

Meeting Minutes
Hightstown Borough Council
Regular Meeting
June 21, 2010 6:00 pm

The meeting was called to order by Council President Quattrone at 6:00 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Flag Salute, lead by was followed by Roll call.

ROLL CALL

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

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; Frederick Raffetto, Borough Attorney.

Council President Quattrone advised Council that the Mayor is ill and would not be attending this evening's meeting.

Resolution 2010-147 Executive Session

Councilmember Sikorski moved resolution 2010-147, Councilmember Musing seconded.

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

Resolution adopted, 6-0

Resolution 2010-147

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on June 21, 2010 at approximately 6:00 p.m. at the Ely House that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Litigation – Minute Maid and Greystone

Contract Negotiations – Special Labor Counsel

Collective Bargaining Agreements – PBA & Local 32

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: September 21, 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.

The meeting was called to order by Council President Quattrone at 7:30pm 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 requested that the minutes be pulled from the agenda. Council President Quattrone requested that resolution 2010-153 and the garbage truck item be pulled from the agenda and that resolution 2010-157 ad 2010-162 be removed from the consent agenda to be heard separately.

Councilmember Sikorski motioned to accept the agenda as amended, Councilmember Theokas seconded; all approved.

Ordinance 2010-12 First Reading and Introduction - An Ordinance Amending Chapter 29, Section 29-6 "Land Use" of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" Regarding Sub-Division, Site Plan, Variance, and Sign Variance Checklists for Development Applications Filed Pursuant to Hightstown Development Regulations.

Councilmember Sikorski moved Ordinance 2010-12 and Councilmember Theokas seconded.

Discussion ensued regarding the requirement that an applicant must be represented by an Attorney and the tenant application process. Mr. Misiura, Planning Board Chairperson, explained the Planning Board's need for this ordinance.

Councilmember Sikorski motioned that this ordinance be tabled until the next meeting to allow the Planning Board to review and address the concerns expressed by Council, Councilmember Bond seconded.

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

Ordinance Tabled to July meeting, 6-0

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 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. 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 8 1/2 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 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.~~
- ~~_____ 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:

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| <u>26-9-00</u> | <u>Filing and Completeness of All Applications.</u> |
| <u>26-9-1</u> | <u>Checklist for Subdivisions.</u> |
| <u>26-9-2</u> | <u>Checklist for Site Plans.</u> |
| <u>26-9-3</u> | <u>Checklist for Variances.</u> |
| <u>26-9-4</u> | <u>Checklist for Sign Variances.</u> |

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.

Resolution 2010-148 Authorizing the Engineer to Request a Six Month Extension for the NJDOT Centers of Place Grant – Memorial Park Parking Lot and Landscaping Improvements

Councilmember Theokas recued himself from discussion and vote on this matter.

Councilmember McGinty moved resolution 2010-148, Councilmember Musing seconded.

The Borough Engineer gave a review of the process taken to develop and approve the plan, and apply for the grant for this project. She explained that the Environmental Commission has requested revisions to the plan and that any modification to the plan would cost a minimum of \$10,000 - \$15,000 in engineering fees. Implementing the Environmental Commissions changes could cost up to an additional \$30,000 in engineering fees.

There was extensive discussion on the matter and David Zaiser of the Environmental Commission explained their concerns.

Roll Call Vote: Council members McGinty and Musing voted yes; Council members Bond, Quattrone, and Sikorski voted no; Councilmember Theokas abstained.

Resolution defeated 2- 3.

Resolution 2010-148

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

**AUTHORIZING THE ENGINEER TO REQUEST A SIX-MONTH FOR THE CONCEPT PLAN
FOR NJDOT CENTERS OF PLACE PROGRAM GRANT – MEMORIAL PARKING LOT**

WHEREAS, The Borough of Hightstown has received a \$350,000.00 grant from the New Jersey Department of Transportation through the Centers of Place Program and the purpose of this grant is to provide funding for non-traditional transportation related improvements; and

WHEREAS, Hightstown Borough received this grant to modify the Memorial Parking Lot by increasing the number of parking spaces and improving the park area adjacent thereto; and,

WHEREAS, the basic conceptual plan for this project was distributed to 13 separate Borough Commissions, Boards, Businesses and Departments for review; and,

WHEREAS, after receipt of comments, the concept plan was reviewed and endorsed by the Planning Board of Hightstown Borough; and

WHEREAS, the Council, after reviewing the concept plan, adopted Resolution 2010-19 on January 19, 2010 accepting the concept plan for this project; and,

WHEREAS, the Environmental Commission has found that further review has revealed that they would like revisions to be made to the concept plan that has been accepted; and,

WHEREAS, the Planning Board has requested that the Council authorize the Borough Engineer to request a six-month extension on the deadline for the grant to allow for re-evaluation of the concept plan in order to address the concerns of the Environmental Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that the Borough Engineer is hereby authorized and instructed to request a six-month extension to the NJDOT Centers of Place Program Grant for the re-evaluation of the concept plan in order to address the concerns of the Environmental Commission.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Carmela Roberts, Borough Engineer; and the Project File.

Resolution 2010-149 Authorizing Payment #1 – Tomco Construction, Inc. – Water Main Extension Leshin Lane and Mercer Street

Councilmember Sikorski moved resolution 2010-149, Councilmember Musing seconded.

The Engineer gave a review of this resolution.

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

Resolution adopted 6-0.

Resolution 2010-149

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

**AUTHORIZING PAYMENT NO. 1 – TOMCO CONSTRUCTION, INC.
(WATER MAIN EXTENSION LESHIN LANE AND MERCER STREET)**

WHEREAS, on April 5, 2010, the Borough Council awarded a contract for the Water Main Extension Leshin Lane and Mercer Street to Tomco Construction, Inc. of Wharton, New Jersey in the amount of One Million Four Hundred Ninety-Eight Thousand Seventy-Seven Dollars (\$1,498,077.00); and,

WHEREAS, the contractor has submitted Payment Request No. 1 for work done in the total amount of \$609,737.38; and,

WHEREAS, the Borough Engineer has recommended approval of this payment request; and,

WHEREAS, the required certified payrolls have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from Tomco Construction, Inc. of Wharton, New Jersey in the amount of \$609,737.38, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

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

Resolution 2010-150 Authorizing Payment #5 – B & B Construction – Peddie Lake Dam Improvements

Councilmember Sikorski moved resolution 2010-150, Councilmember Theokas seconded.

The Engineer gave a review of this resolution.

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

Resolution adopted 6-0.

Resolution 2010-150

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

**AUTHORIZING PAYMENT NO. 5 – 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 Payment Request No. 5 for work done in the total amount of \$18,835.76; and,

WHEREAS, the Engineer has requested that \$17,464.06 of this payment be made payable directly to Lucas Electric Company, 415 Mercer Street, Hightstown, New Jersey 08520, a subcontractor on the project; and,

WHEREAS, the balance of \$1,371.70 of this payment shall be made directly to B & B Construction; and,

WHEREAS, it is required that vendors paid by the Borough have a New Jersey State Business Registration and Lucas Electric Company has submitted same; and,

WHEREAS the Borough Engineer has recommended approval of this 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 Payment Request No. 5 from B & B Construction Co., LLC of Howell, New Jersey in the amount of \$18,835.76, 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 2010-151 Authorizing a Contract for the Stockton Street Historical District Project – S. Batata Construction, Inc.

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

Councilmember Sikorski moved resolution 2010-150, Council member Theokas seconded.

The Engineer gave a review of this resolution.

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

Resolution adopted 6-0.

Resolution 2010-151

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

**AWARDING CONTRACT FOR STOCKTON STREET HISTORIC DISTRICT
INFRASTRUCTURE PROJECT – S. BATATA CONSTRUCTION, INC.**

NJDOT Job Code no. 6504303

Federal Project No. FS-BOOS (901) CON

WHEREAS, five (5) bids were received on June 10, 2010 for the Stockton Street Historic District Infrastructure project in Hightstown Borough; and,

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that the contract for the Stockton Street Historic District Infrastructure project in Hightstown Borough be awarded to S. Batata Construction, Inc. of South River, New Jersey at the price of \$791,506.00; and,

WHEREAS, this project is federally funded by a Transportation Enhancement grant under the American Recovery and Reinvestment Act, the award of this contract is conditional upon approval by the New Jersey Department of Transportation; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for the Stockton Street Historic District Infrastructure project in Hightstown Borough is hereby awarded to S. Batata Construction, Inc. of South River, New Jersey in the amount of \$791,506.00 upon approval by the New Jersey Department of Transportation

Council President Quattrone then opened Public Comment Period I. The following residents spoke during the public comment period: Eugene Sarafin, 628 S. Main St.; Torry Watkins, 68 Meadow Drive; Lynne Woods, 315 Park Avenue;

Resolution 2010-154 Authorizing the Payment of Bills

Councilmember Sikorski moved resolution 2010-154, Councilmember Bond seconded.

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

Resolution adopted 6-0.

Resolution 2010-154

*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 \$ 174,329.52 from the following accounts

Current	\$	104,621.55
W/S Operating		37,757.16
General Capital		2,726.65
W/S Capital		26,030.06
Trust		969.02
Housing Trust		154.68
Escrow		2,070.40
Total	\$	174,329.52

Resolution 2010-155 Authorizing Temporary Emergency Appropriations Prior to Adoption of the 2010 Budget

Councilmember Sikorski moved resolution 2010-155, Councilmember Theokas seconded.

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

Resolution adopted 6-0.

Resolution 2010-155

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

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

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

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

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

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

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	40,414.00	1,932,233.00	1,972,647.00
Capital Outlay – Current	00.00	15,999.00	15,999.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	29,362.00	1,035,590.00	1,064,952.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	69,776.00	2,983,822.00	3,053,598.00

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2010 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

Resolution 2010-156 Awarding a Contract for Solid Waste Services - Sakoutis Bros.

Councilmember Sikorski moved resolution 2010-156, Councilmember Theokas seconded.

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

Resolution adopted 6-0.

Resolution 2010-156

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

AWARDING CONTRACT FOR SOLID WASTE DUMPSTER SERVICE – SAKOUTIS BROTHERS DISPOSAL, INC.

WHEREAS, four (4) bids were received on June 9, 2010 for Solid Waste Dumpster Service; and,

WHEREAS, the bids have been reviewed by the Purchasing Agent and Public Works Superintendent and it is their recommendation that the contract for Solid Waste Dumpster Service in Hightstown Borough be awarded to Sakoutis Brothers Disposal, Inc., of Colts Neck, New Jersey at the price of \$29,250.00 annually; and,

WHEREAS, there was an option in the bid specifications for bulk waste pick-up and disposal, it is recommended by the Purchasing Agent and Public Works Superintendent that this option not be awarded in the contract; and

WHEREAS, pursuant to N.J.S. A. 40A:11 – 15 (3) the bid was for a period of five (5) years, said contract being awarded for a period of one (1) year with the Borough reserving the right to renew at the end of each one-year contract period for a total aggregate contract period of five (5) years; and,

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Sakoutis Brothers Disposal, Inc. is in order with respect to legal compliance; and,

WHEREAS, the Chief Financial Officer has certified the availability of funds for this expenditure in the 2010 temporary budget; and

WHEREAS, funds for the remainder of this contract shall be made available in the 2010 and 2011 budgets respectively; and

WHEREAS, funds for the continuation of this contract for the four (4) subsequent years, should the Council decide to renew, shall be made available in the appropriate year's budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that a one-year contract for Solid Waste Dumpster Service in Hightstown Borough is hereby awarded to Sakoutis Brother Disposal, Inc. of Colts Neck, New Jersey in the amount of \$29,250.00 annually with the Borough reserving the right to renew each year for a total aggregate contract period of five (5) years.

Resolution 2010-157 Authorizing Issuance of a Liquor License – Tavern 103 LLC (Tavern on the Lake)

Councilmember Sikorski moved resolution 2010-157, Councilmember Musing seconded.

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

Resolution adopted 5-0.

Resolution 2010-157

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

**AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-008 –
TAVERN 103 LLC, T/A TAVERN ON THE LAKE**

WHEREAS, Tavern 103 LLC has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-008, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Tavern 103 LLC is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

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

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

**2010-11 Plenary Retail Consumption License
License #1104-33-003-008
Fee: \$2,500.00**

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

Resolution 2010-162 Awarding a Contract for Special Labor Counsel

Councilmember Bond moved resolution 2010-162, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-162

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

AUTHORIZING AGREEMENT FOR SPECIAL LABOR COUNSEL SERVICES – DOUGLAS K. WOLFSON

WHEREAS, Resolution 2010-123 adopted by the Borough Council at their meeting of May 3, 2010 authorized the hiring of Special Labor Counsel in regards to the Police and Court Shared Services Study; and

WHEREAS, the sub-committee appointed in said resolution recommends the appointment of Douglas K. Wolfson as Special Labor Counsel for the purpose so identified in resolution 2010-123; and

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

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

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, the amount of this contract shall not exceed \$25,000.00 and the Chief Financial Officer has certified that the availability of funds for this expenditure will be in the 2010 adopted budget; and

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

WHEREAS, Douglas K. Wolfson will complete and submit a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and will further submit a certification that he is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. The Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Douglas K. Wolfson regarding the above-referenced Special Labor Counsel services.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Douglas K. Wolfson is authorized by law to practice a recognized profession.
3. This contract is subject to and contingent upon adequate funding in the Borough’s 2010 budget.
4. Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. This contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
6. A certified copy of this Resolution shall be provided to each of the following:
 - a. Douglas K. Wolfson
 - b. Arlene O’Rourke, Borough Treasurer
 - c. George Lang, Borough Chief Financial Officer
7. A copy of this Resolution as well as the contract shall be placed on file in the office of the Borough Clerk.

A notice of this action shall be printed once in the official newspaper as required by law.

Consent Agenda – Resolutions 2010-158, 2010-159 and 2010-160

Councilmember Sikorski moved the consent agenda consisting of resolutions 2010-158, 2010-159, and 2010-160; Councilmember Theokas seconded.

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

Councilmember Bond commented that he did not intend to abstain from voting on the consent agenda and would like to change his vote to a yes.

Councilmember McGinty motioned for Councilmember Bond's vote on the consent agenda be changed to yes; Councilmember Sikorski seconded.

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

Councilmember Bond's vote for the consent agenda is changed to yes by a vote of 5-0.

Resolutions adopted 6-0.

Resolution 2010-158

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

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, a double payment was made by both the mortgage company and the property owner for second quarter 2010 property taxes for Block 2, Lot 21 in the Borough of Hightstown; and

WHEREAS, the property owner, Daniel Moyer of 553 N. Main Street, has requested that a refund be issued to him for the overpayment in the amount of \$2,910.84; and

WHEREAS, the Tax Collector has requested that the amount of said overpayment be refunded to the property owners.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$2,910.84 to Daniel Moyer of 553 N. Main Street, representing his tax overpayment as set forth herein.

Resolution 2010-159

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-219 TO
HIGHTSTOWN WOMAN'S CLUB**

WHEREAS, the Hightstown Woman's Club wish to hold an off-premise merchandise raffle at the First Presbyterian Church, 320 North Main Street, on February 26, 2011; and

WHEREAS, the group has submitted application number RA-219 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-219 to Hightstown Woman's Club for their off-premise merchandise raffle to be held on February 26, 2011.

Resolution 2010-160

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

WAIVING FEE FOR CERTAIN PARKING PERMITS

WHEREAS Rise (formerly known as the Community Action Service Center), a nonprofit agency serving Borough residents, has requested eight 2010-2011 parking permits for use by their staff, including four special permits for use in the Main Street parking lot and four permits for use in the Borough's permit parking area near Wachovia Bank; and

WHEREAS, Rise has requested that the fee for these permits be waived; and

WHEREAS, because Rise is an agency that receives financial support from the Borough, the Mayor and Council wish to authorize issuance of said permits at no fee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk shall issue Rise eight (8) 2010-2011 parking permits as detailed herein and that the fee for these permits shall be waived.

Resolution 2010-161 Authorizing a Shared Services Agreement with East Windsor for Contribution of the Matching Local Share for Bus Service

Councilmember Bond moved resolution 2010-162, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-161

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

**AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN HIGHTSTOWN
BOROUGH AND EAST WINDSOR TOWNSHIP FOR CONTRIBUTION OF THE MATCHING
LOCAL SHARE FOR BUS SERVICES**

WHEREAS, the Borough of Hightstown is desirous of entering into a renewed shared services agreement with the Township of East Windsor for the purpose of providing public transportation services for its citizens; and

WHEREAS, the term of said agreement shall be from July 1, 2010 through June 30, 2011; and

WHEREAS, the Borough's share of the cost of this service, by the terms of the agreement, is \$2,180.00, representing no increase from prior years; and

WHEREAS, the Treasurer has certified the availability of funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized and directed to execute a Shared Services Agreement for Contribution of the Matching Local Share for Bus Services with East Windsor Township in the amount of \$2,180.00.

Resolution 2010-152 Amending the 2010 Budget

Councilmember Bond moved resolution 2010-152, Councilmember Sikorski seconded.

George Lang, CFO gave a review of the Budget Amendments and read the resolution in full.

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

Budget Amendment adopted 6-0.

It was announced that the Public Hearing on the Budget for 2010 will be held on June 30, 2010 at 4:30pm.

The Council President then opened the floor for Public Comment Period II, The following individuals spoke during the public comment period: Celena Bibens, 140 South Street and Eugene Sarafin, 628 S. Main Street.

Council Comments

Councilmember Theokas – reminded everyone that Governor Christie is promoting a 2.5% cap in next year's budget which will make it much more difficult for local government to function properly; this may force shared services and consolidations.

Councilmember McGinty – stated that the Borough Ordinance Working Group will meet on the 30th at 7:30pm. The group has asked the Planning Board to address signs and awnings. She expressed that there is an urgent need for First Aid volunteers and encouraged residents to be active in the community. She also commented that the Special Labor Counsel that was hired is working for Hightstown only, East Windsor will have their own counsel; the committee is still engaged in continuing contract negotiations..

Councilmember Sikorski – agreed with Councilmember Theokas regarding the 2.5% budget cap; residents on fixed income cannot afford to stay in Hightstown. He noted that there are signs around town regarding consolidation; if the towns were to consolidate it would have to be put to the voters. He informed Council and the public that the Negotiations Committee is working diligently with East Windsor on the Police/Court matter.

Councilmember Bond – stated that a letter was sent to all affected residents on the water main project. These residents should consider replacing lines as this project will increase pressure. He commented that the Trenton Times solicitations that are being distributed are protected by the First Amendment Rights, but we need to do something. He wished Councilmember Sikorski a happy 70th birthday.

Council President Quattrone – wished the Mayor a speedy recovery. He stated that the East Windsor First Aid is paid for daytime coverage and Hightstown First Aid covers everything else; they are in need of volunteers; especially drivers.

Councilmember Sikorski moved to adjourn the meeting at 9:45pm and Councilmember Theokas seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk