

**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.

Derek 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 manager 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 an 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 linens.
- 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 Councils 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 would be 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