

Meeting Minutes
Hightstown Borough Council
Regular Meeting
August 16, 2010 6:30 pm

The meeting was called to order by Mayor 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."

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; and Frederick Raffetto, Borough Attorney;

Resolution 2010-176 Executive Session

The Borough Administrator requested that the matter of 316 Park Avenue be added to the resolution under litigation.

Council President Quattrone moved resolution 2010-176 as amended, Councilmember Sikorski seconded.

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

Resolution adopted, 6-0

Resolution 2010-176

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 August 16, 2010 at approximately 6:30 p.m. in the Council Chambers that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Litigation –Baylor & 316 Park Avenue

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: November 16, 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 re-convened into open session.

August 16, 2010

The meeting was called to order by Mayor Patten at 7:35pm 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 which had remained the same. Carmela Roberts, Borough Engineer; George Lang, Chief Finance Officer and James Eufemia, Chief of Police were also now in attendance.

Councilmember McGinty motioned that the agenda be amended to move the presentation, along with resolutions 2010-177 and 2010-178, to follow the first public comment period, Councilmember Musing seconded. All agreed

Council President Quattrone motioned to accept the agenda as amended, Councilmember Sikorski seconded; all approved.

Approval of Minutes

Council President Quattrone moved the minutes of the April 5, 2010 open session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the April 5, 2010 executive session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Resolution 2010-179 Authorizing Final Payment – B & B Construction – Peddie Lake Dam

Council President Quattrone moved resolution 2010-179, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution.

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

Resolution adopted 6-0.

Resolution 2010-179

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

AUTHORIZING FINAL PAYMENT – B & B CONSTRUCTION, CO., LLC (PEDDIE LAKE DAM IMPROVEMENTS)

WHEREAS, on August 3, 2009, the Borough Council awarded a contract for Peddie Lake Dam improvements to B & B Construction Co., LLC of Howell, New Jersey in the amount of One Hundred Forty-Three Thousand Dollars (\$143,000.00); and,

WHEREAS, the contractor has submitted Final Payment Request for work done in the total amount of \$3,822.00; and,

WHEREAS the Borough Engineer has recommended approval of this final payment request, subject to receipt of all required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Final Payment Request from B & B Construction Co., LLC of Howell, New Jersey in the amount of \$3,822.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of all required certified payrolls.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Treasurer and Contract file.

Resolution 2010-180 Authorizing the Execution of a Modified Agreement for the Stockton Street Historic District Infrastructure Project

Councilmember Musing recused himself from discussion and vote in this matter.

Council President Quattrone moved resolution 2010-180, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution and there was discussion.

Roll Call Vote: Councilmembers Bond, McGinty, Quattrone, Sikorski and Theokas voted yes; Councilmember Musing was recued.

August 16, 2010

Resolution adopted 5-0.

Resolution 2010-180

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

**AUTHORIZING THE EXECUTION OF A NEW JERSEY DEPARTMENT OF
TRANSPORTATION FEDERAL AID AGREEMENT # 10-DT-BLA-527 AMENDMENT–
STOCKTON HISTORIC DISTRICT INFRASTRUCTURE PROJECT**

FEDERAL PROJECT NO. FS-B00S (901) CONSTRUCTION

NJDOT JOB NO. 6504303

WHEREAS, Resolution 2010-130 authorized the execution of the NJDOT Federal Aid Agreement in relation to the Stockton Street historic District Infrastructure project; and,

WHEREAS, Resolution 2010-151 awarded the contract for this project to S. Batata Construction in the amount of \$791,506.00, an amount lower than the previously executed NJDOT Federal Aid Agreement amount; and

WHEREAS, in accordance with the Federal Highway Administration Guidelines, Agreement Number 10-DT-BLA-527 has been modified to reflect a new agreement amount of \$979,646.00 by the New Jersey Department of Transportation; and

WHEREAS, it is required that the Borough execute a NJDOT Federal Aid Agreement Amendment in relation to this project; and,

WHEREAS, the Borough Engineer has reviewed said amendment and submitted it for execution by the Borough.

NOW THEREFORE BE IT RESOLVED that the Borough Council hereby authorizes the Mayor and Clerk to execute the Amendment to NJDOT Federal Aid Agreement Number 10-DT-BLA-527 in the amount of \$979,646.00 for the Stockton Street Historic District Infrastructure Project.

Councilmember Musing returned to the dais.

Resolution 2010-181 Authorizing the Submission of the FY2011 Municipal Aid Application

Council President Quattrone moved resolution 2010-181, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution and there was discussion.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-181

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

**AUTHORIZING APPLICATION AND AGREEMENT
FOR TRANSPORTATION TRUST FUNDING**

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that an application for Transportation Trust FY 2011 Municipal Aid funding for the Milling and Paving Program, to include Mechanic Street, Purdy Street, Chamberlin Avenue, Wilson Avenue, Reed Street and Revered William Powell Drive is hereby approved, and the Mayor and Borough Clerk are authorized to submit an electronic grant application identified as MA-2011-Hightstown Borough-00590; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign the grant agreement on behalf of the
August 16, 2010

Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves its execution.

Resolution 2010-182 Authorizing the Release of a Performance Guarantee – Peddie School Athletic Center

Council President Quattrone moved resolution 2010-182, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution and was in support of the requirement for a Maintenance Guarantee to be waived. There was discussion.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-182

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

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND RELEASE OF AMOUNTS
REMAINING IN ESCROW – PEDDIE SCHOOL ATHLETIC CENTER**

WHEREAS, in May 2008, Peddie School posted a performance guarantee with the Borough of Hightstown in the amount of \$1,835,992.14 along with escrow monies relative to the Athletic Center Expansion; and

WHEREAS, resolution 2009-154 authorized a reduction in the performance guarantee to the amount of \$271,063.44; and,

WHEREAS, Peddie School has requested the release of said performance bond and escrow without the posting of a maintenance guarantee as they are a private organization, self insured, and operates a fully qualified maintenance staff; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of the performance bond, subject to payment of all outstanding fees and accounts.

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

1. The Clerk is authorized and directed to release to Peddie School the performance bond held relative to the Planning Board application as detailed herein.
2. The Treasurer is authorized and directed to release to Peddie School all of the amounts remaining in the escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.
3. A certified copy of this Resolution shall be provided to the following:
 - a. Peddie School
 - b. Arlene O'Rourke, Treasurer
 - c. Natalie Harrington, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

Resolution 2010-183 Authorizing the Release of a Performance Guarantee – Ronald William (244 Sunset Avenue)

Council President Quattrone moved resolution 2010-183, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution and recommended that the requirement for a Maintenance Guarantee be waived. There was discussion.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-183

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

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND RELEASE OF AMOUNTS
REMAINING IN ESCROW – RONALD AND CONNIE WILLIAMS (244 SUNSET AVE)**

WHEREAS, in November 2008, Ronald and Connie Williams posted a performance guarantee with the Borough of Hightstown in the amount of \$17,867.61 along with escrow monies relative to the improvements to 244 Sunset Avenue; and

WHEREAS, \$15,952.00 of the performance guarantee was in the form of a bond and \$1,915.61 in the form of cash; and

WHEREAS, Ronald and Connie Williams have requested the release of said performance bond and escrow funds; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of the performance bond, subject to payment of all outstanding fees and accounts; and

WHEREAS the Borough Engineer recommends that a maintenance bond not be required due to all improvements being constructed outside of the Borough right-of-way.

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

4. The Clerk is authorized and directed to release to Ronald and Connie Williams the performance bond held relative to the Planning Board application as detailed herein.
5. The Treasurer is authorized and directed to release to Ronald and Connie Williams the cash portion of the performance bond held relative to the Planning Board application as detailed herein.
6. The Treasurer is authorized and directed to release all of the amounts remaining in the escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.
7. A certified copy of this Resolution shall be provided to the following:
 - a. Ronald and Connie Williams
 - b. Arlene O'Rourke, Treasurer
 - c. Natalie Harrington, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

Resolution 2010-184 Authorizing the Receipt of Bids – Memorial Parking Lot Improvement Center of Place Project

Council President Quattrone moved resolution 2010-184, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-184

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

AUTHORIZING RECEIPT OF BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for the Memorial Parking Lot Improvements as granted through the Center of Place Grant by the New Jersey Department of Transportation, and that the Borough is authorized to receive same after proper advertisement.

The Mayor opened the floor for Public Comment Period I. The following individuals spoke during the public comment period: Phyllis Deal, 305 Stockton Street; Peter Kapsogeorge, 418 S. Main St.; Nicole Carr, Park Avenue; Jan Guthrie, 425 Stockton St.; Bridgette Martico, 100 First Ave.; Mr. Ojama, 325 S. Academy St.; Terry Brennan, PBA Representative; Kathy Gravely, 40 Westerlea Ave.; Jack Friedman, Enchantment Development; David Schneider, 227 Wilson Ave.; Ken Hitchner, 450 S. Main St.; Walt Conner, 9 Spruce Ct.; Herbert Smith, 150 S. Main St.; Rob Thibault, 504 S. Main St.; John Archer, 131 Bennett Place; Eugene Sarafin, 628 S. Main St.; Lori Ross, 156 Second Avenue.

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

Presentation

Darek Hahn, Chairperson of the Walking Bridge Committee gave a presentation on the make-up of the committee and the history of the bridge and Memorial Park. He informed the public of the goals of the committee and addressed Council regarding replacement options and design status as well as funding options. Mr. Hahn requested that Council officially approve the committee and grant application for this project.

Resolution 2010-177 Endorsing the Greenway Walking Bridge Committee appointed by the Mayor to Raise Funds, Design, Purchase and Plan for a New Walking Bridge

There was discussion and Councilmember Theokas requested that the resolution include “along with other improvements to Memorial Park” and Councilmember McGinty requested verbiage changes for clarification purposes.

Councilmember Theokas moved that the resolution be amended accordingly, Councilmember Musing seconded.

Roll Call Vote for amendment to the resolution: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution amended 6-0.

Council President Quattrone moved resolution 2010-177 as amended, Councilmember Sikorski seconded.

There was discussion.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted as amended 6-0.

Resolution 2010-177

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

ENDORISING THE GREENWAY BRIDGE COMMITTEE, APPOINTED BY THE MAYOR, TO RAISE FUNDS, DESIGN, AND PLAN FOR A NEW WALKING BRIDGE ALONG WITH OTHER IMPROVEMENTS TO MEMORIAL PARK

WHEREAS, the Mayor appointed a special committee to look into a new bridge and assess the effects on the surrounding Memorial Park; and

WHEREAS, the original walking bridge was removed due to unsafe conditions; and

WHEREAS, the current Greenway path is a safety issue as people must walk around the bridge on the sidewalk right near a heavy traffic area; and

WHEREAS, the original walking bridge was a central part of the Hightstown landscape for almost 100 years; and

WHEREAS, the “missing bridge” represents an eye sore in the middle of Hightstown; and

WHEREAS, the appointed committee is at a point where the next step is to raise money to design, and plan for a new Greenway Bridge and to possibly make other improvements to the surrounding park; and

WHEREAS, the appointed committee has had representation from the following Departments, Committees, Commissions, Community Organizations: Historic Preservation Commission, Hightstown Memorial Library, Hightstown-East Windsor Historical Society, Public Works Department, Environmental Commission, Planning Board, Parks & Recreation Commission, Police Department, Masonic Lodge, Economic Development Committee and GHEWIP.

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

1. That the Borough hereby endorses the Greenway Bridge Committee as an official Committee of the Borough.
2. The Committee shall turn funds received as a result of any fund raising over to the Borough Treasurer and said funds will be kept in a special account for purposes associated with this project.
3. The Committee was tasked with identifying alternative funding sources, and taking appropriate steps to design, and plan for a new Greenway Bridge along with improvements to the surrounding Memorial Park.
4. The Council of the Borough of Hightstown will consider any design presented by this committee and approve if the design is determined to be in the public interest and the best interest of Borough as a whole.
5. All purchases related to funds raised or granted to the committee shall be made in accordance with Local Public Contracts Law and submitted to the Borough Council for approval.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Chair of the Walking Bridge Committee
 - b. Borough Administrator
 - c. Borough Clerk
 - d. Frederick C. Raffetto, Esquire, Borough Attorney
 - e. Arlene O'Rourke, Borough Treasurer

Resolution 2010-178 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Peddie Lake Greenway Walking Bridge Project

Council President Quattrone moved resolution 2010-178, Councilmember Sikorski seconded.

There was discussion.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-178

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

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PEDDIE LAKE
GREENWAY BRIDGE PROJECT**

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Hightstown formally approves the grant application for the Peddie Lake Greenway Bridge project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "COP-2011-Hightstown Borough-00039" to the New Jersey Department of Transportation on behalf of Hightstown Borough.

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

Ordinance 2010-13 Final Reading and Public Hearing: Amending Chapter 15 "Fire Prevention" of the Revised General Ordinances of the Borough of Hightstown

The Borough Administrator gave an overview of the ordinance. The Mayor opened the Public Hearing for comments. There being no comments, the Public Hearing was closed.

Council President Quattrone moved for adoption of ordinance 2010-13, Councilmember Sikorski seconded.

There was discussion and a minor verbiage change was made to the ordinance. The Borough Attorney stated that these changes are non-substantive and the ordinance can still be adopted.

August 16, 2010

Councilmember Theokas moved for amendment of ordinance 2010-13, Councilmember Musing seconded.

Roll Call Vote to Amend Ordinance 2010-13: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Ordinance amended 6-0.

Councilmember Theokas moved for adoption of ordinance 2010-13, Councilmember Musing seconded.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Ordinance adopted as amended 6-0.

Ordinance 2010-13

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

AMENDING CHAPTER 15, "FIRE PREVENTION ," OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

WHEREAS, the State of New Jersey Department of Community Affairs, Division of Fire Safety requires certain revisions to Chapter 15 of the Borough Code; and

WHEREAS, the Borough Administrator and Fire Official of Hightstown Borough have reviewed and concurred with these recommendations;

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

Section 1. Chapter 15, "Fire Prevention," is hereby amended as follows (Cross-outs are deletions and underlines are additions):

Chapter 15

FIRE PREVENTION AND PROTECTION

Sections:

15-1	GENERAL PROVISIONS
15-2	ADMINISTRATION AND ENFORCEMENT
15-3	FEES
15-4	INVESTIGATION OF FIRE
15-5	INSPECTIONS; ORDERS TO COMPLY
15-6	RECORDS AND REPORTS; AMENDMENTS
15-7	APPLICABILITY; CONSTRUAL OF PROVISIONS; VIOLATIONS AND PENALTIES
15-8	APPEALS
15-9	RESERVED
15-10	FIRE LANES

Section 15-1

GENERAL PROVISIONS

Subsections:

15-1-1	Objectives.
15-1-2	Enforcement of Uniform Fire Safety Code.
15-1-3	Unlawful Acts.

Subsection 15-1-1 Objectives.

This chapter shall provide the Borough with rules and regulations to improve public safety by:

- a. Promoting the control of fire hazards.
- b. Regulating the installation, use and maintenance of equipment.
- c. Regulating the use of structures, premises and open areas.
- d. Providing for abatement of fire hazards.
- e. Establishing the responsibilities and procedures for Code enforcement.
- f. Setting forth the standards for compliance and achievement of these objectives. (1991 Code § 97-1)

Subsection 15-1-2 Enforcement of Uniform Fire Safety Code.

Pursuant to the State Uniform Fire Safety Act, N.J.S. 52:27D-192 et seq., the Fire Prevention Code shall be that Code identified in the New Jersey Administrative Code, including all revisions and amendments promulgated in regulations by the New Jersey Commissioner of Community Affairs, except as herein amended or deleted. Three (3) copies of the Fire Prevention Code are on file in the office of the Borough Clerk and have been plainly marked to indicate amendments and deletions. The Fire Prevention Code prescribes minimum requirements and regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises. (1991 Code § 97-2)

Subsection 15-1-3 Unlawful Acts.

It shall be unlawful for any person to violate this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Fire Official in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution, or lack thereof, of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others. (1991 Code § 97-3; Ord. No. 2001-20)

Section 15-2**ADMINISTRATION AND ENFORCEMENT****Subsections:**

15-2-1	Uniform Fire Safety Act; Fire Prevention Code.
15-2-2	Local Enforcing Agency Designated.
15-2-3	Enforcement; Bureau of Fire Safety.
15-2-4	Fire Official; Fire Inspectors.
15-2-5	Inspections.
15-2-6	Life Hazard Uses.
15-2-7	Other Powers and Duties of Bureau of Fire Safety.
15-2-8	Fire Official to Recommend Additional Regulations.
15-2-9	Administration of Bureau of Fire Safety.
15-2-10	Appointment of Fire Official; Authority; Term of Office.
15-2-11	RESERVED.
15-2-12	Legal Counsel.

Subsection 15-2-1 Uniform Fire Safety Act; Fire Prevention Code.

Pursuant to N.J.S. 52:27D-202 of the Uniform Fire Safety Act, the Uniform Fire Code, N.J.A.C. 5:70-1 et seq., and the Fire Prevention Code are hereby adopted and shall be locally enforced throughout the Borough. (1991 Code § 97-4; Ord. No. 2001-20)

Subsection 15-2-2 Local Enforcing Agency Designated.

The local enforcing agency shall be the Bureau of Fire Safety. (1991 Code § 97-5)

Subsection 15-2-3 Enforcement; Bureau of Fire Safety.

The Fire Official shall be responsible for the enforcement of the Fire Prevention Code of the Borough. To assist in the performance of the responsibilities and duties placed upon the Fire Official, a Bureau of Fire Safety is hereby created consisting of the Fire Official and such other fire inspectors as may be designated as set forth in subsection 15-2.4. (1991 Code § 97-6)

Subsection 15-2-4 Fire Official; Fire Inspectors.

a. Fire Official. The Bureau shall operate under the direct supervision and control of the Fire Official. The Fire Official shall be responsible for the direct administration and enforcement of the Fire Prevention Code.

b. Fire Inspectors. Upon recommendation of the Fire Official, the Mayor and Council may designate such number of fire inspectors as shall from time to time be deemed necessary. Such fire inspectors shall be selected through an examination to determine their fitness for the position. (1991 Code § 97-7)

Subsection 15-2-5 Inspections.

The Bureau of Fire Safety shall enforce the State Uniform Fire Safety Act and regulations promulgated pursuant thereto and the Fire Prevention Code in all structures and premises, except one (1)-family* and two (2)-family dwellings, and buildings owned or operated by the Federal government or State and interstate agencies, provided that common areas, storage and mechanical areas and other areas not used as dwellings in multifamily structures shall also be subject to inspection. Inspections shall be made as often as necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause a fire or any violations of the provisions of the Fire Prevention Code or any other ordinance affecting fire hazards. The Fire Official or other qualified fire inspector shall inspect each structure covered by this section at least annually. (1991 Code § 97-8)

* **Editor's Note:** See N.J.S. 52:27D-192 et seq.

Subsection 15-2-6 Life Hazard Uses.

The Bureau of Fire Safety shall conduct the periodic inspections of life hazard uses required by the Fire Prevention Code on behalf of the New Jersey Commissioner of Community Affairs. (1991 Code § 97-9)

Subsection 15-2-7 Other Powers and Duties of Bureau of Fire Safety.

The Bureau of Fire Safety shall have such other powers and perform such other duties as are set forth in other sections of this chapter as may be conferred and imposed from time to time by law. (1991 Code § 97-10)

Subsection 15-2-8 Fire Official to Recommend Additional Regulations.

It shall be the duty of the Fire Official to investigate and to recommend to the Borough Council such additional ordinances or amendments to existing ordinances as he may deem necessary for safeguarding life and property against fire. (1991 Code § 97-11)

Subsection 15-2-9 Administration of Bureau of Fire Safety.

The Fire Official shall serve as administrator and enforcement officer of the Bureau of Fire Safety and shall report to the Mayor and Council. He shall establish the day-to-day operating routines of the Bureau of Fire Safety and shall coordinate the activities of any technical inspectors. (1991 Code § 97-12)

Subsection 15-2-10 Appointment of Fire Official; Authority; Term of Office.

a. The Mayor and Council shall appoint a Fire Official pursuant to the State Uniform Fire Code, N.J.A.C. 5:70-1 et seq. The Fire Official shall be appointed on the basis of examination or another method selected by the Mayor and Council for determining his qualifications.

b. The Bureau shall be under the direct supervision and control of the Fire Official who shall report to the Mayor and Council. He shall have authority, as may be necessary in the interest of public safety, health and general welfare, to establish rules and regulations, to interpret and enforce the provisions of the Fire Prevention Code and to determine special requirements applicable because of climatic or other conditions, but no such rules shall have the effect of waiving any fire safety requirements specifically provided in the Fire Prevention Code or violating accepted engineering practices involving public safety.

c. The term of office of the Fire official shall be four (4) years. (1991 Code § 97-13; Ord. No. 2001-20)

d. The Fire Official may be removed from office by the Borough Administrator for failing to perform the Fire Official's duties

e. A qualified interim Fire Official may be appointed as needed by the Borough Administrator

Subsection 15-2-11 RESERVED.

(Deleted with Ord. No. 2001-20)

Subsection 15-2-12 Legal Counsel.

The Borough Attorney shall serve as legal counsel to the Bureau of Fire Safety. (1991 Code § 97-15)

Section 15-3

FEES

Subsections:

15-3-1 Permits.

15-3-2 Additional Inspections and Permits.

Subsection 15-3-1 Permits.

The fees for permits issued by the Bureau of Fire Safety pursuant to the Fire Prevention Code shall be the same as those established by N.J.A.C. 5:70-2.9(c). (1991 Code § 97-16; Ord. No. 1997-4 § 1; Ord. No. 2001-20)

Subsection 15-3-2 Additional Inspections and Permits.

The fees for all other inspections and permits issued by the Bureau of Fire Safety shall be as follows:

- a. Single occupancy under one thousand (1,000) square feet: forty-two (\$42.00) dollars.
- b. Single occupancy one thousand one (1,001) to two thousand (2,000) square feet: seventy-two (\$72.00) dollars.
- c. Single occupancy two thousand one (2,001) to three thousand (3,000) square feet: one hundred and two (\$102.00) dollars.
- d. Single occupancy three thousand one (3,001) to four thousand (4,000) square feet: one hundred and thirty-two (\$132.00) dollars.
- e. An additional twenty-four (\$24.00) dollars for each five thousand (5,000) square feet to a maximum fee of four hundred and fifty (\$450.00) dollars. (1991 Code § 97-17; Ord. No. 1998-12 § 2(A); Ord. No. 2008-09 § 8)

Section 15-4

INVESTIGATION OF FIRE

Subsections:

15-4-1 Investigation Required.

15-4-2 Written Reports.

Subsection 15-4-1 Investigation Required.

The Bureau of Fire Safety shall investigate the cause, origin and circumstances of every fire occurring in the Borough by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire. The Fire Official shall:

- a. Take charge immediately of the physical evidence.
- b. Notify the proper authorities designated by law to pursue the investigation of such matters.
- c. Further cooperate with the authorities in the collection of evidence and in the prosecution of the case. (1991 Code § 97-19)

Subsection 15-4-2 Written Reports.

Every fire shall be reported, in writing, to the Bureau of Fire Safety within five (5) days after the occurrence of the fire by the Fire Department officer in whose jurisdiction such fire has occurred. The report shall be in such form as shall be prescribed by the Fire Official and shall contain a statement of:

- a. All facts relating to the cause and circumstances of such fire.

- b. The extent of the damage thereof.
- c. The insurance upon such property.
- d. Such other information as may be required, including the injury, death or rescue of persons. (1991 Code § 97-20)

Section 15-5

INSPECTIONS; ORDERS TO COMPLY

Subsections:

- 15-5-1 Inspection Required Prior to Permit Issuance.**
- 15-5-2 Periodic Inspection of Premises.**
- 15-5-3 Removal of Combustible or Explosive Matter and Obstructions.**
- 15-5-4 Failure to Comply.**
- 15-5-5 Service of Order.**

Subsection 15-5-1 Inspection Required Prior to Permit Issuance.

Before permits may be issued as required by this chapter, the Fire Official or his assistants shall inspect and approve the receptacles, processes, vehicles, buildings or storage places to be used for any such purposes. (1991 Code § 97-21)

Subsection 15-5-2 Periodic Inspection of Premises.

The Fire Official shall inspect or cause to be inspected all premises on a periodic basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for the safeguarding of life and property from fire. (1991 Code § 97-22)

Subsection 15-5-3 Removal of Combustible or Explosive Matter and Obstructions.

Whenever an inspector, as defined in subsection 15-2.4b., shall find in any building or upon any premises or other places combustible or explosive matter, dangerous accumulations of rubbish, unnecessary accumulation of wastepaper, boxes or shavings or any highly flammable materials especially liable to fire situated so as to endanger property or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, he shall order such to be removed or remedied. Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in the Fire Prevention Code. (1991 Code § 97-23)

Subsection 15-5-4 Failure to Comply.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the order shall be liable to penalties as provided in subsections 15-7.2 and 15-7.3. (1991 Code § 97-24)

Subsection 15-5-5 Service of Order.

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the order to such occupant personally or by delivering the order to and leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address. (1991 Code § 97-25)

Section 15-6

RECORDS AND REPORTS; AMENDMENTS

Subsections:

- 15-6-1 Records to be Kept.**
- 15-6-2 Annual Report.**
- 15-6-3 Recommendation of Amendments.**

Subsection 15-6-1 Records to be Kept.

The Fire Official shall compile and keep a record of all fires and of all the facts concerning the fires, including injuries, deaths, rescue of persons and statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from the reports made by the technical

inspectors under the provisions of this chapter. All such records shall be public. (1991 Code § 97-26)

Subsection 15-6-2 Annual Report.

The Fire Official shall make an annual report of the activities of the Bureau of Fire Safety and shall transmit this report to the chief executive officer of the Borough through the Fire Chief. The report shall contain all proceedings under the Fire Prevention Code of the Borough with such statistics as the Fire Chief may wish to include therein. (1991 Code § 97-27)

Subsection 15-6-3 Recommendation of Amendments.

The Fire Chief or the Fire Official shall also recommend any amendments to the Fire Prevention Code or ordinance which, in his judgment, shall be desirable. (1991 Code § 97-28)

Section 15-7

APPLICABILITY; CONSTRUAL OF PROVISIONS; VIOLATIONS AND PENALTIES

Subsections:

- 15-7-1 Applicability.**
- 15-7-2 Construal of Provisions.**
- 15-7-3 Violations and Penalties.**
- 15-7-4 Noncompliance After Notice; Permits; False Fire Alarms.**

Subsection 15-7-1 Applicability.

The provisions of the Fire Prevention Code shall apply equally to both public and private property and shall apply to all structures and their occupancies, except as otherwise specified. (1991 Code § 97-29)

Subsection 15-7-2 Construal of Provisions.

This chapter shall be deemed an exercise of the police powers of the Borough for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of the Fire Prevention Code shall be liberally construed for that purpose. (1991 Code § 97-30)

Subsection 15-7-3 Violations and Penalties.

a. Any person who shall violate any of the provisions of the Code hereby adopted or shall fail to comply therewith or shall violate or fail to comply with any order made thereunder or shall build in violation of any details, statements, specifications or plans submitted or approved thereunder or shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Fire Official or by a court of competent jurisdiction within the time fixed herein shall severally, for each and every violation and noncompliance, respectively, upon conviction, be subject to a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation, nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

b. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the Fire Official shall result in each day that such violation continues being regarded as a new and separate offense. (1991 Code § 97-31)

Subsection 15-7-4 Noncompliance After Notice; Permits; False Fire Alarms.

a. Time Limits. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the Fire Official shall be regarded as a new and separate offense each day such violation continues.

b. Permit. Any person who sells, offers for sale, installs, operates, maintains or uses any appliance, device, equipment or system which requires a permit, approval or certificate under the provisions of this Code shall obtain such permit, approval or certificate before conducting any operation covered by the permit, approval or certificate.

c. Fire Alarm. No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. No person shall activate any installed fire warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drills or prescribed testing. (1991 Code § 97-32)

Section 15-8

APPEALS

Subsections:

~~15-8-1 Board of Appeals Established; Membership; Terms of Office.~~

~~15-8-2 Appeals to the Fire Official.~~

~~15-8-3 1 Appeals to the Board of Appeals.~~

~~15-8-4 2 Filing Fee.~~

~~Subsection 15-8-1 Board of Appeals Established; Membership; Terms of Office.~~

~~— A Board of Appeals is hereby established, consisting of three (3) members and two (2) alternate members who shall be appointed by the Mayor and Council and who, by reason of education, experience and knowledge, are deemed to be competent to sit in judgment on matters concerning the Fire Prevention Code of the Borough and its enforcement. The members and alternates shall serve for a term of three (3) years, except for the initial member appointees, who shall serve as follows:~~

~~— a. One (1) for a term of one (1) year.~~

~~— b. One (1) for a term of two (2) years.~~

~~— c. One (1) for a term of three (3) years. (1991 Code § 97-33)~~

~~Subsection 15-8-2 Appeals to the Fire Official.~~

~~— Where any person seeks relief from a decision of a Fire Official enforcing provisions of this Code, including permits, certificates, waivers, alternate materials, alternate methods, approvals or variances or matters of Code interpretations, he may request reconsideration of the Fire Official's decision by appealing, in writing, to the Fire Official within fifteen (15) days of the receipt of the decision, stating the reason he seeks relief and what decision he feels should be forthcoming. The Fire Official shall, within ten (10) days after receiving a copy of the appeal in writing, hold a hearing and decide the question after hearing testimony from all concerned persons. The Fire Official shall render his written decision within five (5) days after the hearing is completed. (1991 Code § 97-34)~~

~~Subsection 15-8-3 1 Appeals to the Board of Appeals.~~

~~Any person seeking relief from a decision of the Fire Official regarding provisions of this Code may appeal to the Mercer County Construction Board of Appeals within fifteen (15) days after receipt of a written notice of the Fire Official's decision. Such appeal shall be in writing and directed to the Mercer County Construction Board of Appeals, along with any fee required by the County. A copy of the appeal shall be promptly transmitted to the Fire Official. Upon giving not less than five (5) business days' notice to the persons interested, a hearing shall be held. The Board may, after such hearing, by a majority vote, affirm, annul or modify the action of the Fire Official. The decision of the Board shall be in writing, and a copy shall be mailed to the appellant within seven (7) business days after the conclusion of the hearing. Any decision made shall be final. Further recourse shall be through established legal procedures. (1991 Code § 97-35; Ord. No. 2001-20)~~

~~Subsection 15-8-4 2 Filing Fee.~~

~~A filing fee of twenty-five (\$25.00) dollars shall accompany each notice of appeal to the Board of Appeals. (1991 Code § 97-36)~~

Section 15-9

RESERVED

Section 15-10

FIRE LANES

Subsections:

15-10-1 Findings and Purpose.

15-10-2 Parking Prohibited in Fire Lanes; Fire Hydrant Parking Restricted.

15-10-3 Fire Lanes Established.

15-10-4 Installation of Signs; Painting of Lines.

15-10-5 Violations and Penalties.

Subsection 15-10-1 Findings and Purpose.

The Mayor and Council find that the lack of enforceable regulations with regard to parking in fire lanes in parking lots and
August 16, 2010

parking places which are open to the public in the Borough poses a substantial threat to the health, safety and welfare of motorists and pedestrians therein. It is the further purpose of the Mayor and Council, by this section, to establish fire lanes within such areas of the municipality to which the public is invited, to ensure that fire equipment and other emergency vehicles have unobstructed means of ingress, egress and passage along the fire lanes to and through such properties and to fire hydrants in order to aid persons and property in case of fire or other emergency, pursuant to N.J.S. 40:48-2.46, and thereby to promote the public health, safety and welfare. (1991 Code § 214-1; Ord. No. 94-10 § 1)

Subsection 15-10-2 Parking Prohibited in Fire Lanes; Fire Hydrant Parking Restricted.

No person shall park, stop or leave standing any vehicle, whether attended or unattended, in any designated fire lane or fire zone or obstruct any designated fire lane or fire zone. No person shall park, stop or leave standing any vehicle, whether attended or unattended, within twenty-five (25) feet of any fire hydrant or other fire department water connection device. (1991 Code § 214-2; Ord. No. 94-10 § 1)

Subsection 15-10-3 Fire Lanes Established.

Convenience food market at 315 Mercer Street:

The parking lot area on the west side of the building, from the southeast corner of the building to approximately ten (10) feet north of the main entrance.

Deerfield Park Apartments on Westerlea Avenue:

- a. The driveway starting at the rear of Building No. 8 north side facing Grape Run Road, traveling west to the rear parking lot, stopping at the southwest corner of Building No. 2.
- b. The driveway between Buildings No. 2 and No. 2, traveling east and west.
- c. The driveway in front of Building No. 3, traveling north to south.

Fairmount Investments in Krauszer's Mall (or successor tenant) on Franklin Street:

Starting at the east side corner of Broad Street curb, facing the entrance of the stores, traveling west to the end of the building.

Bank building at 105 South Main Street:

The parking lot area, facing the main entrance of the bank.

Grace Norton Rodgers School on Stockton Street:

- a. The east side entrance of the building, parking lot facing the school building.
- b. The driveway at the northeast corner of the building, ending at the south side facing Stockton Street.

Hightstown Post Office on Mercer Street:

The driveway in front of the main entrance on the east side of the building.

Hightstown High School on Leshin Lane:

- a. Starting at the northwest corner of the parking lot facing the school building, the curb along the sidewalk, traveling east, ending at the northeast corner of the driveway.
- b. Starting at the northeast corner of the school building, facing the school, traveling south, ending at the southeast corner of the school building.
- c. The driveway between the Annex and the main school, at the south side of the building.

The Peddie School on South Main Street:

- a. The main road starting at the north side corner of the Coleman Dormitory, traveling south to the end of the drive, facing Etra Road.
- b. The driveway traveling in front of the Austin Colgate Dormitory, ending at the Avery Dormitory.

Town House Garden Apartments on Manlove Avenue:

Starting at Building E, northwest corner, traveling south, the complete horseshoe drive, ending at the northeast corner of Building E.

Walter C. Black School on Stockton Street:

- a. The main entrance of the east side of the parking lot, facing the building.
- b. The complete horseshoe drive, along the curb side, facing the school building.

Westerlea Arms Apartments on Westerlea Avenue:

- a. Starting at Building No. 12, east side parking lot, off Glen Drive, facing the front of Building No. 12, stopping at the west side of the parking lot curb.
- b. Starting at the south side of Glen Drive, traveling north, the complete circle drive ending at the north side corner of the building.

The Hightstown Housing Authority, located on Academy Street, Rogers Avenue, and Railroad Avenue:

The complete courtyard areas of Building 1, 215 Academy Street, Building 2, 145 Rogers Avenue, Building 3, 174 Railroad Avenue, Building 4, 241 Academy Street, Building 5, 235 Academy Street, and the driveway on Railroad Avenue between Building 3, 174 Railroad Avenue and Building 2, 145 Rogers Avenue that are constructed of concrete. (1991 Code § 214-3; Ord. No. 94-10 § 1; Ord. No. 1999-04 § 2; Ord. No. 2001-02)

Subsection 15-10-4 Installation of Signs; Painting of Lines.

The areas designated in this section as fire lanes shall be designated by signs and pavement markings to be provided and installed by the owners of the buildings adjacent to the fire lanes and zones. The owners of such property, shall, subsequent to the initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the Borough. The owners of the properties referred to in subsection 15-10.3 shall cause all required signs and pavement markings to be completed in a workmanlike fashion within one hundred twenty (120) calendar days from the effective date of this section. The standards regarding signs and pavement markings shall be in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways. (1991 Code § 214-4; Ord. No. 94-10 § 1)

Subsection 15-10-5 Violations and Penalties.

For each violation of this section, a fine of not more than one hundred (\$100.00) dollars or imprisonment for a term not exceeding fifteen (15) days, or both, may be imposed upon every offender. (1991 Code § 214.5; Ord. No. 94-10 § 1; Ord. No. 1998-12 § 2(B))

Section 2. Penalties. This Ordinance may be enforced by the Fire Official, Construction Officer or Police Department of the Borough of Hightstown. Any person found to be in violation of this Ordinance shall be subject to the penalty provided in Chapter 1, Section 5 of the Revised Ordinances of the Borough of Hightstown.

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

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

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

Ordinance 2010-14 First Reading and Introduction - An Ordinance Amending Section 2-55.2(d) of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Regarding Fees for Municipal Court Discovery or Police Accident Reports

Council President Quattrone moved Ordinance 2010-14 and Councilmember Sikorski seconded.

The Borough Clerk gave an explanation of the need for this ordinance.

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

Ordinance Introduced, 6-0

Ordinance 2010-14

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

AMENDING SECTION 2-55.2(d) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING FEES FOR MUNICIPAL COURT DISCOVERY OR POLICE ACCIDENT REPORTS

WHEREAS, the State of New Jersey has set forth new fees to be charged for copies obtained from Government Entities; and

WHEREAS, the Borough Clerk finds that revisions to the Revised General Ordinances of the Borough of Hightstown are necessary for compliance with the new fees.

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

Section 1. Section 2-55.2(d) of the Revised General Ordinances of the Borough of Hightstown is hereby amended as follows (Cross-outs are deletions and underlines are additions):

d. Municipal Court discovery and police accident reports

1. All requests for discovery in matters pending in the Hightstown Municipal Court shall be submitted through the Municipal Prosecutor.

2. The following fees shall be payable by the requestor to the Borough of Hightstown for the discovery or accident report provided:

i. ~~\$.75~~ .05 (five cents) per page for each of the first 10 letter size (8.5 x 11) pages photocopied

ii. ~~\$.50~~ .07 (seven cents) per page for each of the next 10 legal size (8.5 x 14) or larger pages photocopied

~~iii. \$.25 per page for each of the pages photocopied thereafter~~

~~iv. iii.~~ iii. Actual postage for any discovery or accident report sent by mail

~~v. iv.~~ iv. \$.25 for the envelope for any discovery or accident report sent by mail

~~vi. v.~~ v. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.

~~vii. vi.~~ vi. Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of \$5.00 per video tape.

~~viii. vii.~~ vii. For any item that cannot be photocopied on the Borough's copy machine or for

any item not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.

3. Where the discovery must be obtained from an entity other than the Borough of Hightstown, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.
4. There shall be no charge to persons over the age of 65 for discoveries or police accident reports.

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

Section 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.

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

Ordinance 2010-12 First Reading and Introduction: Amending Section 26-9 of the Revised General Ordinances of the Borough of Hightstown Regarding Subdivision, Site Plan, Variance Checklists for Development Applications Filed Pursuant to Hightstown Development Regulations

Council President Quattrone moved for introduction of ordinance 2010-12, Councilmember Sikorski seconded.

Mr. Steve Misiura, Planning Board Chairperson, and there was discussion.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Ordinance introduced 6-0. The Public Hearing shall be scheduled for September 21, 2010.

ORDINANCE 2010-12

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

**AMENDING SECTION 26-9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHTSTOWN REGARDING SUBDIVISION, SITE PLAN, VARIANCE CHECKLISTS FOR
DEVELOPMENT APPLICATIONS FILED PURSUANT TO HIGHTSTOWN DEVELOPMENT
REGULATIONS**

WHEREAS, the Planning Board has found it necessary to update the checklist requirements for development applications filed pursuant to Hightstown Development Regulations; and

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

Section 1. Section 26-9 of the Revised General Ordinances of the Borough of Hightstown is hereby amended as follows (Cross-outs are deletions and underlines are additions):

Section 26-9

SUBDIVISION AND SITE PLAN CHECKLISTS

Subsections:

- ~~26-9-00~~ ~~Filing.~~
~~26-9-1~~ ~~Checklist for Subdivision Plans.~~
~~26-9-2~~ ~~Checklist for Site Plan Approval.~~
~~26-9-3~~ ~~Checklist for Variance Application.~~
~~26-9-4~~ ~~Checklist for Sign Variance Application~~
~~Subsection 26-9-00~~ ~~Filing.~~

Applicants seeking subdivision, site plan and/or variance approval shall file twenty one (21) completed copies of the following checklist along with the information and documents required therein. No application will be deemed complete until all of the

appropriate checklists are complied with and all fees are paid. (Ord. No. 2009-12)

Subsection 26-9-1 Checklist for Subdivision Plans.

a. Requirements.

MAJOR SUBDIVISION:

- _____ 1. ~~Designed, drawn, signed and sealed by NJPE, LS or AIA as appropriate.~~
- _____ 2. ~~Title block as prescribed by N.J.S.A. 13:40-1.~~
- _____ 3. ~~A north arrow with reference meridian.~~
- _____ 4. ~~Twenty one (21) copies of all drawings and documents. Fifteen (15) sets of drawings shall be half size with graphical scale and six (6) sets of drawings shall be full size.~~
- _____ 5. ~~List of waivers requested.~~
- _____ 6. ~~List of variances requested from the Planning Board by section of Ordinance.~~
- _____ 7. ~~Key map showing the tract in question; north arrow; zoning; tax lot numbers, tax block numbers, owners names as identified on certified list provided by Borough and all lots within 200 feet of total tract; Municipal Boundaries; signature and seal of licensed professional; names and addresses of owner, applicant and professional preparing the map; owner's certification; zoning data for each zone with all proposed data and deficiencies listed; number of proposed lots.~~
- _____ 8. ~~A boundary and topographic survey of the total tract as required by N.J.A.C. 13:40-7.2 signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5. Topography within 200 feet from the subdivision boundary shall be shown. All topography shall be based on NGVD 1929 datum.~~
- _____ 9. ~~Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.~~
- _____ 10. ~~Subdivision plan showing existing topography; all existing and proposed lot lines, lot dimensions, locations of on-site structures with dimensions to proposed lots (if remaining after subdivision); wetland boundaries and areas; flood hazard boundaries and areas; all easement boundaries and areas; all proposed streets showing name; right-of-way width and cartway widths; common driveway locations; proposed widened roadway widths along frontage of lot; sight triangle easements and boundaries; and a tabulation of zoning requirements showing zone(s) in which lot is located, bulk requirements of zone(s), bulk requirements proposed by application (including conditional or accessory use requirements) and density.~~
- _____ 11. ~~Grading and Drainage Plan detailing all provisions for collecting and discharging storm water runoff shall be made. A composite grading and drainage plan of the entire development identifying the individual NGVD 1929 elevations at all high and low points, breaks in grade, corners of tentative house locations on each lot and lot corners shall be shown. Existing and proposed contours with intervals of one foot.~~
- _____ 12. ~~A plan and centerline profile for all proposed roadways showing existing and proposed elevations; storm and sanitary sewer piping, storm water inlet locations, inverts, slopes, horizontal offset dimensions, grate or rim elevations; curb lines and locations; proposed contours; water mains and valves.~~
- _____ 13. ~~Profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.~~
- _____ 14. ~~Stormwater Management Submission, including the following in accordance with Section 25-9 of the *Revised General Ordinances of the Borough of Hightstown*:~~

_____ a. _____ Topographic base map

- ~~_____ b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown~~
- ~~_____ c. Project Description and Site Plan~~
- ~~_____ d. Land Use Planning & Source Control Plan~~
- ~~_____ e. Stormwater Management Facilities Map~~
- ~~_____ f. Hydrologic and Hydraulic Calculations~~
- ~~_____ g. Maintenance & Repair Plan~~
- ~~_____ 15. Plan and centerline profiles for widening of all existing roadways.~~
- ~~_____ 16. Half cross sections along the side of all existing roadways to be widened.~~
- ~~_____ 17. Typical construction details. Details shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls; storm sewer trench; storm sewer flared end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; sanitary main; manholes and laterals; water main, valves and house services; and other details deemed appropriate by the Borough Engineer.~~
- ~~_____ 18. A landscaping plan showing the site, all existing and proposed topography, existing on-site tree groupings and off-site tree groupings within 200 feet; typical planting details; landscaping notations and details showing detailed locations of proposed plant materials; and enlarged details for individual units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to greater size and species. The landscape plan shall be signed and sealed by a New Jersey Certified Landscape Architect.~~
- ~~_____ 19. Proposed lighting. Fixtures shall be placed at all intersections and at permanently located cul-de-sacs. Details shall include the proposed fixture type, height, color, wattage and type of light.~~
- ~~_____ 20. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.~~
- ~~_____ 21. Community Impact Statement, pursuant to Ordinance Section 26-7.~~
- ~~_____ 22. Environmental Impact Assessment pursuant to Ordinance Section 26-8.~~
- ~~_____ 23. A traffic report and analysis including but not limited to existing and background peak hour traffic volumes and distribution patterns; peak hour on-site generated traffic volumes and distribution patterns; existing and proposed traffic composition; analysis of adequacy of proposed on-site circulation patterns including adequacy of truck and automobile turning radii; analyses of need for number of loading bays; existing and proposed levels of service and volume/capacity ratios; adequacy of proposed sight distances; analyses of need for roadway striping, signage or reflectorization; need for signalization and a summary recommendation and conclusions for the analysis.~~
- ~~_____ 24. Contribution Disclosure Statement, pursuant to Subsection 26-9.5 of the Revised General Ordinances of the Borough of Hightstown.~~
- ~~_____ 25. Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. Certified list of property owners obtained from Borough Tax Assessor and Affidavit along with certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page) shall be submitted to Planning Board Secretary at least forty-eight (48) hours prior to hearing.~~

MINOR SUBDIVISION:

- ~~1. Designed, drawn, signed and sealed by NJPE, LS or AIA as appropriate.~~
- ~~2. Name, title and address of applicant, owner and person preparing application.~~
- ~~3. Place for signature of owner with owner's consent statement.~~
- ~~4. Twenty one (21) copies of all drawings and documents. Fifteen (15) sets of drawings shall be half size with graphical scale and six (6) sets of drawings shall be full size.~~
- ~~5. Place for signature of Chairman and Secretary of Planning Board.~~
- ~~6. Place for signature of Borough Engineer.~~
- ~~7. Tax map lot and block numbers.~~
- ~~8. Date, scale and north arrow with reference meridian (scale must be not less than 1" = 50 feet).~~
- ~~9. Key map showing the tract in question; all tax lots and blocks within two hundred (200) feet; municipal boundaries; streams, waterways and public roadways within two hundred (200) feet.~~
- ~~10. A boundary survey of the total tract signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5.~~
- ~~11. Plan of existing and proposed lot lines showing bearings and dimensions of all lots including the lands remaining to nearest 1/100th foot and areas to nearest 1/100th acre; all setbacks with typical dimensions; and dimensions to all existing structures; wetlands boundaries; 100-year flood hazard limit line~~
- ~~12. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data proposed by the application. This tabulation shall also identify compliance or noncompliance for all existing structures.~~
- ~~13. List of tax blocks and lots with owners within 200 feet of lot being subdivided as shown on certified list provided by Borough.~~
- ~~14. Location and general specific classification of all existing on site tree masses.~~
- ~~15. Identification of existing on site physical features including soils, geology, stream and water courses, rock out crops and 100-year flood hazard area.~~
- ~~16. Delineation of on site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on site. Copy of wetlands delineation report to accompany site plan submission.~~
- ~~17. All rights of way, easements and lands to be dedicated to the municipality or reserved for specific uses shall be shown and dimensioned with areas to the nearest 1/100th acre.~~
- ~~18. Provisions for collecting and discharging storm water runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points and breaks in grade and tentative elevation at the corners of house locations on each lot.~~
- ~~19. All existing and proposed utility service lines and laterals on-site and along the frontage of the site. This shall include storm drainage, water mains, sanitary mains, connections and underground electric and phone service~~

~~b. Additional Instructions and Notes for Applicants.~~

- ~~1. Plans will be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.~~
- ~~2. In addition, the Mercer County Planning Board will review the plat and make comments.~~
- ~~3. The applicant must submit proof that no taxes or assessments for local improvements are due or delinquent on the property for which subdivision application is made.~~

4. ~~The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.~~

5. ~~Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty eight (48) hours prior to the hearing.~~

6. Notice shall be sent to the following:

(a) ~~Adjoining municipality if the property is located within two hundred (200) feet.~~

(b) ~~The County Planning Board if the property is adjacent to a County road.~~

(c) ~~The Commissioner of Transportation, if the property is adjacent to a State highway.~~

7. ~~Proof of service must be submitted to the Planning Board Secretary prior to the hearing.~~

8. ~~The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. No application shall be declared incomplete for lack of such additional information. (Ord. No. 2005-15; Ord. No. 2006-28; Ord. No. 2009-12)~~

Subsection 26-9-2 Checklist for Site Plan Approval.

a. ~~Requirements:~~

~~1. Designed, drawn, signed and sealed by NJPE, LS or AIA as appropriate.~~

~~2. Name, title and address of applicant, owner and person preparing application.~~

~~3. Place for signature of chairman and secretary of Planning Board.~~

~~4. Place for signature of Borough Engineer.~~

~~5. Twenty one (21) copies of all drawings and documents. Fifteen (15) sets of drawings shall be half size with graphical scale and six (6) sets of drawings shall be full size.~~

~~6. List of waivers requested.~~

~~7. List of variances requested from the Planning Board by section of Ordinance.~~

~~8. Tax map lot and block numbers.~~

~~9. Date, scale and north arrow with reference meridian.~~

~~10. Key map of the site with reference to surrounding areas and to existing street locations, containing existing buildings and lot lines within two hundred (200) feet of the site.~~

~~11. Boundary and topographic survey of the total tract as required by N.J.A.C. 13:40-7.2, signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5. Topography within 200 feet of the boundary shall be shown and a reference datum indicated.~~

~~12. Zone district in which property in question falls, zone district of adjoining properties and all property within a two hundred (200) foot radius of the property in question.~~

~~13. Names of owners of all contiguous land and adjacent property within two hundred (200) feet as per certified list obtained from the Borough.~~

~~14. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data existing and proposed. All variance conditions are to be noted as such.~~

- ~~15. The entire property in question even though only a portion of said property is involved in the site plan.~~
- ~~15A. The outside dimensions of existing and/or proposed principal buildings(s) and all accessory structures.~~
- ~~16. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.~~
- ~~17. Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.~~
- ~~18. All driveways, streets, buildings and lot lines within two hundred (200) feet of site.~~
- ~~19. All existing and proposed curbs and sidewalks.~~
- ~~20. All existing and proposed utility lines within and adjacent to the subject property and full explanation of source of water supply and means of sewage disposal.~~
- ~~21. Rights of way, easements and all lands to be dedicated to the municipality or reserved for specific uses.~~
- ~~22. A grading plan with existing and proposed contours at one foot intervals and finished first floor elevations. Additional spot elevations may be required to determine slopes in "critical" areas as deemed appropriate by the Borough Engineer.~~
- ~~23. Plans and centerline profiles shall be provided for widening of all existing roadways.~~
- ~~24. Half cross sections, 50 feet on center, shall be provided along the side of all widened existing roadways.~~
- ~~25. Dimensions of lot, setbacks, front yard, side yards and rear yard; size, kind and location of fences.~~
- ~~26. Drainage plan showing location of existing and proposed manholes, inlets, pipes, inverts, rims, grates, swales, berms, and other storm drainage facilities, including roof leaders. All pipe slopes, lengths and materials are to be identified.~~
- ~~27. Storm drainage profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.~~
- ~~28. Stormwater Management Submission, including the following in accordance with Section 25-9 of the *Revised General Ordinances of the Borough of Hightstown*:~~
- ~~a. Topographic base map~~
 - ~~b. Environmental Impact Assessment, pursuant to Section 26-8 of the *Revised General Ordinances of the Borough of Hightstown*~~
 - ~~c. Project Description and Site Plan~~
 - ~~d. Land Use Planning & Source Control Plan~~
 - ~~e. Stormwater Management Facilities Map~~
 - ~~f. Hydrologic and Hydraulic Calculations~~
 - ~~g. Maintenance & Repair Plan~~
- ~~29. Location, dimensions and details of all signs.~~

- ~~_____ 30. Typical construction details shall be provided. Details to be shown shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls; storm sewer trench; storm sewer flared end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; and all retaining wall details; and other details deemed appropriate by the Borough Engineer.~~
- ~~_____ 31. A landscaping plan showing the site, all existing and proposed topography, existing on site tree groupings and off site tree groupings within 200 feet; typical planting details; detailed locations of proposed plant materials; and enlarged details for individual multi-family units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to general size and species. Proposed materials with a fall planting hazard are to be noted as such.~~
- ~~_____ 32. Plans of off street parking, parking area layout and off street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress.~~
- ~~_____ 33. Details of all proposed outdoor lighting including site lighting stanchion locations including the 0.5 foot candle boundary limit in plan form, details showing type of light(s), height of light(s), style of light(s), typical footing detail; typical illumination pattern (to Scale); color and wattage of lights; all lighting details may be included on the landscaping plan.~~
- ~~_____ 34. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.~~
- ~~_____ 35. Submission of Community Impact Statement, pursuant to Section 26-7.~~
- ~~_____ 36. Submission of Environmental Impact Assessment, pursuant to Section 26-8.~~
- ~~_____ 37. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown.~~

~~b. The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. No application shall be declared incomplete for lack of such additional information. (Ord. No. 2005-15; Ord. No. 2006-28; Ord. No. 2009-12)~~

~~Subsection 26-9-3 Checklist for Variance Application.~~

~~Applicants seeking variance relief shall file twenty one (21) completed copies of the following checklist along with the information and documents required therein:~~

- ~~_____ 1. Twenty one (21) copies of completed application.~~
- ~~_____ 2. Twenty one (21) copies of survey showing location of existing and proposed structures on subject.~~
- ~~_____ 3. Twenty one (21) copies of plans of the proposed structure which describe its appearance and prove its compliance with building codes.~~
- ~~_____ 4. Letter from Borough Tax Collector indicating that taxes are paid to date.~~
- ~~_____ 5. Affidavit of Publication of Notice of Hearing in Hightstown Gazette or Trenton Times at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).~~
- ~~_____ 6. Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. Certified list of property owners obtained from Borough Tax Assessor and Affidavit along with certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8 1/2 x 11" bond paper, six (6) receipts to a page) shall be submitted to Planning Board Secretary at least forty-eight (48) hours prior to hearing.~~

~~_____ 7. Payment of applicable fees and escrow accounts.~~

~~_____ 8. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2006-28; Ord. No. 2009-12)~~

Subsection 26-9-4 Checklist for Sign Variance Application

Applicants seeking sign variance relief shall file eighteen (18) completed copies of the following checklist along with the information and documents required therein:

~~_____ 1. Eighteen (18) copies of completed application.~~

~~_____ 2. Eighteen (18) copies of photo or sketch with dimension of sign(s) desired.~~

~~_____ 3. Letter from Borough Tax Collector indicating that taxes are paid to date.~~

~~_____ 4. Affidavit of Publication of Notice of Hearing in Hightstown Gazette or Trenton Times at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).~~

~~_____ 5. Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. Certified list of property owners obtained from Borough Tax Assessor and Affidavit along with certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page) shall be submitted to Planning Board Secretary at least forty-eight (48) hours prior to hearing.~~

~~_____ 6. Payment of applicable fees.~~

~~_____ 7. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2006-28; Ord. No. 2009-12)~~

SUBDIVISION, SITE PLAN, VARIANCE AND SIGN VARIANCE CHECKLISTS FOR DEVELOPMENT APPLICATIONS FILED PURSUANT TO HIGHTSTOWN DEVELOPMENT REGULATIONS

Subsections:

26-9-00 Filing and Completeness of All Applications.

26-9-1 Checklist for Subdivisions.

26-9-2 Checklist for Site Plans.

26-9-3 Checklist for Variances.

26-9-4 Checklist for Sign Variances.

Subsection 26-9-00 Filing and Completeness of All Applications.

Applicants seeking subdivision, site plan and/or variance approvals shall file with the Planning Board Secretary twenty-one (21) completed copies of a completed application and the applicable Checklist with all plans, information and documents required therein. Applicants must organize and collate all information presented into twenty-one (21) individual packages and all plans shall be folded with the Title Block showing. No application will be accepted and/or deemed complete and placed on a Planning Board Agenda until the appropriate checklist is completed in full, all fees and escrow (if applicable) are paid, a completed W-9 provided, and plans and documents presented in collated form. Notices of hearings shall not be published or served until the application is deemed to be complete and a date scheduled for Public Hearing. All N.J. corporations and business entities, except sole proprietorships, must be represented by a N.J. Licensed Attorney in appearances before the Planning Board involving the practice of law, as defined by the N.J. Supreme Court, where witnesses are examined, legal authority is cited and laws and ordinances are interpreted.

All complete applications must be submitted no less than thirty-one (31) calendar days prior to the next available Planning Board Meeting date or will not be considered until the following Meeting date. However, the scheduling of a complete application on a Planning Board Agenda shall depend on the Board's business and shall be at the discretion of the Board Chair.

N.J.S.A. 40:55D-48.1 and 48.2 require that corporations or partnerships applying to the Planning Board for permission to subdivide land into six (6) or more lots, a variance to construct a multiple dwelling of twenty-five (25) or more units, or to use a site for commercial purposes, must disclose the names and address of all stockholders or individual partners owning at least ten percent (10%) stock or a ten percent (10%) or greater interest in the partnership.

Subsection 26-9-1 Checklist for Subdivisions.

a. Requirements for Preliminary Major Subdivision.

1. Designed, drawn, signed and sealed by a New Jersey licensed P.E., L.S., R.A., L.L.A. or P.P. as permitted by N.J.A.C. 13:40-7.1 et seq.
2. Title Block as prescribed by N.J.S.A. 13:40-8.
3. A north arrow with reference meridian.
4. Twenty-one (21) copies of a complete application and all drawings and documents. Fifteen (15) sets of drawings shall be half-size with graphical scale and six (6) sets of drawings shall be full-size.
5. List of all waivers requested.
6. List of all variances requested from the Planning Board by section of Ordinance.
7. Key map showing the tract in question; north arrow; zoning; tax lot numbers, tax block numbers, owners names as identified on certified list provided by Borough and all lots within 200 feet of total tract; Municipal Boundaries; signature and seal of licensed professional; names and addresses of owner, applicant and professional preparing the map; owner's certification of title and consent to file application; zoning data for each zone with all proposed data and deficiencies listed; number of proposed lots.
8. A boundary and topographic survey of the total tract as required by N.J.A.C. 13:40-7.2 signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5. Topography within 200 feet from the subdivision boundary shall be shown. All topography shall be based on NGVD 1929 datum.
9. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.
10. Subdivision plan showing existing topography; all existing and proposed lot lines, lot dimensions, locations of on-site structures with dimensions to proposed lots (if remaining after subdivision); wetland boundaries and areas; flood hazard boundaries and areas; all easement boundaries and areas; all proposed streets showing name; right-of-way width and cartway widths; common driveway locations; proposed widened roadway widths along frontage of lot; sight triangle easements and boundaries; and a tabulation of zoning requirements showing zone(s) in which lot is located, bulk requirements of zone(s), bulk requirements proposed by application (including conditional or accessory use requirements) and density.
11. Grading and Drainage Plan detailing all provisions for collecting and discharging storm water runoff shall be made. A composite grading and drainage plan of the entire development identifying the individual NGVD 1929 elevations at all high and low points, breaks in grade, corners of tentative house locations on each lot and lot corners shall be shown. Existing and proposed contours with intervals of one foot.
12. A plan and centerline profile for all proposed roadways showing existing and proposed elevations; storm and sanitary sewer piping, storm water inlet locations, inverts, slopes, horizontal offset dimensions, grate or rim elevations; curb lines and locations; proposed contours; water mains and valves.
13. Profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.
14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the *Revised General Ordinances of the Borough of Hightstown*:

- _____ a. Topographic base map
- _____ b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown
- _____ c. Project Description and Site Plan
- _____ d. Land Use Planning & Source Control Plan
- _____ e. Stormwater Management Facilities Map
- _____ f. Hydrologic and Hydraulic Calculations
- _____ g. Maintenance & Repair Plan

_____ 15. Plan and centerline profiles for widening of all existing roadways.

_____ 16. Half cross sections along the side of all existing roadways to be widened.

_____ 17. Typical construction details. Details shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls, storm sewer trench; storm sewer flared-end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; sanitary main; manholes and laterals; water main, valves and house services; and other details deemed appropriate by the Borough Engineer.

_____ 18. A landscaping plan showing the site, all existing and proposed topography, existing on-site tree groupings and off-site tree groupings within 200 feet; typical planting details; landscaping notations and details showing detailed locations of proposed plant materials; and enlarged details for individual units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to greater size and species. The landscape plan shall be signed and sealed by a New Jersey Certified Landscape Architect.

_____ 19. Proposed lighting. Fixtures shall be placed at all intersections and at permanently located cul-de-sacs. Details shall include the proposed fixture type, height, color, wattage and type of light.

_____ 20. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.

_____ 21. Community Impact Statement, pursuant to Ordinance Section 26-7.

_____ 22. Environmental Impact Assessment pursuant to Ordinance Section 26-8.

_____ 23. A traffic report and analysis including but not limited to existing and background peak hour traffic volumes and distribution patterns; peak hour on-site generated traffic volumes and distribution patterns; existing and proposed traffic composition; analysis of adequacy of proposed on-site circulation patterns including adequacy of truck and automobile turning radii; analyses of need for number of loading bays; existing and proposed levels of service and volume/capacity ratios; adequacy of proposed sight distances; analyses of need for roadway striping, signage of reflectorization; need for signalization and a summary recommendation and conclusions for the analysis.

_____ 24. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown.

_____ 25. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure and Consent to file the Application.

_____ 26. A draft public notice.

_____ 27. Places for signatures of Chairman, Secretary and Borough Engineer.

_____ 28. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.

29. Disclosure of ownership, if required, pursuant to N.J.S.A. 40:55D-48.1 and 48.2.

30. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.

b. Additional Instructions and Notes for All Applicants (Major Subdivision).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.

2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.

3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.

4. _____

(a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

5. Notice shall be sent to the following:

(a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.

(b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.

(c) The Commissioner of Transportation, if the property is adjacent to a State Highway.

(d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

c. Requirements for Minor Subdivision.

1. Designed, drawn, signed and sealed by a New Jersey licensed .P.E., L.S., R.A., L.L.A. or P.P. as permitted by N.J.A.C. 13:40-7.1 et seq.

2. Title Block as prescribed by N.J.S.A. 13:40-8.

3. Place for signature of owner with owner's Certification of Title and Consent to file the application ~~statement~~, and name and address of applicant.

4. Twenty-one (21) copies of a complete application and all drawings and documents. Fifteen (15) sets of drawings shall be half-size with graphical scale and six (6) sets of drawings shall be full-size.

5. Place for signature of Chairman and Secretary of Planning Board.

6. Place for signature of Borough Engineer.

- ____ 7. Tax map lot and block numbers.
- ____ 8. Date, scale and north arrow with reference meridian (scale must be not less than 1" = 50 feet).
- ____ 9. Key map showing the tract in question; all tax lots and blocks within two hundred (200) feet; municipal boundaries; streams, waterways and public roadways within two hundred (200) feet.
- ____ 10. A boundary survey of the total tract signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5.
- ____ 11. Plan of existing and proposed lot lines showing bearings and dimensions of all lots including the lands remaining to nearest 1/100th foot and areas to nearest 1/100th acre; all setbacks with typical dimensions; and dimensions to all existing structures; wetlands boundaries; 100 year flood hazard limit line.
- ____ 12. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data proposed by the application. This tabulation shall also identify compliance or noncompliance for all existing structures.
- ____ 13. List of tax blocks and lots with owners within 200 feet of lot being subdivided as shown on certified list provided by Borough.
- ____ 14. Location and general specific classification of all existing on-site tree masses.
- ____ 15. Identification of existing on-site physical features including soils, geology, stream and water courses, rock out-crops and 100 year flood hazard area.
- ____ 16. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.
- ____ 17. All rights-of-way, easements and lands to be dedicated to the municipality or reserved for specific uses shall be shown and dimensioned with areas to the nearest 1/100th acre.
- ____ 18. Provisions for collecting and discharging storm water runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points and breaks in grade and tentative elevation at the corners of house locations on each lot.
- ____ 19. All existing and proposed utility service lines and laterals on-site and along the frontage of the site. This shall include storm drainage, water mains, sanitary mains, connections and underground electric and phone service.
- ____ 20. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.
- ____ 21. A draft public notice.
- ____ 22. List of all waivers and variances requested.
- ____ 23. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.

d. Additional Instructions and Notes for All Applicants (Minor Subdivision).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.
2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.
3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.
4. _____

- (a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet

of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

5. Notice shall be sent to the following:

- (a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.
- (b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.
- (c) The Commissioner of Transportation, if the property is adjacent to a State Highway.
- (d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

Subsection 26-9-2 Checklist for Site Plans.

a. Requirements.

- 1. Designed, drawn, signed and sealed by a New Jersey licensed P.E., L.S., R.A., L.L.A. or P.P. as permitted by N.J.A.C. 13:40-7.1 et seq.
- 2. Title Block as prescribed by N.J.A.C. 13:40-8.
- 3. Name, title and address of applicant, owner and person preparing application.
- 4. Place for signature of Chairman and Secretary of Planning Board.
- 5. Place for signature of Borough Engineer.
- 6. Twenty-one (21) copies of a complete application and all drawings and documents. Fifteen (15) sets of drawings shall be half-size with graphical scale and six (6) sets of drawings shall be full-size.
- 7. List of all waivers requested.
- 8. List of all variances requested from the Planning Board by Section of Ordinance.
- 9. Tax map lot and block numbers.
- 10. Date, scale and north arrow with reference meridian.
- 11. Key map of the site with reference to surrounding areas and to existing street locations, containing existing buildings and lot lines within two hundred (200) feet of the site.
- 12. Boundary and topographic survey of the total tract as required by N.J.A.C. 13:40-7.2, signed and sealed by the preparing N.J. Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5. Topography within 200 feet of the boundary shall be shown and a reference datum indicated.
- 13. Zone district in which property in question falls, zone district of adjoining properties and all property within a two hundred (200) foot radius of the property in question.

14. Names of owners of all contiguous land and adjacent property within two hundred (200) feet as per certified list obtained from the Borough.
15. Zoning requirements tabulated to show all bulk requirements of the zone and the bulk data existing and proposed. All variance conditions are to be noted as such.
16. The entire property in question even though only a portion of said property is involved in the site plan.
- 16A. The outside dimensions of existing and/or proposed principal buildings(s) and all accessory structures.
17. Delineation of on-site wetlands as field identified by a qualified expert in accordance with the NJDEP standards, or statement by qualified expert that no wetlands or wetlands transition areas exist on-site. Copy of wetlands delineation report to accompany site plan submission.
18. Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.
19. All driveways, streets, buildings and lot lines within two hundred (200) feet of site.
20. All existing and proposed curbs and sidewalks.
21. All existing and proposed utility lines within and adjacent to the subject property and full explanation of source of water supply and means of sewage disposal.
22. Rights-of-way, easements and all lands to be dedicated to the municipality or reserved for specific uses.
23. A grading plan with existing and proposed contours at one-foot intervals and finished first floor elevations. Additional spot elevations may be required to determine slopes in "critical" areas as deemed appropriate by the Borough Engineer.
24. Plans and centerline profiles shall be provided for widening of all existing roadways.
25. Half cross sections, 50 feet on center, shall be provided along the side of all widened existing roadways.
26. Dimensions of lot, setbacks, front yard, side yards and rear yard; size, kind and location of fences.
27. Drainage plan showing location of existing and proposed manholes, inlets, pipes, inverts, rims, grates, swales, berms, and other storm drainage facilities, including roof leaders. All pipe slopes, lengths and materials are to be identified.
28. Storm drainage profiles for all diversion swales, waterways, storm sewer pipe and any other conduit not shown on roadway plan and profile sheets shall be provided.
29. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:
- a. Topographic base map
 - b. Environmental Impact Assessment, pursuant to Section 26-8 of the Revised General Ordinances of the Borough of Hightstown
 - c. Project Description and Site Plan
 - d. Land Use Planning & Source Control Plan
 - e. Stormwater Management Facilities Map
 - f. Hydrologic and Hydraulic Calculations
 - g. Maintenance & Repair Plan

30. Location, dimensions and details of all signs.

31. Typical construction details shall be provided. Details to be shown shall include: typical roadway cross section; storm sewer inlets and manholes (each type proposed); storm sewer headwalls, storm sewer trench; storm sewer flared-end section; underdrain; curb; curb end treatment, depressed curb; sidewalk; handicap ramp; street signs; warning and regulatory signs; sump pump/underdrain to storm sewer connection; any "poured in place" concrete details and reinforcing schedules; and all retaining wall details; and other details deemed appropriate by the Borough Engineer.

32. A landscaping plan showing the site, all existing and proposed topography, existing on-site tree groupings and off-site tree groupings within 200 feet; typical planting details; detailed locations of proposed plant materials; and enlarged details for individual multi-family units, landscaped islands, and landscaped berms. All trees and tree groups shown shall be classified as to general size and species. Proposed materials with a fall planting hazard are to be noted as such.

33. Plans of off-street parking, parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress.

34. Details of all proposed outdoor lighting including site lighting stanchion locations including the 0.5 foot-candle boundary limit in plan form, details showing type of light(s), height of light(s), style of light(s), typical footing detail; typical illumination pattern (to Scale); color and wattage of lights; all lighting details my be included on the landscaping plan.

35. Architectural plans showing, as a minimum, the first floor plan and front, rear and side elevations of all proposed principal buildings and structures and all accessory buildings and structures, and their materials and treatment.

36. Submission of Community Impact Statement, pursuant to Section 26-7.

37. Submission of Environmental Impact Assessment, pursuant to Section 26-8.

38. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the *Revised General Ordinances of the Borough of Hightstown*.

39. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure and Consent to file the application.

40. A draft public notice.

41. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.

42. Disclosure of ownership, if required, pursuant to N.J.S.A. 40:55D-48.1 and 48.2.

43. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.

b. Additional Instructions and Notes for All Applicants (Site Plan).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.

2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.

3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.

4. _____

(a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a

page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

5. Notice shall be sent to the following:

(a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.

(b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.

(c) The Commissioner of Transportation, if the property is adjacent to a State Highway.

(d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

Subsection 26-9-3 Checklist for Variances.

a. Applicants seeking variance relief shall file twenty-one (21) completed copies of the following checklist along with the information and documents required therein:

1. Twenty-one (21) copies of a complete application.
2. Twenty-one (21) copies of survey showing location of existing and proposed structures on subject.
3. Twenty-one (21) copies of plans of the proposed structure which describe its appearance and prove its compliance with building codes.
4. Proof that no taxes, assessments, or sewer and water charges are due or delinquent on the subject property.
5. Completion of W-9 form to accompany payment of applicable fees and escrow accounts.
6. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the Revised General Ordinances of the Borough of Hightstown.
7. A draft public notice.
8. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure and Consent to file the application.
9. Disclosure of ownership, if required, pursuant to N.J.S.A. 40:55D-48.1 and 48.2.
10. List of all variances ~~waivers~~ requested.

b. Additional Instructions and Notes for All Applicants (Variance).

1. Plans may be reviewed by the Borough Engineer, Zoning Officer, Planning Consultants and other interested parties.

2. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.

3. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.

4. _____

(a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

5. Notice shall be sent to the following:

- (a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.
- (b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.
- (c) The Commissioner of Transportation, if the property is adjacent to a State Highway.
- (d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and/or the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such information.

Subsection 26-9-4 Checklist for Sign Variances.

a. Applicants seeking sign variance relief shall file twenty-one (21) completed copies of the following checklist along with the information and documents required therein:

- 1. Twenty-one (21) copies of a complete application.
- 2. Twenty-one (21) copies of photo or sketch with dimension of sign(s) desired.
- 3. Proof that no taxes, assessments or sewer and water charges are due or delinquent on the subject property.
- 4. Completion of W-9 form to accompany payment of all fees.
- 5. Contribution Disclosure Statement, pursuant to Subsection 26-9-5 of the *Revised General Ordinances of the Borough of Hightstown*.
- 6. A draft public notice.
- 7. Owner's Certification or Affidavit of Title prepared by an N.J. Attorney at Law or N.J. Title Company with Commitment to Insure, and Consent to file application.
- 8. List of all variances ~~waivers~~ requested.

b. Additional Instructions and Notes for All Applicants (Sign Variance).

- 1. In addition, as required, the Mercer County Planning Board must receive a copy of the application and plan(s), and may review the plan and make comments.
- 2. The applicant shall give public notice by publication in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing.
- 3. _____

(a) Affidavit of Service of Notice of Hearing on all owners of property within two Hundred (200) feet of subject property as shown on the current Borough Tax duplicate. A certified list of property owners obtained from the Borough Tax Assessor and Affidavit, along with USPS certified mail receipts arranged in

the same order as the certified list of property owners (mounted on 8½ x 11" bond paper, six (6) receipts to a page), shall be submitted to the Planning Board Secretary at least forty-eight (48) hours prior to the hearing.

(b) Affidavit of Publication of Notice of Hearing in the official newspaper of the Borough at least ten (10) days prior to hearing (obtain this affidavit from the newspaper and submit to the Planning Board Secretary at least forty-eight (48) hours prior to the scheduled hearing).

4. Notice shall be sent to the following:

(a) Adjoining municipality (Clerk) if the property is located within two hundred (200') feet.

(b) The County Planning Board if the property is adjacent to a County road or affects a County drainage facility.

(c) The Commissioner of Transportation, if the property is adjacent to a State Highway.

(d) All public utilities in the Municipality registered pursuant to N.J.S.A. 40:55D-12.1.

5. In lieu of an Owner's Certification of Title and Consent as required in Subsection 26-9-4a.7. above, a Lessee or Contract Purchaser, may submit a copy of an existing Lease document or executed Contract of Sale for the subject property demonstrating ownership and the Owner's consent to file the application.

6. The Board reserves the right to require additional information before granting approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area. This includes, but is not limited to, buildings and structures with State or Federal historical designation or of local significance, or which are located within the Borough's Stockton Street Historic District. No application shall be deemed incomplete for lack of such additional information.

Subsection 26-9-5 Contribution Disclosure Statement Required for all Checklists.

a. Purpose. The purpose of this Section is to enhance the Borough's commitment to openness in government and to provide further guarantees for a fair and impartial variance, waiver and exception application process, and the land use application process in general, by requiring the disclosure of political contributions made by property owners, developers and professionals as part of the application process for certain approvals under the Municipal Land Use Law. Such disclosure will effectuate the purposes of the Municipal Land Use Law to promote the morals and general welfare of the community, through ensuring additional guarantees of openness in government and a fully informed public.

b. Definitions. The following terms shall have the meanings indicated:

1. Application Checklist – The term "Application Checklist" means the list of submission requirements adopted by Ordinance and provided by the Municipal Agency to a developer pursuant to N.J.S.A. 40:55D-10.3.

2. Developer – The term "Developer" means a developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

3. Professional – The term "Professional" means any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimony or reports and the firms or entities in which said individuals practice.

4. Contribution – The term "Contribution" means every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Borough of Hightstown, including any Mercer County Party Committee or political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough of Hightstown municipal candidates or officeholders, and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the Ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

5. Contribution Disclosure Statement – The term “Contribution Disclosure Statement” means a list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the Borough of Hightstown, including any Mercer County Party Committee or political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough of Hightstown municipal candidates or officeholders, made prior to filing the application with or seeking approval from the Borough, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such contributions made during the time period measuring from one (1) year prior to filing the application seeking approval from the Borough through to the time of filing said application. Additionally, there shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the “Contribution Disclosure Statement” and during the pendency of the application and/or approval process.

6. Municipal Agency – The term “Municipal Agency” shall mean the Borough Planning Board. If the Borough shall ever re-create a separate Municipal Zoning Board in the future, then the term “Municipal Agency” shall also refer to the Borough Zoning Board.

c. General Provisions.

1. Disclosure Requirements.

- (i.) Any applicant for a variance pursuant to N.J.S.A. 40:55D-70d or a variance pursuant to N.J.S.A. 40:55D-70c in conjunction with any application for a subdivision not considered a minor subdivision pursuant to local ordinance or a site plan not considered a minor site plan pursuant to local ordinance, as well as any application for a subdivision not considered a minor subdivision pursuant to local ordinance or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51, shall include in its application with and/or submit to the Municipal Agency a Contribution Disclosure Statement for all Developers involved in the said application; all associates of said Developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2; and all Professionals who apply for or provide testimony, plans, or reports in support of said application or who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner of the property which is the subject of the application falls in any of the categories established in the preceding sentence, the applicant shall include in its application to the Municipal Agency a Contribution Disclosure Statement for said owner.
- (ii.) During the pendency of the application process until the final approval(s) associated with the application is granted, any applicant required to comply with this ordinance shall amend its Contribution Disclosure Statement to include continuing disclosure of all contributions within the scope of the disclosure requirement of the above paragraph.

2. Inclusion of Contribution Disclosure Statements as an Element of all Application Checklists within the Borough of Hightstown.

- (i.) All Application Checklists previously adopted within the Borough of Hightstown pursuant to N.J.S.A. 40:55D-10.3, including but not limited to those referenced in Section 26-9, “Subdivision and Site Plan Checklists,” of the Borough Code, are hereby revised to require that all applications for variance relief pursuant to N.J.S.A. 40:55D-70d, as well as for relief pursuant to N.J.S.A. 40:55D-70c, or for relief pursuant to N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance, shall include the Contribution Disclosure Statements specified in paragraph 1 of this section.
- (ii.) The Borough’s Municipal Agency shall amend its Application Checklists to include the Contribution Disclosure Statements specified in paragraph 1 of this section.
- (iii.) An application shall not be deemed complete by the administrative official or accepted for public hearing by the Municipal Agency until the required Contribution Disclosure Statements are submitted.

3. Availability of Contribution Disclosure Statements. All Contribution Disclosure Statements shall be available in the office of the administrative officer for review by any member of the public.
4. Intent of Contribution Disclosure Statements. It is the intent of this Ordinance that Contribution Disclosure Statements shall serve solely as a means to inform the public and shall not serve in any manner as evidence relevant to the decision-making criteria for granting or denying requested variances or other approvals. Such decisions shall continue to be governed strictly under the relevant criteria set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or other relevant law. (Ord. No. 2004-27)

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

Section 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.

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

Ordinance 2010-15 First Reading and Introduction: Amending Section 3-1, “Unlawful Acts” of the Revised General Ordinances of the Borough of Hightstown Regarding Bodily Human Waste

Council President Quattrone moved for introduction of ordinance 2010-15, Councilmember Musing seconded.

Councilmember McGinty gave an overview of the ordinance..

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Ordinance introduced 6-0. The Public Hearing shall be scheduled for September 7 2010.

ORDINANCE 2010-15

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

**AMENDING SECTION 3-1, “UNLAWFUL ACTS” OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN REGARDING BODILY HUMAN WASTE**

WHEREAS, the Ordinance Review Committee has recommended that an ordinance be put in effect that would make public urination illegal in the Borough; and

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

Section 1. Section 3-1 of the Revised General Ordinances of the Borough of Hightstown is hereby amended as follows (Cross-outs are deletions and underlines are additions):

Section 3-1

UNLAWFUL ACTS

Subsections:

3-1.1 Definitions.

3-1.2 Actions Prohibited.

3-1.3 Obeying Order of a Police Officer.

3-1.4. Public Urination

3-1.1 Definitions.

As used in this section:

“Parent” or “guardian” shall include any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

“Public place” shall mean a place to which the public has access, including any public building and grounds,

street, highway, road, alley, boardwalk or sidewalk. It shall also include the front or the neighborhood of a store, shop, restaurant, tavern or other place of business and public grounds, areas, parks and marinas, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned or under the control of his parent or guardian. (1991 Code § 141-1)

3-1.2 Actions Prohibited.

No person shall remain in a public place in such a manner as to:

- a. Create or cause to be created a danger of a breach of the peace.
- b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- c. Obstruct the free passage of pedestrians or vehicles.
- d. Obstruct, molest or interfere with any person lawfully in a public place. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made. (1991 Code § 141-2)

3-1.3 Obeying Order of a Police Officer.

Any person violating the provisions of subsection 3-1.2 shall be ordered to move on by a Police Officer, failing which he shall be guilty of a violation. (1991 Code § 141-3)

3-1.4. Public Urination

a. No person shall urinate or place any bodily waste of humans on any public street, sidewalk or other place in public view, including on private property within public viewing, or to which any member of the public is invited or has access (including line of sight access), except in a lavatory toilet or similar facility.

b. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to penalties as stated in Chapter I, Section 1-5.

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

Section 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.

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

Resolution 2010-185 Authorizing Payment of Bills

Council President Quattrone moved resolution 2010-185, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-185

*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 Mayor, the appropriate Councilmember and the Treasurer

in the
amount of \$ 2,514,199.75 from the following accounts

Current	\$ 1,686,895.84
W/S Operating	110,997.10
General Capital	31,345.18
W/S Capital	672,049.28
Grant	600.00
Trust	1,092.97
Housing Trust	24.00
Animal Control	18.00
Law Enforcement Trust	2,500.20
Unemployment Trust	2,670.48
Escrow	6,006.70
	,
Total	<u>\$ 2,514,199.75</u>

Resolution 2010-186 Authorizing a Donation to RISE

Council President Quattrone moved resolution 2010-186, Councilmember Sikorski seconded.

There was discussion and it was decided that this resolution would be carried to the meeting of September 7, 2010 so RISE could submit an annual financial report. There was no vote taken on this resolution, or its postponement.

Resolution 2010-187 Authorizing a Refund for a Plumbing Permit

Council President Quattrone moved resolution 2010-187, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-187

BOROUGH OF HIGHTSTOWN

August 16, 2010

*COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A REFUND FOR A PLUMBING PERMIT

WHEREAS, Herr's Plumbing of Cranbury, New Jersey paid for permit #20100200 with check #11910 in the amount of \$144.00; and

WHEREAS, \$130.00 was deposited into account #0-01-08-160-600 and \$14.00 was deposited into account #0-01-08-105-612; and

WHEREAS, they were not hired to perform the work for which they applied for the permit; and

WHEREAS, the Construction Official has requested that they receive a refund of the \$144.00 paid for said permit.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$144.00 to Herr's Plumbing, 3 Wesley Place, Cranbury, New Jersey 08512, for a plumbing permit for which they applied but were not hired to perform the work associated with said permit.

Resolution 2010-188 Designating August 26, 2010 as Women's Equality Day

Councilmember McGinty requested that the last paragraph of the resolution be amended to read: **NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown acknowledge August 26, 2010 as the 90th anniversary of the constitutional affirmation of women's right to vote in the United States, and recognize the profound historic significance of this anniversary.

Council President Quattrone moved that resolution 2010-188 be amended, Councilmember Sikorski seconded.

Roll Call Vote for resolution to be amended: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Council President Quattrone moved resolution 2010-188 as amended, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-188

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

DESIGNATING AUGUST 26, 2010 AS WOMEN'S EQUALITY DAY

WHEREAS, August 26, 2010 marks the 90th anniversary of the ratification of the 19th Amendment, guaranteeing women's right to vote; and

WHEREAS, the beginning of the debate over a woman's right to vote began at the world's first Woman's Rights Convention in Seneca Falls, NY in 1848; and

WHEREAS, the campaign continued for seventy-two years highlighted by the extraordinary efforts of New Jerseyan Alice Paul; and

WHEREAS, support for the movement grew and on August 26, 1920, the final state ratification for the amendment was passed and the enfranchisement of women became law; and

WHEREAS, this date also marked the re-enfranchisement of women in New Jersey after an absence of 113 years; and

WHEREAS, this year's 90th anniversary of the greatest single expansion of citizenship rights in the United States presents a remarkable opportunity both to honor the unrelenting tenacity and spirit of the multitude of women and men who worked to secure women's right to vote and also to illustrate how much can be achieved in a democratic society by the collective efforts of citizens committed to political reform; and

WHEREAS, it was the hope of our Foremothers who fought and died for Women's Suffrage that future generations of women would use that hard-won vote to make this a better world and to fight for full equality and justice for women; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown acknowledge August 26, 2010 as the 90th anniversary of the constitutional affirmation of women's right to vote in the United States, and recognize the profound historic significance of this anniversary.

Resolution 2010-189 Authorizing the Issuance of Raffle License RL-220 – Hightstown Apollo Lodge No. 41 F&AM

Council President Quattrone moved resolution 2010-189, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-189

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-220 TO
HIGHTSTOWN APOLLO LODGE NO. 41 F&AM**

WHEREAS, the Hightstown Apollo Lodge #41 F&AM wishes to hold a Ducky Derby raffle at the Hightstown Harvest Fair on October 11, 2010 at 3:30 pm; and

WHEREAS, the group has submitted application number RA-220 for this raffle, together with the required fees; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, 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 Raffle License No. RL-220 to Hightstown Apollo Lodge #41 F&AM for their Ducky Derby to be held at the Hightstown Harvest Fair on October 11, 2010.

Resolution 2010-190 Authorizing Payment of Bills

Council President Quattrone moved resolution 2010-190, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-190

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

RECOGNIZING THE 175TH ANNIVERSARY OF HIGHTSTOWN ENGINE CO #1

WHEREAS, the Hightstown Borough Council recognizes and proclaims the vital importance to the Borough of the volunteers who have served in any capacity with Hightstown Engine Company # 1 throughout its history, since its founding on

October 12, 1835; and

WHEREAS, the Hightstown Borough Council takes special note that the Hightstown Engine Company #1 is celebrating its 175th Anniversary during 2010, with the festivities to culminate with a parade within the Borough on October 16, 2010 and a celebration dinner on that date; and

WHEREAS, the Hightstown Borough Council recognizes the banner on the Fire House (which banner announces the 175th anniversary) as an “official governmental sign,” within the scope of the Borough Code, Sec. 26-6(B); and

WHEREAS, the Hightstown Borough Council sends its best wishes for many more centuries of health, vigor, and energetic volunteer support to the Hightstown Engine Company # 1.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hightstown commends all volunteers of the Hightstown Fire Company # 1, and officially recognizes the efforts of the many men and women who have dedicated their time and efforts to keeping all lives and property within the Borough safe and protected since 1835.

The Mayor then opened Public Comment Period II. The following residents spoke during the public comment period: Scott Caster, 12 Clover Lane; Eugene Sarafin, 628 S. Main St.; and Dave Schneider, 627 Wilson Ave.;

Council Comments

Councilmember Sikorski – gave an update on the Mill, Minute Maid and Police Study projects.

Council President Quattrone – stated the Public Works Department is in the middle of many projects. He also reminded the public that the First Aid needs volunteers; and commended Gene Sarafin for his dedication to the First Aid. He commented that he looks forward to hearing the Voices of Hightstown presentation at the next meeting.

Councilmember Bond – commented that the new window has been installed at the firehouse and it is a nice addition for their 175th anniversary.

Councilmember McGinty – informed the public that she attended the Stockton Street Project meeting held by the Borough Engineer and found it very informative; she then commented on the Open Public Meetings Act, taxi applications, and renovations to Borough Hall. She also gave a review of the Ordinance Review Committee and invited more residents to participate.

Councilmember Theokas – reminded the Public that each of the Councilmembers was elected to make decisions, and some may not be popular or easy.

Herb Massa, Borough Administrator – advised that he has hired Linda Mann as the part-time Violations Clerk and that Larry Blake has hired Laborers to pick up the garbage. Mr. Blake, DPW Superintendent, advised that these costs will be reimbursed by the JIF.

Mayor Patten – thanked the Police Department for a very successful “Night Out” event.

Council President Quattrone moved to adjourn the meeting at 10:30pm and Councilmember Sikorski seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk