

**Meeting Minutes
Hightstown Borough Council
Business Meeting
October 19, 2015
6:15 pm**

The meeting was called to order by Mayor Quattrone at 6:15 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

Roll Call

	PRESENT	ABSENT
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Kurs</i>	✓	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Montferrat</i>		✓
<i>Councilmember Stults</i>		✓
<i>Mayor Quattrone</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Henry Underhill, Borough Administrator; Fred Raffetto, Borough Attorney; and Tamara Lee, Borough Planner.

Resolution 2015-288 Authorizing a Meeting Which Excludes the Public

Council President Hansen requested that resolution 2015-288 be amended to include R. Black Global (Rug Mill Re-Development) to contract negotiations.

Council President Hansen moved resolution 2015-288 as amended, Councilmember Kurs seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Resolution adopted 4-0.

Resolution 2015-288

*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 October 19, 2015 at 6:15pm in the First Aid Building located at 168 Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Contract Negotiations – Shared Service (Police/Dispatch/Court)
R. Black Global (Rug Mill Re-Development)
Litigation - COAH

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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: January 19, 2016 or when the need for confidentiality no longer exists.

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

Mayor Quattrone called the public meeting to order at 7:15pm and again read the Open Public Meeting Statement.

The flag salute followed Roll Call.

Tamara Lee, Borough Planner had departed during executive session and was no longer present; George Lang, CFO and Carmela Roberts, Borough Engineer, arrived at this time and were now present.

Mayor Quattrone requested that resolution 2015-264 be pulled from the consent agenda and moved to be heard before ordinance 2015-26 because they relate to one another; Councilmember Kurs requested that resolution 2015-267 be pulled from the consent agenda because he represents the church pro-bono.

Council President Hansen moved the agenda as amended for approval, Councilmember Misiura seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Agenda approved 4-0.

Council President Hansen moved the September 30, 2015 special session minutes for approval, Councilmember Bluth seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Minutes approved 4-0.

Womanspace Presentation

Councilmember Kurs introduced Janet Ginest of Womanspace, commenting that she has been working with Womanspace for a long time. Councilmember Kurs reviewed the Womanspace services in Mercer County regarding domestic violence; and noted that he has worked them in many capacities. He then read resolution 2015-259 aloud. He presented the resolution to Ms. Ginest and thanked Womanspace for their work.

Ms. Ginest thanked Hightstown for their support.

Resolution 2015-259 Recognizing the Work of Womanspace

Councilmember Kurs moved resolution 2015-259, Council President Hansen seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Resolution adopted 4-0.

Resolution 2015-259

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

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RECOGNIZING THE WORK OF WOMANSPACE

WHEREAS, the Borough of Hightstown finds it appropriate to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women, children and men who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home,” has asked the Mercer County community to join them in their struggle against violence toward women, children and men; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men.

WHEREAS, Womanspace has assisted more than 204,015 callers over the last 30 years; and

WHEREAS, Womanspace provides vital services for victims of domestic violence and sexual assault; and

WHEREAS, the Borough of Hightstown applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women, children and men; and

WHEREAS, the Mayor and Council urge each and every household to demonstrate their support of the concept that “peace begins at home”.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey commends Womanspace on its many accomplishments, and wish them continued success in their endeavors to assist victims of domestic violence and sexual assault.

Resolution 2015-260 Authorizing Payment #1 – Pioneer General Contracting Co., Inc. (Enchantment at Hightstown Road Improvement Project)

Councilmember Bluth moved resolution 2015-260, Council President Hansen seconded.

The Borough Engineer reviewed the resolution, noting that the project is moving along fine and is on schedule.

Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Resolution adopted 4-0.

Resolution 2015-260

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

AUTHORIZING PAYMENT #1 – PIONEER GENERAL CONTRACTING CO., INC. (ENCHANTMENT AT HIGHTSTOWN ROAD IMPROVEMENT PROGRAM)

WHEREAS, on July 20, 2015 the Borough Council awarded a contract for the Enchantment at Hightstown Road Improvement Program to Pioneer General Contracting Co., Inc. of South River, New Jersey in the amount of \$334,083.00; and

WHEREAS, the contractor has submitted payment #1 in the amount of \$58,443.03 for work related to mobilization, storm drain installation, and curb and sidewalks; and

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WHEREAS, the Borough Engineer has recommended approval of payment #1 in the amount of \$58,443.03 pending receipt of certified payrolls; and

WHEREAS, the Treasurer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment #1 in the amount of \$58,443.03 to Pioneer General Contracting Co., Inc. of South River, New Jersey is hereby approved as detailed herein.

Road Project Update

The Borough Engineer reviewed the project moving forward, noting that it is scheduled for completion by October 30th. She continued that at the last meeting, the 300 block of Park Avenue was in distress; as of that Friday the base paving had been installed. While soft spots were found, she approved the base paving and sealing of the road to move forward, noting that certain areas need repair. On Monday the sidewalks were still being installed on Park Avenue. During the last week the service walks were being done at 309, 315, and 317 Park Avenue. Three homeowners have requested the removal of trees due to root damage. The tree at 315 has been severely damaged and should be removed; the Shade Tree Committee has been asked to review the trees and make a determination as to their removal.

Ms. Roberts noted that the work on Hutchinson is under way and they are working with the corner lot property owners regarding sidewalk placement. The intersection of Greeley and Glenbrook has been paved to deter water and the curbing installed; she recommended that the intersection be left as is. She advised that the projected cost of the project appears to be right where the change order Council approved made the contract.

There was discussion regarding the root damage to the tree at 315 Park Avenue and waiting for the Shade Tree Committee to report on the remainder of the trees. It was noted that these are Borough trees so if they are replaced in the future it will be at the Borough's expense. The Borough Engineer recommended grinding the stumps and if the Borough chooses to replace them, they should be re-planted at another location.

Mr. Underhill inquired of Council that if the Shade Tree Committee approves the removal of trees, can the project move forward or does Council want it brought back to the next meeting. Council agreed to permit the removal of any tree that is approved to be removed by the Shade Tree Committee; they also agreed to remove the tree at 315 Park Avenue as recommended.

Mayor Quattrone then requested that the Borough Engineer give a status report on the Etra Road sidewalk project. Ms. Roberts noted that the concrete is being poured so the County can begin their work. There was a concrete slab found that runs the length of Orchard and is higher than the gutter line and curbs. The County is going to attempt to mill the intersection and will do whatever is necessary to perform the mill and pave.

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

Keith LePrevost, 213 Greeley Street – commented that he is shocked that they are going to leave the intersection as it is; the water runs down Glenbrook and into driveways on Greeley. It runs right over the curbs, the curbs should be about 4 inches higher and the intersection should be milled. Flooding and icing will be an issue the way it is now and the Borough should consider doing it right.

Lynne Woods, 315 Park Avenue – commented that she was concerned with the tree before the project even started and her neighbor at 317 is also concerned. The Borough should consider residents safety; and they do not want another tree planted. This project was too big and not managed properly.

Nicole Carlo, 317 Park Avenue – commented that she is concerned about the tree because it leans; a lot of roots were removed with the sidewalk work. She consulted with a tree expert from the College of New Jersey and he stated that the roots were not removed properly. The tree is a safety concern and she would like it removed.

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Eugene Sarafin, 628 S. Main Street – commented that he thinks the vision presented is obscene and a joke; the Planning Board does not know what it is doing. Stop this vision nonsense.

Scott Caster, 12 Clover Lane - Told a story about a bench man that he saw frequently; and with whom he shared a mutual respect. He found that the gentleman passed away (his name was Dennis Hernandez, known as Chico). He then noted the dates and times of the services.

Mary Beth Colvell, 128 Broad Street – commented that the Shade Tree Committee should move quickly on the trees; and she noted an experience she had with a tree falling.

Donna LePrevost, 213 Greeley Street – inquired why the Engineer and contractor acknowledged that the intersection is not correct, but today the Engineer said it is not being re-done. She noted e-mails to the Engineer in which the acknowledgements were made and she wants an explanation.

The Borough Engineer responded that the curb was never a temporary measure; the curb and mill/pave was being done in steps with the curb being done first, then an evaluation would be made. The asphalt was removal of asphalt in front of the curb is temporary and will be finished off with the final course of paving.

Mayor Quattrone noted that the e-mails will be reviewed and it will be determined what should be done at this intersection to fix any situation that may exist.

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

Ordinance 2015-23 Final Reading and Public Hearing – An Ordinance Amending Chapter 3 “Police Regulations”, Section 3-10 “Abandoned or Wrecked Vehicles”. And Section 3-11 “Parking of Boats, Trailers and Registered Vehicles” of the “Revised General Ordinances of the Borough of Hightstown”

Council President Hansen moved ordinance 2015-23 for adoption, Councilmember Bluth seconded.

Mayor Quattrone noted that this ordinance was previously tabled so that the Borough Attorney could review the Predatory Towing Act.

The Borough Attorney reviewed the Predatory Towing Act noting that its purpose was to protect vehicles from being towed from public lots that do not have a warning posted; there is an exception in the law for vehicles parked on private property. This ordinance is in the same format as previously presented.

Mayor Quattrone opened the public hearing on ordinance 2015-23 and the following individuals spoke:

Mary Beth Colvell, 128 Broad Street – referenced her amendment rights and has a concern that the Borough will come on her property and tell her what she can and cannot do.

Eugene Sarafin, 628 S. Main Street – commented that this is a good ordinance and Council should adopt it.

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

Councilmember Kurs noted that he is concerned with residents who may have the hobby of restoring older vehicles and this should be addressed.

Councilmember Bluth suggested that abandoned vehicle be defined.

Mayor Quattrone noted that a hobbyist will usually cover the vehicle to protect their work.

The Borough Attorney noted that he can work this into the ordinance.

Councilmember Kurs moved to table ordinance 2015-23 until the next meeting so the Borough Attorney can address the hobbyist issue, Councilmember Bluth seconded.

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Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Ordinance tabled 4-0.

Ordinance 2015-23

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

AMENDING CHAPTER 3 “POLICE REGULATIONS”, SECTION 3-10 “ABANDONED OR WRECKED VEHICLES”, AND SECTION 3-11 “PARKING OF BOATS, TRAILERS AND REGISTERED VEHICLES” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN”

WHEREAS, the Borough Council finds that enforcement of certain regulations within Chapter 3, Sections 10 and 11 of the “Revised General Ordinances of the Borough of Hightstown” should be enforceable by the Housing Inspector, Construction Official, or the Zoning Officer; and

WHEREAS, the Police Department has determined that such a change in the ordinance is advantageous to the residents of the Borough.

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

Section 1. Section 3-10 “Abandoned or Wrecked Vehicle” is hereby amended as follows (underline for additions, strikethroughs for deletions):

Section 3-10

ABANDONED OR WRECKED VEHICLES*

Subsections:

- 3-10.1 Definitions.**
- 3-10.2 Abandoning Vehicles Unlawful.**
- 3-10.3 Leaving Non-operating Vehicles on Streets Unlawful.**
- 3-10.4 Storage on Private or Borough Property Restricted; Exceptions.**
- 3-10.5 Impoundment; Redemption.**

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

3-10.1 Definitions.

As used in this section:

“Property” shall mean any real property within the Borough which is not a street or highway.

“Street” or “highway” shall mean the entire width between the boundary lines of every way maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

“Vehicle” shall mean a machine propelled by other than human power, designed to travel along the ground by the use of wheels, treads, runners or slides and to transport persons or property or pull machinery, including, but not by way of limitation, an automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (1991 Code § 217-1)

3-10.2 Abandoning Vehicles Unlawful.

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No person shall abandon a vehicle within the Borough, and no person shall leave a vehicle at any place within the Borough for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. (1991 Code § 217-2)

3-10.3 Leaving Non-operating Vehicles on Streets Unlawful.

No person shall leave any unregistered, partially dismantled, non-operating, wrecked or junked vehicle on a street or highway within the Borough. (1991 Code § 217-3; Ord. No. 2002-04)

3-10.4 Storage on Private or Borough Property Restricted; Exceptions.

a. No person in charge or control of property within the Borough, whether as owner, tenant, occupant, lessee or otherwise, shall allow unregistered, partially dismantled, non-operating, wrecked, junked or discarded vehicles to be parked or stored anywhere on private property except on a paved or stoned driveway or an approved extension of a driveway, and such vehicles shall not be permitted to remain on the property longer than forty-eight (48) hours.~~and Moreover,~~ no person shall leave such vehicles on any property within the Borough for a longer period than forty-eight (48) hours.

b. This section shall not apply to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Borough. (1991 Code § 217-4; Ord. No. 2002-04)

c. If an unregistered, partially dismantled, non-operating, wrecked, junked or discarded vehicle is parked on private or Borough property in any other manner than as permitted pursuant to this Section, then it shall be considered a violation of this Section.

3-10.5 Impoundment; Redemption.

The Chief of Police or any member of the Police Department designated by him is authorized to remove or have removed any vehicle left at any place within the Borough which appears to be present in violation of this section. Such a vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable statutes. The Chief of Police or any member of the Police Department acting for him shall notify the registered and legal owner, in writing, by personal service or by certified mail, at the last known address of the owner, of the removal of the vehicle, the reason for the removal and the location of the vehicle. The vehicle shall be retained and impounded until the owner or his authorized agent pays the cost of such taking and removal, together with a garage charge of two (\$2.00) dollars for each day that the vehicle is retained and impounded. (1991 Code § 217-5)

3-10.6 Violations and Penalties.

In addition to the penalties set forth in Subsection 3-10.5, a summons may be issued for any violation of the provisions of this Section by any member of the Police Department, or by the Housing Inspector, the Construction Official, or the Zoning Officer. Any person violating any provision of this Section shall, upon conviction, be subject to the fine(s) prescribed in Section 1-5 of the Borough Code, or as otherwise provided by law.

Section 2. Section 3-11 "Parking of Boats, Trailers and Registered Vehicles" is hereby amended as follows (underline for additions, strikethroughs for deletions):

Section 3-11

PARKING OF BOATS, TRAILERS AND REGISTERED VEHICLES

Subsections:

- 3-11.1 Definitions.**
- 3-11.2 Parking in Public Streets Restricted; Repairs.**
- 3-11.3 Storage of Boats, Trailers and Camping Vehicles on Private Property.***
- 3-11.4 Storage of Registered, Operating Vehicles on Private Property**

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3-11.1 Definitions.

As used in this section:

Trailer or Camping and recreational vehicle shall mean any boat mounted on a trailer or any vehicle or structure used or intended to be used as a conveyance upon the public streets or highways and duly licensed as such, including self-propelled and non-self-propelled vehicles or structures designed, constructed and reconstructed or added to by means of accessories in such a manner as to permit the occupancy thereof as a dwelling or sleeping place, temporary or permanent, for one (1) or more persons and having no foundations other than wheels, skids, jacks or similar devices so arranged as to be integral with or portable by the trailer or camping and recreational vehicle, including any trailer or camping and recreational vehicle so arranged and installable as not be subject to transportation. (1991 Code § 203-1)

3-11.2 Parking in Public Streets Restricted; Repairs.

a. No person shall park any camping vehicle for any period exceeding two (2) hours on any street in the Borough except for the purpose of repair.

b. If any person desires to repair a camping vehicle while it is parked on any street, he shall obtain a permit therefor from the Police Department. Such permit shall not be issued unless the camping vehicle cannot be removed to a garage, service station or other premises for the purpose of repair and shall be granted on request without fee. It shall be valid for a period of forty-eight (48) hours from the issuance thereof but may, for good cause shown, be renewed for an additional forty-eight (48) hour period or periods as necessity may require. Any camping vehicle undergoing repairs while parked in a street shall not be used by any person as a dwelling or sleeping place during such period of repair. (1991 Code § 203-2)

3-11.3 Storage of Boats, Trailers and Camping Vehicles on Private Property.*

Any owner of a boat, trailer or camping vehicle may park or store his equipment on private residential property in the Borough subject to the following conditions:

a. If the boat, trailer or camping vehicle is parked or stored outside of a garage or building, it shall be parked or stored to the rear of the front building line of the lot, on a paved or stoned driveway or an approved extension of a driveway, except that a boat, trailer or camping vehicle may be parked anywhere on private residential property for loading or unloading purposes.

b. At no time shall a parked or stored boat or camping vehicle be occupied or used for living, sleeping or housekeeping purposes or for storage of other than equipment used in connection with the vehicle.

c. Only one (1) of each such vehicle shall be permitted to be parked at one (1) time on any one (1) property. (1991 Code § 203-3; Ord. No. 2002-04)

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

3-11.4 Storage of Registered, Operating Vehicles on Private Property

Registered, operating vehicles shall be parked or stored on a paved or stoned driveway or an approved extension of a driveway. If a vehicle is parked on private property in any other manner, then it shall be considered a violation of this Section. (Ord. No. 2002-04)

3-11.5 Violations and Penalties.

For any violation of the provisions of this Section, a summons may be issued by any member of the Police Department, or by the Housing Inspector, the Construction Official, or the Zoning Officer. Any person violating any provision of this Section shall, upon conviction, be subject to the fine(s) prescribed in Section 1-5 of the Borough Code, or as otherwise provided by law.

Section 3. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the October 19, 2015

remainder of this Ordinance.

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

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

Ordinance 2015-24 First Reading and Introduction Amending and Supplementing Chapter 28, Entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Councilmember Misiura moved ordinance 2015-24 for introduction, Council President Hansen seconded.

The Borough Attorney reviewed the changes requested by the Planning Board and suggested adding non-residential zone as a requirement for the placement of the bins.

There was discussion regarding the Attorney’s suggestion and the timeframe for compliance. It was decided that the ordinance would be amended to make the change suggested by the Attorney on page one and to change the compliance time from 6 months to 60 days on page 3 in E.

Council President Hansen moved ordinance 2015-24 for introduction as amended, Councilmember Bluth seconded.

Roll Call Vote: Council members Bluth, Kurs, Hansen, and Misiura, voted yes.

Ordinance introduced 4-0. Public Hearing will be held on November 2, 2015.

Ordinance 2015-24

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

BE IT ORDAINED by the Borough Council of the Borough of Hightstown, County of Mercer, New Jersey, that the Chapter 28, entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown” is hereby amended to add a new Section, Clothing Bins, as follows:

SECTION 1: Purpose

The purpose of this ordinance is to accommodate clothing bins intended for charitable purposes only in appropriate locations, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for charitable clothing bins to ensure compliance with the provisions of the requirements and standards established herein.

SECTION 2: Add a Section to Chapter 28, Scope and Purpose, as follows:

Clothing Bins, Locations and Permits

Charitable clothing bins may be placed only in the following locations and under all applicable conditions:

At church and other religious institution parking lots (1 bin per site); and

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At other sites located in non-residential zoning districts that are under private ownership, provided that bin placement meets all conditions herein (1 bin per site).

No charitable clothing bins shall be placed on Borough-owned property or in residential zoning districts.

Notwithstanding any other provision to the contrary, following the adoption of this Ordinance, no person or entity shall place, use or employ a donation charitable clothing bin, for solicitation purposes, unless all of the following requirements are met:

A. The donation charitable clothing bin is owned by a charitable organization registered with the Attorney General for the State of New Jersey pursuant to P.L. 1994, c. 16 or any person or entity; and

B. The registered charitable organization or other person or entity owning and monitoring the clothing bin for charitable purposes only has obtained a permit valid for a period not to exceed one year, from the Borough Zoning Officer, in accordance with the following:

1. In applying for such permit, the registered charitable organization, person or entity shall include the following information, at a minimum.

a) The size of the clothing bin (enclosed and not larger than 6 feet by 6 feet) and the specific location where the bin will be situated, as precisely as possible;

b) The manner in which the charitable organization or other person or entity anticipates any clothing or donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

c) The name, address, and telephone number of the bona fide office of the applicant and of person or entity sharing or profiting from any clothing or other donations collected via the bin;

d) The schedule of pick-ups removing the articles from the bins, which shall be no less often than once per week, and the name and telephone number of the person or entity to be notified if the bin is overflowing prior to the scheduled date of pick-up; and

e) Written and notarized consent from the property owner, or the owners authorized representative, to place the bin on his/her/its property.

2. The Zoning Officer shall not approve an application and grant a permit to place, use, or employ a donation charitable clothing bin if he determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation charitable clothing bin in existing parking spaces, in any area which interferes with pedestrian or vehicular traffic or access, obscures site visibility, hinders firefighting, violates any site plan approval applicable to the property, or is at a location which stores large amounts of, or sells, fuel or other flammable liquids or gasses.

3. The fee for the application for the permit shall be \$25.00.

4. All permits for a donation charitable clothing bin may be renewed by a charitable organization or other person or entity upon payment of the \$25.00 renewal fee and by application that shall include the following information:

a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

b) The manner in which the person or entity has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donation have been allocated or spend, and any changes the person or entity anticipated it may make in these processes during the period covered by the renewal;

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c) The name, address and telephone number of the bona fide office of the applicant and any person or entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

d) The schedule of pick-ups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person or entity to be notified if the bin is overflowing prior to the scheduled date of pick-up; and

e) Written and notarized consent from the property owner, or the owner's authorized representative, to place the bin on his/her/its property;

5. The following information shall be clearly, permanently and conspicuously written in either permanent paint or marker on the exterior of the donation charitable clothing bin:

a) The name and address of the registered charitable organization or person or entity owning the bin, and of any other person or entity which may share or profit from any clothing or other donations collected via the bin.

b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other person or entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement.

c) The charitable organization or other person or entity's registration number, permit number and its date of expiration.

d) A statement, indicating the manner in which the charitable organization or other person or entity anticipated any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

6. Any clothing bin permitted hereunder shall be kept clean, properly painted, maintained, and shall be free of defects. Only clothing shall be deposited in a charitable clothing bin and no material shall be placed or stored on or outside of a clothing bin.

C. An enforcement official designated by the Borough Administrator, shall receive and investigate, within 30 days, all complaints about bins, and shall enforce this Ordinance.

1. Whenever it appears to the enforcement official that an entity, or person or entity has engaged in or is engaging in any act or practice in violation of this Ordinance, the organization or person or entity who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within 45 days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person or entity who placed the bin, a warning shall be affixed to the exterior of the bin itself, and the bin shall not be used until the violations are cured and the appeal is decided.

2. In the event that the person or entity or entity who placed the bin does not cure the violation or request a hearing before the Borough Administrator within 45 days of the posting of the warning, the Borough may seize the bin, remove it or have it removed, at the expense of the person or entity who placed the bin, and sell it at public auction, and otherwise dispose of any clothing or other donations collected via the bin, which proceeds shall be paid to the Borough's Chief Financial Officer.

3. In addition, any person or entity who violates any provision of PL 2007, C.209 shall be subject to a penalty for each violation as specified pursuant to PL 2007, C.209, of up to \$20,000 per violation and such other penalties or remedies permitted by law.

D. If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

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E. Within 60 days from the enactment of this Ordinance all existing charitable clothing bins shall meet all conditions of this Ordinance and shall obtain and display permits or be removed from their location by the person or entity placing the bin or shall be subject to removal by the Borough at the cost and expense of the person or entity placing or owning the bin. During the 60 day period, no additional charitable clothing bins may be placed in the Borough.

SECTION 3 Severability

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph or other wording in this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 4 Effective Date

This Ordinance shall take effect upon compliance with procedures prescribed by law, including NJSA 40:55D-97 of the Municipal Land Use Law (Submission of plan and ordinances to County Planning Board for approval).

Ordinance 2015-25 First Reading and Introduction Amending and Supplementing Subsection 2-20.4, Entitled “Election of Members; Qualifications,” Subsection 2-20, Entitled “Fire Department.” Of Chapter 2, Entitled “Administration,” of the Revised General Ordinances of the Borough of Hightstown, New Jersey”

Councilmember Kurs moved ordinance 2015-25 for introduction, Councilmember Bluth seconded.

Mayor Quattrone reviewed the need for this ordinance. The Borough Attorney defined the term of lawful permanent resident.

Roll Call Vote: Council members Bluth, Kurs, Hansen, and Misiura, voted yes.

Ordinance introduced 4-0. Public Hearing will be held on November 2, 2015.

Ordinance 2015-25

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING
SUBSECTION 2-20.4, ENTITLED “ELECTION OF MEMBERS; QUALIFICATIONS” OF SECTION 2-20,
ENTITLED “FIRE DEPARTMENT,”
OF CHAPTER 2, ENTITLED “ADMINISTRATION,”
OF THE “REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

WHEREAS, the Mayor and Borough Council wish to make certain revisions to the Borough Code relating to the election and/or qualifications of members of the Hightstown Borough Fire Department, as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown (the “Borough”), in the County of Mercer and State of New Jersey, that Section 2-20, entitled “Fire Department,” of Chapter 2, entitled Administration,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented at Subsection 2-20.4, entitled “Election of Members; Qualifications,” in the following respects (additions are shown with underline).

CHAPTER 2 ADMINISTRATION

2-20 FIRE DEPARTMENT.

October 19, 2015

2-20.4 Election of Members; Qualifications.

The company shall elect Firefighters to membership. Each successful applicant for membership shall be:

- a. A citizen or lawful permanent resident of the United States.
- b. Not less than eighteen (18) years of age and not more than forty (40) years of age.
- c. In good health and of sound body, to be evidenced by a certificate to that effect signed by a licensed practicing physician of the State of New Jersey.
- d. Approved for membership by filing on the approved form of the State Firemen's Association a written application for membership in the Department before being appointed by the Mayor and Council.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, 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.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately following final passage and publication in accordance with the law.

Resolution 2015-264 Determining an Area in Need of Rehabilitation in Accordance with N.J.S.A. 40A:12-A-1. *et seq.*

Councilmember Misiura moved resolution 2015-264, Council President Hansen seconded.

Borough Attorney Raffetto advised that this resolution is required as part of the ordinance for tax exemptions and must be adopted first. He reviewed the Council's previous conversation in which they had decided to designate the entire Borough as in need of rehabilitation; and that this resolution, along with the ordinance, has been sent to and reviewed by the Planning Board, who agreed with Council on its determination to designate the entire Borough as in need of rehabilitation. There was discussion regarding the commercial businesses to which the ordinance will apply and it was confirmed that the Planning Board's intention is to encourage foot traffic.

Roll Call Vote: Council members Bluth, Kurs, Hansen, and Misiura, voted yes.

Resolution adopted 4-0.

Resolution 2015-264

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

DETERMINING AN AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH N.J.S.A. 40A:12A-1, *et seq.*

WHEREAS, the New Jersey "Local Redevelopment and Housing Law," N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), provides that a delineated area of a municipality may be found and determined to be in need of rehabilitation if the governing body of the municipality determines, by Resolution, that a program of rehabilitation, as defined in N.J.S.A. 40A:12A-3, may be expected to prevent further deterioration and promote the overall development of the community [N.J.S.A. 40A:12A-14]; and

October 19, 2015

WHEREAS, pursuant to N.J.S.A. 40A:12A-14, in addition to the above finding, the governing body must determine that there exists within the delineated area any one (1) of the following conditions:

- (1) a significant portion of structures therein are in a deteriorated or substandard condition;
- (2) more than half of the housing stock in the delineated area is at least fifty (50) years old;
- (3) there is a pattern of vacancy, abandonment or underutilization of properties in the area;
- (4) there is a persistent arrearage of property tax payments on properties in the area;
- (5) environmental contamination is discouraging improvement and investment in properties in the area;
- or
- (6) a majority of the water and sewer infrastructure in the delineated area is at least fifty (50) years old and is in need of repair or substantial maintenance; and

WHEREAS, the Act provides that the finding of need for rehabilitation may extend to the entire area of a municipality; and

WHEREAS, the Act requires that, prior to adoption of the within Resolution, the governing body shall submit the same to the municipal planning board for its review and that the planning board shall, within forty-five (45) days of receipt of the proposed Resolution, submit its recommendations, including any modifications which it may recommend, to the governing body for its consideration; and

WHEREAS, the Mayor and Council of the Borough of Hightstown (the “Borough”) have determined that a program of rehabilitation within the Borough may reasonably be expected to prevent further deterioration and promote the overall development of the Borough, specifically with regard to the existing residential housing stock within the Borough and to commercial structures that are used for retail purposes; and

WHEREAS, the Mayor and Council have further found that at least one of the six (6) criteria referenced above exists within the community; and

WHEREAS, the Mayor and Borough Council therefore wish to declare the entire area of the Borough to be an “area in need of rehabilitation” pursuant to the Act; and

WHEREAS, in accordance with the Act, the Mayor and Borough Council have referred this matter to the Planning Board for its review and recommendation; and

WHEREAS, the Planning Board has approved this proposal; and

WHEREAS, the Mayor and Borough Council now wish to formally declare that the entire area within the municipal boundaries of the Borough of Hightstown shall be considered an “area in need of rehabilitation” pursuant to the Act.

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

1. That the entire area within the municipal boundaries of the Borough of Hightstown is hereby found and declared to be an “area in need of rehabilitation” pursuant to the terms of the Act.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Hightstown Borough Planning Board
 - b. Gary S. Rosensweig, Esq., Planning Board Attorney
 - c. Tamara Lee, P.P., Borough Planner
 - d. Henry Underhill, Borough Administrator
 - e. Frederick C. Raffetto, Esq., Borough Attorney

Ordinance 2015-26 First Reading and Introduction Amending and Supplementing the Revised General Ordinances of the Borough of Hightstown, New Jersey” to Establish a New Chapter Thereof to be Known as “Tax Exemptions”

Councilmember Kurs moved ordinance 2015-26 for introduction, Council President Hansen seconded.

The Borough Attorney reviewed the criteria of qualifications for the exemption and noted that the exemption only applies to October 19, 2015

added assessments for the period of five years from the date of completion of the renovation project; it does not apply to new construction. He advised Council that this ordinance mirrors the state statute, and that the Assessor advised him that the law recently changed the five year exemption period from January 1st of the next year following completion of the project to five years from the date of completion of the project; therefore he has changed that verbiage in this ordinance to reflect that change.

Roll Call Vote: Council members Bluth, Kurs, Hansen, and Misiura, voted yes.

Ordinance introduced 4-0. Public Hearing will be held on November 2, 2015.

Ordinance 2015-26

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY,”
IN ORDER TO ESTABLISH A NEW CHAPTER THEREOF
TO BE KNOWN AS “TAX EXEMPTIONS.”**

WHEREAS, the New Jersey “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1, *et seq.* (the “Act”), permits municipalities to adopt an Ordinance to grant, for periods of five (5) years, exemptions or abatements, or both, from taxation relating to the construction and/or rehabilitation of certain structures within an area of the municipality delineated to be an “area in need of rehabilitation”; and

WHEREAS, the Act permits municipalities to tailor the program to its particular needs, in accordance with the provisions set forth in the Act; and

WHEREAS, the Mayor and Council of the Borough of Hightstown (the “Borough”) believe that the establishment of a program to grant exemptions from taxation relating to the rehabilitation of existing residential dwellings and existing commercial structures that are utilized for retail purposes (only) within the Borough, for periods of five (5) years, will constitute an effective tool to promote the rehabilitation of certain existing structures located within the Borough, and therefore that the program will benefit the residents of the Borough.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council, that a new Chapter, to be known as “Tax Exemptions,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby established as follows:

TAX EXEMPTIONS.

Section 1. Intended Purposes and Objectives.

The intention of this Chapter is to effectuate and accomplish the purpose authorized by N.J.S.A. 40A:21-1, *et seq.*, which permits municipalities to grant for periods of five (5) years exemptions and/or abatements, or both, from taxation in areas of the municipality in need of rehabilitation. The intended purpose of this Chapter is to promote the improvement and/or rehabilitation of existing residential dwellings and existing commercial properties that are utilized for retail purposes (only) within the Borough, which will promote long-term growth and redevelopment that will positively impact the character and quality of life of the citizens of the Borough. This Chapter has been prepared in accordance with the “Five-Year Exemption and Abatement Law,” N.J.S.A. 40A:21-1, *et seq.*

Section 2. Definitions.

As used in this Chapter:

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Abatement shall mean that portion of the assessed value of a property as it existed prior to construction, improvement, or conversion of a building or structure thereon, which is exempted from taxation pursuant to this Chapter.

Area in need of rehabilitation shall mean a portion or all of the Borough which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C. 40A:12A-1, *et al.*), a "blighted area" as determined pursuant to the "Blighted Areas Act," P.L. 1949, c. 187 (C. 40:55-21-1, *et seq.*), or which has been determined to be in need of rehabilitation pursuant to P.L. 1975, c. 104 (C. 54:4-3.72, *et seq.*), P.L. 1977, c.12 (C.54:4-3.95, *et seq.*) or P.L. 1979, c. 233 (C. 54:4-3.121, *et seq.*).

Assessor shall mean the Municipal Tax Assessor serving the Borough, who is charged with the duty of assessing real property for the purposes of general taxation.

Borough shall mean the Borough of Hightstown.

Commercial Property(ies) and/or Commercial Structure shall mean, for purposes of this Ordinance, a building, structure, or complex of structures, or part thereof, which is designed for or being used for retail purposes, as defined herein. The term(s) shall not include other types of commercial uses.

Completion shall mean substantially ready for the intended use for which a building or structure is constructed, improved, or converted.

Condominium shall mean a property created or recorded as a condominium pursuant to the "Condominium Act," P.L. 1969, c. 257 (C. 46:8B-1, *et seq.*).

Construction shall mean the provision of new improvements to a property located within the Borough.

Conversion or conversion alteration shall mean the alteration or renovation of nonresidential building or structure, or hotel, motel, motor hotel, or guest house, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.

Cooperative shall mean a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

Dwelling shall mean a building or part of a building used, or to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyments thereof, but shall not mean any building or part of a building defined as a "multiple dwelling" pursuant to the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1, *et seq.*). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L. 1963, c. 168 (C. 46:8A-1, *et seq.*), or the "Condominium Act," P.L. 1969, c. 257 (C. 46:8B-1, *et seq.*), or of a cooperative, if the residential units are owned separately.

Exemption shall mean that portion of the assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this Chapter.

Horizontal property regime shall mean a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L. 1963, c. 168 (C. 46:8A-1, *et seq.*).

Improvement shall mean a modernization, rehabilitation, renovation, alteration or repair, through construction, which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas

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or elements, or three (3) or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial structure, it shall not include ordinary painting, repairs, and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than thirty (30%) percent. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three (3) year period immediately preceding the filing of an application pursuant to this Act.

Multiple dwelling shall mean a building or structure meeting the definition of “Multiple Dwelling” set forth in the “Hotel and Multiple Dwelling Law,” P.L. 1967 c. 76 (C. 55:13A-1, *et seq.*), and means for the purpose of improvement or construction the “General Common Elements” and “Common Elements” of a condominium, a cooperative, or a horizontal regime.

Retail shall mean the sale of goods for final consumption by the ultimate consumer in contrast to a sale for further processing (i.e., wholesale). The term shall encompass stores, markets, shopping centers, and shops.

Section 3. Area in Need of Rehabilitation Declared.

The Borough Council hereby finds and declares that the entire area within the municipal boundaries of the Borough of Hightstown is an “area in need of rehabilitation” pursuant to the terms of this Chapter.

Section 4. Exemptions Authorized.

There is hereby authorized within the “area in need of rehabilitation” referenced above the ability of taxpayers to obtain exemption(s) from taxation as follows:

a. Improvements to Existing Dwellings and Commercial Structures.

1. An exemption from taxation is hereby authorized for improvements undertaken to existing dwellings and existing commercial structures that are utilized for retail purposes (only) within the Borough pursuant to the terms and conditions contained within this Chapter. For the purposes of this Chapter, the term “existing dwellings and existing commercial structures” shall not include the construction of new dwelling(s) or new commercial structures on any property where the previous structure(s) or dwelling(s) on any property were demolished in their entirety or where less than sixty (60%) percent of the original square footage remains.
2. For existing dwellings, the following provisions shall apply:
 - (a) Such exemption shall be permitted for improvements made to any existing dwelling that is more than twenty (20) years old.
 - (b) Additionally, such exemption shall be authorized to the extent of the first twenty-five thousand (\$25,000.00) dollars in Assessor’s full and true value of improvements for each existing dwelling unit primarily and directly affected by the improvements.
3. For existing commercial structures that are utilized for retail purposes, the following shall apply:
 - (a) Such exemption shall be authorized to the extent of the full and true value of the improvements made, as determined by the Assessor.
4. The exemption for existing dwellings and existing commercial structures that are utilized for retail purposes shall last for a period of five (5) years, commencing as of the date of completion of the improvements.

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5. Such exemption shall permit the improvements to not increase the value of the property notwithstanding the fact that the value of the property to which the improvements are made is increased thereby.
6. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvements, unless there is damage to the dwelling or commercial structure through action of the elements sufficient to warrant a reduction.

b. *Criteria for Exemption.*

In addition to the provisions set forth above, improvements to existing dwellings and existing commercial structures that are utilized for retail purposes shall be eligible to receive a five-year exemption, as provided in this Chapter, upon meeting the following qualifications:

1. All real estate taxes and other municipal charges must be current.
2. The applicant must provide a Certificate of Occupancy or any other permit or approval required by the Borough.
3. The applicant must submit proof of ownership. Proof submitted must be current and valid at the time of submission.

Section 5. Determination of True Taxable Value by Assessor.

The Assessor shall determine, on October 1st of the year following the date of the completion of an improvement, the true taxable value thereof. The amount of tax to be paid for the first full tax year following completion shall be based on the assessed valuation of the property not allowed an exemption pursuant to this Chapter. The property shall continue to be treated in the appropriate manner for a period of five (5) years measured from the date of completion of the improvements.

Section 6. Additional Improvements on Exempt Properties.

There is hereby authorized within the Borough the ability of taxpayers to obtain exemption(s) from taxation relating to any additional improvement(s) completed on a property granted a previous exemption pursuant to this Chapter during the period in which such previous exemption is in effect. As such, additional improvement(s) shall be entitled to an exemption just as if such property had not received a previous exemption. In such case, the additional improvement(s) shall be considered as separate for the purposes of calculating exemptions pursuant to this Chapter.

Section 7. Applications; Filing and Approval; Form.

No exemption shall be granted pursuant to this Chapter except upon written application therefor filed with and approved by the Borough Assessor. Every application shall be on a form prescribed by the Director of the Division of Taxation in the Department of Treasury, and provided for the use of claimants by the Borough, and shall be filed with the Assessor within thirty (30) days, including Saturdays and Sundays, following the completion of the improvement. Every application for exemption which is filed within the time specified shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of this Chapter. The granting of an exemption shall be recorded and made a permanent part of the official tax records of the Borough, which records shall contain a notice of the termination date thereof.

Section 8. Applicability of Exemption to Tax Types.

The exemption of real property taxes provided pursuant to this Chapter shall apply to property taxes levied for municipal purposes, school purposes, fire district purposes, County government purposes and for the purpose of funding any other property tax exemption.

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Section 9. Annual Property Tax Bills.

During the first year following adoption of this Chapter, an appropriate notice shall be included in the mailing of annual property tax bills to each taxpayer of the Borough notifying the public that tax exemptions may be permitted for the improvement and/or rehabilitation of existing residential dwellings and existing commercial structures that are utilized for retail purposes within the Borough pursuant to the provisions of this Chapter. The notice shall advise the public that applications for exemption may be made immediately, but that such exemptions, if granted, shall not commence until the first full tax year following adoption.

Section 10. Annual Municipal Report.

The Borough Council shall report, on or before October 1st of each year, to the Director of the Division of Local Government Services in the Department of Community Affairs and to the Director of the Division of Taxation in the Department of Treasury the total amount of real property taxes exempted within the Borough in the current tax year for improvements to existing dwellings and existing commercial structures that are utilized for retail purposes.

Section 11. Limitation on Exemptions.

No applications shall be filed with or granted by the Borough for exemption(s) pursuant to this Chapter to take initial effect for the 11th full tax year following the initial adoption of this Chapter, or to take initial effect for any tax year occurring thereafter, unless this Chapter has been readopted by the Borough Council prior to the said 11th tax year.

Section 12. Application of Chapter.

The provisions of this Chapter shall only apply to improvements undertaken pursuant to construction permits issued by the Borough, applications for which were submitted subsequent to the effective date of this Chapter.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, 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.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following final passage and publication in accordance with the law.

Resolution 2015-261 Payment of Bills

Council President Hansen moved resolution 2015-261, Councilmember Kurs seconded.

Roll Call Vote: Council members Bluth, Kurs, Hansen, and Misiura voted yes.

Resolution adopted 4-0.

Resolution 2015-261

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

AUTHORIZING PAYMENT OF BILLS

October 19, 2015

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$121,285.48 from the following accounts:

Current		\$41,918.18
W/S Operating		55,731.23
General Capital		10,131.75
Water/Sewer Capital		0.00
Grant		0.00
Trust		11,529.57
Housing Trust		1,968.75
Animal Control		6.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$121,285.48</u>

Resolution 2015-262 Endorsing an Ordinance by Mercer County to Establish a Mid-Block Crosswalk on Etra Road (County Route 571)

Council President Hansen moved resolution 2015-262, Councilmember Kurs seconded.

Roll Call Vote: Council members Bluth, Kurs, Hansen, and Misiura voted yes.

Resolution adopted 4-0.

Resolution 2015-261

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

**ENDORISING AN ORDINANCE BY MERCER COUNTY TO ESTABLISH A MID-BLOCK
CROSSWALK ON ETRA ROAD (COUNTY ROUTE 571)**

WHEREAS, the Borough of Hightstown has undertaken curb and sidewalk improvements on Etra Road (County Route 571) from South Main Street (County Route 539) to the municipal boundary to provide safe access to residents in the area; and

WHEREAS, a mid block crosswalk has been installed at a location 525 feet east of Orchard Avenue to provide safe access to both sides of Etra Road; and

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WHEREAS, the public crosswalk has been installed in accordance with the requirements of the Manual on Uniform Traffic Control Devices, including an activated flashing beacon system, under the supervision of the Office of the Mercer County Engineer; and

WHEREAS, an ordinance is required to be adopted by Mercer County to formally establish the crosswalk as a mid-block crosswalk in accordance with the requirements of N.J.S.A. 39:408, and to permit the enforcement of traffic regulations regarding same.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hightstown support and endorse the Ordinance by Mercer County to establish a mid-block crosswalk, on Etra Road (County Route 571) at a location approximately 525 feet south of Orchard Avenue, to resident access, across Etra Road (County Route 539).

Consent Agenda Resolutions 2015-263, 2015-265, 2015-266, 2015-268, 2015-269, and 2015-270:

Council President Hansen moved resolutions 2015-263, 2015-265, 2015-266, 2015-268, 2015-269, and 2015-270 as the consent agenda, Councilmember Bluth seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Resolutions adopted 4-0.

Resolution 2015-263

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

**ENDORISING THE DOWNTOWN HIGHTSTOWN LAKEFRONT VISION PLAN AND
ENCOURAGING THE PLANNING BOARD TO CONSIDER APPROPRIATE MASTER PLAN
AMENDMENTS TO INCOPORATE THE PLAN THEREIN**

WHEREAS, the outside community civic organization known as “Downtown Hightstown” hired a professional Planner to prepare a concept plan (the “plan”) to revitalize the downtown lakefront area of Hightstown Borough; and

WHEREAS, the plan is the culmination of a long process undertaken by Downtown Hightstown, at its sole cost and expense, which included the participation of the public and stakeholders; and

WHEREAS, on September 30, 2015 a joint meeting of the Hightstown Borough Council and Planning Board was held in order to allow representatives of Downtown Hightstown and its Planner to present the plan to Hightstown Borough officials and the public, and to answer questions relating thereto; and

WHEREAS, the overwhelming response to the plan was positive; and

WHEREAS, the Hightstown Borough Council wishes to formally endorse the plan and to encourage the Hightstown Borough Planning Board to amend the Master Plan in order to incorporate the plan therein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Downtown Hightstown Lakefront Vision Plan is hereby accepted and endorsed by the Governing Body, and the Planning Board is hereby encouraged to amend the Hightstown Master Plan to include the plan therein.

Resolution 2015-265

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

October 19, 2015

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2015-016 TO BETTER BEGINNINGS
CHILD DEVELOPMENT CENTER**

WHEREAS, the Better Beginnings Child Development Center wishes to hold an off-premise merchandise raffle at 318 North Main Street on December 16, 2015; and

WHEREAS, the group has submitted application number RA2015-016 for the raffle along with the required fees; and

WHEREAS, the Better Beginnings Child Development Center is currently registered with the Legalized Games of Chance Control Commission, holding registration identification number 209-5-28551; and

WHEREAS, the Borough Clerk and the Police Department 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. RL2015-016 to the Better Beginnings Child Development Center for their off-premise merchandise raffle to be held on December 16, 2015.

Resolution 2015-266

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

AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE - EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, December 5, 2015 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Police Department; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, December 5, 2015, at 278 Monmouth Street.

Resolution 2015-268

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

**AUTHORIZING REFUNDS FOR THE HISTORIC PRESERVATION COMMISSION CLASSIC
TOWNS PROJECT**

WHEREAS, donations were made for the Classic Towns Project being sponsored by the Historic Preservation Commission (HPC) of Hightstown Borough; and

WHEREAS, the HPC has found that they will not be proceeding with the Classic Towns Project and has requested that the following donors receive a refund in the following amounts:

Hightstown-East Windsor Historical Society	164 N. Main Street	\$200.00
Mannino's Pizza	124 S. Main Street	\$150.00

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Dr. John Laudenberger	632 S. Main Street	\$400.00
Dom's Getty	308 Mercer Street	\$200.00
Allen & Stults	P. O. Box 110	\$250.00
Peddie School	201 S. Main Street	\$400.00
Shop for Less	112 Main Street	\$200.00
Tacorito	110 S. Main Street	\$200.00
Hightstown Liquors	107 Stockton Street	\$200.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue refunds to the above donors in the amounts indicated, representing refunds for the HPC Classic Towns Project as set forth herein.

Resolution 2015-269

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

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of taxes was made for Block 9, Lot 85, 156 Oak Lane, in the amount of \$1,850.60 due to a double payment; and

WHEREAS, the owners, Damien & Melissa R. Smith, 156 Oak Lane Hightstown, New Jersey, 08520 have requested that a refund be issued for the overpayment in the amount of \$1,850.60; and

WHEREAS, the Tax Collector has requested that said overpayment be refunded in the amount of \$1,850.60.

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 \$1,850.60 to Damien & Melissa R. Smith, 156 Oak Lane Hightstown, New Jersey, 08520, representing the tax overpayment as set forth herein.

Resolution 2015-270

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

AUTHORIZING TRIAD ASSOCIATES TO PREPARE AND PROCESS AN APPLICATION FOR FEMA ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, Triad Associates, pursuant to an existing agreement for grant writing, has brought forward the FEMA Assistance to Firefighters Grant Application to acquire Exhaust Extraction Equipment and/or Turnout Gear and Communication Equipment for which they think it would be advantageous for the Borough to apply; and

WHEREAS, after reviewing the proposed grant, the Borough Council finds that it would be beneficial for the Borough to submit the FEMA Assistance to Firefighters Grant Application to acquire Exhaust Extraction Equipment and/or Turnout Gear and Communication Equipment; and

WHEREAS, the fee for the grant Application is not to exceed \$2,750.00; and

WHEREAS, the Treasurer has certified that funds for this purpose are available.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown that Triad Associates is authorized to prepare and process the FEMA Assistance to Firefighters Grant Application to acquire Exhaust Extraction Equipment and/or Turnout Gear and Communication Equipment and that the Mayor is authorized to execute and the Borough

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Clerk to attest the appropriate paperwork necessary to implement such application.

Resolution 2015-267 Authorizing the Issuance of an Auction License – First Presbyterian Church

Council President Hansen moved resolution 2015-267, Councilmember Bluth seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, and Misiura voted yes.

Resolution adopted 4-0.

Resolution 2015-267

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

**AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – FIRST PRESBYTERIAN
CHURCH OF HIGHTSTOWN**

WHEREAS, an application for a license to hold an auction on Saturday, November 7, 2015 at 320 North Main Street in the Borough of Hightstown has been submitted by the First Presbyterian Church of Hightstown, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Police Department; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to First Presbyterian Church of Hightstown for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to First Presbyterian Church of Hightstown for their auction to be held on Saturday, November 7, 2015 at 320 North Main Street.

Best Practices Submission

George Lang, CFO, reviewed the Best Practices submission and noted that it was completed by the CFO, Administrator and Borough Clerk/QPA. There was discussion.

Assignment of Lien (Block 40/Lot 18)

Mr. Underhill advised that there are two tax liens on this property from the 2014 and 2015 tax sales. The owner of the neighboring property would like to gain control of the property so he can improve it. The Borough Clerk advised that the Borough Council must do a resolution to assign him the tax lien, and the Collector requested that we receive a consensus of Council to move forward so she can get a resolution number and date for the adoption of the resolution for her required advertisements.

There was discussion and Council agreed that a resolution assigning the lien should be placed on the next meeting agenda.

Shared Services Update

Mr. Underhill noted that the Mayor and Council of Hightstown have been investigating shared service for police, court and dispatch for several months. A written request for proposals was sent out to several municipalities earlier this year; and as of this date the Borough has reviewed the proposals and has made the determination to move forward with dispatch only at this time. The Borough is confident it will enter into a shared service agreement shortly for dispatch services.

He commented that the Mayor and Council remain committed to shared services and will continue to explore and discuss all

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possibilities; however, any shared service must meet the test of acceptable service levels and the offering of significant cost savings to the residents of each town.

FEMA Update

Mr. Underhill advised that the CFO has been working closely with Emergency Management regarding mitigation and closing out the pending FEMA claims. The Borough was recently notified that the time for perfecting the claim on the Municipal Building was expiring, but due to circumstances, a letter requesting an extension has been sent. Discussions with the insurance is ongoing.

George Lang advised that the Borough bonded \$1.6M in emergency funds for Hurricane Irene. To-date we have received \$593,000 in insurance funds and \$263,000 in FEMA funds; the latest approval from FEMA was for \$321,000 and we should be receiving that check shortly. Other claims are still pending because FEMA will not pay them until the insurance is settled. In the meanwhile, we are matching up claims and trying re-coup lease payments, the cost for the DPW trailer, and administrative offices. We received \$137,000 for Hurricane Sandy.

There was discussion regarding payments going toward the debt, schedules and process, and obstacles due to the repeated changeover of FEMA claim representatives.

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

Scott Caster, 12 Clover Lane – thanked Council for the reports; commented that clothing bins are an industry that is taking advantage of us.

Mayor/Council/Administrative Reports

Councilmember Kurs – thanked everyone for taking part in the Fair, it was a great event.

Councilmember Bluth – commented that Parks & Recreation had a meeting and it was noted that with 348 participants, this Triathlon was the biggest ever; they are also discussing opening the ice rink in Rocky Brook Park.

Councilmember Misiura – noted that the fair was a great event, Hightstown comes alive in the fall; some charitable organizations may not return to the fair because they had to pay a fee to participate, this is a shame and should be re-thought. He attended the Board of Health meeting and West Windsor had a crisis with a private company administering flu shots, but it is being handled.

Council President Hansen – commented that the Cultural Arts Commission had a great showing at the Fair and they have a meeting tomorrow; water/sewer will be meeting soon.

Mayor Quattrone – commented that this is breast cancer awareness month and reminded everyone to get the proper testing to assure good health. He then noted that he received correspondence from a law office that had the occasion to deal with the Borough Clerk regarding a liquor license transfer. He then read the letter aloud which commended the Borough Clerk's ability, knowledge and professionalism. The Mayor then noted that the Borough Engineer will be working on the road project issues.

Council President Hansen moved to adjourn at 9:15pm, Councilmember Bluth seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

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