

**Meeting Minutes  
Hightstown Borough Council  
Workshop Meeting  
November 2, 2015  
6:45 pm**

The meeting was called to order by Mayor Quattrone at 6:45 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

Roll Call

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

Also in attendance: Debra Sopronyi, Borough Clerk; Henry Underhill, Borough Administrator; Fred Raffetto, Borough Attorney; and Tamara Lee, Borough Planner.

**Resolution 2015-272** Authorizing a Meeting Which Excludes the Public

Mayor Quattrone requested that resolution 2015-272 be amended to include contract negotiations – Shared Services (Police/Dispatch/Court).

Council President Hansen moved resolution 2015-272 as amended, Councilmember Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2015-272

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

**AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on November 2, 2015 at 6:45pm in the First Aid Building located at 168 Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

- Litigation – COAH
- Personnel – Professional Services
- Contract Negotiations – Shared Service (Police/Dispatch/Court)

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Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: February 2, 2016 or when the need for confidentiality no longer exists.

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

Mayor Quattrone called the public meeting to order at 7:16pm and again read the Open Public Meeting Statement.

The flag salute followed Roll Call.

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

Mayor Quattrone advised that ordinance 2015-23 was being re-introduced this evening, not adopted; so he requested that the agenda be amended to reflect this change.

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

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

Agenda approved 6-0.

Councilmember Kurs moved the October 5, 2015 workshop session minutes for approval, Council President Hansen seconded.

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

Minutes approved 6-0.

Council President Hansen moved the October 5, 2015 executive session minutes for approval, Councilmember Kurs seconded.

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

Minutes approved 6-0.

Councilmember Kurs moved the October 19, 2015 business session minutes for approval, Council President Hansen seconded.

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

Minutes approved 4-0, with two abstentions.

Councilmember Kurs moved the October 19, 2015 executive session minutes for approval, Councilmember Misiura seconded.

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

Minutes approved 4-0, with two abstentions.

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

Lynne Woods, 315 Park Avenue – commented that she hopes the vehicle ordinance issues are resolved as there are registered vehicles that have been abandoned on properties; there needs to be a definition of “abandoned”.

Rob Thibault, 504 S. Main Street – commented that he is concerned that the 2% escalation in the agreement with Roosevelt is not enough.

David Zaiser, Shade Tree Official – commented that the Borough need to manage the trees; value of the trees are based on a formula, and the trees that were taken down on Park Avenue valued approximately \$10,000; the Borough’s value of its trees overall is over \$1M. The Community Forestry Plan is on file with the State and the Borough must follow the rules with management through process and renewal. New trees should be planted to replace those removed for the road project, 18 trees need to be added at an approximate cost of \$6,000.

There was discussion regarding ash trees and the bore that is affecting them.

Barbara Jones, Environmental Commission Chair –commented that trees were taken down on Hutchinson for the road project, but they did not have to be the way the sidewalk was installed; the Borough needs to be creative. The Stormwater Management plan was not taken into account on Greeley and the Borough is being short-sited.

Mike Gargiullo, 113 First Avenue – thanked Council for listening and taking into consideration the restoration of vehicles in ordinance 2015-23.

Gerry Riccardi, JCP&L – gave Council a hand-out regarding a transmission line project being done due to increased demand in the area. He noted that additional poles are being installed and they are obtaining the rights of way from various property owners. The project is scheduled to be complete in 2016.

There was discussion regarding tree rights for line interference; a concerned resident in the Enchantment Development; voltage needed in the area; and wet lands and trees. Barbara Jones noted that the Environmental Commission would like to discuss the project with Mr. Riccardi.

J P Gibbons, 602 N. Main Street – commented that Mr. Riccardi should not have been permitted to talk for longer than 3 minutes; inquired how Council can vote on ordinance 2015-24 when the discussion is at the end of the meeting under home based business ordinance.

Councilmember Stults clarified that they are not the same ordinance.

Dan Buriak, 194 Stockton Street – thanked the Borough for its support on Saturday, the police did a great job; these events are community building; he would like to see it become an official event next year.

Eugene Sarafin, 628 S. Main Street – noted that he likes living in Hightstown and highlighted what pleases him.

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

**Ordinance 2015-23 First Reading and Re-Introduction** – An Ordinance Amending Chapter 3 “Police Regulations”, Section 3-10 “Abandoned or Wrecked Vehicles”. And Section 3-11 “Parking of Boats, Trailers and Registered Vehicles” of the “Revised General Ordinances of the Borough of Hightstown”

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

The Borough Attorney explained that there have been substantial changes to the ordinance, and given that the public needs the opportunity to address these changes, a re-introduction of the ordinance is needed.

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There was discussion regarding the need for definitions in the ordinance, protecting property owners, and the need for more revision.

Councilmember Montferrat moved to table the ordinance for re-introduction to permit time for the Borough Attorney to put definitions into the ordinance, Council President Hansen seconded.

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

Ordinance tabled 6-0.

Ordinance 2015-23

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

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

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

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

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

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

**Section 3-10**

**ABANDONED OR WRECKED VEHICLES\***

**Subsections:**

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

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

**3-10.1 Definitions.**

As used in this section:

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

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

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

### **3-10.2 Abandoning Vehicles Unlawful.**

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

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

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

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

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

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

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

### **3-10.5 Impoundment; Redemption.**

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

### **3-10.6 Violations and Penalties.**

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

Section 2. Section 3-11 “Parking of Boats, Trailers and Registered Vehicles” is hereby amended as follows (underline for additions, strikethroughs for deletions):

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## Section 3-11

### PARKING OF BOATS, TRAILERS AND REGISTERED VEHICLES

#### Subsections:

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

#### 3-11.1 Definitions.

As used in this section:

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

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

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

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

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

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

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

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

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

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

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

Registered, operating vehicles shall be parked or stored on a paved or stoned driveway or an approved extension of a driveway.

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If a vehicle is parked on private property in any other manner, then it shall be considered a violation of this Section. (Ord. No. 2002-04)

### **3-11.5 Violations and Penalties.**

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

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

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

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

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

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

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

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

Council President Hansen moved ordinance 2015-24 for adoption, Councilmember Kurs seconded.

Mayor Quattrone opened the public hearing on ordinance 2015-24 and the following individuals spoke:

Scott Caster, 12 Clover Lane – inquired as to whether the Borough has consulted with those who have the clothing bins in their lots; he has a concern that this ordinance will allow too many bins.

Eugene Sarafin, 628 S. Main Street – recommended that Council reconsider this ordinance as things can be picked up by appointment; the Borough should be licensing those who pick up items by appointment.

Scott Caster, 12 Clover Lane – commented that the parking lots downtown are privately owned and the property owners can place bins in those lots.

There being no further comments, the public hearing was closed.

Council President Hansen advised that there is presently no regulation on clothing bins in the Borough, this ordinance will regulate them.

There was discussion regarding limiting the locations to church lots only and that legitimate non-profits must own the bins; it was suggested that the number also be restricted by ordinance. The Borough Attorney advised that the legality of the suggested changes should be examined before adopting the ordinance.

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Councilmember Montferrat suggested that this ordinance, as currently written, be adopted; the Council could work on further revisions, but regulation of some kind is needed now.

Councilmember Misiura motioned to table the ordinance so the Borough Attorney can check into whether the Borough can restrict the bins as discussed, Councilmember Bluth seconded.

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

Ordinance tabled 5-1.

Ordinance 2015-24

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

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

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

**SECTION 1:** Purpose

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

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

**Clothing Bins, Locations and Permits**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **SECTION 3** Severability

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

### **SECTION 4** Effective Date

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

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

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Councilmember Kurs moved ordinance 2015-25 for adoption, Councilmember Stults seconded.

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

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

Ordinance adopted 6-0.

Ordinance 2015-25

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

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

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

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

**CHAPTER 2  
ADMINISTRATION**

**2-20 FIRE DEPARTMENT.**

**2-20.4 Election of Members; Qualifications.**

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

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

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

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

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

**Ordinance 2015-26 Final Reading and Public Hearing** Amending and Supplementing the Revised General Ordinances of the Borough of Hightstown, New Jersey” to Establish a New Chapter Thereof to be Known as “Tax Exemptions”

Councilmember Misiura moved ordinance 2015-26 for adoption, Council President Hansen seconded.

Mayor Quattrone opened the public hearing on ordinance 2015-26 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that it is a great ordinance and incentive; inquired why the Borough is doing the ordinance now.

Councilmember Misiura explained that it had been tossed around in discussion for the Borough to give incentive for people to upgrade and repair their property. Henry put us in touch with the Tax Assessor who noted that the state does have a provision for this type of ordinance. It is limited to homeowners and certain businesses.

Scott Caster, 12 Clover Lane – requested confirmation that the exemption would be on the added assessments only and for a period of five years.

There was discussion regarding what types of improvements result in added assessments and it was confirmed that the exemption would be on the added assessments only and for a period of five years.

Doug Mair, 536 S. Main Street – requested clarification regarding the types of repairs that are covered and what determines the amount of the exemption. Councilmember Misiura noted that the Assessor determines the added assessments and their value; he will also determine the exemption.

Mr. Mair then inquired as to how the five years applies. Councilmember Montferrat noted that it states in the ordinance that the five years begins when the improvement project is complete.

Mr. Mair inquired as to how often someone could get the exemption. The Borough Attorney advised that the ordinance dictates in section 6, one per year, per assessment. Councilmember Stults noted that not all repairs require permits nor will they cause an added assessment. Councilmember Misiura noted that most added assessments are caused by something new being added, not usually something replaced. Mr. Mair suggested that a sheet with the clarification information be distributed to those who inquire so as not to burden the Construction Official with explaining it to residents when they inquire.

Rob Thibault, 504 S. Main Street – commented that he has concern with the purpose of the ordinance and benefit to residents; he does not think it would be a deciding factor for residents to improve their property. He spoke regarding re-sale values of homes and thinks that this is stealing from taxpayers because the exemption also applies to school and county taxes, the other taxpayers will have to pay for the added assessments that are exempt. He noted that the retail and commercial has no limit in this ordinance, and suggested that taxes be reduced instead.

Eugene Sarafin, 628 S. Main Street – commented that the Council should re-think the incentive, only the wealthy who can afford the improvements will benefit.

Scott Caster, 12 Clover Lane – inquired whether the exemption is transferrable. Council noted that the exemption is attached to the property. Mr. Caster spoke regarding the lack of incentive, and without the incentive the ordinance will not be successful.

Rob Thibault, 504 S. Main Street – inquired whether there is evidence that this type of ordinance has worked elsewhere and commented that the commercial exemption could cost the Borough thousands.

There being no further comments, the public hearing was closed.

Councilmember Misiura noted that the suggestion to add retail to the exemption came from the Planning Board so businesses can

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benefit from improving their property. The Borough Attorney noted that the statute handles commercial property differently with no limitation on commercial improvements.

There was discussion regarding the definition of retail; encouraging foot traffic; and the ordinance not applying to service commercial establishments; the goal of the ordinance is to provide incentive; and removing the commercial aspect in the ordinance.

The Borough Attorney advised that the Council could amend the ordinance to remove the commercial aspect if they choose; all references to commercial and retail would be removed. Since they are not adding to the ordinance, which would require the public be given the chance to see the additions and comment on them, the amendment and adoption of the ordinance can still take place tonight.

Council President Hansen moved to amend ordinance 2015-26 to eliminate commercial and all references thereof from the ordinance and have it apply to residential property only, Councilmember Bluth seconded.

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

Ordinance amended 6-0.

Councilmember Montferrat moved to adopt ordinance 2015-26 as amended, Councilmember Stults seconded.

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

Ordinance adopted as amended 6-0.

#### **ORDINANCE 2015-26**

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

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

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

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

**WHEREAS**, the Mayor and Council of the Borough of Hightstown (the “Borough”) believe that the establishment of a program to grant exemptions from taxation relating to the rehabilitation of existing residential dwellings within the Borough, for periods of five (5) years, will constitute an effective tool to promote the rehabilitation of the Borough’s existing housing stock, and therefore that the program will benefit the residents of the Borough.

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

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## TAX EXEMPTIONS.

### Section 1. Intended Purposes and Objectives.

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

### Section 2. Definitions.

As used in this Chapter:

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

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

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

*Borough* shall mean the Borough of Hightstown.

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

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

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

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

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

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

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cooperative, if the residential units are owned separately.

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

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

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

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

### **Section 3. Area in Need of Rehabilitation Declared.**

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

### **Section 4. Exemptions Authorized.**

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

a. *Improvements to Existing Dwellings.*

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

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made is increased thereby.

6. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvements, unless there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

b. *Criteria for Exemption of Dwellings.*

In addition to the provisions set forth above, improvements to existing dwellings shall be eligible to receive a five-year exemption, as provided in this Chapter, upon meeting the following qualifications:

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

**Section 5. Determination of True Taxable Value by Assessor.**

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

**Section 6. Additional Improvements on Exempt Properties.**

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

**Section 7. Applications; Filing and Approval; Form.**

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

**Section 8. Applicability of Exemption to Tax Types.**

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

**Section 9. Annual Property Tax Bills.**

During the first year following adoption of this Chapter, an appropriate notice shall be included in the mailing of annual property tax bills to each taxpayer of the Borough notifying the public that tax exemptions may be permitted

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for the improvement and/or rehabilitation of existing residential dwellings within the Borough pursuant to the provisions of this Chapter. The notice shall advise the public that applications for exemption may be made immediately.

**Section 10. Annual Municipal Report.**

The Borough Council shall report, on or before October 1<sup>st</sup> of each year, to the Director of the Division of Local Government Services in the Department of Community Affairs and to the Director of the Division of Taxation in the Department of Treasury the total amount of real property taxes exempted within the Borough in the current tax year for improvements to existing dwellings.

**Section 11. Limitation on Exemptions.**

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

**Section 12. Application of Chapter.**

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

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

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

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

**Resolution 2015-273** Payment of Bills

Councilmember Bluth moved resolution 2015-273, Councilmember Stults seconded.

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

Resolution adopted 6-0.

Resolution 2015-273

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

**AUTHORIZING PAYMENT OF BILLS**

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$4,471,335.75 from the November 2, 2015

following accounts:

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

**Resolution 2015-274** Authorizing the Borough of Hightstown to Enter Into a Shared Service Agreement for Solid Waste Disposal with the Borough of Roosevelt

Council President Hansen moved resolution 2015-274, Councilmember Montferrat seconded.

There was discussion regarding the fee structure; the service being a real shared service that benefits both towns; and the agreement assisting with paying for the new truck.

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

Resolution adopted 6-0.

Resolution 2015-274

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

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

**WHEREAS**, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq. (the “Act”), authorizes local units November 2, 2015

of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

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

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

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

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

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

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

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

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

**Consent Agenda Resolutions 2015-275, 2015-271, 2015-276, and 2015-277:**

Councilmember Kurs moved resolutions 2015-275, 2015-271, 2015-276, and 2015-277 as the consent agenda, Councilmember Stults seconded.

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

Resolutions adopted 6-0.

Resolution 2015-275

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

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

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

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

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

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

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

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

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

<b>SCHEDULE A TO RESOLUTION 2015-275</b>	
<b>Year and Make</b>	<b>Vin/Serial</b>
1988 Wheel Horse 310-10 Snow Blower	21-10K805
1987 Wheel Horse 308-8	21-08K803
1986 Toro Groundsmaster 322D - 72" Deck	61044
Tennant Sweeper with charger	n/a
Toro Groundsmaster 223D	n/a
1996 Dodge Utility	1B7KC26Z8TJ200737
1996 Dodge Pickup with Plow	1B7KF26C6TJ201386
1987 Chevy Van School Bus	2GBHG31K2H4141378
1975 Toro Groundsmaster Sweeper 72	n/a
Portable Gas Generator	n/a
1966 Ford Walk in Truck	P35AL750050
1974 Ford L8000 Garbage Truck	R8904VT33948
1985 Kohler Generator	117003
1997 Ford Taurus	1FALP5228VG222147
2001 Ford Crown Victoria	2FAFP71W21X165784
2004 Ford Crown Victoria	2FAHP71W84X106039
1982 Chevy C60	1GBG6D1FXCV127678
1994 Ford Escort	1FAAP15J8RW132837

Resolution 2015-271

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

**AUTHORIZING SALE BY ASSIGNMENT OF**

November 2, 2015

**TAX SALE CERTIFICATE #15-00011**

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

Certificate No.:15-00011

Property Location: Block 40, Lot 18

Owner of Record: Samuel Ames

Date of Tax Sale: October 8, 2015

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

Resolution 2015-276

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

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

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

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

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

Resolution 2015-277

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

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

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

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

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

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

### **Handicapped Parking Ordinance**

The Mayor and Council reviewed the cost estimate from Public Works regarding the cost to install the signs. There was discussion and it was decided that the ordinance would be put on the next agenda for introduction, but the payment of installation costs for an on street parking spot at a residence would be eliminated.

### **Home Base Business Ordinance**

Mayor Quattrone advised that the recommended changes in the ordinance have come from the Planning Board.

There was discussion regarding Real Estate and Insurance not being acceptable, while Attorney offices are. It was noted that Attorney Offices have limited visitors, while the other offices have people coming and going all day; and the ordinance does not permit for more than one office staff member, the other offices usually have several staff members.

Council agreed that the ordinance changes, as recommended by the Planning Board, should be placed on the next meeting agenda.

### **E-Mail Protocol**

Council President Hansen noted that e-mails are directed to the Mayor and Council and either nobody answers, or everybody answers separately. There needs to be a process so the proper information is given and Council knows that the e-mail has been responded to. There was discussion and it was decided that e-mails addressed to Mayor and Council will be directed to the Municipal Clerk or Administrator who will then respond and copy Mayor and Council.

### **Meeting Time**

Councilmember Misiura noted that the 6:15pm start time for executive session is difficult to make due to work schedules; 7:00pm would be more reasonable. There was discussion regarding Professionals being needed in executive session and it was decided that when the resolution is done determining the schedule for 2016 at the reorganization meeting, the general meeting will be scheduled for 7:30pm; executive session could then begin at 7:00pm.

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

Doug Mair, 536 S. Main Street – commented that he has read the home based business ordinance in advance; he get 100+ e-mails daily and responds to each, he expects the Mayor and Council to do the same; Council members did not tell the voters they could not stay late at meetings, if it is an issue you should not have run.

Lynne Woods, 315 Park Avenue – commented that she got a call that paving was going to take place for the road project, but it did not; the public needs updates.

Mary Beth Colvell, 126 Broad Street – reviewed ADA requirements

Rob Thibault, 504 S. Main Street – commented that his issue with the Roosevelt agreement is that it does not cover cost.

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## **Mayor/Council/Administrative Reports**

**Councilmember Stults** – advised the Planning Board is close with the design ordinance and the A-Frame sign ordinance has been drafted and is forthcoming as is the Highway Commercial ordinance; Downtown Hightstown is waiting for the resolution from the Planning Board for the Master Plan regarding the Vision then they can move forward; Downtown Hightstown will be hanging the holiday lights and are in need of volunteers to assist checking and hanging lights, possibly the Saturday before Thanksgiving; He reviewed the Inspection report.

**Councilmember Kurs** – commented that his carbon monoxide detector went off, and he thanked the Fire Department for their assistance, and reminded the public to make sure their detectors batteries are fresh and the detectors work; Firefighter Napa, Jr. passed away on October 27<sup>th</sup>, he was a long time member and we thank him for his service to the community and his family for letting him serve as long as he did. He is glad ordinance 2015-25 passed; Halloween was exciting and he thanked the Police for the public safety; advised that 32 resumes for Police Officer were received and are being reviewed; he reviewed the monthly police report; noted that the power outage on October 26<sup>th</sup> was due to mylar balloons.

**Councilmember Bluth** – commented that Stockton Street was very nice on Halloween and the Police did a great job, it was a wonderful evening.

**Councilmember Montferrat** – suggested that the public e-mail their questions prior to the meeting so Council can have the appropriate answers at the meeting.

**Councilmember Misiura** – noted that Halloween was great on South Main Street also and there was a strong Police presence; he attended the Environmental Commission meeting but has nothing to report; reminded everyone that the general election is tomorrow and requested that a reverse call be made tomorrow to remind everyone to vote.

**Council President Hansen** – noted that she thought there were a lot of people for Halloween; there will be a water/sewer meeting on Wednesday; while there was strain to the residents during the road project, it looks nice; we also know how to handle e-mail in business, but in government your responses have to be correct and direct; there is potential for discussion regarding the re-development of the Rug Mill at the next meeting.

**Mayor Quattrone** – noted that he tries to respond to all e-mails; he spent Sunday afternoon with the Latin community; he is pleased with the handicapped parking ordinance; Halloween is a big holiday and is growing every year in Hightstown, he suggested that a decorating contest and costume parade be held next year.

**Councilmember Bluth** – noted that the Parks & Recreation Commission is discussing Halloween activities.

**Mayor Quattrone** – noted that Hightstown should do a ceremony for Veterans Day.

There was discussion regarding the timeline for completion of the road project. Mr. Underhill noted that he will do a reverse call updating the status.

Councilmember Montferrat moved to go back into executive session at 10:30pm, Council President Hansen seconded. All ayes.

Council returned to open session at 11:20pm.

Councilmember Stults moved to adjourn at 11:20pm, Council President Hansen seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk

November 2, 2015