



**2016-17 First Reading and Introduction** – An Ordinance Amending and Supplementing Chapter 24, Entitled “Flood Damage Prevention,” to the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

**2016-18 First Reading and Introduction** – An Ordinance Amending and Supplementing Subsection 28-3-11, Entitled “AA Active Adult Age-Restricted Housing,” of Section 28-3, “Districts Established; Zoning Map,” of Chapter 28,” Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

<b>Resolutions</b>	<b>2016-122</b>	Authorizing Payment of Bills
	<b>2016-123</b>	Awarding a Contract for Rehabilitation of Well No. 1 – A.C. Shultes, Inc.
	<b>2016-124</b>	Awarding a Contract for Rehabilitation of Detention Tanks – G. Meyer Group, Inc.
	<b>2016-125</b>	Authorizing The Sale of Surplus of Personal Property No Longer Needed for Public Use to Sarver Volunteer Firefighters Relief Association
	<b>2016-126</b>	Resolution of Compliance Regarding the 2014 Audit
	<b>2016-127</b>	Resolution Approving the 2014 Annual Audit Corrective Action Plan and Authorizing the Filing of Said Plan with the Division of Local Government Services of Environmental Protection State Forestry Service
	<b>2016-128</b>	Awarding Architectural Services for Various Municipal Projects
	<b>Consent Agenda</b>	<b>2016-129</b>
<b>2016-130</b>		A Resolution in Support of Senate Bill S-2254 and Assembly Bill A-3821 Which Affirms the Legislative Intent of the Fair Housing Act
<b>2016-131</b>		Authorizing a Refund for Bulk Garbage Fee
<b>2016-132</b>		Resolution Cancelling Water-Sewer Capital Improvement Appropriation Balances
<b>Public Comment II</b>	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.	
<b>Discussion</b>	No Smoking in Hightstown Parks	
	Proposed changes to Flag Ordinance from Planning Board	
<b>Mayor/Council/Administrative Reports</b>		
<b>Adjournment</b>		

# Resolution 2016-121

*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 June 6, 2016 directly following the general meeting in the Hightstown Engine Co. #1 Fire House Hall located at 140 North Main Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Contract Negotiations – RBG Hightstown LLC (The Mills at Hightstown)

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: September 6, 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 June 6, 2016.

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Margaret M. Riggio  
Deputy Borough Clerk

**May 2, 2016  
Meeting Minutes  
Hightstown Borough Council  
Workshop Meeting  
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:01 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."

The flag salute followed Roll Call.

	<b>PRESENT</b>	<b>ABSENT</b>
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Kurs</i>	ARRIVED LATE 7:03	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Montferrat</i>	✓	
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Deputy Borough Clerk; Henry Underhill, Borough Administrator; Fred Raffetto, Borough Attorney; Tamara Lee, Borough Planner.

Mr. Kurs arrived at this time.

**Resolution 2016-98 Authorizing a Meeting that Excludes the Public**

Councilmember Montferrat requested that the Resolution 2016-98 be amended to add discussion regarding COAH.

Council President Hansen moved Resolution 2016-98 as amended; Councilmember Montferrat seconded.

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

Resolution adopted 6-0.

Resolution 2016-98

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

**AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on May 2, 2016 at 7:00 p.m. in the Hightstown Fire House located at 140 North Main Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Litigation – Affordable Housing (COAH)

Personnel – Judge James Newman

Litigation – Frank Marchione

Contract Negotiations – RBG Hightstown LLC (The Mills at Hightstown)

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: August 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.

Council entered into executive session at 7:03 pm.

Mayor Quattrone called the public meeting to order at 7:30 pm and again read the Open Public Meeting Statement.

The flag salute followed roll call.

Carmela Roberts, Borough Engineer, arrived at this time. Tamara Lee, Borough Planner, departed the meeting following executive session.

#### **APPROVAL OF AGENDA**

Mayor Quattrone asked that Parking from Main Street to Academy be added to the discussion.

Mr. Raffetto suggested that the FEMA Stormwater Ordinance discussion be moved up in the agenda under Engineer Items so that Ms. Roberts could explain the ordinance.

Council President Hansen moved the agenda for approval as amended; Councilmember Montferrat seconded.

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

Agenda approved 6-0.

#### **Resolution 2016-99 Appointing a Police Chief**

Councilmember Kurs moved Resolution 2016-99; Councilmember Bluth seconded.

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

Resolution adopted 6-0.

Resolution 2016-99

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

#### **APPOINTING A POLICE CHIEF**

**WHEREAS**, Section 2-19.4 of the Revised General Ordinances of the Borough of Hightstown, provides for the

appointment of a Police Chief who shall serve at the pleasure of the Mayor and Council; and,

**WHEREAS**, it is the desire of the Mayor and Council to appoint Frank Gendron to serve the Borough as Police Chief for the period April 18, 2016 through December 31, 2019; and

**WHEREAS**, specific terms and conditions of employment have been set forth in a written agreement and said terms of agreement are hereby approved by the Mayor and Council.

**WHEREAS**, said agreement and appointment shall be effective April 18, 2016.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the appointment of Frank Gendron is hereby ratified and confirmed as Police Chief for a term of three years with specific terms and conditions of employment set forth in the written agreement and said terms of agreement are hereby approved by the Mayor and Council effective April 18, 2016.

## **ENGINEERING ITEMS**

### **Stormwater Permit Requirements – DEP**

DEP notified all municipalities that they will be making changes to the Municipal Stormwater Permit that every municipality has now in the State. The permit is expected to be adopted in December 2016 and become effective February 2017. Changes are outlined in the engineer's letter to Council dated April 7, 2016. This is the States attempt to clean up storm water and surface waters. Ms. Roberts outlined the changes for Council.

- Within 3 years, the Borough will need to map the entire storm water system in GIS. This includes Borough owned systems, we will also have to map privately owned facilities.
- The Borough will be responsible for assuring that all privately owned stormwater facilities are maintained by the private entity and if they are not, the Borough will be responsible to assure that they are in compliance.
  - The Borough owns no other stormwater facilities other than inlets and pipes. We do not own any detention basins or any other stormwater facility. There are some privately owned ie; Meadow Lakes, Peddie School and Wycoff Mills. Public Schools have their own permit.
- The Borough must keep a maintenance plan for all of the stormwater facilities.
- There will be change to when stormwater permits are required for construction activity.
- Local public education requirements will increase.
- All councilmembers and board members will be required to have online training.
- All new major development will be required to prepare and submit a stormwater summary form.
- Training will be required for the engineer. One time training that is good for 5 years.
- If there are any Total Maximum Daily Limitations within the Borough, the Borough must determine how we will address that pollutant and bring it below the levels. At the moment the Borough has no TMDLs.
- The Stormwater Pollution Prevention Plan must be uploaded to the Borough's website.

As the adoption comes closer, the engineer's office will work with the Administrator to make sure the Borough is

prepared for the changes.

Ms. Roberts did inform Council that there is no State aid or funding for this. At this time, Ms. Roberts does not have a cost estimate for the project. There will be an expense to put the plan in GIS form. Ms. Roberts will put together a cost estimate for Council.

### **Walking Bridge Update**

The Administrator contacted the DOT to inquire about the schedule. The response Mr. Underhill received was they were working on it. We have submitted an application to the State Historic Preservation Office, we've submitted a permit to the NJDOT, we've made submissions to all the utilities that could be affected, we've made contact with Dam Safety to extend the permit we have to do this work and we've submitted the formal package to the NJDOT. All of our documentation has been with the State since January. Recently received an email response in April stating this everything is under review. DOT is the lead agency and they will ultimately give the Borough the authorization to advertise the project. All of the extra approvals for this project are because we have received a federal grant for the bridge.

### **FEMA Stormwater Ordinance**

A new flood damage prevention ordinance is being required by the DEP and FEMA in order for the Borough to remain part of the National Flood Insurance Program. The Borough's current ordinance is very similar to what DEP is requiring. The most notable change is that buildings and structures will have their first floor 1 foot above the flood level. Mr. Raffetto addressed the legal aspects of the ordinance and added the penalties and appeal board for anyone who would like to appeal a decision based on the ordinance. The ordinance is now ready with Council's approval to send the draft ordinance to DEP before introduction. Adoption of the ordinance must take place prior to July 20, 2016. Council instructed Deputy Clerk, Peggy Riggio, to forward the draft to DEP and await the response.

### **PUBLIC COMMENT**

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

Lynn Woods, 315 Park Avenue – Questioned if Lt. Gendron is qualified to be Police Chief, was a physical and psychological evaluation done? Also questioned why Lt. Gendron was not present at the meeting to be sworn in.

Doug Mair, 536 South Main Street – Questioned the process by which Lt. Gendron was appointed Police Chief. Asked if the sergeant's exam will be waived, how can Council make other officers take an exam to be promoted if the police chief did not need to take an exam.

Darek Hahn, 18 Cranbury Neck Road – Questioned if the specifications on the Walking Bridge had been changed. Carmela Roberts responded that nothing had been changed to the bridge design.

Scott Caster, 12 Clover Lane – Commented that parking downtown is a mess.

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

### **ORDINANCES**

**2016-13 Final Reading and Public Hearing** An Ordinance Amending and Supplementing Chapter 4, "Licensing", of the "Revised General Ordinances of the Borough of Hightstown, New Jersey"

Mayor Quattrone opened the Public Hearing for Ordinance 2016-13 and the following individuals spoke:

Scott Caster, 12 Clover Lane – Stated that he thought this was a good ordinance but that Council should look into licensing all businesses in town.

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

Council President Hansen moved Ordinance 2016-13; Councilmember Kurs seconded.

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

Ordinance adopted 6-0.

Ordinance 2016-13

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED “LICENSING”, OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

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

Section 1: The following regulations shall be added to the Borough Code regarding the licensing of Massage Parlors in the Borough of Hightstown:

DEFINITIONS:

As used in this chapter, the following terms shall have the meanings indicated:

Massage, Bodywork and Somatic Therapies

Any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neuromyofacial education and education in self-care and stress management. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

Massage, Bodywork and Somatic Therapist

Any person licensed pursuant to the provisions of the Massage and Bodywork Therapist Licensing Act. N.J.S.A. 45:11-53.

Massage, Bodywork and Somatic Therapy Establishment

Any establishment wherein massage, bodywork and/or somatic therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

NONLICENSED THERAPISTS PROHIBITED

The administering of massage, bodywork and/or somatic therapies for any form of consideration by any person not licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999, c. 19, amended 2007, c. 337. shall be prohibited throughout the Borough of Hightstown.

#### LICENSE REQUIRED

Establishment: No person, firm or corporation shall operate any establishment or utilize any premises in the Borough of Hightstown as or for a massage, bodywork and somatic therapy establishment unless or until such person, firm or corporation has obtained a license for such establishment or premises from the Municipal Clerk in accordance with the terms and provisions of this chapter.

#### RENEWALS

- A. All licenses shall be valid for a period of three years from the date of issuance.
- B. Licensees may renew their licenses prior to expiration by filing a new application with the Municipal Clerk in the manner prescribed in this chapter accompanied by the requisite fee.

#### APPLICATIONS FOR LICENSE

Establishment: Any person desiring a massage, bodywork and somatic therapy establishment license shall file a written application with the Municipal Clerk upon a form provided by the Clerk. The application form shall contain the following information:

- A. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.
- B. The name, style and designation under which the business is to be conducted.
- C. The business address and all telephone numbers, including facsimile, where business is to be conducted.
- D. A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manger or other person principally in charge of the operation of the business.
- E. A sworn statement indicating that all massage, bodywork and somatic therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999, c. 19, amended 2007, c. 337.
- F. The following personal information concerning the applicant(s), if an individual; concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business shall be provided:
  1. The name, complete residence address and residence telephone number.
  2. The two previous addresses immediately prior to the present address of the applicant.
  3. Written proof of age.
  4. Height, weight, sex, color of hair and eyes
  5. Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size
  6. Provide any massage therapy or similar business history and experience, including, but not limited to, whether or not such person has previously operated in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.

7. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a criminal background check by the Borough Police Division. Failure to execute such a waiver and consent shall result in a denial of a license.
  8. The names and addresses of three adult residents who will serve as character references. These references must be persons other than relatives and business associates.
  9. The fingerprints of the applicant(s).
- G. At the time the application is filed, a fee as established in Chapter 82, Fees, shall be paid to the Borough Clerk to cover the cost of processing the application and investigating the facts stated therein.

#### INSPECTION REQUIREMENTS.

- A. The Municipal Clerk, upon receiving an application for a massage, bodywork and somatic therapy establishment license, shall refer the application to the various municipal departments (Division of Code Enforcement, Zoning, Health) for review and conformance with applicable state and Borough Codes for such an establishment.
- B. No massage, bodywork and somatic therapy establishment shall be issued a license or be operated, established or maintained in the Borough unless inspections by the appropriate municipal departments reveal that the establishment complies with the minimum requirements of the Uniform Construction Code and Health Codes for businesses operating in the Borough of Hightstown. In addition, the establishment must comply with each of the following minimum requirements.
  1. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall be constructed of material with surfaces which are smooth, nonabsorbent, and which may be readily disinfected.
  2. A public restroom shall be available to clients and employees during all business hours
  3. Water closets and lavatories shall be in conformance with the regulations set forth in the New Jersey Uniform Construction Code, N.J.A.C. 5:23.
  4. If bathing, dressing and locker facilities are provided for the patrons and male and female patrons are served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.
  5. The premises shall have adequate equipment for disinfecting non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
  6. Adequate hand washing facilities shall be conveniently located to each treatment area to maintain clean hands and arms of all employees before, after and during treatments.
  7. Hand sinks shall be provided with hot and cold water capable of delivering running water under pressure at a temperature of 90 to 110 F.

#### INVESTIGATION; ISSUANCE OF LICENSE.

- A. When said application is properly filled out, signed by the applicant and has been filed with the Municipal Clerk with all accompanying information, the application shall be referred by the Clerk to the Borough Police Division. The Chief of Police or his or her designee shall investigate the information available as to the applicant's business and good moral character of the applicant as deemed necessary for the protections of the public health, welfare and safety.
- B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory or that the issuance of a license to the applicant would present a danger to the public health, welfare or safety, the Chief of Police shall endorse on such application his/her disapproval and reasons for

same and return the application to the Borough Clerk, who shall notify the applicant that the application is disapproved.

- C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory and the issuance of the license to the applicant will present no danger to the public health, safety and welfare, the Chief of Police shall indicate his/her approval on the application and return the application to the Borough Clerk, who shall execute and deliver to the applicant the license.

#### REVOCATION OF LICENSE

- A. Licenses issued under this chapter may be revoked by the Chief of Police, after notice and a hearing, for any of the following causes:
  - 1. Fraud, misrepresentation or false statement in the application for the license.
  - 2. Fraud, misrepresentation or false statement made in the course of carrying on the licensed business in the Borough.
  - 3. If the Chief of Police, Health Officer or their designee is denied access to the premises for the purpose of conducting and inspection.
  - 4. Any violation of this chapter.
  - 5. Conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.
  - 6. Conducting the licensed business in the Borough in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for the revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be given personally or mailed to the licensee at his/her last known address at least five days prior to the date set for the hearing.
- C. Such license may, pending revocation proceedings, be suspended for not more than 10 days by the Chief of Police if, in his/her opinion, the conduct of the licensee is detrimental to the health, safety and general welfare of the Borough of Hightstown.
- D. The Chief of Police shall serve as hearing officer for any hearing pursuant to this subsection.

#### CRITERIA FOR IMMEDIATE CLOSURE

The licenses issued under this chapter may be immediately suspended by the Chief of Police for the following reasons:

- A. Massage, bodywork or somatic therapy is provided by an unlicensed therapist.
- B. Unsanitary or unsafe conditions which may adversely impact the health and/or safety of the public.

#### DISPLAY OF LICENSE

The massage, bodywork and somatic therapy establishment shall display its license as well as the New Jersey license of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment.

#### OPERATING REQUIREMENTS

Every massage, bodywork, and somatic therapy establishment shall comply with the following:

- A. Every portion of the massage, bodywork, and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. A broad spectrum antimicrobial disinfectant shall be used.
- B. Price rates for all services shall be prominently posted (brochures or price list) in the reception area in a location available to all prospective customers.
- C. All employees, including massage, bodywork, and somatic therapists, shall be clean and wear clean, nontransparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward, be self-closing, and be non-lockable.
- D. The handwash sink shall be used solely for the washing of hands, arms and other parts of the body.
- E. Handsinks shall be supplied with liquid soap and disposable hand towels at all times.
- F. Every area of the establishment shall be provided with lighting capable of providing a minimum of 50 foot candles of artificial light. Lighting may be dimmed during treatment sessions.
- G. Massage tables shall be maintained in good condition and free of rips or tears
- H. Toilet paper, covered trash, liquid hand soap and disposable paper towels or alternate means of hand drying shall be provided in restrooms.
- I. All massage, bodywork and somatic therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner.
- J. Soiled linens and draping materials shall be either commercially laundered or washed on site in a clothes-washing machine, in hot water with detergent and at least one cup of bleach or an antibacterial agent, and dried on the high-heat setting in a clothes dryer.
- K. Linens used in a licensed establishment may not be laundered in a private home.
- L. Closed containers shall be provided for soiled lines.
- M. The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- N. It shall be unlawful for any person knowingly, in a massage, bodywork, and somatic therapy establishment, to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person. No massage, bodywork and somatic therapist, employee or operator shall perform or offer to perform any act which would require the touching of the patron's sexual or genital area.
- O. All walls, ceilings, floors, pools, showers, bathtubs, steamrooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat-rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- P. Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be kept in clean closed containers or cabinets.
- Q. Animals, except for Seeing Eye Dogs, shall not be permitted in the massage work area.
- R. Each massage, bodywork and somatic therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage.

#### INSPECTIONS BY POLICE DIVISION OR HEALTH DEPARTMENT

- A. The Chief of Police and Health Officer and/or their designees are authorized to conduct random inspections of massage, bodywork and somatic therapy establishments granted a permit under the provisions of this chapter for the purpose of determining whether the provisions of this chapter are being complied with.

Such inspections shall be unannounced but shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee or employee of the licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

- B. The operator shall permit access to all parts of the establishment and all pertinent records required for the inspection shall be made available to the health authority representative for review.

#### SLEEPING QUARTERS

No part of any quarters of any massage, bodywork and somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor may any person sleep in such massage, bodywork and somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of massage, bodywork and somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

#### PROHIBITED ACTS.

- A. No owner or manager of a massage, bodywork and somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this chapter.
- B. Any conviction of any employee of a massage, bodywork and somatic therapy establishment of a violation of the aforementioned statutes and codes may devolve upon the owner or manager of such establishment, it being specifically declared that following such conviction of an employee, the owner or manager of the establishment may be prosecuted as an accessory to such violation and the licenses which have been issued may be automatically revoked.

#### EXCEPTIONS

The provisions of this chapter shall not apply to massage, bodywork or somatic therapies given:

- A. In the office of licensed physician, chiropractor or physical therapist; or
- B. By a regularly established medical center, hospital or sanitarium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or
- C. By any licensed physician, chiropractor or physical therapists in the residence of his or her patient; or
- D. By a licensed barber or cosmetologist/hairstylist limited to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.

#### VIOLATIONS AND PENALTIES

In addition to the revocation or suspension of the license granted under this chapter, any person violating any provision of this chapter shall be subject to a penalty in the amount of \$2,500.00 per offense.

#### RELICENSING AFTER REVOCATION

- A. Any person whose license has been revoked under the provisions of 109-8 may apply to be relicensed upon filing of proof that all loss caused by the actor or omissions for which the license was revoked had been fully satisfied and that all conditions imposed by the decision of the revocation have been complied with
- B. Payment of a registration fee in the amount of \$500.00 is applicable to the initial licensing and each renewal thereafter..

#### SERVICE OF NOTICES

Whenever notice is required or permitted to be given by this chapter, such notice may be effected by personal service upon the licensee if an individual or any general partner, if a partnership, or upon any corporate officer, if a corporation, or alternatively, to any of foregoing, by certified mail, return receipt requested, to the last address listed in the Borough's Clerk's office in conjunction with the license information. It shall be the duty of each licensee to keep the Borough advised of any subsequent change of address. Upon failure of a licensee to comply with this requirement, any notice returned with the notation "unknown," "moved," or "not claimed" shall be deemed proper service of all notices required by this chapter.

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.

#### **RESOLUTIONS**

##### **Resolution 2016-100 Authorizing Payment of Bills**

Councilmember Stults requested that item G0171 be pulled from the bill list and voted on separately.

Councilmember Bluth moved Resolution 2016-100 as amended; Councilmember Montferrat seconded.

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

Councilmember Kurs moved item G0171 for payment; Councilmember Montferrat seconded.

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

Resolution adopted 5-0 with 1 abstention.

Resolution 2016-100

*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 \$786,929.53 from the following accounts:

Current		\$731,439.12
W/S Operating		40,572.83
General Capital		8,524.08
Water/Sewer Capital		0.00
Grant		450.00
Trust		0.00
Housing Trust		3,116.25
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>2,827.25</u>
Total		<u>\$786,929.53</u>

**Resolution 2016-101 Authorizing Withdrawal from COAH Litigation**

Councilmember Misiura moved Resolution 2016-101 for adoption; Councilmember Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura and Stults voted yes; Councilmember Montferrat voted no.

Resolution adopted 5-1.

Resolution 2016-101

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

**RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN  
TO SEEK A VOLUNTARY DISMISSAL OF THE ACTION WHICH IS CURRENTLY  
PENDING BEFORE THE SUPERIOR COURT OF NEW JERSEY REGARDING THE  
BOROUGH'S AFFORDABLE HOUSING COMPLIANCE PLAN, AND TO TERMINATE THE  
BOROUGH'S INVOLVEMENT IN A MUNICIPAL SHARED SERVICES  
DEFENSE AGREEMENT RELATING THERETO.**

**WHEREAS**, the Borough of Hightstown (the "Borough") has previously prepared and filed an Affordable Housing Plan (also referenced as the "Plan") with the New Jersey Council on Affordable Housing ("COAH"), in order to seek certification of its proposed Affordable Housing Compliance Plan; and

**WHEREAS**, the Plan provided a detailed analysis as to how the Borough intends to comply with its constitutional obligation to provide its fair share of low and modern income housing in order to satisfy the regional need for the same, pursuant to the Mt. Laurel doctrine, as articulated in Southern Burlington County NACP vs. Township of Mt. Laurel, 92 N.J. 158 (1983) and subsequent related opinions; and

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court rendered an opinion in the case of: “In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing,” 221 N.J. 1 (2015); and

**WHEREAS**, among other things, that decision returned primary jurisdiction over affordable housing matters to the trial courts, thus removing COAH from the process; and

**WHEREAS**, that decision required interested municipalities to file suit, in the form of a Declaratory Judgment Action, with the Superior Court of New Jersey, on or before July 8, 2015, in order to retain the “immunity” that municipalities previously obtained through participation in the COAH process, and to present a Housing Plan and demonstrate their compliance with the New Jersey “Fair Housing Act” of 1985, N.J.S.A. 52:27D-301, *et seq.*, to the Superior Court; and

**WHEREAS**, the Borough, wishing to comply with the procedure established in the above-referenced recent Supreme Court ruling, filed suit before the Superior Court of New Jersey on or prior to the July 8, 2015 deadline, in order to gain approval of its Affordable Housing Compliance Plan through the litigation process before the Superior Court; and

**WHEREAS**, this action is currently pending under the following caption: “In the Matter of the Application of the Borough of Hightstown [Regarding Compliance with Third Round Mt. Laurel Affordable Housing Obligation],” and bears Docket No. MER-L-1568-15; and

**WHEREAS**, since the aforesaid litigation was filed, the Borough has determined, after careful consideration, that its budgetary constraints can no longer permit the Borough to incur the ever-escalating costs associated with professionals and Court-appointed Special Masters in order to properly pursue a prolonged action before the Superior Court; and

**WHEREAS**, notwithstanding, the Borough remains committed to addressing its fair share obligation to provide affordable housing and, therefore, the Borough wishes to continue to pursue its planning efforts to satisfy its affordable housing obligation outside of the context of litigation; and

**WHEREAS**, to this end, the Borough prefers to expend its valuable resources on activities that are intended to facilitate the actual creation, construction and/or provision of affordable housing for those in need, rather than on continued costs associated with the litigation process; and

**WHEREAS**, the Borough is committed to undertaking all efforts to finalize and adopt an updated Housing Element and Fair Share Plan in order to address the Borough’s Third Round affordable housing obligation, and will continue to do so outside of the litigation process; and

**WHEREAS**, as a result, the Borough has determined that it wishes to withdraw from the aforesaid litigation, without prejudice, through the filing of a Notice of Voluntary Dismissal (Without Prejudice) so that the Borough may extricate itself from the ongoing and expensive Court proceedings which remain pending concerning the Borough’s Affordable Housing Compliance Plan; and

**WHEREAS**, in connection with the aforesaid Court proceeding, the Borough had previously authorized its involvement in a Municipal Shared Services Defense Agreement with a number of other municipalities in the State of New Jersey, through which the municipalities would collectively pursue certain matters that were in their common interest relating to the numerous affordable housing lawsuits filed within the State of New Jersey; and

**WHEREAS**, given the Borough’s determination to withdraw from the pending litigation, the Borough has determined that it is no longer necessary to continue to expend funds in furtherance of, and to participate in, the Municipal Shared Services Defense Agreement.

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

1. That the Borough hereby authorizes its professionals and other representatives to seek withdrawal from the aforesaid litigation which is currently pending before the Superior Court of New Jersey concerning the Borough's Affordable Housing Compliance Plan, bearing Docket No. MER-L-1568-15, so that the Borough may continue to pursue its planning efforts to provide affordable housing outside of the context of litigation.
2. That the Borough hereby authorizes the Borough Attorney to prepare and file a Notice of Voluntary Dismissal (Without Prejudice) to be filed with the Superior Court of New Jersey so that the aforesaid litigation may be voluntarily dismissed without prejudice.
3. That the Borough also authorizes the Borough Attorney to take appropriate action to terminate the Borough's involvement in the existing Municipal Shared Services Defense Agreement relating to the pending Statewide Court proceedings.
4. That the Borough Attorney and Borough Planner, as well as any other relevant Borough officials, are hereby authorized and directed to prepare and file all necessary documents, and to take all relevant actions, in furtherance of the above, on behalf of the Borough.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Frederick C. Raffetto, Esq., Borough Attorney;
  - b. Tamara L. Lee, PP, AICP, Borough Planner;
  - c. Jolanta Maziarz, Esq., Planning Board Attorney; and
  - d. Hightstown Planning Board.

#### **CONSENT AGENDA**

##### **Consent Agenda – Resolutions 2016-102; 2016-103; 2016-104; 2016-105; 2016-106; 2016-107**

Councilmember Kurs moved Resolutions 2016-102; 2016-103; 2016-104; 2016-105; 2016-106; 2016-107 for adoption; Councilmember Montferrat seconded.

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

Resolutions adopted 6-0.

Resolution 2016-102

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

#### **AUTHORIZING TRANSFER OF TAX OVERPAYMENT FROM 2015 TO 2016**

**WHEREAS**, an overpayment of taxes was made for Block 28, Lot 29, 183 East Ward Street, in the amount of \$105.77 due to an overpayment; and

**WHEREAS**, the payer, Eleanore Jane Cox, 183 East Ward Street, Hightstown, New Jersey, 08520 has requested that the 2015 overpayment of \$105.77 be transferred to the 2016 balance; and

**WHEREAS**, the Tax Collector has requested that said overpayment be transferred to the 2016 balance in the amount of \$105.77.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized to transfer the 2015 overpayment in the amount of \$105.77 to the 2016 balance for Block 28, Lot 29, 183 East Ward Street, representing the tax overpayment as set forth herein.

Resolution 2016-103

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

**AUTHORIZING TRANSFER OF TAX OVERPAYMENT FROM 2015 TO 2016**

**WHEREAS**, an overpayment of taxes was made for Block 45, Lot 7, 207 Summit Street, in the amount of \$2,433.51 due to an overpayment; and

**WHEREAS**, the payer, David and Pamela Senatore, 207 Summit Street, Hightstown, New Jersey, 08520 has requested that the 2015 overpayment of \$2,433.51 be transferred to the 2016 balance; and

**WHEREAS**, the Tax Collector has requested that said overpayment be transferred to the 2016 balance in the amount of \$2,433.51.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized to transfer the 2015 overpayment in the amount of \$2,433.51 to the 2016 balance for Block 45, Lot 7, 207 Summit Street, representing the tax overpayment as set forth herein.

Resolution 2016-104

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

**ESTABLISHING REVISED RATE SCHEDULE FOR COLLECTION OF GARBAGE  
FROM CERTAIN LICENSED RETAIL FOOD ESTABLISHMENTS**

**WHEREAS**, Section 18-1 of the *Revised General Ordinances of the Borough of Hightstown* provides that:

*Licensed food establishments located in Block 23 or Block 33 of the Borough of Hightstown shall be permitted to utilize municipal garbage dumpsters located in the Stockton Street parking lot, provided that a written agreement is entered into between the Borough and the licensed retail food establishment, and that the food establishment pays a share of the Borough's cost for the provision of such service. A schedule of fees shall be established by Resolution of the Borough Council for services provided under this subsection, and shall be updated as necessary in order to*

*ensure the fair distribution of costs among the users.*

; and

**WHEREAS**, the Code Enforcement Official and the Borough Administrator have reviewed the fee schedule and have recommended that it be updated to reflect current usage;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that, effective January 1, 2016, the following rates shall apply for use of said garbage dumpsters:

Mannino’s Pizza.....	\$125 per month
Holy Wong.....	\$130 per month
Shop for Less .....	\$50 per month
Guatepan Bakery.....	\$80 per month
Antojitos Ecuatorianos.....	\$80 per month
Morgan’s Island Grill.....	\$125 per month
TacoRito.....	\$80 per month
12 Farms Restaurant.....	\$125 per month

and that these rates shall remain in effect until such time as they are modified by further Resolution of Council.

Resolution 2016-105

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

**AUTHORIZING A REFUND FOR A PERMIT & COMMERCIAL CERTIFICATE OF OCCUPANCY**

**WHEREAS**, Yu Wu Yan of Flushing, New York paid for a zoning permit and a commercial certificate of occupancy to open a business in Hightstown with a payment in the form of check #238 in the amount of \$95.00; and

**WHEREAS**, \$45.00 was deposited into account #6-01-08-105-600; and \$50.00 was deposited into account #6-01-08-105-602; and

**WHEREAS**, the applicant has decided not to proceed with opening a business in Hightstown; and

**WHEREAS**, the Construction Official has requested that a refund of the \$95.00 paid for said zoning permit and commercial certificate of occupancy be issued.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Finance Department is hereby authorized and directed to issue a refund in the amount of \$95.00 to Yu Wu Yang of 925 127<sup>th</sup> Street, Flushing, New York, 11356, for a zoning permit and commercial certificate of occupancy as stated herein.

Resolution 2016-106

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

**A RESOLUTION AUTHORIZING THE RE-APPOINTMENT OF THE**

**HONORABLE IRA E. KREIZMAN, J.S.C. (RET.),  
TO SERVE AS AN INDEPENDENT HEARING OFFICER  
WITH RESPECT TO DISCIPLINARY PROCEEDINGS INVOLVING  
PUBLIC EMPLOYEES IN THE BOROUGH OF HIGHTSTOWN,  
AND AUTHORIZING THE EXECUTION OF A  
PROFESSIONAL SERVICES CONTRACT RELATING THERETO.**

**WHEREAS**, the Borough of Hightstown (the “Borough”) wishes to retain the services of an independent hearing officer to preside over certain disciplinary proceedings involving public employees in the Borough; and

**WHEREAS**, the independent hearing officer shall be required to make findings of fact and conclusions of law based upon the testimony and evidence elicited at hearing(s) to be scheduled concerning such matter(s), and to make recommendations following the conclusion of said proceeding(s) for a final determination based upon the record of the hearing(s); and

**WHEREAS**, the Borough wishes to appoint a licensed member of the New Jersey Bar and former member of the New Jersey Judiciary to serve as the independent hearing officer; and

**WHEREAS**, the contemplated services are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* (specifically, at N.J.S.A. 40A:11-2), because the services shall be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study; and

**WHEREAS**, the contemplated services are therefore exempt from the requirement of competitive bidding per N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Borough, through the Borough Attorney, has solicited and received a proposal from the Honorable Ira E. Kreizman, J.S.C. (Ret.) (also referenced as the “contractor”), to serve as the independent hearing officer in such matter(s); and

**WHEREAS**, Retired Judge Kreizman has offered to perform the requested services at the rate of Two Hundred Twenty Five Dollars (\$225.00) per hour; and

**WHEREAS**, the Borough wishes to appoint Retired Judge Kreizman to serve as the hearing officer in such matter(s), and to award a professional services contract to Judge Kreizman to perform the necessary services; and

**WHEREAS**, the anticipated term of the contract is for a period not to exceed one (1) year, and the contract may only be renewed thereafter upon further action of the Borough Council; and

**WHEREAS**, though the Borough does not anticipate at this time that the value of this contract shall exceed \$17,500.00, the Borough nevertheless wishes to require that the contractor shall abide by the provisions of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*, in case the total amount of payments made hereunder should exceed that amount; and

**WHEREAS**, this contract is awarded as a restricted or “non-fair and open contract” pursuant to and in accordance with the State Pay-to-Play Law, and therefore the contractor has executed all necessary State Pay-to-Play certifications; and

**WHEREAS**, the contractor has also executed a certification which acknowledges that the contractor has complied with the Borough’s local Pay-to-Play Ordinance, and that the contractor shall continue to comply with said Ordinance during the term of the contract; and

**WHEREAS**, this Resolution and the contract shall be available for public inspection in the office of the Borough Clerk, and notice of the awarding of the contract shall be published in a newspaper of general circulation in the Borough following the adoption of this Resolution; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that adequate funding exists for this contract.

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

1. That the Borough hereby authorizes the appointment of the Honorable Ira E. Kreizman, J.S.C. (Ret.), to serve as an independent hearing officer to preside over disciplinary proceedings involving public employees in the Borough of Hightstown. The hearing officer shall make findings of fact and conclusions of law based upon the testimony and evidence elicited at hearing(s) to be scheduled, and shall make recommendations for final action.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest an agreement, which shall be in a form acceptable to the Borough Attorney, between the Borough of Hightstown and the Honorable Ira E. Kreizman, J.S.C. (Ret.), regarding the afore-mentioned independent hearing officer services.

3. That this agreement is awarded as a "professional services" contract in accordance with N.J.S.A. 40A:11-2 and N.J.S.A. 40A:11-5(1)(a)(i), because the services to be provided shall be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study.

4. That the duration of this agreement shall be for a term not to exceed one (1) year and the agreement may only be renewed thereafter upon further action of the Borough Council.

5. That the fees to be charged by the contractor for the requested services shall be at the rate of \$225.00 per hour.

6. That the Borough's Chief Financial Officer is hereby authorized and directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

7. That the contractor's State and local pay-to-play certifications shall be placed on file with this Resolution.

8. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.

9. That a certified copy of this Resolution shall be provided to each of the following:

- a. Honorable Ira E. Kreizman, J.S.C. (Ret.)
- b. Debra L. Sopronyi, Borough Clerk/Purchasing Agent
- c. Henry Underhill, Borough Administrator
- d. George Lang, Chief Financial Officer
- e. Frederick C. Raffetto, Esq., Borough Attorney

Resolution 2016-107

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS  
PRIOR TO ADOPTION OF THE 2016 BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2016 temporary budget; and

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

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

**WHEREAS**, the total emergency temporary appropriations in resolutions adopted in the year 2016 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	297,500.00	684,126.00	<b>981,626.00</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	0.00	0.00	<b>0.00</b>
Water/Sewer	50,000.00	999,386.00	<b>1,049,386.00</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	0.00	<b>0.00</b>
<b>TOTAL</b>	<b>347,500.00</b>	<b>1,683,512.00</b>	<b>2,031,012.00</b>

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof;
2. Each emergency appropriation listed will be provided for in the 2016 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the CFO.

**PUBLIC COMMENT PERIOD II**

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

Jerry Ricardi, JCP&L – Updated Council on the transmission project. Stated that the goal is for the new lines to be live by June 1<sup>st</sup>. They do not anticipate any outages.

Lynne Woods, 215 Park Avenue – Questioned why a Hearing Officer is needed, she was under the impression that Mr. Underhill had the authority to hear personnel matters. Stated the last meeting agenda and packet that was posted on the website was from August of 2015. Deputy Clerk, Peggy Riggio, informed Ms. Woods that she would check with the webmaster to get the situation resolved.

Doug Mair, 516 Park Avenue – Stated that he appreciates Councils questions and discussions regarding

ordinances and resolutions. Questioned why an ordinance would be tabled and then voted on at the next meeting with no new information, changes or discussion.

Scott Caster, 12 Clover Lane – Commented on the problems with the parking situation downtown. Questioned why taxis are given priority spaces.

William Bird, 241 Sunset Avenue – Questioned when Sunset Avenue would be paved.

Ed Difiglia, Stonybrook Millstone Watershed Association – Thanked the Environmental Commission for cleaning the stream. Wanted to bring to Council's attention that a lot of garbage that was collected was cigarette butts. He suggested that Council consider making the parks in Hightstown smoke free.

Robert Lisk, 246 Sunset Avenue – Talked about the condition of the pavement on Sunset Avenue.

Jim O'Rourke, 243 Sunset Avenue – Asked Council if there are any plans to pave Sunset Avenue.

Councilmember Kurs informed the residents that Sunset Avenue and Maple Avenue were both evaluated to be re-paved and are next on the "list" to be completed.

Mayor Quattrone stated that streets are repaved through grants from NJDOT. The streets in town are evaluated by the Borough Engineer and submitted to the NJDOT for review in the grant process. This is usually done yearly.

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

## **DISCUSSION**

### **Abandoned Property Ordinance**

It was stated that this ordinance would establish a process in which the borough would be able to take over a property that is abandoned.

The Mayor had previously instructed the Construction Official to keep a file on each property in town that is abandoned. At the moment there are approximately 12 abandoned properties in the Borough.

Discussion ensued. Council reviewed and discussed an ordinance put in place in Collingswood, NJ. Councilmember Stults stated that Collingswood used this ordinance to revitalize their town. The ordinance would be used as a tool to keep an eye on the properties in town. After further discussion it was decided that Council would like to introduce an abandoned property ordinance for the Borough. Fred Raffetto will write the ordinance for introduction.

### **Parking Stockton Street Lot**

There has been continued discussion regarding the Stockton Street Lot and the problems there. One of the main issues is taxi cabs. Taxi's are picking up fares in the middle isle prohibiting the flow of traffic. Another issue that was brought up was delivery to the stores. It was suggested that there are restrictions on delivery times. At the moment there is a 4 hour time limit in the parking in the lot. It was suggested that this be changed to 2 hours. There was discussion regarding parking meters. Mr. Underhill was instructed to check on the cost of this. After more discussion it was agreed that several changes need to be made. Mayor Quattrone asked Council to please go and observe the parking lot for themselves to see if they could come up with any further solutions.

### **Main Street – Mercer Street to Academy Parking**

After reviewing our ordinance it was found that when the State amended their plan they did not include the verbiage for Main Street and Mercer Street parking time. Currently there is a 2 hour time limit posted for parking there. We need to amend our ordinance to include Main Street and Mercer Street. When the Police write a ticket for these locations, the judge cannot enforce the ticket because it is not in the current ordinance. Discussion ensued on changing the 2 hour limit to 1 hour or even a half hour. Stockton to Rogers and Rogers to Academy needs to have different time limits because of the types of businesses there. You want the spaces right in front of the businesses to have a quick turnover. There are also business owners parking in the spaces on Main Street all day. They should be purchasing a parking permit and using the Stockton Street Lot. Mayor Quattrone and Councilmember Stults are meeting with the business owners next week and will speak to them and get their input on the changes to the parking restriction before any changes are made to the ordinance.

### **SUBCOMMITTEE REPORTS**

#### **R. Black Global – Mill Redevelopment**

Negotiations are moving forward. The permit for demolition has been issued. It is expected for RBG to go to Planning Board in June.

### **MAYOR/COUNCIL/ADMINISTRATIVE REPORTS**

#### **Councilmember Stults**

**Downtown Hightstown** – Trying to improve their website. Would be happy to post information regarding events for all of Hightstown's Boards and Committees. They would like to purchase new brick pavers for downtown. They were inquiring on who to contact to purchase these pavers. Mayor Quattrone stated that he would look into who supplied the pavers when the Streetscape Project was done. Next Downtown Hightstown meeting is May 10<sup>th</sup>.

#### **Councilmember Kurs**

**Police Chief Appointment** – Read from the Borough's Ordinance regarding the appointment of Police Chief. Stated that there was a subcommittee that met and reviewed the qualifications for the Chief position. There was a public posting of the job opening at the Police Department. There were only 2 qualified officers in the department; only 1 officer applied for the position. The subcommittee appointed the most qualified candidate to the position.

#### **Council President Hansen**

**Police Chief Appointment** – Welcomed Chief Gendron. Explained that some parts of Council's discussions are in executive session because of negotiations or personnel matters.

**Public Comment I** – Council does not answer during comment period. They have the opportunity to make comments at the end of the period.

**Borough Attorney, Fred Raffetto**

**Appointing a Hearing Officer** – There was a question regarding the need for a Hearing Officer. Mr. Raffetto stated that it is always good to have an outside third party when dealing with personnel matters.

**Business Administrator, Henry Underhill**

**Automatic Flood Gate** – Larry Blake and Public Works succeeded in installing the control on the automatic floodgate.

**Mayor Quattrone**

**Memorial Day Parade** – The preparations for the parade are moving forward.

**Hightstown High School After Prom** – There is an envelope in the Clerk's Office if anyone is interested in making a donation.

**Sergeants Test** – This is a written test and it is scheduled for May 16<sup>th</sup>.

**ADJOURNMENT**

Councilmember Misiura moved to adjourn into Executive Session at 9:30 p.m. Councilmember Stults seconded. All ayes.

Councilmember Stults motioned to adjourn at 10:43 p.m. Councilmember Bluth seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk

# Ordinance 2016-14

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

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS  
TO THE WATER-SEWER UTILITY IN AND BY THE BOROUGH OF  
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$1,860,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$1,860,000 BONDS OR NOTES OF THE BOROUGH TO  
FINANCE THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,860,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,860,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the Water-Sewer Utility, including improvements to the ultraviolet disinfection systems and the rehabilitation of detention tanks and Well #2, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,860,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$335,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

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

Section 8. The Borough expects to finance this improvement through the New Jersey Environmental Infrastructure Trust ("NJEIT"). A portion of such financing is expected to be a loan that NJEIT will forgive and treat as a grant upon the issuance by NJEIT of bonds to be used to finance a separate portion of the improvement. The portion of the loan which is forgivable pursuant to the applicable laws and regulations shall upon forgiveness by NJEIT at that point be a deduction from the Borough's debt authorized herein. The amount of the obligations authorized, but not issued hereunder, shall then be reduced to the extent, and in the amount that such loan is forgiven, that such funds are so used.

Section 9. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction:

**ADOPTION:** May 16, 2016

**ATTEST:**

\_\_\_\_\_  
DEBRA L. SOPRONYI  
MUNICIPAL CLERK

\_\_\_\_\_  
LAWRENCE D. QUATTRONE  
MAYOR

# ORDINANCE 2016-15

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

## AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED “GENERAL LICENSING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY” REGARDING THE LICENSING OF RETAIL BUSINESSES

WHEREAS, the Mayor and Council of Hightstown Borough wish to make certain revisions to the Borough Code relating to business licenses within the Borough limits; and

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

Section 1. Chapter 4 “General Licensing”, Sections 4-1 entitled “License Regulations”, 4-3 entitled “Solicitors and Canvassers”, and 4-11 entitled “Retail Establishments” are hereby amended as follows (underline for additions, strikethroughs for deletions):

### Chapter 4

#### GENERAL LICENSING

##### Sections:

- 4-0A Article I. Business Licensing
- 4-1 LICENSE REGULATIONS
- 4-2 PEDDLERS\*
- 4-3 SOLICITORS AND CANVASSERS\*
- 4-4 CHARITABLE SOLICITATIONS\*
- 4-5 MOVIE THEATERS\*
- 4-6 POOL HALLS, BILLIARDS PARLORS AND BOWLING ALLEYS\*
- 4-7 AMUSEMENT MACHINES\*
- 4-8 AUTOMATIC VENDING MACHINES; COIN-OPERATED MACHINES\*
- 4-9 BANKRUPTCY SALES; GOING OUT-OF-BUSINESS SALES; FIRE SALES\*
- 4-10 AUCTIONS; BINGOS; RAFFLES; CIRCUSES; EXHIBITIONS\*
- 4-11 RETAIL FOOD ESTABLISHMENTS\*
- 4-12 ~~RESERVED~~ RETAIL ESTABLISHMENTS\*
- 4-13 RESERVED
- 4-14 RESERVED
- 4-15 RESERVED
- 4-15A Article II. Newspapers, Publications and Periodicals
- 4-16 DELIVERY OF UNSUBSCRIBED AND UNSOLICITED PUBLICATIONS
- 4-17 RESERVED
- 4-18 RESERVED
- 4-19 RESERVED
- 4-20 RESERVED
- 4-20A Article III. Taxicabs
- 4-21 TAXICAB LICENSING
- 4-22 CONTRACTORS LICENSES

## Section 4-1

### LICENSE REGULATIONS

#### Subsections:

- 4-1.1 Purpose.
- 4-1.2 Application.
- 4-1.3 Investigation of Applicant; Appeals to Borough Council.
- 4-1.4 Fee Schedule.
- 4-1.5 Contents of License.
- 4-1.6 License Record to be Kept.
- 4-1.7 Display of License.
- 4-1.8 Transferability.
- 4-1.9 Expiration; Renewal.
- 4-1.10 Revocation of License.
- 4-1.11 Notice of Hearing.
- 4-1.12 Hearing.
- 4-1.13 Reinstatement of Revoked or Denied Licenses.
- 4-1.14 Promulgation of Rules and Regulations.
- 4-1.15 Violation and Penalties.

#### 4-1.1 Purpose.

The purpose of this section is to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses issued by the Borough, except alcoholic beverage licenses, dog licenses and taxicab licenses. (1991 Code § 133-1)

#### 4-1.2 Application.

a. All applications for licenses shall be accompanied by the required fee and shall be made to or through the Borough Clerk on forms provided by him/her. The forms shall be completed with the following information:

1. The name and permanent and local address of the applicant; if the applicant is a corporation, the name and address of its registered agent.

2. If the licensed activity is to be carried on at a fixed location, the address and description of the premises.

3. If the premises is not owned by the applicant, the owner of said premises and their contact information.

34. If a vehicle is to be used, its description, including the license number.

45. If the applicant is employed by another, the name and address of the employer, together with credentials establishing the exact relationship.

56. The days of the week and the hours of the day during which the licensed activity will be conducted.

67. A description of the nature of the business and the goods, property or services to be sold or supplied.

7. A statement as to whether the applicant has been convicted of any crime or the violation of any municipal ordinance other than a traffic offense and, if so, the date and place of conviction, the nature of the offense and the penalty imposed.

8. Statement that applicant is not violating the zoning ordinance of the Borough of Hightstown. If applicant occupies a nonconforming use, proof of date of occupancy and operation must be given.

9. Statement that applicant is not in default under the provisions of this chapter or indebted or obligated in any manner to the Borough of Hightstown, except for current taxes, both real and personal[b1].

10. The[b2] statement of information required under this subsection shall be verified under oath, containing the signature of the applicant or agent, each of whom shall be equally responsible for the truthfulness and accuracy of the information set forth in the statement[b3].

11. Appropriate evidence as to the good character and business responsibility of the applicant so that an investigator may properly evaluate his character and responsibility.

b. Applications by partnerships shall be signed by all partners, with the information required by this section supplied in detail as to each partner, and applications of corporations shall have attached individual statements containing all the information required by this subsection relating to each employee or agent who shall engage in the licensed activity and shall be signed by each employee or agent. (1991 Code § 133-2)

#### **4-1.3 Investigation of Applicant; Appeals to Borough Council.**

Each application shall be referred to the Chief of Police or a Police Officer designated by him, who shall immediately institute whatever investigation of the applicant's business responsibility, moral character and ability to properly conduct the licensed activity he considers necessary for the protection of the public. He shall communicate his findings, in writing, to the Borough Clerk within a reasonable time after the application has been filed. If the investigator decides that the applicant's character, ability or business responsibility is unsatisfactory or the products, services or activity are not free from fraud, he shall disapprove the application, and the Clerk shall refuse to issue the license and notify the applicant. Otherwise, the Borough Clerk shall issue the license immediately, provided that the required license fees have been paid, except in cases where approval of the Mayor and Council is required. In the case of an application for a solicitor's, peddler's or canvasser's license, the license may be issued immediately subject to investigation. In the event of the refusal of the issuance of the license, the applicant may appeal to the Council for a hearing. The appeal shall be filed, in writing, with the Borough Clerk within fourteen (14) days after notification of the refusal. The Council shall hold its hearing within ten (10) days thereafter, and its decision shall be final. (1991 Code § 133-3)

#### **4-1.4 Fee Schedule.**

a. Fees shall be as follows:

<u>License</u>	<u>Fee</u>
Peddlers, hawkers and vendors	\$75.00 per year
Solicitors and canvassers	\$75.00 per month
Charitable solicitations	No fee

Movie theatres	\$50.00 per year
Pool and billiard parlors	\$50.00 per year
Coin-operated vending machines (in coin-operated laundries):	
Automatic washers	\$10.00 per machine per year
Dryers	\$10.00 per machine per year
Coin changers	\$10.00 per machine per year
Soap-dispensing machines	\$10.00 per machine per year
Automatic vending machines:	
Vending merchandise or service of any description (Non-food)	\$40.00 per machine per year
Amusement, skill and video machines	\$100.00 per machine per year
Weighing scales	\$30.00 per machine per year
Coin-operated phonographs	\$75.00 per machine per year
Coin-operated reproducing machines	\$60.00 per machine per year
Going-out-of-business sales	\$150.00 per sale
Circuses and traveling shows	\$100.00 per day
Auctions	\$100.00 per day
Boardinghouses, rooming houses and rooming units*	
1 to 3 boarders or roomers	\$5.00 per boarder or roomer per year
4 or more boarders or roomers	\$3.00 per boarder or roomer per year

Retail Businesses (sale of goods or services) \$100.00 per year

b. Fees shall be paid on an annual basis. However, in the event of a partial year of operation, the payment due shall be prorated to provide that one-fourth of the fee shall be paid for each quarter or partial quarter of operation.

c. All annual license holders shall register and pay the applicable fee no later than March 1, or a late fee of \$100.00 will be assessed and due with the payment.

ed. Fees listed in Section 4-1.4 shall be waived for any organization qualified as nonprofit under Section 501(c)(3) of the Internal Revenue Code. (1991 Code § 133-4; Ord. No. 860 § 2; New; Ord. No. 1999-01 § 2; Ord. 2000-15, Amended, 07/21/2000; Ord. 2008-09)

e. No [b4] rebate or refund of any license fee or any part thereof shall be made by reason of retirement of licensee from business or by reason of the nonuse of such license for all or any portion of the licensed year, or by reason of a change of location or business or by reason of fire or other accident or other casualty rendering the use of such license

ineffective

\* *Editor's Note: For additional license application information and regulations, see Chapter XIII, Section 13-10.*

#### **4-1.5 Contents of License.**

Licenses shall be in a form which the Council prescribes by resolution and shall contain the following information:

- a. The name and address of the licensee.
- b. The number and type of the license and nature of the licensed activity.
- c. The address at which the licensed activity is conducted, if the activity is carried on at a fixed location.
- d. If the licensed activity is conducted from a vehicle, the make, model and license number of the vehicle.
- e. The expiration date of the license.
- f. Any other appropriate information which the Mayor and Council may require by resolution. (1991 Code § 133-5)

#### **4-1.6 License Record to be Kept.**

The Borough Clerk shall keep a record of all licenses issued under this section. The record shall be in a form prescribed by resolution of the Council and shall contain the same information as is required by subsection 4-1.5 to be contained in the license. It shall also indicate the amount of the fee paid for the license, the date upon which payment was received, the date of the issuance of the license, whether the license is a new license or a renewal and any other information which the Mayor and Council may require by resolution. (1991 Code § 133-6)

#### **4-1.7 Display of License.**

When the licensed activity is conducted at a fixed location or from a vehicle, the license shall be prominently displayed at the location or on the vehicle. In all other cases, the licensee shall have the license in his possession at all times and shall display it upon the request of any police officer or any person with whom he is doing business. (1991 Code § 133-7)

#### **4-1.8 Transferability.**

Except as otherwise provided, a license shall apply only to the person to whom it was issued and shall not be transferable to another person. Licenses may be transferred from place to place in cases where the licensed activity is conducted at a fixed location, but only with the approval of the Council by resolution. The general fee for the transfer of a license from place to place shall be five (~~\$5~~\$10.00) dollars. (1991 Code § 133-8)

#### **4-1.9 Expiration; Renewal.**

Except where expressly provided otherwise, all licenses shall expire on December 31 of the year of issue at 12:00 midnight. Applications for the renewal of licenses shall be made not later than December 1

of the year of issue. (1991 Code § 133-9)

#### **4-1.10 Revocation of License.**

a. Any license or permit issued by the Borough may be revoked by the Council after notice and a hearing for any of the following causes:

1. Fraud or misrepresentation in any application for a permit or license.
2. Fraud, misrepresentation or other dishonesty in the conduct of the licensed activity.
3. A violation of any provision of this Code.
4. Conviction of the licensee for any crime or offense involving moral turpitude.
5. Conduct of the licensed activity, whether by the licensee himself or his agents or employees, in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or general welfare.

6 Failure to permit access to the licensed premises at all reasonable times by the borough licensing officer. [b5]

b. Whenever a license is issued immediately upon an application, pending the results of the investigation provided for by this section, such license may be summarily revoked if the result of the investigation is such as would have resulted in denial of the application. (1991 Code § 133-10; Ord. No. 860 § 2)

#### **4-1.11 Notice of Hearing.**

Notice of a hearing for the revocation of a license or permit shall be given, in writing, by the Borough Clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing a copy to the licensee at his last known address by certified mail, return receipt requested, at least five (5) days prior to the date set for the hearing. (1991 Code § 133-11)

#### **4-1.12 Hearing.**

At the hearing the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his own expense. The Council shall revoke or suspend the license if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged. (1991 Code § 133-12)

#### **4-1.13 Reinstatement of Revoked or Denied Licenses.**

The Council may issue another license to a person whose license has been revoked or denied as provided in this section if, after a hearing, it is satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again; otherwise, no person whose license has been revoked or denied nor any person acting for him, directly or indirectly, shall be issued another license to carry on the same activity. (1991 Code § 133-13)

**4-1.14 Promulgation of Rules and Regulations.**

The Council may, by resolution, make rules and regulations which interpret or amplify any provisions of this section or for the purpose of administering the provisions of this section or making them more effective. No regulation shall be inconsistent with or alter or amend any provision of this section, 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 section. (1991 Code § 133-14)

**4-1.15 Violation and Penalties.**

Any person convicted by the Municipal Court of the Borough of Hightstown for a violation of the provision of this section shall be subject to a fine of not more than one hundred (\$100.00) dollars or imprisonment for a term not to exceed ninety (90) days, or both. Each day that a violation of the provisions of this section continues shall be considered as a separate offense. (1991 Code § 133-15; Ord. No. 860 § 2)

## Section 4-3

### SOLICITORS AND CANVASSERS\*

#### Subsections:

**4-3.1 Definitions.**

**4-3.2 License Required.**

**4-3.3 Exceptions.**

**4-3.4 Application.**

**4-3.5 ~~Badges~~Licenses.**

**4-3.6 Hours and Days of Activities.**

\* *Editor's Note: For additional licensing regulations and fees, see Section 4-1.*

#### **4-3.1 Definitions.**

As used in this section:

“Solicitor” shall mean a person, also known as a “canvasser,” whether resident of the Borough or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale, with or without accepting in advance payment for the goods. The term “solicitor” shall also include any person who may be taking a poll or survey from house to house or on the streets or distributing advertisements or handbills. (1991 Code § 117-8)

#### **4-3.2 License Required.**

It shall be unlawful for any solicitor or canvasser to engage in such business within the Borough without first obtaining a license. (1991 Code § 117-9)

#### **4-3.3 Exceptions.**

This section shall not apply to any of the following persons:

- a. A person who has obtained a charitable solicitor's permit in accordance with Section 4-4.
- b. Any person distributing literature or handbills on behalf of a candidate for public office.
- c. Any veteran or volunteer fireman who holds a special license issued pursuant to N.J.S. 45:24-9. (1991 Code § 117-10)

#### 4-3.4 Application.

In addition to the information required by subsection 4-1.2, the application for a solicitor's license shall indicate the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery. (1991 Code § 117-11)

#### 4-3.5 ~~Badges~~Licenses.

The Borough Clerk shall issue to each licensee ~~at the time of delivery of his~~ license ~~a badge~~ on which shall appear the words "~~Licensed~~ Solicitor License," the period for which the license is issued and the number of the license, ~~in letters and figures easily discernible from a distance of ten (10) feet~~. During the time such licensee is engaged in soliciting, ~~his badge~~the license shall be ~~worn constantly and conspicuously on the front of his outer garment~~carried with the Solicitor and presented upon request to any Police Officer or perspective customer. (1991 Code § 117-12)

#### 4-3.6 Hours and Days of Activities.

No soliciting or canvassing activities shall be conducted before 9:00 a.m. or later than 7:00 p.m., nor on holidays. (1991 Code § 117-13; Ord. No. 1998-2 § 1)

### Section 4-11

#### RETAIL FOOD ESTABLISHMENTS\*

##### Subsections:

#### 4-11.1 License Required.

#### 4-11.2 Investigation of Applicant.

#### 4-11.3 Suspension or Revocation of License.

\* *Editor's Note: For additional licensing regulations and fees, see Section 4-1.*

#### 4-11.1 License Required.

No person shall operate a retail food establishment as defined in the Retail Food Establishment Code of New Jersey, 1965, without having first obtained a license from the Borough and paid the required license fee pursuant to Chapter BH:IV of the Hightstown Borough Board of Health Code. (1991 Code § 105-1)

#### 4-11.2 Investigation of Applicant.

In addition to the requirements contained in Section 4-1, each application for a license under this section shall be investigated by the Borough Health Officer, who shall report his findings, in writing, to

the Mayor and Council within a reasonable time. No license shall be issued unless the Health Officer reports that the applicant conforms to all provisions of the Retail Food Establishment Code. (1991 Code § 105-2)

#### **4-11.3 Suspension or Revocation of License.**

In addition to the grounds for revocation set forth in subsection 4-1.10, a license issued under this section may be suspended or revoked for failure to comply with any provision of the Retail Food Establishment Code. (1991 Code § 105-3)

Section 2. A new section 4-12 entitled “Retail Establishments” shall be added as follows:

### **Section 4-12**

#### **RETAIL ESTABLISHMENTS\***

#### **Subsections:**

#### **4-12.1 Definitions.**

#### **4-12.2 License Required.**

#### **4-12.3 Exceptions.**

#### **4-12.4 Additional Application Requirements.**

#### **4-12.1 Definitions.**

As used in this section “Retail Establishment” shall mean any business engaging in:

- a. Selling of any goods or services; or
- b. Soliciting business or offering goods or services for hire; or
- c. Using any vehicle, machine or device, or any premises in the Borough of Hightstown for business purposes

#### **4-12.2 License Required.**

It shall be unlawful for any retail establishment to engage in any business within the Borough without first obtaining a license.

#### **4-12.3 Exceptions.**

This section shall not apply to any of the following establishments:

- a. Any establishment that has obtained an annual retail food license.
- b. Any establishment that has obtained a Coin-operated vending machine license (in coin-operated laundries).

#### **4-12.4 Additional Application Requirements.**

a. In addition to general requirements stated in section 4-1, the application for a license shall also require:

1. That the use does not conflict with the regulations of Chapter 28, "Zoning".

#### **4-12.5 Suspension or Revocation of License.**

In addition to the grounds for revocation set forth in subsection 4-1.10, a license issued under this section may be suspended or revoked for failure to comply with any provision of the Retail Establishment Code.

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.

Introduced:

Adopted:

ATTEST:

\_\_\_\_\_  
Debra L. Sopronyi  
Municipal Clerk

\_\_\_\_\_  
Lawrence D. Quattrone  
Mayor



## The Borough of Hightstown

Administration Office

156 Bank Street, Hightstown, New Jersey 08520

Phone – (609) 490-5100, ext 701

Fax – (609) 371-0267

FROM THE DESK OF  
Henry M. Underhill  
BOROUGH ADMINISTRATOR

TO: Mayor and Council  
DATE: June 1, 2016  
RE: Business License

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At the last meeting we discussed business licenses. We have reviewed the current code and have added language to existing Chapter 4.

An annual fee of \$100 was listed. There is considerable work for the staff to do. Each year they will have to send out renewal form. Receive forms and have review conducted. They will have to follow up with some of the applications. It will take time to create a business list, and to review it each year. If you want it to be less for acceptance reasons I would not go below \$75/ year.

Each year they will have to meet the requirements. At any time of the year they can be revoked for a violation.

The info gathered will allow us to contact owner of property or business if they are different.

This license does not double dip on any other license. If you are already getting a food license or taxi license, you will not need to also get a business license.

# Ordinance 2016-16

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ENTITLED  
“ADMINISTRATION”, SECTION 2-45, ENTITLED “HISTORIC PRESERVATION COMMISSION”,  
SUBSECTION 2-45.3, ENTITLED “ESTABLISHMENT OF THE HISTORIC PRESERVATION  
COMMISSION” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
HIGHTSTOWN, NEW JERSEY” REGARDING MEMBERSHIP**

**WHEREAS**, the Historic Preservation Commission (HPC) has had difficulty in acquiring a quorum for HPC meetings, and the Hightstown Borough Council finds that a change in the membership of the HPC will enable the HPC to perform their function more efficiently and serve the Borough effectively.

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

Section 1. That Chapter 2, entitled “Administration”, Section 2-45, entitled “Historic Preservation Commission”, Subsection 2-45.3, entitled “Establishment of the Historic Preservation Commission”, is hereby amended to read as follows (underline for additions, strikethroughs for deletions):

**Subsection 2-45.3: Establishment of the Historic Preservation Commission.**

(A) Establishment – There is hereby established within the Borough of Hightstown, pursuant to N.J.S.A. 40:55D-107 et seq., an “Historic Preservation Commission”, also known as the “HPC,” whose members shall serve without compensation.

(B) Responsibilities – The Historic Preservation Commission shall have the following duties and responsibilities:

1. To identify, record and maintain a survey of all buildings, structures, sites, objects, improvements and Districts of historical significance within the Borough of Hightstown.
2. To recommend to the Mayor and Council the designation of buildings, structures, sites, objects or improvements as Historic Landmarks, and to recommend the designation of Historic Districts.
3. To monitor and recommend to the Mayor and Council any buildings, structures, sites, objects, improvements or Districts for inclusion in the New Jersey or National Register of Historic Places.
4. To make recommendations to the Planning Board on the Historic Preservation Plan Element of the Master Plan and on the implications of Historic Landmarks and Historic Districts of any other Master Plan elements. The HPC may provide information to the Planning Board indicating the location and significance of Historic Landmarks and Historic Districts, and identify the standards used to assess worthiness for Historic Landmark or Historic District designation.
5. To advise the Planning Board on applications for development pursuant to N.J.S.A. 40:55D-110.
6. To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation to proposed construction.

7. To review and render recommendations regarding applications for HPC Opinions as set forth in this Ordinance.
8. To advise the Planning Board, other Borough Commissions and Committees and the Mayor and Council on the inclusion of Historic Landmarks and Historic Districts in the Borough's revitalization planning.
9. To monitor and recommend to the Mayor and Council the submission of any grants related to historic preservation.
10. To carry out other advisory, educational and informational functions to promote historic preservation in the Borough.

(C) Membership, Appointment – The HPC shall consist of ~~seven (7)~~five (5) regular members and two (2) alternate members, who shall be appointed by the Mayor. At the time of appointment, members shall be designated by the following classes:

Class A – A person knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and,

Class B – A person who is knowledgeable in, or who has demonstrated an interest in, local history and who may reside outside the municipality; and,

Class C – Citizens of the municipality who shall hold no other municipal office, position or municipal employment except for membership on the Planning Board. Class C members should have at a minimum a demonstrated interest in history, historic preservation or a related field.

Of the ~~seven-five~~ regular members, a total of at least ~~three-two~~ members shall be of Classes A & B. Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as “Alternate #1” and “Alternate #2”.

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

**40:55D-107. Historic preservation commission**

- a. The governing body may by ordinance provide for a historic preservation commission.
- b. Every historic preservation commission shall include, in designating the category of appointment, at least one member of each of the following classes:

Class A--a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and

Class B--a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.

- c. A historic preservation commission shall consist of five, seven or nine regular members and may have not more than two alternate members. Of the regular members a total of at least one less than a majority shall be of Classes A and B.

Those regular members who are not designated as Class A or B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the planning board or board of adjustment.

Alternate members shall meet the qualifications of Class C members. The mayor or, if so specified by ordinance, the chairman of the planning board shall appoint all members of the commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." The terms of the members first appointed under this act shall be so determined that to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years, and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the historic preservation commission and the planning board shall be for the term of membership on the planning board; and the term of any member common to the historic preservation commission and the board of adjustment shall be for the term of membership on the board of adjustment.

The historic preservation commission shall elect a chairman and vice-chairman from its members and select a secretary, who may or may not be a member of the historic preservation commission or a municipal employee.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

- d. No member of any historic preservation commission shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.
- e. A member of a historic preservation body may, after public hearing if he requests it, be removed by the governing body for cause.

L. 1985, c. 516, s. 21.

**40:55D-108. Historic preservation commission funded by governing body**

- 22. a. The governing body shall make provision in its budget and appropriate funds for the expenses of the historic

b. The historic preservation commission may employ, contract for, and fix the compensation of experts and other staff and services as it shall deem necessary. The commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the governing body, unless the governing body, by appropriation, provides for separate legal counsel for the commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the commission's use.

L.1985,c.516,c.22; amended 1991,c.199,s.7.

**40:55D-109. Responsibilities of commission**

The historic preservation commission shall have the responsibility to:

- a. Prepare a survey of historic sites of the municipality pursuant to criteria identified in the survey report;
- b. Make recommendations to the planning board on the historic preservation plan element of the master plan and on the implications for preservation of historic sites of any other master plan elements;
- c. Advise the planning board on the inclusion of historic sites in the recommended capital improvement program;
- d. Advise the planning board and board of adjustment on applications for development pursuant to section 24 of this amendatory and supplementary act;
- e. Provide written reports pursuant to section 25 of this amendatory and supplementary act on the application of the zoning ordinance provisions concerning historic preservation; and
- f. Carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.

L. 1985, c. 516, s. 23.

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# Ordinance 2016-17

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED “FLOOD DAMAGE PREVENTION,” TO THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

**WHEREAS**, The State of New Jersey, Department of Environmental Protection has determined that amendments are needed to Chapter 24 to the Revised General Ordinances of the Borough of Hightstown, to continue participation in the National Flood Insurance Program (NFIP).

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

Section 1. That Chapter 24 entitled “Flood Damage Prevention”, is hereby amended to read:

## **1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Hightstown of Mercer County, New Jersey does ordain as follows:

## **1.2 FINDINGS OF FACT**

- a) The flood hazard areas of the Borough of Hightstown are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

## **1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### 1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**AO Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**AH Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

**Appeal** — A request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

**Base Flood** — A flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ( $BFE = SWEL + \text{wave effect}$ ) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Basement** — Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Development** — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Digital Flood Insurance Rate Map (DFIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Elevated Building** — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Erosion** — The process of the gradual wearing away of land masses.

**Existing Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**Floodplain Management Regulations** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

**Freeboard** — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood

heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**Highest Adjacent Grade** — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**Historic Structure** — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles,

the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**Substantial Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

## **SECTION 3.0 GENERAL PROVISIONS**

### **3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Hightstown, Mercer County, New Jersey.

### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Borough of Hightstown, Community No. 340247, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Mercer County, New Jersey (All Jurisdictions)" dated July 20, 2016.

- b) "Flood Insurance Rate Map for Mercer County, New Jersey (All Jurisdictions)" as shown on Index and panels 0168F and 0169F, whose effective date is July 20, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the municipal offices located at 156 Bank Street, Hightstown Borough, New Jersey.

### **3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than Two Thousand Dollars (\$2,000.00) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Hightstown, from taking such other lawful action as is necessary to prevent or remedy any violation.

### **3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **3.5 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

### **3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Hightstown, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **SECTION 4.0 ADMINISTRATION**

### **4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### **4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Construction Official shall include, but not be limited to:

##### **4.3-1 PERMIT REVIEW**

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.

##### **4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

##### **4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
  - i. verify and record the actual elevation (in relation to mean sea level); and
  - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

##### **4.3-4 ALTERATION OF WATERCOURSES**

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

##### **4.3-5 SUBSTANTIAL DAMAGE REVIEW**

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

#### **4.3-6 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

#### **4.4 VARIANCE PROCEDURE**

##### **4.4-1 APPEAL BOARD**

- a) The Planning Board shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.
- d) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - i. the danger that materials may be swept onto other lands to the injury of others;
  - ii. the danger to life and property due to flooding or erosion damage;
  - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - iv. the importance of the services provided by the proposed facility to the community;
  - v. the necessity to the facility of a waterfront location, where applicable;
  - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - vii. the compatibility of the proposed use with existing and anticipated development;
  - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

##### **4.4-2 CONDITIONS FOR VARIANCES**

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures

- constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - e) Variances shall only be issued upon:
    - i. A showing of good and sufficient cause;
    - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
    - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
  - f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **5.1 GENERAL STANDARDS**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

#### **5.1-1 ANCHORING**

- a) All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

#### **5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

#### **5.1-3 UTILITIES**

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **5.1-4 SUBDIVISION PROPOSALS**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

#### **5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

#### **5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

##### **5.2-1 RESIDENTIAL CONSTRUCTION**

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.
- b) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

##### **5.2-2 NONRESIDENTIAL CONSTRUCTION**

- a) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

### 5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - i. Be consistent with the need to minimize flood damage,
  - ii. Be constructed to minimize flood damage,
  - iii. Have adequate drainage provided to reduce exposure to flood damage; and,
  - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

### 5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

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



**Roberts**  
 ENGINEERING GROUP LLC  
 Women Business Enterprise Certified

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

June 1, 2016

Mayor and Council  
 Borough of Hightstown  
 156 Bank Street  
 Hightstown, NJ 08520

Re: Flood Damage Prevention Ordinance  
 National Flood Insurance Program  
 Borough of Hightstown, Mercer County, NJ  
 Our File No.:H1506

Dear Mayor and Council:

The NJDEP Bureau of Dam Safety and Flood Control has recently issued the updated Flood Insurance Rate Study and Flood Insurance Rate Maps for the Borough. This letter is a follow up to my previous correspondence, regarding the Borough's ordinance, for Flood Damage Prevention.

The NJDEP recently responded to the Borough's ordinance, and has requested the following items be added to the ordinance:

1. **Section 2.0 Definitions** – include the following definition: Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
2. **Sections 5.2-1 Residential Construction and 5.2-2 Nonresidential Construction** – concerning the AO or AH zone, the NJDEP recommends that a structure be elevated above the depth number specified in feet plus (1) foot, above the highest adjacent grade (at least three feet, if no depth number is specified).

As there are no manufactured home parks and subdivisions, and there are no AO and AH zones in the Borough, these changes will have no impact and may be added to the ordinance.

It is my recommendation that the Borough incorporate the NJDEP additions.

Should you have any questions, please feel free to contact me.

Very truly yours,

Carmela Roberts, PE, CME  
 Borough Engineer

Enclosure

cc: Henry Underhill, Borough Administrator  
 Debra Sopronyi, RMC, QPA, CMR, Borough Clerk  
 Frederick C. Raffetto, Esq., Borough Attorney

# Ordinance 2016-18

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 28-3-11, ENTITLED “AA ACTIVE ADULT AGE-RESTRICTED HOUSING,” OF SECTION 28-3, “DISTRICTS ESTABLISHED; ZONING MAP,” OF CHAPTER 28, “ZONING,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

**WHEREAS**, the “Enchantment at Hightstown” (also referenced as the “Enchantment”) is an 88-unit, age restricted, single family residential community located on property known as Block 1, Lots 1, 5, 6 and 7; Block 10, Lots 10, 11 and 12; and Block 11, Lots 1, 21 and 22 (collectively referenced as the “Development”) in the Borough of Hightstown; and

**WHEREAS**, the Development is located within the “AA Active Adult Age-Restricted Housing” Zoning District within the Borough, and comprises all of the real properties located within said Zoning District; and

**WHEREAS**, the regulations associated with the “AA Active Adult Age-Restricted Housing” Zoning District are located in Subsection 28-3-11 of the Borough Code; and

**WHEREAS**, at the request of the Enchantment Homeowner’s Association, the Hightstown Borough Council has agreed to modify the existing language of certain provisions currently contained within the Borough Code.

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

1. That Subsection 28-3-11, entitled “AA Active Adult Age-Restricted Housing,” of Section 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following respects (additions are shown with underline, deletions are shown with ~~strikeout~~):

**28-3-11 AA Active Adult Age-Restricted Housing**

a. Minimum Tract Size.

Active Adult Age-Restricted Housing developments are permitted on tracts of land at least thirty (30) acres in size within the “AA” zoning district.

b. Age Restrictions.

1. ~~All dwelling units within an age-restricted housing development shall be deed restricted for occupancy by households with at least one (1) person fifty five (55) years of age or older and with no person less than nineteen (19) years of age, provided that visitors less than nineteen (19) years of age are permitted for no more than eight (8) weeks during any twelve (12) month time period. The use and occupancy of all dwelling units within an age-restricted housing development shall comply in all respects with the requirements of the Federal "Housing for Older Persons Act" of 1995 ("HOPA"), the Federal Fair Housing Act, and the New Jersey Fair Housing Act of 1985, as said statutes exist now or as they may be amended in the future.~~
2. The form and wording of the proposed deed restrictions shall be submitted to the Planning Board for review as part of the application for Preliminary Site Plan and/or subdivision approval, and the wording shall be reviewed, modified as necessary, and finally approved by the Planning Board, and incorporated within a Developer's Agreement between the developer and the Borough Council as a condition of any approval granted by the Planning Board for an active adult age-restricted housing development.
3. The wording of the deed restrictions as approved by the Planning Board shall be recited in the Master Deed and the Homeowners Association by-laws.

[NO FURTHER REVISIONS TO BE MADE TO THE EXISTING LANGUAGE OF SUBSECTION 28-3-11.]

2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

3. 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.

4. That this Ordinance shall take effect following final passage and publication in accordance with the law.

Introduced:

Adopted:

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Debra L. Sopronyi  
Municipal Clerk

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Lawrence D. Quattrone  
Mayor

# Resolution 2016-122

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 \$814,516.00 from the following accounts:

Current		\$760,470.34
W/S Operating		35,042.25
General Capital		13,795.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		2,136.25
Housing Trust		2,805.96
Animal Control		88.70
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>177.50</u>
<b>Total</b>		<u><u>\$814,516.00</u></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 June 6, 2016

---

Margaret M. Riggio  
 Deputy Borough Clerk

**Date:6/6/16**

**To: Mayor and Council**

**From: Finance Office**

**Re: Manual Bill List**

<u>CURRENT ACCOUNT</u>	<u>DATE ISSUED</u>	<u>PO #</u>	<u>CHECK #</u>	<u>Amount</u>
East Windsor Regional School District	5/16/2016	16-00818	1324	\$677,249.00
<b>TOTAL</b>				<b>\$677,249.00</b>
 <u>WATER AND SEWER OPERATING ACCOUNT</u>				
<b>TOTAL</b>				<b>\$0.00</b>
 <u>TRUST ACCOUNT</u>				
12 Farms Restaurant	5/24/2016	16-00862	6418	100.00
Shoprite of East Windsor	5/24/2016	16-00861	6417	475.00
N.J. Dept of Transportation	5/12/2016	16-00799	6411	125.00
N.J. Dept of Transportation	5/12/2016	16-00799	6412	25.00
N.J. Dept of Transportation	5/12/2016	16-00800	6413	125.00
N.J. Dept of Transportation	5/12/2016	16/00800	6414	25.00
<b>TOTAL</b>				<b>\$875.00</b>
 <u>GENERAL CAPITAL</u>				
<b>TOTAL</b>				<b>\$0.00</b>
 <u>WATER AND SEWER CAPITAL</u>				
<b>TOTAL</b>				<b>\$0.00</b>
<b>MANUAL TOTAL</b>				<b>\$678,124.00</b>

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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ATTWI005 AT&T WIRELESS												
16-00867 05/31/16 287258726345 4/13-5/12/16												
	1		CELL PHONES HPD	281.71	6-01-31-440-001-090	B Telephone-Verizon-Police Phones	R	05/31/16	06/01/16		287258726345	N
	2		CELL PHONES WTP	97.87	6-09-55-501-003-548	B Telephone-SPRINT	R	05/31/16	06/01/16		287258726345	N
	3		CELL PHONES AWTP	87.88	6-09-55-501-003-550	B Telephone-Water Dept-NEXTEL	R	05/31/16	06/01/16		287258726345	N
	4		CELL PHONES DPW	199.33	6-01-31-440-001-079	B Telephone-VERIZON WIRELESS	R	05/31/16	06/01/16		287258726345	N
				<u>666.79</u>								
			Vendor Total:	666.79								

BLOCK005 BLOCK LINE SYSTEMS, LLC (LSI)												
16-00838 05/19/16 INV 77943160515 PHONES												
	1		INV 77943160515 PHONES	989.75	6-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	05/19/16	06/01/16		77943160515	N
			Vendor Total:	989.75								

C0396 CAVANAUGH'S, INC.												
16-00764 05/06/16 MONTHLY PEST SERVICE												
	1		INV. 603047 - MONTHLY PEST SER	20.00	6-01-26-310-001-029	B Maintenance Contracts	R	05/06/16	06/01/16		603047	N
	2		INV. 603046 - MONTHLY PEST SER	20.00	6-01-26-310-001-029	B Maintenance Contracts	R	05/06/16	06/01/16		603046	N
				<u>40.00</u>								
			Vendor Total:	40.00								

C0484 CDW GOVERNMENT, INC												
16-00727 04/29/16 Sales Quote #GZZG508/#12397546												
	1		Sales Quote #GZZG508/#12397546	700.00	6-01-25-250-001-094	B Computer/Service & Support	R	04/29/16	06/01/16		ACCT #12397546	N
			Vendor Total:	700.00								

C0023 COMCAST												
16-00864 05/31/16 8499052430036659 DATED 5/24/16												
	1		8499052430036659 DATED 5/24/16	109.85	6-01-20-140-001-060	B Internet Services and Web Services	R	05/31/16	06/01/16		849905143003665	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
<b>C0023 COMCAST Continued</b>											
	16-00865	05/31/16	8499052440157826 DATED 5/17/16								
	1		8499052440157826 DATED 5/17/16	125.90	6-09-55-501-002-545	B Internet Services	R	05/31/16	06/01/16	849905244015782	N
	Vendor Total:			235.75							
<b>COMCA005 COMCAST BUSINESS</b>											
	16-00863	05/31/16	930909813 DATED 5/15/16								
	1		930909813 DATED 5/15/16	195.30	6-01-25-240-001-094	B COMPUTER/SERVICE & SUPPORT	R	05/31/16	06/01/16	930909813	N
	Vendor Total:			195.30							
<b>C0087 CUSTOM BANDAG, INC</b>											
	16-00724	04/29/16	TIRES FOR VOLVO								
	1		INV. 80106677 - VOLVO TIRES	1,277.68	6-01-26-315-001-132	B Vehicle Maint. - Public Works	R	04/29/16	06/01/16	80106677	N
	16-00803	05/12/16	TIRE FOR GOLF CART								
	1		INV. 80106828 - TIRE FOR GOLF	91.10	6-01-26-290-001-034	B Motor Vehicle Parts & Access.	R	05/12/16	06/01/16	80106828	N
	Vendor Total:			1,368.78							
<b>DRPUT005 DR PUTHENMADAM RADHAKRISHNAN</b>											
	16-00843	05/19/16	5/9/16 HEALTH CLINIC								
	1		5/9/16 HEALTH CLINIC	330.00	6-01-27-330-001-031	B Contract-Professional Serv.(B)	R	05/19/16	06/01/16	5-9-16	N
	Vendor Total:			330.00							
<b>ELIZA005 ELIZABETH C. MCKENZIE, PP, PA</b>											
	16-00848	05/19/16	INV 7553 DATED 5/12/16 APRIL								
	1		INV 7553 DATED 5/12/16 APRIL	150.46	T-26-56-286-000-849	B Recaptured Fds-RCA COAH-Homeowners	R	05/19/16	06/01/16	7553	N
	Vendor Total:			150.46							
<b>Q0176 EUROFINS QC, INC</b>											
	16-00831	05/18/16	WATER ANALYSIS								
	1		INV. 1782980 - WATER ANALYSIS	99.50	6-09-55-501-001-532	B Outside Testing/Labs	R	05/18/16	06/01/16	1782980	N
	Vendor Total:			99.50							



Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>U1160 HD SUPPLY WATERWORKS, LTD.</b>												
	16-00704	04/26/16	PARTS FOR READ/LEAK DETECTOR									
	1	QUOTE 4517262 - 510-M S/POINT	1,400.00	6-09-55-501-001-535	B Hydrants and Line Repair	R	04/26/16	06/01/16				N
		Vendor Total:	1,400.00									
<b>H0048 HIGHTS REALTY LLC</b>												
	16-00906	06/01/16	JUNE RENT 415A MERCER STREET									
	1	JUNE RENT 415A MERCER STREET	3,914.68	6-01-26-310-001-025	B Building Rental	R	06/01/16	06/01/16			JUNE RENT HPD	N
		Vendor Total:	3,914.68									
<b>IXPC0005 IXP CORPORATION</b>												
	16-00661	04/20/16	INV 1603011 DATED 4/7/16									
	1	INV 1603011 DATED 4/7/16	30,923.00	6-01-25-250-001-138	B IXP Professional Services	R	05/05/16	06/01/16			1603011	N
		Vendor Total:	30,923.00									
<b>J0375 J.W. KENNEDY, LLC</b>												
	16-00766	05/06/16	FIRE EXTINGUISHER INSPECTION									
	1	INV. 20719 - FIRE EXTINGUISHER	211.90	6-01-26-310-001-024	B Building Maintenance	R	05/06/16	06/01/16			20719	N
	2	INV. 20718 - FIRE EXTINGUISHER	266.90	6-01-26-310-001-024	B Building Maintenance	R	05/06/16	06/01/16			20718	N
	3	INV. 20716 - FIRE EXTINGUISHER	438.25	6-01-26-310-001-024	B Building Maintenance	R	05/06/16	06/01/16			20716	N
			917.05									
		Vendor Total:	917.05									
<b>JAMIE005 JAMIE C. SIERZPUTOWSKA</b>												
	16-00743	05/05/16	MILEAGE REIMBURSEMENT TO 3/29									
	1	MILEAGE REIMBURSEMENT TO 3/29	311.04	6-01-27-330-001-045	B Mileage/Travel	R	05/05/16	06/01/16				N
	16-00842	05/19/16	REIMB NJAPHNA MEMBERSHIP 16									
	1	REIMB NJAPHNA MEMBERSHIP 16	75.00	6-01-27-330-001-041	B Conferences & Meetings	R	05/19/16	06/01/16			2016 MEMBERSHIP	N
		Vendor Total:	386.04									

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
<b>J0010 JAMMER DOORS</b>												
	16-00802	05/12/16	DOOR REPAIR DPW GARAGE DOOR									
	1 INV.	2409-15314	- REPAIR TO	290.00	6-01-26-310-001-024	B Building Maintenance	R	05/12/16	06/01/16		2409-15314	N
	Vendor Total:			290.00								
<b>J0257 JCP&amp;L</b>												
	16-00875	05/31/16	MASTER ACCT 200000055364									
	1	100008438010	125 S MAIN ST	12.12	6-01-31-430-001-071	B Electric-Borough Hall	R	05/31/16	06/01/16		100008438010	N
	2	MAIN/STOCKTON TL	100008438283	27.67	6-01-31-430-001-071	B Electric-Borough Hall	R	05/31/16	06/01/16		100008438283	N
	3	RT 33/MAXWELL	100008482018	24.88	6-01-31-430-001-071	B Electric-Borough Hall	R	05/31/16	06/01/16		100008482018	N
	4	FRANKLIN/N MAIN TL	100010898904	27.45	6-01-31-430-001-071	B Electric-Borough Hall	R	05/31/16	06/01/16		100010898904	N
	5	148 N MAIN	100012487714	496.40	6-01-31-430-001-071	B Electric-Borough Hall	R	05/31/16	06/01/16		100012487714	N
	6	FIREHOUSE	100012487862	578.93	6-01-31-430-001-071	B Electric-Borough Hall	R	05/31/16	06/01/16		100012487862	N
	7	BORO HALL OUTLET	100012529457	99.86	6-09-55-501-002-504	B Electricity	R	05/31/16	06/01/16		100012529457	N
	Vendor Total:			1,267.31								
<b>J0258 JCP&amp;L (STREET LIGHTING)</b>												
	16-00854	05/19/16	100011415724 MAY 17, 2016									
	1	100011415724	MAY 17, 2016	395.59	6-01-31-435-001-075	B Street Lighting	R	05/19/16	06/01/16		100011415724	N
	16-00855	05/19/16	100011415765 MAY 17, 2016									
	1	100011415765	MAY 17, 2016	1,666.18	6-01-31-435-001-075	B Street Lighting	R	05/19/16	06/01/16		100011415765	N
	Vendor Total:			2,061.77								
<b>J0069 JERSEY ELEVATOR SERVICE</b>												
	16-00765	05/06/16	CONTRACTUAL SERVICE									
	1 INV.	169609	- REPLACE BATTERY	175.00	6-01-26-310-001-029	B Maintenance Contracts	R	05/06/16	06/01/16		169609	N
	2 INV.	169677	- ANNUAL PRESSURE	410.00	6-01-26-310-001-029	B Maintenance Contracts	R	05/06/16	06/01/16		169677	N
	3 INV.	170151	- MONTHLY MAINT.	167.33	6-01-26-310-001-029	B Maintenance Contracts	R	05/06/16	06/01/16		170151	N
	Vendor Total:			752.33								

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
<b>K0925 KML TECHNOLOGY INC.</b>												
	16-00560	03/31/16	SMART DMS VERSION 7 E9-1-1 SYS									
	1		SMART DMS VERSION 7 E9-1-1 SYS	8,333.34	6-01-25-250-001-029	B Maintenance Contracts-Other	R	03/31/16	06/01/16			N
	Vendor Total:			8,333.34								
<b>KUBIA005 KUBIAK ELECTRIC CO., INC.</b>												
	16-00732	05/03/16	INV #16-447									
	1		ELECTRIC TROUBLE SHOOT	240.00	6-09-55-501-002-503	B Sewer Plant Maintenance	R	05/03/16	06/01/16		16-447	N
	Vendor Total:			240.00								
<b>L0037 LINCOLN FINANCIAL GROUP</b>												
	16-00847	05/19/16	LIFE INSURANCE JUNE 2016									
	1		LIFE INSURANCE JUNE 16 AWWTP	38.50	6-09-55-501-002-514	B Insurance	R	05/19/16	06/01/16		JUNE LIFE INS	N
	2		LIFE INSURANCE JUNE 16 WTP	15.40	6-09-55-501-001-514	B INSURANCE	R	05/19/16	06/01/16		JUNE LIFE INS	N
	3		LIFE INSURANCE JUNE 16	254.10	6-01-23-210-003-115	B Medical Ins-Emp] Grp Health	R	05/19/16	06/01/16		JUNE LIFE INS	N
				<u>308.00</u>								
	Vendor Total:			308.00								
<b>LISAL005 LISA LANGLOIS</b>												
	16-00840	05/19/16	COURT SESSION 5-11-16									
	1		COURT SESSION 5-11-16	80.00	6-01-20-176-000-114	B Court Assistance	R	05/19/16	06/01/16		5-11-16	N
	Vendor Total:			80.00								
<b>L1085 LORCO PETROLEUM SERVICES</b>												
	16-00703	04/26/16	OIL RECYCLING									
	1		INV. 1179771-IN OIL RECYCLING	100.00	6-01-26-311-001-167	B Oil Disposal	R	04/26/16	06/01/16		1179771-IN	N
	Vendor Total:			100.00								
<b>LYONS005 LYONS ENVIRONMENTAL SERVICES</b>												
	16-00769	05/06/16	INV HIGH0416 DATED 5/1/16									
	1		INV HIGH0416 DATED 5/1/16	750.00	6-09-55-501-002-508	B Engineer	R	05/06/16	06/01/16		HIGH0416	N
	Vendor Total:			750.00								

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
<b>M0010 MARYLAND BIOCHEMICAL CO.</b>												
	16-00564	04/01/16	ALGAECIDE									
	1		ALGAECIDE	3,880.00	6-09-55-501-002-559	B ALGAECIDE/FUNGICIDE- BIOSAFE SYSTEMS	R	04/01/16	06/01/16		UJJ1028	N
	Vendor Total:			3,880.00								
<b>M0180 MCMASTER-CARR</b>												
	16-00669	04/20/16	MISC SUPPLY									
	1		ITEM #8568K387 1/2" RUBBER	123.07	6-09-55-501-002-503	B Sewer Plant Maintenance	R	04/20/16	06/01/16			N
	2		ITEM #5311T7 PVC 16"	26.22	6-09-55-501-002-503	B Sewer Plant Maintenance	R	04/20/16	06/01/16			N
	3		ITEM #3558T47 ANCHOR SHACKLE	34.16	6-09-55-501-002-503	B Sewer Plant Maintenance	R	04/20/16	06/01/16			N
	4		SHIPPING	7.58	6-09-55-501-002-503	B Sewer Plant Maintenance	R	05/11/16	06/01/16		55391163	N
				<u>191.03</u>								
	16-00829	05/18/16	CARGO STRAPS/GAUGE									
	1		INV. 042716 - CARGO STRAPS	112.80	6-09-55-501-001-535	B Hydrants and Line Repair	R	05/18/16	06/01/16		042716	N
	2		INV. 050516 - GAUGE	27.32	6-09-55-501-001-535	B Hydrants and Line Repair	R	05/18/16	06/01/16		050516	N
				<u>140.12</u>								
	Vendor Total:			331.15								
<b>M0664 MERCER COUNTY CHIEF'S ASSOC.</b>												
	16-00833	05/18/16	ANNUAL MEMBERSHIP									
	1		ANNUAL MEMBERSHIP	425.00	6-01-25-240-001-044	B Professional Assoc. Dues	R	05/18/16	06/01/16			N
	Vendor Total:			425.00								
<b>M0053 MES - PENNSYLVANIA</b>												
	16-00798	05/11/16	INV 1022926 DATED 4/21/16									
	1		INV 1022926 DATED 4/21/16	1,652.00	6-01-25-252-002-123	B Test Air Packs	R	05/11/16	06/01/16		1022926	N
	Vendor Total:			1,652.00								
<b>M0065 METTLER-TOLEDO</b>												
	16-00383	03/03/16	CONTRACT ID #U016397001									
	1		BALANCE MAINTENANCE	169.50	6-09-55-501-002-518	B Service Contracts - AWWTP	R	03/03/16	06/01/16			N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>M0065 METTLER-TOLEDO</b>											
	16-00383	03/03/16	CONTRACT ID #U016397001	Continued							
	2		FUEL SURCHARGE	11.50	6-09-55-501-002-518	B Service Contracts - AWWTP	R	03/03/16	06/01/16		N
				<u>181.00</u>							
			Vendor Total:	181.00							
<b>M0536 MGL PRINTING SOLUTIONS</b>											
	16-00761	05/06/16	2016-2017 PARKING PERMITS								
	1		2016-2017 PARKING PERMITS	329.00	6-01-25-240-001-116	B Traffic Bureau	R	05/06/16	06/01/16	137964	N
	2		SHIPPING	16.50	6-01-25-240-001-116	B Traffic Bureau	R	05/06/16	06/01/16		N
				<u>345.50</u>							
			Vendor Total:	345.50							
<b>M1083 MIDDLESEX COUNTY FIRE ACADEMY</b>											
	16-00601	04/08/16	(2)01-1654-16,03-1001-16								
	1		BELGARD, DISTELCAMP 01-1654-16	250.00	6-01-25-250-001-042	B Education & Training	R	04/08/16	06/01/16	01-1654-16	(2) N
	2		MATAMOROS,MASTALSKI,DISTELCAMP	1,364.00	6-01-25-250-001-042	B Education & Training	R	04/08/16	06/01/16	03-1001-16	N
				<u>1,614.00</u>							
			Vendor Total:	1,614.00							
<b>MORRI005 MORRIS CTY PUBLIC SAFETY ACAD</b>											
	16-00797	05/11/16	INV 23401 FEMA NIMS TRAINING								
	1		INV 23401 FEMA NIMS TRAINING	50.00	6-01-25-252-002-042	B Education & Training	R	05/11/16	06/01/16	23401	N
			Vendor Total:	50.00							
<b>M0526 MUNICIPAL RECORDS</b>											
	16-00740	05/05/16	MANILA FILE JACKETS								
	1		MANILA FILE JACKETS	110.00	6-01-20-176-000-036	B Office Supplies	R	05/05/16	06/01/16	160409	N
	2		SHIPPING AND HANDLING	22.00	6-01-20-176-000-036	B Office Supplies	R	05/05/16	06/01/16		N
				<u>132.00</u>							
			Vendor Total:	132.00							

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<b>N0425 NJ DEPT. OF HEALTH &amp; SR SERV.</b>													
	16-00791	05/11/16	DOG PILOT REPORT APRIL 2016										
	1		DOG PILOT REPORT APRIL 2016	28.20	T-13-05-265-000-001		B DUE STATE OF NEW JERSEY	R	05/11/16	06/01/16		APRIL 2016	N
	Vendor Total:			28.20									
<b>N1115 NJ SHADE TREE FEDERATION</b>													
	16-00693	04/25/16	M2016-85 2016 MUN. MEMBERSHIP										
	1		M2016-85 2016 MUN. MEMBERSHIP	120.00	6-01-27-335-001-044		B Professional Assoc. Dues	R	04/25/16	06/01/16		M2016-85	N
	Vendor Total:			120.00									
<b>N0021 NORTHERN TOOL &amp; EQUIPMENT CO.</b>													
	16-00376	03/03/16	MISC SUPPLY										
	1		ITEM #147026-4655 PULLZALL-RED	174.99	6-09-55-501-002-503		B Sewer Plant Maintenance	R	03/03/16	06/01/16		47908941	N
	2		ITEM #3968-2651 1/2 TON LEVER	74.99	6-09-55-501-002-503		B Sewer Plant Maintenance	R	03/03/16	06/01/16		35029056	N
	3		RECHARGEABLE FLASHLIGHT	19.99	6-09-55-501-002-503		B Sewer Plant Maintenance	R	04/20/16	06/01/16		34970765	N
				<u>269.97</u>									
	16-00728	05/03/16	MISC PLANT SUPPLY										
	1		ITEM #44071-2651	39.99	6-09-55-501-002-503		B Sewer Plant Maintenance	R	05/03/16	06/01/16			N
	2		ITEM #46898-2656 FAN	79.98	6-09-55-501-002-503		B Sewer Plant Maintenance	R	05/03/16	06/01/16			N
				<u>119.97</u>									
	Vendor Total:			389.94									
<b>P0005 PARIS AUTOMOTIVE SUPPLY</b>													
	16-00809	05/12/16	APRIL 2016 INVOICES										
	1		APRIL 2016 INVOICES	140.91	6-01-26-290-001-034		B Motor Vehicle Parts & Access.	R	05/12/16	06/01/16		APRIL	N
	2		APRIL 2016 INVOICES	128.99	6-01-26-305-001-034		B Motor Vehicle Parts & Access.	R	05/12/16	06/01/16		APRIL	N
				<u>269.90</u>									
	Vendor Total:			269.90									
<b>P0088 PARKER MCCAY, P.A.</b>													
	16-00841	05/19/16	2556793 & 2556794										
	1		2556793	294.00	6-01-20-155-001-031		B Labor, Personnel & Union Council	R	05/19/16	06/01/16		2556793	N



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<b>RICHA015 RICHARD B READING ASSOCIATES</b>												
	16-00849	05/19/16	COURT ORDER TO PAY FEES 5/13									
	1		COURT ORDER TO PAY FEES 5/13	1,333.00	T-26-56-286-000-849	B Recaptured Fds-RCA COAH-Homeowners	R	05/19/16	06/01/16		C.ORDER 5/13/16	N
	Vendor Total:			1,333.00								
<b>R0077 ROBERTS ENGINEERING GRP LLC</b>												
	16-00823	05/18/16	#14808-bonding needs									
	1		#14808-assist bonding needs	37.50	MIL11-02	P MILLSTONE BASIN HABITAT	R	05/18/16	06/01/16		14808	N
	16-00851	05/19/16	14807,14809,14799,14797,95,94									
	1		14807 MISC PLANNING BOARD	240.00	6-01-21-180-001-106	B Planning Board Engineer-General	R	05/19/16	06/01/16		14807	N
	2		14809 LITIGATION	512.50	6-01-20-155-001-033	B Litigation	R	05/19/16	06/01/16		14809	N
	3		14799 MISC ROADS	120.00	6-01-20-165-001-106	B Misc. Road & Drainage Issues(B	R	05/19/16	06/01/16		14799	N
	4		14797 STORM WATER PERMIT	1,035.00	6-01-20-165-001-199	B MISCELLANEOUS	R	05/19/16	06/01/16		14797	N
	5		14795 FEMA/FLOOD INSURNCE MAPS	180.00	6-01-20-165-001-199	B MISCELLANEOUS	R	05/19/16	06/01/16		14795	N
	6		14794 COUNCIL MEETINGS	180.00	6-01-20-165-001-104	B Attendance at Meetings (B)	R	05/19/16	06/01/16		14794	N
				<u>2,267.50</u>								
	16-00852	05/19/16	14800,14801,14802,14803,14804									
	1		w & s 14800	967.50	6-09-55-501-002-508	B Engineer	R	05/19/16	06/01/16		14800	N
	2		14801	2,851.00	6-09-55-501-001-508	B Engineer	R	05/19/16	06/01/16		14801	N
	3		14802 ULTRAVIOLET DISINFECTION	2,945.00	6-09-55-501-002-508	B Engineer	R	05/19/16	06/01/16		14802	N
	4		14803 WELL NO 2 REHABILITATION	537.50	6-09-55-501-001-508	B Engineer	R	05/19/16	06/01/16		14803	N
	5		14804 REHAB OF DETENTION TANKS	128.20	6-09-55-501-001-508	B Engineer	R	05/19/16	06/01/16		14804	N
				<u>7,429.20</u>								
	16-00853	05/19/16	14796, 14798									
	1		14796	515.00	T-12-56-286-000-880	B PEDDIE DAM FOOTBRIDGE-DONATIONS	R	05/19/16	06/01/16		14796	N
	2		14798	286.25	T-12-56-286-000-888	B ENCHANTMENT RESERVE	R	05/19/16	06/01/16		14798	N
				<u>801.25</u>								
	16-00857	05/19/16	INV14806 ETRA RD CURB/SIDEWALK									
	1		INV14806 ETRA RD CURB/SIDEWALK	47.50	6-01-20-165-001-106	B Misc. Road & Drainage Issues(B	R	05/19/16	06/01/16		14806	N
	16-00876	05/31/16	14846,14847,14849,14851,14857									
	1		14846, COUNCIL MEETINGS	180.00	6-01-20-165-001-104	B Attendance at Meetings (B)	R	05/31/16	06/01/16		14846	N
	2		14847 MISC REQUESTS	191.25	6-01-20-165-001-199	B MISCELLANEOUS	R	05/31/16	06/01/16		14847	N



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<b>SHERW005 SHERWIN WILLIAMS PAINT</b>												
	16-00717	04/29/16	MINERAL SPIRITS									
	1		5 GALLON OF MINERAL SPIRITS	262.50	6-09-55-501-002-535	B Chemicals Miscellaneous	R	04/29/16	06/01/16			N
	Vendor Total:			262.50								
<b>0028 SIGMA CONTROLS, INC</b>												
	16-00702	04/26/16	ALLEN BRADLEY SK-U1									
	1		ALLEN BRADLEY SK-U1	300.00	6-09-55-501-002-503	B Sewer Plant Maintenance	R	04/26/16	06/01/16			N
	2		ALLEN BRADLEY SK-U1	14.09	6-09-55-501-002-503	B Sewer Plant Maintenance	R	06/01/16	06/01/16			N
				<u>314.09</u>								
	Vendor Total:			314.09								
<b>S0029 STATE TOXICOLOGY LABORATORY</b>												
	16-00817	05/12/16	HPD RANDOM DRUG SCREENS									
	1		HPD RANDOM DRUG SCREENS	90.00	5-01-25-240-001-093	B Medical Exams/Hepatitis B Shot	R	05/12/16	06/01/16			N
	Vendor Total:			90.00								
<b>S2005 SWAN PUMP &amp; SUPPLY</b>												
	16-00706	04/26/16	MICRO TUBING FOR FLOWERS									
	1		INV. 101508 - MICRO TUBING	18.58	6-01-26-290-001-128	B Maint.-Downtn Irrigation Sys.	R	04/26/16	06/01/16		101508	N
	Vendor Total:			18.58								
<b>SWIFT005 SWIFTREACH NETWORKS, INC</b>												
	16-00770	05/06/16	INV 216120 DATED 4/30/16									
	1		INV 216120 DATED 4/30/16	1,695.00	6-01-25-252-001-199	B Miscellaneous	R	05/06/16	06/01/16		216120	N
	Vendor Total:			1,695.00								
<b>T0002 TAMARA L. LEE,PP,AICP,LLA,</b>												
	16-00822	05/18/16	#31 - General Planning Service									
	1		#31 - General Planning Service	460.00	6-01-21-180-001-105	B General Planning-Consulting	R	05/18/16	06/01/16		#31	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
<b>T0002 TAMARA L. LEE, PP, AICP, LLA, Continued</b>											
	16-00850	05/19/16	INV 14 JOB 06-119-11								
	1	INV 14	JOB 06-119-11	1,322.50	T-26-56-286-000-849	B Recaptured Fds-RCA COAH-Homeowners	R	05/19/16	06/01/16	14/06-339-11	N
	Vendor Total:			1,782.50							
<b>T0001 THE J.P. COOKE CO.</b>											
	16-00760	05/06/16	2016-2017 Cat Licenses								
	1	2016-2017	Cat Licenses	46.00	T-13-56-286-000-824	B RESERVE-ANIMAL CONTROL TRUST	R	05/06/16	06/01/16		N
	2	Shipping Cost		14.50	T-13-56-286-000-824	B RESERVE-ANIMAL CONTROL TRUST	R	05/06/16	06/01/16		N
				<u>60.50</u>							
	Vendor Total:			60.50							
<b>T1101 THOMAS ENGLISH &amp; ASSOCIATES</b>											
	16-00597	04/08/16	SPARE PARTS QUOTE 082008-2023								
	1	SPARE PARTS QUOTE	082008-2023	508.00	6-09-55-501-002-503	B Sewer Plant Maintenance	R	04/08/16	06/01/16		N
	2	SHIPPING, HANDLING & INSURANCE		23.88	6-09-55-501-002-503	B Sewer Plant Maintenance	R	05/31/16	06/01/16	082008-2023-KK	N
				<u>531.88</u>							
	16-00734	05/03/16	LABOR PARTS & REPAIR								
	1	LABOR PARTS & REPAIR		925.56	6-09-55-501-002-503	B Sewer Plant Maintenance	R	05/03/16	06/01/16	082008-2023-JJ	N
	16-00812	05/12/16	INV #082008-2023-KK								
	1	INV #082008-2023-KK		531.88	6-09-55-501-002-503	B Sewer Plant Maintenance	R	05/12/16	06/01/16	082008-2023-KK	N
	Vendor Total:			1,989.32							
<b>T0061 TOWNSHIP OF ROBBINSVILLE DPW</b>											
	16-00788	05/11/16	VEHICLE MAINTENANCE - CAR 2/5								
	1	CAR 2 & 5 GAS CAPS		51.40	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16		N
	2	CAR 11 LEFT HEADLIGHT INOP		18.36	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16		N
	3	BULB		25.75	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16		N
	4	CAR 3 LOF-SAFETY CHECK		61.20	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16		N
	5	OIL FILTER		3.33	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16		N
	6	MOBIL OIL		16.94	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16		N
	7	WINTER BLADE		21.46	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16		N
	8	CAR 5 LOF - SAFETY CHECK		61.20	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16		N

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	Item Description	Amount	Charge Account	Acct Type Description							
T0061 TOWNSHIP OF ROBBINSVILLE DPW Continued											
	16-00788 05/11/16 VEHICLE MAINTENANCE - CAR 2/5		Continued								
	9 OIL FILTER	3.33	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16				N
	10 MOBIL OIL	16.94	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16				N
	11 CAR 10 - LEFT TURN SIGNAL INOP	18.36	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16				N
	12 BULB	1.78	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16				N
	13 CAR 2 - CHECK BRAKES-GRINDING	122.40	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16				N
	14 BRAKE PADS (C/V FRONT)	52.78	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16				N
	15 BRAKE ROTOR (C/V FRONT)	109.96	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16				N
	16 CHECK FLUIDS - MOBIL OIL	6.05	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16				N
	17 CAR 3 - A/C NOT COLD	177.48	6-01-43-515-001-170	B Mechanic Services	R	05/11/16	06/01/16				N
	18 ACCUMULATOR	27.12	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16				N
	19 PAG OIL 46	10.22	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16				N
	20 134A FREON	11.00	6-01-26-315-001-131	B Vehicle Maint. - Police	R	05/11/16	06/01/16				N
		<u>817.06</u>									
	Vendor Total:	817.06									
T0276 TRENTON SHEET METAL, INC											
	16-00774 05/09/16 STREET LIGHT REPAIR										
	1 LIGHT POLE REPAIR	425.00	6-01-31-435-001-075	B Street Lighting	R	05/09/16	06/01/16				N
	Vendor Total:	425.00									
U0007 UNIVAR USA											
	16-00039 01/19/16 Res.2015-61 Liq.Chlorine-Water		B								
	4 inv hb 818211 dated 5/12/16	486.00	6-09-55-501-001-526	B Chlorine	R	01/19/16	06/01/16			HB818211	N
	16-00131 01/25/16 Res2015-125Flurosilicic Acid w		B								
	6 INV HB818211 DATED 5/12/16	778.80	6-09-55-501-001-528	B Fluorosilic Acid-UNIVAR	R	01/25/16	06/01/16			HB818211	N
	Vendor Total:	1,264.80									
U0013 USA BLUE BOOK											
	16-00545 03/30/16 MISC PLANT SUPPLIES										
	1 ITEM #51588 NO SMOKING SIGNS	37.98	6-09-55-501-002-503	B Sewer Plant Maintenance	R	03/30/16	06/01/16				N
	2 ITEM #51630 FLAMMABLE SIGNS	37.98	6-09-55-501-002-503	B Sewer Plant Maintenance	R	03/30/16	06/01/16				N
	4 54821	14.49	6-09-55-501-002-503	B Sewer Plant Maintenance	R	05/11/16	06/01/16			923646	N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>U0013 USA BLUE BOOK</b>											
	16-00545	03/30/16	MISC PLANT SUPPLIES	Continued							
	5		SHIPPING	17.38	6-09-55-501-002-503	R	05/11/16	06/01/16			N
				107.83							
<b>16-00716 04/29/16 CHEMICAL FOR FILTER FLIES</b>											
	1		ITEM #11247 STRIKE FOR FILTER	1,689.95	6-09-55-501-002-524	R	04/29/16	06/01/16			N
			Vendor Total:	1,797.78							
<b>V0019 VERIZON</b>											
	16-00866	05/31/16	201Z02932023918Y 5/16/16								
	1		201Z02932023918Y 5/16/16	65.98	6-09-55-501-003-545	R	05/31/16	06/01/16		201Z029320	N
			Vendor Total:	65.98							
<b>V0022 VERIZON WIRELESS</b>											
	16-00846	05/19/16	9765188503-442014572-00001 MDN								
	1		9765188503-442014572-00001 MDN	200.28	6-01-31-440-001-090	R	05/19/16	06/01/16		9765188503	N
			Vendor Total:	200.28							
<b>V0290 VITAL COMMUNICATIONS INC.</b>											
	16-00771	05/06/16	INV 64992 DATED 5/3/16								
	1		INV 64992 DATED 5/3/16	204.00	6-01-20-150-001-029	R	05/06/16	06/01/16		64992	N
			Vendor Total:	204.00							
<b>W0073 WASTE MANAGEMENT OF NJ, INC.</b>											
	16-00044	01/20/16	2016 Recycling Contract		B						
	6		267563205025 5/2/16 RECYCLING	2,688.00	6-01-26-311-001-029	R	01/20/16	06/01/16		267563205025	N
			Vendor Total:	2,688.00							
<b>W0099 WATCHUNG SPRING WATER CO., INC</b>											
	16-00793	05/11/16	INV #7222601								
	1		DP 5 GAL DISTLD	39.96	6-09-55-501-002-506	R	05/11/16	06/01/16		7222601	N



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Vendor # Name											
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099	
Item Description			Amount	Charge Account	Acct Type Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl
Total Purchase Orders:		97	Total P.O. Line Items:	175	Total List Amount:	136,392.00	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	5-01	90.00	0.00	90.00	0.00	0.00	0.00	90.00
CURRENT FUND	6-01	83,131.34	0.00	83,131.34	0.00	0.00	0.00	83,131.34
	6-09	35,042.25	0.00	35,042.25	0.00	0.00	0.00	35,042.25
	6-21	0.00	0.00	0.00	0.00	0.00	177.50	177.50
	Year Total:	118,173.59	0.00	118,173.59	0.00	0.00	177.50	118,351.09
GENERAL CAPITAL	C-04	13,795.00	0.00	13,795.00	0.00	0.00	0.00	13,795.00
TRUST OTHER - FUND #12	T-12	1,261.25	0.00	1,261.25	0.00	0.00	0.00	1,261.25
ANIMAL CONTROL TRUST FUND #13	T-13	88.70	0.00	88.70	0.00	0.00	0.00	88.70
HOUSING TRUST FUND-RECAPTURED FUNDS	T-26	2,805.96	0.00	2,805.96	0.00	0.00	0.00	2,805.96
	Year Total:	4,155.91	0.00	4,155.91	0.00	0.00	0.00	4,155.91
Total of All Funds:		136,214.50	0.00	136,214.50	0.00	0.00	177.50	136,392.00

Project Description	Project No.	Rcvd Total	Held Total	Project Total
MILLSTONE BASIN HABITAT	MIL11-02	37.50	0.00	37.50
WINDSOR PROPERTY ASSOC., LLC	WIND1601	140.00	0.00	140.00
Total of All Projects:		<u>177.50</u>	<u>0.00</u>	<u>177.50</u>

# Resolution 2016-123

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

## **AWARDING A CONTRACT FOR REHABILITATION OF WELL NO. 1- A.C. SHULTES, INC.**

**WHEREAS**, two (2) bids were received on May 3, 2016 for the Rehabilitation of Well No. 1 for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Rehabilitation of Well No. 1 be awarded to the low bidder, A.C. Schultes, Inc., of Woodbury Heights, New Jersey at the price of \$95,240.00; and

**WHEREAS**, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

**WHEREAS**, the Borough Attorney has reviewed the bid and has determined that the bid submitted by A.C. Shultes, Inc. is in order with respect to legal compliance; and

**WHEREAS**, funds for this project are being made available through Bond Ordinance 2016-14.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for the Rehabilitation of Well No. 1 for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to A.C. Shultes, Inc. of Woodbury Heights, New Jersey in the amount of \$95,240.00, upon approval by the New Jersey Department of Environmental Protection.

### CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk



**Roberts**  
ENGINEERING GROUP LLC  
Women Business Enterprise Certified

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

May 20, 2016

Mayor and Council  
Borough of Hightstown  
148 North Main Street  
Hightstown, NJ 08520

Re: Recommendation of Award  
Well No. 1 Rehabilitation  
Borough of Hightstown, Mercer County  
Our File No.: H1670

Dear Mayor and Council:

Bids were received for the Rehabilitation of Well No. 1 project on Tuesday May 3, 2016 two (2) bids were received and the results are as follows:

	<u>Base Bid</u>	<u>Alternate A-1</u>	<u>Total</u>
1. A.C. Shultes Woodbury Heights, NJ	\$51,420.00	\$43,820.00	\$95,240.00
2. Layne Christensen Company, Inc. Beverly, NJ	\$66,300.00	\$29,458.00	\$95,758.00

This project is being funded by a loan from the New Jersey Environmental Infrastructure Trust and the New Jersey Department of Environmental Protection. This project was estimated at a cost of \$180,000.00. The low base bid amount of \$51,420.00 and Alternate A-1 amount of \$43,820.00 totals \$95,240.00. This is \$84,760.00 lower than estimated.

I have reviewed the documents submitted by the low bidder, A.C. Schultes, Inc., and find all to be in order. We have worked with this contractor on previous projects and have found their work to be very good.

The legal documents were reviewed and approved by the Borough Attorney. Therefore, it is my recommendation that a contract be awarded to A.C. Schultes, Inc., of Woodbury Heights, New Jersey in the amount of \$95,240.00. As this project is funded by the New Jersey Environment Infrastructure Trust, the resolution of award must be made subject to the approval of the NJDEP.

By way of this letter I am returning the original bids to the Borough Clerk.

Very truly yours,

*Carmela Roberts*  
Carmela Roberts, P.E., C.M.E.   
Borough Engineer

Enclosures

Cc: Henry Underhill, Borough Administrator  
Debra Sopronyi, RMC, QPA, CMR, Borough Clerk  
Janice Mohr-Kminek, Borough Treasurer  
George Lang, Borough CFO  
Frederick C. Raffetto, Esq., Borough Attorney

# Resolution 2016-124

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

## **AWARDING A CONTRACT FOR REHABILITATION OF DETENTION TANKS – G. MEYER GROUP, INC.**

**WHEREAS**, five (5) bids were received on May 3, 2016 for the Rehabilitation of the Detention Tanks for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Rehabilitation the Detention Tanks be awarded to the low bidder, The G. Meyer Group, Inc. of Bradley Beach, NJ at the price of \$133,804.50; and

**WHEREAS**, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

**WHEREAS**, the Borough Attorney has reviewed the bid and has determined that the bid submitted by The G. Meyer Group, Inc. is in order with respect to legal compliance; and

**WHEREAS**, funds for this project are being made available through Bond Ordinance 2016-14.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for the Rehabilitation of the Detention Tanks for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to The G. Meyer Group, Inc. of Bradley Beach, NJ in the amount of \$133,804.50, upon approval by the New Jersey Department of Environmental Protection.

### CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk



**Roberts**  
 ENGINEERING GROUP LLC  
 Women Business Enterprise Certified

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

May 20, 2016

Mayor and Council  
 Borough of Hightstown  
 148 North Main Street  
 Hightstown, NJ 08520

Re: Recommendation of Award  
 Rehabilitation of Detention Tanks  
 Borough of Hightstown, Mercer County  
 Our File No.: H1671

Dear Mayor and Council:

Bids were received for the Rehabilitation of Detention Tanks project on Tuesday May 3, 2016 Five (5) bids were received and the results are as follows:

	<u>Base Bid</u>	<u>Alternate A-1, A-2, and A-3</u>	<u>Total</u>
1. The G. Meyer Group, Inc. Bradley Beach, NJ	\$107,844.50	\$25,960.00	\$133,804.50
2. Allied Painting Cherry Hill, NJ	\$155,400.00	\$31,600.00	\$187,000.00
3. Bragaton Construction Linden, NJ	\$158,700.00	\$32,000.00	\$190,700.00
4. Manda Corporation Cliffside Park, NJ	\$317,000.00	\$32,000.00	\$349,000.00
5. RMI Construction, Inc. Carlstadt, NJ	\$373,600.00	\$10,000.00	\$383,600.00

This project is being funded by a loan from the New Jersey Environmental Infrastructure Trust and the New Jersey Department of Environmental Protection. This project was estimated at a cost of \$150,075.00. The low base bid amount of \$107,844.50 and Alternates A-1, A-2, and A-3 in the amount of \$25,960.00 totals \$133,804.50. This is \$16,270.50 lower than estimated.

I have reviewed the documents submitted by the low bidder, The G. Meyer Group, Inc., and find all to be in order. We have contacted references provided by the contractor and have received good responses.

The legal documents were reviewed and approved by the Borough Attorney. Therefore, it is my recommendation that a contract be awarded to The G. Meyer Group, Inc., of Bradley Beach, NJ in the amount of \$133,804.50 As this project is funded by the New Jersey Environment Infrastructure Trust, the resolution of award must be made subject to the approval of the NJDEP.

Rehabilitation of Detention Tanks  
Our File No.: H1671  
Page 2 of 2

By way of this letter I am returning the original bids to the Borough Clerk.

Very truly yours,



Carmela Roberts, P.E., CME  
Borough Engineer

Enclosures

Cc: Henry Underhill, Borough Administrator  
Debra Sopronyi, RMC, QPA, CMR, Borough Clerk  
Janice Mohr-Kminek, Borough Treasurer  
George Lang, Borough CFO  
Frederick C. Raffetto, Esq., Borough Attorney

# Resolution 2016-125

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

**AUTHORIZING THE SALE OF SURPLUS OF PERSONAL PROPERTY NO  
LONGER NEEDED FOR PUBLIC USE TO SARVER VOLUNTEER FIREFIGHTERS  
RELIEF ASSOCIATION**

**WHEREAS**, Resolution 2015-285 stated that the Borough of Hightstown had determined that the property described as a 1989 E-One Ladder Truck, VIN #4ENGAAA89W1009045 was no longer needed for public use; and

**WHEREAS**, the Borough of Hightstown utilized the online auction services of Brindlee Mountain Fire Apparatus located at [www.firetruckmall.com](http://www.firetruckmall.com); and

**WHEREAS**, no acceptable bids were received through the online auction service; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-36) authorizes the sale of personal property no longer needed for public use to any governmental agency unit in the United States; and

**WHEREAS**, the Sarver Volunteer Firefighters Relief Association of Sarver, Pennsylvania has expressed an interest in purchasing the 1989 E-One Ladder Truck; and

**WHEREAS**, the Borough of Hightstown feels that the sale of the 1989 E-One Ladder Truck to the Sarver Volunteer Firefighters Relief Association would benefit both communities.

**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 1989 E-One Ladder Truck, VIN #4ENGAAA89W1009045 as declared surplus personal property no longer needed for public use to the Sarver Volunteer Firefighters Relief Association, Sarver, Pennsylvania, for the amount of \$30,000.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016

---

Margaret M. Riggio  
Deputy Borough Clerk

# Resolution 2016-126

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

## RESOLUTION OF COMPLIANCE REGARDING THE 2014 AUDIT

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of *N.J.S. 40A:5-6*, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the audit entitled:

General Comments  
Recommendations

; and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

*R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.*

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Hightstown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

### CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk

# Resolution 2016-127

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

**RESOLUTION APPROVING THE 2014 ANNUAL AUDIT CORRECTIVE ACTION  
PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF  
LOCAL GOVERNMENT SERVICES**

**WHEREAS**, the Borough of Hightstown is required, pursuant to the Single Audit Act Amendments of 1996, to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2014; and

**WHEREAS**, the Borough is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Borough Clerk; and

**WHEREAS**, the Borough Council has received the 2014 Annual Audit – Corrective Action Plan.

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

1. That the 2014 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.
2. That the proper Borough officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy 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 June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk

**BOROUGH OF HIGHTSTOWN**

**MERCER COUNTY**

**CORRECTIVE ACTION PLAN**

**DECEMBER 31, 2014**

**BOROUGH OF HIGHTSTOWN  
MERCER COUNTY  
AUDIT REPORT YEAR: DECEMBER 31, 2014**

DEPARTMENT: FINANCE  
GEORGE J. LANG  
CHIEF FINANCIAL OFFICER

**FINDINGS**

**14-01**

**Finding** - There are a number of interfunds on the balance sheets as at December 31.

**Criteria** -All interfund balances should be liquidated by December 31, in accordance with Division of Local Government directives.

**Response** -The amount of interfunds at year end has been reduced from 14,844.24 to 12,363.77.

**Recommendation** - That an effort be made to liquidate all interfunds prior to December 31.

**Corrective Action Plan** - Effort will be made to liquidate all interfunds prior to December 31 where possible.

**Implementation Date** - 2015

**14-02**

**Finding** - The financial statements and related notes were not completed in a timely manner to allow the audit to be completed by the statutory deadline.

**Criteria** -N.J.S.A. 40A:5-4 requires the audit to be completed within six months after the close of the fiscal year.

**Response** -Unlike a majority of towns in New Jersey the Borough of Hightstown's Chief Financial Officer prepares the Annual Financial Statement and Financial Statements for Audit Report. These other municipalities either have the auditor or an outside accounting professional prepare the financial documents for an additional cost. Having the auditor prepare the documents could create an independence issue.

**Recommendation** - That the financial statements and related notes be completed in a timely manner to permit the audit to be submitted by the statutory deadline.

**Corrective Action Plan** -The financial statements and related notes are being completed in a timely manner to permit the audit to be submitted by the statutory deadline.

**Implementation Date** - 2016

# Resolution 2016-128

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

## **AUTHORIZING ARCHITECTURAL SERVICES FOR VARIOUS MUNICIPAL PROJECTS**

### **RESOLUTION FORTHCOMING**

#### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk



## The Borough of Hightstown

Administration Office

156 Bank Street, Hightstown, New Jersey 08520

Phone – (609) 490-5100, ext 701

Fax – (609) 371-0267

FROM THE DESK OF  
Henry M. Underhill  
BOROUGH ADMINISTRATOR

TO: Mayor and Council  
DATE: June 2, 2016  
RE: Architect proposals

I have spoken with 3 architects to get proposals. We need some assistance to review the various MB options. In addition we need back up information to send to the insurance company with our claim. They have offered to make a lump sum settlement and we need to have a solid number for PD, MB, and DPW.

I talked with the following:

Ric Perez who did some review back in 2012. So he is more knowledgeable on part of the project.

Robbie Conley Architects They have done extensive work on Police, and Fire buildings.

Haughton, Quarty and Warr They have done several municipal, fire and police buildings. I have worked with them before.

The proposals are very different, dollar wise. Each Arch has strengths in different areas. It may be that we choose more than one based on specialty.

In the end a large part if not most of the design money should come out of insurance. Some may also come out of RBG escrow. We will be looking to minimize our direct costs.

# Resolution 2016-129

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

**SUPPORTING AND AUTHORIZING A GRANT APPLICATION BETWEEN  
HIGHTSTOWN BOROUGH AND THE STATE OF NEW JERSEY BY AND  
FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE  
FORESTRY SERVICE**

**WHEREAS**, the governing body of the Borough of Hightstown desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$3,000 to fund the 2016 Green Communities Grant, Community Forestry Management Plan; and

**WHEREAS**, the Hightstown Borough Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property is hereby certified; and

**WHEREAS**, 100% of the match will be made up of in-kind services; and

**WHEREAS**, the Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

**THEREFORE**, the governing body of the Borough of Hightstown resolves that Lawrence D. Quattrone or the successor to the office of Mayor is authorized to (a) make application for such a grant and (b) if awarded to execute a grant agreement with the State for a grant in an amount of not more than \$3,000, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

## **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk



State of New Jersey  
Department of Environmental Protection  
State Forestry Service

SFS use only

**COMMUNITY FORESTRY PROGRAM  
GREEN COMMUNITIES GRANT  
APPLICATION**

Applications are accepted on a rolling basis.

Grants are awarded on a first come, first served basis contingent on funding availability.  
This application must be completed in its entirety before it can be processed for an award.

**PROJECT INFORMATION**

Applicant (Check One):

- Municipality, Name  
 County, Name  
 Other Local Government Agency/Authority, Name

Application  
Date:

Project Type – see application details for definitions (Check One):

- Initial 5-year Community Forestry Management Plan  
 Subsequent Community Forestry Management Plan

# of CFMP:  
(eg. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, ....5-year plan)

Project Location:

(Municipality, County)

Project Manager:

(This is the person responsible for managing the development and submission of the CFMP)

Title:

Organization:

Phone:

E-mail:

Address:

(Must be a government address to the executed CFMP will be directed)

City:

State:

ZIP:

Grant Request: \$

(Maximum grant amount is \$3,000)

Match (100% match of the grant amount  
is required):

In-Kind \_\_\_\_\_% In-Cash \_\_\_\_\_%

Project Total: \$

(Grant Request + Match = Project Total)

**APPLICANT INFORMATION**

Type of Governing Body:

(eg. Mayor and Council, Township Committee, Board of Commissioners, Board of Freeholders, etc.)

Accounting Method:  Cash  Modified Accrual  Accrual  Other

Fiscal  
Year:

Federal ID Number:

DUNS Number:

Grant Executor:

(Person authorized to sign the grant agreement of behalf of the applicant, eg. Mayor, Business Administrator)

Title:

Resolution Certifier:

(Person that will sign to certify that the resolution to accept the funding was passed, eg. Municipal/County Freeholder clerk. This person cannot be the same as the Grant Executor.)

Title:

Clerk:

(Municipal, County Freeholder, other. This is the person responsible for grant contract documents)

Phone:

E-mail:

Address:

(Must be where contracts are to be delivered)

City:

State:

ZIP:

Chief Financial Officer:

Phone:

E-mail:

Address:

(Must be where checks are to be delivered)

City:

State:

ZIP:

Is the applicant a Tree City USA?  Yes  No

**As the official representative of the above named applicant, I hereby authorize the application submitted for this grant, and certify that the information provided within this application form is complete and true.**

Authorized Agent Signature	Printed Name & Title	Date
----------------------------	----------------------	------

## **Green Communities Grant Application Details and Submission Instructions**

### **Purpose of Funding**

The Green Communities Grant is to assist local governments in the development of a Community Forestry Management Plan (CFMP) through the hiring of a forester, tree expert, or other professional (consultant). A CFMP is a document for action, guiding communities to establish and maintain healthy, safe and sustainable urban and community forests. An approved CFMP is the first step toward compliance with the Shade Tree and Community Forestry Assistance Act. Compliance with the Act affords your community increased liability protection. For detailed guidelines on the Act and developing and submitting a CFMP for approval go to [www.communityforestry.nj.gov](http://www.communityforestry.nj.gov).

### **Statutory Reference**

N.J.S.A. 13:1L-17.1 et. seq. and N.J.S.A. 13:1D-9

### **Funding**

Funding is provided by the USDA Forest Service Urban and Community Forestry Program. The maximum grant award is \$3,000 for two years. A 100% match of the grant amount is required in-cash or in-kind services. No federal funds from any source are permitted to be used as a match. Grants are paid out on a reimbursement basis only. No funds will be released until the CFMP is approved by the State Forester and all the required financial reporting documentation is received.

### **Who is Eligible?**

Local government and Shade Tree Commissions. Local government means a municipality, county or other political subdivision of the State, or any agency thereof.

### **Application and Award Process**

Applications are available online at [www.communityforestry.nj.gov](http://www.communityforestry.nj.gov), and are accepted on a rolling basis. All applications must be completed in their entirety and will be awarded on a first-come, first-served basis, contingent upon funding availability. Once complete, **submit applications electronically to:** [carrie.sargeant@dep.nj.gov](mailto:carrie.sargeant@dep.nj.gov).

### **For more information, contact:**

Carrie Sargeant, Urban & Community Forestry Coordinator  
(609) 633-2320  
[Carrie.Sargeant@dep.nj.gov](mailto:Carrie.Sargeant@dep.nj.gov)

# Resolution 2016-130

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

## **A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LEGISLATIVE INTENT OF THE FAIR HOUSING ACT**

**WHEREAS**, the Borough of Hightstown supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

**WHEREAS**, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

**WHEREAS**, recently the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

**WHEREAS** the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” [N.J.S.A. 52:27D-307(c)]; and

**WHEREAS**, the “gap issue” arises out of COAH’s inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

**WHEREAS**, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

**WHEREAS**, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

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

1. Hightstown Borough strongly urges New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and **clarify** that affordable housing need is the sum of present and prospective need for a ten year period.
2. Hightstown Borough supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Linda Greenstein, Assemblyman Wayne DeAngelo and Assemblyman Daniel Benson, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey and the New Jersey League of Municipalities.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk

**Distribution List**

- 1) State Senator and General Assembly Representatives
- 2) The Hon. Chris Christie  
Governor, State of New Jersey  
State House, PO Box 001  
Trenton, NJ 08625
- 3) The Hon. Kim Guadagno  
Lieutenant Governor, State of New Jersey  
State House, PO Box 001  
Trenton, NJ 08625
- 4) The Hon. Steve Sweeney  
President, NJ Senate  
935 Kings Highway, Suite 400  
West Deptford, NJ 08086  
SenSweeney@njleg.org
- 5) The Hon. Vincent Prieto  
Speaker, NJ General Assembly  
1 Hamilton Plaza, Suite 205  
Secaucus, NJ 07094  
AsmPrieto@njleg.org
- 6) New Jersey State League of Municipalities  
222 West State Street  
Trenton, NJ 08608  
[league@njslom.org](mailto:league@njslom.org)
- 7) Sponsors:
 

<p>The Hon. Linda Greenstein Senator, District 14 124 S. River Road, Suite 105 Cranbury, NJ 08512 <a href="mailto:SenGreenstein@njleg.org">SenGreenstein@njleg.org</a></p>	<p>The Hon. Christopher “Kip” Bateman Senator, District 16 36 E. Main Street Somerville, NJ 08876 <a href="mailto:SenBateman@njleg.org">SenBateman@njleg.org</a></p>
<p>The Hon. Wayne DeAngelo Assemblyman, District 14 4621A Nottingham Way Hamilton, NJ 08690 <a href="mailto:AsmDeAngle@njleg.org">AsmDeAngle@njleg.org</a></p>	<p>The Hon. Daniel Benson Assemblyman, District 16 3691A Nottingham Way Hamilton Sq., NJ 08690 <a href="mailto:AsmBenson@njleg.org">AsmBenson@njleg.org</a></p>
- 8) The Senate Community and Urban Affairs Committee
- 9) The Assembly Housing and Community Development Committee

**SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE, 2016-2017****The Hon. Jeff Van Drew**

Chair, Senate Community and Urban Affairs Committee  
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21 South Main St. Suite 104  
Cape May Court House, NJ 08210  
[SenVanDrew@njleg.org](mailto:SenVanDrew@njleg.org)

**The Hon. Ronald L. Rice,**

Vice Chair, Senate Community and Urban Affairs Committee  
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32 Monmouth Street, 3<sup>rd</sup> Floor.  
Red Bank, NJ 07701  
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Fax (732) 933-1598  
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**The Hon. Christopher J. Connors**

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Forked River, NJ 08731  
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Fax (609) 693-2469  
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Tel (201) 721-5263  
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[SenStack@njleg.org](mailto:SenStack@njleg.org)

**ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE,  
2016-2017**

**The Hon. Jerry Green,**

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17 Watchung Avenue  
Plainfield, NJ 07060  
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**The Hon. Mila M. Jasey**

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# Resolution 2016-131

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

## **AUTHORIZING A REFUND BULK FOR GARBAGE FEE**

**WHEREAS**, Aaron Byrne of 43 Pemberton Lane, East Windsor, New Jersey paid for six (6) bulk stickers for bulk garbage pickup scheduled for May 31, 2016 with payment in the form of cash in the amount of \$30.00; and

**WHEREAS**, \$30.00 was deposited into account #6-01-08-105-600; and

**WHEREAS**, the property for the bulk garbage pickup is not located in the Borough of Hightstown;  
and

**WHEREAS**, the Department of Public Works has requested that a refund of the \$30.00 paid for said bulk garbage stickers be issued.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Finance Department is hereby authorized and directed to issue a refund in the amount of \$30.00 to Aaron Byrne of 43 Pemberton Lane, East Windsor, New Jersey, 08520, for bulk garbage stickers as stated herein.

### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

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Margaret M. Riggio  
Deputy Borough Clerk

# Resolution 2016-132

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

## RESOLUTION CANCELLING WATER-SEWER CAPITAL IMPROVEMENT APPROPRIATION BALANCES

**WHEREAS**, certain Water-Sewer Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Water-Sewer Capital Fund Balance;

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

<b>Ord. No.</b>	<b>Date Auth.</b>	<b>Project Description</b>	<b>Funded</b>	<b>Unfunded</b>
			<b>Capital Fund Balance</b>	<b>Deferred Charges to Future Revenue</b>
01-01	2/22/2001	Various Water Upgrades	\$ 4,978.87	\$ -
01-11, 03-11	8/9/2001	Water Improvements Dey/Outcalt Street	9,143.09	
02-16	9/3/2002	Water-Sewer Improvements	46,280.52	200.00
03-19	7/10/2003	Construction of Elevated Water Tower	5,369.57	
03-26	9/2/2003	Construction of Backwash Water Recovery Tank	9,000.00	
04-18	9/7/2004	Water-Sewer Improvements	4,001.99	
06-06, 06-25	2/21/2006	Water-Sewer Improvements	6,905.26	
06-18	8/7/2006	Acquisition of Water Meters	-	
07-02	2/20/2007	Water-Sewer Imp. Morrison and Outcalt	4,713.49	
10-01	2/1/2010	Water-Sewer Improvements - Leshin Lane.		49,500.00
TOTAL			\$ 90,392.79	\$ 49,700.00

**MOVED:**  
**SECONDED:**

**ROLL CALL:**  
AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

### CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 6, 2016.

---

Margaret M. Riggio  
Deputy Borough Clerk



# GASP

7 Cedar St., Suite A  
Summit, NJ 07901  
Phone: 908-273-9368  
Fax: 908-273-9222  
Email: [info@njgasp.org](mailto:info@njgasp.org)  
[www.njgasp.org](http://www.njgasp.org)

June 18, 2015

## Smokefree Outdoor Recreational Areas

Global Advisors on Smokefree Policy<sup>1</sup> ("GASP") has many health concerns regarding outdoor secondhand smoke (SHS), which are documented in this paper.

There is growing concern that outdoor secondhand smoke can pose a health hazard to both people and the environment. Recent studies show outdoor exposure to concentration levels of SHS can exceed current U.S. EPA limits on fine particulate matter pollution, and SHS concentrations in a variety of outdoor settings can be comparable to those in smoky indoor settings. Children and the elderly are particularly susceptible to SHS exposure. Even brief exposure to SHS can trigger serious health problems for asthmatics of all ages, and people with compromised cardiovascular systems.

There is a compelling basis to institute smoking bans to protect individuals in outdoor settings. In New Jersey, only 15% of the adult population smokes - 85% do not smoke. More than 240 local NJ governments have shown support for smokefree air outdoors by enacting hundreds of ordinances to protect health, control litter, reduce fires, guard infants and animals from ingesting poisonous tobacco butt waste, and reduce environmental toxicity. A November 2011 CDC report cites that 69% of smokers want to quit, and they are encouraged to do so when visiting 100% smokefree environments. [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6044a2.htm?s\\_cid=mm6044a2\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6044a2.htm?s_cid=mm6044a2_w)

On August 6, 2012, the CDC launched "Protecting Your Children from Tobacco" which encourages communities to "Ban smoking in public places—such as workplaces, schools... and parks" to help prevent children from smoking. <http://www.cdc.gov/features/BackToSchool/>

### Outdoor bans help:

- Protect people, especially children who congregate at parks, playgrounds and beaches, from secondhand smoke. Studies show that concentrations of outdoor SHS can equal indoor SHS levels.
- Set a standard that promotes public health by creating healthful environments for outdoor exercise and activities, and helps to normalize smokefree environments.
- Promote community efforts to "go green" and be environmentally friendly.
- Eliminate the concern of discarded cigarette butts that are ingested by children and animals.
- Improve oceanic and marine life with lower toxicity levels by reduced butt waste in lakes, bays and oceans.
- Reduce litter, which lowers municipal county and state clean-up costs for recreational areas.
- Reduce accidental fires caused by discarded cigarette butts in forests and parks.
- Facilitate the preservation of land and water for conservation and recreational purposes.

The following information outlines the trend with supporting data to create 100% smokefree policies for parks, playgrounds, recreational areas, athletic fields, swimming pools, and beaches.

### 1. New Jersey state, county and local legislation, regulations, and policies show support for smokefree outdoor environments:

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<sup>1</sup> Global Advisors on Smokefree Policy (GASP) is a 40-year old nonprofit resource center, dedicated to promoting smokefree air and tobacco-free lives. GASP is funded by the New Jersey State Department of Health, private foundations and donations.

**On June 26, 2014, both the NJ Assembly and Senate overwhelmingly voted in favor of a state bill** to make all State, county and local public parks, recreational areas and beaches 100% smokefree. The bill allows for municipalities with beaches to enact a local law that allows up to 10% of the beach be smoking-permitted. Exempted would be public golf courses, wildlife refuges and reservoirs, unless the county or municipality has a law that is equal to or stronger than the state bill (e.g. local law bans smoking at all local parks, including the golf course). New Jersey's Governor vetoed the bill in September 2014, but issued a statement encouraging local and county jurisdictions to continue the passage of such ordinances. The NJ Legislature can seek an override of the Governor's veto during the current legislative session, which ends January 2016.

**In the meantime, the 2006 New Jersey Smoke-Free Air Act (NJSFAA)** bans smoking outdoors in these locations (including a ban on the use of electronic smoking devices in such locations as of 2010):

- On all public and private K-12 school grounds, N.J.S. 26:3D-58; N.J.A.C. 8:6-7.1 and 2. [http://www.njgasp.org/sfaa\\_2010\\_w-ecigs.pdf](http://www.njgasp.org/sfaa_2010_w-ecigs.pdf)
- At all playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land, N.J.A.C. 8:6-7.2(b)(3). [http://njgasp.org/nj\\_admin\\_code.pdf](http://njgasp.org/nj_admin_code.pdf)
- At an exterior area if smoking in the exterior area results in migration, seepage, or recirculation of smoke to an indoor public place or a workplace at which smoking is prohibited, N.J.A.C. 8:6-2.3 (a) and (b). [http://www.njgasp.org/nj\\_admin\\_code.pdf](http://www.njgasp.org/nj_admin_code.pdf)

**Hundreds of New Jersey municipalities and counties have enacted laws** that restrict smoking in parks and recreational areas, since the NJSFAA has strong "no preemption" language. 263 municipalities and 13 counties have enacted 340 laws that restrict outdoor smoking in various recreational areas including:

- Parks, playgrounds, and recreational fields (314 ordinances in 253 municipalities and 13 counties including Atlantic, Bergen, Burlington, Camden, Cape May (zoo), Essex, Hudson, Mercer, Monmouth, Morris, Passaic, Somerset, and Union)
- Boardwalks, marinas, and ocean, bay and lake beach areas (42 ordinances in 30 municipalities)
  - Seaside Park has 100% smokefree beaches and boardwalks. Sunset Beach in Lower Township (Cape May County) is 100% smokefree. Long Branch has 100% smokefree beaches, and Belmar has 100% smokefree boardwalks and nearly the entire beach is smokefree.
  - Belmar was one of the first in the country to restrict smoking on both their beaches and boardwalk (April 2001), and the first summer after the ordinance was enacted, beach tag revenues increased by 17.6%. [http://www.njgasp.org/Belmar\\_beach\\_ordinance\\_sf\\_effects\\_article.pdf](http://www.njgasp.org/Belmar_beach_ordinance_sf_effects_article.pdf)
- Swimming pools (53 ordinances in 44 municipalities and 3 counties including Bergen, Somerset, and Union)
- Amusement parks and zoos (4 ordinances in 2 municipalities and 2 counties)
  - 2 counties and 1 municipality have banned smoking at zoos to protect the patrons, especially the children, and the well being and safety of the animals as well as potential damage to surrounding vegetation: Essex County Turtle Back Zoo, Cape May County Zoo, and Cohanzick Zoo in Bridgeton, NJ.
  - In 2007 Jackson Township banned smoking at amusement parks, including Six Flags Great Adventure, except in designated smoking areas.

**Hundreds New Jersey municipalities and counties have enacted laws that create smokefree setback zone** from government buildings or property: 99 ordinances in 86 municipalities and 7 counties (including Atlantic, Burlington, Hudson, Monmouth, Somerset, Sussex and Union) regulate outdoor smokefree perimeters around or near government-owned facilities. Smokefree setback zones range from 10 to 50 feet from entrances, exits, windows and/or perimeters of government buildings, and some laws require all government property, including outdoors, be 100% smokefree.

**New Jersey has a state law that requires all "resource family homes"** (foster homes, adoptive homes, family friend homes and relative care homes) and cars that transport a resource family child, be 100% smokefree. The law also requires it be 100% smokefree outdoors when a resource family child is present. N.J.A.C. 10:122C-7.2(a)(3) adopted by the Department of Human Services on

December 19, 2005, effective February 6, 2006 (from the Manual of Requirements for Resource Family Parents at <http://www.state.nj.us/dcf/divisions/licensing/RFmanual.pdf>)

**New Jersey also has another state law (pre-dates the NJSFAA) that bans smoking in any public place:** "Smoking or carrying lighted tobacco may be prohibited by the owner or person responsible for operating any public place or by municipal ordinance under the authority of N.J.S.A. 40:48-1 and 2." Conspicuous posting of adequate notice of the prohibition is required. This law may also apply to outdoor area, including sports facilities. N.J.S.A. 2C:33-13(b).

**Business entities:** Many business owners have instituted 100% smokefree outdoor policies for their properties. In New Jersey, this includes the outdoor seating and pedestrian areas in the Meadowlands Sports Complex. College campuses are starting to implement 100% smokefree campus policies, and at least 100 hospital campuses in New Jersey have a 100% smokefree policy.



# GASP

7 Cedar St., Suite A  
Summit, NJ 07901  
(908) 273-9368  
info@njgasp.org  
www.njgasp.org

As of 6/24/15

## Municipal and County Smokefree Park and Recreation Area Policies in NJ

County	Authority
Gloucester	Westville Borough
Gloucester	Woodbury Heights Borough
Gloucester	Woolwich Township
Hudson	East Newark Borough
Hudson	Harrison Township
Hudson	Hoboken City
Hudson	Hudson County (county parks only)
Hudson	Jersey City
Hudson	Kearny Town
Hudson	North Bergen Township
Hudson	Secaucus Town
Hudson	Union City
Hudson	Weehawken
Hudson	West New York Town
Hunterdon	Clinton Township
Hunterdon	Flemington Borough
Hunterdon	Frenchtown
Hunterdon	Raritan Township
Mercer	Mercer County (county property only)
Mercer	Princeton Borough
Mercer	West Windsor Township
Middlesex	Carteret Borough
Middlesex	East Brunswick Township
Middlesex	Helmetta
Middlesex	Highland Park Borough
Middlesex	Metuchen
Middlesex	New Brunswick City (discourages smoking; no areas made smokefree)
Middlesex	North Brunswick
Middlesex	Perth Amboy
Middlesex	Sayreville Borough
Middlesex	South Amboy City
Middlesex	South Brunswick Township
Middlesex	South Plainfield Borough
Middlesex	South River Borough
Middlesex	Spotswood Borough
Middlesex	Woodbridge Township
Monmouth	Asbury Park (no areas currently designated smokefree)
Monmouth	Avon-By-The-Sea Borough
Monmouth	Belmar Borough
Monmouth	Bradley Beach Borough
Monmouth	Eatontown Borough
Monmouth	Fair Haven Borough
Monmouth	Holmdel Township



**The Borough of Hightstown**  
**Code Enforcement Office**  
 156 Bank Street  
 Hightstown, NJ 08520  
 (609) 490-5100, Ext. 617

## PROPOSED FLAG ORDINANCE CHANGE

### 29-5. PROHIBITED SIGNS

Any sign that is not permitted by the provisions of this chapter is hereby prohibited, with the following signs specifically prohibited:

- A. A flashing, blinking, twinkling, animated, moving or projected sign of any type or a sign that presents the illusion of movement, with the exception of time-and-temperature displays and barber poles as otherwise permitted or signs which emit smoke, noise or visible vapor.
- B. Banners, pennants, streamers, spinners or similar devices constructed of cloth, light fabric, cardboard, plastic, vinyl, or other like material, and lights and searchlights, displayed for the purpose of attracting the attention of pedestrians or motorists, except as permitted for special events not to exceed four times per year for a maximum 2-week period and not exceeding 16 square feet.
- C. Any sign so erected, constructed or maintained as to obstruct any fire escape, window, door or other opening used as a means of ingress and egress.
- D. Any portable or bench sign, or signs that emit smoke, vapor or noise, except as permitted in Section 29-17.
- E. Any sign which, when applying contemporary community standards, has a dominant theme or purpose which is obscene or offensive.
- F. Off-premises signs.
- G. Signs using red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light or traffic signal.
- H. Neon signs.
- I. Signs attached to the exterior glass of a building.
- J. Permanent marquees extending over the sidewalk beyond the street line.
- K. Signs posted or painted on posts, utility poles, tanks, towers, smokestacks, trees, rocks or any natural feature of the environment.
- L. Signs posted on Borough property except where specifically authorized by the Borough.
- M. Signs installed or painted on sidewalks, curbs and benches, except as permitted in Section 29-18.
- N. Signs on abutments, retaining walls and embankments.
- O. Murals and signs painted on buildings. Signs painted directly on buildings or which obstruct any windows.
- P. Roof signs.

Q. Signs which constitute a hazard to pedestrian or the traveling public by obstructing access, obstructing driving vision or by obstructing regulatory or directional signs or signals, or which may confuse or distract the attention of the operator of a motor vehicle, or otherwise constitute a safety hazard.

R. Pylon signs, except as permitted herein.

S. All outside lighted signs operating after 1:00 a.m. with the exception of signs in the commercial zones. Lighted signs are those signs for which the source of light is internal.

T. Illuminated signs where the source of light is directly visible from adjoining properties or streets. Illuminated signs are signs that are lighted by an external source.

U. All temporary signs, except as set forth herein.

V. Any sign using the term "going out of business sale" or terms substantially similar to "going out of business sale" which does not coincide with the permitted time frames for such sales, as set forth in N.J.S.A. 56:8-2.8, whether or not a permit for such sign may have been issued pursuant to this chapter.

W. Signs advertising room or rooms for rent 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.

X. Signs advertising an apartment or house for rent for any property in the Borough of Hightstown for which a Rental Certificate of Compliance has not been issued by the Housing Inspector, in accord with Subsection 13-8-1 of this Code.

Y. Signs advertising the rental of any room, apartment or house, unless the sign is located on the property that is being advertised, and the owner of the property has taken all necessary steps to make sure that such advertising is otherwise in accord with the provisions of this Code.

Z. **Flags. Exempt are flags of the United States, the states, county, or municipality and foreign nations and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole that exceeds forty (40) feet in height. Flags in the Commercial CC-1 and CC-2 Zones shall not exceed three feet in width, five feet in length, and 15 square feet in total area. One flag may be erected per storefront in lieu of a projecting sign or A-frame sign. The flag shall not cover up or block the view of neighboring projecting signs.**

## 29-6. SIGNS EXEMPT FROM PERMITS

N. ~~Flags. Flags of the United States, the states, county, or municipality and foreign nations and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole that exceeds forty (40) feet in height. Other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the applicable zoning district in which such flag is located. Flags may be illuminated, and residential decorative theme flags may not exceed twelve (12) square feet.~~ **are not allowed.**

## 29-18. COMMERCIAL AND HIGHWAY, BUSINESS AND INDUSTRIAL ZONES – CC-1, CC-2, HC and I

B. Freestanding sign. One (1) freestanding sign may be erected on each street frontage that contains a minimum of one hundred (100) feet of frontage and with direct vehicular access from that street. The maximum permitted sign area shall be forty (40) square feet per sign and the height of the sign shall not exceed thirty (30) feet.