

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
December 7, 2015
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:01 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

Also in attendance: Debra Sopronyi, Borough Clerk; Henry Underhill, Borough Administrator; George Lang, CFO, Fred Raffetto, Borough Attorney; and Carmela Roberts, Borough Engineer.

Mayor Quattrone requested a moment of silence following the flag salute in memory of East Windsor Councilmember Hector Duke who recently passed away.

APPROVAL OF AGENDA

Council President Hansen moved the agenda for approval, Councilmember Stults seconded.

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

Agenda approved 5-0.

APPROVAL OF MINUTES

Councilmember Bluth moved the November 2, 2015 open session minutes for approval, Councilmember Misiura seconded.

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

Minutes approved 5-0.

Council President Hansen moved the November 16, 2015 open session minutes for approval, Councilmember Stults seconded.

Roll Call Vote: Council members Bluth, Hansen, Misiura and Stults voted yes; Councilmember Kurs abstained.

Minutes approved 4-0, with one abstention.

Councilmember Bluth moved the November 16, 2015 executive session minutes for approval, Council President Hansen seconded.

Roll Call Vote: Council members Bluth, Hansen, Misiura and Stults voted yes; Councilmember Kurs abstained.

Minutes approved 4-0, with one abstention.

PROCLAMATION

Larry Gunnell – 50 years of services (carried over from last meeting as Mr. Gunnell was not present at the last meeting)

Mayor Quattrone invited Mr. Larry Gunnell and Councilmember Stults forward. He then commented that Mr. Gunnell has dedicated his time and talent to the Borough for 50 years. Councilmember Stults then read the proclamation aloud and presented it to Mr. Gunnell. Mayor Quattrone then presented Mr. Gunnell with a key to the city for his many years of service to the summer camp and the youth of the Borough. Due to the absence of the press, Mr. Scott Caster took pictures of the presentation.

Proclamation

Honoring Larry Gunnell

Whereas, Larry Gunnell has directed the Hightstown Summer Recreation Program for 50 years, with a history of commitment that is unequaled; and

Whereas, Larry Gunnell works diligently every year to make the Hightstown Summer Recreation Program available to disadvantaged youth at no charge to the family; and

Whereas, the program has grown over the 50 years that Mr. Gunnell has directed the program and the camp presently serves 100+ children each year; and

Whereas, Mr. Gunnell is a leader and role model for all children who attend the program, teaching them the importance of education, and molding them to become responsible adults; and

Whereas, Larry's role as a mentor to these children is an inspiration and his positive influence on the attending children is unrivaled; and

Whereas, the phrase "this is not about me, it is about the kids" frequently is heard in Dawes Park during the season as a declaration of the inspiration he is to all who know him; and

Whereas, the Hightstown Borough Mayor and Council wish to recognize Larry Gunnell's dedication, commitment and selfless devotion to the community and the Hightstown Summer Recreation Program.

Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that **Mr. Larry Gunnell** is hereby recognized and commended for his leadership, selflessness, and dedication to the Hightstown Borough Summer Recreation Program and committed service to the Borough of Hightstown Community.

Presented this 16th day of November, 2015

ENGINEER ITEMS

Borough Engineer, Carmela Roberts, reviewed the previous discussion with Council regarding modifications to the UV design at the AWWTP and replacing disk filters, noting Council's concerns with possible additional labor needs and cost. She noted that moving the UV inside will cost approximately \$1.1M versus the \$1.2M previously estimated. She noted that while there is more maintenance for the interior UV, there is no need for additional personnel as the interior filters will require less maintenance. Ms. Roberts advised that the cost to modify the design of the UV would cost approximately half of the original design costs and that she has discussed the changes with the Trust and they do not foresee a problem with approval.

Council President Hansen commented that it is very clear that the modification is the way to go per both Engineers and Mr. Searing, AWWTP Superintendent.

There was discussion regarding warranties and Mayor Quattrone asked for a straw poll vote on the matter. It was unanimous that the modification should be done and the Clerk was directed to put a resolution of approval in the consent agenda at the next meeting.

Resolution 2015-288 Authorizing Execution of Engineering Agreement for Rehabilitation of Settling Tanks

Council President Hansen moved Resolution 2015-288; Councilmember Kurs seconded.

The Borough Engineer explained the resolution.

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

Resolution adopted 5-0.

Resolution 2015-288

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

AUTHORIZING EXECUTION OF ENGINEERING AGREEMENT FOR REHABILITATION OF SETTLING TANKS

WHEREAS, it is the desire of the Mayor and Council to rehabilitate the settling tanks at the Hightstown Borough Water Treatment Plant; and

WHEREAS, requires professional engineering services for assistance with the planning, design, specification and permitting processes as well as preparation of the loan application for the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Project; and

WHEREAS, Roberts Engineering Group shall provide the following professional services: planning, design, specifications, permitting, processing of the loan application and supporting materials at a cost not to exceed \$18,000.00 without additional action of the Borough Council; and

WHEREAS, the Finance Officer has certified the availability of funds for this payment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Engineering Agreement for the Rehabilitation of Settling Tanks with Roberts Engineering Group is hereby accepted

and the Mayor is authorized to execute same.

Resolution 2015-289 Authorizing Execution of Engineering Agreement for Rehabilitation of Well #2

Councilmember Kurs moved Resolution 2015-289; Councilmember Stults seconded.

The Borough Engineer explained the resolution.

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

Resolution adopted 5-0.

Resolution 2015-289

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

**AUTHORIZING EXECUTION OF ENGINEERING AGREEMENT
FOR REHABILITATION OF WELL #2**

WHEREAS, it is the desire of the Mayor and Council to rehabilitate well #2 at the Hightstown Borough Water Treatment Plant; and

WHEREAS, requires professional engineering services for assistance with the planning, design, specification and permitting processes as well as preparation of the loan application for the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Project; and

WHEREAS, Roberts Engineering Group shall provide the following professional services: planning, design, specifications, permitting, processing of the loan application and supporting materials at a cost not to exceed \$30,000.00 without additional action of the Borough Council; and

WHEREAS, the Finance Officer has certified the availability of funds for this payment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Engineering Agreement for the Rehabilitation of Settling Tanks with Roberts Engineering Group is hereby accepted and the Mayor is authorized to execute same.

Resolution 2015-290 Authorizing Change Order #3 and Payment #3 – Pioneer General Contracting Co., Inc. (Enchantment at Hightstown Road Improvement Project)

Councilmember Bluth moved Resolution 2015-290; Councilmember Stults seconded.

The Borough Engineer gave an update on the project. There was discussion regarding the tennis courts; the \$6,000.00 left in the bond and professional fees for the project.

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

Resolution adopted 5-0.

Resolution 2015-290

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

**AUTHORIZING CHANGE ORDER #3 & PAYMENT #3 – 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 change order #3 for extras in the amount of \$39,592.25 for additional work related to surface paving, manhole/inlet repair, curb, sidewalk and driveway aprons and a reduction in costs of \$16,068.63 for a total change order in the amount of \$23,523.62; and

WHEREAS, the contractor has submitted payment #3 in the amount of \$174,174.79 for work related to curb, sidewalks, crack repairs, surface paving and landscaping; and

WHEREAS, the Borough Engineer has recommended approval of Change order #3 in the amount of \$23,523.62; and

WHEREAS, the Borough Engineer has recommended approval of payment #3 in the amount of \$174,174.79 pending receipt of certified payrolls; and

WHEREAS, the Finance Officer 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 change order #3 in the amount of \$23,523.62 and Payment #3 in the amount of \$174,174.79 to Pioneer General Contracting Co., Inc. of South River, New Jersey is hereby approved as detailed herein.

Resolution 2015-291 Authorizing Payment #5 – Lucas Construction Group, Inc. (2014 Road Improvement Program)

Councilmember Bluth moved Resolution 2015-291; Councilmember Misiura seconded.

The Borough Engineer gave an update on the project noting that the project costs will come out close to the original price due to asphalt cost adjustments. There was discussion regarding resident issues being addressed, appearance of the project area, and that the punch list items are straightforward.

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

Resolution adopted 5-0.

Resolution 2015-291

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

**AUTHORIZING PAYMENT # 5 – LUCAS CONSTRUCTION GROUP, INC.
(2014 ROAD IMPROVEMENT PROGRAM)**

WHEREAS, on April 20, 2015 the Borough Council awarded a contract for the 2014 Road Improvement Program to Lucas Construction Group, Inc. of Morganville, New Jersey in the amount of \$1,598,913.21; and

WHEREAS, the contractor has submitted payment request #5 related to construction of driveways, milling, paving and striping for the project in the total amount of \$182,809.40; and

WHEREAS, the amount of this payment for general construction is \$182,809.40 with FY2013 phase cost being \$65,132.76 and FY2014 phase cost being \$117,676.64; and

WHEREAS, the Borough Engineer has recommended approval of payment #5 to Lucas Construction Group, Inc. in the amount of \$182,809.40 following receipt of the certified payrolls; and

WHEREAS, the Finance Officer 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 Request No. 5 to Lucas Construction Group, Inc. of Morganville, New Jersey in the amount of \$182,809.40 following receipt of the certified payrolls is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

PUBLIC COMMENT

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

Kenneth Hitchner, 450 S. Main Street – commented that a crosswalk is needed on Main Street near RISE and 12 Farms.

Walter Sikorski, 326 South Main Street – Spoke about the Historic Preservation Commission ordinance presented to the Planning Board that would declare properties in town as historic without notifying property owners.

Eugene Sarafin, 628 South Main Street – commented regarding republicans and Donald Trump being prejudice.

There being no further comments, Mayor Quattrone closed the public comment period and asked if there were any responses to the comments.

Carmela Roberts, Borough Engineer, noted that when the Memorial Park project was completed a crosswalk was requested, but the application was rejected by NJDOT.

Councilmember Stults noted that Downtown Hightstown is working with New Jersey Main Street to get NJDOT approval for pedestrian friendly changes to Main Street.

Mr. Sikorski inquired as to whether there is a point in which all the lights are red downtown; to which the Engineer responded no, but per NJDOT the cycles are long enough.

Ms. Roberts departed the meeting at this time.

ORDINANCES

Ordinance 2015-23 Public Hearing and Final Reading 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”

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

Eugene Sarafin, 628 S Main Street – commented that this is a good ordinance and he supports it.

Mary Beth Colvell, 128 Broad Street – commented that just because cars are on private property it does not mean they are abandoned; homeowners have rights; a towing company cannot come on private property to remove vehicles.

Council President Hansen moved Ordinance 2015-23 for adoption; Councilmember Stults seconded.

Councilmember Bluth corrected a typo for a missing letter in the word plates in section 3-10.1.

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

Ordinance adopted 5-0.

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:

“Abandon” shall mean to intentionally and permanently give up, surrender, leave, desert or relinquish all interest or ownership in a vehicle. A vehicle is considered abandoned if it has been in the same public location for at least three consecutive days. Most often, it will be damaged or missing critical components, such as the engine, wheels, tires or plates. Circumstances which may lead to a presumption of abandonment include, but are not necessarily limited to, broken window(s) or windshield that limit visibility; one or more flat tires; invalid license plates; or vehicle being unregistered or uninspected. This does not include any vehicle that is kept within a building when it is not in use.

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

“Renovated” shall mean restored to good condition; made new or as if new again; repaired.

“Repaired” shall mean restored to former condition or operational soundness.

“Restored” shall mean brought back into a former, original, or normal condition.

“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.

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 or uninspected or partially dismantled or non-operating or wrecked or 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; a vehicle that is parked or stored on a paved or stoned driveway or an approved extension of a driveway and which is actively being repaired, renovated or restored, so long as the vehicle is covered with an appropriate durable car cover, during times when such work is not being undertaken; 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 or uninspected or partially dismantled or non-operating or wrecked or 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**

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 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 Public Hearing and Final Reading Amending and Supplementing Chapter 28 Entitled “Zoning”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Mayor Quattrone opened the public hearing on ordinance 2015-24 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that he thinks companies that pickup donations should also be licensed.

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

Councilmember Kurs moved Ordinance 2015-24 for adoption; Council President Hansen seconded.

Pursuant to Council's request, the Borough Attorney researched the ability of Council to totally ban the bins from the Borough. The Borough Attorney advised that the Borough cannot ban the bins, but has the ability to regulate them, which this ordinance does. He noted that there is currently no regulation of the bins in the Borough.

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

Ordinance adopted 5-0.

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

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;

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.

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 2015-27 Public Hearing and Final Reading Amending Chapter 7 Entitled “Traffic”, Section 35 Entitled “Handicapped Parking”, of the “Revised General Ordinances of the Borough of Hightstown”

Mayor Quattrone opened the public hearing on ordinance 2015-27 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that he has concern with parking in the Borough.

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

Borough Attorney Raffetto reviewed the changes in the ordinance.

Councilmember Stults moved Ordinance 2015-27 for adoption; Councilmember Kurs seconded.

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

Ordinance adopted 5-0.

Ordinance 2015-27

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

AMENDING CHAPTER 7 ENTITLED “TRAFFIC”, SECTION 35 ENTITLED “HANDICAPPED PARKING”, OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN”

WHEREAS, the Borough Council finds that there is a need to amend Chapter 7, Sections 35 of the “Revised General Ordinances of the Borough of Hightstown” regarding handicapped parking; and

WHEREAS, the Police and Public Works Departments have determined that such changes 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. Chapter 7, "Traffic", Section 35 "Handicapped Parking" is hereby amended as follows (underline for additions, strikethroughs for deletions):

Subsection 7-35-1 Handicapped Parking on Streets.

a. In accordance with the provisions of N.J.S.A. 39:4-197, the following on street locations are designated as handicapped parking places. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these places.

| <i>Address</i> | <i># of Spaces</i> | <i>Location</i> |
|--|--------------------|---|
| Westerlea Apartments, Building 5 Westerlea Avenue | 1 | Beginning at a point 55 feet south of GPU pole #JC748H and running 18 feet south along Westerlea Avenue |

b. Handicapped Parking On Street for Private Residences. In accordance with the provisions of N.J.S.A. 39:4-197.6, ~~the following~~ certain on-street locations are designated by resolution of the Governing Body as handicapped parking spaces in front of private residences occupied by handicapped persons. Any exception taken for the placement of the handicapped parking space shall be noted within said resolution prior to adoption of the Governing Body. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

| Street | Location | Permit Number |
|-------------------------|--|---|
| 120 ——— Railroad Avenue | Beginning at a point approximately nineteen (19) feet south of utility pole no. JC180H on the west side of Railroad Avenue and running eighteen (18) feet south along Railroad Avenue. | P.H.K. 4616 |
| 231 ——— Morrison Avenue | Beginning at a point one hundred and thirteen (113) feet from the southeast corner of the intersection of Morrison Avenue and Summit Street and running east approximately 18 feet therefrom along Morrison Avenue. | NJ —handicapped license —plate #HE2758 |
| 155 ——— Mechanic Street | Beginning at a point 32 feet north of utility pole #JC11H and running north approximately 20 feet therefrom along the southbound side of Mechanic Street | NJ —handicapped placard #P484734 |

Residents requesting a handicapped parking space on a street for private residences shall do so in writing to the Borough Clerk. It shall be required that they provide a copy of their special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department; and a current medical certification from a qualified physician stating the need for the parking space. Residents with driveways will not be issued a handicapped parking space in front of a private residence.

It will be required that all handicapped parking spaces on a street for private residences be renewed with the Borough Clerk on July 1, 2015 annually by presenting a copy of the special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department; and a current medical certification from a qualified physician stating the need for the handicapped parking space. Any

handicapped parking spaces on a street for private residences that is not updated by July 31st, shall be void and the sign removed

(Ord. No. 825 § 4; Ord. No. 1995-21 § 2; Ord. No. 1998-29 § 1; Ord. No. 1999-19 § 1; Ord. No. 2000-33; Ord. No. 2001-08; Ord. No. 2002-02; Ord. No. 2002-22)

Subsection 7-35-2 Handicapped Parking in Municipal Parking Lots and Board of Education Property.

In accordance with the provisions of N.J.S.A. 39:4-197, handicapped parking areas in municipal parking lots and Board of Education property are designated as set forth in Section 7-37.1(d) of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2002-03)

Subsection 7-35-3 Handicapped Parking on Private Property Open to the Public and to Which the Public is Invited (Retail Business).

In accordance with the provisions of N.J.S.A. 40:48-2.46, the following off-street parking spaces are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

| Property | No. of Spaces | Location |
|-----------------|----------------------|-----------------|
|-----------------|----------------------|-----------------|

(Reserved)

In any space on public or private property appropriately marked for vehicles for the physically handicapped pursuant to N.J.S.A. 39:4-197.5, N.J.S.A. 52:27D-119 et seq., or any other applicable law unless the vehicle is authorized by law to be parked therein and a handicapped person is either the driver or a passenger in that vehicle. State, county, or municipal law enforcement officers or parking enforcement officers shall enforce the parking restrictions on spaces appropriately marked for vehicles for the physically handicapped on both public and private property.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Subsection 7-35-4 Handicapped Parking on All Other Private Property.

In accordance with the provisions of N.J.S.A. 39:5A-1, the following off-street parking locations are designated as handicapped parking. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Police Department. No other person shall be permitted to park in these spaces.

| Property | No. of Spaces | Location* |
|-----------------|----------------------|------------------|
|-----------------|----------------------|------------------|

(Reserved)

(New)

* **Editor's Note:** All sketches are on file in the office of the Municipal Clerk.

Subsection 7-35-5 Signs, Pavement Markings, Installation and Maintenance.

The owners of the premises or individual for whom the parking space is being installed referred to in subsection

7-35.1(b) shall have provided and installed by the Borough Public Works Department, signs for each parking space reserved for the use of handicapped persons, which signs shall be in accordance with the manual on Uniform Traffic Control Devices.

The owners of the premises referred to in subsection 7-35.3 and 7-35.4 shall provide and install signs and pavement markings for each parking space reserved for the use of handicapped persons, which signs and markings shall be in accordance with the manual on Uniform Traffic Control Devices. The cost of procurement and installation of the signs and pavement markings shall be the responsibility of the owner of said property. The owner shall subsequent to initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the Borough of Hightstown. The owner shall be responsible for the repair and restoration or replacement of same. (New)

Subsection 7-35-6 Penalty for Violation.

Pursuant to P.L. 2003, C 161, the penalties for violations of this Section 7-35 shall be a fine of two hundred fifty (\$250.00) dollars for a first offense, and for subsequent offenses, shall be a fine of at least two hundred fifty (\$250.00) dollars and up to ninety (90) days community service on such terms and in such form as the Court shall deem appropriate, or any combination thereof. (Ord. No. 2003-34)

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

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

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

Ordinance 2015-28 Public Hearing and Final Reading Amending Chapter 28 “Zoning” of the Revised General Ordinances of the Borough of Hightstown Regarding Home-Based Business

Mayor Quattrone opened the public hearing on ordinance 2015-28 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that the ordinance is a good idea, but there are nursery schools in residential districts and they are not addressed.

Mayor Quattrone clarified that this ordinance is to restrict businesses that infringe on residents quality of life.

Scott Caster, 12 Clover Lane – commented that he had concerns with several things in the ordinance: under (c), what does one employee mean? The Borough Attorney advised that this language was already in the ordinance and is not part of the amendments.

Mr. Caster then noted that (c) is in conflict with A, it says inhabitants only.

Mr. Underhill advised that this refers to office use versus outside employees, such as a mechanic.

Mr. Caster then inquired as to whether this applies to employees who pick up mail daily.

There was discussion regarding clarification in the ordinance.

Mr. Caster thanked Council for their consideration, and that distribution to purchasers is also a concern.

Eugene Sarafin, 628 S. Main Street – commented that Mr. Caster has a point, every ordinance that comes from the Planning Board is amended by Council; the Planning Board is not doing their job.

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

Councilmember Misiura moved Ordinance 2015-28 for adoption; Council President Hansen seconded.

Councilmember Kurs suggested clarifying and tightening up the language in the ordinance before adoption.

Councilmember Misiura noted that there are a few comments, enforcement will be reasonable and violations will be issued for blatant disregard. He suggested adopting the ordinance as it is currently written.

There was discussion regarding enforcement and commercial zones being for businesses while residential zones are for residences.

Mr. Caster interrupted Council's discussion and Councilmember Misiura called for a point of order. The Borough Attorney explained the process for adopting an ordinance and that the public hearing has been closed; this is a discussion amongst Council.

Roll Call Vote: Council members Bluth, Hansen, Misiura and Stults voted yes; Councilmember Kurs voted no.

Ordinance adopted 4-1.

Ordinance 2015-28
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AMENDING CHAPTER 28 “ZONING” OF THE *REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN* REGARDING HOME-BASED BUSINESSES**

WHEREAS, the Borough recognizes the importance of and the increase in home-based businesses; and

WHEREAS, the Borough desires to provide standards and requirements for home-based businesses to maintain the residential character of its residential zones; and

WHEREAS, the Zoning Officer and Planning Board Subcommittee have made certain recommendations for revisions to Chapter 28 of the Borough Revised General Ordinances of the Borough of Hightstown; and

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

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

Section 1. Section 28-3-5 “Residential District” is hereby amended as follows (underline for additions, strikethroughs for deletions):

Subsection 28-3-5-1a2 is amended as follows:

(c) Home-based occupations as defined in Section 28-10-6 and professional offices ~~and other home occupations~~, provided that the professional resides on the premises, and further provided that no more than one nonresident employee shall be permitted.

Section 2. Subsection 28-10-6 “Home Occupations” is re-titled “Home-Based Occupations” and amended as follows (deletions are shown by strikethroughs, additions are shown by underlines):

Home-based Customary home occupations shall be ~~defined as~~ permitted, provided that:

a. ~~A business~~ They are The home-based occupation is carried on entirely within a dwelling ~~or an accessory structure~~ and solely by the inhabitants thereof.

b. The use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the character thereof ~~nor constitute more than one (1) floor of the principal building.~~

c. As examples, the following businesses shall not be considered acceptable home-based occupations: ~~Such home occupation shall exclude~~ barbershops, beauty parlors, clinics, hospitals, eating and drinking establishments, real estate and insurance offices, motor vehicle repair shops, any business that receives product from third-parties solely for distribution to purchasers of the delivered product, any business that negatively affects the environment on neighboring properties ~~offices~~ or other similar operations which generate customer or delivery service activity comparable to a business.

d. No more than one commercial vehicle (a vehicle either with the name of the business displayed, permanently or temporarily, on it or with commercial plates) may be parked on the property where the home-based occupation takes place.

e. No vehicle weighing in excess of 9,000 pounds GVW shall be parked on the property where the home-based occupation takes place.

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

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

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

RESOLUTIONS

Resolution 2015-292 Authorizing Payment of Bills

Councilmember Misiura requested an explanation on payment item #ELIZA005 to Elizabeth McKenzie. It was noted that she is the Court Master for the Affordable Housing litigation. Council requested further details on the invoice.

Councilmember Kurs moved Resolution 2015-292 without item #ELIZA005, Councilmember Stults seconded.

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

Resolution adopted 5-0.

Resolution 2015-292

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

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$474,264.18 from the following accounts:

| | | |
|-----------------------|--|----------------------------|
| Current | | \$185,109.31 |
| W/S Operating | | 68,264.27 |
| General Capital | | 7,091.25 |
| Water/Sewer Capital | | 0.00 |
| Grant | | 0.00 |
| Trust | | 12,118.75 |
| Housing Trust | | 1,187.50 |
| Animal Control | | 89.10 |
| Law Enforcement Trust | | 0.00 |
| Housing Rehab Loans | | 0.00 |
| Unemployment Trust | | 0.00 |
| Escrow | | <u>401.00</u> |
| | | |
| Total | | <u><u>\$274,261.18</u></u> |

Resolution 2015-293 Authorizing a Donor Agreement with Better Beginnings Child Development Center

Councilmember Misiura moved Resolution 2015-293; Councilmember Stults seconded.

There was discussion regarding the difference between the amounts in the Better Beginnings and RISE agreements; looking more closely at these agreements in the 2016 budget meetings; and the lack of a contribution from Cranbury to Better Beginnings.

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

Resolution adopted 5-0.

Resolution 2015-293
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING EXECUTION OF DONOR AGREEMENT
WITH BETTER BEGINNINGS CHILD DEVELOPMENT CENTER**

WHEREAS, it is the desire of the Mayor and Council to contribute the sum of \$8,500.00 to Better Beginnings Child Development Center for the year 2015 equivalent to the amount contributed during 2014; and

WHEREAS, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

WHEREAS, the Finance Officer has certified the availability of funds for this payment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Donor Agreement is hereby accepted and the Mayor is authorized to execute same.

Resolution 2015-294 Authorizing a Donor Agreement with RISE

Councilmember Misiura moved Resolution 2015-294; Councilmember Stults seconded.

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

Resolution adopted 5-0.

Resolution 2015-294
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING EXECUTION OF A DONOR AGREEMENT WITH RISE
(FORMERLY KNOWN AS THE COMMUNITY ACTION SERVICE CENTER)**

WHEREAS, it is the desire of the Mayor and Council to contribute the sum of \$4,000.00 to Rise, a Community Services Partnership, for the year 2015 equivalent to the amount contributed during 2014; and

WHEREAS, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between RISE and the Borough of Hightstown; and

WHEREAS, the Finance Officer has certified the availability of funds for this payment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Donor Agreement is hereby accepted and the Mayor is authorized to execute same.

Consent Agenda – Resolutions 2015-295; 2015-296, 2015-297, 2015-298, 2015-299, 2015-300 and 2015-301

Councilmember Bluth moved resolutions 2015-295; 2015-296, 2015-297, 2015-298, 2015-299, 2015-300 and 2015-301 as the consent agenda; Council President Hansen seconded.

Councilmember Bluth commented that more advance notice is needed for the Communities of Light program.

Mayor Quattrone recognized the military in honor of Pearl Harbor Day.

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

Resolutions adopted 5-0.

Resolution 2015-295

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

**PROCLAIMING DECEMBER 7, 2015 AS COMMUNITY OF
LIGHT DAY**

WHEREAS, it is the policy of Hightstown Borough 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 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 by participating in their annual Communities of Light project; 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 61,341 women, 11,660 children and 3,843 men. Additionally, Womanspace has assisted more than 258,064 hotline callers over the last 38 years; and

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

WHEREAS, the Mayor and Council of Hightstown Borough urges that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on Monday, December 7, 2015, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2015 will be used to fund vital services for victims of domestic violence and sexual assault.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that Monday, December 7, 2015 is Community of Light Day and hereby commend Womanspace on its many accomplishments

and wish them continued success with Communities of Light in the years to come.

Resolution 2015-296

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

**AUTHORIZING RELEASE OF ESCROW AND PERFORMANCE
BOND FUNDS – PEACOCK INN ASSOCIATES, INC. (BLOCK
48.01, LOT 21)**

WHEREAS, Peacock Inn Associates, Inc. deposited escrow funds in the amount of \$5,500.00 for a project at Block 48.01, Lot 21; and

WHEREAS, Peacock Inn Associates, Inc. deposited performance bond funds in the amount of \$5,349.18 for the project at Block 48.01, Lot 21; and

WHEREAS, Peacock Inn Associates, Inc. has requested that the escrow and performance bond funds on deposit with the Borough for Block 48.01, Lot 21 be released; and

WHEREAS, Peacock Inn Associates, Inc. has decided not to complete this project and it is recommended that the Borough release the remaining escrow and performance bond funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized and directed to release the escrow and performance bond funds on deposit with the Borough to Peacock Inn Associates, Inc. for the project at Block 48.01, Lot 21.

A certified copy of this Resolution shall be provided to the following:

- a. Peacock Inn Associates, Inc.
- b. Treasurer
- c. Sandy Belan, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer

Resolution 2015-297

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

**AUTHORIZING RELEASE OF DEMOLITION BOND FUNDS –
PEDDIE SCHOOL (BLOCK 63.01, LOT 43)**

WHEREAS, Peddie School deposited funds in the amount of \$2,200.00 for a demolition bond for the project at Block 63.01, Lot 43; and

WHEREAS, Peddie School has requested that the demolition bond on deposit with the Borough for Block 63.01, Lot 43 be released; and

WHEREAS, this project has been completed and the Borough Professionals have authorized the release of the demolition bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized and directed to release the demolition bond funds on deposit with the Borough to Peddie School for the project at Block 63.01, Lot 43.

A certified copy of this Resolution shall be provided to the following:

- a. Peddie School
- b. Treasurer
- c. Sandy Belan, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer

Resolution 2015-298

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

**AUTHORIZING AN AGREEMENT WITH THE MERCER
COUNTY CULTURAL AND HERITAGE COMMISSION FOR A
LOCAL ARTS PROGRAM GRANT**

WHEREAS, Resolution 2015-119 authorized and supported the Cultural Arts Commission of Hightstown Borough submission of an application for the Mercer County Cultural and Heritage Commission Local Arts Program Grant for FY2016; and

WHEREAS, the Mercer County Cultural and Heritage Commission has awarded the Hightstown Cultural Arts Commission a \$500.00 grant; and

WHEREAS, it is required that the Borough execute an agreement with the Mercer County Cultural and Heritage Commission for said grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute the Mercer County Cultural and Heritage Commission Local Arts Program Grant agreement for the Hightstown Borough Cultural Arts Commission.

Resolution 2015-299

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH
HAMILTON TOWNSHIP FOR CERTAIN HEALTH SERVICES
(STD CLINIC)**

WHEREAS, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases

(STDs); and

WHEREAS, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2016 through December 31, 2016 for a fee of \$25 per patient; and

WHEREAS, it is the desire of the Borough Council to enter into a shared services agreement with the Township of Hamilton for provision of these services; and

WHEREAS, such agreements are authorized pursuant to *N.J.S.A. 40A:65-1 et seq*; and

WHEREAS, funds for this purpose shall be provided for in the 2016 budget.

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

1. A shared services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2016 through December 31, 2016 is hereby authorized and accepted.

The Mayor and Clerk are authorized and directed to execute said agreement.

Resolution 2015-300

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL
ITEM OF REVENUE IN THE 2015 BUDGET**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2015 as follows:

| Source | Amount | Revenue Title | Appropriation Title |
|--|-------------|------------------------------------|------------------------------------|
| State of New Jersey Division of Motor Vehicles Drunk Driving Enforcement Fund | \$20,216.48 | Drunk Driving Enforcement Grant | Drunk Driving Enforcement Grant |

Resolution 2015-301
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL
ITEM OF REVENUE
IN THE 2015 BUDGET**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2015 as follows:

| Source | Amount | Revenue Title | Appropriation Title |
|--|---------------|--|---|
| State of New Jersey Division of Highway Traffic Safety | \$5,000.00 | Drive Sober or Get Pulled Over Year End Holiday Crackdown | Drive Sober or Get Pulled Over Year End Holiday Crackdown |

Mayor Quattrone advised the public that the Borough has received a plaque for their participation in the Complete Streets program noting that the New Jersey Department of Transportation's Complete Streets policy states "A Complete Street is a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options". This plaque is in recognition of the Borough's commitment to creating a pedestrian and bikeway system that makes walking and cycling a viable alternative to driving, and which improves bicyclist and pedestrian safety, by creating street corridors that safely accommodate all road users of all abilities and disabilities the Borough was presented with this plaque by the NJ Department of Transportation, the Federal Highway Administration, and Voorhees Transportation Center. The Borough's goal is ultimately to achieve a network of roadways that may safely accommodate travel by pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to pedestrians, bicyclists and those with special needs.

DISCUSSION

Purchase of Police Vehicles

Mr. Underhill reviewed the inventory of police vehicles noting that three are 2013 vehicles and three are 2008 vehicles; the 2008 vehicles are not reliable and cannot be used for front line work. He recommended that two vehicles be purchased in 2016, two the next year, then one each year thereafter. Mr. Underhill requested authorization to begin working on starting the purchases in January, noting that the purchases can be made under the capital budget. George Lang, CFO, reported that all the current Police Department vehicles will be paid for by the end of 2015 and that \$32,000.00 is already built into the budget.

There was discussion regarding financing the new vehicles; making a decision before seeing the entire budget; the need and cost of additional equipment needed for new vehicles; the purchase of four wheel drive vehicles; the possibility of purchasing hybrid vehicles; and other possible capital needs.

It was decided that this matter would be re-visited during budget discussions.

After further discussion it was decided that Mr. Underhill would get more information so Council can decide what is needed.

Salaries for 2016

Mayor Quattrone noted that this discussion does not concern the union employees as the contracts were negotiated last year. Mr. Underhill confirmed that they were four year agreements.

Mr. Underhill noted that the personnel policy permits him to give raises to non-union employees beginning January 1st, however the Council must approve salaries for the Department Heads and certain supervisory employees. In past years, these salaries were established following adoption of the budget, causing retroactive checks to be issued in July or August. He advised that he is attempting to get everyone's salary adjustments in place January 1st, eliminating the need for the retroactive checks. Mr. Underhill noted that it is customary for the Borough to give the same salary adjustments to non-union employees as given per the union contracts, and that would mean a 2% increase.

There was discussion regarding past practices and the need to make the process efficient; personnel morale; and that employees should not wait until mid-year to get their salary adjustments.

Mr. Underhill requested permission to put the 2% increases in effect for January 1st. Council agreed and directed the Clerk to put the resolution for the salaries on the agenda for the December 21st meeting, with the salaries being effective January 1, 2016.

Mayor Quattrone advised that the Borough has been awarded a \$150,000 Small Cities Grant and that these funds will permit residents to improve their property; Hightstown is always improving.

PUBLIC COMMENT PERIOD II

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

Marybeth Colvell, 128 Broad Street – commented that she is concerned with the numbers given in the RISE submission as she is aware of several complaints regarding the lack of services provided; she knows of one person who got a Thanksgiving basket, but it had no turkey.

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

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Bluth

Parks & Recreation - will meet this week and have had discussion regarding sponsoring Santa at the Gazebo on Sunday, she will advise if they decide to move forward with it.

Councilmember Misiura

Housing Authority – the next scheduled meeting is on the 18th; new security system has been installed and is in operation; he received a letter recommending that Ms. Swiney be re-appointed; a meeting was held regarding COAH and he would like to continue the meetings.

Rug Mill Redevelopment – there is a meeting this Thursday to meet with the Redeveloper of the Rug Mill and it is hoped that preliminary plans will be presented.

Board of Health – the next meeting is scheduled for Wednesday.

Commented that the Santa Parade was great; and now that the tax exemption ordinance is adopted, we need to get the word out so homeowners take advantage of the exemption.

Councilmember Stults

Planning Board – the Public Hearing for the Master Plan Amendment regarding the Vision Plan is on the Agenda for the Planning Board's next week; the "A" Frame sign ordinance is still being worked out; the design standard manual is still being reviewed.

Inspections – reviewed the monthly inspections report.

Downtown Hightstown – volunteers assisted with the installation of the lights downtown, thank you; options for additional fundraising are being evaluated to encourage more participation; the window decorating and festival was not held this year due to a lack of volunteers.

Councilmember Misiura

Noted that someone is interested in holding a Jazz festival in the Borough and he has put them in contact with the Cultural Arts Commission.

Council President Hansen

Water/Sewer – Had their meeting this past Tuesday. The NJEIT UV Disinfection is a huge issue. We have to be in compliance by January of 2018. We need to work through this quickly.

Cultural Arts Commission – noted that the Commission has received notification that they were awarded a \$500.00 grant; appointments to the Commission are being evaluated; the commission is doing great things.

Borough Clerk Sopronyi

Noted that the Administration employees have adopted a family registered with RISE for the holidays and will provide gifts and food; gave an update on the Roosevelt shared services agreement.

Administrator Henry Underhill

Noted that there will be end of year financial business on the next agenda; a resident has voiced concern with truck traffic regarding East Windsor's redevelopment zoning of the Wyckoff Mills area as commercial.

Mayor Quattrone reviewed the rezoning and suggested that the Borough send a letter with their concerns. There was discussion and it was noted that since the ordinance is adopted, the public comment period has ended.

Mayor Quattrone

Commented that the Santa Parade was great and these events make him very proud of the Borough; he was given a special tag on his name badge at the League for the Borough's Sustainable Jersey certification; the Small Cities Grant will assist with homeowner improvements in the Borough; Maria's Beauty Salon in Michael's Plaza had a ribbon cutting ceremony on Saturday.

EXECUTIVE SESSION

Resolution 2015-302 Authorizing a Meeting Which Excludes the Public

Attorney Raffetto requested that Council add litigation – Affordable Housing to resolution 2015-302.

Councilmember Stults moved Resolution 2015-302 as amended; Council President Hansen seconded.

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

Resolution adopted as amended: 5-0.

Resolution 2015-302

*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 December 7, 2015 directly following the general meeting 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 – Police/Dispatch/Court
Dispatch Severance

Litigation – COAH

Personnel – Professional Services
Employment Contracts

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: March 7, 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 for a brief recess while the public cleared the meeting room.

Council adjourned into Executive Session at 9:40 p.m.

Council reconvened into public at 11:20 p.m.

Councilmember Bluth moved to adjourn at 11:20 p.m.; Council President Hansen seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk