

**Meeting Minutes
Hightstown Borough Council
Business Meeting
June 20, 2016
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:00 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.

	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: Margaret (Peggy) Riggio, Deputy Borough Clerk; Henry Underhill, Borough Administrator; Fred Raffetto, Borough Attorney and Frank Gendron, Chief of Police.

EXECUTIVE SESSION

Resolution 2016-133 Authoring a Meeting that Excludes the Public

Council President Montferrat moved Resolution 2016-133; Councilmember Bluth seconded.

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

Resolution adopted 4-0.

Resolution 2016-133
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on June 20, 2016 at 7:00 p.m. at the Hightstown Engine Co. #1 Fire House Hall located at 140 North Main Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Personnel – Promotions
Litigation – Marchione

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: September 20, 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 7:32 p.m. and again read the Open Public Meetings Statement. George Lang, CFO arrived at this time and is now present.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Mayor Quattrone asked for the Agenda to be amended adding Resolution 2016-141 Appointing Police Sergeant Stephensen and Resolution 2016-142 Appointing Police Sergeant Jimenez. Councilmember Montferrat moved the agenda as amended for approval; Councilmember Kurs seconded.

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

Agenda approved as amended 4-0.

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

Resolution adopted 4-0.

APPROVAL OF MINUTES

Councilmember Kurs moved the May 16, 2016 Business Meeting Minutes for approval, Councilmember Stults seconded.

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

Minutes approved 4-0.

Resolution 2016-141 Appointing a Police Sergeant – Officer Ronald Stephensen

Councilmember Kurs moved Resolution 2016-141; Councilmember Stults seconded.

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

Resolution adopted 4-0.

Resolution 2016-141

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

APPOINTING A POLICE SERGEANT – OFFICER RONALD STEPHENSEN

WHEREAS, to maintain the proper and efficient conduct of all police functions it is necessary to appoint an additional Sergeant; and

WHEREAS, a test was administered in accordance with policy and it was found that Officer Ronald Stephensen meets all of the qualifications of a promotion to Police Sergeant; and

WHEREAS, Officer Stephensen will be required to fulfill a six month probationary period in the title of Sergeant; and

WHEREAS, Frank Gendron, Police Chief, has recommended that Officer Ronald Stephensen assume the duties and salary of Sergeant effective immediately to establish both a clear chain of command and full compliance with all legal obligations of the Hightstown Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Officer Ronald Stephensen is hereby appointed as Sergeant for the Borough of Hightstown Police Department effective Tuesday, June 21, 2016.

Resolution 2016-142 Appointing a Police Sergeant – Detective Francisco Jimenez

Councilmember Kurs moved Resolution 2016-142; Councilmember Bluth seconded.

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

Resolution adopted 4-0.

Resolution 2016-142

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

APPOINTING A POLICE SERGEANT – DETECTIVE FRANCISCO JIMENEZ

WHEREAS, to maintain the proper and efficient conduct of all police functions it is necessary to appoint an additional Sergeant; and

WHEREAS, a test was administered in accordance with policy and it was found that Detective Francisco Jimenez meets all of the qualifications of a promotion to Police Sergeant; and

WHEREAS, Detective Jimenez will be required to fulfill a six month probationary period in the title of Sergeant; and

WHEREAS, Frank Gendron, Police Chief, has recommended that Detective Francisco Jimenez assume the duties and salary of Sergeant effective immediately to establish both a clear chain of command and full compliance with all legal obligations of the Hightstown Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Detective Francisco Jimenez is hereby appointed as Sergeant for the Borough of Hightstown Police Department effective Tuesday, June 21, 2016.

At this time, Police Chief Frank Gendron left the meeting.

PUBLIC COMMENT

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

Scott Caster, 12 Clover Lane – Spoke regarding the Business Licensing Ordinance. The definition of retail is *to sell something to customers for their own use*. He stated that there are too many businesses in Hightstown to license. It will be too much to cover all business. What if they are not a “qualified” business? We need a business registration, not a license.

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

ORDINANCES

2016-15 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 4, Entitled “General Licensing” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Regarding the Licensing of Retail Businesses.

Mayor Quattrone opened the Public Hearing on Ordinance 2016-15 and the following individuals spoke:

Scott Caster, 12 Clover Lane – At the last business owner’s meeting, this was not brought up. None of the business owners are aware that this is happening. If you adopt this now, people will be upset. He cares about the downtown businesses. He feels this is being rushed and is inappropriate to adopt at this time.

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

Councilmember Kurs moved Ordinance 2016-15 for adoption; Councilmember Bluth seconded.

Councilmember Stults stated that he thought that the ordinance, as written, was too far reaching and that this should be tabled until changes could be made. This should be to find out who’s doing business downtown, not to approve the business. The ordinance seems counterintuitive, we want businesses to cooperate. A registration seems more appropriate than a licensing.

Mayor Quattrone commented that the reason the ordinance was written as licensing was so the Borough would have control over pulling the license if there was a tax or environmental issue.

Councilmember Bluth stated that she agreed with Mr. Stults. We are a small municipality and the licensing is not what we are trying to accomplish.

Councilmember Montferrat stated that the added cost to the business and to the administration of the licensing is not good.

Councilmember Kurs stated that he is not opposed to the ordinance as written but does not want to rush anything. He is ok with tabling the adoption of this ordinance.

Councilmember Kurs moved to table Ordinance 2016-15; Councilmember Stults seconded.

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

Ordinance tabled 4-0.

ORDINANCE 2016-15

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

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

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

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

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

Chapter 4

GENERAL LICENSING

Sections:

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

Section 4-1

LICENSE REGULATIONS

Subsections:

- 4-1.1 Purpose.
- 4-1.2 Application.
- 4-1.3 Investigation of Applicant; Appeals to Borough Council.
- 4-1.4 Fee Schedule.
- 4-1.5 Contents of License.
- 4-1.6 License Record to be Kept.

- 4-1.7 **Display of License.**
- 4-1.8 **Transferability.**
- 4-1.9 **Expiration; Renewal.**
- 4-1.10 **Revocation of License.**
- 4-1.11 **Notice of Hearing.**
- 4-1.12 **Hearing.**
- 4-1.13 **Reinstatement of Revoked or Denied Licenses.**
- 4-1.14 **Promulgation of Rules and Regulations.**
- 4-1.15 **Violation and Penalties.**

4-1.1 Purpose.

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

4-1.2 Application.

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

1. Any previous revocation or suspension and the reasons there for.
2. Statement that applicant is not violating the Zoning Regulations of the Borough. If applicant occupies a nonconforming use, proof of date of occupancy and operation must be given.
3. Statement that applicant is not in default under the provisions of this Chapter, and is not indebted or obligated to the Borough; and, if the applicant is the owner of the property, a statement that the property taxes have been paid through the preceding quarter and that there are no unpaid assessments against the property.
4. Such other facts relative to the general personal history of the applicant, or its officers and managers if the applicant is not an individual, so as to enable the Borough license officer to make a fair determination of the eligibility of the applicant.
5. Name of person to whom license will be issued and his/her residence address. If applicant is not an individual, then the names, positions and residence addresses of all officers and managers of the applicant.
6. The premises at which the business is to be carried on and the name and address of the owner of the premises.
7. Where applicable, if the applicant does not reside or have its principal business office in the Borough, the name and address of the agent of the applicant located in the Borough, who is authorized to accept service of process, summonses, any notices or orders in connection with the issuance of and operation under any license issued under this section on behalf of the applicant, and to comply with same on behalf of the applicant.
8. Where applicable, a floor plan of the premises to be licensed designating the number of occupants permitted in each room for sleeping purposes.
9. The statement of information required under this subsection shall be verified under oath, containing the signature of the applicant or agent, each of whom shall be equally responsible for the truthfulness and accuracy of the information set forth in the statement.

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

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

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

4-1.4 Fee Schedule.

a. Fees shall be as follows:

<u>License</u>	<u>Fee</u>
Peddlers, hawkers and vendors	\$75.00 per year
Solicitors and canvassers	\$75.00 per month
Charitable solicitations	No fee
Movie theatres	\$50.00 per year
Pool and billiard parlors	\$50.00 per year
Coin-operated vending machines (in coin-operated laundries):	
Automatic washers	\$10.00 per machine per year
Dryers	\$10.00 per machine per year
Coin changers	\$10.00 per machine per year
Soap-dispensing machines	\$10.00 per machine per year
Automatic vending machines:	
Vending merchandise or service of any description (Non-food)	\$40.00 per machine per year
Amusement, skill and video machines	\$100.00 per machine per year

Weighing scales	\$30.00 per machine per year
Coin-operated phonographs	\$75.00 per machine per year
Coin-operated reproducing machines	\$60.00 per machine per year
Going-out-of-business sales	\$150.00 per sale
Circuses and traveling shows	\$100.00 per day
Auctions	\$100.00 per day
Boardinghouses, rooming houses and rooming units*	
1 to 3 boarders or roomers	\$5.00 per boarder or roomer per year
4 or more boarders or roomers	\$3.00 per boarder or roomer per year

Retail Businesses (sale of goods or services) \$60.00 per year

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

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

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

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

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

4-1.5 Contents of License.

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

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

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Code § 133-5)

4-1.6 License Record to be Kept.

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

4-1.7 Display of License.

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

4-1.8 Transferability.

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

4-1.9 Expiration; Renewal.

Except where expressly provided otherwise, all licenses shall expire on December 31 of the year of issue at 12:00 midnight. Applications for the renewal of licenses shall be made not later than December 1 of the year of issue. (1991 Code § 133-9)

4-1.10 Revocation of License.

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

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

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

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

4-1.11 Notice of Hearing.

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

4-1.12 Hearing.

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

4-1.13 Reinstatement of Revoked or Denied Licenses.

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

4-1.14 Promulgation of Rules and Regulations.

The Council may, by resolution, make rules and regulations which interpret or amplify any provisions of this section or for the purpose of administering the provisions of this section or making them more effective. No regulation shall be inconsistent with or alter or amend any provision of this section, and no regulation shall impose any requirement which is in addition to or greater than the requirements that are expressly or by implication imposed by any provision of this section. (1991 Code § 133-14)

4-1.15 Violation and Penalties.

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

Section 4-3

SOLICITORS AND CANVASSERS*

Subsections:

- 4-3.1 Definitions.
- 4-3.2 License Required.
- 4-3.3 Exceptions.
- 4-3.4 Application.
- 4-3.5 Licenses.
- 4-3.6 Hours and Days of Activities.

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

4-3.1 Definitions.

As used in this section:

“Solicitor” shall mean a person, also known as a "canvasser," whether resident of the Borough or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, from house to

house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale, with or without accepting in advance payment for the goods. The term "solicitor" shall also include any person who may be taking a poll or survey from house to house or on the streets or distributing advertisements or handbills. (1991 Code § 117-8)

4-3.2 License Required.

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

4-3.3 Exceptions.

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

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

4-3.4 Application.

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

4-3.5 Licenses.

The Borough Clerk shall issue to each licensee a license on which shall appear the words "Solicitor License," the period for which the license is issued and the number of the license. During the time such licensee is engaged in soliciting, the license shall be carried with the Solicitor and presented upon request to any Police Officer or perspective customer. (1991 Code § 117-12)

4-3.6 Hours and Days of Activities.

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

Section 4-11

RETAIL FOOD ESTABLISHMENTS*

Subsections:

4-11.1 License Required.

4-11.2 Investigation of Applicant.

4-11.3 Suspension or Revocation of License.

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

4-11.1 License Required.

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

4-11.2 Investigation of Applicant.

In addition to the requirements contained in Section 4-1, each application for a license under this section shall be investigated by the Borough Health Officer, who shall report his findings, in writing, to the Mayor and Council within a reasonable time. No license shall be issued unless the Health Officer reports that the applicant conforms to all provisions of the Retail Food Establishment Code. (1991 Code § 105-2)

4-11.3 Suspension or Revocation of License.

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

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

Section 4-12

RETAIL ESTABLISHMENTS*

Subsections:

4-12.1 Definitions.

4-12.2 License Required.

4-12.3 Exceptions.

4-12.4 Additional Application Requirements.

4-12.1 Definitions.

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

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

4-12.2 License Required.

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

4-12.3 Exceptions.

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

- a. Any establishment that has obtained an annual retail food license.
- b. Any establishment that has obtained a Coin-operated vending machine license (in coin-operated laundries).
- c. Home occupations that comply with definition included in 28:10.6 of zoning regulations.

4-12.4 Additional Application Requirements.

- a. In addition to general requirements stated in section 4-1, the application for a license shall also require:
1. That the use does not conflict with the regulations of Chapter 28, "Zoning".

4-12.5 Suspension or Revocation of License.

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

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

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

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

2016-16 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 2, Entitled “Administration”, Section 2045, Entitled “Historic Preservation Commission”, Subsection 2-45.3, Entitled “Establishing of the Historic Preservation Commission” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Regarding Membership

Mayor Quattrone opened the Public Hearing on Ordinance 2016-16 and the following individuals spoke:

Scott Caster, 12 Clover Lane – Stated that he supports this ordinance but regrets that we cannot get people to serve. Asked Council what can be done to get people involved?

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

Councilmember Kurs moved Ordinance 2016-16 for adoption; Councilmember Montferrat seconded.

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

Ordinance adopted 4-0.

Ordinance 2016-16
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

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

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

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

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

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

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

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

1. To identify, record and maintain a survey of all buildings, structures, sites, objects, improvements and Districts of historical significance within the Borough of Hightstown.
2. To recommend to the Mayor and Council the designation of buildings, structures, sites, objects or improvements as Historic Landmarks, and to recommend the designation of Historic Districts.
3. To monitor and recommend to the Mayor and Council any buildings, structures, sites, objects, improvements or Districts for inclusion in the New Jersey or National Register of Historic Places.
4. To make recommendations to the Planning Board on the [Historic Preservation Plan Element](#) of the Master Plan and on the implications of Historic Landmarks and Historic Districts of any other Master Plan elements. The HPC may provide information to the Planning Board indicating the location and significance of Historic Landmarks and Historic Districts, and identify the standards used to assess worthiness for Historic Landmark or Historic District designation.
5. To advise the Planning Board on applications for development pursuant to N.J.S.A. 40:55D-110.
6. To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation to proposed construction.
7. To review and render recommendations regarding applications for HPC Opinions as set forth in this Ordinance.
8. To advise the Planning Board, other Borough Commissions and Committees and the Mayor and Council on the inclusion of Historic Landmarks and Historic Districts in the [Borough's](#) revitalization planning.
9. To monitor and recommend to the Mayor and Council the submission of any grants related to historic preservation.
10. To carry out other advisory, educational and informational functions [to](#) promote historic preservation in the Borough.

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

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

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

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

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

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

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

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

2016-17 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 24, Entitled “Flood Damage Prevention,” To the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Mayor Quattrone opened the Public Hearing on Ordinance 2016-17 and the following individuals spoke:

Seeing no one coming forward, Mayor Quattrone closed the public hearing.

Councilmember Montferrat moved Ordinance 2016-17 for adoption; Councilmember Stults seconded.

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

Ordinance adopted 4-0.

Ordinance 2016-17
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

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

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

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

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

1.1 STATUTORY AUTHORIZATION

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

1.2 FINDINGS OF FACT

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

1.3 STATEMENT OF PURPOSE

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

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

1.4 METHODS OF REDUCING FLOOD LOSSES

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

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

SECTION 2.0

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood

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

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

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

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

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

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

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

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

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

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

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

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

Historic Structure — Any structure that is:

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

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

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

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

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

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

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

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

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of

accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

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

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

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

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

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

3.3 PENALTIES FOR NONCOMPLIANCE

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

3.4 ABROGATION AND GREATER RESTRICTIONS

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

3.5 INTERPRETATION

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

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

3.6 WARNING AND DISCLAIMER OF LIABILITY

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

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

SECTION 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a

Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

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

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

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

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

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

4.3-1 PERMIT REVIEW

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

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

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

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

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

4.3-4 ALTERATION OF WATERCOURSES

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

4.3-5 SUBSTANTIAL DAMAGE REVIEW

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

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

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

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Planning Board shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.
- d) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;

- viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

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

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction

Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

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

5.1-2 CONSTRUCTION MATERIALS AND METHODS

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

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

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

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by

a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

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

5.2-1 RESIDENTIAL CONSTRUCTION

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

5.2-2 NONRESIDENTIAL CONSTRUCTION

- a) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:
either
 - a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
 - b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;or
 - c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
 - d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

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

5.3 FLOODWAYS

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

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

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

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

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

2016-18 – an Ordinance Amending and Supplementing Subsection 28-3.11, Entitled “AA Active Adult Age-Restricted Housing,” of Section 28-3, “Districts Established: Zoning Maps,” of Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Mayor Quattrone opened the Public Hearing on Ordinance 2016-18 and the following individuals spoke:

Seeing no one coming forward, Mayor Quattrone closed the public hearing.

Councilmember Stults move Ordinance 2016-18 for adoption; Councilmember Montferrat seconded.

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

Ordinance adopted 3-1.

Ordinance 2016-18
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

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

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

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

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

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

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

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

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

a. Minimum Tract Size.

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

b. Age Restrictions.

1. ~~All dwelling units within an age restricted housing development shall be deed restricted for occupancy by households with at least one (1) person fifty five (55) years of age or older and with no person less than nineteen (19) years of age, provided that visitors less than nineteen (19) years of age are permitted for no more than eight (8) weeks during any twelve (12) month time period.~~ The use and occupancy of all dwelling units within an

age-restricted housing development shall comply in all respects with the requirements of the Federal "Housing for Older Persons Act" of 1995 ("HOPA"), the Federal Fair Housing Act, and the New Jersey Fair Housing Act of 1985, as said statutes exist now or as they may be amended in the future.

- ~~2- The form and wording of the proposed deed restrictions shall be submitted to the Planning Board for review as part of the application for Preliminary Site Plan and/or subdivision approval, and the wording shall be reviewed, modified as necessary, and finally approved by the Planning Board, and incorporated within a Developer's Agreement between the developer and the Borough Council as a condition of any approval granted by the Planning Board for an active adult age-restricted housing development.~~
- ~~3- The wording of the deed restrictions as approved by the Planning Board shall be recited in the Master Deed and the Homeowners Association by laws.~~

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

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

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

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

RESOLUTIONS

Resolution 2016-134 Authorizing Payment of Bills

Councilmember Kurs moved Resolution 2016-134; Councilmember Stults seconded.

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

Resolution adopted 4-0.

Resolution 2016-134

*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 \$99,398.88 from the following accounts:

Current		\$56,330.82
W/S Operating		26,719.06
General Capital		9,986.50
Water/Sewer Capital		0.00
Grant		0.00
Trust		2,452.00
Housing Trust		1,134.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>2,776.50</u>
Total		<u>\$99,398.88</u>

Resolution 2016-128 Authorizing Services of Robbie Conley Architect, LLC to Provide Preliminary Architectural Services for the Municipal Building and Police Facilities

Councilmember Stults moved Resolution 2016-128; Councilmember Montferrat seconded.

Mr. Underhill explained that Robbie Conley Architect has experience with Fire and Police buildings. He met with them and they understand what we need. They will give us several preliminary drawings along with cost estimates to submit for insurance.

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

Resolution adopted 4-0.

Resolution 2016-128
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING SERVICES OF ROBBIE CONLEY ARCHITECT, LLC TO PROVIDE
PRELIMINARY ARCHITECTURAL SERVICES FOR THE MUNICIPAL BUILDING
AND POLICE FACILITIES.**

WHEREAS, the Borough has determined that it wishes to retain a professional architect to provide services related to the repair/replacement of the Borough’s Municipal Building and Police Facilities (also collectively referenced as the “Borough Hall Complex”); and

WHEREAS, the Contractor has submitted a proposal to perform these services, dated May 31, 2016; and

WHEREAS, the Borough wishes to retain the Contractor to provide the necessary services; and

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional

services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the costs for the proposed services shall not exceed Seven Thousand Eight Hundred (\$7,800.00) plus expenses without further approval of the Governing Body; and

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Robbie Conley Architect, LLC regarding the above-referenced professional architectural services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Robbie Conley Architect, LLC is a firm whose architects are authorized by law to practice a recognized profession.

Resolution 2016-135 Awarding a Contract for Engineering Inspection Services for the Well No. 1 Rehabilitation Project at the Water Treatment Plant

Councilmember Kurs moved Resolution 2016-128; Councilmember Montferrat seconded.

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

Resolution adopted 4-0.

Resolution 2016-135

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

**AWARDING A CONTRACT FOR ENGINEERING INSPECTION SERVICES FOR
THE WELL NO. 1 REHABILITATION PROJECT AT THE WATER TREATMENT
PLANT**

WHEREAS, Hightstown Borough intends to make various improvements to the Rehabilitation of Well No. 1 at the Water Treatment Plant in the Borough; and

WHEREAS, Hightstown Borough requires professional engineering services for assistance and observation during the construction phase of the project; and

WHEREAS, Hightstown Borough desires that Carmela Roberts of Roberts Engineering Group, LLC of Hamilton, New Jersey undertake these professional engineering services and;

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the cost for the proposed services shall not exceed \$19,500.00 without further approval of the Governing Body; and

WHEREAS, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Roberts Engineering Group, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust; and

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

WHEREAS, the Borough Administrator and Purchasing Agent have reviewed the proposal and recommend that the contract for the engineering inspection and recommendations for payment to the contractor for the Rehabilitation of Well No. 1 at the Water Treatment Plant be made to Roberts Engineering Group LLC; and

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Roberts Engineering Group, LLC regarding the above-referenced professional engineering services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because The Roberts Engineering Group is a firm whose engineers are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

CONSENT AGENDA

Consent Agenda – Resolutions 2016-136; 2016-137; 2016-138; 2016-139; 2016-140

Councilmember Montferrat moved Resolutions 2016-136; 2016-137; 2016-138; 2016-139; 2016-140 as a consent agenda; Councilmember Kurs seconded.

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

Resolutions adopted 4-0.

Resolution 2016-136

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

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-011 HIGHTSTOWN LIQUORS & WINES, LLC

WHEREAS, Hightstown Liquors and Wines, LLC has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-011, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Hightstown Liquors & Wines, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

WHEREAS, the Chief of Police has been consulted and has no objections to renewal of this license.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Hightstown Liquors & Wines, LLC doing business as Hightstown Liquor at 107 Stockton Street:

**2016-17 Plenary Retail Distribution License
License #1104-44-002-010
Fee: \$2,500.00**

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2016-137
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-009
PALUMBO RESTAURANTS, T/A TAVERN ON THE LAKE**

WHEREAS, Palumbo Restaurants, Inc. has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-009, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Palumbo Restaurants Inc. is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Police Department has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Palumbo Restaurants, Inc. , doing business as Tavern on the Lake at 101-103 Main Street:

**2016-17 Plenary Retail Consumption License
License #1104-33-003-009
Fee: \$2,500.00**

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2016-138
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-32-001-006
WINE DEPOT CORPORATION, T/A HEDY'S LIQUORS AND JOE CANAL'S
DISCOUNT LIQUOR OUTLET**

WHEREAS, Wine Depot Corporation has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-006, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Wine Depot Corporation is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Police Department has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Wine Depot Corporation, doing business as Hedy's Liquors and Joe Canal's Discount Liquor Outlet at 500 Mercer Street:

**2016-17 Plenary Retail Consumption License with Broad Package Privilege
License #1104-32-001-006
Fee: \$2,500.00**

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2016-139
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING AND SUPPORTING AN APPLICATION FOR A LOCAL ARTS
PROGRAM GRANT**

WHEREAS, the New Jersey State Council on the Arts, Mercer County Executive, Brian M. Hughes and the Mercer County Board of Chosen Freeholders have made funds available for support of the Arts through a State/County Block Grant Partnership for Arts Organization and County Art Agencies; and

WHEREAS, the Borough of Hightstown has established a Cultural Arts Commission for the development of artistic and cultural appreciation and expression as an important consideration in the progress and growth of our society; and

WHEREAS, the Cultural Arts Commission's pursuit through the presentation of cultural/artistic events and programs, and establishment of art installation sites and venues is declared to be a significant goal benefiting all Mercer County residents, as well as those who reside outside Mercer County; and

WHEREAS, a resolution authorizing this municipality to apply for the Local Arts Program Grant will memorialize the commitment of this municipality to the Arts, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the Hightstown Borough Cultural Arts Commission;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough of Hightstown hereby endorses the submission of a Local Arts Program Grant application in support of the Hightstown Borough Cultural Arts Commission.

Resolution 2016-140

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

**AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR
PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, the Borough of Hightstown has determined to move forward with the EMEX Reverse Auction in order procure electricity for the Borough of Hightstown; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Borough of Hightstown will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com ; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and be it

RESOLVED, that a certified copy of this Resolution be forwarded by the Borough of Hightstown Clerk to the following:

1. EMEX, LLC
2. New Jersey Department of Community Affairs
3. Frederick Raffetto, Borough Attorney
4. Henry Underhill, Borough Administrator

; and

FURTHER RESOLVED, that the Borough Administrator of the Borough of Hightstown is hereby authorized to execute on behalf of the Borough of Hightstown any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

PUBLIC COMMENT PERIOD II

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

Scott Caster, 12 Clover Lane – Thanked Council for tabling the Licensing Ordinance. He invited Mayor Quattrone to walk through the downtown businesses and introduce himself to the owners. The purpose of the ordinance shouldn't be to license but to register to get contact information for emergencies and to keep communication open. We need to work together to make Hightstown better.

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

SUBCOMMITTEE

The Mills at Hightstown – RBG

There is a Special Meeting scheduled for June 27th. Council will be entering into Executive Session at 6:30 pm

and entering into Open Session at 7:30 pm. During the Open Session, RBG will be presenting a revised concept plan for the Rug Mill Site. No action will be taken at that special meeting.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Bluth

Parks & Recreation – Farmer’s Market will begin June 23rd and will continue every Thursday evening from 5 pm – 8 pm until September 15th.

Triathlon – Will be Sunday, September 11th.

Cultural Arts Commission – Is planning a fundraiser scheduled for the Saturday before Halloween.

Councilmember Montferrat

Harvest Fair – Committee is scheduled to meet tomorrow night.

Historic Preservation Commission – Last meeting was cancelled, nothing was on the agenda.

Board of Health – Discussed the Smoke Free Parks Ordinance at length.

Councilmember Kurs

Sergeants Promotions – The process consisted of written test and interview. He is very happy with the process and the results and welcomes our two new Sergeants.

Councilmember Stults

Downtown Businesses – He and the Mayor had another meeting with the business owners and had a better turnout. They would like to continue this meeting once a month.

Downtown Hightstown – They have retained an individual that will handle promotions for Downtown. This person is trying to come up with a discount program with the downtown restaurants for lunch discounts. The purpose is to get people downtown.

Construction Department – George Chin will work on the Flag Ordinance. Dave Bell is continuing working on inspections and rental registration. He is also working with the Health Department with pool violations.

Henry Underhill, Business Administrator

Etra Road – The County will begin pavement and drainage work on July 5th. The Police Department will have been in contact with the Peddie School to ensure traffic flow during the work.

Mayor Quattrone

Downtown Business Meeting – Would like to keep this as a monthly meeting. They are working on trying to find the best time for everyone to make this meeting the most productive it could be.

RBG Redevelopment – Things on this keep changing but it is moving in the right direction.

ADJOURNMENT

Councilmember Kurs motioned to adjourn at 8:28 p.m. Councilmember Stults seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk