

Agenda
Hightstown Borough Council
Workshop Meeting
 November 2, 2015
 First Aid Building
 6:45 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

Executive Session: **Resolution 2015-272**

 Litigation – COAH
 Personnel – Professional Services

Flag Salute

Approval of the Agenda

Minutes October 5, 2015 Workshop Session
 October 5, 2015 Executive Session
 October 19, 2015 Business Session
 October 19, 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 **2015-23 Final Reading and Public Hearing** – 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”

2015-24 Final Reading and Public Hearing An Ordinance Amending and Supplementing Chapter 28, Entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown, new Jersey”

	2015-25	Final Reading and Public Hearing An Ordinance Amending and Supplementing Subsection 2-20.4, Entitled “Election of Members; Qualifications,” of Section 2-20, Entitled “Fire Department,” of Chapter 2, Entitled “Administration,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”
	2015-26	Final Reading and Public Hearing An Ordinance Amending and Supplementing the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” in Order to Establish a New Chapter Thereof to be Known as “Tax Exemptions”
Resolutions	2015-273	Authorizing the Payment of Bills
	2015-274	Authorizing the Borough of Hightstown to Enter into a Shared Service Agreement for Solid Waste Collection with the Borough of Roosevelt
Consent Agenda	2015-275	Authorizing the Sale of Surplus Personal Property no Longer Needed for Public Use on an Online Auction Website
	2015-271	Authorizing Sale by Assignment of Tax Sale Certificate #15-00011
	2015-276	Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Improvements to First Avenue Project
	2015-277	Requesting Approval for Insertion of a Special Item of Revenue in the 2015 Budget
Discussion		Handicapped Parking Ordinance
		Home Based Business Ordinance
		E-Mail Protocol
		Meeting Time
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 2015-272

*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 November 2, 2015 beginning at 6:45pm 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:

Litigation – COAH
Personnel – Professional Services

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: February 2, 2016 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 November 2, 2015.

Debra L. Sopronyi
Borough Clerk

**Meeting Minutes
Hightstown Borough Council
Business Meeting
October 5, 2015
6:15 pm**

The meeting was called to order by Mayor Quattrone at 6:15 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

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; and Fred Raffetto, Borough Attorney.

Resolution 2015-246 Authorizing a Meeting Which Excludes the Public

Council President Hansen moved resolution 2015-246, Councilmember Stults seconded.

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

Resolution adopted 5-0.

Resolution 2015-246

*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 October 5, 2015 at 6:15pm 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)

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: January 5, 2016 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.

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Mayor Quattrone called the public meeting to order at 7:00pm and again read the Open Public Meeting Statement.

The flag salute followed Roll Call.

Carmela Roberts, Borough Engineer, arrived at this time and was now present.

Council President Hansen requested that a Road Project Update be added to Engineer Items and Mayor Quattrone asked that resolution 2015-254 be pulled from the consent agenda.

Council President Hansen moved the agenda as amended for approval, Councilmember Stults seconded.

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

Agenda approved 5-0.

Councilmember Stults moved the September 21, 2015 open session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved 5-0.

Councilmember Stults moved the September 8, 2015 executive session minutes for approval, Council President Hansen seconded.

The Borough Attorney corrected the minutes.

Council President Hansen moved the September 8, 2015 executive session minutes as amended for approval, Councilmember Kurs seconded.

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

Minutes approved 5-0.

Cultural Arts Commission Presentation

Anne Marie Miller introduced the Commissioners present, Adam Welch, Barbara Harrington, and Frank Rivera. She reviewed the establishment of the CAC; the time and location of their meetings; and the mission statement and goals of the CAC.

George Lang, CFO, arrived at this time.

Ms. Miller reviewed the transformation of an old firehouse to an arts center in West Windsor. She then reviewed the accomplishments of the CAC, which included: developing the mission statement, distribution of a survey, establishing a facebook page, development of the Arts Master Plan, toured Hightstown Borough for locations in which art could be displayed, established the CAC logo, applied for a grant for the Theater in the Park program, held lectures, established an E-Newsletter, promotes art at 12 Farms Restaurant, and are taking part in the Harvest Fair.

She reviewed the distributed survey results to-date, noting that the CAC has established a presence in Hightstown. Ms. Miller noted that they are sponsoring many art activities at the Harvest Fair in which the public can participate and/or view, including a mosaic, pottery making demo, various paintings, photography, fiber arts, and various musical performances.

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She then introduced Adam Welch. Mr. Welch reviewed the process for developing the Public Art Master Plan which includes maps and plans with possible locations for public art displays, community gathering places, and festival participation. He noted that they have developed a strategic plan to make art a part of the Borough which includes how to pay for and maintain art, a visual arts rights act that is especially responsible for artwork. The standard operating procedure and geographic placement is being developed. The Plan will create public support of art through an education component with speakers. It is hoped that the plan will be distributed soon.

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

Phyllis Deal, 305 Stockton Street – thanked the CAC for their presentation; suggested that a sign be placed on the door when in executive session.

Doug Mair, 536 S. Main Street – commented that the Engineer issued a letter regarding the hazardous conditions left by the contractor on Park Avenue, there has been minimal action taken; what penalty will the contractor pay?

Eugene Sarafin, 628 S. Main Street – pondered federal government responsibilities and commented that it is local government responsibility to send a resolution supporting gun control to the State.

Mary Beth Colvell, 128 Broad Street – spoke regarding the Preventative Towing Act and court cases in regards to the vehicle parking ordinance being considered by Council.

J P Gibbons, 602 N. Main Street – commented that Council needs to include the public in their discussion; he is opposed to resolution 2015-252 being in the consent agenda, as it should be discussed with the public first; resolution 2015-254 dismisses charges against an officer who has already been terminated.

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

Council President Hansen thanked the CAC for all the work they have done, and sharing their talent; their progress report is appreciated.

Councilmember Stults commented that he agrees; this is good for the Borough and thanks for coming.

Councilmember Bluth thanked the CAC for coming and noted that he looks forward to their events at the Fair.

Councilmember Misiura thanked the CAC and noted that they have made great progress.

Councilmember Kurs thanked the CAC for coming and noted that they are doing great things.

Enchantment Improvements

The Borough Engineer advised that Enchantment has come forward with additional requests for the project. She reviewed the settlement and noted that there is \$55,000.00 from the settlement that is not in the present contract.

Councilmember Montferrat arrived at this time.

She reviewed the list of requests and there was discussion regarding public property and association responsibilities. Ms. Roberts stated that prices for the removal of utility poles and to repair the seams and replace patio block were still being established and the remainder of the items total about \$35,000; there is about \$55,000 available.

There was additional discussion regarding the items covered in the contract and the additional items requested. In the past, JCP&L refused to remove the telephone poles, as they believe they may need them in the future. Mr. Underhill was directed to contact JCP&L regarding the removal of the telephone poles and there was additional discussion regarding the timeline and the

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ability of the contractor to handle the additional workload. The Engineer noted that she is comfortable with the contractor's pricing and his ability to do the work; the engineering work can be completed within the present budget. She requested that Council approve the change to the contract to maintain timely completion of the project.

The Borough Attorney advised that Council can approve it verbally at this meeting and do a resolution memorializing their decision at the next meeting, or add a resolution this evening. He noted that Council will not be acting on the items which the contractor did not provide pricing.

There was discussion regarding the pool being a community issue as it is not accessible to the public; the contingency balance in the bond and the possibility of future change orders on the present contract; detention basin issues and the fact that they are maintenance neglect, not a bonding issue. The Borough Engineer noted that the patio area around the pool was covered in the original bond.

Council decided that they would approve the repair work at the paving stone area at the entrance of the development, repairs to 4 additional sidewalks and 11 additional driveway aprons, and the grouting between the Belgium Blocks.

Mayor Quattrone inquired as to whether the Council could vote on a resolution of approval at this time. The Borough Attorney advised that they can. The Borough Clerk advised that it would be resolution 2015-257.

Resolution 2015-257 Authorizing Change Order #1 – Pioneer General Contracting Co., Inc. (Enchantment at Hightstown Road Improvement Program)

Councilmember Kurs moved resolution 2015-257, Councilmember Bluth seconded.

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

Resolution adopted 6-0.

Resolution 2015-257

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

**AUTHORIZING CHANGE ORDER #1 – PIONEER GENERAL CONTRACTING CO., INC.
(ENCHANTMENT AT HIGHTSTOWN ROAD IMPROVEMENT PROGRAM)**

WHEREAS, on July 20, 2015 the Borough Council awarded a contract for the Enchantment at Hightstown Road Improvement Program to Pioneer General Contracting Co., Inc. of South River, New Jersey in the amount of \$334,083.00; and

WHEREAS, the contractor has submitted change order #1 in the amount of \$26,308.00 for additional sidewalk and driveway apron replacement, re-mortar Belgian Block curb joints and to re-set pavers at the Hight Boulevard entrance, pursuant to requests from the Enchantment at Hightstown Homeowners Association; and

WHEREAS, the Borough Engineer has recommended approval of Change order #1 in the amount of \$26,308.00; 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 #1 in the amount of \$26,308.00 to Pioneer General Contracting Co., Inc. of South River, New Jersey is hereby approved as detailed herein.

Mayor Quattrone noted that residents in the development have had concern with the work being performed by the contractor without the use of safety gear. The Borough Engineer confirmed that she will notify the contractor.

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Road Project Update

Mayor Quattrone noted that he has received several e-mails from residents regarding the project and work being performed on Park Avenue, and requested that the Borough Engineer give an update on the road project.

The Borough Engineer commented that it will be about three weeks until the project is finished; and the end where the issues have been occurring on Park Avenue should be completed by the end of the week. Next week the remainder of the curbs and sidewalks on Park Avenue should be completed. The curb and sidewalk work on Hutchinson should be performed next week with all concrete work being completed by the end of next week and paving being performed the following week. All water/sewer work is completed, and the sump pumps still need to be addressed. Since DPW is OK with them working on Columbus Day, they will be working on that day as well.

Ms. Roberts continued that she sent a letter to the contractor last week regarding the issues with the project, but there was a disconnect in communication between the contractor and his concrete sub-contractor. She reviewed the timeframe to correct the issues and the lack of the contractor's response. DPW participated in the evaluation prior to last week's rain and confirmed that the sump pumps were OK for last weekend; the contractor is now taking care of the matter.

Council expressed concern with the contractor's response to issues and directed the Attorney to review the contract to ascertain penalties that may be assessed against the contractor, as well as a means for recouping the cost for having DPW perform work on the project. It was noted that they do not want to work with this contractor again. Borough Clerk/QPA Sopronyi advised that to deny an award for a winning bid on the basis of prior negative experience, all problems must be documented; she then requested that the Borough Engineer send her the log of communications (including phone calls) with the contractor regarding the issues with the project for the file.

There was further discussion regarding sending out a message through our reverse 9-1-1 to the residents regarding the project status; and the different standards for a project in an older occupied neighborhood versus building a new development. The Borough Engineer noted that the standard operation practices were covered in the specifications and the pre-construction meeting.

The Borough Engineer departed the meeting at this time.

Ordinance 2015-21 Final Reading and Public Hearing – An Ordinance Repealing Ordinance 2005-28

The Borough Attorney explained that the use of Growth Share for Affordable Housing is obsolete and the Borough Council is removing it from the Borough Code.

Councilmember Montferrat moved ordinance 2015-21 for adoption, Councilmember Kurs seconded.

Mayor Quattrone opened the public hearing on ordinance 2015-21 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – inquired what took so long.

The Borough Attorney noted that there was too much flux in what was going on with COAH.

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

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

Ordinance adopted 6-0.

Ordinance 2015-21

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

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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 established 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.

Ordinance 2015-22 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 13 "Housing" of the "Revised General Ordinances of the Borough of Hightstown, Mercer County, New Jersey"

Mayor Quattrone opened the public hearing on ordinance 2015-22 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – noted that this is a great ordinance and recommended that the Borough record the tenants in rental units.

Doug Mair, 536 S. Main Street – references that 13-3-5 should have an exemption regarding extension cords being used from temporary generators in times of emergency.

There was discussion and the Borough Attorney confirmed that this would not be a substantive change and Council could move forward with adoption if they choose to amend the ordinance.

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

Councilmember Stults moved to amend ordinance 2015-22 to add an exemption for the use of extension cords from temporary generators in the time of emergency, Councilmember Bluth seconded.

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

Ordinance amended 6-0.

Councilmember Kurs moved to adopt ordinance 2015-22 as amended, Council President Hansen seconded.

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

Ordinance adopted as amended 6-0.

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:

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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.

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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.

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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

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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 and Carbon Monoxide 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.

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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, with the exception of use of a portable generator in times of emergency. (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.

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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 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

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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.

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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.

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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)

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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)

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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

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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.

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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)

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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)
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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 one hundred (\$100.00) 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 fifty (\$50.00) 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

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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 one hundred (\$100.00) 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 fifty (\$50.00) 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.

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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

REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

Subsections:

- | | |
|----------------|--|
| 13-12-1 | Definitions |
| 13-12-2 | Registration Required |
| 13-12-3 | Fees |
| 13-12-4 | Taxes and Other Municipal Charges; Payment Precondition for Registration and Certificate of |

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	Occupancy
13-12-5	Providing Copy of Registration 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 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 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,

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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) Registration shall cover a one-year period running from April 1 through March 31. Initial registrations under this Section are due no later than April 30th. Newly acquired units must be registered prior to their rental and annually thereafter.

(c) Inspections shall be performed and a Certificate of Occupancy obtained whenever tenancy changes or annually. It shall be the responsibility of the owner to arrange for inspections when there is a change in occupancy. Routine 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 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 Statute 54:4-8.41, there shall be no fee.

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(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.

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

No 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 Registration to Occupants and Tenants

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the 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 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
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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~~ 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 October 5, 2015

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 2015-23 Final Reading and Public Hearing – 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”

Council President Hansen moved ordinance 2015-23 for adoption, Councilmember Bluth seconded.

Mayor Quattrone opened the public hearing on ordinance 2015-23 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that this is a good ordinance and Council should adopt it.

Mary Beth Colvell, 128 Broad Street – reiterated her previously made comments which were during the public comment period.

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

The Borough Attorney noted that this ordinance is already in the code, it is being amended to permit enforcement by the Housing Inspector, Construction Official, and Zoning Official.

There was discussion regarding the statutes noted by Ms. Colvell and having the Borough Attorney investigate whether the ordinance is enforceable as written.

Councilmember Misiura moved to table ordinance 2015-23 until the next meeting so the Borough Attorney can investigate the enforcement of this ordinance, Council President Hansen seconded.

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

Ordinance tabled 6-0.

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, October 5, 2015

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.

October 5, 2015

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)

October 5, 2015

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.

Resolution 2015-247 Payment of Bills

Councilmember Stults moved resolution 2015-247, Council President Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2015-247
*BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY*

October 5, 2015

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 \$97,793.21 from the following accounts:

Current		\$44,245.39
W/S Operating		25,910.53
General Capital		12,209.85
Water/Sewer Capital		5,813.00
Grant		0.00
Trust		0.00
Housing Trust		3,735.85
Animal Control		10.80
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		17.29
Escrow		<u>5,850.50</u>
Total		<u>\$97,793.21</u>

Consent Agenda Resolutions 2015-248, 2015-249, 2015-250, 2015-251, 2015-252, 2015-253, 2015-255, and 2015-256:

Councilmember Bluth moved resolutions 2015-248, 2015-249, 2015-250, 2015-251, 2015-252, 2015-253, 2015-255, and 2015-256 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.

Resolution 2015-248

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

AUTHORIZING THE PURCHASE OF AN ULTRAMEDIC III AMBULANCE FROM FIRST PRIORITY EMERGENCY VEHICLES IN THE AMOUNT OF \$181,283.00 THROUGH OUR PARTICIPATION IN THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) A NATIONAL COOPERATIVE PURCHASING PROGRAM PURSUANT TO P.L.2011, C.139.

WHEREAS, the Borough of Hightstown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of Houston-Galveston Area Council of Governments (H-GAC), 3555 Timmons, Suite 120, Houston, TX 77027 pursuant to the provision of P.L.2011, c.139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

October 5, 2015

WHEREAS, First Priority Emergency Vehicles, 2444 Ridgeway Blvd, Bldg 500, Manchester, NJ 08759 has been awarded the contract for this ambulance under H-GAC's Category: Ambulances, EMS, and Other Special Service Vehicle (AM 10-14); and

WHEREAS, the Purchasing Agent and Borough Administrator recommend the utilization of this contract; and

WHEREAS, under H-GAC Contract No. AM 10-14, First Priority Emergency Vehicles can provide to the Borough of Hightstown an Ultramedic III, 168" x 96" Ford E450 (v-10, Gas) Cutaway, Item DDA11 as per their quote in the amount of \$181,283.00.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that First Priority Emergency Vehicles under H-GAC Contract # AM 10-14 be utilized to provide an Ultramedic III, 168" x 96" Ford E450 (v-10, Gas) Cutaway, Item DDA11 as per their quote in the amount of \$181,283.00 to the Borough of Hightstown First Aid Squad.

Resolution 2015-249

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

AUTHORIZING THE PURCHASE OF A 33-YARD CAPACITY EXPERT HELPING HAND TRASH TRUCK WITH MACK CHASSIS THROUGH OUR PARTICIPATION IN THE NATIONAL JOINT POWERS ALLIANCE (NJPA) A NATIONAL COOPERATIVE PURCHASING PROGRAM PURSUANT TO P.L.2011, C.139.

WHEREAS, the Borough of Hightstown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of National Joint Powers Alliance Cooperative, 202 12th Street NE, P. O. Box 219, Staples, MN 56479 pursuant to the provision of P.L.2011, c.139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

WHEREAS, Sanitation Equipment Corp., S-122 Route 17 N, Paramus, NJ 07652 has been awarded the contract for this trash truck under NJPA's Category: Waste and Recycling (112014-LEG); and

WHEREAS, the Purchasing Agent and Borough Administrator recommend the utilization of this contract; and

WHEREAS, under NJPA Contract No. 112014-LEG, Sanitation Equipment Corp. can provide to the Borough of Hightstown a 33-yard Capacity Expert Helping Hand Trash Truck with Mack Chassis as per their quote in the amount of \$313,687.00.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that Sanitation Equipment Corp. under NJPA Contract No. 112014-LEG be utilized to provide a 33-yard Capacity Expert Helping Hand Trash Truck with Mack Chassis as per their quote in the amount of \$313,687.00 to the Borough of Hightstown.

Resolution 2015-250

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

**LIFTING A MORATORIUM ON THE ISSUANCE OF YEARLY A-FRAME SIGN PERMITS
AND GRANTING A TEMPORARY EXTENSION AND WAIVER OF A-FRAME SIGN PERMIT
FEES**

WHEREAS, the Planning Board had requested that the Borough Council issue a moratorium on the issuance of A-Frame Sign permits and direct the Zoning Official to cease the issuance of said permits beginning July 1, 2015; and

WHEREAS, the Borough Council issued said moratorium pursuant to resolution 2015-163 on June 15, 2015; and

October 5, 2015

WHEREAS, the Planning Board is investigating alternatives to the A-Frame Sign and will be proposing a new ordinance which will include examples and design samples for A-Frame signs; and

WHEREAS, the Planning Board has requested that the Borough Council lift the moratorium on A-Frame signs as established by resolution 2015-163 and grant a temporary extension and waiver of A-Frame sign permit fees for a period of three months and/or until a new ordinance is adopted; and

WHEREAS, the Borough Council finds that lifting the moratorium and granting a temporary extension and waiver of A-Frame sign permit fees for a period of three months and/or until a new ordinance is adopted is beneficial to the businesses affected by the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the moratorium on A-Frame signs as implemented by resolution 2015-163 is hereby lifted and a temporary extension and waiver of A-Frame sign permit fees for a period of three months and/or until a new ordinance is adopted is hereby immediately in effect.

Resolution 2015-251

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

**AUTHORIZING EXPENDITURE FOR RESEARCH AND EVALUATION SERVICES
PERTAINING TO 9-1-1 AND DISPATCH OPERATIONS**

WHEREAS, there exists the need for research and evaluation services to assist the Borough of Hightstown to determine the technical requirements and budgetary estimates that would be required for the Borough to enter into a 9-1-1 and dispatch operation with another municipality ; and

WHEREAS, the Borough Council wishes to hire IXP Corporation of Princeton, New Jersey to conduct the research and evaluation necessary and provide a written report regarding same; and

WHEREAS, the project plan will include five major technology areas including 9-1-1 Telephony System, Radios, CAD/RMS, Logging and Recording and Networking; and,

WHEREAS, the cost for said research and evaluation services and providing a written report regarding same shall not exceed \$7,500.00; and

WHEREAS, the Treasurer has certified funds are available for this expenditure; and,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that it is hereby authorized for IXP Corporation of Princeton, New Jersey to conduct the research and evaluation necessary as stated herein and provide a written report regarding same at a cost not to exceed \$7,500.00.

Resolution 2015-252

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

**RESOLUTION AUTHORIZING A SIX MONTH RENEWAL TO THE LEASE FOR THE BOROUGH'S CONTINUED
USE OF A PORTION OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 61.01, LOTS 43, 44 & 45,
COMMONLY KNOWN AS 415A MERCER STREET, HIGHTSTOWN, NEW JERSEY**

WHEREAS, the Hightstown Borough Governing Body previously adopted Ordinance 2014-02 which authorized the Borough of Hightstown (the "Borough") to enter into a Lease Agreement (the "Agreement") with Hights Realty, LLC, regarding the Borough's temporary use of a portion of the premises located at 415 Mercer Street in the Borough, commonly known and designated as Block 61.01, Lots 43, 44 and 45 on the Borough's Tax Map (hereinafter referenced as the "Property"), for the October 5, 2015

relocation of the Borough’s Police Department and associated operations; and

WHEREAS, the Agreement was executed by the parties on February 1, 2014; and

WHEREAS, on February 1, 2015, the parties executed a “1st Amendment to Lease Agreement and First Renewal Thereof,” which modified the renewal terms set forth in the initial Agreement; and

WHEREAS, pursuant to the “1st Amendment to Lease Agreement and First Renewal Thereof,” the parties wish to renew said Agreement for the second renewal term, which constitutes a six month period from August 1, 2015 to January 31, 2016, under all the same terms and conditions set forth in the initial Agreement, as modified by the “1st Amendment to Lease Agreement and First Renewal Thereof,”

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Borough Clerk to attest documentation required to renew said Agreement, in accordance with the provisions set forth above, for a six month period commencing on August 1, 2015 and concluding on January 31, 2016, subject to all of the terms and conditions set forth in the initial Agreement, as modified by the “1st Amendment to Lease Agreement and First Renewal Thereof,”

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

1. Hights Realty, LLC
2. Frederick C. Raffetto, Esquire, Borough Attorney
3. Lt. Frank Gendron

Resolution 2015-253

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE 2015 BUDGET**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2015 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey	\$7,661.31	Municipal Court Alcohol Education and Rehabilitation Fund	Municipal Court Alcohol Education and Rehabilitation Fund

Resolution 2015-255

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

October 5, 2015

AUTHORIZING THE MAYOR TO EXECUTE A COUNTY WIDE MUTUAL AID AGREEMENT

WHEREAS, the President of the United States in Homeland Security Directive (HSPD-5), directed the development and administration of a National Incident Management System (NIMS) which would provide a consistent nationwide approach to Federal, State, local and Tribal governments to work together more efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the County of Mercer has adopted the NIMS as the standard for incident management and directed its use for all emergency incidents; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Act”, N.J.S.A. app. A:9-30 et seq (the “Disaster Control Act”), provides for the health safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency; and

WHEREAS, the “Fire Service Resource Emergency Deployment Act”, N.J.S.A. 52:14E-11 et seq. (the “Fire Service Act”) establishes a mechanism for the coordination of fire service resources throughout the state to facilitate quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from damage or destruction of fire, explosion or other disaster; and

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules commonly referred to as the “Fire Service Resource Emergency Deployment Regulation” N.J.A.C. 5:75A-2.2 et seq.; and

WHEREAS, the County of Mercer has adopted the Mercer County Emergency Operations Plan and has developed a County Wide Mutual Aid Agreement; and

WHEREAS, Hightstown Borough recognizes that entering into an agreement for mutual aid and assistance with each other to protect loss, damage or destruction in “Emergency Situations”, and to address those situation when additional aid and assistance is needed, is essential to protect the best interests of the person and property in each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute the “County Wide Mutual Aid Agreement on behalf of Hightstown Borough and its participation in the agreement.

Resolution 2015-256

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

AUTHORIZING THE MAYOR TO EXECUTE AN AUTHORIZATION AND LETTER OF INTENT TO PARTICIPATE IN THE MERCER COUNTY HAZARD MITIGATION PLAN UPDATE

WHEREAS, Hightstown Borough has adopted and is a participant in the Mercer County Hazard Mitigation Plan (HMP); and

WHEREAS, Hightstown Borough is committed to participating in the Mercer County Hazard Mitigation Plan Update Project; and

WHEREAS, it is required that Hightstown Borough execute an Authorization and Letter of Intent to Participate in the Mercer County Hazard Mitigation Plan Update; and

WHEREAS, Hightstown Borough agrees to meet the minimum requirements of municipal participation in the Mercer County Hazard Mitigation Plan Update.

October 5, 2015

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute the Authorization and Letter of Intent to Participate in the Mercer County Hazard Mitigation Plan Update on behalf of Hightstown Borough.

Resolution 2015-254 Resolution Adopting the Hearing Officer's Recommendation to Dismiss the Charges Set Forth in the Notice of Disciplinary Action Served on Frank Marchione on March 12, 2015 and Heard on June 18, 2015 and August 27, 2015

The Borough Attorney explained the resolution and reviewed the charges that were being dismissed, noting that these charges are separate from the previous action taken with this employee.

Councilmember Montferrat moved resolution 2015-254, Councilmember Stults seconded.

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

Resolution adopted 6-0.

Resolution 2015-254

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

**RESOLUTION ADOPTING THE HEARING OFFICER'S RECOMMENDATION TO
DISMISS THE CHARGES SET FORTH IN THE NOTICE OF DISCIPLINARY ACTION
SERVED ON FRANK MARCHIONE ON MARCH 12, 2015 AND HEARD ON JUNE 18,
2015 AND AUGUST 27, 2015**

WHEREAS, Officer Frank Marchione was served with a Notice of Disciplinary Action containing four (4) charges dated March 9, 2015 and served on March 12, 2015. The Charges alleged that Marchione committed an act of conduct unbecoming a police officer by engaging in sexual acts while on duty, he violated department Rule and Regulations by engaging in activities which are not directly related to the performance of his duties; he used a department vehicle for personal business and pleasure, and truthfulness; and

WHEREAS, Marchione requested a hearing on the charges which took place on June 18, 2015 and August 27, 2015; and

WHEREAS, the hearing officer heard and reviewed the evidence present during the hearings, and on August 27, 2015 issued a verbal recommendation stating that the Borough failed to prove its case by a preponderance of the evidence on the March 9, 2015 set of charges; 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 August 27, 2015 and dismisses the March 9, 2015 set of charges.

Downtown Hightstown Vision

Mayor Quattrone commented that the presentation held at the joint Borough Council and Planning Board meeting on September 30th was well attended.

Councilmember Stults noted that the vision presentation was a culmination of Downtown Hightstown's long process that included public participation.

October 5, 2015

Councilmember Stults moved that the Borough Attorney prepare a resolution for the Council to accept the concept and encourage the Planning Board to move ahead with the required Master Plan changes to coincide with the plan, Council President Hansen seconded.

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

Motion approved 6-0.

Council President Hansen noted that the Vision Plan has been added to the Borough website.

Development Fee Ordinance

Councilmember Stults noted that this ordinance will replace the repealed Growth Share ordinance to fund affordable housing.

The Borough Attorney advised that this ordinance relates to the Borough Planner's presentation at a previous meeting at which the Council asked for graduated fees. There was discussion regarding sending the ordinance to the Planning Board with comments consisting of adding a 2% fee for retail, including food and drink; exempting accessory structures; and allowing negotiation of fees in a re-development agreement.

Councilmember Stults will take the comments to the Planning Board.

Tax Exemption Ordinance

Councilmember Stults noted that this discussion is regarding the Planning Board memo in which they have requested consideration of the addition of downtown retail properties to the ordinance. The Borough Attorney confirmed that the statute allows for the inclusion of commercial properties.

There was discussion regarding the Borough Assessor's recommendation that it only apply to residential properties; using the ordinance as an incentive to adhere to the recommended design standards; the ordinance does not apply to new construction; the ordinance only applies to new assessments and for a period of five years.

The Borough Attorney was directed to review and revise the ordinance to include commercial downtown properties and he confirmed that the resolution establishing the entire Borough as in need of rehabilitations can be adopted at the next meeting.

Clothing Bin Ordinance

Councilmember Stults advised that the Planning Board has reviewed the ordinance and they would like Municipal lots removed from the ordinance.

There was discussion regarding restricting the bins to not for profit to reduce the number of bins in the Borough; and encouraging residents to support RISE.

The Borough Attorney was directed to review the ordinance and make the requested change from the Planning Board. Council will introduce the ordinance at the next meeting.

Handicapped Parking Ordinance

The Borough Clerk reviewed the present process and the requested changes from the Police and Public Works Departments. There was discussion regarding increasing the fees for violations; ADA compliance laws; and whether painting of the street and curbing is required. Council inquired as to the cost for procurement and installation of the signs. The Borough Attorney was instructed to review the ordinance and ADA compliance statutes.

Fire Department Ordinance

Mayor Quattrone noted that an applicant to the Fire Department has a green card but our ordinance and the Fire Department by-October 5, 2015

laws state those who are members of the Fire Department must be a citizen. The code and the by-laws must be changed to allow this applicant to become a member.

There was discussion and the Borough Attorney was directed to review and revise the ordinance and Fire Department by-laws.

Housing Authority Crosswalk

Mayor Quattrone noted that the Housing Authority has requested a marked crosswalk across Rogers Avenue from the office to the senior side of the property. He then invited Mr. Keith LePrevost, Housing Authority Administrator, to take part in the discussion.

Mr. LePrevost stated that the crosswalk is present and was re-painted in 1995 and residents with limited mobility are requesting that it be re-painted again. He noted that lighted crosswalks mounted in the street are much more noticeable; the crosswalk is blind and dangerous, and the crosswalk should be moved west to be more visible; they only wanted the crosswalk re-painted and he does not understand why a survey was done.

There was discussion regarding whether crosswalks should be in the Borough code; and a corner being safer. It was noted that there are curb cuts at the location so the Borough should have known the crosswalk is present, and whether the Borough can designate the crosswalk. The Borough Attorney noted that the Engineer can advise as to the standards.

There was additional discussion regarding safety and visibility; the safest location for the crosswalk and mid-block dangers; placing crosswalks in line with walkways in the area of the Housing Authority; moving crosswalk costs in regards to cut-outs and etc.; placing signs and re-painting.

The Borough Attorney was directed to review the Borough ordinances and the possible need to add crosswalks. Council decided that the current crosswalk will be re-painted and signage added.

Halloween Safety

Mayor Quattrone noted that he has spoken with the Police Department and having police presence and barricades on Stockton Street for Halloween to assure pedestrian safety. He has been assured that police patrols will also be present throughout the Borough and they will be distributing glow sticks to pedestrians.

There was discussion regarding safety town-wide and preparing early next year for a property decorating contest and the closing of streets to vehicular traffic.

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

Doug Mair, 536 S. Main Street – thanked Council for the road project update and the extension cord exemption in the ordinance; recommended that residents be required to pay for the handicapped sign installation up front; commented that this was an awesome meeting, he appreciated the discussions.

Mary Beth Colvell, 126 Broad Street – commented the clothing bins have previously been an issue in the Borough; noted that she is one of the applicants for a handicapped parking space in front of her residence due to the lack of parking and she has a permanent placard for which she is re-certified every three years and she does not feel she should have to provide a medical certification to the Borough.

Mayor Quattrone thanked her for her comments and noted that the Borough is working on the ordinance.

Scott Caster, 12 Clover Lane – thanked Council for being sensitive to the businesses regarding clothing bins; bicycles on the sidewalks needs to be addressed.

Joanna Jackson, 149 Academy Street – commented that it is amazing to give incentives to residents and businesses but there should be an income limitation in the ordinance; parking has been an issue in the Borough for quite some time and recommended that a parking garage be put in downtown.

October 5, 2015

Mayor/Council/Administrative Reports

Councilmember Bluth – noted that the Parks and Recreation meeting is this Thursday; she has also noticed the bicycles and agrees that enforcement is needed.

Councilmember Stults – thanked Council for lifting the A-Frame sign moratorium, the Planning Board is working on a design and placement ordinance for safety; thanked Council for the Downtown Hightstown Vision resolution; the Planning Board is still working on the design standards ordinance; Downtown Hightstown has reached out to Main Street New Jersey regarding the re-designation of Main Street, then maintenance will become the responsibility of the Borough; Downtown Hightstown is willing to work with Council on this and NJDOT also offers incentives to towns who have a state highway through the center of their town; Traffic Engineers design principally for traffic, the new focus is on pedestrian traffic; a draft letter is forthcoming for review. He continued that the July and August inspection reports have come in and there have been violations totaling approximately \$32,000 in fines levied to-date, and violators are responding; if you see something, notify the inspection office. He is very impressed with Ken Lewis and the way he handled preparations for the impending storm, he was very proactive and closely monitored the lake.

Councilmember Montferrat – commented that Hightstown Borough was very prepared for the storm and he is impressed; he hopes the Borough does not start to charge for the of handicapped parking spaces; he would like more information regarding the Fire Department ordinance.

Councilmember Kurs – thanked Downtown Hightstown for the Vision presentation and he hopes it comes to fruition; EMS is thankful for the ambulance that was paid for by insurance; thanked everyone for the storm preparedness; the Fair is Saturday from 10am to 4pm; he noticed two bicycles riding on the sidewalk and noted that the Borough reached out to DOT last year, but the issue should be re-investigated.

Councilmember Misiura – noted that the ordinance for tax exemption is based on state statute and he does not think that there is an income level available; the Environmental Commission is trained in tree pruning and passed the information on to DPW; they have concern with the Etra Road project and they wanted to be involved, the Borough Engineer reached out to them regarding the project; the re-designation of Route 33 was previously addressed with the Governor's office and he suggests that a sub-committee be set up to address the matter and set up meetings and etc.; the re-development sub-committee plans to meet with the Rug Mill Developer next week and it is hoped that we will have information at the next executive session meeting; he attended Boy Scout Troop 59's meeting to discuss government and it was very rewarding.

Borough Clerk Sopronyi – reminded everyone to attend the fair.

Mayor Quattrone – thanked Downtown Hightstown for their work and noted that the Vision is very impressive, he looks forward to moving forward with the project; Mr. Underhill is going to review the Freehold Borough ordinance regarding bicycles, in the meanwhile he recommended that the businesses put flowerpots out as calming devices; This Friday at noon Hightstown High School will hold their annual Hall of Fame luncheon and he has asked Council President Hansen to attend and present his proclamations; he thanked everyone for attending.

Council President Hansen moved to adjourn at 9:50pm, Councilmember Montferrat seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

October 5, 2015

**Meeting Minutes
Hightstown Borough Council
Business Meeting
October 19, 2015
6:15 pm**

The meeting was called to order by Mayor Quattrone at 6:15 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

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 Tamara Lee, Borough Planner.

Resolution 2015-288 Authorizing a Meeting Which Excludes the Public

Council President Hansen requested that resolution 2015-288 be amended to include R. Black Global (Rug Mill Re-Development) to contract negotiations.

Council President Hansen moved resolution 2015-288 as amended, Councilmember Kurs seconded.

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

Resolution adopted 4-0.

Resolution 2015-288

*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 October 19, 2015 at 6:15pm 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)
R. Black Global (Rug Mill Re-Development)
Litigation - COAH

October 19, 2015

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: January 19, 2016 or when the need for confidentiality no longer exists.

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

Mayor Quattrone called the public meeting to order at 7:15pm and again read the Open Public Meeting Statement.

The flag salute followed Roll Call.

Tamara Lee, Borough Planner had departed during executive session and was no longer present; George Lang, CFO and Carmela Roberts, Borough Engineer, arrived at this time and were now present.

Mayor Quattrone requested that resolution 2015-264 be pulled from the consent agenda and moved to be heard before ordinance 2015-26 because they relate to one another; Councilmember Kurs requested that resolution 2015-267 be pulled from the consent agenda because he represents the church pro-bono.

Council President Hansen moved the agenda as amended for approval, Councilmember Misiura seconded.

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

Agenda approved 4-0.

Council President Hansen moved the September 30, 2015 special session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved 4-0.

Womanspace Presentation

Councilmember Kurs introduced Janet Ginest of Womanspace, commenting that she has been working with Womanspace for a long time. Councilmember Kurs reviewed the Womanspace services in Mercer County regarding domestic violence; and noted that he has worked them in many capacities. He then read resolution 2015-259 aloud. He presented the resolution to Ms. Ginest and thanked Womanspace for their work.

Ms. Ginest thanked Hightstown for their support.

Resolution 2015-259 Recognizing the Work of Womanspace

Councilmember Kurs moved resolution 2015-259, Council President Hansen seconded.

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

Resolution adopted 4-0.

Resolution 2015-259

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

October 19, 2015

RECOGNIZING THE WORK OF WOMANSPACE

WHEREAS, the Borough of Hightstown finds it appropriate to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women, children and men who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home,” has asked the Mercer County community to join them in their struggle against violence toward women, children and men; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men.

WHEREAS, Womanspace has assisted more than 204,015 callers over the last 30 years; and

WHEREAS, Womanspace provides vital services for victims of domestic violence and sexual assault; and

WHEREAS, the Borough of Hightstown applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women, children and men; and

WHEREAS, the Mayor and Council urge each and every household to demonstrate their support of the concept that “peace begins at home”.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey commends Womanspace on its many accomplishments, and wish them continued success in their endeavors to assist victims of domestic violence and sexual assault.

Resolution 2015-260 Authorizing Payment #1 – Pioneer General Contracting Co., Inc. (Enchantment at Hightstown Road Improvement Project)

Councilmember Bluth moved resolution 2015-260, Council President Hansen seconded.

The Borough Engineer reviewed the resolution, noting that the project is moving along fine and is on schedule.

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

Resolution adopted 4-0.

Resolution 2015-260

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

**AUTHORIZING PAYMENT #1 – PIONEER GENERAL CONTRACTING CO., INC.
(ENCHANTMENT AT HIGHTSTOWN ROAD IMPROVEMENT PROGRAM)**

WHEREAS, on July 20, 2015 the Borough Council awarded a contract for the Enchantment at Hightstown Road Improvement Program to Pioneer General Contracting Co., Inc. of South River, New Jersey in the amount of \$334,083.00; and

WHEREAS, the contractor has submitted payment #1 in the amount of \$58,443.03 for work related to mobilization, storm drain installation, and curb and sidewalks; and

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WHEREAS, the Borough Engineer has recommended approval of payment #1 in the amount of \$58,443.03 pending receipt of certified payrolls; 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 Payment #1 in the amount of \$58,443.03 to Pioneer General Contracting Co., Inc. of South River, New Jersey is hereby approved as detailed herein.

Road Project Update

The Borough Engineer reviewed the project moving forward, noting that it is scheduled for completion by October 30th. She continued that at the last meeting, the 300 block of Park Avenue was in distress; as of that Friday the base paving had been installed. While soft spots were found, she approved the base paving and sealing of the road to move forward, noting that certain areas need repair. On Monday the sidewalks were still being installed on Park Avenue. During the last week the service walks were being done at 309, 315, and 317 Park Avenue. Three homeowners have requested the removal of trees due to root damage. The tree at 315 has been severely damaged and should be removed; the Shade Tree Committee has been asked to review the trees and make a determination as to their removal.

Ms. Roberts noted that the work on Hutchinson is under way and they are working with the corner lot property owners regarding sidewalk placement. The intersection of Greeley and Glenbrook has been paved to deter water and the curbing installed; she recommended that the intersection be left as is. She advised that the projected cost of the project appears to be right where the change order Council approved made the contract.

There was discussion regarding the root damage to the tree at 315 Park Avenue and waiting for the Shade Tree Committee to report on the remainder of the trees. It was noted that these are Borough trees so if they are replaced in the future it will be at the Borough's expense. The Borough Engineer recommended grinding the stumps and if the Borough chooses to replace them, they should be re-planted at another location.

Mr. Underhill inquired of Council that if the Shade Tree Committee approves the removal of trees, can the project move forward or does Council want it brought back to the next meeting. Council agreed to permit the removal of any tree that is approved to be removed by the Shade Tree Committee; they also agreed to remove the tree at 315 Park Avenue as recommended.

Mayor Quattrone then requested that the Borough Engineer give a status report on the Etra Road sidewalk project. Ms. Roberts noted that the concrete is being poured so the County can begin their work. There was a concrete slab found that runs the length of Orchard and is higher than the gutter line and curbs. The County is going to attempt to mill the intersection and will do whatever is necessary to perform the mill and pave.

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

Keith LePrevost, 213 Greeley Street – commented that he is shocked that they are going to leave the intersection as it is; the water runs down Glenbrook and into driveways on Greeley. It runs right over the curbs, the curbs should be about 4 inches higher and the intersection should be milled. Flooding and icing will be an issue the way it is now and the Borough should consider doing it right.

Lynne Woods, 315 Park Avenue – commented that she was concerned with the tree before the project even started and her neighbor at 317 is also concerned. The Borough should consider residents safety; and they do not want another tree planted. This project was too big and not managed properly.

Nicole Carlo, 317 Park Avenue – commented that she is concerned about the tree because it leans; a lot of roots were removed with the sidewalk work. She consulted with a tree expert from the College of New Jersey and he stated that the roots were not removed properly. The tree is a safety concern and she would like it removed.

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Eugene Sarafin, 628 S. Main Street – commented that he thinks the vision presented is obscene and a joke; the Planning Board does not know what it is doing. Stop this vision nonsense.

Scott Caster, 12 Clover Lane - Told a story about a bench man that he saw frequently; and with whom he shared a mutual respect. He found that the gentleman passed away (his name was Dennis Hernandez, known as Chico). He then noted the dates and times of the services.

Mary Beth Colvell, 128 Broad Street – commented that the Shade Tree Committee should move quickly on the trees; and she noted an experience she had with a tree falling.

Donna LePrevost, 213 Greeley Street – inquired why the Engineer and contractor acknowledged that the intersection is not correct, but today the Engineer said it is not being re-done. She noted e-mails to the Engineer in which the acknowledgements were made and she wants an explanation.

The Borough Engineer responded that the curb was never a temporary measure; the curb and mill/pave was being done in steps with the curb being done first, then an evaluation would be made. The asphalt was removal of asphalt in front of the curb is temporary and will be finished off with the final course of paving.

Mayor Quattrone noted that the e-mails will be reviewed and it will be determined what should be done at this intersection to fix any situation that may exist.

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

Ordinance 2015-23 Final Reading and Public Hearing – 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”

Council President Hansen moved ordinance 2015-23 for adoption, Councilmember Bluth seconded.

Mayor Quattrone noted that this ordinance was previously tabled so that the Borough Attorney could review the Predatory Towing Act.

The Borough Attorney reviewed the Predatory Towing Act noting that its purpose was to protect vehicles from being towed from public lots that do not have a warning posted; there is an exception in the law for vehicles parked on private property. This ordinance is in the same format as previously presented.

Mayor Quattrone opened the public hearing on ordinance 2015-23 and the following individuals spoke:

Mary Beth Colvell, 128 Broad Street – referenced her amendment rights and has a concern that the Borough will come on her property and tell her what she can and cannot do.

Eugene Sarafin, 628 S. Main Street – commented that this is a good ordinance and Council should adopt it.

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

Councilmember Kurs noted that he is concerned with residents who may have the hobby of restoring older vehicles and this should be addressed.

Councilmember Bluth suggested that abandoned vehicle be defined.

Mayor Quattrone noted that a hobbyist will usually cover the vehicle to protect their work.

The Borough Attorney noted that he can work this into the ordinance.

Councilmember Kurs moved to table ordinance 2015-23 until the next meeting so the Borough Attorney can address the hobbyist issue, Councilmember Bluth seconded.

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

Ordinance tabled 4-0.

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.

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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**

October 19, 2015

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
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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.

Ordinance 2015-24 First Reading and Introduction Amending and Supplementing Chapter 28, Entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Councilmember Misiura moved ordinance 2015-24 for introduction, Council President Hansen seconded.

The Borough Attorney reviewed the changes requested by the Planning Board and suggested adding non-residential zone as a requirement for the placement of the bins.

There was discussion regarding the Attorney’s suggestion and the timeframe for compliance. It was decided that the ordinance would be amended to make the change suggested by the Attorney on page one and to change the compliance time from 6 months to 60 days on page 3 in E.

Council President Hansen moved ordinance 2015-24 for introduction as amended, Councilmember Bluth seconded.

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

Ordinance introduced 4-0. Public Hearing will be held on November 2, 2015.

Ordinance 2015-24

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

BE IT ORDAINED by the Borough Council of the Borough of Hightstown, County of Mercer, New Jersey, that the Chapter 28, entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown” is hereby amended to add a new Section, Clothing Bins, as follows:

SECTION 1: Purpose

The purpose of this ordinance is to accommodate clothing bins intended for charitable purposes only in appropriate locations, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for charitable clothing bins to ensure compliance with the provisions of the requirements and standards established herein.

SECTION 2: Add a Section to Chapter 28, Scope and Purpose, as follows:

Clothing Bins, Locations and Permits

Charitable clothing bins may be placed only in the following locations and under all applicable conditions:

At church and other religious institution parking lots (1 bin per site); and

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At other sites located in non-residential zoning districts that are under private ownership, provided that bin placement meets all conditions herein (1 bin per site).

No charitable clothing bins shall be placed on Borough-owned property or in residential zoning districts.

Notwithstanding any other provision to the contrary, following the adoption of this Ordinance, no person or entity shall place, use or employ a donation charitable clothing bin, for solicitation purposes, unless all of the following requirements are met:

A. The donation charitable clothing bin is owned by a charitable organization registered with the Attorney General for the State of New Jersey pursuant to P.L. 1994, c. 16 or any person or entity; and

B. The registered charitable organization or other person or entity owning and monitoring the clothing bin for charitable purposes only has obtained a permit valid for a period not to exceed one year, from the Borough Zoning Officer, in accordance with the following:

1. In applying for such permit, the registered charitable organization, person or entity shall include the following information, at a minimum.

a) The size of the clothing bin (enclosed and not larger than 6 feet by 6 feet) and the specific location where the bin will be situated, as precisely as possible;

b) The manner in which the charitable organization or other person or entity anticipates any clothing or donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

c) The name, address, and telephone number of the bona fide office of the applicant and of person or entity sharing or profiting from any clothing or other donations collected via the bin;

d) The schedule of pick-ups removing the articles from the bins, which shall be no less often than once per week, and the name and telephone number of the person or entity to be notified if the bin is overflowing prior to the scheduled date of pick-up; and

e) Written and notarized consent from the property owner, or the owners authorized representative, to place the bin on his/her/its property.

2. The Zoning Officer shall not approve an application and grant a permit to place, use, or employ a donation charitable clothing bin if he determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation charitable clothing bin in existing parking spaces, in any area which interferes with pedestrian or vehicular traffic or access, obscures site visibility, hinders firefighting, violates any site plan approval applicable to the property, or is at a location which stores large amounts of, or sells, fuel or other flammable liquids or gasses.

3. The fee for the application for the permit shall be \$25.00.

4. All permits for a donation charitable clothing bin may be renewed by a charitable organization or other person or entity upon payment of the \$25.00 renewal fee and by application that shall include the following information:

a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

b) The manner in which the person or entity has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donation have been allocated or spend, and any changes the person or entity anticipated it may make in these processes during the period covered by the renewal;

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c) The name, address and telephone number of the bona fide office of the applicant and any person or entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

d) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person or entity to be notified if the bin is overflowing prior to the scheduled date of pick-up; and

e) Written and notarized consent from the property owner, or the owner's authorized representative, to place the bin on his/her/its property;

5. The following information shall be clearly, permanently and conspicuously written in either permanent paint or marker on the exterior of the donation charitable clothing bin:

a) The name and address of the registered charitable organization or person or entity owning the bin, and of any other person or entity which may share or profit from any clothing or other donations collected via the bin.

b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other person or entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement.

c) The charitable organization or other person or entity's registration number, permit number and its date of expiration.

d) A statement, indicating the manner in which the charitable organization or other person or entity anticipated any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

6. Any clothing bin permitted hereunder shall be kept clean, properly painted, maintained, and shall be free of defects. Only clothing shall be deposited in a charitable clothing bin and no material shall be placed or stored on or outside of a clothing bin.

C. An enforcement official designated by the Borough Administrator, shall receive and investigate, within 30 days, all complaints about bins, and shall enforce this Ordinance.

1. Whenever it appears to the enforcement official that an entity, or person or entity has engaged in or is engaging in any act or practice in violation of this Ordinance, the organization or person or entity who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within 45 days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person or entity who placed the bin, a warning shall be affixed to the exterior of the bin itself, and the bin shall not be used until the violations are cured and the appeal is decided.

2. In the event that the person or entity or entity who placed the bin does not cure the violation or request a hearing before the Borough Administrator within 45 days of the posting of the warning, the Borough may seize the bin, remove it or have it removed, at the expense of the person or entity who placed the bin, and sell it at public auction, and otherwise dispose of any clothing or other donations collected via the bin, which proceeds shall be paid to the Borough's Chief Financial Officer.

3. In addition, any person or entity who violates any provision of PL 2007, C.209 shall be subject to a penalty for each violation as specified pursuant to PL 2007, C.209, of up to \$20,000 per violation and such other penalties or remedies permitted by law.

D. If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

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E. Within 60 days from the enactment of this Ordinance all existing charitable clothing bins shall meet all conditions of this Ordinance and shall obtain and display permits or be removed from their location by the person or entity placing the bin or shall be subject to removal by the Borough at the cost and expense of the person or entity placing or owning the bin. During the 60 day period, no additional charitable clothing bins may be placed in the Borough.

SECTION 3 Severability

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

SECTION 4 Effective Date

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

Ordinance 2015-25 First Reading and Introduction Amending and Supplementing Subsection 2-20.4, Entitled “Election of Members; Qualifications,” Subsection 2-20, Entitled “Fire Department.” Of Chapter 2, Entitled “Administration,” of the Revised General Ordinances of the Borough of Hightstown, New Jersey”

Councilmember Kurs moved ordinance 2015-25 for introduction, Councilmember Bluth seconded.

Mayor Quattrone reviewed the need for this ordinance. The Borough Attorney defined the term of lawful permanent resident.

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

Ordinance introduced 4-0. Public Hearing will be held on November 2, 2015.

Ordinance 2015-25

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING
SUBSECTION 2-20.4, ENTITLED “ELECTION OF MEMBERS; QUALIFICATIONS” OF SECTION 2-20,
ENTITLED “FIRE DEPARTMENT,”
OF CHAPTER 2, ENTITLED “ADMINISTRATION,”
OF THE “REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

WHEREAS, the Mayor and Borough Council wish to make certain revisions to the Borough Code relating to the election and/or qualifications of members of the Hightstown Borough Fire Department, as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown (the “Borough”), in the County of Mercer and State of New Jersey, that Section 2-20, entitled “Fire Department,” of Chapter 2, entitled Administration,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented at Subsection 2-20.4, entitled “Election of Members; Qualifications,” in the following respects (additions are shown with underline).

**CHAPTER 2
ADMINISTRATION**

2-20 FIRE DEPARTMENT.

October 19, 2015

2-20.4 Election of Members; Qualifications.

The company shall elect Firefighters to membership. Each successful applicant for membership shall be:

- a. A citizen or lawful permanent resident of the United States.
 - b. Not less than eighteen (18) years of age and not more than forty (40) years of age.
 - c. In good health and of sound body, to be evidenced by a certificate to that effect signed by a licensed practicing physician of the State of New Jersey.
 - d. Approved for membership by filing on the approved form of the State Firemen's Association a written application for membership in the Department before being appointed by the Mayor and Council.

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

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

Resolution 2015-264 Determining an Area in Need of Rehabilitation in Accordance with N.J.S.A. 40A:12-A-1. *et seq.*

Councilmember Misiura moved resolution 2015-264, Council President Hansen seconded.

Borough Attorney Raffetto advised that this resolution is required as part of the ordinance for tax exemptions and must be adopted first. He reviewed the Council's previous conversation in which they had decided to designate the entire Borough as in need of rehabilitation; and that this resolution, along with the ordinance, has been sent to and reviewed by the Planning Board, who agreed with Council on its determination to designate the entire Borough as in need of rehabilitation. There was discussion regarding the commercial businesses to which the ordinance will apply and it was confirmed that the Planning Board's intention is to encourage foot traffic.

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

Resolution adopted 4-0.

Resolution 2015-264

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

DETERMINING AN AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH N.J.S.A. 40A:12A-1, *et seq.*

WHEREAS, the New Jersey "Local Redevelopment and Housing Law," N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), provides that a delineated area of a municipality may be found and determined to be in need of rehabilitation if the governing body of the municipality determines, by Resolution, that a program of rehabilitation, as defined in N.J.S.A. 40A:12A-3, may be expected to prevent further deterioration and promote the overall development of the community [N.J.S.A. 40A:12A-14]; and

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WHEREAS, pursuant to N.J.S.A. 40A:12A-14, in addition to the above finding, the governing body must determine that there exists within the delineated area any one (1) of the following conditions:

- (1) a significant portion of structures therein are in a deteriorated or substandard condition;
 - (2) more than half of the housing stock in the delineated area is at least fifty (50) years old;
 - (3) there is a pattern of vacancy, abandonment or underutilization of properties in the area;
 - (4) there is a persistent arrearage of property tax payments on properties in the area;
 - (5) environmental contamination is discouraging improvement and investment in properties in the area;
- or
- (6) a majority of the water and sewer infrastructure in the delineated area is at least fifty (50) years old and is in need of repair or substantial maintenance; and

WHEREAS, the Act provides that the finding of need for rehabilitation may extend to the entire area of a municipality; and

WHEREAS, the Act requires that, prior to adoption of the within Resolution, the governing body shall submit the same to the municipal planning board for its review and that the planning board shall, within forty-five (45) days of receipt of the proposed Resolution, submit its recommendations, including any modifications which it may recommend, to the governing body for its consideration; and

WHEREAS, the Mayor and Council of the Borough of Hightstown (the "Borough") have determined that a program of rehabilitation within the Borough may reasonably be expected to prevent further deterioration and promote the overall development of the Borough, specifically with regard to the existing residential housing stock within the Borough and to commercial structures that are used for retail purposes; and

WHEREAS, the Mayor and Council have further found that at least one of the six (6) criteria referenced above exists within the community; and

WHEREAS, the Mayor and Borough Council therefore wish to declare the entire area of the Borough to be an "area in need of rehabilitation" pursuant to the Act; and

WHEREAS, in accordance with the Act, the Mayor and Borough Council have referred this matter to the Planning Board for its review and recommendation; and

WHEREAS, the Planning Board has approved this proposal; and

WHEREAS, the Mayor and Borough Council now wish to formally declare that the entire area within the municipal boundaries of the Borough of Hightstown shall be considered an "area in need of rehabilitation" pursuant to the Act.

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

1. That the entire area within the municipal boundaries of the Borough of Hightstown is hereby found and declared to be an "area in need of rehabilitation" pursuant to the terms of the Act.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Hightstown Borough Planning Board
 - b. Gary S. Rosensweig, Esq., Planning Board Attorney
 - c. Tamara Lee, P.P., Borough Planner
 - d. Henry Underhill, Borough Administrator
 - e. Frederick C. Raffetto, Esq., Borough Attorney

Ordinance 2015-26 First Reading and Introduction Amending and Supplementing the Revised General Ordinances of the Borough of Hightstown, New Jersey" to Establish a New Chapter Thereof to be Known as "Tax Exemptions"

Councilmember Kurs moved ordinance 2015-26 for introduction, Council President Hansen seconded.

The Borough Attorney reviewed the criteria of qualifications for the exemption and noted that the exemption only applies to October 19, 2015

added assessments for the period of five years from the date of completion of the renovation project; it does not apply to new construction. He advised Council that this ordinance mirrors the state statute, and that the Assessor advised him that the law recently changed the five year exemption period from January 1st of the next year following completion of the project to five years from the date of completion of the project; therefore he has changed that verbiage in this ordinance to reflect that change.

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

Ordinance introduced 4-0. Public Hearing will be held on November 2, 2015.

Ordinance 2015-26

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY,”
IN ORDER TO ESTABLISH A NEW CHAPTER THEREOF
TO BE KNOWN AS “TAX EXEMPTIONS.”**

WHEREAS, the New Jersey “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1, *et seq.* (the “Act”), permits municipalities to adopt an Ordinance to grant, for periods of five (5) years, exemptions or abatements, or both, from taxation relating to the construction and/or rehabilitation of certain structures within an area of the municipality delineated to be an “area in need of rehabilitation”; and

WHEREAS, the Act permits municipalities to tailor the program to its particular needs, in accordance with the provisions set forth in the Act; and

WHEREAS, the Mayor and Council of the Borough of Hightstown (the “Borough”) believe that the establishment of a program to grant exemptions from taxation relating to the rehabilitation of existing residential dwellings and existing commercial structures that are utilized for retail purposes (only) within the Borough, for periods of five (5) years, will constitute an effective tool to promote the rehabilitation of certain existing structures located within the Borough, and therefore that the program will benefit the residents of the Borough.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council, that a new Chapter, to be known as “Tax Exemptions,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby established as follows:

TAX EXEMPTIONS.

Section 1. Intended Purposes and Objectives.

The intention of this Chapter is to effectuate and accomplish the purpose authorized by N.J.S.A. 40A:21-1, *et seq.*, which permits municipalities to grant for periods of five (5) years exemptions and/or abatements, or both, from taxation in areas of the municipality in need of rehabilitation. The intended purpose of this Chapter is to promote the improvement and/or rehabilitation of existing residential dwellings and existing commercial properties that are utilized for retail purposes (only) within the Borough, which will promote long-term growth and redevelopment that will positively impact the character and quality of life of the citizens of the Borough. This Chapter has been prepared in accordance with the “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1, *et seq.*

Section 2. Definitions.

As used in this Chapter:

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Abatement shall mean that portion of the assessed value of a property as it existed prior to construction, improvement, or conversion of a building or structure thereon, which is exempted from taxation pursuant to this Chapter.

Area in need of rehabilitation shall mean a portion or all of the Borough which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C. 40A:12A-1, *et al.*), a "blighted area" as determined pursuant to the "Blighted Areas Act," P.L. 1949, c. 187 (C. 40:55-21-1, *et seq.*), or which has been determined to be in need of rehabilitation pursuant to P.L. 1975, c. 104 (C. 54:4-3.72, *et seq.*), P.L. 1977, c.12 (C.54:4-3.95, *et seq.*) or P.L. 1979, c. 233 (C. 54:4-3.121, *et seq.*).

Assessor shall mean the Municipal Tax Assessor serving the Borough, who is charged with the duty of assessing real property for the purposes of general taxation.

Borough shall mean the Borough of Hightstown.

Commercial Property(ies) and/or Commercial Structure shall mean, for purposes of this Ordinance, a building, structure, or complex of structures, or part thereof, which is designed for or being used for retail purposes, as defined herein. The term(s) shall not include other types of commercial uses.

Completion shall mean substantially ready for the intended use for which a building or structure is constructed, improved, or converted.

Condominium shall mean a property created or recorded as a condominium pursuant to the "Condominium Act," P.L. 1969, c. 257 (C. 46:8B-1, *et seq.*).

Construction shall mean the provision of new improvements to a property located within the Borough.

Conversion or conversion alteration shall mean the alteration or renovation of nonresidential building or structure, or hotel, motel, motor hotel, or guest house, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.

Cooperative shall mean a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

Dwelling shall mean a building or part of a building used, or to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyments thereof, but shall not mean any building or part of a building defined as a "multiple dwelling" pursuant to the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1, *et seq.*). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L. 1963, c. 168 (C. 46:8A-1, *et seq.*), or the "Condominium Act," P.L. 1969, c. 257 (C. 46:8B-1, *et seq.*), or of a cooperative, if the residential units are owned separately.

Exemption shall mean that portion of the assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this Chapter.

Horizontal property regime shall mean a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L. 1963, c. 168 (C. 46:8A-1, *et seq.*).

Improvement shall mean a modernization, rehabilitation, renovation, alteration or repair, through construction, which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas

or elements, or three (3) or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial structure, it shall not include ordinary painting, repairs, and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than thirty (30%) percent. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three (3) year period immediately preceding the filing of an application pursuant to this Act.

Multiple dwelling shall mean a building or structure meeting the definition of "Multiple Dwelling" set forth in the "Hotel and Multiple Dwelling Law," P.L. 1967 c. 76 (C. 55:13A-1, *et seq.*), and means for the purpose of improvement or construction the "General Common Elements" and "Common Elements" of a condominium, a cooperative, or a horizontal regime.

Retail shall mean the sale of goods for final consumption by the ultimate consumer in contrast to a sale for further processing (i.e., wholesale). The term shall encompass stores, markets, shopping centers, and shops.

Section 3. Area in Need of Rehabilitation Declared.

The Borough Council hereby finds and declares that the entire area within the municipal boundaries of the Borough of Hightstown is an "area in need of rehabilitation" pursuant to the terms of this Chapter.

Section 4. Exemptions Authorized.

There is hereby authorized within the "area in need of rehabilitation" referenced above the ability of taxpayers to obtain exemption(s) from taxation as follows:

a. *Improvements to Existing Dwellings and Commercial Structures.*

1. An exemption from taxation is hereby authorized for improvements undertaken to existing dwellings and existing commercial structures that are utilized for retail purposes (only) within the Borough pursuant to the terms and conditions contained within this Chapter. For the purposes of this Chapter, the term "existing dwellings and existing commercial structures" shall not include the construction of new dwelling(s) or new commercial structures on any property where the previous structure(s) or dwelling(s) on any property were demolished in their entirety or where less than sixty (60%) percent of the original square footage remains.
2. For existing dwellings, the following provisions shall apply:
 - (a) Such exemption shall be permitted for improvements made to any existing dwelling that is more than twenty (20) years old.
 - (b) Additionally, such exemption shall be authorized to the extent of the first twenty-five thousand (\$25,000.00) dollars in Assessor's full and true value of improvements for each existing dwelling unit primarily and directly affected by the improvements.
3. For existing commercial structures that are utilized for retail purposes, the following shall apply:
 - (a) Such exemption shall be authorized to the extent of the full and true value of the improvements made, as determined by the Assessor.
4. The exemption for existing dwellings and existing commercial structures that are utilized for retail purposes shall last for a period of five (5) years, commencing as of the date of completion of the improvements.

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5. Such exemption shall permit the improvements to not increase the value of the property notwithstanding the fact that the value of the property to which the improvements are made is increased thereby.
6. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvements, unless there is damage to the dwelling or commercial structure through action of the elements sufficient to warrant a reduction.

b. *Criteria for Exemption.*

In addition to the provisions set forth above, improvements to existing dwellings and existing commercial structures that are utilized for retail purposes shall be eligible to receive a five-year exemption, as provided in this Chapter, upon meeting the following qualifications:

1. All real estate taxes and other municipal charges must be current.
2. The applicant must provide a Certificate of Occupancy or any other permit or approval required by the Borough.
3. The applicant must submit proof of ownership. Proof submitted must be current and valid at the time of submission.

Section 5. Determination of True Taxable Value by Assessor.

The Assessor shall determine, on October 1st of the year following the date of the completion of an improvement, the true taxable value thereof. The amount of tax to be paid for the first full tax year following completion shall be based on the assessed valuation of the property not allowed an exemption pursuant to this Chapter. The property shall continue to be treated in the appropriate manner for a period of five (5) years measured from the date of completion of the improvements.

Section 6. Additional Improvements on Exempt Properties.

There is hereby authorized within the Borough the ability of taxpayers to obtain exemption(s) from taxation relating to any additional improvement(s) completed on a property granted a previous exemption pursuant to this Chapter during the period in which such previous exemption is in effect. As such, additional improvement(s) shall be entitled to an exemption just as if such property had not received a previous exemption. In such case, the additional improvement(s) shall be considered as separate for the purposes of calculating exemptions pursuant to this Chapter.

Section 7. Applications; Filing and Approval; Form.

No exemption shall be granted pursuant to this Chapter except upon written application therefor filed with and approved by the Borough Assessor. Every application shall be on a form prescribed by the Director of the Division of Taxation in the Department of Treasury, and provided for the use of claimants by the Borough, and shall be filed with the Assessor within thirty (30) days, including Saturdays and Sundays, following the completion of the improvement. Every application for exemption which is filed within the time specified shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of this Chapter. The granting of an exemption shall be recorded and made a permanent part of the official tax records of the Borough, which records shall contain a notice of the termination date thereof.

Section 8. Applicability of Exemption to Tax Types.

The exemption of real property taxes provided pursuant to this Chapter shall apply to property taxes levied for municipal purposes, school purposes, fire district purposes, County government purposes and for the purpose of funding any other property tax exemption.

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Section 9. Annual Property Tax Bills.

During the first year following adoption of this Chapter, an appropriate notice shall be included in the mailing of annual property tax bills to each taxpayer of the Borough notifying the public that tax exemptions may be permitted for the improvement and/or rehabilitation of existing residential dwellings and existing commercial structures that are utilized for retail purposes within the Borough pursuant to the provisions of this Chapter. The notice shall advise the public that applications for exemption may be made immediately, but that such exemptions, if granted, shall not commence until the first full tax year following adoption.

Section 10. Annual Municipal Report.

The Borough Council shall report, on or before October 1st of each year, to the Director of the Division of Local Government Services in the Department of Community Affairs and to the Director of the Division of Taxation in the Department of Treasury the total amount of real property taxes exempted within the Borough in the current tax year for improvements to existing dwellings and existing commercial structures that are utilized for retail purposes.

Section 11. Limitation on Exemptions.

No applications shall be filed with or granted by the Borough for exemption(s) pursuant to this Chapter to take initial effect for the 11th full tax year following the initial adoption of this Chapter, or to take initial effect for any tax year occurring thereafter, unless this Chapter has been readopted by the Borough Council prior to the said 11th tax year.

Section 12. Application of Chapter.

The provisions of this Chapter shall only apply to improvements undertaken pursuant to construction permits issued by the Borough, applications for which were submitted subsequent to the effective date of this Chapter.

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

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

Resolution 2015-261 Payment of Bills

Council President Hansen moved resolution 2015-261, Councilmember Kurs seconded.

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

Resolution adopted 4-0.

Resolution 2015-261
*BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY*

AUTHORIZING PAYMENT OF BILLS

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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 \$121,285.48 from the following accounts:

Current		\$41,918.18
W/S Operating		55,731.23
General Capital		10,131.75
Water/Sewer Capital		0.00
Grant		0.00
Trust		11,529.57
Housing Trust		1,968.75
Animal Control		6.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$121,285.48</u>

Resolution 2015-262 Endorsing an Ordinance by Mercer County to Establish a Mid-Block Crosswalk on Etra Road (County Route 571)

Council President Hansen moved resolution 2015-262, Councilmember Kurs seconded.

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

Resolution adopted 4-0.

Resolution 2015-261

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

**ENDORISING AN ORDINANCE BY MERCER COUNTY TO ESTABLISH A MID-BLOCK
CROSSWALK ON ETRA ROAD (COUNTY ROUTE 571)**

WHEREAS, the Borough of Hightstown has undertaken curb and sidewalk improvements on Etra Road (County Route 571) from South Main Street (County Route 539) to the municipal boundary to provide safe access to residents in the area; and

WHEREAS, a mid block crosswalk has been installed at a location 525 feet east of Orchard Avenue to provide safe access to both sides of Etra Road; and

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WHEREAS, the public crosswalk has been installed in accordance with the requirements of the Manual on Uniform Traffic Control Devices, including an activated flashing beacon system, under the supervision of the Office of the Mercer County Engineer; and

WHEREAS, an ordinance is required to be adopted by Mercer County to formally establish the crosswalk as a mid-block crosswalk in accordance with the requirements of N.J.S.A. 39:408, and to permit the enforcement of traffic regulations regarding same.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hightstown support and endorse the Ordinance by Mercer County to establish a mid-block crosswalk, on Etra Road (County Route 571) at a location approximately 525 feet south of Orchard Avenue, to resident access, across Etra Road (County Route 539).

Consent Agenda Resolutions 2015-263, 2015-265, 2015-266, 2015-268, 2015-269, and 2015-270:

Council President Hansen moved resolutions 2015-263, 2015-265, 2015-266, 2015-268, 2015-269, and 2015-270 as the consent agenda, Councilmember Bluth seconded.

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

Resolutions adopted 4-0.

Resolution 2015-263

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

**ENDORING THE DOWNTOWN HIGHTSTOWN LAKEFRONT VISION PLAN AND
ENCOURAGING THE PLANNING BOARD TO CONSIDER APPROPRIATE MASTER PLAN
AMENDMENTS TO INCOPORATE THE PLAN THEREIN**

WHEREAS, the outside community civic organization known as “Downtown Hightstown” hired a professional Planner to prepare a concept plan (the “plan”) to revitalize the downtown lakefront area of Hightstown Borough; and

WHEREAS, the plan is the culmination of a long process undertaken by Downtown Hightstown, at its sole cost and expense, which included the participation of the public and stakeholders; and

WHEREAS, on September 30, 2015 a joint meeting of the Hightstown Borough Council and Planning Board was held in order to allow representatives of Downtown Hightstown and its Planner to present the plan to Hightstown Borough officials and the public, and to answer questions relating thereto; and

WHEREAS, the overwhelming response to the plan was positive; and

WHEREAS, the Hightstown Borough Council wishes to formally endorse the plan and to encourage the Hightstown Borough Planning Board to amend the Master Plan in order to incorporate the plan therein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Downtown Hightstown Lakefront Vision Plan is hereby accepted and endorsed by the Governing Body, and the Planning Board is hereby encouraged to amend the Hightstown Master Plan to include the plan therein.

Resolution 2015-265

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

October 19, 2015

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2015-016 TO BETTER BEGINNINGS
CHILD DEVELOPMENT CENTER**

WHEREAS, the Better Beginnings Child Development Center wishes to hold an off-premise merchandise raffle at 318 North Main Street on December 16, 2015; and

WHEREAS, the group has submitted application number RA2015-016 for the raffle along with the required fees; and

WHEREAS, the Better Beginnings Child Development Center is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-28551; 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. RL2015-016 to the Better Beginnings Child Development Center for their off-premise merchandise raffle to be held on December 16, 2015.

Resolution 2015-266

*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, December 5, 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, December 5, 2015, at 278 Monmouth Street.

Resolution 2015-268

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

**AUTHORIZING REFUNDS FOR THE HISTORIC PRESERVATION COMMISSION CLASSIC
TOWNS PROJECT**

WHEREAS, donations were made for the Classic Towns Project being sponsored by the Historic Preservation Commission (HPC) of Hightstown Borough; and

WHEREAS, the HPC has found that they will not be proceeding with the Classic Towns Project and has requested that the following donors receive a refund in the following amounts:

Hightstown-East Windsor Historical Society	164 N. Main Street	\$200.00
Mannino's Pizza	124 S. Main Street	\$150.00

October 19, 2015

Dr. John Laudenberger	632 S. Main Street	\$400.00
Dom's Getty	308 Mercer Street	\$200.00
Allen & Stults	P. O. Box 110	\$250.00
Peddie School	201 S. Main Street	\$400.00
Shop for Less	112 Main Street	\$200.00
Tacorito	110 S. Main Street	\$200.00
Hightstown Liquors	107 Stockton Street	\$200.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue refunds to the above donors in the amounts indicated, representing refunds for the HPC Classic Towns Project as set forth herein.

Resolution 2015-269

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

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of taxes was made for Block 9, Lot 85, 156 Oak Lane, in the amount of \$1,850.60 due to a double payment; and

WHEREAS, the owners, Damien & Melissa R. Smith, 156 Oak Lane Hightstown, New Jersey, 08520 have requested that a refund be issued for the overpayment in the amount of \$1,850.60; and

WHEREAS, the Tax Collector has requested that said overpayment be refunded in the amount of \$1,850.60.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$1,850.60 to Damien & Melissa R. Smith, 156 Oak Lane Hightstown, New Jersey, 08520, representing the tax overpayment as set forth herein.

Resolution 2015-270

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

AUTHORIZING TRIAD ASSOCIATES TO PREPARE AND PROCESS AN APPLICATION FOR FEMA ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, Triad Associates, pursuant to an existing agreement for grant writing, has brought forward the FEMA Assistance to Firefighters Grant Application to acquire Exhaust Extraction Equipment and/or Turnout Gear and Communication Equipment for which they think it would be advantageous for the Borough to apply; and

WHEREAS, after reviewing the proposed grant, the Borough Council finds that it would be beneficial for the Borough to submit the FEMA Assistance to Firefighters Grant Application to acquire Exhaust Extraction Equipment and/or Turnout Gear and Communication Equipment; and

WHEREAS, the fee for the grant Application is not to exceed \$2,750.00; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown that Triad Associates is authorized to prepare and process the FEMA Assistance to Firefighters Grant Application to acquire Exhaust Extraction Equipment and/or Turnout Gear and Communication Equipment and that the Mayor is authorized to execute and the Borough

October 19, 2015

Clerk to attest the appropriate paperwork necessary to implement such application.

Resolution 2015-267 Authorizing the Issuance of an Auction License – First Presbyterian Church

Council President Hansen moved resolution 2015-267, Councilmember Bluth seconded.

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

Resolution adopted 4-0.

Resolution 2015-267

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

**AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – FIRST PRESBYTERIAN
CHURCH OF HIGHTSTOWN**

WHEREAS, an application for a license to hold an auction on Saturday, November 7, 2015 at 320 North Main Street in the Borough of Hightstown has been submitted by the First Presbyterian Church of Hightstown, 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 First Presbyterian Church of Hightstown 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 First Presbyterian Church of Hightstown for their auction to be held on Saturday, November 7, 2015 at 320 North Main Street.

Best Practices Submission

George Lang, CFO, reviewed the Best Practices submission and noted that it was completed by the CFO, Administrator and Borough Clerk/QPA. There was discussion.

Assignment of Lien (Block 40/Lot 18)

Mr. Underhill advised that there are two tax liens on this property from the 2014 and 2015 tax sales. The owner of the neighboring property would like to gain control of the property so he can improve it. The Borough Clerk advised that the Borough Council must do a resolution to assign him the tax lien, and the Collector requested that we receive a consensus of Council to move forward so she can get a resolution number and date for the adoption of the resolution for her required advertisements.

There was discussion and Council agreed that a resolution assigning the lien should be placed on the next meeting agenda.

Shared Services Update

Mr. Underhill noted that the Mayor and Council of Hightstown have been investigating shared service for police, court and dispatch for several months. A written request for proposals was sent out to several municipalities earlier this year; and as of this date the Borough has reviewed the proposals and has made the determination to move forward with dispatch only at this time. The Borough is confident it will enter into a shared service agreement shortly for dispatch services.

He commented that the Mayor and Council remain committed to shared services and will continue to explore and discuss all possibilities; however, any shared service must meet the test of acceptable service levels and the offering of significant cost October 19, 2015

savings to the residents of each town.

FEMA Update

Mr. Underhill advised that the CFO has been working closely with Emergency Management regarding mitigation and closing out the pending FEMA claims. The Borough was recently notified that the time for perfecting the claim on the Municipal Building was expiring, but due to circumstances, a letter requesting an extension has been sent. Discussions with the insurance is ongoing.

George Lang advised that the Borough bonded \$1.6M in emergency funds for Hurricane Irene. To-date we have received \$593,000 in insurance funds and \$263,000 in FEMA funds; the latest approval from FEMA was for \$321,000 and we should be receiving that check shortly. Other claims are still pending because FEMA will not pay them until the insurance is settled. In the meanwhile, we are matching up claims and trying re-coup lease payments, the cost for the DPW trailer, and administrative offices. We received \$137,000 for Hurricane Sandy.

There was discussion regarding payments going toward the debt, schedules and process, and obstacles due to the repeated changeover of FEMA claim representatives.

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

Scott Caster, 12 Clover Lane – thanked Council for the reports; commented that clothing bins are an industry that is taking advantage of us.

Mayor/Council/Administrative Reports

Councilmember Kurs – thanked everyone for taking part in the Fair, it was a great event.

Councilmember Bluth – commented that Parks & Recreation had a meeting and it was noted that with 348 participants, this Triathlon was the biggest ever; they are also discussing opening the ice rink in Rocky Brook Park.

Councilmember Misiura – noted that the fair was a great event, Hightstown comes alive in the fall; some charitable organizations may not return to the fair because they had to pay a fee to participate, this is a shame and should be re-thought. He attended the Board of Health meeting and West Windsor had a crisis with a private company administering flu shots, but it is being handled.

Council President Hansen – commented that the Cultural Arts Commission had a great showing at the Fair and they have a meeting tomorrow; water/sewer will be meeting soon.

Mayor Quattrone – commented that this is breast cancer awareness month and reminded everyone to get the proper testing to assure good health. He then noted that he received correspondence from a law office that had the occasion to deal with the Borough Clerk regarding a liquor license transfer. He then read the letter aloud which commended the Borough Clerk's ability, knowledge and professionalism. The Mayor then noted that the Borough Engineer will be working on the road project issues.

Council President Hansen moved to adjourn at 9:15pm, Councilmember Bluth seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

October 19, 2015

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; a vehicle that is parked or stored on a paved or stoned driveway or an approved extension of a driveway and which is actively being repaired, renovated or restored, so long as the vehicle is covered with an appropriate durable car cover, during times when such work is not being undertaken; 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: September 21, 2015

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR

Ordinance 2015-24

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

BE IT ORDAINED by the Borough Council of the Borough of Hightstown, County of Mercer, New Jersey, that the Chapter 28, entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown” is hereby amended to add a new Section, Clothing Bins, as follows:

SECTION 1: Purpose

The purpose of this ordinance is to accommodate clothing bins intended for charitable purposes only in appropriate locations, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for charitable clothing bins to ensure compliance with the provisions of the requirements and standards established herein.

SECTION 2: Add a Section to Chapter 28, Scope and Purpose, as follows:

Clothing Bins, Locations and Permits

Charitable clothing bins may be placed only in the following locations and under all applicable conditions:

At church and other religious institution parking lots (1 bin per site); and

At other sites located in non-residential zoning districts that are under private ownership, provided that bin placement meets all conditions herein (1 bin per site).

No charitable clothing bins shall be placed on Borough-owned property or in residential zoning districts.

Notwithstanding any other provision to the contrary, following the adoption of this Ordinance, no person or entity shall place, use or employ a donation charitable clothing bin, for solicitation purposes, unless all of the following requirements are met:

A. The donation charitable clothing bin is owned by a charitable organization registered with the Attorney General for the State of New Jersey pursuant to P.L. 1994, c. 16 or any person or entity; and

B. The registered charitable organization or other person or entity owning and monitoring the clothing bin for charitable purposes only has obtained a permit valid for a period not to exceed one year, from the Borough Zoning Officer, in accordance with the following:

1. In applying for such permit, the registered charitable organization, person or entity shall include the following information, at a minimum.

a) The size of the clothing bin (enclosed and not larger than 6 feet by 6 feet) and the specific location where the bin will be situated, as precisely as possible;

b) The manner in which the charitable organization or other person or entity anticipates any clothing or donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

c) The name, address, and telephone number of the bona fide office of the applicant and of person or entity sharing or profiting from any clothing or other donations collected via the bin;

d) The schedule of pick-ups removing the articles from the bins, which shall be no less often than once per week, and the name and telephone number of the person or entity to be notified if the bin is overflowing prior to the scheduled date of pick-up; and

e) Written and notarized consent from the property owner, or the owners authorized representative, to place the bin on his/her/its property.

2. The Zoning Officer shall not approve an application and grant a permit to place, use, or employ a donation charitable clothing bin if he determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation charitable clothing bin in existing parking spaces, in any area which interferes with pedestrian or vehicular traffic or access, obscures site visibility, hinders firefighting, violates any site plan approval applicable to the property, or is at a location which stores large amounts of, or sells, fuel or other flammable liquids or gasses.

3. The fee for the application for the permit shall be \$25.00.

4. All permits for a donation charitable clothing bin may be renewed by a charitable organization or other person or entity upon payment of the \$25.00 renewal fee and by application that shall include the following information:

a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

b) The manner in which the person or entity has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donation have been allocated or spend, and any changes the person or entity anticipated it may make in these processes during the period covered by the renewal;

c) The name, address and telephone number of the bona fide office of the applicant and any person or entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

d) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person or entity to be notified if the bin is overflowing prior to the scheduled date of pick-up; and

e) Written and notarized consent from the property owner, or the owner's authorized representative, to place the bin on his/her/its property;

5. The following information shall be clearly, permanently and conspicuously written in either permanent paint or marker on the exterior of the donation charitable clothing bin:

a) The name and address of the registered charitable organization or person or entity owning the bin, and of any other person or entity which may share or profit from any clothing or other donations collected via the bin.

b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other person or entity which may share or profit from any

clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement.

c) The charitable organization or other person or entity's registration number, permit number and its date of expiration.

d) A statement, indicating the manner in which the charitable organization or other person or entity anticipated any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

6. Any clothing bin permitted hereunder shall be kept clean, properly painted, maintained, and shall be free of defects. Only clothing shall be deposited in a charitable clothing bin and no material shall be placed or stored on or outside of a clothing bin.

C. An enforcement official designated by the Borough Administrator, shall receive and investigate, within 30 days, all complaints about bins, and shall enforce this Ordinance.

1. Whenever it appears to the enforcement official that an entity, or person or entity has engaged in or is engaging in any act or practice in violation of this Ordinance, the organization or person or entity who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within 45 days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person or entity who placed the bin, a warning shall be affixed to the exterior of the bin itself, and the bin shall not be used until the violations are cured and the appeal is decided.

2. In the event that the person or entity or entity who placed the bin does not cure the violation or request a hearing before the Borough Administrator within 45 days of the posting of the warning, the Borough may seize the bin, remove it or have it removed, at the expense of the person or entity who placed the bin, and sell it at public auction, and otherwise dispose of any clothing or other donations collected via the bin, which proceeds shall be paid to the Borough's Chief Financial Officer.

3. In addition, any person or entity who violates any provision of PL 2007, C.209 shall be subject to a penalty for each violation as specified pursuant to PL 2007, C.209, of up to \$20,000 per violation and such other penalties or remedies permitted by law.

D. If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

E. Within 60 days from the enactment of this Ordinance all existing charitable clothing bins shall meet all conditions of this Ordinance and shall obtain and display permits or be removed from their location by the person or entity placing the bin or shall be subject to removal by the Borough at the cost and expense of the person or entity placing or owning the bin. During the 60 day period, no additional charitable clothing bins may be placed in the Borough.

SECTION 3 Severability

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

SECTION 4 Effective Date

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

Introduced: October 19, 2015

Adopted:

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Lawrence D. Quattrone
Mayor

Ordinance 2015-25

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING
SUBSECTION 2-20.4, ENTITLED “ELECTION OF MEMBERS; QUALIFICATIONS” OF
SECTION 2-20, ENTITLED “FIRE DEPARTMENT,” OF CHAPTER 2, ENTITLED
“ADMINISTRATION,” OF THE “REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

WHEREAS, the Mayor and Borough Council wish to make certain revisions to the Borough Code relating to the election and/or qualifications of members of the Hightstown Borough Fire Department, as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown (the “Borough”), in the County of Mercer and State of New Jersey, that Section 2-20, entitled “Fire Department,” of Chapter 2, entitled Administration,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented at Subsection 2-20.4, entitled “Election of Members; Qualifications,” in the following respects (additions are shown with underline).

**CHAPTER 2
ADMINISTRATION**

2-20 FIRE DEPARTMENT.

2-20.4 Election of Members; Qualifications.

The company shall elect Firefighters to membership. Each successful applicant for membership shall be:

- a. A citizen or lawful permanent resident of the United States.
- b. Not less than eighteen (18) years of age and not more than forty (40) years of age.
- c. In good health and of sound body, to be evidenced by a certificate to that effect signed by a licensed practicing physician of the State of New Jersey.
- d. Approved for membership by filing on the approved form of the State Firemen’s Association a written application for membership in the Department before being appointed by the Mayor and Council.

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

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

Introduced: October 19, 2015

Adopted:

Debra L. Sopronyi
Municipal Clerk

Lawrence D. Quattrone
Mayor

Ordinance 2015-26

BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” IN ORDER TO ESTABLISH A NEW CHAPTER THEREOF TO BE KNOWN AS “TAX EXEMPTIONS.”

WHEREAS, the New Jersey “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1, *et seq.* (the “Act”), permits municipalities to adopt an Ordinance to grant, for periods of five (5) years, exemptions or abatements, or both, from taxation relating to the construction and/or rehabilitation of certain structures within an area of the municipality delineated to be an “area in need of rehabilitation”; and

WHEREAS, the Act permits municipalities to tailor the program to its particular needs, in accordance with the provisions set forth in the Act; and

WHEREAS, the Mayor and Council of the Borough of Hightstown (the “Borough”) believe that the establishment of a program to grant exemptions from taxation relating to the rehabilitation of existing residential dwellings and existing commercial structures that are utilized for retail purposes (only) within the Borough, for periods of five (5) years, will constitute an effective tool to promote the rehabilitation of certain existing structures located within the Borough, and therefore that the program will benefit the residents of the Borough.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council, that a new Chapter, to be known as “Tax Exemptions,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby established as follows:

TAX EXEMPTIONS.

Section 1. Intended Purposes and Objectives.

The intention of this Chapter is to effectuate and accomplish the purpose authorized by N.J.S.A. 40A:21-1, *et seq.*, which permits municipalities to grant for periods of five (5) years exemptions and/or abatements, or both, from taxation in areas of the municipality in need of rehabilitation. The intended purpose of this Chapter is to promote the improvement and/or rehabilitation of existing residential dwellings and

existing commercial properties that are utilized for retail purposes (only) within the Borough, which will promote long-term growth and redevelopment that will positively impact the character and quality of life of the citizens of the Borough. This Chapter has been prepared in accordance with the “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1, *et seq.*

Section 2. Definitions.

As used in this Chapter:

Abatement shall mean that portion of the assessed value of a property as it existed prior to construction, improvement, or conversion of a building or structure thereon, which is exempted from taxation pursuant to this Chapter.

Area in need of rehabilitation shall mean a portion or all of the Borough which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the “Local Redevelopment and Housing Law.” P.L. 1992, c. 79 (C. 40A:12A-1, *et al.*), a “blighted area” as determined pursuant to the “Blighted Areas Act.” P.L. 1949, c. 187 (C. 40:55-21-1, *et seq.*), or which has been determined to be in need of rehabilitation pursuant to P.L. 1975, c. 104 (C. 54:4-3.72, *et seq.*), P.L. 1977, c.12 (C.54:4-3.95, *et seq.*) or P.L. 1979, c. 233 (C. 54:4-3.121, *et seq.*).

Assessor shall mean the Municipal Tax Assessor serving the Borough, who is charged with the duty of assessing real property for the purposes of general taxation.

Borough shall mean the Borough of Hightstown.

Commercial Property(ies) and/or Commercial Structure shall mean, for purposes of this Ordinance, a building, structure, or complex of structures, or part thereof, which is designed for or being used for retail purposes, as defined herein. The term(s) shall not include other types of commercial uses.

Completion shall mean substantially ready for the intended use for which a building or structure is constructed, improved, or converted.

Condominium shall mean a property created or recorded as a condominium pursuant to the ‘Condominium Act,’ P.L. 1969, c. 257 (C. 46:8B-1, *et seq.*).

Construction shall mean the provision of new improvements to a property located within the Borough.

Conversion or conversion alteration shall mean the alteration or renovation of nonresidential building or structure, or hotel, motel, motor hotel, or guest house, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.

Cooperative shall mean a housing corporation or association, wherein the holder

of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

Dwelling shall mean a building or part of a building used, or to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyments thereof, but shall not mean any building or part of a building defined as a “multiple dwelling” pursuant to the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 (C. 55:13A-1, *et seq.*). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include “general common elements” or “common elements” of such horizontal property regime or condominium as defined pursuant to the “Horizontal Property Act,” P.L. 1963, c. 168 (C. 46:8A-1, *et seq.*), or the “Condominium Act,” P.L. 1969, c. 257 (C. 46:8B-1, *et seq.*), or of a cooperative, if the residential units are owned separately.

Exemption shall mean that portion of the assessor’s full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this Chapter.

Horizontal property regime shall mean a property submitted to a horizontal property regime pursuant to the “Horizontal Property Act,” P.L. 1963, c. 168 (C. 46:8A-1, *et seq.*).

Improvement shall mean a modernization, rehabilitation, renovation, alteration or repair, through construction, which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements, or three (3) or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial structure, it shall not include ordinary painting, repairs, and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than thirty (30%) percent. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three (3) year period immediately preceding the filing of an application pursuant to this Act.

Multiple dwelling shall mean a building or structure meeting the definition of “Multiple Dwelling” set forth in the “Hotel and Multiple Dwelling Law,” P.L. 1967 c. 76 (C. 55:13A-1, *et seq.*), and means for the purpose of improvement or construction the “General Common Elements” and “Common Elements” of a condominium, a cooperative, or a horizontal regime.

Retail shall mean the sale of goods for final consumption by the ultimate

consumer in contrast to a sale for further processing (i.e., wholesale). The term shall encompass stores, markets, shopping centers, and shops.

Section 3. Area in Need of Rehabilitation Declared.

The Borough Council hereby finds and declares that the entire area within the municipal boundaries of the Borough of Hightstown is an “area in need of rehabilitation” pursuant to the terms of this Chapter.

Section 4. Exemptions Authorized.

There is hereby authorized within the “area in need of rehabilitation” referenced above the ability of taxpayers to obtain exemption(s) from taxation as follows:

- a. *Improvements to Existing Dwellings and Commercial Structures.*
 1. An exemption from taxation is hereby authorized for improvements undertaken to existing dwellings and existing commercial structures that are utilized for retail purposes (only) within the Borough pursuant to the terms and conditions contained within this Chapter. For the purposes of this Chapter, the term “existing dwellings and existing commercial structures” shall not include the construction of new dwelling(s) or new commercial structures on any property where the previous structure(s) or dwelling(s) on any property were demolished in their entirety or where less than sixty (60%) percent of the original square footage remains.
 2. For existing dwellings, the following provisions shall apply:
 - (a) Such exemption shall be permitted for improvements made to any existing dwelling that is more than twenty (20) years old.
 - (b) Additionally, such exemption shall be authorized to the extent of the first twenty-five thousand (\$25,000.00) dollars in Assessor’s full and true value of improvements for each existing dwelling unit primarily and directly affected by the improvements.
 3. For existing commercial structures that are utilized for retail purposes, the following shall apply:
 - (a) Such exemption shall be authorized to the extent of the full and true value of the improvements made, as determined by the Assessor.

4. The exemption for existing dwellings and existing commercial structures that are utilized for retail purposes shall last for a period of five (5) years, commencing as of the date of completion of the improvements.
5. Such exemption shall permit the improvements to not increase the value of the property notwithstanding the fact that the value of the property to which the improvements are made is increased thereby.
6. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvements, unless there is damage to the dwelling or commercial structure through action of the elements sufficient to warrant a reduction.

b. *Criteria for Exemption.*

In addition to the provisions set forth above, improvements to existing dwellings and existing commercial structures that are utilized for retail purposes shall be eligible to receive a five-year exemption, as provided in this Chapter, upon meeting the following qualifications:

1. All real estate taxes and other municipal charges must be current.
2. The applicant must provide a Certificate of Occupancy or any other permit or approval required by the Borough.
3. The applicant must submit proof of ownership. Proof submitted must be current and valid at the time of submission.

Section 5. Determination of True Taxable Value by Assessor.

The Assessor shall determine, on October 1st of the year following the date of the completion of an improvement, the true taxable value thereof. The amount of tax to be paid for the first full tax year following completion shall be based on the assessed valuation of the property not allowed an exemption pursuant to this Chapter. The property shall continue to be treated in the appropriate manner for a period of five (5) years measured from the date of completion of the improvements.

Section 6. Additional Improvements on Exempt Properties.

There is hereby authorized within the Borough the ability of taxpayers to obtain exemption(s) from taxation relating to any additional improvement(s) completed on a property granted a previous exemption pursuant to this Chapter during the period in which such previous exemption is in effect. As such, additional improvement(s) shall be entitled to an exemption just as if such property had not received a previous exemption. In such case, the additional improvement(s) shall be considered as separate for the

purposes of calculating exemptions pursuant to this Chapter.

Section 7. Applications; Filing and Approval; Form.

No exemption shall be granted pursuant to this Chapter except upon written application therefor filed with and approved by the Borough Assessor. Every application shall be on a form prescribed by the Director of the Division of Taxation in the Department of Treasury, and provided for the use of claimants by the Borough, and shall be filed with the Assessor within thirty (30) days, including Saturdays and Sundays, following the completion of the improvement. Every application for exemption which is filed within the time specified shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of this Chapter. The granting of an exemption shall be recorded and made a permanent part of the official tax records of the Borough, which records shall contain a notice of the termination date thereof.

Section 8. Applicability of Exemption to Tax Types.

The exemption of real property taxes provided pursuant to this Chapter shall apply to property taxes levied for municipal purposes, school purposes, fire district purposes, County government purposes and for the purpose of funding any other property tax exemption.

Section 9. Annual Property Tax Bills.

During the first year following adoption of this Chapter, an appropriate notice shall be included in the mailing of annual property tax bills to each taxpayer of the Borough notifying the public that tax exemptions may be permitted for the improvement and/or rehabilitation of existing residential dwellings and existing commercial structures that are utilized for retail purposes within the Borough pursuant to the provisions of this Chapter. The notice shall advise the public that applications for exemption may be made immediately, but that such exemptions, if granted, shall not commence until the first full tax year following adoption.

Section 10. Annual Municipal Report.

The Borough Council shall report, on or before October 1st of each year, to the Director of the Division of Local Government Services in the Department of Community Affairs and to the Director of the Division of Taxation in the Department of Treasury the total amount of real property taxes exempted within the Borough in the current tax year for improvements to existing dwellings and existing commercial structures that are utilized for retail purposes.

Section 11. Limitation on Exemptions.

No applications shall be filed with or granted by the Borough for exemption(s) pursuant to this Chapter to take initial effect for the 11th full tax year following the initial adoption of this Chapter, or to take initial effect for any tax year occurring thereafter,

unless this Chapter has been readopted by the Borough Council prior to the said 11th tax year.

Section 12. Application of Chapter.

The provisions of this Chapter shall only apply to improvements undertaken pursuant to construction permits issued by the Borough, applications for which were submitted subsequent to the effective date of this Chapter.

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

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

Introduced: October 19, 2015

Adopted:

Debra L. Sopronyi
Municipal Clerk

Lawrence D. Quattrone
Mayor

Resolution 2015-273

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 \$4,471,335.75 from the following accounts:

Current		\$3,877,544.55
W/S Operating		501,174.84
General Capital		10,790.50
Water/Sewer Capital		0.00
Grant		0.00
Trust		68,192.36
Housing Trust		4,488.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>9,145.50</u>
Total		<u>\$4,471,335.75</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 November 2, 2015.

Debra L. Sopronyi
 Borough Clerk

15-June, 2015

To: Mayor and Council

From: Finance Office

Re: Manual Bill List

<u>CURRENT ACCOUNT</u>	<u>PO #</u>	<u>AMOUNT</u>
East Windsor Regional School	15-01327	812,698.80
County of Mercer County Tax	15-01326	642,506.85
East Windsor Regional School	15-01533	812,698.80
State of New Jersey Dept of Treasury	15-00989	56,174.83
NJ Dept of Transportation	15-01561	150.00
State of New Jersey Dept of Treasury	15-01114	53,646.08
NJ Dept of Transportation	15-01671	50.00
NJ Div of Fish and Wildlife	15-01676	2.00
State of New Jersey Dept of Treasury	15-01328	58,923.81
East Windsor Regional School	15-01742	812,698.80
JP Morgan Chase Bank	15-01698	455,156.25
State of New Jersey Dept of Treasury	15-01696	56,012.60
State of New Jersey Dept of Treasury	15-01518	56,766.44
NJ Motor Vehicle Commission	15-01772	60.00
TOTAL		3,817,545.26

<u>Trust Account</u>		
Mercer County Soil Conserv.	15-01678	950.00
Mercer County Soil Conserv.	15-01774	35.00
Pioneer General Contracting Co	15-01526.01	58,443.03
TOTAL		59,428.03

WATER AND SEWER OPERATING ACCOUNT

State of NJ Dept of Treasury	15-00989	12,183.31
State of NJ Dept of Treasury	15-01114	12,145.13
State of NJ Dept of Treasury	15-01328	24,228.86
State of NJ Dept of Treasury	15-01518	17,975.59
State of NJ Dept of Treasury	15-01696	17,775.20
State of NJ PWT	15-01705	608.11
JP Morgan Chase Bank	15-01486	30,625.00
JP Morgan Chase Bank	15-01698	365,800.00

TOTAL

481,341.20

MANUAL TOTAL

4,358,314.49

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
 Range: First to Last Rcvd: Y Held: Y Aprv: N
 Format: Detail without Line Item Notes Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
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ALERT005 ALERT ALL CORP												
15-01701 10/07/15 MISC FIRE PREVENTION ITEMS												
	1		MISC FIRE PREVENTION ITEMS	2,506.98	5-01-25-256-002-048	B FIRE PREVENTION	R	10/07/15	10/27/15		215092025	N
		Vendor Total:		2,506.98								

A0107 ANSELL GRIMM & ARRON, PC												
15-01812 10/21/15 SEPTEMBER INVOICES												
	1		GENERAL FILE 268201	1,137.50	5-01-20-155-001-027	B General Matters	R	10/21/15	10/27/15		268208	N
	2		ORDINANCES 268202	275.00	5-01-20-155-001-027	B General Matters	R	10/21/15	10/27/15		268202	N
	3		ENGINEERING MATTERS 268203	50.00	5-01-20-155-001-027	B General Matters	R	10/21/15	10/27/15		268203	N
	4		MEETINGS 268204	1,187.50	5-01-20-155-001-027	B General Matters	R	10/21/15	10/27/15		268204	N
	5		AFFORDABLE HOUSING 268205	37.50	T-26-56-286-000-849	B Recaptured Fds-RCA COAH-Homeowners	R	10/21/15	10/27/15		268205	N
	6		LITIGATION 268206	100.00	5-01-20-155-001-033	B Litigation	R	10/21/15	10/27/15		268206	N
	7		LITIGATION 268207	487.50	5-01-20-155-001-033	B Litigation	R	10/21/15	10/27/15		268207	N
	8		OPRA ISSUES 268208	100.00	5-01-20-155-001-027	B General Matters	R	10/21/15	10/27/15		268208	N
	9		POLICE MATTERS 268209	300.00	5-01-20-155-001-031	B Labor,Personnel & Union Council	R	10/21/15	10/27/15		268209	N
	10		ENCHANTMENT 268210	37.50	T-12-56-286-000-888	B ENCHANTMENT RESERVE	R	10/21/15	10/27/15		268210	N
	11		LEASE AGREEMENT 268211	150.00	5-01-20-155-001-031	B Labor,Personnel & Union Council	R	10/21/15	10/27/15		268211	N
	12		3RD AFFORDABLE HOUSING 268212	3,887.50	T-26-56-286-000-849	B Recaptured Fds-RCA COAH-Homeowners	R	10/21/15	10/27/15		268212	N
				7,750.00								
		Vendor Total:		7,750.00								

A0054 AQUA PRO-TECH LABORATORIES												
15-01762 10/14/15 INV #5090051M												
	1		INV #5090051M	278.00	5-09-55-501-002-532	B Outside Lab Testing	R	10/14/15	10/27/15		5090051M	N
		Vendor Total:		278.00								

ATTWI005 AT&T WIRELESS												
15-01870 10/26/15 287258726345 9/13-10/12/15												
	1		287258726345 9/13-10/12/15 HPD	234.20	5-01-43-507-001-029	B Maint. Contracts - Other	R	10/26/15	10/27/15		287258726345	N
	2		287258726345 9/13-10/12/15 DPW	256.27	5-01-31-440-001-079	B Telephone-VERIZON WIRELESS	R	10/26/15	10/27/15		287258726345	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	
ATTWI005 AT&T WIRELESS												
					Continued							
	15-01870	10/26/15	287258726345 9/13-10/12/15		Continued							
	3	287258726345	9/13-10/12/15 WTP	204.85	5-09-55-501-003-548	B Telephone-SPRINT	R	10/26/15	10/27/15	287258726345	N	
	4	287258726345	9/13-10/12 AWWTP	102.63	5-09-55-501-003-550	B Telephone-Water Dept-NEXTEL	R	10/26/15	10/27/15	287258726345	N	
				797.95								
	Vendor Total:			797.95								
BRENT005 BRENT MATERIAL COMPANY												
	15-01749	10/14/15	METER COUPLINGS									
	1	INV. 2024315-UV	- 5/8 X 3/4 X	132.00	5-09-55-501-001-524	B Meter & Meter Parts	R	10/14/15	10/27/15	2024315-UV	N	
	Vendor Total:			132.00								
B0955 BROADVIEW NETWORKS												
	15-01703	10/07/15	INV 162530960 DATED 9/28/15									
	1	INV 162530960	DATED 9/28/15	2,068.96	5-01-31-440-001-085	B Telephone-Broadview	R	10/07/15	10/27/15	16253096	N	
	Vendor Total:			2,068.96								
B0065 BROWNELLS, INC												
	15-01569	09/22/15	MBUS GEN 2 REAR, BLACK									
	1	MBUS GEN 2 REAR, BLACK		47.80	5-01-25-240-001-117	B Ammunition & Target Practice	R	09/22/15	10/27/15	11705022	N	
	2	PMAG 30 AR/M4 WINDOW GEN M3 10		152.97	5-01-25-240-001-117	B Ammunition & Target Practice	R	09/22/15	10/27/15		N	
	3	MTM AMMO TACTICAL MAG AMMO CAN		39.18	5-01-25-240-001-117	B Ammunition & Target Practice	R	09/22/15	10/27/15		N	
	4	GLOCK SIGHT UPGRADE KIT		179.99	5-01-25-240-001-117	B Ammunition & Target Practice	R	09/22/15	10/27/15		N	
	5	1000 COTTON APPLICATORS		41.97	5-01-25-240-001-117	B Ammunition & Target Practice	R	09/22/15	10/27/15		N	
	6	ESTIMATED SHIPPING & HANDLING		15.95	5-01-25-240-001-117	B Ammunition & Target Practice	R	09/22/15	10/27/15		N	
				477.86								
	Vendor Total:			477.86								
C0023 COMCAST												
	15-01837	10/22/15	8499 05 244 0157826 10/17/15									
	1	8499 05 244 0157826	10/17/15	123.76	5-09-55-501-002-545	B Internet Services	R	10/22/15	10/27/15	849905244015782	N	
	Vendor Total:			123.76								

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
COMCA005 COMCAST BUSINESS												
	15-01806	10/21/15	930909813-INV#38730878	10/15								
	1	930909813-INV#38730878	10/15	195.30	5-01-43-507-001-029	B Maint. Contracts - Other	R	10/21/15	10/27/15		38730878	N
	Vendor Total:			195.30								
C0319 COPS PLUS INC.												
	15-00321	02/20/15	CLOTHING ALLOWANCE - GORDY									
	1	CLOTHING ALLOWANCE - GORDY		347.00	5-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	02/20/15	10/28/15		629592	N
	Vendor Total:			347.00								
DANIE005 DANIEL TRENT												
	15-01527	09/11/15	STEELER AND THE LAW CONCERT									
	1	STEELER AND THE LAW CONCERT		400.00	T-12-56-286-000-876	B PARKS & RECREATION/ TRIATHLON	R	09/11/15	10/28/15		8/23/15	N
	Vendor Total:			400.00								
DEGNA005 DEGNAN & BATEMAN												
	15-01695	10/07/15	8/27/15 TRANSCRIPTION									
	1	8/27/15 TRANSCRIPTION		781.00	5-01-20-155-001-033	B Litigation	R	10/07/15	10/27/15		0093112	N
	Vendor Total:			781.00								
D0269 DENNIS SALES & SERVICE INC.												
	15-01593	09/22/15	QUOTE #5646									
	1	QUOTE #5646 PARTS FOR REPAIR		408.50	5-09-55-501-002-503	B Sewer Plant Maintenance	R	09/22/15	10/27/15		15-14147	N
	Vendor Total:			408.50								
D0050 DEPT OF CHILDREN & FAMILIES												
	15-01685	10/06/15	3RD QTR 2015 MARRIAGE REPORT									
	1	3RD QTR 2015 MARRIAGE REPORT		275.00	5-01-55-003-000-001	B Due To NJ - Marriage Licenses	R	10/06/15	10/27/15		3RD QTR 2015	N
	Vendor Total:			275.00								

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
DRPUT005 DR PUTHENMADAM RADHAKRISHNAN												
	15-01802	10/21/15	CHILDREN'S CLINIC 10/19/15									
	1		CHILDREN'S CLINIC 10/19/15	330.00	5-01-27-330-001-031	B Contract-Professional Serv.(B)	R	10/21/15	10/27/15		10/19/15	N
	Vendor Total:			330.00								
E0576 EAST WINDSOR REGIONAL SCHOOL												
	15-01769	10/14/15	JULY 2015 FUEL USE									
	1		JULY 2015 FUEL USE-FIRE	603.39	5-01-31-460-001-166	B Motor Fuel - Fire Dept.	R	10/14/15	10/27/15			N
	2		JULY 2015 FUEL USE- POLICE	1,626.89	5-01-31-460-001-145	B Motor Fuel - Police	R	10/14/15	10/27/15			N
	3		JULY 2015 FUEL USE- GARBAGE	1,018.03	5-01-31-460-001-147	B Motor Fuel - Public Works	R	10/14/15	10/27/15			N
	4		JULY 2015 FUEL USE- STREETS	874.25	5-01-31-460-001-147	B Motor Fuel - Public Works	R	10/14/15	10/27/15			N
	5		JULY 2015 FUEL USE- PARKS	93.29	5-01-31-460-001-147	B Motor Fuel - Public Works	R	10/14/15	10/27/15			N
	6		JULY 2015 FUEL USE- WATER	94.07	5-09-55-501-001-512	B Motor Fuel	R	10/14/15	10/27/15			N
	7		JULY 2015 FUEL USE- SEWER	146.79	5-09-55-501-002-512	B Motor Fuel	R	10/14/15	10/27/15			N
	8		JULY 2015 FUEL USE-CONSTRUCTIO	33.26	5-09-55-501-002-512	B Motor Fuel	R	10/14/15	10/27/15			N
	9		FUEL FACILITY ADMIN.	120.00	5-01-31-460-001-144	B Upgrades to Fueling Facility	R	10/14/15	10/27/15			N
	10		KEY REPLACEMENT	7.00	5-01-31-460-001-166	B Motor Fuel - Fire Dept.	R	10/14/15	10/27/15			N
				<u>4,616.97</u>								
	15-01780	10/19/15	AUGUST 2015 FUEL USE									
	1		AUGUST 2015 FUEL USE- FIRE	439.69	5-01-31-460-001-166	B Motor Fuel - Fire Dept.	R	10/19/15	10/27/15			N
	2		AUGUST 2015 FUEL USE- POLICE	1,328.84	5-01-31-460-001-145	B Motor Fuel - Police	R	10/19/15	10/27/15			N
	3		AUGUST 2015 FUEL USE-EMS 50	58.81	5-01-31-460-001-148	B Motor Fuel - Emergency Medical	R	10/19/15	10/27/15			N
	4		AUGUST 2015 FUEL USE- GARBAGE	827.28	5-01-31-460-001-147	B Motor Fuel - Public Works	R	10/19/15	10/27/15			N
	5		AUGUST 2015 FUEL USE- STREETS	744.46	5-01-31-460-001-147	B Motor Fuel - Public Works	R	10/19/15	10/27/15			N
	6		AUGUST 2015 FUEL USE- PARKS	31.58	5-01-31-460-001-147	B Motor Fuel - Public Works	R	10/19/15	10/27/15			N
	7		AUGUST 2015 FUEL USE- WATER	116.57	5-09-55-501-001-512	B Motor Fuel	R	10/19/15	10/27/15			N
	8		AUGUST 2015 FUEL USE- SEWER	76.99	5-09-55-501-002-512	B Motor Fuel	R	10/19/15	10/27/15			N
	9		AUGUST 2015 FUEL- CONSTRUCTION	40.10	5-01-31-460-001-151	B MOTOR FUEL-CONSTRUCTION DEPARTMENT	R	10/19/15	10/27/15			N
	10		FUEL FACILITY ADMIN	120.00	5-01-31-460-001-144	B Upgrades to Fueling Facility	R	10/19/15	10/27/15			N
				<u>3,784.32</u>								
	15-01821	10/22/15	SEPTEMBER 2015 GAS USE									
	1		SEPTEMBER 2015 GAS- FIRE	391.49	5-01-31-460-001-166	B Motor Fuel - Fire Dept.	R	10/22/15	10/27/15			N
	2		SEPTEMBER 2015 GAS- POLICE	1,450.91	5-01-31-460-001-145	B Motor Fuel - Police	R	10/22/15	10/27/15			N
	3		SEPTEMBER 2015 GAS- EMS 50	45.77	5-01-31-460-001-148	B Motor Fuel - Emergency Medical	R	10/22/15	10/27/15			N
	4		SEPTEMBER 2015 GAS- GARBAGE	1,001.85	5-01-31-460-001-147	B Motor Fuel - Public Works	R	10/22/15	10/27/15			N

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	Item Description	Amount	Charge Account	Acct Type Description							
G0186 GRAPHIC CONTROLS LLC											
	15-01597 09/22/15 HONEYWELL/BRISTOL CHARTS										
	1 30755317 - HONEYWELL CHARTS	968.40	5-09-55-501-001-503	B Water Plant Maintenance	R	09/22/15	10/27/15				N
	2 18019 - BRISTOL CHARTS	180.55	5-09-55-501-001-503	B Water Plant Maintenance	R	09/22/15	10/27/15				N
	3 55031 - BRISTOL CHARTS	208.55	5-09-55-501-001-503	B Water Plant Maintenance	R	09/22/15	10/27/15				N
	4 F20000 - BRISTOL CHARTS	208.55	5-09-55-501-001-503	B Water Plant Maintenance	R	09/22/15	10/27/15				N
	5 APPROX SHIPPING	27.07	5-09-55-501-001-503	B Water Plant Maintenance	R	09/22/15	10/27/15			MA6082	N
		<u>1,593.12</u>									
	Vendor Total:	1,593.12									
GREEN005 GREEN GROUP, LLC, THE											
	15-01578 09/22/15 GLOW NECKLACES - HALLOWEEN										
	1 GLOW NECKLACES - HALLOWEEN	359.76	5-01-25-240-001-113	B D.A.R.E.	R	09/22/15	10/27/15			4692	N
	Vendor Total:	359.76									
G0181 GRIFFITH ELECTRIC SPLY CO, INC											
	15-01664 09/29/15 QUOTE- #1561674										
	1 QUOTE- #1561674	1,570.94	5-09-55-501-002-503	B Sewer Plant Maintenance	R	09/29/15	10/27/15			5553984	N
	15-01763 10/14/15 PARTS										
	1 CHECNO511AAA-A/S PARTS	330.43	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/14/15	10/27/15				N
	2 C-H H2005B-3 HEATER ELEMENT	44.76	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/14/15	10/27/15				N
		<u>375.19</u>									
	15-01783 10/19/15 INV #5554943										
	1 INV #5554943	12.08	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/19/15	10/27/15			5554943	N
	Vendor Total:	1,958.21									
G0050 GROVE SUPPLY INC											
	15-01747 10/14/15 INV #S4236885.001										
	1 INV #S4236885.001	69.90	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/14/15	10/28/15			S4236885.001	N
	15-01752 10/14/15 SHEET METAL										
	1 20' 3/4" PVC	9.60	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/14/15	10/28/15				N

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Item Description	Amount	Charge Account	Acct Type Description								
G0050 GROVE SUPPLY INC Continued											
15-01752 10/14/15 SHEET METAL			Continued								
2 JQK10 QUICK EZE SHEET METAL	3.23	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/14/15	10/28/15					N
	12.83										
Vendor Total:	82.73										
H 85 HACH CO.											
15-01476 08/31/15 QUOTE DATED 8/26/15											
1 SULFURIC ACID STANDARD	39.44	5-09-55-501-002-506	B Lab. Equipment & Supplies	R	08/31/15	10/27/15					N
2 BOD NUTRIENT PILLOWS	32.29	5-09-55-501-002-506	B Lab. Equipment & Supplies	R	08/31/15	10/27/15					N
3 AMMONIA ADJUSTER	77.76	5-09-55-501-002-506	B Lab. Equipment & Supplies	R	08/31/15	10/27/15					N
4 TSS FILTERS	137.73	5-09-55-501-002-506	B Lab. Equipment & Supplies	R	08/31/15	10/27/15					N
5 PH 4 BUFFER	43.80	5-09-55-501-002-506	B Lab. Equipment & Supplies	R	08/31/15	10/27/15					N
6 PH 7 BUFFER	43.80	5-09-55-501-002-506	B Lab. Equipment & Supplies	R	08/31/15	10/27/15					N
7 PH 10 BUFFER	89.76	5-09-55-501-002-506	B Lab. Equipment & Supplies	R	08/31/15	10/27/15					N
	464.58										
Vendor Total:	464.58										
HAPPY005 HAPPY WANDERER BAKER											
15-01704 10/07/15 INVOICE 0035 DATED 8/26/15											
1 INVOICE 0035 DATED 8/26/15	120.00	T-12-56-286-000-876	B PARKS & RECREATION/ TRIATHLON	R	10/07/15	10/28/15			35		N
Vendor Total:	120.00										
HARDW005 HARDWARE SALES, INC											
15-01681 10/06/15 OPTI-2 TWO CYCLE ADDITIVE											
1 PARK #20044 - OPTI-2 TWO CYCLE	259.96	5-01-28-369-001-139	B Mower Repairs	R	10/06/15	10/27/15			102545617		N
Vendor Total:	259.96										
H0276 HARTER EQUIPMENT, INC.											
15-01663 09/29/15 KUBOTA LOADER											
1 68817-68860 HOSE	71.87	5-09-55-501-002-503	B Sewer Plant Maintenance	R	09/29/15	10/27/15			P34006		N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
H0276 HARTER EQUIPMENT, INC. Continued											
	15-01663	09/29/15	KUBOTA LOADER	Continued							
	2	06114-53032	JOINT	26.08	5-09-55-501-002-503	R	09/29/15	10/27/15		P34006	N
				97.95							
			Vendor Total:	97.95							
H0126 HIGHTS ELECTRIC MOTOR, INC.											
	15-01788	10/19/15	INV #0947441-IN								
	1	INV #0947441-IN		191.26	5-09-55-501-002-503	R	10/19/15	10/27/15		0947441-IN	N
			Vendor Total:	191.26							
H0048 HIGHTS REALTY LLC											
	15-01779	10/16/15	RENTAL FOR NOVEMBER FOR POLICE								
	1	RENTAL FOR NOVEMBER FOR POLICE		3,800.00	5-01-26-310-001-025	R	10/16/15	10/27/15		NOVEMBER HPD	N
			Vendor Total:	3,800.00							
H1100 HOME DEPOT CREDIT SERVICES											
	15-01048	06/24/15	INV 0982-00002-27264								
	1	INV 0982-00002-27264		42.65	T-12-56-286-000-888	R	06/24/15	10/27/15		8024911	N
	2	INV 0982 00004 32971		5.38	T-12-56-286-000-888	R	06/24/15	10/27/15		4044244	N
				48.03							
	15-01447	08/24/15	FINISHING PAD/PAINT/CONNECTORS								
	1	INV. 4031568 - METAL FINISHING		9.49	5-01-28-369-001-141	R	08/24/15	10/27/15		4031568	N
	2	INV. 4025907 - FASTLOCK TWIST		17.88	5-01-28-369-001-141	R	08/24/15	10/27/15		4025907	N
				27.37							
			Vendor Total:	75.40							
H0161 HUNTER TECH.SOLUTIONS INC											
	15-01755	10/14/15	TECH SUPPORT - 9/11/15								
	1	INV 59796 - FIRE OFFICAL		71.25	5-01-25-256-002-094	R	10/14/15	10/27/15		59796	N
			Vendor Total:	71.25							

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
IXPC005 IXP CORPORATION												
15-01708	10/08/15	RES 2015-251	EVALUATION									
1	RES 2015-251	EVALUATION	3,750.00	5-01-43-507-001-029	B Maint. Contracts - Other	R	10/08/15	10/27/15			RES 2015-251	N
15-01712	10/09/15	INV 1509004										
1	INV 1509004		12,670.00	5-01-43-507-001-029	B Maint. Contracts - Other	R	10/09/15	10/27/15			1509004	N
Vendor Total:			16,420.00									
J0258 JCP&L (STREET LIGHTING)												
15-01871	10/26/15	100011415724	10/21/15									
1	100011415724	10/21/15	392.21	5-01-31-435-001-075	B Street Lighting	R	10/26/15	10/27/15			100011415724	N
15-01872	10/26/15	DPW 100011415765	10/21/15									
1	DPW 100011415765	10/21/15	1,665.34	5-01-31-435-001-075	B Street Lighting	R	10/26/15	10/27/15			100011415765	N
Vendor Total:			2,057.55									
KUBIA005 KUBIAK ELECTRIC CO., INC.												
15-01380	08/13/15	REPLACE EYS BOX 4 FINE SCREEN										
1	REPLACE EYS BOX 4 FINE SCREEN		615.00	5-09-55-501-002-503	B Sewer Plant Maintenance	R	08/13/15	10/27/15				N
15-01766	10/14/15	TROUBLE SHOOT & REPLACE										
1	TROUBLE SHOOT & REPLACE		465.00	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/14/15	10/27/15				N
Vendor Total:			1,080.00									
L0205 LANGUAGE LINE SERVICES												
15-01836	10/22/15	INV 3684914	DATED 9/30/15									
1	INV 3684914	DATED 9/30/15	23.29	5-01-20-176-000-111	B Interpretor/Outside Help	R	10/22/15	10/27/15			3684914	N
Vendor Total:			23.29									
L0037 LINCOLN FINANCIAL GROUP												
15-01805	10/21/15	LIFE INSURANCE FOR NOVEMBER										
1	LIFE INSURANCE FOR NOVEMBER		315.70	5-01-23-210-003-115	B Medical Ins-Emp Grp Health	R	10/21/15	10/27/15			HIGHTSTOWN BORO N	
Vendor Total:			315.70									

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
LISAL005 LISA LANGLOIS												
	15-01801	10/21/15	10/14/15 COURT SESSION									
	1	10/14/15	COURT SESSION	70.00	5-01-20-176-000-114	B Court Assistance	R	10/21/15	10/27/15		10/14/15	N
	Vendor Total:			70.00								
LSCME005 LSC MECHANICAL												
	15-01736	10/13/15	15-298, 15-159									
	1	15-298	HEATER CORE, ETC	1,781.12	5-01-26-315-001-133	B Vehicle Maint. - Fire Dept.	R	10/13/15	10/27/15		15-298	N
	2	15-159	BATTERY, DIAGNOSIS, ETC	275.00	5-01-26-315-001-133	B Vehicle Maint. - Fire Dept.	R	10/13/15	10/27/15		15-159	N
	Vendor Total:			2,056.12								
M1076 MCMANIMON, SCOTLAND & BAUMANN												
	14-02287	12/19/14	INV 131384 BOND COUNSEL									
	1	INV 131384	BOND COUNSEL	602.00	4-01-20-155-001-028	B Bond Council	R	12/19/14	10/27/15		131384	N
	15-01859	10/23/15	136222 AUTO GARBAGE TRUCK BOND									
	1	136222	AUTO GARBAGE TRUCK BOND	600.00	C-04-55-877-001-447	B ACQ/AUTOMATED GARBAGE TRUCK 15-20 SEC 20	R	10/23/15	10/27/15		136222	N
	Vendor Total:			1,202.00								
M0180 MCMASTER-CARR												
	15-01784	10/19/15	ITEM #44605K13,#44615K134 ECT									
	1	ITEM #44605K13-	4" 90DEGREE	181.80	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/19/15	10/27/15		41609359	N
	2	ITEM #44615K134-	4"X6" NIPPLE	26.84	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/19/15	10/27/15			N
	3	ITEM #4457K453	4" X 16"	45.73	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/19/15	10/27/15			N
	4	shipping		10.40	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/22/15	10/27/15		41609359	N
	Vendor Total:			264.77								
M0261 MERCER COUNTY COMMUNITY COLLEG												
	15-01735	10/13/15	STRIP MALL FIREFIGHTING-PAGLIO									
	1	STRIP MALL FIREFIGHTING-PAGLIO		30.00	5-01-25-252-002-042	B Education & Training	R	10/13/15	10/27/15		9/15 STRIP MALL	N
	Vendor Total:			30.00								

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P0044 PSE&G												
	15-01865	10/26/15	6687890808 156 BANK 9/14-10/13									
	1	6687890808	156 BANK 9/14-10/13	18.76	5-01-31-446-001-070	B Gas Heat - Borough Hall	R	10/26/15	10/27/15		6687890808	N
	15-01866	10/26/15	6503987609 1ST AVE WTR TWR									
	1	6503987609	1ST AVE WTR TWR	14.10	5-09-55-501-001-505	B Gas Service	R	10/26/15	10/27/15		6503987609	N
	15-01867	10/26/15	6550326206 168 BANK ST									
	1	6550326206	168 BANK ST	25.93	5-01-25-260-001-073	B Natural Gas Heat	R	10/26/15	10/27/15		6550326206	N
	15-01868	10/26/15	6675946706 140 N MAIN HFD									
	1	6675946706	140 N MAIN HFD	18.76	5-01-31-446-001-143	B Gas/Heat - Fire House	R	10/26/15	10/27/15		6675946706	N
	15-01873	10/26/15	6579810904 148N MAIN#R OCTOBER									
	1	6579810904	148N MAIN#R OCTOBER	31.52	5-01-31-446-001-070	B Gas Heat - Borough Hall	R	10/26/15	10/27/15		6579810904	N
	15-01874	10/26/15	6606292905 BANK ST OCTOBER									
	1	6606292905	BANK ST OCTOBER	11.59	5-09-55-501-001-505	B Gas Service	R	10/26/15	10/27/15		6606292905	N
	15-01875	10/26/15	6679486904 OAK LANE OCTOBER									
	1	6679486904	OAK LANE OCTOBER	50.68	5-09-55-501-002-505	B Gas Service	R	10/26/15	10/27/15		6679486904	N
	15-01876	10/26/15	HFD 6539567103 OCTOBER									
	1	HFD 6539567103	OCTOBER	116.95	5-01-31-446-001-143	B Gas/Heat - Fire House	R	10/26/15	10/27/15		6539567103	N
	Vendor Total:			288.29								
R0077 ROBERTS ENGINEERING GRP LLC												
	14-00316	02/26/14	2014 ENGINEERING CONTRACT									
	62	inv 13712	FEMA/FLOOD INS MAPS	1,547.50	4-01-20-165-001-028	B General Engineering	R	11/06/14	10/27/15		13712	N
	14-00317	02/26/14	2014 WATER/SEWER BLANKET									
	70	INV 13714	GENERAL WATER	577.50	4-09-55-501-001-508	B Engineer	R	11/06/14	10/27/15		13714	N
	71	INV 13713	GENERAL SEWERS	1,122.75	4-09-55-501-002-508	B Engineer	R	12/31/14	10/27/15		13713	N
	72	INV 13715	CHEMICAL & CONTRACTS	383.75	4-09-55-501-002-508	B Engineer	R	12/31/14	10/27/15		13715	N
				2,084.00								

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R0077	ROBERTS ENGINEERING GRP LLC		Continued										
15-00213	02/09/15	2015	BLANKET-GENERAL ENGINEERG			B							
36 INV	13819	MISC REQUESTS	1/29/15	335.00	5-01-20-165-001-104		B Attendance at Meetings (B)	R	07/14/15	10/27/15		13819	N
15-00229	02/11/15	2015	WATER/SEWER BLANKET			B							
51 INV	13824	SETTING TANK REPAIRS		319.00	5-09-55-501-002-508		B Engineer	R	07/14/15	10/27/15		13824	N
52 INV	13823	WELL 2 REHAB		573.00	5-09-55-501-001-508		B Engineer	R	06/09/15	10/27/15		13823	N
53	13821	CHEMICAL CONTRACTS		690.00	5-09-55-501-002-508		B Engineer	R	07/14/15	10/27/15		13821	N
54 INV	13822	ULTRAVIOLET DISINFEC		1,318.00	5-09-55-501-002-508		B Engineer	R	02/11/15	10/27/15		13822	N
				2,900.00									
15-01808	10/21/15	INV	14178,14227,14305	DAM									
1 INV	14178	PEDDIE LAKE DAM		505.00	C-04-55-868-001-447		B PEDDIE LAKE DAM WALKING BRIDGE SOFT COST	R	10/21/15	10/27/15		14178	N
2 INV	14227	PEDDIE LAKE DAM		120.00	C-04-55-868-001-447		B PEDDIE LAKE DAM WALKING BRIDGE SOFT COST	R	10/21/15	10/27/15		14227	N
3 INV	14305	PEDDIE LAKE DAM		1,342.50	C-04-55-868-001-447		B PEDDIE LAKE DAM WALKING BRIDGE SOFT COST	R	10/21/15	10/27/15		14305	N
				1,967.50									
15-01810	10/21/15	14332 AND 14382											
1	14332	ETRA RD CURB/SIDEWALKS		936.75	T-12-56-286-000-824		B RES.-PRESBYTERIAN HOMES-Sidewalk	R	10/21/15	10/27/15		14332	N
2	14382	ETRA RD CURB/SIDEWALK		3,078.25	T-12-56-286-000-824		B RES.-PRESBYTERIAN HOMES-Sidewalk	R	10/21/15	10/27/15		14382	N
3	14382	ETRA RD CURB/SIDEWALK		5,500.50	C-04-55-864-004-447		B MILLING PAVING SOFT COSTS 2012-13	R	10/21/15	10/27/15		14382	N
				9,515.50									
15-01838	10/23/15	Inv. # 13958	April 13, 2015										
1 Inv.#13958/4/13/15	site inspec			63.75	BAR1307I		P BARON INSPECTION FEES	R	10/23/15	10/27/15		#13958	N
15-01839	10/23/15	#13717 11/11/14/#13826	1/29/15										
1	Review documents. #13717/11/14			130.00	MIL11-02		P MILLSTONE BASIN HABITAT	R	10/23/15	10/27/15		#13717	N
2	Landscape plan review #13826			65.00	MIL11-02		P MILLSTONE BASIN HABITAT	R	10/23/15	10/27/15		#13826	N
				195.00									
15-01840	10/23/15	#13829-App. review & prep. ltr											
1 Appl. review/prep review ltr				278.50	TECKN03-14		P MINOR SUBDIVISION	R	10/23/15	10/27/15		#13829	N
15-01841	10/23/15	Resolution review & comment											
1	Resolution review & comment			312.50	PEDDE02-14		P NEW DORMS	R	10/23/15	10/27/15		#13828	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
W0156 SEARING, WILLIAM Continued											
	15-01775	10/16/15	MISC REIMBURSEMENT PLANT MTNC								
	1		PARTS FOR POLYMER SCREEN REIMB	4.39	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/16/15	10/27/15		N
	2		KEROSENE	20.00	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/16/15	10/27/15		N
	3		HOME DEPOT	3.97	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/16/15	10/27/15		N
	4		PROGRESSIVE HYDRAULICS	23.20	5-09-55-501-002-503	B Sewer Plant Maintenance	R	10/16/15	10/27/15		N
				<u>51.56</u>							
			Vendor Total:	120.28							
SHERW005 SHERWIN WILLIAMS PAINT											
	15-01673	09/30/15	5 GAL BUCKETS-MINERAL SPIRITS								
	1		5 GAL BUCKETS-MINERAL SPIRITS	262.50	5-09-55-501-002-535	B Chemicals Miscellaneous	R	09/30/15	10/27/15		N
			Vendor Total:	262.50							
T0036 THE PEDDIE SCHOOL											
	15-01773	10/16/15	RES 2015-238 (CARRIAGE HOUSE)								
	1		RES 2015-238 (CARRIAGE HOUSE)	5,648.25	PEDCA08-11	P THE PEDDIE SCHOOL-CARRIAGE HOU	R	10/16/15	10/27/15	2015-238	N
			Vendor Total:	5,648.25							
T0030 THE TIMES											
	15-01754	10/14/15	LEGAL ADS 9/21-9/26/15								
	1		TAX SALE 9/21/15	233.80	5-01-20-145-001-021	B Advertisements	R	10/14/15	10/27/15	3669-09212015	N
	2		ORD 2015-21 - INTRO	22.04	5-01-20-120-001-021	B Advertisements	R	10/14/15	10/27/15	2363-09252015	N
	3		ORD 2015-22 INTRO	23.49	5-01-20-120-001-021	B Advertisements	R	10/14/15	10/27/15	2365-09252015	N
	4		ORD 2015-23 INTRO	27.26	5-01-20-120-001-021	B Advertisements	R	10/14/15	10/27/15	2367-09252015	N
	5		PROFESSIONAL SERVICES	9.28	5-01-20-120-001-021	B Advertisements	R	10/14/15	10/27/15	3439-09262015	N
				<u>315.87</u>							
	15-01863	10/23/15	LEGAL ADS 10/1-10/9/15								
	1		BOROUGH COUNCIL 10/5 MEETING	6.96	5-01-20-120-001-021	B Advertisements	R	10/23/15	10/27/15	5654-10012015	N
	2		CULTURAL ARTS 10/21 MEETING	6.09	5-01-20-120-001-021	B Advertisements	R	10/23/15	10/27/15	7171-10042015	N
	3		ORD 2015-21 ADOPT	9.57	5-01-20-120-001-021	B Advertisements	R	10/23/15	10/27/15	1286-10092015	N
	4		ORD 2015-22 ADOPT	11.60	5-01-20-120-001-021	B Advertisements	R	10/23/15	10/27/15	1296-10092015	N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
T0030 THE TIMES											
	15-01863	10/23/15	LEGAL ADS 10/1-10/9/15	Continued							
	5		PARKS & REC MEETING CHANGE	6.09	5-01-20-120-001-021	B Advertisements	R	10/23/15	10/27/15	1660-10092015	N
				40.31							
			Vendor Total:	356.18							
T0048 THOMSON REUTERS - WEST											
	15-01072	06/25/15	inv 831991076 dated 6/4/15								
	1		inv 831991076 dated 6/4/15	318.00	5-01-20-176-000-033	B Books & Publications	R	06/25/15	10/27/15	831991076	N
			Vendor Total:	318.00							
T0050 TRU-STOR LLC											
	15-01861	10/23/15	INV 59847								
	1		INV 59847	1,080.35	5-01-20-140-001-060	B Internet Services and Web Services	R	10/23/15	10/28/15	59847	N
			Vendor Total:	1,080.35							
TUTT005 TUTTLE MARKETING SERVICES, INC.											
	15-01636	09/28/15	INV 16239 & 16259								
	1		INV 16239 DATED 9/2/15	1,107.65	T-12-56-286-000-876	B PARKS & RECREATION/ TRIATHLON	R	09/28/15	10/27/15	16239	N
	2		INV 16259 DATED 9/11/15	312.15	T-12-56-286-000-876	B PARKS & RECREATION/ TRIATHLON	R	09/28/15	10/27/15	16259	N
				1,419.80							
			Vendor Total:	1,419.80							
U0007 UNIVAR USA											
	15-00363	02/24/15	RES 2015-34 CALCIUM HYDROXIDE		B						
	8		INV HB803735 DATED 10/13/15	930.00	5-09-55-501-001-527	B Calcium Hydroxide - Lime	R	02/24/15	10/27/15	HB803735	N
	15-00364	02/24/15	RES 2015-34 CALCIUM HYDROXIDE		B						
	9		INV HB803734 DATED 10/13/15	620.00	5-09-55-501-002-553	B Calcium Hydroxide (Lime)	R	02/24/15	10/27/15	HB803734	N
			Vendor Total:	1,550.00							

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
WIREL005 WIRELESS ELECTRONICS, INC.												
	15-01759	10/14/15	MAINTENANCE AGREEMENT									
	1		MAINTENANCE AGREEMENT	2,235.00	5-01-25-250-001-029	B Maintenance Contracts-Other	R	10/14/15	10/28/15		M56127	N
			Vendor Total:	2,235.00								

Total Purchase Orders: 102 Total P.O. Line Items: 199 Total List Amount: 113,021.26 Total Void Amount: 0.00

Totals by Year-Fund								
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	4-01	2,985.00	0.00	2,985.00	0.00	0.00	0.00	2,985.00
	4-09	2,084.00	0.00	2,084.00	0.00	0.00	0.00	2,084.00
	Year Total:	5,069.00	0.00	5,069.00	0.00	0.00	0.00	5,069.00
CURRENT FUND	5-01	57,014.29	0.00	57,014.29	0.00	0.00	0.00	57,014.29
	5-09	17,749.64	0.00	17,749.64	0.00	0.00	0.00	17,749.64
	5-21	0.00	0.00	0.00	0.00	0.00	9,145.50	9,145.50
	Year Total:	74,763.93	0.00	74,763.93	0.00	0.00	9,145.50	83,909.43
GENERAL CAPITAL	C-04	10,790.50	0.00	10,790.50	0.00	0.00	0.00	10,790.50
TRUST OTHER - FUND #12	T-12	8,764.33	0.00	8,764.33	0.00	0.00	0.00	8,764.33
HOUSING TRUST FUND-RECAPTURED FUNDS	T-26	4,488.00	0.00	4,488.00	0.00	0.00	0.00	4,488.00
	Year Total:	13,252.33	0.00	13,252.33	0.00	0.00	0.00	13,252.33
Total of All Funds:		103,875.76	0.00	103,875.76	0.00	0.00	9,145.50	113,021.26

Project Description	Project No.	Rcvd Total	Held Total	Project Total
BARON INSPECTION FEES	BAR1307I	63.75	0.00	63.75
MILLSTONE BASIN HABITAT	MIL11-02	195.00	0.00	195.00
THE PEDDIE SCHOOL-CARRIAGE HOU	PEDCA08-11	5,648.25	0.00	5,648.25
PEDDIE SCHOOL-NEW DORMS	PEDD2-14IF	2,647.50	0.00	2,647.50
NEW DORMS	PEDDE02-14	312.50	0.00	312.50
MINOR SUBDIVISION	TECKN03-14	278.50	0.00	278.50
Total of All Projects:		<u>9,145.50</u>	<u>0.00</u>	<u>9,145.50</u>

Resolution 2015-274

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

AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A SHARED SERVICES AGREEMENT FOR SOLID WASTE COLLECTION WITH THE BOROUGH OF ROOSEVELT

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq. (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Borough of Roosevelt (“Roosevelt”) is in need of the provision of solid waste collection services (also referenced as the “services”) for properties located within Roosevelt’s jurisdiction; and

WHEREAS, the Borough of Hightstown (“Hightstown”) is willing to assist Roosevelt by providing the services to Roosevelt, under certain terms and conditions; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, Hightstown and Roosevelt (collectively, the “parties”) have negotiated an Agreement for the shared provision of the services within their respective jurisdictions; and

WHEREAS, the terms and conditions of this undertaking are set forth in a Shared Services Agreement; and

WHEREAS, pursuant to the Shared Services Agreement, Hightstown shall perform the services for Roosevelt for a period commencing on January 1, 2016 and continuing until December 31, 2020; and

WHEREAS, the Shared Services Agreement shall become effective once the parties have each duly authorized their proper officials to execute the Agreement, and the Agreement has been so executed.

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

1. A shared services agreement between the Borough of Hightstown and the Borough of Roosevelt for the provision of Solid Waste Collection for the period January 1, 2016 through December 31, 2020 is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 2, 2015.

Debra L. Sopronyi
Borough Clerk

SHARED SERVICES AGREEMENT FOR SOLID WASTE COLLECTION

THIS SHARED SERVICES AGREEMENT is made this _____ day of

_____, 2015 by and between:

**BOROUGH OF HIGHTSTOWN,
a Municipal Corporation of the State of New Jersey,
Public Works Facility
156 Bank Street
Hightstown, New Jersey 08520
(hereinafter referenced as "Hightstown")**

AND

**BOROUGH OF ROOSEVELT,
a Municipal Corporation of the State of New Jersey,
33 North Rochdale Avenue
P.O. Box 128
Roosevelt, New Jersey 08555
(hereinafter referenced as "Roosevelt")**

WHEREAS, the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1 et seq. (the "Act"), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, Roosevelt is in need of the provision of solid waste collection services (also referenced as the "services") for properties located within Roosevelt's jurisdiction; and

WHEREAS, Hightstown is willing to assist Roosevelt by providing the services to Roosevelt, under certain terms and conditions; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, Hightstown and Roosevelt (collectively, the "parties") have

negotiated an Agreement for the shared provision of the services within their respective jurisdictions; and

WHEREAS, the terms and conditions of this undertaking are set forth below; and

WHEREAS, the parties have each duly authorized their proper officials to enter into and execute this Agreement.

NOW, THEREFORE, WITNESSETH, the parties, for the consideration hereafter named, hereby agree as follows:

ARTICLE I: SCOPE OF SERVICES.

A. SERVICES TO BE PERFORMED.

Hightstown, through its Department of Public Works, shall provide the following solid waste collection services to Roosevelt:

1. Solid waste collection. Solid waste collection shall be performed at the curbside for all physical addresses in Roosevelt, using Hightstown's automated single-arm garbage truck equipped to empty containers (one per physical address). Each physical address shall be permitted service for one (1) container of a maximum capacity of ninety (90) gallons. Collection shall be performed in accordance with the schedule set forth in Paragraph B(1) below.
2. Bulk garbage collection. Bulk garbage collection shall be performed at the curbside for all residential homes in Roosevelt in accordance with the schedule set forth in Paragraph B(2) below. No tires, batteries, hazardous materials, recyclable items or yard waste shall be accepted for collection as part of bulk garbage collection. Large items must be broken down in size to equal no more than 45 pounds per lift.

3. Christmas tree collection. Christmas tree collection shall be performed as specified in Paragraph B(3) below.
4. Scrap metal collection. Scrap metal collection shall be performed at the curbside for all physical addresses in Roosevelt in accordance with the schedule set forth in Paragraph B(4) below.

All services (except for Christmas tree collection) shall include disposition of the materials collected at the Tinton Falls landfill site in Monmouth County, or other appropriate facilities selected by Hightstown. Christmas tree collection services shall include grinding the trees into chips and ultimate disposition of the chips, as appropriate, by Hightstown.

B. COLLECTION SCHEDULE.

All collection services shall be performed by Hightstown on designated days between 7:00 a.m. and 4:00 p.m., except on legal holidays as designated by Hightstown.

1. Solid waste — every Wednesday (alternate collection day in case of holiday — the next day).
2. Bulk garbage — twice per year, once in May and once in October, to be scheduled upon advance notice by the Hightstown Department of Public Works.
3. Christmas trees — one day in January at a Roosevelt designated drop-off site for residents to discard trees (uncovered) for Hightstown pick-up.
4. Scrap metal — twice per year, once in May and once in October, to be scheduled upon advance notice by the Hightstown Department of Public Works.

ARTICLE II: COMPENSATION/COSTS.

A. COMPENSATION.

In consideration for the services to be rendered, compensation by Roosevelt to Hightstown shall be paid as follows:

1. The sum of **\$63,000.00** in 2016, representing \$5,250.00 per month; and
2. The sum of **\$64,260.00** in 2017, representing \$5,355.00 per month; and
3. The sum of **\$65,545.20** in 2018, representing \$5,462.10 per month; and
4. The sum of **\$66,856.10** in 2019, representing \$5,571.34 per month; and
5. The sum of **\$68,193.22** in 2020, representing \$5,682.77 per month.

Rates above represent an annual 2% increase throughout the five year term of the agreement. All compensation shall be due and payable to Hightstown in monthly increments on or prior to the first day of each month.

B. OTHER COSTS.

Roosevelt agrees to pay the following additional costs:

1. Purchase of garbage containers (with a maximum capacity of ninety (90) gallons) designed for the Hightstown truck having the automated garbage pick-up mechanism.
2. Tipping fees at the Tinton Falls landfill site in Monmouth County.
3. Any other garbage hauling fees required in Monmouth County.
4. In order to cover the costs associated with the items referenced in B(2) and B(3) above, Roosevelt shall post the sum of \$2,800.00 per month in escrow with Hightstown. These funds shall be utilized by Hightstown to pay the tipping fees and any other garbage hauling fees that are required to be paid directly by the hauler (Hightstown). Roosevelt shall be required to keep the escrow account replenished on a monthly basis. Escrow payments shall be due and payable to

Hightstown on or prior to the first day of each month. Any funds remaining in the escrow account at the end of the month shall roll forward to the next month. No escrow payment shall be due from Roosevelt in any month if and when the aggregate rollover amount equals the average monthly tipping/garbage hauling fees. If this Agreement is terminated by either party pursuant to the provisions of Article IV(B) below, then any remaining balance in the escrow account shall be returned to Roosevelt. Additionally, any remaining balance existing in the escrow account as of the natural conclusion of this Agreement shall be returned to Roosevelt. If a shortfall should occur in the escrow account, then Roosevelt shall be required to pay the excess by the 15th of the next month. Hightstown shall provide Roosevelt with tipping fee and/or garbage hauling invoices or tickets on a monthly basis setting forth weights and fees in the amount deducted from the escrow account. No interest shall be paid by Hightstown to Roosevelt on the revolving funds that are held within the escrow account.

**ARTICLE III: INSURANCE; HOLD HARMLESS AND
INDEMNIFICATION.**

A. INSURANCE.

During the term of this Agreement, Hightstown shall ensure that all Hightstown personnel who are involved with provision of the services, and all vehicles used in connection with the services, are covered under Hightstown's comprehensive general liability and automobile insurance policies, as well as all other applicable insurance policies.

B. ADDITIONAL INSUREDS.

The parties agree to name each other as additional insureds on any and all applicable insurance policies. These policies shall include, without limitation, comprehensive general

liability, automobile liability, errors and omissions and workers compensation with limits and deductibles as mutually agreed upon. Each party shall provide the other with a certificate of insurance setting forth the above coverage(s) and naming the other as additional insured promptly upon the execution of this Agreement.

C. CANCELLATION OR CHANGES TO POLICIES.

Each party agrees to provide the other party with at least fourteen (14) days advance written notice of any proposed cancellation of relevant insurance policies or of material changes to said policies.

D. HOLD HARMLESS AND INDEMNIFICATION.

In those circumstances where a claim has been submitted and/or a lawsuit filed alleging liability on behalf of either or both of the parties as a result of actions performed in connection with the services referenced in this Agreement, then the parties hereby agree that each party shall be responsible for claims resulting from actions performed by their own employees and/or as a result of accidents or incidents involving their own vehicle(s).

To that extent only, the parties hereby agree to indemnify and hold each other, and their respective officers, agents and employees, harmless, from and against any and all claims, demands, suits, proceedings, liabilities, judgments, awards, losses, damages, costs and expenses, including attorney's fees, because of bodily injury, sickness, disease or death, sustained by any person or persons or injury or damages to, or destruction of, any property directly or indirectly arising out of, relating to, or in connection with the duties and services specified in this Agreement.

**ARTICLE IV: DURATION OF CONTRACT; TERMINATION;
MODIFICATION; DISPUTES.**

A. DURATION.

This Agreement shall endure for a period commencing on **January 1, 2016** and **continuing** until **December 31, 2020**. Notwithstanding the foregoing, by Resolutions of Agreement by both parties, this Agreement may be extended upon such terms and conditions as are mutually acceptable to the parties.

B. TERMINATION.

1. This Agreement may be terminated for any reason by either party upon ninety (90) days advance written notice.
2. In the event that either party defaults in the performance of any of its obligations under this Agreement after receiving written notice of same and failing to cure such default within thirty (30) days of said written notice, the non-defaulting party shall be entitled to terminate this Agreement.

C. MODIFICATION.

This Agreement may not be changed orally, and may only be modified or amended by a written statement signed by both parties.

D. DISPUTES.

Pursuant to N.J.S.A. 40A:65-7(c), the parties agree that any disputes which may arise between them relating to the services to be provided under this Agreement shall be referred to binding arbitration, if the parties are not able to resolve such disputes between themselves. Arbitration shall be conducted in accordance with the rules of the American Arbitration Association and in no event shall any arbitrator award damages for any special, incidental or

consequential damages. The parties agree to split the costs related to such binding arbitration equally between them.

ARTICLE V: CHOICE OF LAW.

Any dispute under this Agreement or related to this Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

ARTICLE VI: ENTIRE AGREEMENT.

This Agreement represents the entire agreement between the parties and cannot be changed or modified orally. This Agreement may be supplemented, amended or revised only by a writing which is signed by all of the parties hereto.

ARTICLE VII: SEVERABILITY.

If any part of this Agreement shall be held to be unenforceable, the rest of this Agreement shall nevertheless remain in full force and effect.

ARTICLE VIII: WAIVER.

Failure to insist upon strict compliance with any of the terms, covenants, or conditions of this Agreement at any one time shall not be deemed a waiver of such term, covenant, or condition at any other time nor shall any waiver or relinquishment of any right or power herein at any time be deemed a waiver or relinquishment of the same or any other right or power at any other time.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement,
the day and year first above written.

ATTEST:

THE BOROUGH OF HIGHTSTOWN

By: _____
Debra L. Sopronyi, Borough Clerk

Lawrence D. Quattrone, Mayor

Date: _____

ATTEST:

THE BOROUGH OF ROOSEVELT

By: _____
Debra L. Sopronyi, Borough Clerk

Elsbeth Battel, Mayor

Date: _____

Resolution 2015-275

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

AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Hightstown has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Hightstown intends to utilize the online auction services of GovDeals.com located at www.GovDeal.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local requirements by a vendor approved by the Division of Local Government Services; and

WHEREAS, a notice shall be published in the Borough approved newspaper and on the Borough website announcing the auction, the web address where the auction will take place, the date(s) and time(s) for the auction and a description of the items to be sold with such publication being at least 10 days, but no more than 14 days prior to the auction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hightstown in the County of Mercer, State of New Jersey, that the Borough is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.GovDeal.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between GovDeals.com and the Borough of Hightstown shall be made available at www.GovDeal.com and in the Borough Clerk's office.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 2, 2015.

Debra L. Sopronyi
Borough Clerk

SCHEDULE A TO RESOLUTION 2015-275

Year and Make	Vin/Serial
1988 Wheel Horse 310-10 Snow Blower	21-10K805
1987 Wheel Horse 308-8	21-08K803
1986 Toro Groundsmaster 322D - 72" Deck	61044
Tennant Sweeper with charger	n/a
Toro Groundsmaster 223D	n/a
1996 Dodge Utility	1B7KC26Z8TJ200737
1996 Dodge Pickup with Plow	1B7KF26C6TJ201386
1987 Chevy Van School Bus	2GBHG31K2H4141378
1975 Toro Groundsmaster Sweeper 72	n/a
Portable Gas Generator	n/a
1966 Ford Walk in Truck	P35AL750050
1974 Ford L8000 Garbage Truck	R8904VT33948
1985 Kohler Generator	117003
1997 Ford Taurus	1FALP5228VG222147
2001 Ford Crown Victoria	2FAFP71W21X165784
2004 Ford Crown Victoria	2FAHP71W84X106039
1982 Chevy C60	1GBG6D1FXCV127678
1994 Ford Escort	1FAAP15J8RW132837

Resolution 2015-271

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

AUTHORIZING SALE BY ASSIGNMENT OF TAX SALE CERTIFICATE #15-00011

BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that, pursuant to N.J.S.A. 54:5-113, the following Tax Sale Certificate is hereby sold by assignment to Jeyakumar Aiyathurai, 41 Robbins Road South, Millstone, New Jersey 08510 for a total of **\$11,550.72**, which sum includes the following amounts which are calculated with interest through November 6, 2015: (1) 2014 taxes in the amount of \$10,736.24; (2) Redemption Penalty in the amount of \$644.17; (3) interest in the amount of \$150.31; and (4) Recording and other fees in the amount of \$20.00:

Certificate No.:	15-00011
Property Location:	Block 40, Lot 18
Owner of Record:	Samuel Ames
Date of Tax Sale:	October 8, 2015

BET IT FURTHER RESOLVED, that a per diem amount of \$0.05368120 per day will accrue on both the taxes due and the lien commencing as of November 7, 2014, if the above sum is not paid to the Borough by that date.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 2, 2015.

Debra L. Sopronyi
Borough Clerk

NOTICE OF TAX SALE CERTIFICATE ASSIGNMENT

Location: 210 Academy Street
Block 40 Lot 18
Assessed Owner: Samuel Ames
Assignee: Jeyakumar Aiyathurai
Amount of Lien: \$ 11,550.72

TAKE NOTICE that the Borough of Hightstown proposes to assign Tax Sale Certificate No. 15-00011 held by it upon the above real property in the amount of \$ 11,550.72 to Jeyakumar Aiyathurai as assignee pursuant to N.J.S.A. 54:5-113 on or after November 2, 2015.

Any interested party shall communicate, in writing, any objections To the Tax Collector of the Borough of Hightstown on or before that date.

Certificate: 15-00011
Prop Loc: 210 ACADEMY ST

Owner: AMES, SAMUEL
Address: 210 ACADEMY ST
HIGHTSTOWN, N J 08520

Type of Lien: Municipal
Interest Rate: 18.00
Apr 2: N
Premium: 0.00

Block/Lot/Qual: 40. 18.

Sale Date: 10/08/15

Redemption Calculation Date: 11/06/15

Include Current Charges: N

TAX SALE CERTIFICATE:

Balance Type	Principal	Interest	Total
Tax	3,473.10	848.74	4,321.84
water	1,755.80	230.60	1,986.40
Sewer	<u>3,581.80</u>	<u>696.20</u>	<u>4,278.00</u>
Total:	8,810.70	1,775.54	10,586.24
		Cost: <u>150.00</u>	
		Total Certificate:	10,736.24
#Days: 28 Per Diem:	5.368120	Int on Cert:	150.31
		Redemption Penalty (6.00 %):	<u>644.17</u>
		Total:	11,530.72

SUBSEQUENT CHARGES:

Balance Type	Year Prd	Date	Prin/Penalty	Interest Rate	Per Diem	#Days	Interest	Total
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BALANCE TYPE SUMMARY:

	Certificate Total & Subseq. Prin/Penalty	Interest	Total
Certificate Tax	<u>4,321.84</u>	<u>60.51</u>	<u>4,382.35</u>
Total Tax	4,321.84	60.51	4,382.35
Certificate Water	<u>1,986.40</u>	<u>27.81</u>	<u>2,014.21</u>
Total Water	1,986.40	27.81	2,014.21
Certificate Sewer	<u>4,278.00</u>	<u>59.89</u>	<u>4,337.89</u>
Total Sewer	4,278.00	59.89	4,337.89
Certificate Cost	150.00	2.10	152.10

LIEN REDEMPTION:

Principal:	10,736.24
Redemption Penalty (6.00 %):	644.17
Interest:	150.31
Recording Fees:	8.00
Other Fees:	<u>12.00</u>
TOTAL REDEMPTION:	11,550.72
	Total Per Diem: 5.368120

(Note: Current Charges must be met on Municipal Liens.)

Resolution 2015-276

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

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO FIRST AVENUE PROJECT

NOW THEREFORE BE IT RESOLVED, that the Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-HightsotwnBorough-00629 to the New Jersey Department of Transportation on behalf of the Borough of Hightstown.

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

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 2, 2015.

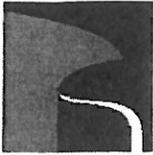
Debra L. Sopronyi
Borough Clerk

My signature and the Clerk's seal serve to acknowledge that above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST & AFFIX SEAL:

Debra L. Sopronyi, Borough Clerk

Lawrence D. Quattrone, Mayor



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

October 21, 2015
Debra Sopronyi, Clerk
Borough of Hightstown
156 Bank Street
Hightstown, NJ 08520

Re: NJDOT Trust Fund Application
Municipal Aid Fiscal Year 2016
First Avenue
Our File No.: H1603

Dear Debra:

For your records we have attached a copy of the complete Municipal Aid 2016 Grant Application. Please have the Mayor and Clerk execute three (3) Resolution/Agreements for the application; see attached sample resolution. Please have these adopted at the next Borough Council meeting. The application was submitted on October 20, 2015. The Resolution/Agreements must be submitted within 30 days of the electronic submission date. Please mail all resolutions directly to:

Attn: Arun Kumar
New Jersey Department of Transportation
District 3 - Local Aid Central Region
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625-0600

Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in cursive script that reads "Carmela Roberts".

Carmela Roberts, P.E.
Borough Engineer

Enclosures

cc: Mayor and Council
Henry Underhill, Borough Administrator
Cameron Corini, EIT, Roberts Engineering Group, LLC

Resolution 2015-277

BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY

REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2015 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey	\$1,510.33	Body Armor Replacement Fund Program	Body Armor Replacement Fund Program

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 2, 2015.

Debra L. Sopronyi
 Borough Clerk

Ordinance 2015-XX

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

AMENDING CHAPTER 7 ENTITLED “TRAFFIC”, SECTION 35 ENTITLED “HANDICAPPED PARKING”, OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN”

WHEREAS, the Borough Council finds that there is a need to amend Chapter 7, Sections 35 of the “Revised General Ordinances of the Borough of Hightstown” regarding handicapped parking; and

WHEREAS, the Police and Public Works Departments have determined that such changes 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. Chapter 7, “Traffic”, Section 35 “Handicapped Parking” is hereby amended as follows (underline for additions, strikethroughs for deletions):

Subsection 7-35-1 Handicapped Parking on Streets.

a. In accordance with the provisions of N.J.S.A. 39:4-197, the following on street locations are designated as handicapped parking places. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these places.

<i>Address</i>	<i># of Spaces</i>	<i>Location</i>
Westerlea Apartments, Building 5 Westerlea Avenue	1	Beginning at a point 55 feet south of GPU pole #JC748H and running 18 feet south along Westerlea Avenue

b. Handicapped Parking On Street for Private Residences. In accordance with the provisions of N.J.S.A. 39:4-197.6, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

Street	Location	Permit Number
120 Railroad Avenue	Beginning at a point approximately nineteen (19) feet south of utility pole no. JC180H on the west side of Railroad Avenue and running eighteen (18) feet south along Railroad Avenue.	P.H.K. 4616
231 Morrison	Beginning at a point one hundred and thirteen (113) feet	NJ handicapped

Avenue	from the southeast corner of the intersection of Morrison Avenue and Summit Street and running east approximately 18 feet therefrom along Morrison Avenue.	license plate #HE2758
155 Mechanic Street	Beginning at a point 32 feet north of utility pole #JC11H and running north approximately 20 feet therefrom along the southbound side of Mechanic Street	NJ handicapped placard #P484734

Residents requesting a handicapped parking space on a street for private residences shall do so in writing to the Borough Clerk. It shall be required that they provide a copy of their special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department; and a current medical certification from a qualified physician stating the need for the parking space. Residents with driveways will not be issued a handicapped parking space in front of a private residence.

It will be required that all handicapped parking spaces on a street for private residences be renewed with the Borough Clerk on July 1, 2015 annually by presenting a copy of the special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department; and a current medical certification from a qualified physician stating the need for the handicapped parking space. Any handicapped parking spaces on a street for private residences that is not updated by July 31, shall be void and the sign removed.

(Ord. No. 825 § 4; Ord. No. 1995-21 § 2; Ord. No. 1998-29 § 1; Ord. No. 1999-19 § 1; Ord. No. 2000-33; Ord. No. 2001-08; Ord. No. 2002-02; Ord. No. 2002-22)

Subsection 7-35-2 Handicapped Parking in Municipal Parking Lots and Board of Education Property.

In accordance with the provisions of N.J.S.A. 39:4-197, handicapped parking areas in municipal parking lots and Board of Education property are designated as set forth in Section 7-37.1(d) of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2002-03)

Subsection 7-35-3 Handicapped Parking on Private Property Open to the Public and to Which the Public is Invited (Retail Business).

In accordance with the provisions of N.J.S.A. 40:48-2.46, the following off-street parking spaces are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

Property	No. of Spaces	Location
		(Reserved)

In any space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to N.J.S.A. 39:4-197.5, N.J.S.A. 52:27D-119 et seq., or any other applicable law unless the vehicle is authorized by law to be parked therein and a handicapped person is either the driver or a passenger in that vehicle. State, county, or municipal law enforcement officers or parking enforcement officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for the physically handicapped on both public and private property.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Subsection 7-35-4 Handicapped Parking on All Other Private Property.

In accordance with the provisions of N.J.S.A. 39:5A-1, the following off-street parking locations are designated as handicapped parking. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

Property	No. of Spaces	Location*
(New)		(Reserved)

* **Editor's Note:** All sketches are on file in the office of the Municipal Clerk.

Subsection 7-35-5 Signs, Pavement Markings, Installation and Maintenance.

The owners of the premises or individual for whom the parking space is being installed referred to in subsection 7-35.1 shall have provided and installed by the Borough Public Works Department, signs for each parking space reserved for the use of handicapped persons, which signs shall be in accordance with the manual on Uniform Traffic Control Devices. The cost of procurement and installation of the signs shall be the responsibility of the owners of the premises or the individual for whom the parking space is being installed. The owners of the premises or the individual for whom the parking space is being installed shall be financially responsible to the Borough for the initial procurement and installation, and the maintenance of such signs in good condition at no cost or expense to the Borough of Hightstown. The owners of the premises or the individual for whom the parking space is being installed shall be financially responsible for the repair and restoration or replacement of same. Payment for said procurement and installations shall be paid in advance of the procurement and installation of handicapped parking signs.

The owners of the premises referred to in subsection 7-35.3 and 7-35.4 shall provide and install signs and pavement markings for each parking space reserved for the use of handicapped persons, which signs and markings shall be in accordance with the manual on Uniform Traffic Control Devices. The cost of procurement and installation of the signs and pavement markings shall be the responsibility of the owner of said property. The owner shall subsequent to initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the Borough of Hightstown. The owner shall be responsible for the repair and restoration or replacement of same. (New)

Subsection 7-35-6 Penalty for Violation.

Pursuant to P.L. 2003, C 161, the penalties for violations of this Section 7-35 shall be a fine of two hundred fifty (\$250.00) dollars for a first offense, and for subsequent offenses, shall be a fine of at least two hundred fifty (\$250.00) dollars and up to ninety (90) days community service on such terms and in such form as the Court shall deem appropriate, or any combination thereof. (Ord. No. 2003-34)

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

DPW Work Order

Borough of Hightstown

156 Bank Street

Hightstown NJ 08520-3291

Phone: 609-490-5115 Fax: 609-490-5111

publicworks@hightstownborough.com



WO#	Date	Requestor	St No	Street
12040	10/14/2015 11:33:05 AM	RESIDENTIAL HANDICA		VARIOUS

Phone No:

Job Code: SN Signs

Priority: Normal Assigned KEN

Completed Date

Service Request: PRICING FOR PRIVATE/PERSONALIZED HANDICAP PARKING SIGNS

Type	Code	Qty	Description	Unit/price	Extention	Comp date
M		6	WASHERS	\$0.05	\$0.30	
	Notes					
M		6	BREAK AWAY NUTS	\$0.30	\$1.80	
	Notes					
M		6	BOLTS	\$0.45	\$2.70	
	Notes					
M		1	10' GREEN U-CHANNEL P	\$19.50	\$19.50	
	Notes					
M		1	SPECIAL SIGN LISTING LI	\$9.50	\$9.50	
	Notes					
M		1	HANDICAP PARKING PEN	\$14.00	\$14.00	
	Notes					
M		1	HANDICAP RESERVED PA	\$16.50	\$16.50	
	Notes					
L	Laborer	2	Laborer	\$40.00	\$80.00	
	Notes					
Total:					\$144.30	



Borough of Hightstown Planning Board

156 Bank Street, Hightstown, New Jersey 08520
609-490-5100, extension 617
Website: www.hightstownborough.com

To: Borough Council
From: Planning Board *SB*
Subject: Ordinance regarding Home-Based Occupations
Date: October 21, 2015

At their meeting on October 13, 2015 the Planning Board referred the following matter to the Borough Council.

1. The Planning Board recommends the attached revisions pertaining to Home-Based Occupations, Amending Chapter 28 "Zoning."

Attachment

Ordinance 2015-

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AMENDING CHAPTER 28 "ZONING" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

WHEREAS, the Borough recognizes the importance of and the increase in home-based businesses; and

WHEREAS, the Borough desires to provide standards and requirements for home-based businesses to maintain the residential character of its residential zones; and

WHEREAS, the Zoning Officer and Planning Board Subcommittee have made certain recommendations for revisions to Chapter 28 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 28-3-5 "Residential District" is hereby amended as follows (underline for additions, strikethroughs for deletions):

Subsection 28-3-5-1a2 is amended as follows:

(c) Home-based occupations as defined in Section 28-10-6 and professional offices ~~and other home occupations~~, provided that the professional resides on the premises, and further provided that no more than one nonresident employee shall be permitted.

Section 2. Subsection 28-10-6 "Home Occupations" is re-titled "Home-Based Occupations" and amended as follows (deletions are shown by strikethroughs, additions are shown by underlines):

Home-based ~~Customary home~~ occupations shall be ~~defined as~~ permitted, provided that:

a. ~~A business~~ They are The home-based occupation is carried on entirely within a dwelling ~~or an accessory structure~~ and solely by the inhabitants thereof.

b. The use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the character thereof ~~nor constitute more than one (1) floor of the principal building.~~

c. As examples, the following businesses shall not be considered acceptable home-based occupations: Such home occupation shall exclude barbershops, beauty parlors, clinics, hospitals, eating and drinking establishments, real estate and insurance offices, motor vehicle repair shops, any business that receives product from third-parties solely for distribution to purchasers of the delivered product, any business that negatively affects the

environment on neighboring properties ~~officers~~ or other similar operations which generate customer or delivery service activity comparable to a business.

d. No more than one commercial vehicle (a vehicle either with the name of the business displayed, permanently or temporarily, on it or with commercial plates) may be parked on the property where the home-based occupation takes place.

e. No vehicle weighing in excess of 9,000 pounds GVW shall be parked on the property where the home-based occupation takes place.

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.

Debra L. Sopronyi
Municipal Clerk

Lawrence Quattrone
Mayor