLS, INC											
	15-01477	08/31/15	INSTALL AGM CONTROLLER								
	1		LABOR -INSTALL AGM CONTROLLER	1,401.48	5-09-55-501-002-503	R	08/31/15	09/16/15		022436	N
			Vendor Total:	1,401.48							
S0259 STAPLES PRINT SOLUTIONS											
	14-02249	12/15/14	CARBONLESS ATS/ACS MAILERS								
	1		CARBONLESS ATS/ACS MAILERS	554.50	4-01-20-176-000-023	R	12/15/14	09/16/15			N
	2		UNIFORM TRAFFIC SUMMONS	740.00	4-01-20-176-000-023	R	12/15/14	09/16/15			N
	3		FREIGHT	60.00	4-01-20-176-000-023	R	12/15/14	09/16/15			N
				1,354.50							
			Vendor Total:	1,354.50							

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
STEVE005 STEVEN S. GLICKMAN, LLC												
	15-01485	08/31/15	HARASSMENT SEMINARS 5/6/15									
	1		HARASSMENT SEMINARS 5/6/15	1,000.00	5-01-20-155-001-031	B Labor,Personnel & Union Council	R	08/31/15	09/16/15		5/6/15	N
	Vendor Total:			1,000.00								
R0537 STITCHES N INK												
	15-01338	08/10/15	INV 3883 DAWES 50TH T SHIRTS									
	1		INV 3883 DAWES 50TH T SHIRTS	1,141.38	5-01-28-370-002-021	B RECREATION SUMMER PROGRAM	R	08/10/15	09/16/15		3883 DAWES CAMP	N
	2		INV 3893 DAWES 50TH T SHIRTS	<u>144.91</u>	5-01-28-370-002-021	B RECREATION SUMMER PROGRAM	R	08/10/15	09/16/15		3893 DAWES CAMP	N
				1,286.29								
	15-01457	08/24/15	INV 3893 AND 3946 THEATRE/PARK									
	1		INV 3893	100.00	T-12-56-286-000-885	B PARKS & RECS/SHAKESPEARE IN THE PARK	R	08/24/15	09/16/15		3893	N
	2		INV 3946	<u>434.50</u>	T-12-56-286-000-885	B PARKS & RECS/SHAKESPEARE IN THE PARK	R	08/24/15	09/16/15		3946	N
				534.50								
	Vendor Total:			1,820.79								
T0002 TAMARA L. LEE, PP, AICP, LLA,												
	15-01524	09/10/15	INV 6-339-11 COAH SERVICES 15									
	1		INV 6-339-11 COAH SERVICES 15	603.75	T-26-56-286-000-849	B Recaptured Fds-RCA COAH-Homeowners	R	09/10/15	09/16/15		06-339-11	N
	Vendor Total:			603.75								
T0030 THE TIMES												
	15-01554	09/15/15	LEGAL ADS 8/15-8/16/15									
	1		CHANGE 8/17/15 COUNCIL MEETING	9.28	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		8858-08152015	N
	2		SPECIAL JOINT MEETING	4.64	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		9996-08192015	N
	3		SPECIAL JOINT MEETING	4.64	5-01-21-180-001-021	B Advertisements	R	09/15/15	09/16/15		9996-08192015	N
	4		ORD 2015-14 ADOPT	31.32	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		9317-08212015	N
	5		ORD 2015-15 ADOPT	31.90	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		9317-08212015	N
	6		ORD 2015-16	16.24	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		3185-08212015	N
	7		ORD 2015-20 INTRO	37.70	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		3195-08212015	N
	8		ORD 2015-19 INTRO	23.78	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		3192-08212015	N
	9		ORD2015-18 INTRO	25.52	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		3190-08212015	N
	10		ORD 2015-17 INTRO	26.68	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		3186-08212015	N
	11		HARVEST FAIR MEETING UPDATE	9.28	5-01-20-120-001-021	B Advertisements	R	09/15/15	09/16/15		3285-08222015	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
T0030 THE TIMES													
	15-01554	09/15/15	LEGAL ADS 8/15-8/16/15		Continued								
	12 FY 2016 NJDCA SMALL CITIES			75.40	T-26-56-286-000-849		B Recaptured Fds-RCA COAH-Homeowners	R	09/15/15	09/16/15		2796-08262015	N
				296.38									
			Vendor Total:	296.38									
U0007 UNIVAR USA													
	15-00361	02/24/15	RES 2015-37 MAGNESIUM HYDROXID			B							
	4 HB800285	DATED 8/28/15		8,156.44	5-09-55-501-002-541		B Magnesium Hydroxide (Flomag H)Univar	R	02/24/15	09/16/15		HB800285	N
	15-00750	05/07/15	FLUORIDE RESOLUTION 2015-125			B							
	3 inv hb800161	dated 8/27/15		778.80	5-09-55-501-001-528		B Fluorosilic Acid-UNIVAR	R	05/07/15	09/16/15		HB800161	N
			Vendor Total:	8,935.24									
U0061 USALCO BALTIMORE PLANT, LLC													
	15-00365	02/24/15	RES 2015- ALUMINUM SULFATE			B							
	4 INV 1188005	DATED 8/12/15		4,153.19	5-09-55-501-002-542		B Aluminum Sulfate	R	02/24/15	09/16/15		1188005	N
			Vendor Total:	4,153.19									
V0019 VERIZON													
	15-01540	09/14/15	609448418403883y AWWTP 9/1/15										
	1 609448418403883y	AWWTP 9/1/15		34.00	5-09-55-501-003-545		B Telephone-w/S-VERIZON	R	09/14/15	09/16/15		609448418403883	N
			Vendor Total:	34.00									
V0290 VITAL COMMUNICATIONS INC.													
	15-01340	08/10/15	INV 62363 DATED 7/30/15										
	1 INV 62363	DATED 7/30/15		204.00	5-01-20-150-001-029		B Maintenance Contracts	R	08/10/15	09/16/15		62363	N
			Vendor Total:	204.00									
W0002 W.B. MASON CO., INC.													
	15-00812	05/18/15	OFFICE SUPPLIES - PD										
	1 OFFICE SUPPLIES - PD			2.37	5-01-25-240-001-036		B Office Supplies & Equipment	R	05/18/15	09/16/15			N
	2 OFFICE SUPPLIES - PD			3.33	5-01-25-240-001-036		B Office Supplies & Equipment	R	05/18/15	09/16/15			N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
	Item Description	Amount	Charge Account	Acct Type Description							
W0002 W.B. MASON CO., INC. Continued											
	15-01308 07/29/15 OFFICE SUPPLIES										
	1 CLEANING SUPPLIES	194.55	5-01-20-125-001-035	B Paper Products/Janitorial	R	07/29/15	09/16/15				N
	2 OFFICE SUPPLIES	354.53	5-01-20-125-001-036	B Office Supplies	R	07/29/15	09/16/15				N
		<u>549.08</u>									
15-01314 07/30/15 FILE CABINETS & CHAIR											
	1 HON THREE-DRAWER FILE CABINET	279.00	5-01-20-125-001-036	B Office Supplies	R	07/30/15	09/16/15				N
	2 HON FOUR-DRAWER FILE CABINET	479.00	5-01-33-195-002-036	B Office Supplies	R	07/30/15	09/16/15				N
	3 BLACK MESH OFFICE CHAIR	135.00	5-01-20-125-001-036	B Office Supplies	R	07/30/15	09/16/15				N
		<u>893.00</u>									
	Vendor Total:	4,310.07									
WJCAS005 W.J. CASTLE,P.E. & ASSOC P.C.											
	15-01229 07/20/15 AUTO FLOOD GATE CONTRLR CHECK										
	1 DIVE TEAM TO INVESTIGATE	1,823.10	C-04-55-839-001-443	B Peddie Lake Dam-Supplmt Ord 2009-13 Fd.	R	07/20/15	09/16/15		6443		N
	2 DIVE TEAM TO INVESTIGATE	176.90	C-04-55-839-001-444	B PEDDIE LAKE DAM UNFD-CONSTR.2005-24	R	07/20/15	09/16/15		6443		N
		<u>2,000.00</u>									
	Vendor Total:	2,000.00									
W0073 WASTE MANAGEMENT OF NJ, INC.											
	15-00099 01/23/15 2015 RECYCLING CONTRACT		B								
	10 INV#2609158-0502-2 RECYCLING	2,616.00	5-01-26-311-001-029	B Recycling Contract co-mingle-paper/cdbd	R	07/07/15	09/16/15			260915805022	N
	Vendor Total:	2,616.00									
Y0025 YOSTEMBSKI, ROBERT											
	15-01510 09/03/15 PROSECUTOR FEES - AUGUST 2015										
	1 PROSECUTOR FEES - AUGUST 2015	1,200.00	5-01-25-275-001-111	B Municipal Prosecutor	R	09/03/15	09/16/15				N
	Vendor Total:	1,200.00									

Total Purchase Orders: 68 Total P.O. Line Items: 140 Total List Amount: 65,407.75 Total Void Amount: 0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	4-01	1,354.50	0.00	1,354.50	0.00	0.00	1,354.50
CURRENT FUND	5-01	25,594.39	0.00	25,594.39	0.00	0.00	25,594.39
	5-09	<u>32,995.21</u>	<u>0.00</u>	<u>32,995.21</u>	<u>0.00</u>	<u>0.00</u>	<u>32,995.21</u>
Year Total:		58,589.60	0.00	58,589.60	0.00	0.00	58,589.60
GENERAL CAPITAL	C-04	4,000.00	0.00	4,000.00	0.00	0.00	4,000.00
TRUST OTHER - FUND #12	T-12	784.50	0.00	784.50	0.00	0.00	784.50
HOUSING TRUST FUND-RECAPTURED FUNDS	T-26	<u>679.15</u>	<u>0.00</u>	<u>679.15</u>	<u>0.00</u>	<u>0.00</u>	<u>679.15</u>
Year Total:		1,463.65	0.00	1,463.65	0.00	0.00	1,463.65
Total of All Funds:		<u>65,407.75</u>	<u>0.00</u>	<u>65,407.75</u>	<u>0.00</u>	<u>0.00</u>	<u>65,407.75</u>

Resolution 2015-233

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

AUTHORIZING THE WAIVING OF RAFFLE AND BINGO LICENSE FEES FOR HIGHTSTOWN ENGINE COMPANY #1 AND HIGHTSTOWN FIRST AID

WHEREAS, Hightstown Engine Co. #1 and Hightstown First Aid have requested that the Borough fees for Raffle and Bingo licenses issued to them by the Borough for fundraising purposes be waived; and

WHEREAS, the Borough Council has reviewed their request and finds that waiving the Borough fees for these licenses for Hightstown Engine Co. #1 and Hightstown First Aid is appropriate; and

WHEREAS, Hightstown Engine Co. #1 and Hightstown First Aid will be required to pay all applicable fees to the New Jersey Legalized Games of Chance Control Commission and file all appropriate paperwork associated with said licenses with the office of the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to waive Borough fees associated with the issuance of Raffle and Bingo licenses for Hightstown Engine Co. #1 and Hightstown First Aid.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk

BOROUGH OF HIGHTSTOWN
ANNUAL RAFFLE LICENSE REPORT
JANUARY 1, 2014 TO DECEMBER 31, 2014

Issue Date	Raffle License #	Type	Issued to	ID	Fee paid	
3/8/2012	RL2014-001	On-Premise Merchandise	Hightstown Engine Co #1 Ladies Auxiliary	209-9-27140	\$20.00	
3/8/2014	RL2014-002	On-Premise 50/50	Hightstown Engine Co #1 Ladies Auxiliary	209-9-27140	\$20.00	
3/1/2014	RL2014-003	On-Premise 50/50	Hightstown Engine Co #1 Ladies Auxiliary	209-4-36750	\$20.00	
6/5/2014	RL2014-004	On-Premise Merchandise	Hightstown Engine Co #1 Ladies Auxiliary	209-5-28551	n/a	Not Issued
6/5/2014	RL2014-005	Off-Premise 50/50	Community Action Service Center	209-4-36750	\$20.00	
6/26/2014	RL2014-006	Off-Premise 50/50	Lions Club of Hightsotnw East Windsor, NJ	209-8-12827	\$40.00	
8/8/2014	RL2014-007	Off-Premise 50/50	Hightstown Engine Co #1 Ladies Auxiliary	209-4-36750	\$20.00	
8/8/2014	RL2014-008	Ducky Derby	Hightstown Apollo Lodge #41 F&AM	209-6-37719	\$20.00	
9/18/2014	RL2014-009	On-Presmise Merchadise	Hightstown Engine Co #1 Ladies Auxiliary	209-4-36750	\$20.00	
9/24/2014	RL2014-010	On-Presmi8e 50/50	Hightstown Engine Co #1 Ladies Auxiliary	209-4-36750	\$20.00	
10/16/2014	RL2014-011	Off-Premise 50/50	Better Beginnings Child Development Center (BBCD)	209-5-28551	\$ 20.00	
10/16/2014	RL2014-012	Off-Premise Merchandise	Hightstown Women's Club	209-8-23817	\$ 20.00	
10/29/2014	RL2014-013	On-Premise Merchandise	John Paul Geijer Memorial Foundation	189-5-40460	\$ 20.00	
10/29/2014	RL2014-014	On-Premise 50/50	Hightstown Engine Co #1 Ladies Auxiliary	209-9-27140	\$ 20.00	
12/16/2014	RL2014-015	On-Premise 50/50	Hightstown Engine Co #1 Ladies Auxiliary	209-9-27140	\$ 20.00	
12/16/2014	RL2014-016	On-Premise Merchandise	Hightstown Engine Co #1 Ladies Auxiliary	209-9-27140	\$ 20.00	
10/8/2014	RL2014-017	On-Premise 50/50	Hightstown High School Parents Association	209-5-37998	\$ 20.00	
11/13/2014	RL2014-018	On-Premise Merchandise	Animal Friends for Education & Welfare	209-4-36860	\$ 20.00	
1/9/2015	RL2014-019	On-Premise 50/50	Hightstown Engine Co #1	209-9-33988	\$ 60.00	
TOTAL					\$420.00	

BOROUGH OF HIGHTSTOWN
ANNUAL RAFFLE LICENSE REPORT
JANAURY 1, 2015 TO DECEMBER 31, 2015

Issue Date	Raffle License #	Type	Issued to	ID	Fee paid
4/22/2015	RL-2015-001	On-Premise 50/50	Hightstown Engine Company #1	209-9-33988	\$120.00
6/3/2015	RL-2015-002	On-Premise 50/50	Hightstown Engine Company #1	209-9-33988	\$20.00
7/28/2015	RL-2015-003	On-Premise Merchandise	John Paul Geijer Memorial Foundation	189-5-40460	\$20.00
8/19/2015	RL-2015-004	On-Premise 50/50	Hightstown Apollo Lodge	209-6-37719	\$20.00
8/19/2015	RL-2015-005	Duck Race Raffle	Hightstown Apollo Lodge	209-6-37719	\$20.00
8/21/2015	RL2015-006	On Premise Merchandise	Roosevelt Volunteer Fire Company	432-9-4044	\$20.00
8/21/2015	RL2015-007	On Premise 50/50	Roosevelt Volunteer Fire Company	432-9-4044	\$0.00
9/8/2015	RL2015-008	On-Premise 50/50	Hightstown Engine Company #1 Ladies Aux	189-5-40460	\$0.00
9/8/2015	RL2015-009	On-Premise 50/50	Hightstown Engine Company #1 Ladies Aux	189-5-40460	\$0.00
9/8/2015	RL2015-010	On-Premise Merchandise	Hightstown Engine Company #1 Ladies Aux	189-5-40460	\$0.00
9/8/2015	RL2015-011	On-Premise Merchandise	Hightstown Engine Company #1 Ladies Aux	189-5-40460	\$0.00
9/8/2015	RL2015-012	On-Premise 50/50	Hightstown Engine Company #1 Ladies Aux	189-5-40460	\$0.00

TOTAL

\$220.00

BOROUGH OF HIGHTSTOWN
ANNUAL BINGO LICENSE REPORT
JANUARY 1, 2014 TO DECEMBER 31, 2014

Issue Date	Bingo License #	Issued to	ID	Fee paid
10/8/2014	BL-2014-001	Hightstown High School Parents Association	209-5-37998	\$20.00
1/9/2015	BL-2014-002	Hightstown Engine Company #1	209-9-33988	\$60.00

TOTAL

\$80.00

BOROUGH OF HIGHTSTOWN
ANNUAL BINGO LICENSE REPORT
JANUARY 1, 2015 TO DECEMBER 31, 2015

Issue Date	Bingo License #	Issued to	ID	Fee paid
4/22/2015	BA2015-01	Hightstown Engine Company #1	209-9-33988	\$120.00
9/8/2015	BA2015-02	Hightstown Engine Company #1 Ladies Auxiliary	209-9-27140	\$20.00

TOTAL

\$140.00

Resolution 2015-234

BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY

**ADOPTING THE HEARING OFFICER'S RECOMMENDATION,
 AUTHORIZING THE TERMINATION OF OFFICER FRANK MARCHIONE,
 AND AUTHROIZING THE BOROUGH ADMINISTRATOR TO RECOUP
 SALARY PURSUANT TO N.J.S.A. 40A:14-149.3**

WHEREAS, Officer Frank Marchione was served with a Notice of Disciplinary Action containing three charges on or about January 15, 2015. The Charges alleged that Officer Marchione was incapable and/or unable of performing his duties as a police officer because he was not fit for duty, he was incapable and/or unable of performing his duties as a police officer because he was prohibited from carrying, using or being near weapons by the Mercer County Prosecutor's Office, and that he no longer qualifies to be a police officer and is unable to perform his duties because he is no longer authorized to carry a firearm, which is a requirements under New Jersey law; and

WHEREAS, the Borough of Hightstown sought Officer Marchione's termination from the Borough of Hightstown;

WHEREAS, Officer Marchione requested a hearing on the charges which took place on February 11, 2015, February 20, 2015, April 14, 2015 and April 15, 2015;

WHEREAS, the hearing officer heard and reviewed the evidence present during the hearings, and on September 8, 2015 found that "based upon all of the above, the Borough of Hightstown has proven by a preponderance of the credible evidence that Patrolman Frank Marchione was and remains unfit for duty as a police officer"; and

WHEREAS, the hearing officer's findings have been reviewed by the Borough Council for the Borough of Hightstown.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that it hereby adopts the hearing officer's findings and recommendations issued on September 8, 2015; and

BE IT FURTHER RESOLVED that Officer Marchione is terminated from employment effective August 22, 2013 as he was and remains unfit for duty as a police officer; and

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to prepare and serve Frank Marchione with a Final Notice of Disciplinary Action terminating him from his employment effective August 22, 2013 within seven (7) days; and

BE IT FURTHER RESOLVED that the Borough Administrator, with the assistance of the Borough Solicitor or Labor Counsel, is hereby authorized to take action to recover all pay received by Officer Marchione while he was suspended pursuant to N.J.S.A. 40A:14-149.3.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
 Borough Clerk

Resolution 2015-235

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

**AUTHORIZING THE BOROUGH ENGINEER TO SURVEY, DESIGN, PREPARE
PLANS AND PERMITS, AND PERFORM CONSTRUCTION INSPECTIONS FOR
NEW CURBS AND SIDEWALKS FROM SOUTH MAIN STREET TO THE MEADOW
LAKES PROPERTY ON ETRA ROAD**

WHEREAS, It has been proposed to the Borough that the cost for new curbs and sidewalks on Etra Road from South Main Street to the Meadow Lakes property will be paid by another entity, providing that the Borough will pay for the engineering expenses associated with such a project; and

WHEREAS, the Meadow Lakes Community Administration has also agreed to be a party to the project; and

WHEREAS, for the safety of the residents the Borough finds it beneficial to the residents of the Borough to have said curbs and sidewalks constructed; and

WHEREAS, the Borough also finds that it is advantageous for the Borough to cover engineering expenses associated with the project that would consist of surveying, designing, preparing plans and permits, and performing construction inspections, to have the project completed; and

WHEREAS, the Borough Engineer has estimated the cost of said engineering fees not to exceed \$19,000.00; and

WHEREAS, the Treasurer has certified that funds are available for the engineering expenses for this project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to survey, design, prepare plans and permits, and perform construction inspections for new curbs and sidewalks on Etra Road from South Main Street to the Meadow Lakes property.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk



Roberts
ENGINEERING GROUP LLC
Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square R.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

August 11, 2015

Henry Underhill, Borough Administrator
Borough of Hightstown
148 North Main Street
Hightstown, NJ 08520

Re: Etra Road Curb and Sidewalk Improvements
Borough of Hightstown, Mercer County
Our File No.: H1746

Dear Henry:

I understand that the Borough would like to consider installation of new curb and sidewalk on Etra Road between South Main Street and the Meadow Lakes Property. An opportunity for this has arisen because Mercer County will be making drainage and paving improvements to the intersection of Orchard Avenue and Etra Road to correct a ponding problem at the intersection. Mercer County has surveyed and designed a portion of the Etra Road area in the vicinity of Orchard Avenue but there remains to be surveyed and designed curb and sidewalk improvements from South Main Street to Orchard Avenue and from Orchard Avenue to the Meadow Lakes Property.

We have estimated our cost as follows: \$4,500.00 for surveying; \$7,500.00 for design, preparation of plans, and permits; and \$7,000.00 for construction inspection. This does not include the cost of specifications for public advertisement. At this time we estimate the cost of construction, were this to be publically advertised, at approximately \$60,000.00.

I am available to discuss this at the upcoming Council meeting. If you have questions prior to that, please feel free to contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Carmela Roberts".

Carmela Roberts, P.E.
Borough Engineer

cc: Debra Sopronyi, Borough Clerk
Karen Thompson, Office Manager, Roberts Engineering Group, LLC

Resolution 2015-236

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

**AUTHORIZING THE BOROUGH ENGINEER TO SUBMIT AN APPLICATION FOR
THE FY2016 NJDOT MUNICIPAL AID GRANT FOR IMPROVEMENTS TO FIRST
AVENUE**

WHEREAS, the Borough of Hightstown wishes to file an application with the New Jersey Department of Transportation for a Municipal Aid Grant for improvements to First Avenue; and

WHEREAS, the Borough Council has authorized the Borough Engineer, Carmela Roberts of Roberts Engineering Group, for an amount not to exceed \$2,800.00, to prepare the application for the FY2016 New Jersey Department of Transportation Municipal Aid Grant application.

NOW, THEREFORE BE IT RESOLVED, that Borough Engineer is hereby authorized to file an application with the New Jersey Department of Transportation for a Municipal Aid Grant for improvements to First Avenue at a cost not to exceed \$2,800.00.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-237

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

AUTHORIZING CHANGE ORDER #2 & PAYMENT # 3 – LUCAS CONSTRUCTION GROUP, INC. (2014 ROAD IMPROVEMENT PROGRAM)

WHEREAS, on April 20, 2015 the Borough Council awarded a contract for the 2014 Road Improvement Program to Lucas Construction Group, Inc. of Morganville, New Jersey in the amount of \$1,598,913.21; and

WHEREAS, the contractor has submitted change order #2 in the amount of \$99,331.63 for additional work required in order to complete base paving on all roads, additional orangeburg sanitary sewer laterals on Hutchinson Street, water service investigation, and an underdrain on Park Way; and

WHEREAS, the contractor has submitted payment request #3 related to mobilization, sanitary sewer installation, water main installation, and milling and paving for the project in the total amount of \$270,845.34; and

WHEREAS, the amount of this payment for general construction is \$25,696.74 with FY2013 phase cost being \$22,295.00 and FY2014 phase cost being \$3,401.74; and

WHEREAS, the amount of this payment for water and sewer related items is \$245,148.60 with FY2013 phase cost being \$141,041.60 and FY2014 phase cost being \$104,107.00; and

WHEREAS, the Borough Engineer has recommended approval of Change order #2 in the amount of \$99,331.63; and

WHEREAS, the Borough Engineer has recommended approval of payment #3 to Lucas Construction Group, Inc. in the amount of \$270,845.34 following receipt of the certified payrolls; and

WHEREAS, change orders 1 and 2 adjust the contract to a total of \$1,775,096.51; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Change order #2 in the amount of \$99,331.63 and Payment Request No. 3 to Lucas Construction Group, Inc. of Morganville, New Jersey in the amount of \$270,845.34 following receipt of the certified payrolls is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk



1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

MEMORANDUM

TO: Mayor and Council
Borough of Hightstown

FROM: Carmela Roberts, P.E. *CR*
Borough Engineer

DATE: September 16, 2015

RE: 2014 Road Program
Our File No.:H1742

Attached please find Payment No. 3 for work related to mobilization, sanitary sewer installation, water main installation, and milling and paving.

In addition, please find Change Order No. 2 which increases the contract up to 11.02%. The Change Order is for additional work required in order to complete base paving on all roads, additional orangeburg sanitary sewer laterals that needed to be replaced on Hutchinson Street, water service investigation, and an underdrain on Park Way that was required in order to convey ground water that was present at the surface and had damaged the pavement.

Certified payroll forms will be forwarded under separate cover.

I recommend payment be made to Lucas Construction Group, Inc. subject to receipt of the certified payroll forms in the total amount of \$270,845.34. The amount of general construction in the FY2013 phase of the project is \$22,295.00. The amount of general construction in the FY2014 phase of the project is \$3,401.74. Water and sewer related items for FY2013 are \$141,041.60 and for FY2014 are \$104,107.00.

Should you have any questions, please do not hesitate to call.

Enclosures

cc: Henry Underhill, Borough Administrator
Debra Sopronyi, Borough Clerk
Janice Mohr-Kminek, Treasurer
George Lang, CFO
Cameron Corini, EIT, Roberts Engineering Group, LLC
Christopher White, Lucas Construction Group, Inc.
Michael Armstrong, Lucas Construction Group, Inc.

Road Improvement Program Borough of Hightstown, Mercer County CHANGE ORDER No. 2

Project	Road Improvement Program
Municipality	Borough of Hightstown
County	Mercer County
Contractor	Lucas Construction Group, Inc.

In accordance with the project Specification, the following are changes in the contract.
Location and Reason for Change: (Attach additional sheets if required) -
 Additional work required related to the water and sewer utilities as a result of unknown existing conditions of the existing utility systems. Additional pavement required because of unknown conditions under existing pavement box.

<u>EXTRA</u>	<u>Item No.</u>	<u>Description</u>	<u>Quantity (+/-)</u>	<u>Unit Price</u>	<u>Amount</u>
					\$0.00

<u>SUPPLEMENTAL</u>					
<u>Item No.</u>	<u>Description</u>	<u>Quantity (+/-)</u>	<u>Unit Price</u>	<u>Amount</u>	
S-2	B Water Service Excav. & Investigation (Grant and Hutchinson)	13.00 EA	\$663.90	\$8,630.70	
S-3	B Water Service Curb Valves (Grant and Hutchinson)	8.00 EA	\$803.19	\$6,425.52	
S-4	B Storm Underdrain (Park Way)	1.00 LS	\$6,600.00	\$6,600.00	
S-5	B Drainage and Utility Work	1.00 LS	\$17,765.41	\$17,765.41	
S-6	B 6" DIP Water Main (Hutchinson)	193.00 LF	\$70.00	\$13,510.00	
S-7	B Hot Mix Asphalt - 19M64 Base Course 2.5" Thick (Grant, Hutchinson, and Park Way)	1,148.00 TONS	\$90.00	\$103,320.00	
S-8	B Replace Sanitary Manhole Frame and Cover	4.00 LS	\$850.00	\$3,400.00	
S-9	B 6" PVC Lateral, 0'-6' Depth (Hutchinson Street)	160.00 LF	\$50.00	\$8,000.00	
				\$167,651.63	

<u>REDUCTION</u>					
<u>Item No.</u>	<u>Description</u>	<u>Quantity (+/-)</u>	<u>Unit Price</u>	<u>Amount</u>	
27A	1" Type 'K' Water Service	211.00 LF	\$30.00	\$6,330.00	
27B	1" Type 'K' Water Service	18.00 LF	\$30.00	\$540.00	
29B	1.5" Type 'K' Water Service	100.00 LF	\$30.00	\$3,000.00	
46B	24" RCP Storm Pipe	50.00 LF	\$80.00	\$4,000.00	
63A	HMA - 19M64 Bitum. Base Course, 4" Thk (Park Ave)	605.00 TON	\$90.00	\$54,450.00	
				\$68,320.00	

Amount of Original Contract	\$1,598,913.21	Extra	\$0.00
Adjusted Amount Based on Change Order Nos. 1 and 2	\$1,775,096.51	Supplemental	\$167,651.63
		Reduction	\$68,320.00
		Total Change	\$99,331.63
 % Change in Contract [(+) Increase or (-) Decrease]	 11.02 %		
 Change in Contract Time	 0 Days		

(Engineer)	(Date)	(Local Aid Approval)
(Presiding Officer)	(Date)	
(Contractor)	(Date)	



PAYMENT NO. 3
ROAD IMPROVEMENTS PROGRAM
Borough of Hightstown, Mercer County, New Jersey
September 14, 2015
Our File No.: H1742

Item No.	DESCRIPTION	Contract		Total As-Built		As-Built This		Unit Price	Total Cost
		Quantity	Units	Quantity	Period	Quantity	Period		
1	Mobilization	1.00	LS	0.85	0.10			\$60,000.00	\$51,000.00
2 A	Site Clearing	1.00	LS	0.80	0.10			\$140,000.00	\$112,000.00
2 B	Site Clearing	1.00	LS	0.90	0.10			\$72,000.00	\$64,800.00
3 A	Construction Sign 'B' (60"x30")	2.00	EA	0.00	0.00			\$0.01	\$0.00
3 B	Construction Sign 'B' (60"x30")	2.00	EA	2.00	2.00			\$0.01	\$0.02
4 A	Construction Sign 'C' (72"x60")	2.00	EA	1.00	0.00			\$0.01	\$0.01
4 B	Construction Sign 'C' (72"x60")	2.00	EA	2.00	2.00			\$0.01	\$0.01
5 A	Construction Sign 'D' (30"x24")	1.00	EA	0.00	0.00			\$0.01	\$0.00
5 B	Construction Sign 'D' (30"x24")	1.00	EA	1.00	1.00			\$0.01	\$0.01
6 A	Construction Sign 'E' (30"x24")	2.00	EA	0.00	0.00			\$0.01	\$0.00
6 B	Construction Sign 'E' (30"x24")	1.00	EA	1.00	1.00			\$0.01	\$0.01
7 A	Construction Sign 'F' (24"x18")	1.00	EA	0.00	0.00			\$0.01	\$0.00
7 B	Construction Sign 'F' (24"x18")	1.00	EA	1.00	1.00			\$0.01	\$0.01
8 A	Construction Sign 'G' (36"x12")	1.00	EA	0.00	0.00			\$0.01	\$0.00
8 B	No Pay Item								
9 A	Traffic Flaggers	150.00	HOUR	0.00	0.00			\$0.01	\$0.00
9 B	Traffic Flaggers	150.00	HOUR	0.00	0.00			\$0.01	\$0.00
10 A	Silt Fence	80.00	LF	0.00	0.00			\$4.00	\$0.00
10 B	No Pay Item								
11 A	Inlet Protection	7.00	EA	0.00	0.00			\$175.00	\$0.00
11 B	Inlet Protection	18.00	EA	15.00	5.00			\$175.00	\$2,625.00
12 A	Test Holes	15.00	EA	3.00	0.00			\$500.00	\$1,500.00
12 B	Test Holes	5.00	EA	5.00	0.00			\$500.00	\$2,500.00
13 A	Tree Removal	3.00	EA	3.00	1.00			\$1,000.00	\$3,000.00
13 B	Tree Removal	10.00	EA	5.40	0.00			\$1,000.00	\$5,400.00
14 A	8" DIP Water Main in Pavement	1,365.00	LF	1,365.00	1,365.00			\$75.00	\$102,375.00
14 B	No Pay Item								
15 A	8" DIP Water Main in Grass	35.00	LF	9.00	9.00			\$65.00	\$585.00
15 B	No Pay Item								
16 A	6" DIP Water Main in Pavement	45.00	LF	17.00	17.00			\$70.00	\$1,190.00
16 B	No Pay Item								
17 A	8x6" Wet Tap and Valve, If and Where Directed	1.00	EA	0.00	0.00			\$5,500.00	\$0.00
17 B	No Pay Item								
18 A	12" x8" Wet Tap and Valve, If and Where Directed	1.00	EA	0.00	0.00			\$7,500.00	\$0.00
18 B	No Pay Item								
19 A	6"x6"x6" Tee	1.00	EA	0.00	0.00			\$600.00	\$0.00
19 B	No Pay Item								
20 A	8"x8"x6" Tee	1.00	EA	3.00	3.00			\$600.00	\$1,800.00
20 B	No Pay Item								
21 A	8"x8"x8" Tee	1.00	EA	1.00	1.00			\$600.00	\$600.00
21 B	No Pay Item								
22 A	8"x10"x10"x6" Cross	1.00	EA	1.00	1.00			\$1,000.00	\$1,000.00
22 B	No Pay Item								
23 A	8"x6" Cross	1.00	EA	0.00	0.00			\$1,000.00	\$0.00
23 B	No Pay Item								
24 A	6" Gate Valve	3.00	EA	3.00	3.00			\$2,000.00	\$6,000.00
24 B	No Pay Item								
25 A	8" Gate Valve	5.00	EA	4.00	4.00			\$2,500.00	\$10,000.00
25 B	No Pay Item								
26 A	Construct Fire Hydrant Assembly	3.00	EA	3.00	3.00			\$6,500.00	\$19,500.00
26 B	No Pay Item								
27 A	1" Type 'K' Water Service	665.00	LF	237.00	29.00			\$30.00	\$7,110.00
27 B	1" Type 'K' Water Service	782.00	LF	233.00	0.00			\$30.00	\$6,990.00
28 A	1.25" Type 'K' Water Service	33.00	LF	0.00	0.00			\$30.00	\$0.00
28 B	No Pay Item								
29 A	No Pay Item								
29 B	1.5" Type 'K' Water Service	165.00	LF	0.00	0.00			\$30.00	\$0.00
30 A	Concrete Encasement, 3,500 PSI	20.00	LF	0.00	0.00			\$50.00	\$0.00
30 B	No Pay Item								
31 A	8" PVC Sanitary Sewer Main	849.00	LF	887.00	0.00			\$55.00	\$48,785.00
31 B	8" PVC Sanitary Sewer Main	75.00	LF	107.00	0.00			\$55.00	\$5,885.00
32 A	6" PVC Lateral, 0'-6' Depth	409.00	LF	469.00	0.00			\$50.00	\$23,450.00
32 B	No Pay Item								
33 A	6" PVC Lateral, 6'-8' Depth	10.00	LF	0.00	0.00			\$75.00	\$0.00
33 B	No Pay Item								
34 A	6" PVC Lateral, 8'-10' Depth	106.00	LF	50.00	0.00			\$100.00	\$5,000.00
34 B	No Pay Item								
35 A	Construct Manhole, Frame and Cover	6.00	EA	6.00	0.00			\$3,500.00	\$21,000.00
35 B	Construct Manhole, Frame and Cover	1.00	EA	1.00	0.00			\$3,500.00	\$3,500.00
36 A	No Pay Item								
36 B	Remove and Replace Concrete Channel	1.00	EA	0.00	0.00			\$1,500.00	\$0.00
37 A	12" Lawn Inlet	2.00	EA	0.00	0.00			\$900.00	\$0.00
37 B	No Pay Item								
38 A	Construct Type 'B' Inlet with 4" Type 'N' Eco Curb Piece and Bicycle Safe Grate	5.00	EA	5.00	0.00			\$5,000.00	\$25,000.00
38 B	No Pay Item								
39 A	No Pay Item								
39 B	Remove and Replace Inlet Frame, Grate and Curb Piece with 8" Type 'N' Eco Curb Piece and Bicycle Safe Grate	5.00	EA	5.00	0.00			\$1,500.00	\$7,500.00
40 A	No Pay Item								
40 B	Construct Type 'E' Inlet with Bicycle Safe Grate	2.00	EA	1.00	0.00			\$5,000.00	\$5,000.00
41 A	No Pay Item								
41 B	Construct Type 'E' Doghouse Inlet with Bicycle Safe Grate	5.00	EA	5.00	0.00			\$5,000.00	\$25,000.00
42 A	6" ADS Storm Drain, In Grass	445.00	LF	0.00	0.00			\$15.00	\$0.00
42 B	6" ADS Storm Drain, In Grass	52.00	LF	42.00	0.00			\$15.00	\$630.00
43 A	15" ADS Storm Drain - In Grass	44.00	LF	45.00	(630.00)			\$40.00	\$1,800.00
43 B	No Pay Item								
44 A	15" ADS Storm Drain - In Pavement	291.00	LF	310.00	310.00			\$45.00	\$13,950.00
44 B	No Pay Item								
45 A	15" Perforated ADS Storm Drain with Sock	318.00	LF	320.00	320.00			\$50.00	\$16,000.00
45 B	No Pay Item								
46 A	No Pay Item								
46 B	24" RCP Storm Pipe	50.00	LF	0.00	0.00			\$80.00	\$0.00
47 A	Connect Existing Sump Discharge	8.00	EA	0.00	0.00			\$250.00	\$0.00
47 B	Connect Existing Sump Discharge	3.00	EA	6.00	0.00			\$250.00	\$1,500.00
48 A	No Pay Item								
48 B	Connect to Existing Inlet	2.00	EA	2.00	0.00			\$500.00	\$1,000.00
49 A	Concrete Vertical Curb, 4000 PSI	2,575.00	LF	0.00	0.00			\$18.00	\$0.00



49 B	Concrete Vertical Curb, 4000 PSI	3,215.00	LF	2,875.00	0.00	\$18.00	\$51,750.00
50 A	Concrete Sidewalk, 4" Thick, 4000 PSI	8,170.00	SF	0.00	0.00	\$6.50	\$0.00
50 B	Concrete Sidewalk, 4" Thick, 4000 PSI	5,545.00	SF	4,331.00	0.00	\$6.50	\$28,151.50
51 A	Curb Ramp Delineation	144.00	SF	0.00	0.00	\$40.00	\$0.00
51 B	Curb Ramp Delineation	120.00	SF	104.00	0.00	\$40.00	\$4,160.00
52 A	Concrete Driveway Apron	2,430.00	SF	0.00	0.00	\$7.50	\$0.00
52 B	Concrete Driveway Apron	2,225.00	SF	1,016.00	0.00	\$7.50	\$7,620.00
53 A	Bituminous Driveway Repair	112.00	SY	98.30	0.00	\$20.00	\$1,966.00
53 B	Bituminous Driveway Repair	123.00	SY	15.20	15.20	\$20.00	\$304.00
54 A	Stone Driveway Repair	16.00	SY	0.00	0.00	\$5.00	\$0.00
54 B	Stone Driveway Repair	38.00	SY	0.00	0.00	\$5.00	\$0.00
55 A	Roadway Excavation, Unclassified	360.00	CY	0.00	0.00	\$15.00	\$0.00
55 B	No Pay Item						
56 A	Pavement Milling, 2" Thick	3,400.00	SY	0.00	0.00	\$3.00	\$0.00
56 B	Pavement Milling, 2" Thick	9,450.00	SY	1,808.00	1,310.00	\$3.00	\$5,424.00
57 A	Pavement Milling, 2"-6" Thick	1,270.00	SY	3,393.00	0.00	\$3.50	\$11,875.50
57 B	Pavement Milling, 2"-6" Thick	1,850.00	SY	5,857.00	4,169.00	\$3.50	\$20,499.50
58 A	Pavement Milling, 12" Thick and Varies	4,525.00	SY	0.00	0.00	\$10.00	\$0.00
58 B	No Pay Item						
59 A	Pavement Base Repairs	700.00	SY	0.00	0.00	\$25.00	\$0.00
59 B	Pavement Base Repairs	2,200.00	SY	0.00	0.00	\$20.00	\$0.00
60 A	6" Compacted DGA Subbase	4,575.00	SY	0.00	0.00	\$6.00	\$0.00
60 B	No Pay Item						
61 A	Hot Mix Asphalt - 9.5M64 Surface Course 2" Thick	1,110.00	TON	0.00	0.00	\$83.00	\$0.00
61 B	Hot Mix Asphalt - 9.5M64 Surface Course 2" Thick	1,625.00	TON	0.00	0.00	\$83.00	\$0.00
62 A	Hot Mix Asphalt - 9.5M64 Surface Course 1.5" Thick	115.00	TON	338.19	0.00	\$83.00	\$28,069.77
62 B	No Pay Item						
63 A	Hot Mix Asphalt - 19M64 Base Course 4" Thick	1,245.00	TON	0.00	0.00	\$90.00	\$0.00
63 B	No Pay Item						
64 A	Hot Mix Asphalt - 19M64 Base Course 2.5" Thick	180.00	TON	463.30	0.00	\$90.00	\$41,697.00
64 B	No Pay Item						
65 A	Tack Coat	910.00	GAL	150.00	0.00	\$0.01	\$1.50
65 B	Tack Coat	1,140.00	GAL	0.00	0.00	\$0.01	\$0.00
66 A	1 1/2" Clean Stone	155.00	CY	0.00	0.00	\$0.01	\$0.00
66 B	No Pay Item						
67 A	Select Fill, Compacted - Park Avenue Pavement Removal	460.00	CY	0.00	0.00	\$10.00	\$0.00
67 B	No Pay Item						
68 A	Construct Regulatory Sign	12.00	EA	0.00	0.00	\$160.00	\$0.00
68 B	Construct Regulatory Sign	8.00	EA	0.00	0.00	\$160.00	\$0.00
69 A	Construct Street Sign	3.00	EA	0.00	0.00	\$180.00	\$0.00
69 B	Construct Street Sign	2.00	EA	0.00	0.00	\$180.00	\$0.00
70 A	24" Wide White Thermoplastic Striping	1,082.00	SF	0.00	0.00	\$2.00	\$0.00
70 B	24" Wide White Thermoplastic Striping	804.00	SF	0.00	0.00	\$2.00	\$0.00
71 A	8" Wide White Thermoplastic Crosswalk Striping	460.00	SF	0.00	0.00	\$2.00	\$0.00
71 B	8" Wide White Thermoplastic Crosswalk Striping	365.00	SF	0.00	0.00	\$2.00	\$0.00
72 A	6" Wide White Long Life Epoxy Striping	216.00	LF	0.00	0.00	\$1.00	\$0.00
72 B	No Pay Item						
73 A	4" Wide Double Yellow Long Life Epoxy Striping	300.00	LF	0.00	0.00	\$1.50	\$0.00
73 B	4" Wide Double Yellow Long Life Epoxy Striping	230.00	LF	0.00	0.00	\$1.50	\$0.00
74 A	Topsoiling, 5" Thick	1,500.00	SY	0.00	0.00	\$7.50	\$0.00
74 B	Topsoiling, 5" Thick	1,500.00	SY	1,433.00	0.00	\$6.00	\$8,598.00
75 A	Fertilizer, Seed, and Mulch	1,500.00	SY	0.00	0.00	\$1.50	\$0.00
75 B	Fertilizer, Seed, and Mulch	1,500.00	SY	1,433.00	0.00	\$1.50	\$2,149.50
76 A	Install Tree, 2" Caliper	3.00	EA	0.00	0.00	\$400.00	\$0.00
76 B	Install Tree, 2" Caliper	9.00	EA	0.00	0.00	\$400.00	\$0.00
77 A	Asphalt Price Adjustment	1.00	LS	0.00	0.00	\$6,500.00	\$0.00
77 B	Asphalt Price Adjustment	1.00	LS	0.00	0.00	\$6,500.00	\$0.00
78 A	Fuel Price Adjustment	1.00	LS	0.00	0.00	\$3,500.00	\$0.00
78 B	Fuel Price Adjustment	1.00	LS	0.00	0.00	\$3,500.00	\$0.00
S-1 B	Hot Mix Asphalt - 19M64 Base Course 2.5" Thick	293.66	TON	293.66	0.00	\$90.00	\$26,429.40
S-2 B	Water Service Excav. & Investigation (Grant and Hutchinson)	13.00	EA	13.00	13.00	\$663.90	\$8,630.70
S-3 B	Water Service Curb Valves (Grant and Hutchinson)	8.00	EA	8.00	8.00	\$803.19	\$6,425.52
S-4 B	Storm Underdrain (Park Way)	1.00	LS	1.00	1.00	\$6,600.00	\$6,600.00
S-5 B	Drainage and Utility Work	1.00	LS	1.00	1.00	\$17,765.41	\$17,765.41
S-6 B	6" DIP Water Main (Hutchinson)	193.00	LF	129.00	129.00	\$70.00	\$9,030.00
S-7 B	Hot Mix Asphalt - 19M64 Base Course 2.5" Thick (Grant, Hutchinson, and Park Way)	1,148.00	TONS	348.34	348.34	\$90.00	\$31,350.60

TOTAL WORK COMPLETED							
LESS: 2% RETAINAGE							\$923,472.98
SUBTOTAL							\$18,469.46
LESS: PREVIOUS PAYMENTS							\$905,003.52
TOTAL AMOUNT DUE							\$634,158.18
AMOUNT OF ORIGINAL CONTRACT							\$270,845.34
AMOUNT OF CONTRACT ADJUSTED BY CHANGE ORDER Nos. 1 and 2 (+11.02%)							\$1,598,913.21
							\$1,775,096.51

Resolution 2015-238

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

AUTHORIZING RELEASE OF ESCROW FUNDS – PEDDIE SCHOOL (BLOCK 53, LOT 1.01)

WHEREAS, Peddie School deposited escrow funds in the amount of \$18,650.00 for a project at Block 53, Lot 1.01; and

WHEREAS, Peddie School has requested that the escrow funds on deposit with the Borough for Block 53, Lot 1.01 be released; and

WHEREAS, Peddie School decided not to complete this project and it is recommended that the Borough release the remaining escrow funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized and directed to release the escrow funds on deposit with the Borough to Peddie School for the project at Block 53, Lot 1.01.

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

- a. Peddie School
- b. Janice Mohr-Kminek, Treasurer
- c. Sandy Belan, Planning Board Secretary
- d. 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 September 21, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-239

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

AUTHORIZING THE BOROUGH TO EXECUTE AN AMENDMENT TO THE MUNICIPAL SHARE SERVICES DEFENSE AGREEMENT

WHEREAS, the Borough Council of the Borough of Hightstown entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Borough Council of Hightstown Borough recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough Council of Hightstown Borough has determined that it is in the best interests of the citizens of Hightstown Borough to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of Hightstown Borough hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of Hightstown Borough with Econsult Solutions, Inc.

The Borough Council of Hightstown Borough hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of Hightstown Borough with the approval of the Hightstown Borough’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of Hightstown Borough further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the

municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Hightstown Borough shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Hightstown Borough Council
6. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 8, 2015.

Debra L. Sopronyi
Borough Clerk

**AMENDMENT TO THE
MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT**

This Amendment to the Municipal Shared Services Defense Agreement (“MSSDA”) previously entered into in by the Members of the MSSDA in or after June, 2015,

WHEREAS several municipalities have previously entered into a MSSDA authorizing the retention of Rutgers University and its Principal Investigator, Dr. Robert Burchell to perform certain tasks as outlined therein, including, without limitation, the development of a reasonable position consistent with applicable law as the means by which the fair share of municipalities may be determined; and

WHEREAS, Dr. Burchell had a serious health event on or about July 27, 2015 that has impeded the goal of the MG to obtain such a report; and

WHEREAS, more specifically, Rutgers University (hereinafter “Rutgers”) has indicated that Dr. Burchell is the only one at the University that could perform the work contemplated by the contract between the Municipal Group (“MG”) and Rutgers, dated July 2015 (hereinafter “Rutgers Agreement”); and

WHEREAS, as result of the foregoing, Rutgers is not able to complete the work required by the Rutgers Agreement; and

WHEREAS, on September 11, 2015, Rutgers sent the representative of the MG a letter terminating the Rutgers Agreement; and

WHEREAS, even before receipt of the termination letter, vigorous efforts have been made to find an expert that can perform the services that Rutgers is no longer able to provide; and

WHEREAS, it has been determined that Econsult Solutions, Inc. (“Econsult”) has the interest and capability to perform the services as expeditiously as possible; and

WHEREAS, it has been further determined that the MSSDA, as presently written, does not permit the MG to enter into an agreement with any other expert than Rutgers; and

WHEREAS, because of the foregoing, it has been determined that an amendment to the MSSDA is necessary to empower the MG to enter into an agreement with Econsult.

Now, therefore, in consideration of the mutual benefits that will be derived, the Members of the MG hereby agree as follows:

1. Section 1 of the MSSDA, titled “Purpose” is hereby amended as follows:

Section 1(b)-(d) shall be replaced with:

(b) collectively retain such experts and/or consultants, including but not limited to Econsult Solutions, Inc. as may be necessary,

(c) collectively work with experts or consultants that have been retained, including but not limited to Econsult, to conduct an analysis and report of the housing need for each region and the allocation of that need to the individual municipalities in the region;

(d) may elect, at the exclusive expense of any Member or group of Members, to rely upon and present such experts or consultants as a witness in the Litigation, including for any mediation, Alternative Dispute Resolution or other proceeding involving a determination of a Member’s Affordable Housing Obligation;

2. Section 3 of the MMSDA titled “Retention of Burchell” is hereby amended and is titled as “Retention of Experts and/or Consultants.” This section is amended to provide that the administrators of the MMSDA, shall retain such experts and/or consultants, including but not limited to Econsult, as may be necessary and to communicate with such experts and/or consultants in the method and manner as set forth.
3. Section 5, titled “Shared Costs” is hereby amended to provide that shared costs shall include payment to any expert or consultant, including but not limited to Econsult, and such other professionals, and/or common counsel, as shall be agreed upon by the Members in accordance with the terms and procedures of the MSSDA.
4. Section 6, titled “Expenses Not Covered by This Agreement” shall be amended to allow any member or group of Members of the MMSDA to retain Econsult or any other commonly retained expert and/or consultant for the purposes as set forth in the MSSDA; however, it shall be in accordance with the rate schedule as set forth in any agreement between the MSSDA and such expert and/or consultant; it shall not be based upon the rates as set forth for Dr. Burchell nor shall payment be made to Rutgers except to the extent that representatives of the MG may pay the remainder of the 70,000 in expense allocated for the provision of a final report in accordance with the underlying agreement and/or for the purposes of securing rights to information that otherwise would not be available. Any amounts in excess of the \$70,000 that may be needed to secure the right to use the underlying data that Rutgers has assembled may only be paid if authorized at a meeting held in accordance with paragraph 2 of the underlying agreement.
5. Section 7, titled ”Liaison Counselor Committee” is hereby amended to allow Jeffrey R. Surenian, Esq. to pay an administrative assistant to administer this MSSDA and the consortium at a rate not to exceed \$70 per hour and to pay out of pocket expenses.

6. Section 11, titled "Common Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
7. Section 15, titled "Conflict of Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.
8. Section 16, titled "Effective Date" is amended removing the reference to "Rutgers" and replacing it with "such experts and/or consultants, including but not limited to Econsult, that have been retained by the MSSDA
9. Section 17, titled "Subsequent Agreement" , shall be amended to include paragraph 17 c as follows: Since the Agreement between Econsult and the MG may not have been finalized at the point of execution of this amendment, the designated attorney for the municipality shall have 10 business days from receipt of the Econsult Agreement by electronic mail to withdraw from the consortium and secure a rebate of the 2,000 paid minus the pro rata share of all costs and expenses incurred to the date of such withdrawal.
10. All other provisions in the MSSDA that refer to or may be interpreted to relate or refer to dealings with Rutgers or Burchell are removed and amended to provide that the MSSDA permits the retaining of such experts and/or consultants, including but not limited to Econsult, as may be agreed upon by the Members in accordance with the terms and provisions of the MSSDA. All other terms and provisions remain unchanged and in effect.

IN WITNESS WHEREOF, the Members hereto, which may be by and through their appointed counsel, enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the company or entity on whose behalf it is indicated that the person is signing.

ATTEST:

 , Clerk

By: _____
 Mayor

Resolution 2015-240

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

AUTHORIZING ISSUANCE OF BINGO LICENSE #BL-2015-003 TO THE HIGHTSTOWN HIGH SCHOOL PARENTS ASSOCIATION

WHEREAS, the Hightstown High School Parents Association wishes to hold a Bingo at 25 Leshin Lane on November 14, 2015; and

WHEREAS, the group has submitted application number BL2015-003 for the bingo along with the required fees; and

WHEREAS, The Hightstown High School Parents Association is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-37998; and

WHEREAS, the Borough Clerk and the Police Department have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Bingo License No. BL2015-003 to The Hightstown High School Parents Association for their bingo to be held on November 14, 2015.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-241

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

AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2015-014 TO THE HIGHTSTOWN HIGH SCHOOL PARENTS ASSOCIATION

WHEREAS, the Hightstown High School Parents Association wishes to hold an on-premise 50/50 raffle at 25 Leshin Lane on November 14, 2015; and

WHEREAS, the group has submitted application number RL2015-014 for the raffle along with the required fees; and

WHEREAS, the Hightstown High School Parents Association is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-37998; and

WHEREAS, the Borough Clerk and the Police Department have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL2015-014 to the Hightstown High School Parents Association for their 50/50 raffle to be held on November 14, 2015.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-242

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

AUTHORIZING ISSUANCE OF BINGO LICENSE #BL-2015-004 TO HIGHTSTOWN ENGINE COMPANY #1

WHEREAS, Hightstown Engine Co. #1 wishes to hold a Bingo at 140 Main Street on October 23, 2015; and

WHEREAS, the group has submitted application number BL2015-004 for the bingo along with the required fees; and

WHEREAS, Hightstown Engine Co. #1 is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-9-33988; and

WHEREAS, the Borough Clerk and the Police Department have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Bingo License No. BL2015-004 to Hightstown Engine Co. #1 for their bingo to be held on October 23, 2015.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-243

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

AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2015-015 TO HIGHTSTOWN ENGINE COMPANY #1

WHEREAS, Hightstown Engine Co. #1 wishes to hold an on-premise 50/50 raffle at 140 Main Street on October 23, 2015; and

WHEREAS, the group has submitted application number RL2015-015 for the raffle along with the required fees; and

WHEREAS, Hightstown Engine Co. #1 is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-9-33988; and

WHEREAS, the Borough Clerk and the Police Department have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL2015-015 to Hightstown Engine Co. #1 for their bingo to be held on October 23, 2015.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-244

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

AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE - EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, October 24, 2015 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Police Department; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, October 24, 2015, at 278 Monmouth Street.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 21, 2015.

Debra L. Sopronyi
Borough Clerk