

Meeting Minutes
Hightstown Borough Council
Regular Meeting
April 5, 2010 6:00 pm

The meeting was called to order by Mayor Robert Patten at 6:30 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 advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Flag Salute was followed by Roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>		✓
<i>Mayor Patten</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; Richard Shaklee, Borough Labor Counsel; George Lang, Chief Finance Officer and James Eufemia, Chief of Police.

Councilmember McGinty motioned that the agenda be revised to move approval of the agenda to follow the executive session, Councilmember Bond seconded; all approved.

Resolution 2010-78 Authorizing a Meeting Which Excludes the Public

Council President Quattrone moved resolution 2010-78, Councilmember Sikorski seconded.

Councilmembers Bond, McGinty, Musing Quattrone and Sikorski voted yes.

RESOLUTION 2010-78 APPROVED 5 – 0.

Resolution 2010-78

*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 April 5, 2010 at approximately 6:30 p.m. at the Ely House 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 – in the matter of Officer Ronald Aponte

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: July 5, 2010, or when the need for confidentiality no longer exists.

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

Council adjourned into executive session at 6:35 pm.

Council re-convened into public session and the meeting was called to order by Mayor Patten 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 advertised in the *Trenton Times* and the *Windsor-Heights Herald*, and is posted in the Borough Clerk's office."

The Flag Salute was followed by Roll call, which remained the same.

Council President Quattrone motioned that the agenda be amended to add a Police Study public and council comment period, resolution 2010-83 be pulled from the agenda and to continue the executive session directly following the general meeting. Councilmember Musing seconded. All Ayes.

Council President Quattrone moved the minutes of December 7, 2009 Open Session for approval, Councilmember Sikorski seconded. All Ayes. Minutes approved 6 – 0.

Presentation on Autism Awareness

The Mayor introduced Hightstown resident Camellia Camille, and East Windsor resident Jane Britton. The Mayor then acknowledged Dale Grubb and Shirley Olsen for their Club's support and efforts in increasing public awareness of autism. Ms. Camille and Ms. Britton gave a personal experience and statistical presentation on how autism affects the community. The Mayor thanked the speakers and presented a proclamation recognizing autism awareness and proclaiming April as "Autism Awareness Month" in Hightstown Borough.

The Mayor then introduced Gary Stevens, the new Webmaster for the Borough. Mr. Stevens presented the new website paying particular attention to its functionality. Council thanked Mr. Stevens for a job nicely done.

The Mayor then opened the Police Study public comment period.

Bill Gilmore, Hightstown EDC Chairperson – commented that the EDC was supportive of outsourcing the Police and Court Services. He stated that Council was elected to make decisions on behalf of the taxpayers and that they should make the decision, not to wait for the public to make it for them. Council should vote for the recommendation in the Police Study.

Frank Rivera, 110 Broad St. – was in favor of outsourcing and reminded Council that they had promised to take any opportunity that presented itself to save the taxpayers, and these savings are real and on-going. He implored Council to show what real leadership is like.

Eugene Sarafin, 628 S. Main St. – had concerns that the issues specific to Hightstown Borough would not be addressed. He also stated that he read the report and wondered why it read that only Mayor or Council would be able to contact the police if this merger takes place.

Torry Watkins, 68 Meadow Drive – he read the report and said there is a clause regarding police contact but it refers to the Administrative contact, not for residents. He has lived in Hightstown Borough for forty years and urged Council to consider an agreement with East Windsor for Police services.

J. P. Gibbons, 602 S. Man St. – he was at the presentation of the Police Study and did not see support for the outsourcing of Police services. He inquired into why the study only addressed East Windsor taking over Hightstown Police, not the other way around and that the Court runs with a surplus that is used in our budget, Hightstown would be giving it to East Windsor. He thinks the Police do a good job and wants Council to make an informed decision. He offered his company's services to produce current data in this matter.

Rob Thibault, 504 Main St. – has reviewed the report and feels that East Windsor response time would be excellent since they are all around Hightstown and he sees them often. He inquired as to how many officers actually live in the Borough and wondered about how much of a vested interest they actually have in it. He commented that outsourcing would not just be a temporary tax savings, but ongoing and urged Council to move forward with the outsourcing.

Daniel Yurwit, 165 South St. – he has lived in the Borough for thirty years and the first couple of and last speakers before him have summed up his opinion. This was just a study and a contract would need to be negotiated; the contact person(s) designation requires serious thought. He strongly supports outsourcing of Police and Court services and feels it is an excellent opportunity to reign in costs.

Scott Caster, 12 Clover Lane – the purpose of this study was to evaluate costs, not to evaluate the Police Department and he hopes moving forward answers to the questions posed will be forthcoming before a decision is made. He thinks different avenues of savings should be explored.

Scott Jenkins, 200 Mechanic St. – believes there are errors in the study and that the numbers used are now different. He thinks the decision should be a matter put to the voters.

The Council then gave their comments regarding the Police/Court Study.

Councilmember McGinty – commented that she takes public comments seriously and costs are on the rise. She does have a concern regarding the implementation cost of this contract, however if taxes keep rising, how many residents will be able to afford to stay in Hightstown in five years? Open discussion on this matter should be held through public hearings. This decision must be made carefully because once it is made we cannot go back.

There was a brief discussion on the number of officers suggested in the study.

Council President Quattrone – commented that the Herald stated Council should be ashamed, why? We are offering to listen to the public and there are only these nine speaking on the matter. He encouraged the public to come forward with their comments; call Council members and tell them what you think.

Walter Sikorski – This study is a roadmap to the contract. There were many hours and meetings spent on this study and Mr. Valentino's expertise is very well respected. The report stated that outsourcing will maintain the level of service that Hightstown Borough residents currently receive; equal to or better. He believes the Borough budget is not sustainable and that entering into this contract would be beneficial.

Councilmember Musing – he ran on a campaign in support of the consolidation of services with East Windsor and believes that is why he was elected. The Council must move forward with contract negotiations to get answers to their questions and wondered if Council should stop with just the police department or consider full consolidation.

Councilmember Theokas – The Borough Clerk read a statement from Councilmember Theokas which advised the public that he is dealing with a personal health issue which restricts his attendance at this meeting. He reminded the residents that he has always been a proponent of consolidation and that the results of the study confirmed that this is a great opportunity for Hightstown to reap financial benefits. Council should take a long term, wide scope position on this and not just consider the present, but years to come. This is the first significant step toward further shared services with East Windsor and perhaps total consolidation in the future. He implored Council to move this process forward.

Mayor Patten – commented that he read the study and is concerned that the data contained in the study is now obsolete and it is missing some crucial items which need to be addressed such as High School police coverage and revenue currently being produced by the court. He stated that public safety must be taken into account, not just budget savings. He commented that there should be a referendum put before the voters and that more information is needed before any decision is made on this matter.

Councilmember McGinty inquired of the Borough Attorney whether this discussion is covered under Roberts Rules, to which he responded that it was; however under the Borough form of Government the Mayor has the right to provide information and guidance. Mr. Raffetto advised the Mayor that the comments made tonight were appropriate but that he should take this under information under advisement in the future.

Public Comment I

The following members of the public spoke during the public comment period:

Dale Gasbar of 39 Norton St., Eugene Sarafin of 628 S. Main St., Rob Thibault of 504 S. Main St., Torry Watkins of 68 Meadow Drive and J. P. Gibbons of 602 N. Main St.

There being no further comment the Mayor closed the Public Comment period.

Ordinance 2010-05 Public Hearing and Final Reading - An Ordinance Amending Chapter 13 "Housing" of the "Revised General Ordinances of the Borough of Hightstown, New Jersey".

Councilmember McGinty gave a review of the ordinance.

The Mayor opened the Public Hearing for Ordinance 2010-05.

Eugene Sarafin of 628 S. Main St. made comments

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

Council President Quattrone moved Ordinance 2010-05 for adoption, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Ordinance Adopted, 5-0

ORDINANCE 2010-05

AN ORDINANCE AMENDING CHAPTER 13 “HOUSING”, OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

WHEREAS, the Construction Official has made certain recommendations to revisions to Chapter 13 of the Borough Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Planning Board has reviewed and concurs with these recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows (additions are shown with underline; deletions by ~~strike through~~):

Section 1. Chapter 13 “Housing” is hereby amended as follows:

Subsections:

13-3-00 Housing Standards for Owner Occupied Units and Rental Units.

13-3-1 Maintenance.*

13-3-2 Sump Pump and Sewer Line Clean-Outs.

13-3-3 Water Supply.

13-3-4 Plumbing and Heating.

13-3-5 Electrical.

13-3-6 Smoke Alarms Required.

13-3-7 Fences.

13-3-8 Use and Occupancy of Space.

13-3-9 Ventilation.

13-3-10 Historic Landmarks.

13-3-11 Egress

13-3.12 Signs

Subsection 13-3-00 Housing Standards for Owner Occupied Units and Rental Units.

Standards applicable to dwelling units which are owner-occupied and dwelling units and lodging units which are rented to tenants (all dwellings and dwelling units). (1991 Code AIV; Ord. No. 823 § 3)

Subsection 13-3-1 Maintenance.*

a. Every foundation, floor, wall, ceiling, door, window, roof or other part of a building shall be maintained in a safe, sanitary, and structurally sound condition so as not to pose a threat to the public health, safety or welfare, and capable of the use intended by its design. Any exterior part or parts thereof shall be maintained weatherproof and properly surface-coated where required to prevent deterioration.

b. Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of safely supporting the imposed dead and live loads and shall be kept in sound condition and good repair. As of the effective date of this section, every stairway having four (4) or more risers shall be properly bannistered and safely balustraded pursuant to the Uniform Construction Code of the State of New Jersey ~~BOCA regulations~~.

c. Every porch, balcony, roof or similar place higher than thirty (30) inches above the ground used for egress or for use by occupants shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and shall not be less than three (3) feet in height.

d. Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.

e. Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing may be required by the Health Department.

f. Every building, dwelling, dwelling unit, and all other areas of the premises shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and not permitted to become overgrown, thereby becoming a hazard to the public health, safety and welfare. Dead or broken limbs which may pose a threat to the safety and welfare of the public shall be removed.

g. The Housing Inspector may order the owner to clean, repair, paint, whitewash or paper any walls or ceilings within a dwelling which have deteriorated so as to provide a harborage for rodents or vermin.

h. Every sidewalk, walkway and driveway shall be maintained in such a manner as not to pose a safety hazard. There must be at least seven (7) foot clearance from the sidewalk to the lowest tree branch overhanging the sidewalk, and shrubbery must not overhang or obstruct the sidewalk.

i. All chimneys, smokestacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. Various and sundry outbuildings, garages and sheds shall be maintained so as to be safe, and any exterior part or parts thereof shall be maintained weatherproof and properly surface-coated where required to prevent deterioration. All sheds erected after the effective date of this section shall be safely anchored. (1991 Code § 121-6; Ord. No. 823 § 3)

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

Subsection 13-3-2 Sump Pump and Sewer Line Clean-Outs.

No sump pump shall be connected to any sanitary sewer line within the Borough. All sewer line clean-outs shall be at least one (1) foot above floor level. This subsection shall be enforced by the Housing Inspector or the Superintendent of the Advanced Wastewater Treatment Plant in accordance with the provisions of subsection 19-3.1g. of Chapter XIX governing wastewater discharges. Certificates of Compliance, pursuant to Sections 13-7 and 13-8 of this chapter shall be not issued prior to compliance with the provisions of subsection 19-3.1g. of Chapter XIX. (1991 Code § 121-7; Ord. No. 823 § 3; Ord. No. 94-6 § 3)

Subsection 13-3-3 Water Supply.

Every dwelling and dwelling unit shall be provided with a safe supply of potable water meeting the standards set forth in the Potable Water Standards as published by the New Jersey Department of Environmental Protection and Energy. (1991 Code § 121-8; Ord. No. 823 § 3)

Subsection 13-3-4 Plumbing and Heating.

a. All plumbing and heating systems shall be in satisfactory working order.

b. No room heater, heating stove, space heater or tank water heater designed for the use of kerosene, gasoline, oil, gas,

wood, coke, charcoal or coal as a fuel shall be used in any dwelling or dwelling unit unless it has an approved direct smoke pipe or flue connection to a properly constructed chimney capable of carrying all of the products of combustion to the outside air. (1991 Code § 121-9; Ord. No. 823 § 3)

Subsection 13-3-5 Electrical.

The electrical system shall be in proper working order so as not to pose a threat of electrical shock, fire or other hazard. All Ground fault Interrupt Outlets shall function as designed. All plates and covers shall be in place. (1991 Code § 121-10; Ord. No. 823 § 3)

Subsection 13-3-6 Smoke Alarms Required.

All dwellings and dwelling units shall have a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area and located on or near the ceiling in accordance with P.L. 1991, c. 92. (1991 Code § 121-11; Ord. No. 823-3)

Subsection 13-3-7 Fences.

Every fence shall be maintained and kept in a condition which shall not pose structural, health or safety dangers. (1991 Code § 121-12; Ord. No. 823-3)

Subsection 13-3-8 Use and Occupancy of Space.

a. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, such floor space to be calculated on the basis of total habitable room area.

b. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof. Notwithstanding the foregoing, in every lodging unit every room occupied for sleeping purposes by one (1) occupant shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least sixty (60) square feet of floor space for each occupant thereof.

c. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

d. No room in a dwelling may be used for sleeping if the floor level of the room is lower than three and one-half (3 1/2) feet below the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room.

e. A room located below the level of the ground but with the floor level less than three and one-half (3 1/2) feet below and the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room may be used for sleeping, provided that the walls and floor thereof in contact with the earth have been damp proofed in accordance with a method approved by the Housing Inspector and that the windows thereof are at least fifteen (15) feet from the nearest building or wall. (1991 Code § 121-13; Ord. No. 823 § 3)

f. Keyed locks on bedroom doors are prohibited. Privacy locks are allowed on bedroom doors, provided that the lock can be opened easily and without the use of force from the outside of the room, or from any hallway or common area, in the event of emergency.

g. Non-habitable spaces (including storage and closet areas) shall not be used as bedrooms or otherwise occupied for sleeping purposes.

Subsection 13-3-9 Ventilation.

All dwellings shall be adequately ventilated; every bathroom and water closet compartment shall have ventilation provided either by a window, skylight or mechanical ventilation system. (1991 Code § 121-14; Ord. No. 823 § 3)

Subsection 13-3-10 Historic Landmarks.

Upon written request of the property owner, an historic landmark may be exempted by the Housing Inspector from strict compliance with the requirements of this chapter if such strict compliance would compromise the historic significance of the property; provided, however, that no exemption shall be granted which, in the opinion of the Housing Inspector, would create a health or safety hazard or allow such a hazard to continue. (1991 Code § 121-15; Ord. No. 823 § 3)

Subsection 13-3-11 Egress

All exit doors shall be readily opened from the side from which egress is to be made, without the use of a key, unless the key is permanently affixed in the lock, and without use of a combination lock, electronic code or similar special knowledge or effort. (Ord. No. 2002-20)

13-3-12. Signs.

a. Posting of signs for rent, or advertising room or rooms for rent by any means of publication (whether through broadcast media, print media, or by electronic means, including the internet), is prohibited for any property in the Borough of Hightstown for which no license has been issued in accord with Sections 4-1, 13-8, and 13-10 of this Code to qualify that property as a boarding house, rooming house, or rooming unit.

b. Posting of signs, or advertising an apartment or house for rent by any means of publication (whether through broadcast media, print media, or by electronic means, including the internet), is prohibited for any property in the Borough of Hightstown for which a Rental Certificate of Compliance has not been issued by the Housing Inspector, pursuant to Subsection 13-8-1 of this Code.

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.

Ordinance 2010-06 Public Hearing and Final Reading – An Ordinance Amending Chapter 28, “Signs” of the Revised General Ordinances of the Borough of Hightstown

Councilmember McGinty gave a review of the ordinance.

The Mayor opened the Public Hearing for Ordinance 2010-06.

Eugene Sarafin of 628 S. Main St. made comments

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

Council President Quattrone moved Ordinance 2010-06 for adoption, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Ordinance Adopted, 5-0

Ordinance 2010-06

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 29, “SIGNS,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Construction Official has made certain recommendations to revisions to Chapter 29 of the Borough Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Planning Board has reviewed and concurs with these recommendations;

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

1. Section 1. Chapter 29 “Signs” is hereby amended as follows: (additions are shown with underline; deletions by ~~strike through~~):

Sections:

29-1. PURPOSE

29-2. DEFINITIONS

29-3. General Regulations

29-4. SIGN AREA

29-5. PROHIBITED SIGNS

29-6. SIGNS EXEMPT FROM PERMITS

29-7. CANOPY SIGNS

29-8. CHANGEABLE COPY SIGNS

29-9. DIRECTIONAL SIGNS

29-10. DIRECTORY SIGNS

29-11. FREESTANDING SIGNS

29-12. GRAND OPENING SIGNS

29-13. TIME AND TEMPERATURE SIGNS

29-14. WINDOW SIGNS

29-15. PROJECTING SIGNS

29-16. RESIDENTIAL ZONES - R-1-2-3-4, R-MF, R-PE, R-PF

29-17. OFFICE RESIDENTIAL ZONES – RPO

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

29-19. SHOPPING CENTER/OFFICE ZONES – RO, PED

29-20. NONCONFORMING SIGNS

29-21. ABANDONED SIGNS

29-22. PERMIT PROCEDURES AND ADMINISTRATION

29-23. SIGN MAINTENANCE

29-24. VIOLATIONS AND PENALTIES

29-25. APPEALS

29-26. SUPERSEDING OF INCONSISTENT PROVISIONS

29-1. Purpose.

The purpose and intent of this chapter is to encourage the orderly and effective use of signs as a means of communication, and in accordance with the Borough's Master Plan to maintain and enhance the Borough's aesthetic environment and ability to attract economic development, to enhance the Borough's historic character and streetscape, to minimize the possible adverse effects of signs and to enable the fair and consistent enforcement of sign regulations.

29-2. Definitions.

ABANDONED SIGN – A sign located on, and/or related to, the use of a property which is vacant and unoccupied for a period of 180 days or more; any sign which was erected for or by an occupant or business unrelated to the present occupant or business; or any sign which related to a time, event or purpose which is past.

AWNING –

A. A sheet of canvas or light fabric supported by a frame, used chiefly to protect against the elements, commonly located in front of a business, extending from the top of an entrance or window.

B. A canopy like structure that is canvas or metal covered frame and installed permanently over windows or doors to protect against the elements.

CANOPY – A roof-like cover, open to the elements on four sides, which is used to protect outdoor equipment, such as motor fuel pumps

COMMERCIAL MESSAGE – Any sign wording, logo, figure, symbol, color, illumination, fixture, projection or other representation that, directly or indirectly, names, advertises or calls attention to a business product, service or other commercial activity.

FACADE AREA – The total area of a facade, including walls, windows, doors, and fixtures below the top of the parapet of a building with a flat roof, the cornice line of a building with a gambrel gable or hip roof, or the upper slope line of a building with a mansard roof, that faces a public street, pedestrian walkway or parking lot.

SEARCHLIGHT – Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also any light with one (1) or more beams that rotate or move or that creates an illusion of such rotation or movement.

SHOPPING CENTER – A group of three (3) or more commercial establishments planned, constructed and managed as a total entity and which includes customer and employee parking on the same site, provision for the delivery of goods separated from customer access, and a unified architectural treatment of the building or buildings.

SIGN – Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, logos, colors, illumination or projection of images.

SIGN, ANIMATED OR MOVING – Any sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

SIGN, BANNER – A sign which may or may not contain a message, constructed of cloth, canvas, plastic or other flexible material typically suspended or hung by cord, string or rope from a structure. Banner sign includes signs commonly known as "grand opening" signs.

SIGN, BENCH – A sign attached to or otherwise painted or displayed on a bench located in any public park, playground or in or adjacent to public right of way.

SIGN, CANOPY – A sign that is mounted or painted on or attached to a canopy that is otherwise permitted by the Borough Zoning Ordinance.

SIGN, CHANGEABLE COPY – A sign that is designed so that the message on the sign can be easily and periodically altered, provided, however, that the message on the sign does not change more than once a day.

SIGN, DIRECTIONAL – Signs limited to directional messages and that do not contain a commercial message, principally for directing pedestrian and vehicular traffic, such as "ONE WAY," "ENTRANCE," and "EXIT."

SIGN, DIRECTORY – A sign that lists the tenants in a multi-use building or indicates the location of buildings and uses in a business or industrial complex.

SIGN, FACADE – A sign fastened to or painted on the facade of a building or structure in such manner that the facade becomes the supporting structure for or forms the background surface of the sign. Such signs shall not project more than eight (8) inches from the face of the building.

SIGN, FREESTANDING – Any sign supported by permanent structures or supports that are placed on, or anchored into the ground and that are independent from any building or other structure.

SIGN, INCIDENTAL – An informational sign that has a purpose secondary to the use of the lot on which it is located, such as "No Parking," "Loading Zone," "Telephone" or "Rest Room" or similar information such as hours of operation. No sign that contains a commercial message legible from any property line of said lot shall be considered "incidental."

SIGN, INSTITUTIONAL – A sign that is used for identification and information purposes by schools, colleges, houses of worship, hospitals, or other institutions of a similar public or semi- public nature.

SIGN, MARQUEE – A permanent canopy, projecting over an entrance to a building, that extends all the way to the curb line of an adjacent street or driveway.

SIGN, OFF-PREMISES – A sign containing a commercial message which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the property on which the sign is located.

SIGN, POLITICAL – A temporary sign that relates to a particular election for public office, referendum or other plebiscite at the federal, state or local level.

SIGN, PORTABLE – Any sign not permanently attached to the ground or other permanent structure; or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicles are used in the normal day-to-day operation of the business.

SIGN, PROJECTING – A sign that is mounted perpendicular to the façade of a building and is constructed of wood or wood-like material and contains the same text on both sides of the sign.

SIGN, REAL ESTATE – A sign pertaining to the sale or lease of a property or portion thereof, on which the sign is located.

SIGN, RESIDENTIAL – A sign located in a district zoned for residential purposes that does not contain any commercial message except for goods or services legally offered on the premises on which the sign is located.

SIGN, ROOF – A sign that is mounted on the roof of a building or which is wholly dependent upon a building's roof for support and which projects above the parapet of a building with a flat roof, the cornice line of a building with a gambrel, gable or hip roof, or the upper slope line of a building with a mansard roof.

SIGN, TIME-AND-TEMPERATURE – A sign or portion thereof whose sole Purpose is the indication of the time and/or temperature.

SIGN, VEHICLE – A sign affixed or painted on a vehicle or trailer and parked at a specific location for a period in excess of

ninety-six (96) hours.

SIGN, WINDOW – A sign that is applied or attached to the interior or exterior of a window.

SIGN AREA – The surface display area of a sign determined by a computation as otherwise provided for in the chapter - Section 29-4.

ARTICLE II. GENERAL PROVISIONS

29-3. General Regulations.

A. *Accessory uses.* Permitted signs shall be allowed as accessory uses in all zoning districts, provided that all permitted signs in the Borough of Hightstown conform to the provisions of this chapter and any other ordinance or regulation of the municipality or the state or federal government relating to the erection, alteration or maintenance of signs. In the event of conflicting regulations, the most restrictive shall apply.

B. *Sign permit.* A permit shall be required for the installation and erection of all signs, unless exempted from such requirements under Section 29-6 of this chapter. Notwithstanding any other provision to the contrary, grand-opening signs shall require a fee of twenty-five dollars (\$25.00) for a sign permit. All other sign permit fees shall be in accordance with Section 12-2.5 and Section 29-22 of the Borough Code. Sign permits issued for portable signs, as defined in this Ordinance, shall be renewed yearly and may, after notice and hearing, be denied or revoked based on the permit holders' compliance with applicable Sign Ordinance requirements, or findings made pursuant to this Ordinance.

C. *Unsafe signs.* Whenever, in the opinion of the construction official, any sign becomes unsafe or endangers the safety of a building or premises or endangers the public safety, the construction official shall send a (certified mail, return receipt requested and regular mail) letter to the owner of the sign or the owner or tenant of the premises on which the sign is located, ordering that the sign be made safe or removed within five days of receipt of the letter. If the permittee fails to remove, alter or repair it within 30 days after the notice, the sign may be removed, altered or repaired by the Borough in order to comply by the construction official at the expense of the permittee or owner of

the property upon which it is located. The building inspector may cause any sign or sign structure to be removed summarily and without written notice if it is an immediate peril to persons or property by virtue of its construction or moorings.

D. *Rights-of-way.* No sign other than approved traffic control or similar official governmental signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as hereinafter provided.

E. *Imitation of official signs.* No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device or that has any characteristics which are likely to cause or dangerously distract the attention of the operator of a motor vehicle on a public street.

F. *Sight triangles.* No sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular area formed by the right-of-way lines and a line connecting them at points thirty (30) feet from their intersection, unless the topmost portion of said sign is less than two and one-half (2-1/2) feet high. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians or otherwise endangers their safety. In the event of any conflict between the provisions of this paragraph F and Section 28-10.8 of the Borough Code, the provisions of

Section 28-10.8 shall control.

G. *Prohibited placement.* No sign shall be placed on any tree, telephone, electric light or public utility pole or upon rocks or other natural features.

H. *Permitted uses.* No sign shall be erected containing a message that states or implies that a property may be used for any purpose not permitted in the zoning district in which said sign is located.

I. *Public Property.* Any sign installed or placed on public property, except in conformance with the requirements of this chapter, shall be forfeited to the public and subject to confiscation. In addition to other remedies that may be imposed under this chapter, the Borough shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign.

J. *Illumination.* Signs exempt from permits in accordance with 29-6 of this chapter shall not be illuminated, unless otherwise permitted under this chapter. Any other sign may be illuminated unless otherwise prohibited.

29-4. Sign Area.

For the purposes of this chapter, "sign area" shall mean the smallest area, whether opened or closed, and expressed in square feet, of all displayed writing, symbols, logos, letters, figures, emblems and/or other representations, plus all material and/or color forming an integral part of the sign, and/or used to differentiate the sign from the background against which it is placed, provided that:

A. In the event that a sign is designed with more than one (1) face, the area shall be computed by including only the maximum surface display area visible from any one (1) point, provided that the message is the same on each face.

B. The supports, uprights or other structure on which any sign is attached shall not be included in the calculation of sign area unless such structure is designed in such a manner as to form an integral part of the sign or conveys meaning.

C. The area of lamp or other artificial illumination visible on a sign shall be counted as part of the total allowable sign area.

D. *Ratio.* The ratio of width to length of the rectangle enclosing a sign shall be no greater than one to ten (1:10).

29-5. Prohibited Signs.

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

A. A flashing, blinking, twinkling, animated, moving or projected sign of any type or a sign that presents the illusion of movement, with the exception of time-and-temperature displays and barber poles as otherwise permitted or signs which emit smoke, noise or visible vapor.

B. Banners, pennants, streamers, spinners or similar devices constructed of cloth, light fabric, cardboard, plastic, vinyl, or other like material, and lights and searchlights, displayed for the purpose of attracting the attention of pedestrians or motorists, except as permitted for special events not to exceed four times per year for a maximum 2-week period and not exceeding 16 square feet.

C. Any sign so erected, constructed or maintained as to obstruct any fire escape, window, door or other opening used as a means of ingress and egress.

D. Any portable or bench sign, or signs that emit smoke, vapor or noise, except as permitted in Section 29-17.

E. Any sign which, when applying contemporary community standards, has a dominant theme or purpose which is obscene or offensive.

F. Off-premises signs.

G. Signs using red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light or traffic signal.

H. Neon ~~neon~~ signs. *[Note: This text already exists in the Code as subsection G, which ends now, unclearly, as “; neon signs.” By moving that text to a new subsection H, this would make sense stylistically and logically.]*

~~H.~~ I. Signs attached to the exterior glass of a building.

~~I.~~ J. Permanent marquees extending over the sidewalk beyond the street line.

~~J.~~ K. Signs posted or painted on posts, utility poles, tanks, towers, smokestacks, trees, rocks or any natural feature of the environment.

~~K.~~ L. Signs posted on Borough property except where specifically authorized by the Borough.

~~L.~~ M. Signs installed or painted on sidewalks, curbs and benches, except as permitted in Section 29-18.

~~M.~~ N. Signs on abutments, retaining walls and embankments.

~~N.~~ O. Murals and signs painted on buildings. Signs painted directly on buildings or which obstruct any windows.

~~Θ.~~ P. Roof signs.

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

~~Q.~~ R. Pylon signs, except as permitted herein.

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

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

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

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

W. Signs advertising room or rooms for rent for any property in the Borough of Hightstown for which no license has been issued in accord with Sections 4-1, 13-8, and 13-10 of this Code to qualify that property as a boarding house, rooming house, or rooming unit.

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

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

29-6. Signs Exempt from Permits.

The following signs are exempt from the need to obtain permits:

A. *Holiday decorations.* Decorations for a designated holiday, provided that they do not create a traffic safety or fire hazard, and provided that such decorations are not installed more than fortyfive (45) days prior to the holiday and are removed within thirty (30) days after the holiday. Such signs may be illuminated.

B. *Official governmental signs, including banners.* Such signs may be illuminated.

C. *Political signs.* The maximum area for any one sign shall be sixteen (16) square feet, with a total area of thirty-two (32) square feet permitted for each lot or unit. Such signs may not be erected more than sixty (60) days prior to the day of the election, referendum or other plebiscite; and shall be removed within fourteen (14) days after such election, referendum or other plebiscite.

D. *Markers.* Non-illuminated building markers that may contain only the building name, date of construction or historical date, provided that such marker does not exceed six (6) square feet and is made of cut or etched masonry, bronze or similar durable material.

E. Change in the copy of a changeable copy sign, once a permit for that sign has been issued.

F. *Yard or garage sales.* Such signs shall not exceed four (4) square feet; shall not be erected more than 48 hours prior to such sale; and shall be removed immediately after the sale. No premises shall be permitted to erect such signs more than four (4) times in any calendar year and no off premises signs are permitted.

G. *Real estate and contracting.* Temporary real estate signs and signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the real estate for rent or sale is located or the lot on which the contracting work is being performed. Said signs shall not be larger than six (6) square feet or more than four (4) feet high. They shall be removed within

twenty-four (24) hours of the completion of the sale or rental of the premises or completion of the work to which the sign relates. Real estate open house signs may not be put in place prior to 10:00 a.m. on each day of the open house, and must be removed the same day as the close of the event. Real estate

signs shall be allowed off-premises. Contractor signs shall only be allowed on premises.

H. *Hunting and trespassing.* Signs that relate to the control of hunting or trespassing on property, provided that they do not exceed two (2) square feet in area and are not spaced closer than fifty (50) feet to each other.

I. *Emergency.* Emergency warning signs erected by a governmental agency, public utility, pipeline company or contractor doing such work authorized or permitted by such agency, utility or company. Such signs may be illuminated.

J. *Public notice.* Any public notice required by a valid and applicable federal, state or local law, regulation or ordinance.

K. *Interior signs.* Any sign within a building, not attached to a window or door; an interior sign may be attached to the inside of a door, provided the door is not left in an open position in such a manner that the sign becomes visible from the exterior of the building.

L. *Art.* Works of art that do not contain a commercial message. Art may be illuminated.

M. *Traffic control.* Traffic control devices on private property, such as "stop," "yield" and other signs, provided that the face of the sign meets the standards of the New Jersey Department of Transportation for such signs and which do not contain a commercial message of any type, and provided that their location has been approved by the Planning Board.

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

O. *Name and address.* Name and address signs attached to facade of a building or on a mailbox, provided that the size of the sign does not exceed one (1) square foot.

P. *Incidental.* Incidental signs, provided that they do not exceed two (2) square feet in area.

Q. *Residential.* Residential freestanding signs, provided that the size of the sign does not exceed four (4) square feet in area or three (3) feet in height and shall be set back a minimum of fifteen (15) feet from a curb line or edge of cart way.

R. *Project development.* Project development signs, where final approval of a site plan or subdivision has been granted by a board of competent jurisdiction and which indicate the name of the development, developer, financier or major contractor, provided that no more than one (1) sign per street frontage is erected and the sign area does not exceed thirty-two (32) square feet or eight (8) feet in height. All such signs shall be removed within fourteen (14) days of the issuance of a conditional certificate of occupancy that permits the occupation of a building in the case of a nonresidential development or when seventy-five percent (75%) of the dwelling units in a

residential development have been issued certificates of occupancy.

S. *Window.* Window signs pursuant to 29-14.

29-7. Canopy Signs.

Canopy signs, where permitted, shall comply with the provisions of this chapter, including the following additional requirements:

A. Canopy signs are only permitted in conjunction with gasoline service stations and similar commercial uses where the canopy is required to provide cover and protection for outdoor equipment and service areas.

B. No more than one (1) canopy sign shall be allowed per canopy fascia, and no more than two (2) such signs per canopy shall be permitted.

C. No part of the canopy sign shall be less than twelve (12) feet or more than seventeen (17) feet above ground level.

D. The area of a canopy sign shall not exceed fifty percent (50%) of the area of the canopy fascia or forty (40) square feet, whichever is less.

E. A canopy sign and a freestanding sign shall not be used on the same premises.

29-8. Changeable Copy Signs.

Changeable copy signs, where permitted, shall comply with the provisions of this chapter, including the following additional requirements:

A. The purpose of a changeable copy sign is to apprise the public of special events, attractions, or similar time-related information. Changeable copy shall not be used to advertise merchandise or special sales events, provided, however, that the prices of motor fuel may be displayed on a changeable copy sign on the premises where such motor fuel is sold.

B. All such signs shall be permanently affixed to the ground or to a structure.

C. Copy shall be changed electronically or by means of moveable lettering, which is more than one-eighth (1/8) inch in thickness and shall not be changed more than once every twenty-four (24) hours.

Changeable copy signs that are changed more frequently shall be considered animated signs and are not permitted.

D. Changeable copy may not be located in any residential zoning district, excepting institutional uses.

E. Changeable copy signs may be either freestanding signs or canopy signs and shall conform to the height limitations of such signs.

F. No more than one (1) freestanding changeable copy sign shall be permitted per street frontage.

G. The changeable portion of the sign shall be limited to three (3) lines of wording or, in the case of a cinema with more than one (1) theater, two (2) line per theater.

H. The sign area of a changeable copy sign shall be included in the total permissible sign area for freestanding or canopy signs, as the case may be, excepting institutional uses. Changeable copy signs for institutional uses shall not exceed twelve (12) square feet in area.

29-9. Directional Signs.

Directional signs, where permitted, shall comply with the provisions of this chapter including the following additional requirements:

A. Directional signs that are freestanding shall not exceed two and one-half (2-1/2) feet in height and may be located at the street line, provided that such signs do not obscure the vision of motorists.

B. Directional signs shall not exceed three (3) square feet in area.

C. Directional signs shall contain no commercial message.

D. Directional signs shall be required at public streets where one-way driveways intersect. This applies to commercial properties only.

29-10. Directory Signs.

Directory signs, where permitted, shall comply with the provisions of this chapter including the following additional requirements:

A. The sign shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory or shall be placed at the main entrance to a building.

B. The sign may contain a map or floor plan diagram as the case may be, indicating the location of the buildings or offices listed on the directory.

C. Any such sign shall not exceed twelve (12) square feet in sign area.

D. No more than one (1) sign per entrance driveway, street intersection or main entrance to a building shall be permitted.

E. A freestanding directory sign shall not exceed five (5) feet in height.

29-11. Freestanding Signs.

Freestanding signs, except for directional signs, shall comply with the provisions of this chapter including the following additional requirements:

A. Freestanding signs shall be permitted only in the front yard.

B. No freestanding sign shall be erected closer to the curb line or edge of paving than five (5) feet to a street line, whichever is more, except as otherwise provided herein.

C. With the exception of directory and directional signs, no freestanding sign shall be erected closer than eighty (80) feet to another freestanding sign.

D. A freestanding sign shall not be used on the same premises as a canopy sign.

E. No more than one (1) sign per lot shall be permitted.

29-12. Grand-opening Signs.

Grand-opening signs shall comply with the provisions of this chapter including the following additional requirements:

A. Grand-opening signs shall be permitted for periods of time not to exceed seven (7) days prior to and/or fourteen (14) days after the initial opening of a business or a change in the ownership of the premises on which the sign is located. A grand opening of another establishment in the same chain of stores or under the same ownership shall not be grounds for permission to install grand-opening signs for existing businesses.

B. Grand-opening signs may be facade signs, freestanding signs or banners.

C. Grand-opening signs shall not exceed the total sign area permitted on the premises for permanent signs. Such signs shall be permitted in addition to any permanent signage allowed. For the purposes of this subsection, the total sign area of banners shall not exceed that for facade signs.

29-13. Time-and-Temperature Signs.

Time and temperature signs shall be permitted in any district in which commercial uses are permitted, provided that they do not encompass more than twenty percent (20%) of the allowable sign area for the type of sign upon which they are placed. Time-and-temperature signs shall be permitted in addition to any other allowable signage for the property. The time-and-temperature displays may interchange at 5-10 second intervals and the time calibration display may not be in increments of shorter than one (1) minute.

29-14. Window Signs.

The total area of all window signs, unless further restricted by district regulations, shall not exceed ten percent (10%) of the glass area of the window in which placed.

A. All window lettering and signs shall be inside the window.

B. Permanent or temporary window lettering or signs shall be permitted only if the rectangle or circle confirming such lettering or sign, or the background upon which it appears, does not exceed ten

percent (10%) of the premise window area in the aggregate. Any painted area of any window shall be construed as window lettering signs, whether or not such area actually contains lettering or advertising.

C. Displays in windows representing a product or service offered, other than displays of merchandise itself, are considered as window signs and subject to the limitations in this chapter if they are closer than twelve (12) inches to the window.

29-15 Projecting Signs.

A. Projecting signs shall contain only the name and type of business.

B. The sign shall be located so it does not block or obscure important architectural elements of the façade, with the best location being either of the front corners of the structure.

C. The area of the sign face shall be limited to seven (7) square feet and shall project no more than five (5) feet from the side of the building in HC zone and no more than three (3) feet in CC-1 and CC-2 zone. The bottom of the sign shall be at least seven (7) feet above the ground.

29-16. Residential Zones - R-1-2-3-4, R-MF, R-PE, R-PF.

In all residential zones the following signs shall be permitted:

A. Signs for residential and institutional uses.

- (1) One (1) freestanding residential sign shall be permitted per lot. Sign area not to exceed two (2) square feet.
- (2) One (1) freestanding sign identifying a multifamily housing development, shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed a total sign area along any one (1) street of twelve (12) square feet.
- (3) In addition to any freestanding sign that may be permitted, institutional uses shall also be permitted changeable copy signs in accordance with 29-8 of this chapter.

B. Signs in accordance with 29-6 of his chapter.

C. Directional signs in accordance with 29-9 of this chapter.

29-17. Office Residential Zones - RPO.

In the Office Residential Zones the following signs only shall be permitted:

A. *Freestanding sign.* One (1) freestanding sign may be erected on each street frontage that contains a minimum of fifty (50) feet of frontage and with direct vehicular access from that street. The maximum permitted sign area shall be twelve (12) square feet per sign and the height of the sign

shall not exceed four (4) feet.

B. *Facade sign.* One (1) facade sign per building shall be permitted, provided that the sign area shall not exceed six (6) square feet, nor project more than eight (8) inches from the building or structure.

C. *Directory signs.* In accordance with 29-10 of this chapter.

D. *Directional signs.* In accordance with 29-9 of this chapter.

E. Signs in accordance with 29-6 of this chapter.

29-18. Commercial and Highway, Business and Industrial Zones – CC-1, CC-2, HC and I.

In the above zones, the following signs only shall be permitted:

A. *Facade sign*. One (1) facade sign may be erected facing each street frontage with direct vehicular access from that street. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or forty (40) square feet per sign, whichever is less. Sign must be applied directly to the facade and not project more than eight (8) inches.

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

C. *Window signs* not to exceed ten (10%) percent of the total glass area and installed on the inside of the window. Lettering shall be limited to three colors.

D. *Changeable copy signs* in accordance with 29-8 of this chapter.

E. *Directional signs* in accordance with 29-9 of this chapter.

F. *Directory signs* in accordance with 29-10 of this chapter.

G. *Grand opening signs* in accordance with 29-12 of this chapter.

H. *Window signs* in accordance with 29-14 of this chapter.

I. *Signs* in accordance with 29-6 of this chapter.

J. *Portable Signs*. One sign may be erected per each street frontage. Each sign shall be six square feet, three feet in height and two feet in width, and shall be permitted in the H-C, CC-1 and CC-2 Zones only. Such signs shall be limited to professionally manufactured type signs which may only be displayed during hours of operation and shall be removed promptly upon closing of business each day. All portable signs shall also be subject to Section 29-3B and Section 29-22, and shall be securely held in place on sidewalks consisting of a minimum of six (6) feet in width so as to permit a clear and safe passageway around the sign of at least four (4) feet. An Indemnification Agreement shall be executed between the permit holder and the Borough and an Insurance Certificate provided in an amount required by the Borough which shall name the Borough as an additional insured.

K. *Projecting signs* in accordance with 29-15 of this chapter.

29-19. Shopping Center/Office Zones – RO, PED.

In the Shopping Center/Office Zones, the following signs only shall be permitted:

A. Signs on property not part of a shopping center development.

(1) Single use of a property.

(a) One (1) freestanding sign may be erected on each street frontage that contains a minimum of one hundred fifty (150) feet of frontage and with direct vehicular access from that street. The maximum permitted sign area shall be forty (40) square feet per sign and the height of the sign shall not exceed fifteen (15) feet.

(b) One (1) facade sign may be erected facing each street frontage with direct vehicular access from that street. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or forty (40) square feet per sign, whichever is less.

(2) More than one (1) use on a property.

(a) One (1) freestanding sign may be erected on each street frontage that contains a minimum of

one hundred fifty (150) feet of frontage and with direct vehicular access from that street, The maximum permitted sign area shall be forty (40) square feet per sign and shall not exceed (15) feet in height. Any such freestanding sign shall contain a single message identifying only the development, location, common name, professional use, address or other common element.

- (b) One (1) facade sign shall be permitted for each separate commercial establishment with direct access to the outside. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or twelve (12) square feet, whichever is less. In the event that the front entrance of a commercial establishment is oriented towards a pedestrian walkway or mall, a sign conforming to the provisions of this subsection shall be permitted on the facade facing such walkway or mall.

B. Signs in shopping center developments.

- (1) One (1) freestanding sign with a single message shall be permitted for each public street frontage that provides direct vehicular access to a shopping center development that identifies the development, developer, owner or operator but not the tenants of such development. The maximum permitted sign area shall be one hundred (100) square feet per sign.
- (2) No freestanding sign shall be located closer than one hundred fifty (150) feet to another freestanding sign.
- (3) A freestanding sign shall not exceed fifteen (15) feet in height.
- (4) One (1) facade sign shall be permitted for each separate commercial establishment for each public street frontage with direct vehicular access to the development. The sign area shall not exceed ten percent (10%) of the total facade area, including window and door area, or forty (40) square feet, whichever is less. In the event that the front entrance of a commercial establishment is oriented towards a pedestrian walkway or mall, a sign conforming to the provisions of this subsection shall be permitted on the facade.
- (5) Facade signs in shopping centers shall be developed with a common graphic design, including color, size, shape and lettering.

C. Canopy signs in accordance with 29-7 of this chapter.

D. Changeable copy signs in accordance with 29-8 of this chapter.

E. Directional signs in accordance with 29-9 of this chapter.

F. Grand opening signs in accordance with 29-12 of this chapter.

G. Window signs in accordance with 29-14 of this chapter.

H. Signs in accordance with 29-6 of this chapter.

29-20. Nonconforming Signs.

A. All legally existing signs erected prior to the enactment of this chapter or subsequent amendments that are not in conformity with the provisions thereof shall be deemed nonconforming signs. Nonconforming signs may continue, provided that such signs comply with the maintenance standards of Section 29-3C, and are not prohibited by paragraph C of this article.

B. Any change in or replacement of a nonconforming sign, or a conforming sign installed prior to the enactment of this chapter meeting the criteria of Section 29-3 *et seq.*, shall be made in strict compliance with the provisions of this chapter.

C. Portable or temporary signs, banner signs, including but not limited to plastic, paper, vinyl and cloth, and nonconforming window signs of temporary material are not exempted from the provisions of this chapter but shall be subject to an amnesty period of one hundred twenty-day (120) days following the date of adoption of this chapter, after which compliance with this chapter shall be mandatory.

29-21. Abandoned Signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by that person a sign that has been abandoned. Any such sign shall be removed by the owner or person controlling the property within thirty (30) days of the date of abandonment as herein defined. Any sign identifying an abandoned use or building shall itself be considered to be abandoned. The failure to keep a nonconforming sign painted or in good repair for a period of six months shall constitute abandonment, and such sign may not be reused and must be removed.

29-22. Permit Procedures and Administration.

No sign shall be erected, altered moved or changed in material without issuance of a sign permit. The following procedures shall apply to the issuance of all sign permits:

A. Application shall be made to the Zoning Officer on forms provided by the Zoning Officer and the required fee paid to the Borough Treasurer or other such person(s) designated by the Borough Administrator. Any fee for an electrical inspection shall be in addition to the fee for the sign permit. Application shall be made on the forms provided by the Borough.

B. The application shall be accompanied by an accurate plot plan of the lot, scaled not greater than one (1) inch equals ten (10) feet or less than one (1) inch equals fifty (50) feet, that indicates the location of buildings, parking lots, driveways, landscaped areas and other pertinent data. On the plot plan shall be drawn the location of each existing or proposed sign. A color photograph, not less than three by five (3 x 5) inches or larger than eight by ten (8 x 10) inches, shall be submitted for each sign presently existing on the site. A drawing to scale of each proposed sign, including the dimensions, colors, materials, method of attachment, lighting and intensity and landscaping shall be submitted.

C. The Zoning Officer shall review the application for compliance with the provisions of this chapter and Chapter 28, including the completeness of the application, and shall issue or deny the permit within ten (10) days of receipt of a complete application. In the event of an approval, the applicant shall notify the Zoning Officer for a final inspection, as soon as the sign has been completed. In the event of a denial, the Zoning Officer shall provide the applicant with a written explanation of the reasons for the denial. Appeals shall be made to the Planning Board.

D. *Sign permit expiration.* Any of the following shall invalidate a sign permit and require a new permit, or require a nonconforming sign to conform to the provisions of this chapter applicable to new signs:

- (1) The removal of an existing sign from the premises. The replacement of a sign panel or the repainting of a sign to reflect a change in an establishment or business shall constitute removal.
- (2) An alteration in the structure of a sign support.
- (3) A change in the material of the sign, for example, from wood to plastic.
- (4) Abandonment pursuant to 29-21 of this chapter.

E. Duration of permit. If the work authorized under a sign permit has not been completed within one (1) year after the date of issuance, the permit shall become null and void.

29-23. Sign Maintenance.

All signs, including their supports, braces, hooks, guys, anchors and surrounding land shall be of sturdy construction and shall be kept in good order and repair and shall be painted and cleaned as often as necessary to maintain a clean, neat, legible, safe and orderly appearance. All lights shall be in good working order.

29-24. Violations and Penalties.

A. Any owner, agent or tenant and any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any sign or building or any structure or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder shall be subject to the penalties set forth in Section 1-5 of this Code. Each and every day such violation continues, shall be deemed a separate and distinct violation.

B. Violations of this Code may also result in the removal of the offending sign(s).

C. The provisions of this chapter may be enforced by the Zoning Officer, any Borough police officer, the Housing Inspector, or any other duly authorized Borough official.

D. Failure to comply with the Planning Board's decision shall constitute a violation of this Chapter.

29-25. Appeals.

Any decision or order of the Zoning Officer may be appealed by filing with the Planning Board on forms provided pursuant to Section 26-5 – Appeals.

29-26. Superseding of Inconsistent Provisions.

This Chapter specifically supersedes all conflicting sign regulations set forth in Chapter 28 of this Code. Upon adoption of Chapter 29, appropriate amendments to Chapter 28 and Chapter 29 will be introduced and adopted for the purpose of uniformity and reorganization of the Borough Code.

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.

Ordinance 2010-07 Public Hearing and Final Reading – An Ordinance to Exceed the Municipal Budget Appropriations Limits and Establish a Cap Bank

George Lane, Chief Financial Officer gave a review of the ordinance.

The Mayor opened the Public Hearing for Ordinance 2010-07.

There being no comments, the public hearing was closed.

Council President Quattrone moved Ordinance 2010-07 for adoption, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Ordinance Adopted, 5-0

Ordinance 2010-07

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

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the

health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determine that a 3.5% increase in the budget for said year, amounting to \$160,718.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$160,718.04, and that the CY 2010 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Resolution 2010-79 Introduction of the 2010 Municipal Budget

Council President Quattrone moved resolution 2010-79, Council member Sikorski seconded.

There was discussion.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

2010 Municipal Budget Introduced 5-0, Public Hearing to be scheduled for May 17, 2010. The next Council Budget meeting will be held on April 13, 2010 at 6:00 pm.

Resolution 2010-80 Authorizing the Payment of Bills

Council President Quattrone moved resolution 2010-80, Council member Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Resolution adopted 5-0.

Resolution 2010-80

*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; and,

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 appropriate Councilmember and the Treasurer

in the amount of \$ 1,125,352.63 from the following accounts

Current	\$	920,810.14
W/S Operating		147,834.37
General Capital		25,334.02
W/S Capital		6,227.45
Grant		17,262.40
Escrow		7,884.25
 Total	 \$	 1,125,352.63

Resolution 2010-81 Authorizing Temporary Emergency Appropriations Prior to Adoption of the 2010 Budget

Council President Quattrone moved resolution 2010-81, Council member Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Resolution adopted 5-0.

Resolution 2010-81

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2010 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2010 temporary budget; and

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

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

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2010 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	459,927.00	535,109.00	995,036.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	103,038.00	311,563.00	414,601.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	562,965.00	846,672.00	1,409,637.00

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.

2. Each emergency appropriation listed will be provided for in the 2010 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

Resolution 2010-82 Canceling General Capital Improvement Appropriation Balances

Council President Quattrone moved resolution 2010-82, Council member Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Resolution adopted 5-0.

Resolution 2010-82

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

**RESOLUTION CANCELING GENERAL CAPITAL IMPROVEMENT
APPROPRIATION BALANCES**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to General Capital Fund Balance and grant receivables may be canceled;

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

<u>Ord. No.</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Funded</u>	<u>Grant</u>
			<u>Capital Fund Balance</u>	<u>Receivable</u>
2002-18	10/7/2002	Reconstruction of Center Street (General Capital) Providing Streetscape and Other Improvements in Main St. Redevelopment -N. Main & Bank	\$ 82.77	
2005-34	10/7/2005	(General Capital) Construction of Backwash Water Recovery Tank (Water/Sewer Capital)		\$ 35,341.00
2003-26	9/2/2003		\$ 33.02	

Resolution 2010-84 Authorizing the Award of a Contract for the Water Main Extension Leshin Lane and Mercer Street – Tomco Construction Inc.

Council President Quattrone moved resolution 2010-84, Council member Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Resolution adopted 5-0.

Resolution 2010-84

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

**AWARDING CONTRACT FOR WATER MAIN EXTENSION LESHIN LANE AND MERCER
STREET – TOMCO CONSTRUCTION, INC.**

WHEREAS, twelve (12) bids were received on March 18, 2010 for the Water Main Extension Leshin Lane and Mercer Street project in Hightstown Borough; and,

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that the contract for the Water Main Extension Leshin Lane and Mercer Street project in Hightstown Borough be awarded to Tomco Construction, Inc. of Wharton, New Jersey at the price of \$1,498,077.00; and,

WHEREAS, the State of New Jersey, Department of Environmental Protection, Division of Water Quality has authorized the award of this contract pursuant to correspondence received by Mayor Patten and dated March 22, 2010; and,

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Tomco Construction is in order with respect to legal compliance; and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this expenditure;

***NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for the Water Main Extension Leshin Lane and Mercer Street project in Hightstown Borough is hereby awarded to Tomco Construction, Inc. of Wharton, New Jersey in the amount of \$1,498,077.00.*

Resolution 2010-85 Authorizing New Jersey Community Forestry Council Grant

Council President Quattrone moved resolution 2010-84, Council member Sikorski seconded.

Council inquired of the Borough Attorney what the consequences of appointing the Judge to a three-year term are if they decide to follow the recommendations of the police study. He advised them that if they do an agreement for shared services his employ with the Borough would terminate. It was decided to hold this resolution until further information could be obtained.

Resolution 2010-86 Authorizing an Amendment to Raffle License RL-212 – Hightstown Engine Co. No. 1 Ladies Auxiliary

Council President Quattrone moved resolution 2010-86, Council member Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Resolution adopted 5-0.

Resolution 2010-86

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

AUTHORIZING ISSUANCE OF AN AMENDMENT TO RAFFLE LICENSE #RL-212 FOR THE HIGHTSTOWN ENGINE CO. #1 LADIES AUXILIARY

WHEREAS, the Hightstown Engine Co. #1 Ladies Auxiliary was issued raffle license RL-212 to hold on-premise 50/50 raffles at 140 North Main Street, on January 23, April 24, July 24 and October 23, 2010 pursuant to resolution 2009-270; and

WHEREAS, the group has submitted an application to amend the April 24, 2010 raffle date to May 15, 2010 on this raffle license; and

WHEREAS, the Borough Clerk has reviewed the amendment application and has determined that the requirements of the amendment to the original application have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue an amendment to Raffle License No. RL-212 issued to Hightstown Engine Co. #1 Ladies Auxiliary for their raffles to be held on January 23, May 15, July 24 and October 23, 2010.

Resolution 2010-87 Authorizing Issuance of License for Auction - Empire Antiques

2010-04-05 Open

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Council President Quattrone moved resolution 2010-87, Council member Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone and Sikorski voted yes.

Resolution adopted 5-0.

Resolution 2010-87

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

AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2009 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

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

1. The Borough of Hightstown hereby endorses the submission of a 2009 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Lawrence Blake, Public Works Superintendent, 148 North Main Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 2010-88 Authorizing Summer Hours for Borough Offices

Council President Quattrone moved resolution 2010-88. There was no second.

Public Comment Period II

The following residents commented:

Scott Caster of 12 Clover Lane and Torry Watkins of 68 Meadow Drive.

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

Council Comments

Councilmember McGinty – stated that the summer hours issue was under consideration but her opinion was swayed by the public; and the suspension of the second meeting of the month for the summer is not being considered. She commented that resolutions are needed for the taxi licenses that are being rejected. She thinks Mr. Gibbons should receive a response to his offer.

Councilmember Sikorski –reviewed the process taken for the police study and stated that Mr. Gibbons company did not submit

a proposal regarding the Police/Court Study when they were solicited.

Councilmember Musing – expressed his support of the Autism Awareness Committee and also thinks Mr. Gibbons should receive a response to his offer.

Council President Quattrone moved to adjourn back in to executive session at 11:05 pm and Councilmember Sikorski seconded; the Motion was approved unanimously.

After reconvening into open session at 11:30 pm Council President Quattrone moved that this meeting be adjourned and Councilmember Sikorski seconded. The motion to adjourn was accepted unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk